



## **BEVERLEY TOWN COUNCIL ANNUAL LEAVE/TIME OFF WORK POLICY**

### **ANNUAL LEAVE**

The Town Council takes a positive view on work/life balance issues and believes that employees should take responsibility for regularly taking annual leave to ensure their own health, safety, and wellbeing in accordance with the Working Time Directive.

Annual leave must only be taken with approval. For the Town Clerk approval should be sought from either the Chairman of the Personnel Committee or the Chairman of the Council. For all other staff approval should be sought from the Town Clerk.

Employees must give as much notice as possible when requesting annual leave. Such notice should be at least twice the number of days' leave that the employee wishes to take as annual leave.

The annual leave year runs from 1 April to 31 March.

The minimum paid annual leave entitlement is 21 days, rising to 25 days after five years' continuous local government service. Employees are also entitled to two extra statutory holidays per year; the timing of these will be decided by the Council. Those employed part-time will be entitled to leave on a pro-rata basis.

Employees who join and/or leave the Council during the annual leave year will receive a holiday entitlement proportionate to their completed service during the leave year.

In the event of the employee leaving the Council, payment for any leave which has been taken in excess of their accrued part year entitlement will be deducted from the final wage payment.

### **BANK/PUBLIC HOLIDAYS**

All employees are entitled to paid bank/public holiday leave. The Council recognises eight bank holidays during the year, although the dates of these may vary from year to year.

Part-time employees have a pro rata entitlement to bank/public holiday leave. This is calculated with reference to the annual entitlement of a fulltime employee.

### **CARRY OVER OF ANNUAL LEAVE**

All annual leave should be taken in the leave year during which it is accrued. A maximum of five days' leave can be carried over into the next leave year. Only in exceptional circumstances can leave be 'brought forward' from the next year's leave.

### **COMPASSIONATE LEAVE WITH PAY**

Up to 3 days' compassionate leave with pay can be granted in order to help the employee to cope with the death or serious illness of a member of their immediate family. This includes:

- Husband, wife, or partner;
- Mother or father;
- Child, including any adopted child; and
- Sister or brother

A further day may be granted for attending the funeral.

All applications for Compassionate Leave must be made to the Town Clerk for determination.

In exceptional circumstances, the Town Clerk will consider granting a maximum of a further seven days' compassionate leave in any one year.

### **ADDITIONAL LEAVE**

Additional leave without pay may be granted in special circumstances at the discretion of the Town Clerk.

### **TIME OFF FOR DEPENDENTS**

Under the Employment Rights Act 1996, all employees (regardless of their length of service) have the right to take a reasonable amount of unpaid time off work in order to deal with particular unexpected emergencies affecting their dependants.

A dependant is:

- A spouse;
- A civil partner;
- A child;
- A parent;
- A person who lives with the employee other than as his or her employee, tenant, lodger, or boarder;
- Any other person who would reasonably rely on the employee for assistance if he or she fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or
- In relation to the disruption or termination of care for a dependant or any other person who reasonably relies on the employee to make arrangements for the provision of care.

Under this provision, an employee is entitled to take time off work:

- Where a dependant falls ill, gives birth, or is injured or assaulted;
- To provide assistance following the death of a dependant;
- Where there has been an unexpected disruption to, or termination of, the arrangements for the care of a dependant; and
- To deal with an emergency relating to a child of the employee that occurs unexpectedly at the child's school.

Although there is no requirement to give notice the employee must, as soon as possible, tell the Town Clerk the reason for their absence and how long they expect to be away from work.

### **OBLIGATORY TIME OFF**

There are certain circumstances in which an employing authority must allow an employee to take time off work:

#### **1. Trade Union Official Duties**

Should the Council have an employee who is a Trade Union Official, it must allow him or her to take reasonable paid time off during working hours to carry out his or her duties as an official which are concerned with collective bargaining on behalf of employees or to undergo training relevant to carrying out collective bargaining.

## **2. Time off for union activities**

The Council must also allow an employee who is a member of an independent trade union recognised by the Council to take reasonable *unpaid* time off (as per ACAS guidelines) to take part in union activities during working hours. An employing authority may for example grant an employee who is a trade union member reasonable time off before any industrial action begins in order to vote in a ballot.

## **3. Time off for public duties**

There is an obligation upon a local authority employer to allow an employee who is a Justice of the Peace or a member of a local authority or other public body listed in the Employment Rights Act to take reasonable time off to perform his or her duties as JP or member. This may include attending a meeting of the body or its committees. Unlike the general law, the Green Book provides that this time off is to be paid but requires the employee to pass any allowance paid by the public body to his or her employer. However, the maximum number of paid hours which a Local Authority is permitted to allow an employee for performance of duties as a local authority member is 208 hours in any one financial year. This limit does not however apply to an employee who is the Chairman of the authority or the Mayor.

## **4. Safety Representatives**

Safety Representatives are permitted time off with pay for their performance of their duties as a Safety Representative.

## **5. Jury Service**

While there is no statutory right to time off for jury service, it is a crime and contempt of court to prevent someone attending court as a juror. Therefore, the right will be implied into an employee's contract of employment that they are granted leave to attend court to serve as a juror.

An employer does not have to pay an employee whilst he or she is on jury service. However, the employee can claim for travel and food expenses and for loss of earnings from the court.

An employee will need to fill out a Certificate of Loss of Earnings to claim for loss of earnings which the Council will also need to sign off. The Green Book provides that time off for jury service should be paid but that any allowance paid for loss of earnings should be passed on to the Council.

Jurors can claim three types of allowances from the court when they are completing jury service:

- Travel
- Subsistence
- Financial loss.

The rates payable to jurors are contained in an allowance sent to the employee if he or she is summoned for jury service.

## **6. Family Rights:**

- Parental leave will conform to the latest legislation and best practice.
- Time off to care for dependants – as detailed above but will conform to the latest legislation and best practice.
- Maternity and paternity Leave will conform to the latest legislation and best practice.
- Adoption Leave will conform to the latest legislation and best practice

- Ante natal care – all pregnant employees have the right not to be unreasonably refused paid time off for ante-natal care advised by a doctor, midwife or health visitor. Ante-natal care includes exercise and relaxation classes and parent-craft classes. After the first appointment, the employee can be asked to produce her appointment card.

#### **DISCRETIONARY TIME OFF**

There will be times when the Council may feel it appropriate to allow time off work where no statutory right exists. Examples include:

- Sitting an examination;
- Reserve forces training. The former Purple and White books provided for authorities to pay members of the reserve forces for attendance at their annual summer camp in addition to their annual leave. The Green Book makes no mention of this.
- Attendance at medical appointments;
- Participation in major or national sporting events; or
- Lecturing on local government subjects

Approved and Adopted by Full Council on 20th February 2023

Signed



Councillor Linda Johnson  
Mayor of Beverley



Matthew Snowden  
Acting Town Clerk