



Human Resources
Time off Policy
November 2024



Governance		
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Time Off Policy

Contents

1. INTRODUCTION	3
2. SCOPE	3
3. GENERAL PRINCIPLES	3
4. RESPONSIBILITIES	3
4.1 Managers' responsibilities	3
4.2 Employees' responsibilities	4
5. ANNUAL LEAVE	4
5.1 Annual Leave Entitlement	4
5.2 Hay Contract	4
5.3 Bank Holidays	4
5.4 Part-time Employees, Employees Working Compressed Hours & Casual Workers	5
5.5 Examples of Annual Leave Calculation	6
5.6 Carry-over of Leave	7
5.7 Buying Annual Leave	7
5.8 Annual Leave and Sickness Absence	7
6. SPECIAL LEAVE	7
6.1 Paid Special Leave for Compassionate, Personal and Medical Reasons	8
6.2 Paid Special Leave for Employment Related Education or Professional Development	8
6.3 Special Leave for Public Duties.....	9
6.4 Special Unpaid Leave	9

1. INTRODUCTION

The Council recognises that to balance work and life responsibilities, leave is required in various forms.

The purpose of this Policy is to make clear the provisions for leave and the practical support available to staff in relation to taking time off.

2. SCOPE

This policy applies equally to all Council employees, regardless of their age, disability, race, sex, religion and belief, sexual orientation, gender identity, marriage and civil partnership. This is except for Teachers and school-based non-teaching staff where the schools have separately agreed processes, and does not apply to agency workers, contractors or casual workers, unless where indicated. The policy outlines the following time off arrangements:

- Annual Leave [and public holidays](#)
- Special Leave (including compassionate leave)

Details relating to flexi time and time off in lieu are contained within the Council's Flexible Working policy. Time off relating to family is detailed in the Family Leave Policy.

3. GENERAL PRINCIPLES

- Requests for leave will be considered in the context of the needs of the service and must be approved in advance by the employee's line manager
- Special leave will not be deducted from annual leave entitlements and all employees will be able to carry over up to 5 days' annual leave per annum, into a new leave year
- Any outstanding leave which is not carried over at the end of the leave year, will be lost – see possible exceptions to this in section 5.6
- Any leave entitlements and benefits will be provided pro rata to the employee's hours of work
- Any leave which has been taken but not been approved in advance will be considered unauthorised absence and may result in disciplinary action and pay being withheld

4. RESPONSIBILITIES

4.1 Managers' responsibilities

Managers must:

- carefully consider the needs of the service and the wellbeing of employees when monitoring and authorising annual leave for employees
- calculate any leave accrued pro rata for the period worked by the employee
- approve any employee's time off fairly and consistently
- inform Payroll in a timely manner where they approve any unpaid time off
- record any time off appropriately on the Oracle system

4.2 Employees' responsibilities

Employees must:

- manage their annual leave provision effectively, throughout the course of the year
- provide notice which is at least twice as long as the amount of leave they want to take (for example 2 days' notice for 1 day's leave), where possible, when requesting leave, to give due regard to operational requirements
- ensure they obtain prior approval for any leave request and record any requests on Oracle
- ensure they are aware of what their entitlement is before requesting leave. For example, when leaving the Council part way through the month, only take leave pro rata for the days employed by the Council.

5. ANNUAL LEAVE

- Annual leave entitlements for each year will run from the anniversary of an employee's start date and end on the day before the anniversary start date.
- Employees who work part-time are entitled to the same leave entitlement as full-time employees, on a pro-rata basis.
- An employee will receive a pro-rata amount of annual leave up to their last day of employment with the Council.
- Where employees are due to leave the Council, all outstanding annual leave accrued up to the leave date must be taken, where possible, within the notice period.
- In cases where employees have taken more leave than they have accrued by the end of their employment, a deduction for the equivalent amount will be taken from their final salary payment.
- Annual leave entitlements include the minimum amount you are entitled to by law, which is 5.6 weeks (28 days for staff that work 5 days per week), which includes 8 public holidays~~20 days~~.

5.1 Annual Leave Entitlement

Our basic annual leave entitlement for employees on NJC terms and conditions, without continuous local government service is 27 days per year.

After five years of continuous local government service, employees are entitled to ~~3~~19 days per year. In the first year this will be a pro rata amount based on the number of months remaining in the leave year, rounded up to the nearest full day.

After ten years continuous local government service, employees are entitled to 33 days per year

~~Employees are entitled to an additional day's leave after continuous service with Brent Council as follows:~~

~~after 5 years, the entitlement will be 31 days~~

~~after 10 years, the entitlement will be 32 days~~

~~after 15 years, the entitlement will be 33 days~~

The above entitlements exclude bank holidays.

5.2 Hay Contract

Employees on Hay contracts ~~(NJC terms and conditions)~~ are entitled to 33 days annual leave.

~~Employees on Hay contracts (Chief Officer terms and conditions) are entitled to 32 days annual leave.~~

5.3 Bank Holidays

There are usually eight bank holidays each year as follows:

Good Friday	Summer Bank Holiday
Easter Monday	Christmas Day
May Bank Holiday	Boxing Day
Spring Bank Holiday	New Year's Day

5.4 Part-time Employees, Employees Working Compressed Hours and Casual Workers

Where employees do not work standard full time hours, their annual leave will be calculated in hours.

Part time employees

Part-time employees will receive a pro-rata amount of bank holidays, which will normally be added to the annual leave entitlement.

Part-time employees must:

- Only book leave if a working day falls on a bank holiday.
- Book the number of hours they would normally work for that day

Employees working Compressed Hours

Employees working compressed hours are entitled to the same annual leave as full time employees and must ensure that when they book leave, they book the number of hours they would normally work for that day.

Casual workers (irregular hour workers)

Workers who work on a casual basis have their annual leave paid as a proportion of their hourly rate.

5.5 Examples of Annual Leave Calculation

Example 1 - Employees Working Part Time Hours

The following is an example of how annual leave is calculated for a part-time employee working 18 hours per week, with 6 years' ~~Brent~~ continuous local government service:

Full time leave entitlement = 31 + 8 Bank Holidays

= 39 days multiplied by 7.2 (number of hours worked daily if working full time).

= 280.8 divided by 36 (number of hours worked weekly if working full time).

= 7.8 multiplied by 18 (number of hours worked by the employee).

= 140.4 hours annual leave entitlement.

As the entitlement ~~already~~ includes bank holidays, the employee ~~would be~~ is required to book leave for the number of hours they usually work when a bank holiday falls on their working day.

Example 2 – Employees with Compressed hours

An employee works full time compressed hours over 4 days a week (9 hours per day) or a 9 day fortnight (8 hours per day), with 5 years' continuous local government service ~~at another local authority~~:

They ~~would~~ will receive the full time equivalent of annual leave = ~~3~~ 10 days (at 7.2 hours per day) + 8 bank holidays (at 7.2 hours per day). When booking leave, employees must book 9 or 8 hours' leave (number of hours in their working day) per day. As the entitlement will have been amended to include bank holidays, the employee ~~is~~ would be required to book leave when a bank holiday falls on their working day. Bank holidays are added at a rate of 7.2 hours ~~not~~ 8 or 9 hours and deducted at the ~~amount~~ number of hours the individual would have worked if the but for it being a bank holiday falls on their normal working day (i.e., 8 or 9 hours).

~~The Annual leave and bank holidays are added at a rate remains at of~~ 7.2 hours per day otherwise those who work 36 hours over a compressed week would get more leave entitlement than those employees who work their 36 hours over a normal 5 day week.

Example 3 – Employees with part-month service

An employee leaves their full time employment with Brent Council on 14th April and needs to work out their annual leave entitlement up until their last day in April:

Annual leave year starts on 1 September. ~~F~~full time leave entitlement = 27 days' ~~annual leave~~

= 27 days divided by 12 (number of months in the year)

= 2.25 days' entitlement per month

= 2.25 days divided by 30 (number of days in that month - April)

= ~~0.0~~ 758 multiplied by 14 (number of days employed in the month)

= ~~1.0~~ 512 day's annual leave entitlement for the month of April

Add to 2.25 days for each of the 7 full months worked (September – March)
= 15.75 + 1.05 – total leave entitlement = 16.8 days

5.6 Carry-over of Leave

At the end of the leave year, up to five days' annual leave can be carried over. Any annual leave ~~outside~~ more than this may be lost, subject to the provisions mentioned below. ~~Any e~~Carry-over of up to 5 days annual leave into a new leave year ~~up to 5 days~~, will be recorded on Oracle automatically.

In exceptional circumstances and subject to agreement of the Head of Service, staff can request to carry over up to 10 days' annual leave in a leave year, where there is genuine justification for making the request and it is in the interests of the council to

agree this. This is conditional upon the statutory minimum leave entitlement of 20 days (excluding bank holidays) being taken by the individual in the given leave year and must be recorded on Oracle by the manager.

In some cases, employees will also be able to carry over up to 20 days' annual leave plus bank holidays, where they have not been able to take their leave in the leave year in which it accrued. Such cases include where the employee:

- has been on maternity or other family related leave
- has been on sick leave and has been unable to take their accrued leave within the current leave year (in this case the carried over leave must be taken within 18 months from the end of the leave year in which it was accrued) – see also section 5.8

5.7 Buying Annual Leave

The council encourages staff to take their full leave entitlement during the leave year. However, staff can request to buy up to 5 days annual leave per annum. Any request to buy annual leave must be made and approved at least 3 months before the start date of their new leave year and must be made by using self-service on Oracle Cloud. Before approving, line managers should discuss any requests to buy annual leave with their Heads of Service.

In exceptional circumstances, staff can request to buy up to 10 days' annual leave in a leave year, where there is genuine justification for making the request and it is in the interests of council to agree this.

5.8 Annual Leave and Sickness Absence

Where employees request annual leave during sickness absence these requests will be considered in the usual way.

If an employee becomes unwell during a period of annual leave they should call their line manager on the first day of sickness. To reclaim annual leave due to sickness an employee must provide a fit for work note regardless of the number of days. This applies whether the leave has been taken at home or abroad.

Employees will continue to accrue annual leave during any period of sickness absence. Where any sickness continues into the employee's new leave year, only a maximum of the statutory 20 days will be carried over into the new leave year, ~~plus any bank holidays which occurred during the period of sickness absence~~. Deducted from this would be the number of days' annual leave taken by the employee before their sickness absence. When the employee returns to work, their contractual annual leave will continue to accrue.

Where an employee has not taken annual leave because they have been on sick leave for the entire year, they are able to carry over the full statutory 20 days' leave ~~plus bank holidays to the following year~~. This leave must be taken within 18 months from the end of the leave year in which it was accrued.

The following example illustrates how annual leave is accrued when an employee is absent due to sickness:

Example 4

An employee with a contractual annual leave entitlement of 27 days is at work for 6 months of their leave year; and is then on sick leave for 6 months. They will only be able to carry-over up to the statutory 20 days into the new leave year. Deducted from this would be the number of days leave they took prior to their absence so if they had taken 12 days leave, they would carry over 8 days leave.

If an employee returns from sick leave having accrued a large amount of leave, if practicable, their manager may require them to take that annual leave in a manner such that only five days remain at the end of the anniversary leave year to be carried over to the next leave year.

6. SPECIAL LEAVE

The Council acknowledges that employees need to balance work and domestic responsibilities as well as other duties and events. Whilst the Council expects that out-of-work responsibilities, events and emergencies will be covered using annual leave and flexible working, there will be instances where Special Leave will be provided as a form of practical support in tending to these needs.

Special Leave is not an entitlement but a discretion and will be considered by line managers, on the merits of each request and based on the needs of the service.

Special Leave, with or without pay should not exceed 10 days in any 12 month rolling period other than in very exceptional circumstances or during for jury service. This Special Leave provision is to be pro rata for part time staff. For example, where an employee who works 3 days a week is granted the maximum of 10 days' Special Leave granted, this will be equal to 6 days.

6.1 Paid Special Leave for Compassionate, Personal and Medical Reasons

Possible reasons for paid Special Leave have been listed below but are not limited to these. Where a the number of Special Leave days have been provided below, these are suggestions only. Allocations will be based on such factors as whether travel abroad is necessary, the responsibility of the employee and the nature/ circumstances of the emergency situation:

- Up to 10 days' paid compassionate leave may be granted for the death, including the loss of a pregnancy before the 24th week, serious injury or illness of a dependent or partner/spouse, parent or sibling. Where the reason is the death of a child, see entitlements under Parental Bereavement Leave in the Family Leave Policy.

Where the reason is to provide/ arrange care for a dependent with a long-term care need, please see entitlements under Carers' Leave within the Family Leave Policy. Please note, where circumstances warrant, managers may use their discretion to provide a maximum of up to an additional 5 days' special leave in addition to carer's leave (pro rata).

- 1 day may be granted for attending a funeral or memorial service for other family members or for a close friend.
- Up to 2 days may be granted for dealing with a domestic emergency, for example where the home was damaged by fire, flood or burglary.
- 1 day may be granted for relocation where an employee is required by the Council to relocate to take up their employment.

- 1 day may be granted for undergoing a course of necessary medical treatment as recommended by a GP or other qualified medical specialist, including for treatments related to a known disability. Gender reassignment treatments and associated procedures including hair removal and speech therapy are also included.
- Up to 10 days may be granted for employees who are applying to become or are approved foster carers with a child in placement, or are an approved kinship carer. This may be split as follows: (For adoption facilitation support, please see the Family Leave Policy)
- Up to 3 days for assessment and initial training prior to approval as a foster carer
- 1 day for attendance at panel for approval
- 1 day for the day of the placement of the child
- Up to 5 days for child review meetings, annual foster carer review meetings and training

6.2 Paid Special Leave for Employment Related Education or Professional Development

Special Leave for employment related education reasons includes, but is not limited to:

- Attending relevant training courses or post-entry training.
- Studying (half a day per examination paper) and sitting exams for approved courses.
- Overseas study tours (requires approval of Chief Executive). Approval by exception and where it can be demonstrated there is benefit to the council for attendance.

6.3 Special Leave for Public Duties

The provision of Special Leave with pay or without pay for public duties is set out against each activity listed below and the total leave granted across all activities will not exceed 10 days in any 12 month rolling period (with the exclusion of jury service and justices of the peace).

- **Jury Service** - Where requested to attend court as a juror, employees will be granted paid time off to attend.
- Where the release of an employee for jury service raises major staffing or operational problems, assistance will be provided to the employee ~~in order~~ to apply to the court to defer the jury service
- Where employees on jury service are released by 11am, the employee must work for the remainder of the day.
- **Service in non-regular armed forces** - up to 10 paid working days leave per annum.
- **Justices of the Peace (or Magistrate duty)** – justices of the peace are required to be in court for at least 13 days or 26 half days per annum. 10 days' paid special leave will be granted to fulfil this duty. Any additional leave granted above 10 days will be unpaid. Employees can claim for loss of earnings where the leave granted is unpaid.
- **Time off for Special Constables** – up to 10 paid working days leave per annum. Where the release of an employee is likely to cause difficulties for service delivery, leave may be declined and the employee required to select alternative dates.
- **Time off for public bodies/civic duties meetings** - up to 10 paid working days, or the equivalent in hours, leave per annum.
- **School governors** – 1 paid day's leave per term.

6.4 Special Unpaid Leave

Discretionary unpaid leave may also be agreed to allow employees periods of extended leave. Advice should be sought from Human Resources and extended leave will require the approval of the relevant Operational Director and will not in any circumstances exceed three months unpaid leave.

Additional Information

For further information on all time off arrangements in the policy please contact Human Resources.