

# Leave Policy

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## **1. Policy Statement**

- 1.1 This policy covers City of Wolverhampton Council's leave provisions for all employees. Employees are advised to familiarise themselves with this policy. Managers are required to follow this policy and the processes within it to ensure that leave is granted fairly and consistently and in line with this policy.

## **2. Scope**

- 2.1 This policy applies to all NJC employees of the Council but excludes those employees on teaching terms.

## **3. Principles**

- 3.1 City of Wolverhampton Council (CWC) recognises that employees are able to take leave throughout the year for a variety of reasons and this forms part of their terms and conditions of employment. To ensure that leave is managed fairly and consistently across the Council, and where applicable in line with legislation, it is essential that managers adhere to this policy.
- 3.2 It is the employee's responsibility to manage leave appropriately throughout the leave year and the manager's responsibility to monitor that process.

## **4. Policy for Applying for Leave**

- 4.1 All types and all periods of leave must be applied for and approved by the employee's line manager.
- 4.2 All approved leave must be recorded in Agresso.
- 4.3 The line manager reserves the right to refuse an application for leave or time off in the event that it is necessary to maintain appropriate levels of service.

## **5. Basic Leave Entitlement**

- 5.1 The basic leave entitlement for employees of City of Wolverhampton Council comprises:
- Annual leave (see table below)
  - Bank/Public holiday Leave (8 days)
- 5.2 Entitlement is pro-rata to the hours worked based on a full-time entitlement at 37 hours per week.
- 5.3 Those working a full-time, non-standard week (e.g. Wednesday to Sunday) are entitled to the same number of bank holidays as those working a full-time

standard week (Monday to Friday). If the bank holiday falls on a non-working day, it can be taken at another mutually convenient time.

5.4 Entitlement to bank holidays is not accrued as they occur but is pro-rata to completed years of service.

5.5. Annual Leave Entitlement accrues as set out in the table:

<b>Number of Years Continuous Service in Local Authority*</b>	<b>Current Annual Leave Entitlement in Days</b>	<b>New entitlement (effective from 01 April 2023)</b>
Less than five	25	26
Five but less than ten	30	31
Ten but less than 25	32	33
25 or more	34	35

\* See sections 5.13 and 5.14 below.

### **Christmas Closure**

5.6 The Christmas closure period is fixed as the three days that fall between the Christmas and New Year Bank Holidays. The specified days will be determined by the Council on an annual basis, taking into account the timing of the respective bank holidays from year to year.

5.7 With the exception of “essential” and “emergency” services, all employees will be required to use their annual leave entitlement to cover the Christmas closure period.

5.8 ‘Essential’ and ‘emergency’ services will be determined by Directors on an annual basis.

### **New Starters**

5.9 New entrants to local government will be entitled to accrue annual leave on a month by month basis during their first year of employment and this will be in accordance with their personal annual leave year i.e. the start date on which their service began with CWC. Thereafter annual leave will be accrued on the anniversary of their start date to the maximum entitlement as outlined in the table above.

5.10 Line Manager has the discretion to approve annual leave above the month by month accrued leave. In situations where an employee leaves the Council any overtaken leave will be deducted from the employee’s final salary.

5.11 The additional annual leave entitlement for 5 years’ continuous service should

be granted at the fifth anniversary of appointment and any subsequent increases will be granted at the individual's relevant anniversary.

### **New Starters Transferring from Other Local Authorities**

- 5.12 New starters transferring from another local authority are entitled to leave (including bank holidays) pro-rata to the balance of the leave year. The previous employer should have rectified any discrepancy arising from the employee having already taken more or less leave than the pro-rata entitlement. If this is not the case, the pro-rata leave entitlement with CWC may be adjusted accordingly to ensure that by the end of the leave year the employee has had no more or less than his/her full leave entitlement.

### **Continuous Service**

- 5.13 Continuous service will include service with:
- Any Authority to which the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Orders apply see the Local Government Employers for a complete list of organisations;
- or
- A "public sector" organisation which CWC may, at its discretion, be willing to recognise for the purpose of deciding annual leave entitlement.
- 5.14 An employee shall be allowed to count other public sector service provided that the work for which s/he was employed in that service can clearly be shown to be directly related to the job for which s/he has been recruited by CWC and provided that such service was continuous. If this other service is to be aggregated together with service in the national agreement, the two types of service must follow one another without a break.

A summary of all former jobs with relevant dates should be prepared for review by the Head of Service with People Services. Any dispute arising from the outcome decision will be dealt with under the grievance procedure.

### **Leave in Excess of Entitlement**

- 5.15 For all other employees only in exceptional circumstances should annual leave be taken in the year preceding the leave year in which entitlement will be established, provided that:
- The employee has completed not less than two years of service with CWC

- The Director, having had regard to the interests of the service, approves the application; and
- The employee signs an undertaking to refund by deduction from salary, wages or pension contributions the salary or wages paid during the anticipated leave, if he/she does not remain in the service of the Council for a period of time sufficient to qualify for that leave.

### **Timing of Leave**

- 5.16 Employees should agree the timing of their annual leave with their manager as appropriate. The latter will be responsible for ensuring that the interests of the service are met.
- 5.17 In most Services requests for annual leave should be requested and approved using Agresso.

### **Carry Over of Leave**

- 5.18 Annual leave should normally be taken in the leave year during which entitlement is established. If, an employee is prevented from taking leave due to needs of the business, towards the end of their personal leave year, up to 5 days' (pro rata to hours worked) leave will be carried forward into the next leave year. Carrying forward more than one week's leave is at the Manager's discretion. This does not extend to employees who have deliberately not taken their annual leave entitlement without their line manager's agreement.
- 5.19 All outstanding accrued contractual leave will be paid on termination of the employee's contract.

### **Payment in Lieu of Untaken Annual Leave**

- 5.20 Annual leave not taken before the date of leaving may be paid for in cases where employees are unable to take their outstanding leave entitlement.
- e.g. - long term sickness absence up to the date of leaving
- the employer requiring the employee to work up to their leaving date due to business requirements.

This does not extend to situations where an employee has deliberately chosen not to take the balance of the leave to which they are entitled.

### **Sickness absence and leave**

- 5.21 An employee who has been absent due to sickness will accrue contractual

annual leave during that period of sickness.

- 5.22 Accrued annual leave should be managed appropriately and carry over to the next personal leave year should be kept to a minimum. Employees may choose to take the option of using accrued leave as part of a phased return to work.
- 5.23 Employees who are off sick should not be prevented from taking paid holiday leave if they are covered by a medical certificate and if holiday pay will off-set a reduction in pay.

## **6. Buying Annual Leave Scheme**

- 6.1 From July 2016 eligible employees can apply to top up their leave entitlement with up to 10 extra days across the year (pro rata for part time employees) as part of an employee benefit salary sacrifice scheme.
- 6.2 Contractual leave entitlement will remain unchanged and any purchased leave will be added to the employee's balance to request and use in the normal way.
- 6.3 Eligible employees must apply no later than the end of the sixth month of their personal leave year e.g. if an employee's leave year starts on 1 January, they have until 30 June to apply to buy additional leave for that year.
- 6.4 Further details of this scheme, including eligibility criteria, application form and scheme guidance, can be accessed via the HR Intranet.

## **7. Leave for Other Reasons**

- 7.1 Full details of the different types of leave listed below can be found within the Leave Policy – other leave table, accessed via the HR Intranet.

This covers:

- Time off for dependants
- Bereavement Support Leave
- Parental Bereavement Leave
- Carers' leave
- Unpaid leave
- Flexi leave
- Time off in Lieu (TOIL)
- Leave for public duties
- Leave for jury service
- Time off to appear in court as a witness
- Leave to study for examinations
- Leave to attend for interview
- Leave for service in non-regular forces
- Time off to search for residential accommodation in Wolverhampton
- Time off for religious observance and festivals

- Inclement weather

## **8. Identifying and Recording Leave**

- 8.1 All forms of leave should be agreed in advance by the employee's supervisor or manager as appropriate and recorded using the relevant absence codes.

## **9. Roles and Responsibilities**

### **Roles and Responsibilities of Employees**

- 9.1 Employees have a responsibility to adhere to this policy when requesting any form of leave and to manage their leave arrangements responsibly throughout the year.

### **Roles and Responsibilities of Managers**

- 9.2 Managers have a responsibility to communicate this policy to their employees, to ensure that employees comply with this policy when requesting leave and to authorise and monitor leave.
- 9.3 Managers should ensure that this policy is applied consistently and fairly within their own area. Any queries on the application or interpretation of this policy must be discussed with People Services prior to any decision being made to approve leave.

### **Roles and Responsibilities of People Services**

- 9.4 People Services will provide operational support and advice to the organisation to enable the effective management of this policy.

Specifically, People Services has a responsibility to:

- Produce and maintain appropriate managers guidance notes
- Ensure the communication, maintenance, regular review and updating of this policy
- Monitor and review delivery and impact of this policy

### **Role of the Deputy Director for People and Change**

- 9.5 In consultation with the recognised Trade Unions, the Deputy Director for People and Change will exercise delegated authority for and be responsible for the on-going review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be approved by an Individual Executive Decision Notice (IEDN).



## **Role of Trade Unions**

- 9.6 Any review and revisions of this policy will be undertaken by People Services and will be in consultation with the Council's recognised trade unions.

## **10. Monitoring and Review**

The policy on leave entitlement will be reviewed and updated annually and be available to managers and employees via the HR intranet.

## **11. Links to other Policies**

- Working Hours Policy
- Support for Carers Policy
- Management of Attendance Policy
- Buying Annual Leave Scheme Guidance
- Bereavement Support Guide

## **12. Equality**

- 12.1 An Equality Analysis is available on this policy.
- 12.2 If any aspect of the leave policy and procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with People Services, who will make appropriate arrangements.

## **13. Glossary**

### **Basic Leave**

This includes leave as outlined in the policy for CWC employees and statutory days i.e. public holidays to which all employees are entitled

### **Annual Leave**

Contractual entitlement to paid leave (outlined in the employee's contract of employment)

### **Flexi Leave**

Leave that is accrued under the Council's flexi scheme policy for hours worked in addition to the employee's standard hours

### **Unpaid Leave**

A period of agreed leave which is unpaid, and is used where other forms of paid leave cannot be used or taken

### **Other Leave**

An employee's entitlement to leave for a number of reasons as outlined within this policy where annual leave and flexi leave are not appropriate or cannot be used to cover the need for time off

### **Time OFF in Lieu (TOIL)**

Time off for hours worked by agreement that are in excess of the employee's standard weekly working hours

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