



Leave Policy

Brixham Town Council

1 Annual Leave

The 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 the Town Clerk's approval. 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.

2 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 full-time employee.

3 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 with the permission of the Town Clerk.

4 Compassionate Leave With Pay

Up to one week's 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 one working week's compassionate leave. In the event the circumstances relate to the Town Clerk, they will request exceptional circumstances from the Chair of the Evaluation Committee. Please see annex one for details on exceptional circumstances.

5 Parental Bereavement Leave and Pay

Parental Bereavement Leave provides up to two weeks' leave for employees following the loss of a child, on or after 6 April 2020, who was under the age of 18 or a stillbirth after 24 weeks of pregnancy.

5.1 Parental Bereavement Leave

In order to qualify for parental bereavement leave and pay, the employee must be either:

- The child's legal parent; or
- A parent's partner, in an enduring family relationship with the child who has passed away and their parent; or
- An individual with a caring relationship to the child, such as a "parent in fact", who are defined as a person who for a continuous period of at least four weeks before the child's death has lived with the child in the person's home, and had day to day responsibility for the child's care (provided they are not paid for that role, foster payments excepted); or
- The "intended parent" of a child who has passed away, i.e. a parent using a surrogate; or
- The "natural parent" of a child who has passed away who is named in a court order, i.e. where a court orders some contact for an adopted child's birth parent; or
- The adopter of a child who has passed away.

All employees, who are eligible as above, are entitled to 2 weeks' parental leave regardless of their length of service.

The two weeks' leave can be taken, either as one block or in two one-week blocks. The leave may be taken at any time within 56 weeks of the child's death.

5.2 Notification requirements

If the employee wishes the leave to start within 56 days of the child's death, notice must be given to the Town Clerk before the day the employee wishes the leave to start, or where that is not possible as soon as is reasonably practicable.

Employees must give the Town Clerk at least one week's notice if they wish the leave to start after the 56-day period.

When giving notice the employee must specify, ideally in writing, to the Town Clerk:

- The date of the child's death,
- The date on which the employee intends the leave to start, and
- Whether the period of absence is for one week or two weeks.

5.3 Cancellation of Parental Bereavement Leave

If an employee has asked to begin parental bereavement leave within the first 56 days of the date of the child's death, they can cancel the parental bereavement leave, as long as they inform the Town Clerk prior to when they would have been due to start work.

If an employee has asked to begin parental bereavement leave more than 56 days after their child's death, then they can cancel their request for parental bereavement leave, as long as they inform the Town Clerk at least one week in advance.

Employees cannot cancel any week of parental bereavement leave that has already begun.

5.4 Parental Bereavement Pay eligibility

In order to qualify for parental bereavement pay employees must meet the eligibility criteria as above and also have:

- At least 26 weeks' continuous service by the week before the week in which their child passes away, and still be employed by the Council on the day on which the child passed away;
- Weekly average earnings over the lower earnings limit for National Insurance contributions in the eight weeks prior to the week before the child's death.

5.5 Parental Bereavement Pay

Parental bereavement leave will be paid at the Statutory Parental Bereavement Pay (SPBP) rate or 90 per cent of the average weekly earnings, whichever is the lower.

In order to receive parental bereavement pay, an employee must notify the Town Clerk in writing within 28 days of the start of the week's (or weeks') leave or, if that is not reasonably practicable, as soon as is reasonably practicable.

Notice must include the parent's name and the date of the child's death. Furthermore, on the first occasion leave is taken, the employee must also provide a written declaration that they meet one of the qualifying conditions in terms of their relationship with the child.

Parental bereavement leave for employees who are not eligible for parental bereavement pay will be unpaid.

5.6 Continuous Service

Parental Bereavement Leave counts for the purpose of continuous service.

5.7 Returning to work following parental bereavement leave

Employees have the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.

Employees are entitled to return to an alternative job that is suitable and appropriate, rather than the same job, if:

- The period of leave taken is more than 26 weeks, when added to other statutory leave (typically maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child; and
- It is not reasonably practicable for them to return to the same job.

6 Parental Leave

6.1 Introduction

The Parental Leave Regulations came into force as part of the Employment Relations Act 1999. They apply to all parents (birth or adoptive) and those people with parental responsibilities and allow for them to take up to 18 weeks' unpaid leave for each child.

This leave must be taken between the child's birth or placement (in the case of adoption) and their 18th birthday.

6.2 Eligibility

The right to take up to 18 weeks' unpaid leave is subject to the following conditions:

- The rights are acquired after one year's continuous employment with the Council and apply to both mothers and fathers.
- Both parents are entitled to take 18 weeks' parental leave for each child.
- The leave can only be taken in blocks of one week or more, up to a maximum of four weeks in one year, except where the child is disabled, in which case it may be taken one day at a time.
- The employee needs to give the Town Clerk at least 21 days' notice in writing to take leave.
- The Town Clerk may postpone the leave for a maximum of 6 months if there are sound business reasons for doing so. The Town Clerk should seek agreement with the employee over mutually acceptable arrangements and confirm the outcome in writing within 7 days of the request.
- The Town Clerk should keep a record of leave taken under this entitlement, so that it is clear when the entitlement is exhausted.

- Employees have the right to return to their job in the same way as provided to those returning from maternity leave.
- Time taken as parental leave counts as continuous service.
- If an employee falls ill during parental leave, the absence will be treated as sick leave for those periods covered by a doctor's certificate.

7 Time Off For Dependants

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.

8 Public Duties

Up to 5 days' leave with pay per year may be given with the permission of the Town Clerk for serving on public bodies or undertaking public duties, e.g. magistrate's service, school governing bodies, and political appointments for those employees whose posts are not politically restricted.

Where an allowance is claimable for loss of earnings, employees should claim and pay the allowance to the Council.

9 Jury Service

Paid leave of absence will be granted for employees undertaking jury service. Where an allowance is claimable for loss of earnings, the employee should claim this and pay the allowance to the Council.

10 Additional Leave

Additional leave without pay may be granted in special circumstances at the discretion of the Town Clerk. In the event the circumstances relate to the Town Clerk, they will request exceptional circumstances from the Chair of Evaluation Committee.

11 Implications of Authorised Unpaid Leave and Industrial Action for Local Government Pensionable Service

Under the LGPS 2014 rules, if employees who are LGPS members are granted unpaid leave of absence they will have the option to buy back the 'lost' pension by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract. The Town Council will contribute towards the cost, with the split being 1/3rd employee, 2/3^{rds} employer. If the employee wishes to buy back the 'lost' pension they must write to the Town Clerk within 30 days of their return to work indicating their decision. Details of the cost of buying back the 'lost' pension can be obtained from the Pension Scheme; please ask the Town Clerk for details.

If employees who are LGPS members are absent from work due to industrial action they will also have the option to buy back the 'lost' pension by making an Additional Pension Contribution. In order to do so they must write to the Town Clerk as above; however, there is no time limit and the entire cost will be met by the employee.

Annex One: Exceptional Circumstances

The Town Council recognises that there are a range of circumstances when you may need to take time away from work, but that it may not be reasonably expected for you to use annual leave or flexitime.

Leave in special circumstances is intended to provide a sympathetic response to this, and the procedure and guidance provide a framework for making and considering these requests for time off.

There are a number of reasons for which leave in special circumstances may be considered, and which are covered by this guidance. These are:

- **Reserves / RNLI / Fire Brigade**
If you are a member of HM Armed Forces Reserves, RNLI or Fire Brigade you are entitled to paid leave to meet training requirements and unpaid leave if you are mobilised
- **Compassionate circumstances**
If you have serious personal or family problems. This includes unpaid time off to care for a dependant
- **Domestic emergencies**
If you suffer an unexpected domestic emergency that requires immediate attention
- **Public and community service**
If you serve on certain public or community bodies

Adopted April 2019
Reviewed July 2020