

PER267
FOR DECISION
WARD(S): ALL

PERSONNEL COMMITTEE

15 June 2015

WORKING HOURS AND TIME OFF POLICY

REPORT OF HEAD OF ORGANISATIONAL DEVELOPMENT

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This policy brings together existing policies for working hours and time off into one document. Several new recommendations have been made to reflect changes in employment law, working practices and workplace culture since previous guidance was issued to managers. These changes are highlighted in this cover report.

RECOMMENDATION:

That the Committee notes the introduction of the new recommendations and raises any issues of concern with the Portfolio Holder.

PERSONNEL COMMITTEE

15 June 2015

WORKING HOURS AND TIME OFF POLICY

REPORT OF HEAD OF ORGANISATIONAL DEVELOPMENT

DETAIL:

1. INTRODUCTION

- 1.1. This policy brings together existing policies for working hours and time off into one document. Where possible it replaces the existing policy, and for others it provides a summary and signposts to the relevant policy for further information.
- 1.2. Some new recommendations have been made to reflect changes in legislation, working practices and workplace culture. These ensure that the Council remains a flexible and modern employer.
- 1.3. The policy recognises that giving employees flexibility over their working hours and time off promotes work life blend and reduces stress. The Council also benefits from its employees being more engaged and productive when at work. Flexibility is therefore given where possible, however it is recognised that business need must take priority therefore any variations in working hours should be approved by the employee's line manager.
- 1.4. It is recognised that through activities outside of work employees can gain skills and experiences that will benefit the Council; this policy supports employees with these activities by providing paid time off for volunteering and certain public duties.
- 1.5. This policy has been written with reference to the work of the Time Recording Task and Finish group. This group has established a new time recording system which will be implemented across the Council. With the emphasis on time recording, focus will increase on issues surrounding working hours, flexi-leave and TOIL. This policy aims to provide clarity on those issues.

2. NEW RECOMMENDATIONS

- 2.1. The policy introduces several new recommendations. These respond to changes in legislation and workplace practices and have been decided through internal consultation and benchmarking against other authorities.
- 2.2. These changes have been presented to Senior Management Team and disseminated to all employees through Core Brief and City Voice.
- 2.3. As part of the discussions around this policy, CMT has approved the introduction of a scheme to enable employees to buy up to an additional 5

days leave per year (pro rata). This is an employee benefit, but also enables the Council to make savings from employee salaries. A separate protocol for this scheme will be written for approval later this year.

Recommendation	Explanation
The bandwidth has been extended by half an hour from 7.30am-7pm to 7am-7pm.	This gives staff additional flexibility.
Removal of core hours (previously 9.30-12am and 2-4pm).	<p>This aims to give staff greater flexibility over their working hours; it should reduce absence through other types of leave by encouraging employees to vary their working hours rather than be absent for part of their working day.</p> <p>Individual departments may still specify core hours where business need requires; meaning that working hours can be tailored to ensure efficient delivery of the service.</p>
Employees should record their hours using the approved spreadsheet.	This is to reflect the work of the Time Recording Task and Finish group.
Time spent travelling to a location other than the normal place of work, which is in addition to normal travel time, should be included in recorded hours.	<p>This is following advice on best practice from South East Employers. It ensures that no employee is disadvantaged by being asked to travel to a location other than their normal place of work, e.g. a conference in London or a meeting at another council.</p> <p>'Normal place of work' and 'normal travel time' are defined in the policy.</p>
All staff to calculate annual leave in hours.	Part time staff and those on flexible working patterns are already doing this. It will provide staff with more flexibility and reduce the instances of staff being absent for a whole or half day where they only need a few hours.
Annual Leave should be calculated from 1 st day of birth month (to come into effect April 2016).	Currently all annual leave across the Council is calculated based on a fixed leave year of 01 April to 31 March. Annual leave during the first year of service is calculated on a pro rata basis. The current practice often sees an increased number of officers absent due to annual leave in March as they attempt to use outstanding leave before the end of

	<p>the leave year; this has a negative impact on the Council's ability to provide efficient and effective service.</p> <p>Adopting the proposed practice would remove this pressure on departments as individuals would have a personal leave year, based on their birthday. They would still have the same annual leave entitlement.</p> <p>This will be phased in from April 2016 in order to allow time to communicate this change to staff and ensure the transition causes minimal disruption.</p>
<p>Elections – employees working at the Count on the night of the elections may claim back TOIL for every hour worked past midnight to a maximum of 4 hours. In exceptional circumstances the Returning Officer may increase this.</p> <p>This TOIL should be used to begin work later the following day to ensure that staff have adequate rest.</p>	<p>Those working as poll clerks are released from work for the day and get paid for the extra duties. Therefore it is fair to allow employees working at the Count to be released from work the following morning. This helps to avoid employees who may be reluctant to take leave compromising their safety by driving into work whilst tired. Employees may choose to take other forms of leave for the remainder of the day.</p>
<p>Leave for fertility treatment (37 hours per year, pro rata).</p>	<p>The Council did not have a policy for this; therefore this amount is based on best practice guidance and researching what other organisations offer.</p> <p>There is no statutory right to paid time off, however treating the matter with sensitivity and encouraging openness prevents employees finding other reasons for time off and supports them through a stressful time.</p>
<p>Time off for elective surgery</p>	<p>The Council did not have a policy for planned, elective surgery e.g. bone marrow donation or cosmetic surgery; however this has recently been raised by staff as an issue.</p> <p>Since the reasons for elective surgery are so varied it is important that the Council retains the discretion to offer the form of time off most suitable for the circumstances.</p>

	<p>Employees are asked to discuss their case with HR to identify the appropriate use of paid, annual and flexi leave.</p>
<p>Public Duties - 37 hours (pro rata) paid leave per year.</p>	<p>The Council did not previously have a policy for this. There is a statutory right to unpaid leave; however it is good practice to provide a certain amount of paid leave. 5 days was identified through comparison with other councils.</p> <p>There are specific duties for which this time off applies, and 5 days is considered a reasonable amount for employees to adequately fulfil these duties. If employees want to make a greater commitment they may, subject to management approval, use flexi leave or adjust their working pattern.</p>
<p>Reserve forces – 1 or 2 weeks paid leave for summer training camp (depending on annual leave entitlement) and 37 hours (pro rata) paid leave in line with public duties.</p>	<p>This was decided based on best practice guidance from the Ministry of Defence and comparison with other Councils.</p>
<p>Retained firefighters – 37 hours (pro rata) paid leave. Managers should also be supportive of employees and where possible in line with business need help the employee to schedule their working day around the commitment.</p>	<p>Winchester Fire Station is not close enough to the main council offices for staff to be called out during the working day; however some employees may live closer to a fire station and be on call at other times. Employees and their managers need to ensure that adequate rest is had between a night shift and beginning work.</p> <p>These employees should receive the same amount of time off as those undertaking public duties. This may be needed for week long training activities.</p>
<p>Special Constables – 37 hours (pro-rata) paid leave, and leave in times of significant emergency subject to work requirements.</p>	<p>This is to mirror public duties, however training and duties are normally carried out in the evenings and at weekends.</p>

3. CONSULTATION

- 3.1. A selection of managers, as well as the HR team, were consulted throughout the writing of this policy in order to ensure that all recommendations are appropriate. The majority of feedback was positive, the main criticism being that managers wanted greater clarity within the policy. The policy was reviewed in light of these comments, and any ambiguity has only been retained where it was necessary to ensure fair consideration is given to all circumstances, e.g. compassionate leave and elective surgery.
- 3.2. The policy has been sent to Unison for comments and feedback from the branch secretary has been incorporated into the text.
- 3.3. The policy has been discussed with and approved by the Corporate Management Team and Cllr Godfrey.

OTHER CONSIDERATIONS:

4. COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):

- 4.1. This policy provides employees with greater clarity about when they should be at work and the reasons for which they are entitled to time off. It gives staff greater flexibility over their working hours and time off whilst being responsive to service demand, enabling the Council to operate efficiently and effectively.

5. RESOURCE IMPLICATIONS:

- 5.1. The initial implementation of this policy may require managers to spend additional time managing working hours and time off in their team.
- 5.2. Some changes will require additional HR time to administer, for example calculating leave in hours and calculating leave year from birth month.

6. RISK MANAGEMENT ISSUES:

None

BACKGROUND DOCUMENTS:

APPENDICES:

Appendix1: Working Hours and Time off Policy

Working Hours and Time Off Policy & Procedure



Winchester City Council

Working Hours and Time off Policy & Procedure

Contents

Document History.....	4
1. Introduction.....	5
2. Scope	5
3. Procedure	5
4. Definitions.....	6
5. Working Hours.....	7
5.1 Exceptions.....	7
5.2 Core Hours.....	8
5.3 Lunch Break.....	8
5.4 Official Opening Hours	8
5.5 Procedure.....	8
5.6 Flexi-leave	8
5.7 Termination of Employment.....	9
5.8 Employee Welfare.....	9
6. Annual Leave.....	9
7. Elections	10
8. Family related Leave	11
8.1 Maternity	11
8.2 Maternity Support.....	11
8.3 Paternity Leave.....	11
8.4 Shared Parental Leave.....	11
8.5 Adoption.....	11
8.6 Parental Leave.....	11
8.7 Fertility Treatment	12
9. Interviews	12
10. Jury Service.....	12
11. Medical and Sickness.....	12

11.1	Sickness Absence.....	13
11.2	Medical Appointments as an Outpatient.....	13
11.3	Medical Appointments as an Inpatient.....	13
12.	Personal and Domestic Leave.....	13
12.1	Compassionate Leave.....	13
12.2	Time off for dependants	14
12.3	Domestic Leave.....	14
13.	Public Duties	15
14.	Reserve Forces	15
14.1	Training.....	16
14.2	Mobilisation	16
15.	Retained Firefighters	16
16.	Special Constables.....	17
17.	Strike Action	17
18.	Study Leave	17
19.	Time Off In Lieu (TOIL).....	17
20.	Trade Union Duties	18
20.1	Trade Union Representatives.....	18
20.2	Trade Union Members.....	19
21.	Travel Disruption	19
22.	Unauthorised Absence	19
23.	Unpaid Leave	20
24.	Volunteering Days	20
25.	Revision.....	20
	Appendix 1: Manager guide to updating employee absence record on the Selima/Vision HR system	21
	Appendix 2: Affect of absence on employee's pensionable service	23

Winchester City Council

Working Hours and Time off Policy and Procedure

Document History

Document Title		Working Hours & Time off Policy and Procedure	
This Version		0.3	
Issue Date		30/03/15	
Status:		Draft	
Version	Issue date	Author	Comments
0.1	20/01/15	BS	Initial Draft
0.2	02/02/15	BS	Comments and amendments following conversations with HR colleagues.
0.3	30/3/15	BS	Amended to also include working hours information.
0.4	28/4/15	BS	Updated following discussions with CMT.
0.5	28/05/15	BS	Updated following consultation with Unison.

Winchester City Council

Working Hours and Time off Policy & Procedure

1. Introduction

For the Council to run an efficient and effective service it requires staff to carry out their contracted hours. To promote work-life blend the Council aims to allow staff the flexibility to choose when they work these hours wherever this is possible in accordance with business need.

The Council also recognises the benefits of staff taking time off, whether for annual leave, undertaking public duties or personal reasons. Properly managed, it can have a positive impact on the workplace and the employee's ability to perform their role by reducing stress, improving work-life balance and allowing time for development of new skills.

This document sets out the Council's policy for when and how hours should be worked. It also includes the procedure for taking time off, and defines the reasons for which employees may be absent. The policy aims to provide clarity and consistency across the organisation whilst recognising that every case will be different and permitting line managers to use their discretion accordingly.

2. Scope

This policy applies to all employees of Winchester City Council, where exceptions apply these are noted in the relevant section.

The ability to work flexible hours benefits the majority of staff; however the demands of public service delivery must come first. Thus it follows that some members of staff will necessarily gain less personal benefit than others due to the nature of their role and the service requirements of their department.

For some types of leave, this policy provides an overview and directs the reader to the appropriate policy for further information.

3. Procedure

All staff should record their hours using the Council's time recording system. Managers are responsible for checking time sheets and ensuring this policy is applied consistently; however they have discretion over how often they check time sheets.

If an employee is to be absent from work, where possible they should give their line manager reasonable advance notice of their intention to take leave, including the reason and duration. The manager should discuss the request with the employee and use their discretion when approving leave, taking into account the likely impact on services and the circumstances of the request.

In cases where the employee cannot give advance notice of their intention to take leave, for example sickness absence, compassionate or emergency leave, the employee should inform their manager as soon as possible. Ideally this should be no more than an hour after they were due to start work.

It is the manager's responsibility to record all employee absence under the appropriate category in Selima, with the exception of paid maternity, paternity and adoption leave.

In cases of unpaid leave managers should notify HR so payroll can recover unpaid leave and write to the employee advising them of their pension options. Please see Appendix 2 for further information about how unpaid leave can affect an employee's pension.

4. Definitions

For the purpose of this Policy the following definitions apply:

The **Bandwidth** is from 0700-1900 Monday-Friday. This is the period in which employees may accrue hours worked. This does not include Bank Holidays.

Compulsory Mobilisation is when a reservist is selected according to the requirements of a specific operation. Failure to report as ordered in a Notice of Call-Out leads to disciplinary action.

Flexi-day is being absent from work for a whole day in order to use up accrued hours.

Manager means the individual's normal line manager.

An employee's **Normal Place of Work** is where they perform the duties of his/her employment.

Normal travel time is defined as the time it usually takes for the employee to travel between their usual residence and their place of work. For the purposes of recording additional time taken to travel to a location other than the normal place of work, 'normal travel time' should be discussed and agreed between the employee and their manager.

Paid leave refers to time off during which the employee will be paid according to their normal rate.

Regular Reservists are former members of the Regular Forces who retain a liability to be called up. This allows the retention of specialist capability and forms a strategic reserve in case of national crisis.

A **Standard Working Day** is 7 hours 24 minutes. This may be different for staff that work compressed hours or have specific contracted hours.

Time Off in Lieu (TOIL) is given to staff who have been asked to work additional hours outside of the normal bandwidth (0700-1900) due to a specific business need.

Voluntary Mobilisation is when the reservist and their employer agree to the individual being called-out.

Volunteer Reservists are civilians recruited into the Royal Navy Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.

5. Working Hours

Employees may vary their working day to suit their workload and promote work life blend. Business need must take priority however, and there will be cases where employees are required to be at work at certain times due to the nature of their role. Working patterns should therefore be approved by the line manager to ensure appropriate office cover is maintained.

Employees should work their contracted hours within each accounting period (1 month). These hours may be accrued within the bandwidth of 0700-1900 Monday-Friday. Additional time worked outside of these hours should be due to a specific operational need, and TOIL will be given instead.

Employees may have agreed with their line manager to work set hours due to business or personal need. This may include hours outside of the bandwidth; in which case employees may accrue flexi hours outside of the bandwidth where there is a business need to do so and they have their manager's agreement. All other terms of this policy still apply.

5.1 Exceptions

Employees who are not contracted to work a set number of hours per week may not accrue hours or take TOIL; however they should make appropriate arrangements with their line manager to ensure that their working hours are responsive to business need without compromising their welfare or productivity. For example this may mean starting work later following a late evening meeting the night before.

5.2 Core Hours

There are no set core hours, however individual departments may apply core hours where needed to ensure sufficient office cover and service provision.

5.3 Lunch Break

A minimum lunch break of 30 minutes must be taken each day. Where there is the need to ensure office cover, managers may specify when an employee should take their lunch break.

5.4 Official Opening Hours

The Council is open to the public from 0830-1700 Monday-Thursday and 0830-1630 on Fridays.

5.5 Procedure

All employees should record their hours using the Council's time recording spreadsheet. This will show the total number of hours the employee is in debit or credit at the end of each week. Only hours within the bandwidth should be recorded in this way. Hours worked outside of the bandwidth will count as TOIL and should be recorded on Selima.

If an employee needs to travel to a location that is not their normal place of work, they should include travel time over and above their normal travel time in their recorded hours.

When staying overnight, employees should only record travel time (over and above normal travel time) and time spent on work related activities (e.g. time spent relaxing at the end of the working day should not be included).

The maximum debit should be no more than 8 hours at any one time. Only 4 debit hours may be carried over to the next accounting period. The maximum credit that may be carried over is 8 hours.

Employees who abuse this policy may have their flexible working hours withdrawn or face disciplinary action depending on the severity of their breach of policy.

5.6 Flexi-leave

The purpose of having flexible working hours is to promote work-life blend and help employees to manage both their work and domestic commitments. It should not be used to accrue additional annual leave, since this can lead to employees working long hours to the detriment of their welfare and productivity. This also puts additional pressure on other employees to cover for absent colleagues.

To this end, employees may only take one 'flexi-day' or two half days per month in addition to the normal practice of varying the working day to use accrued hours. Flexi-leave should be requested from your manager in advance and recorded in Selima. This should be approved where business need allows.

5.7 Termination of Employment

Staff wishing to terminate their employment with the authority must ensure that they have completed the required number of standard hours up to the time of the termination of their employment. If such hours have not been worked they will be deducted from any remaining annual leave entitlement, or from the employee's final salary payment. Any remaining accrued hours will be paid if the employee is not able to take these prior to leaving.

5.8 Employee Welfare

Under Working Time Regulations (1998) all employees over the age of 18 are entitled to a minimum of 11 consecutive hours rest in each 24 hour period, and 20 minutes rest break for every continuous period of 6 hours worked.

Young workers (those aged 16-18) are entitled to 30 minutes rest break for every 4.5 hours worked. They should have at least 12 consecutive hours rest in each 24 hour period.

Both employees and their line manager have a responsibility to ensure that adequate breaks are taken and employees are not using flexible working hours to the detriment of their welfare or productivity.

6. Annual Leave

The standard leave entitlement for employees is 23 days (170.2 hours), rising by 1 day (7.4 hours) per year each April following one complete year of service to a maximum of 27 days (199.8 hours). Employees who complete 20 years of service will be entitled to 30 days (222 hours) per year. This does not include bank holidays. If a new employee has local government continuous service this will be included when calculating their leave entitlement.

All staff should calculate their leave in hours in order to give greater flexibility and enable the Council to operate more efficiently. This can be worked out using the [Annual Leave calculator](#). Managers should calculate leave for part time staff and those on flexible working patterns and update Selima accordingly. Part time staff should have any bank holidays they are due to work on removed from their annual leave entitlement. Those on flexible working patterns should have bank holidays added to their leave entitlement, and they should book annual leave on any bank holidays they are due to work.

The leave year is calculated from the first day of the month in which the employee was born.

Taking Annual Leave should be agreed between the employee and their line manager and advance notice given. Annual Leave should be requested on Selima

for the manager to approve. Up to three continuous weeks annual leave may be approved by the employee's line manager. Over three weeks may be given with Assistant Director approval.

Both full and part-time staff may automatically carry over up to 5 days (37 hours) Annual Leave to the next leave year. 5-10 days (37-74 hours) may be carried over with the authorisation of a Head of Service, or above 10 days (74 hours) with a Director's authorisation if the employee has been unable to take their leave due to business need. Any leave carried over should be taken in the first month of the new leave year unless this is not possible due to business need.

Employees are encouraged to make full use of their annual leave entitlement to support a positive work-life balance. Managers should be supportive of this and develop work plans for the year taking into account the full Annual Leave entitlement for their employees.

Where employees start work, resign or change to a part time role during a leave year their Annual Leave entitlement will be calculated on a pro-rata basis. If an employee leaves before the end of the leave year and has used more than their pro-rata leave, this will be deducted from their final salary.

Accrual of Annual Leave does not take place:

- During periods of unpaid special leave;
- During periods of unauthorised absence;
- Whilst the employee is on a career break.

Annual leave will continue to be accrued during all other periods of authorised absence.

7. Elections

To assist Electoral Services, employees will be released from their normal duties to help with election duties in the Winchester District when selected by the Returning Officer. This is subject to the line manager agreeing to release the employee where business need allows, however the Returning Officer has the right to require employees to assist with the elections if there are not enough applicants. Managers should record this on Selima under the appropriate category. Employees will be entitled to payment for election duties in addition to their normal salary for that day.

Employees who work at the Count on the night of the elections may claim TOIL for every hour worked past midnight up to a maximum of 4 hours. In exceptional circumstances the Returning Officer may extend this to reflect the nature of a specific election.

This TOIL should be used to begin work later the next day in order to ensure that the health and safety of the employees is not compromised.

8. Family related Leave

8.1 Maternity

Employees are entitled to 26 weeks ordinary maternity leave, followed by 26 weeks additional maternity leave. Please see the [Maternity Policy](#) for further details, including how much maternity pay you will receive.

Employees are entitled to paid time off for ante-natal appointments.

8.2 Maternity Support

Maternity Support leave of one week with full pay will be granted to an employee who is the mother's primary provider of support, in terms of social obligations to the mother, at or around the time of birth. Please refer to the [Maternity Support](#) policy for further details.

8.3 Paternity Leave

Qualifying employees are entitled to one week paternity leave (in addition to maternity support) paid at the standard rate of Statutory Maternity Pay (SMP) set by the Government for that year. To be eligible for this the employee should have 26 weeks continuous service by the end of the 15th week before the estimated week of Childbirth (EWC) and be the father or the partner of the child's mother.

8.4 Shared Parental Leave

Eligible mothers may choose to end their maternity leave early and instead opt in to Shared Parental Leave (SPL). This enables both parents to share a pot of leave and either split the leave entitlement between them or take leave at the same time.

For more information, including eligibility, please refer to the Maternity Policy.

8.5 Adoption

All employees are entitled to 52 weeks adoption leave. This will be made up of 26 weeks of Statutory Adoption Leave and 26 weeks Additional Adoption Leave. Adoption Leave is reckonable for incremental pay, leave purposes and count as continuous service.

For more information please see the [Adoption Leave Policy](#).

8.6 Parental Leave

Employees with parental responsibility may take up to 18 weeks unpaid leave for each child up to the age of 18. Leave should be taken as whole weeks rather than individual days, unless the child is disabled. A 'week' equals the length of time an

employee normally works over 7 days. No more than four weeks parental leave may be taken per year.

To qualify for parental leave an employee should have been employed by Winchester City Council for a minimum of 1 year and be named on the child's birth or adoption certificate. Employees should give 21 days notice before their intended start date; this notice should confirm the start and end dates of their leave.

8.7 Fertility Treatment

Employees undergoing fertility treatment will be entitled to 37 hours paid leave per year to attend appointments and treatment; this may be taken in whole days, half days or hours and will be pro rata for part time staff. The manager will require advance notice and may request evidence of appointments and treatment. Additional time off may be taken as flexi-leave, annual or unpaid leave.

Any sickness or ill health resulting from such treatment will be treated in accordance with the council's Sickness Absence Policy.

9. Interviews

The Council encourages individual development and career progression. Employees are entitled to paid time off to attend interviews for internal vacancies and positions with other local authorities; this should be recorded by the manager on Selima under 'Interview.' For interviews with external organisations staff may take time off using flexi-leave or annual leave and should record this on Selima accordingly.

The employee should request time off to attend an interview from their line manager, giving as much notice as possible to ensure cover arrangements can be made where necessary.

10. Jury Service

Paid time off is allowed for employees required to undertake jury service (or called to attend court as a witness during a trial). Employees should notify their manager and HR as soon as possible, the manager will need to update Selima by selecting "absent with permission – jury service" under the employee's absence records.

If dismissed part way through the working day, employees are expected where practical to come into work for the remainder of their working day.

11. Medical and Sickness

11.1 Sickness Absence

On the first day of absence employees should telephone their line manager before 10am with details of their absence and expected recovery time; if the employee anticipated being off for several days there is no need to telephone every morning. Upon return the employee should complete a self-certification form.

Employees who are off for more than 7 days will need a doctor's certificate.

All employees returning from sick leave will have a back to work interview with their line manager which should be entered on Selima.

For more information please see the [Sickness Absence Management Policy and Procedure](#).

11.2 Medical Appointments as an Outpatient

Where possible employees should be mindful of business need when booking doctors and dentist appointments. Employees are entitled to up to one hour paid leave for these; anything over this may be made up using flexible working hours, or taken as annual leave. Visits to hospital as an outpatient will be credited in full. As will visits to doctors/dentists for emergency treatment, which is absolutely essential.

11.3 Medical Appointments as an Inpatient

Emergency treatment as an inpatient will be treated in accordance with the Council's Sickness Absence Policy. Planned operations should, where possible, be discussed with the employee's line manager in advance so that arrangements for cover can be made. This will then be treated as Sickness Absence.

Elective surgery (or time off for bone marrow, organ donation or similar) should be discussed with HR. The employee may be asked to use annual leave or flexi-leave to cover part of this leave, depending on the circumstances. Any sickness or ill health resulting from this treatment will be treated in accordance with the Council's Sickness Absence Policy.

12. Personal and Domestic Leave

The Council recognises that it can be difficult to balance the responsibilities of personal lives and work, and that sometimes employees may have emergencies that require their attention. To assist with this, employees are entitled to reasonable time off for personal or domestic reasons. This includes:

12.1 Compassionate Leave

In the event of bereavement or illness employees are entitled to paid compassionate leave. The number of days leave permitted will be dependent on individual circumstances and should be agreed through discussions between the employee,

their line manager and HR. Up to 10 days leave may be given with the approval of the Head of Service, 10-28 days may be approved by the Chief Executive.

The Head of Service may use their discretion to apply the same principles to other life events where the employee needs immediate support. This may include events such as relationship breakup, re-possession of home, bankruptcy or redundancy of a partner. Each case will be judged on the individual circumstances, however employees may be asked to use their annual leave entitlement or take unpaid leave.

12.2 Time off for dependants

Reasonable leave is permitted for dealing with dependant-related emergencies. This leave is unpaid, however employees may wish in the first instance to use flexi-leave or annual leave. Sufficient leave will be made available to take the necessary action to deal with a particular case. A dependant includes:

- The employee's spouse or civil partner, child, parent or someone who lives in the same house (but not a lodger or tenant), or
- Any person who reasonably relies on the employee for assistance when they fall ill, are injured or assaulted, or to make arrangements for the provision of care in the event of their illness or injury.

Examples of this type of leave may include:

- School rings to ask a parent to collect their child during the school day.
- Disruption or breakdown of care arrangements for a dependant.
- Time off to make arrangements for the long-term care of an ill or injured dependant.

'Reasonable' time off will depend on the circumstances, as each case will be different but in most cases a maximum of 1-2 days will be enough to deal with the emergency. If more time is needed, the employee should discuss this with their line manager as soon as possible. They may be able to take a longer period of leave under other arrangements. Use of unpaid leave should be recorded on Selima under the category 'Time Off for Dependants.'

12.3 Domestic Leave

Reasonable leave is allowed for domestic crises which require the employee's immediate attention and are not covered elsewhere in this policy. This is unpaid, but flexi-leave or annual leave may be used in the first instance. Examples of this may include:

- Emergency home repairs following flooding or fire.
- Burglary
- Vehicle theft

In these circumstances employees would normally be granted one days leave to make arrangements to deal with the emergency. Use of unpaid leave should be recorded on Selima under the category 'Domestic Leave.'

13. Public Duties

Winchester City Council recognises the important role of volunteers in carrying out public duties. To support this, employees are allowed time off to take part in the following public duties as defined in the 1996 Employment Act:

- Magistrate
- Local Councillor
- School Governor
- Membership of –
 - a police authority
 - any statutory tribunal (e.g. an Employment Tribunal)
 - General Teaching Councils for England and Wales
 - a prison independent monitoring board
 - a health authority
 - a Water Customer Consultation Panel
 - the Environment Agency

If an employee is asked to undertake a public duty not listed above they should seek advice from HR.

Any public duty that would require time off work should be discussed with the employee's line manager prior to accepting the role. Employees are entitled to a maximum of 37 hours paid leave in any year (pro-rata for part time employees). This leave may be taken as whole days, half days or hours.

Further unpaid leave or use of flexi-leave may be agreed with the employee's line manager in line with business need.

Where the public duty attracts payment advice it is the employee's responsibility to ensure they are paying the correct tax.

14. Reserve Forces

14.1 Training

Employees who are members of the Reserve Forces (Royal Navy, Army and Royal Air Force) and are required to attend an annual summer training camp are entitled to additional paid leave. Where the employee's normal leave entitlement is less than 27 days they are entitled to 2 weeks additional leave. Those with a leave entitlement of 28 days or more are entitled to 1 week additional paid leave. For part time staff and those on flexible working patterns, this should be the equivalent of two weeks' normal working.

Where possible the employee should arrange additional training outside of work hours, however in accordance with the policy on public duties employees are entitled to an additional 37 hours paid leave (pro rata for part time staff). This may be taken as whole days, half days or hours. If an employee receives payment for this training they should speak to HR or payroll for further advice.

Managers should be informed as soon as the employee is aware of the dates they are required.

14.2 Mobilisation

If a volunteer reservist wishes to take voluntary mobilisation, they should first obtain the consent of their Head of Service.

In the event of compulsory mobilisation, Reservists should notify their Head of Service immediately. The MOD will normally give at least 28 days notice of mobilisation, and provide a letter for the Reservist's employer within their mobilisation papers detailing the date and possible duration of mobilisation.

The MOD will assume responsibility for the Reservist's salary for the duration of their mobilisation. Financial assistance is available to the council to cover the costs of the employee being mobilised, e.g. recruitment costs and employer pension contributions.

15. Retained Firefighters

Retained firefighters attend weekly evening training; however employees are permitted up to 37 hours paid leave per year for additional training, e.g. week long breathing apparatus course or HGV training. This should be pro-rata for part time employees, and may be taken as whole days, half days or hours. Where an employee is on call at night it is their responsibility to ensure they have sufficient break before resuming duties for the Council. They should speak to their manager in advance of this to make arrangements in case the employee is called out during the night. This may involve home working or using flexible working hours to enable the employee to schedule their working day around this commitment.

16. Special Constables

Special Constable's training and duties normally take place in the evenings and at weekends; however up to 37 hours paid leave per year is permitted (pro rata for part time staff). This may be taken as whole days, half days or hours. Subject to work requirements, employees will also be allowed time off in times of significant emergency. Employees should discuss their intention to become a Special Constable with their line manager to ensure it will not have a detrimental impact on their work and that there will be no conflict of interests between their employment and voluntary roles.

17. Strike Action

Absences due to strike or industrial action will be recorded as an unauthorised absence and as such the employee will not be paid. Employees may not book holiday leave to cover the strike day and only leave booked in advance of the strike action being announced will be honoured.

Unauthorised absences will be treated as a break in service and as such do not count towards an employee's pensionable service. The employee can however reinstate this lost service by paying addition pension contributions (APC's). See also Appendix 2.

18. Study Leave

Paid leave of absence will be given for necessary study or examination attendance where agreed with the Head of Service and in accordance with the [Training Policy](#).

19. Time Off In Lieu (TOIL)

If an employee is asked to work outside of the normal bandwidth (Monday-Friday 0700-1900) for a specific business need, they may take the same number of hours off as TOIL at a later date.

TOIL should be approved by your line manager and recorded on Selima. Using TOIL as leave should be agreed with your line manager and advance notice given.

TOIL should always be taken in the first instance to ensure employees maintain a good work life balance. However, if TOIL cannot be taken due to business need overtime may be paid subject to HR approval. Overtime will only be paid to

employees below grade 6, unless in exceptional circumstances with the approval of the Chief Executive.

For additional hours worked within the normal bandwidth please see the above section on 'Working Hours.'

20. Trade Union Duties

20.1 Trade Union Representatives

Employees who are union representatives of an independent trade union recognised by the Council are permitted reasonable time off to carry out certain trade union duties.

Trade union representatives are entitled to reasonable paid time off for duties such as:

- Negotiating pay, terms and conditions
- Helping union members with disciplinary or grievance procedures including meetings to hear their cases
- Accompanying union members to meetings with their line manager to discuss flexible working requests
- Discussing issues that affect union members like redundancies or the sale of the business

Union Learning Representatives are entitled to reasonable paid time off for the following duties providing the union has given the Council notice in writing that the employee is a learning representative of the trade union and the training condition is met.

- Analysing the learning or training needs of union members
- Providing information and advice about learning or training
- Arranging learning and training
- Promoting the value of learning and training
- Consulting the employer about carrying on any such activities
- Preparation to carry out any of the above activities

Trade Union Representatives and Union Learning Representatives are permitted reasonable paid time off to undergo training relevant to the carrying out of their trade union duties.

Reasonable time off should be agreed between the union representative and their manager, based on business need, workload and the amount of time the representative has already had off for trade union work.

Unpaid leave may be used to attend Branch union meetings.

20.2 Trade Union Members

An employee who is a member of an independent trade union recognised by the Council is permitted reasonable time off during working hours to take part in any trade union activity or to access the services of a Union Learning Representative (provided those services are services for which the Union Learning Representative is entitled to time off.) This type of time off is unpaid; however employees may wish to use flexi-leave.

There is no right to time off for trade union activities which themselves consist of industrial action.

21. Travel Disruption

Where travel is disrupted for example due to heavy snow, flooding or industrial action staff should make every reasonable effort to attend work. If an employee cannot make it into work they should inform their line manager as soon as possible.

If an employee has access to home working equipment they should work from home. Where this is not possible employees may choose to take annual leave, unpaid leave or flexi-leave.

In cases where travel disruption can be forecasted, e.g. heavy snow or transport strike action managers should make arrangements to ensure as many staff as possible have the facility to work from home.

Employees who have made the effort to attend work during periods of travel disruption will not be penalised for arriving late. Managers may use their discretion in allowing staff with especially long or difficult journeys to leave early during periods of travel disruption.

Where necessary, employees are entitled to emergency leave to make alternative arrangements for childcare. This comes under Time off for Dependents.

22. Unauthorised Absence

The fact that absence is unauthorised means that the employee has not discussed and obtained agreement from their manager to be absent.

If the employee does not request authorisation from their manager before going absent or within a reasonable timescale, they must expect to give the manager a detailed explanation for the absence and why a request for authorisation of the absence could not be made beforehand. Persistent occurrences of unauthorised absence will be dealt with under the disciplinary procedure.

Unauthorised absences will be treated as a break in service and as such do not count towards an employee's pensionable service. The employee cannot reinstate this lost service by paying additional pension contributions (APC's).

HR must be informed of unauthorised absences in order that the employee's pay can be reduced.

23. Unpaid Leave

Employees who wish to take unpaid leave (this includes [career breaks](#)) should first discuss the matter informally with their line manager. Having done so the employee should make a formal request for unpaid leave specifying the duration and purpose of the requested leave. Enough notice should be given to make alternative arrangements to cover the leave period. This request will be considered by the Head of Service and HR and a decision made based on the purpose of the request, and the likely operational and financial implications.

Unpaid leave does not count towards an employee's pensionable service. Employee's may opt to reinstate their lost pensionable service for this absence and should refer to Appendix 2 for details.

HR must be informed of approved unpaid leave in order that the employee's pay can be reduced.

24. Volunteering Days

The Council recognises the importance of employee volunteering and encourages staff to be involved in voluntary activities across the community, to support this all permanent employees are entitled to 3 days (22.2 hours) paid leave per year volunteering leave to help with projects that benefit the local district (pro-rata for part-time staff). This may be taken as whole days, half days or hours but should be agreed in advance with your line manager.

For more information please see the [Employer Supported Volunteering Policy](#).

25. Revision

This policy will be reviewed every two years or sooner if required, taking into account changes in legislation, ACAS guidelines and best practice.

Appendix 1: Manager guide to updating employee absence record on the Selima/Vision HR system

Reason	Absence Class	Absence Reason	Notes
Annual Leave	Holiday/leave	Flexi leave or Standard holiday/leave	Enter as hours for part time staff and days for full time staff
Compassionate Leave	Absent with permission	Compassionate leave	Enter as hours for part time staff and days for full time staff
Elections	Absent with permission	Election duties	Enter as hours for part time staff and days for full time staff
Fertility Treatment	Absent with permission	Fertility treatment	Enter as hours for part time staff and days for full time staff
Jury Service	Absent with permission	Jury service	Enter as hours for part time staff and days for full time staff
Maternity Support	Maternity related	Maternity support leave	This is not the same as Statutory Maternity or Paternity leave, enter as hours for part time staff and days for full time staff
Medical Appointments	Absent with permission	Medical appointment (up to 1 hour)	Enter as one hour
Parental Leave	Absent with permission	Parental leave (unpaid)	Enter as hours for part time staff and days for full time staff
Public Duties	Absent with permission	Public Duties	Enter as hours for part time staff and days for full time staff
Reserve Forces	Absent with permission	Reserve Forces	Enter as hours for part time staff and days for full time staff
Retained Firefighters	Absent with permission	Retained Firefighter	Enter as hours for part time staff and days for full time staff
Sickness Absence	Sickness	Select form various sickness reasons	Enter start & expected end date and end date if back to work
Sickness Absence - Work Related	Work related accident or injury	Work related accident or injury	Manager MUST record absence in the Accident Book and report incident to HR. Enter as hours for part time staff and days for full time staff
Special Constables	Absent with permission	Special Constable duties	Enter as hours for part time staff and days for full time staff
Strike Action	Unauthorised absence	Strike/industrial action	Managers MUST notify HR so employees pay can be reduced. Enter as hours for part time staff and days for full time staff
Study Leave	Absent with permission	Exam & study leave	Enter as hours for part time staff and days for full time staff
Time off for Interviews	Absent with permission	Interview (Local Authority only)	Enter as hours for part time staff and days for full time staff, non LA interviews should be recorded as annual leave
Unauthorised Absence	Unauthorised absence	Absent without permission (unpaid)	Managers MUST notify HR so employees pay can be reduced. Enter as hours for part time staff and days for full time staff

Unpaid Leave	Absent with permission	Authorised unpaid leave	Managers MUST notify HR so employees pay can be reduced. Enter as hours for part time staff and days for full time staff
Volunteering Days	Absent with permission	Volunteering	Enter as hours for part time staff and days for full time staff

Appendix 2: Affect of absence on employee's pensionable service

Some unpaid absences from work will not count for pension purposes unless the employee elects (whilst still being an active member of the LGPS) to pay additional pension contributions to make up for the lost pension.

Authorised absences

From 1 April 2014, an employee can choose to buy back pension lost due to Maternity/Paternity/Adoption leave and Authorised Unpaid leave through either an Additional Pension Contribution (APC) or Shared Cost Additional Pension Contribution (SCAPC). The APC or SCAPC payment can be made by a single or regular payment from your pay.

Employees must elect to use a SCAPC usually within 30 days of returning to work. Under the SCAPC arrangement the employee pays one-third and the employer two-thirds of the reinstatement cost. After the 30 day period an employee can only use the APC which is an employee only cost and there is no cost to the employer.

Unauthorised absences

If an employee takes Strike Action they can opt to buy back lost pension using an APC which is an employee only cost and there is no cost to the employer.

An employee cannot buy back lost pension under any arrangement, APC or otherwise, for any other unauthorised absences.

Notifying you of your absence

When you have a recorded absence from work which could affect your pension the Council will usually write to you. This letter contains the following information:

What are the implications if I decide not to buy-back the amount of pension I would otherwise have built up on the pay lost due to the unpaid absence?

If you do not opt to make an Additional Payment Contribution (APC) payment the period of absence will not count for pension purposes. This has some potential implications, for example each day of absence:

- will marginally reduce the amount of pension to be added to your pension account.
- Will, in some cases, extend by one day the date when a member who joined the Scheme before 1 October 2006 could retire before Normal Pension Age on an unreduced pension (i.e. add one day to the date on which a member's combined age and membership in the Scheme, both in whole years, add up to 85 (known as the "85 year rule").

- May, if you joined the Scheme prior to 1 April 2014, have a marginal impact on the final pay figure used in calculation of your pre 1 April 2014 pension benefits should you leave within 12 months of your authorised absence or, in some cases, within 3 years of the authorised absence. Whether the final pay figure might be more or less than if you had paid contributions to enable the day to count will depend on the date of leaving and the level of any promotions or pay rises etc. that occur after the authorised absence occurred and, in some cases, how these compare to the level of pay prior to the absence.

What do I do now?

If, having considered the information in this letter you do not wish to pay any Additional Pension Contributions to buy-back the lost pension you need take no action.

If however you wish to buy back the lost pension under a Shared Cost APC arrangement you will need to sign and return an APC Agreement to the Payroll section (usually within 30 days of your return to work). If you request to buy back your lost pension after 30 days you will only be eligible to enter into an employee only APC Agreement which will cost you more as the Council will not make any contribution. On receipt of your signed Agreement the Payroll section will recover your APC payment(s) via the first available payroll and advise Hampshire County Council Pension Services accordingly.

How to apply and how much will it cost?

You can obtain a quote or apply for a quote and an APC Agreement by visiting the following LGPS Webpage:

<http://www.lgps2014.org/content/how-do-i-buy-extra-or-lost-pension>

1. Click on 'Open the online calculator to buy extra or lost pension'.
2. Click on 'Buy Lost Pension – quote and apply'.
3. Complete the required fields (some of the information is provided below), you can apply or just request a quote if you wish to.
4. If you apply for a SCAPC within 30 days of your return to work you can select the '30 day override' option.

Details for your calculation

Q8 Lost Pensionable Pay	(provided by Payroll)
Q9 Reason for absence	Select a reason from the drop-down list
Q10 Section during absence	Select 'Main section'*
Q11 Last day of absence	Enter the date before your return to work date
Q12 Method of payment	Select either 'regular deduction' or 'lump sum deduction'
Q13 Years	If you selected 'regular deduction' at Q12 enter the number of years (maximum 3)
Q14 Pay frequency	Select 'monthly'

**if you have already entered into a 50/50 reduced pension payment arrangement then select '50/50 section'.*

All APC Agreements must be sent to the Payroll section NOT Hampshire County Council Pension Services for processing.