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| EMPLOYMENT COMMITTEE | AGENDA ITEM No. 3 |
| 18 FEBRUARY 2021 | PUBLIC REPORT |

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| Report of: | Mandy Pullen, Assistant Director HR and Organisational Development | |
| Cabinet Member(s) responsible: | Councillor Farooq, Cabinet Member for Digital Services and Transformation | |
| Contact Officer(s): | Mandy Pullen, Assistant Director HR and Organisational Development | Tel. 863628 |

REVISED EMPLOYMENT POLICIES

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| R E C O M M E N D A T I O N S | |
| FROM: Assistant Director of HR and Development | Deadline date: |
| <p>It is recommended that Employment Committee approve:</p> <p>1) the updated Sickness Absence Management Policy and 2) the updated Time Off Policy.</p> | |

1. ORIGIN OF REPORT

1.1 This report follows changes made to the Sickness Absence Management policy after a scheduled review, the introduction of the self-service modules of the HR System and the new wellbeing page on Insite. The Time Off policy has been amended to include time off for foster carers.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of the report is to obtain approval to the changes made to the employment policies and documents detailed above. Changes that have been made to the policies are generally indicated on the documents in red or blue text (lighter text).

2.2 This report is for the Employment Committee to consider under its Terms of Reference No. 2.3.2.6

To promote and pursue a policy of equal opportunities in employment.

3. TIMESCALES

| | | | |
|---|-----------|----------------------------------|--|
| Is this a Major Policy Item/Statutory Plan? | NO | If yes, date for Cabinet meeting | |
|---|-----------|----------------------------------|--|

4. BACKGROUND AND KEY ISSUES

4.1 Sickness Absence Management Policy and Guidelines

This policy was updated following an annual review and the implementation of the Absence Management Module of the HR System. The changes made to the policy and guidelines are summarised below:

- Long term sickness to start from 4 weeks of absence rather than 2 weeks.
- Introduction of wellbeing page on Insite; the documents guide employees to this page rather than immediately referring to OH, therefore offering bespoke help and assistance for employees, however, managers still have the option of referral to OH if this is required.
- In the current policy, there are separate sections that cover short term and long term absence, we have combined these into one section.
- We have taken advice on the issuing of formal warnings as an outcome of the formal long term sickness meetings; it has been suggested that we change these to 'notification'. This will soften taking formal action during the long term procedure whilst still ensuring the employee understands that there are consequences to continued absence.
- Some paragraphs have been moved and words changed to ensure the document flows better.
- Advice has been included regarding inputting of sickness absence onto the newly created absence module of the HR System.

The updated policy is at Appendix 1 and the guidelines are at Appendix 2.

4.2 Time Off Policy

Foster carers are required to undertake mandatory pre-fostering training once. By offering our employees the opportunity to take paid leave whilst undertaking the training to be a foster carer for either Peterborough City Council (PCC) or Cambridgeshire County Council (CCC), to cover short term fostering placement (*e.g. where a child needs to be looked after while a parent is in hospital*), they are helping by becoming foster carers for either authority, (*something that there is a real need for and that there have historically been a shortage of*).

We are giving time off to employees that are training to be foster carers on the basis that, as an organisation, we want to support this type of fostering/adoption and we are getting the benefits of employees becoming foster carers for PCC/CCC. The five days to train will be a one off occurrence rather than an ongoing commitment.

We don't anticipate that we will have a high volume of employees taking this time off to become PCC/CCC foster carers, so anticipate that the impact on services will be minimal.

This has recently been introduced in CCC.

The updated policy is at Appendix 3 and the guidance is at Appendix 4.

5. CONSULTATION

5.1 All Policies referred for approval in this report have been shared with the joint trade unions.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 Should members agree to these changes, this information will be published and shared on the council's intranet.

7. REASON FOR THE RECOMMENDATION

- 7.1 The updated and new documents provide clearer guidance for managers and employees. The additional time off for those who foster, supports the community and our own fostering services in PCC.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 For the proposed changes, the status quo is the only alternative.

9. IMPLICATIONS

Financial Implications

- 9.1 None

Legal Implications

- 9.2 The legal implications and obligations are as set out in the main body of the report.

Equalities Implications

- 9.3 All of the Policies recommended for approval reflect the Council's ongoing commitment to ensure equality in the workplace.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 None

11. APPENDICES

- 11.1 **Appendix 1 – Sickness Absence Management Policy**
Appendix 2 – Sickness Absence Management Guidance
Appendix 3 – Time Off Policy
Appendix 4 – Time Off Guidance

SICKNESS ABSENCE MANAGEMENT POLICY

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SECTION B - SICKNESS ABSENCE MANAGEMENT PROCEDURE

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- ~~1-2.~~ [MANAGEMENT OF LONG-TERM SICKNESS ABSENCE](#)
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7. [EXAMPLES](#)

SECTION A

1. Aim

The council is committed to the well-being of its workforce. Employee attendance is a vital factor in delivering the level of service required by our customers and community. This policy aims to provide guidance and support in both managing absence and in supporting the return to work process. We aim to ensure the efficiency and effectiveness of Peterborough City Council is maintained at all times.

2. Principles

~~Statutory Sick Pay and Contractual Sick Pay will be paid for periods of sickness absence only providing the notification process has been followed. Any unauthorised absence may result in disciplinary action being taken.~~

Our policy is based on the following key principles:

- No two cases of absence are identical, **all cases will be treated according to the individual circumstances, sometimes a flexible approach is required. However, a consistent approach is a must** Employees will always be treated with sympathy, understanding and compassion.
- We recognise the importance of managing absence through good employment practice and effective return to work interviews.
- It is very important that employees and their manager have regular contact during periods of sickness absence. Support will be provided to help employee's return to work following a period of long term sickness.
- When dealing with cases of sickness absence which involve the issue of an individual's physical or mental capability to undertake their duties, it is advisable to discuss all support mechanisms with them at the earliest convenience. ~~involve the HR Business Partner and Occupational Health at the earliest possible stage.~~

The council reserves the right to implement this procedure at any stage as set out below taking into account the situation of the individual case.

~~Statutory Sick Pay and Contractual Sick Pay will be paid for periods of sickness absence only providing the notification process has been followed. Any unauthorised absence may result in disciplinary action being taken.~~

3. Scope

This policy applies to all City Council employees as far as possible, except where there is a specific local agreement, or a clause within the contract of employment, which is at variance with the provisions as contained within the NJC agreement. A different procedure may be necessary for certain employees, e.g. those based in schools and who are subject to procedures involving Governing Bodies. Schools are strongly advised to adopt the principles of this policy for non-teaching staff.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

4. Responsibilities of the employee

- To attend work unless unfit or unable to do so, regardless of agile working (as defined in the Ways of Working Policy)
- To ensure they understand and comply with the standards that are expected of them detailed within this policy
- To report each absence promptly and in line with the notification process detailed in this document; to keep in regular contact with their manager during the absence
- Are aware of the support mechanisms in place to aid wellbeing in work and healthy working practices are promoted
- Understand who they can talk to should they need to discuss their absence and wellbeing at work
- To attend **engage with the Occupational Health appointment if referred** ~~Occupational Health Appointments if referred~~
- At all times to follow medical advice to support a return to work at the appropriate time
- Not to undertake activities that may compromise their health, or their return to work following sickness.
- To make proper use of any equipment and systems of work provided for their safety.

5. Responsibilities of the line manager

- To ensure that the council fulfils its duty of care to employees according to the council's Health & Safety Policy
- To create a supportive climate in which good attendance prevails
- **To treat each absence case according to the individual circumstances, with flexibility but maintaining consistency at all times**
- To ensure that employees
 - o understand the policy and their responsibilities under the policy thus avoiding non-attendance from impacting on the department and service to our customers
 - o Are aware of the support mechanisms in place to aid wellbeing in work and healthy working practices are promoted
 - o Understand who they can talk to should they need to discuss their absence and wellbeing at work
 - o ~~To ensure that all colleagues~~ understand the importance of good attendance in the delivery of effective customer service
- To treat information regarding medical conditions sensitively and with due regard to confidentiality
- To maintain responsibility for the employee regardless of whether they are office based **or work remotely. ; flexible or agile workers**
- ~~To understand their responsibilities under the policy and ensure they are trained adequately to allow them to manage absence in a proactive way, thus avoiding non-attendance from impacting on the department and service to our customers~~
- ~~To give due regard to health promotion and ensure employees are aware of what support and help is available to them.~~
- Maintain accurate records of absence for the employees under their responsibility to ensure reporting is accurate at all times
- Ensure they have access to training ~~are trained adequately~~ to allow them to manage absence in a proactive way,

6. Management of workplace stress

The council is committed to protecting the health, safety, and welfare of our employees. The council recognises that workplace stress is a health and safety issue, and acknowledges the importance of identifying and alleviating workplace stress to as low a level as reasonably practicable through safe systems of work, risk assessments, suitable equipment and information and sharing.

The council will endeavour to give all employees appropriate support through the Employee Assistance Programme. Referral to Occupational Health will be discussed with an employee as part of the wellbeing interventions available to them during the early stages of absence. Referrals should be made by the employer to Occupational Health following more than four weeks of absence, and in order to support an employee's return to work as part of the long-term sickness absence procedure. ~~undertaken as soon as the line manager has been informed that an employee is absent with a stress related condition.~~

7. Procedure for notification of sickness absence

If an employee is absent from work due to any illness or injury which incapacitates them and prevents them from doing the work they are employed to do, the following rules must be observed in order to qualify for sickness absence and payment for the absence. The same process applies to all staff regardless **whether they are office based or work remotely.** ~~of their working status.~~

7.1 Contact from Day One to Day Seven

On the first and every subsequent day of absence, the employee must inform their line manager or senior manager (where an employee is not comfortable discussing the absence with their line manager) of their absence, by telephone, no later than their normal starting time. Departments may instigate a separate local agreement that states the daily reporting times, depending on service need. Should an employee be signed off from work from day one, and has obtained a Fit Note from their doctor, the manager and employee may agree a different timescale of reporting, instead of daily.

To allow a meaningful two way dialogue, only telephone calls or video calls are acceptable, (e.g. via Teams Google Hangout or Facetime). The telephone or video call should be made by the employee themselves – only in extenuating circumstances will a call be accepted by another party.

The employee should give details of the nature of their illness/incapacity (i.e. migraine; chest infection etc.); whether they will be seeking medical attention; whether the illness is due to an accident at work and some indication of when they will be able to return to work.

Any delay in notification or failure to notify will require further explanation. Should the reason be deemed unacceptable, this may result in loss of entitlement to sick pay and/or disciplinary action.

Communication will be maintained with the employee throughout the absence, which may be in the form of telephone conversations, face to face meetings, or Google Hangout Teams or Facetime Video call, whichever is most appropriate, unless medical evidence prevents this from happening.

All absences must be recorded in the HR System by the line manager, or nominated deputy, as soon as it is reported by the employee. Failure to log the absence may result in sickness absence not being processed correctly and in a timely manner, and employee absence records not being accurate.

7.2 Fit Notes Day Eight and onwards

If an employee is still unfit for work on account of ill health on the eighth calendar day, they should obtain a Fit Note from their GP. A copy of the Fit Note should ~~The original Fit Note should be forwarded to the employee's line manager~~ be forwarded to the employee's Line Manager via email as a 'photo or attachment, within two days of the Fit Note being signed by a qualified medical practitioner, unless there are extenuating circumstances or there is a local agreement in place which states a different timescale. The Line Manager will then forward the Fit Note to HR Support.

Fit Notes must be submitted at the intervals specified by the medical practitioner on the note. It is the employee's responsibility to ensure that dates on subsequent Fit Notes follow on with no breaks in between, and that all notes are submitted within two days of the note being signed by the qualified medical practitioner, if they are to be paid sick pay for the whole period.

If hospital admission and discharge certificates cover any gaps from the first day of absence to the return to work, then these must also be submitted.

Copies of all hospital admission and discharge certificates should be forwarded to the employee's line manager via email as a 'photo or attachment. The Line Manager will then forward the Fit Note to HR Support.

~~The manager will take a copy of all Fit Notes, hospital admission and discharge certificates. They will sign the copies to certify they are a true copy of the original, and then return all originals to the employee. Copies should be scanned to payroll immediately.~~

When the employee has submitted a Fit Note, the manager and employee should agree the intervals at which communication will take place. In normal circumstances, there should be contact at least once per week.

7.3 Reporting of Industrial Disease/Accident or Assault

Where Industrial Disease/Accident or Assault is alleged, the employee:-

- must inform their line manager, or other senior manager if this is not possible for the employee to talk with their line manager, that they believe their medical condition arises from their work with the council, and state how they believe their work caused the condition
- report this within 3 days of the incident happening.
- where this is not possible the employee must ensure that this is done on their behalf.

~~8. Further information regarding the reporting of incidents is available in section 7 of the council's Health & Safety Policy. on the Health and Safety Page of Insite.~~

9.8. Short Term Absence Trigger Points

The Short Term Sickness Management Procedure will be followed when an employee reaches one or more of the following points during any rolling twelve-month period:

- Three or more occasions of sickness absence
- 10 working days absence over 2 occasions (eg. 9+1, 8+2, 7+3, 6+4, 5+5)
- Unacceptable patterns of absence, e.g. a trend for sickness on a Monday or Friday-

Where an employee has two or more posts the sickness absence will only count against the role that would have been worked on the day of the absence.

The unacceptable patterns may cover a period of more than one year if there is evidence to confirm the absence or the absence pattern occurs annually, bi-annually etc.

The trigger points for employees that work fewer than 5 days in a week will be pro rata to the average number of days worked per week, as detailed below:-

| Working days per week | Trigger Point |
|-----------------------|-----------------|
| 1 Day | 2 days absence |
| 2 days | 4 days absence |
| 3 days | 6 days absence |
| 4 days | 8 days absence |
| 5 days | 10 days absence |

There will not be an adjustment to the number of occasions.

If employees work on an annualised hours' contract, managers will need to apply an average working week and make adjustments during the year if needed.

10.9. Return to Work Interview

It is Council policy that a return to work interview is carried out with all employees on the first day of their return from any sickness absence. The line manager or supervisor should complete a Return to Work Form during the return to work interview, with the employee. This meeting is to determine the reasons for the absence, to ensure that the employee is fit to have returned to work and to consider any support required to ensure a successful return to work.

The interview may be used to consider short or long-term changes to working hours or working practices. It may also be used to update the employee of any relevant changes that may have occurred during their absence. All sections must be completed fully, with the reason for absence given in each section. The reason given at the interview may differ from the reason originally given.

If the employee chooses not to complete a Sickness Self Certification and Return to Work form on the first day of their return, or knowingly completes it inaccurately, then the entitlement to contractual sick pay may be lost. This may also be dealt with as a disciplinary matter.

Managers must ensure that employees partake in a meaningful return to work interview, which is carried out on the first day of the employee returning to work, in private and face to face. ~~Where the employee works on an agile basis, this may be carried out by telephone or Google Hangout Video or Facetime. Return to Work interviews may take place via Teams or Facetime where the employee works from another council office to the manager or works remotely.~~

Managers' performance in respect of competently completing return to work interviews in a timely manner, carried out will be monitored and reported on, and is a standard expectation within the role of a line manager.

41-10. Risk Assessments

Risk Assessments applicable to the reasons for absence, will be carried out before any reasonable adjustments are agreed, and will usually inform part of the decision making process when determining the suitability of a return to work and subsequent reasonable adjustments.

42-11. Reasonable Adjustments

It may be the case that an employee could return to work if adjustments were made to either the role they carry out, or to their working pattern on a permanent basis. The council will endeavour to accommodate the needs of employees in line with the requirements of the Equality Act. Reasonable adjustments may include a phased return to work. Where this is the case the employee will be paid normal pay whilst at work and sick pay (which may be no pay) when they are not at work.

43-12. Sick Pay Scheme

The sick pay scheme is part of a key national provision (part two) for application by all local authorities to all employees covered by the National Joint Council (NJC). The rules of the scheme may be changed at any time after consultation with the relevant Trade Unions.

The payment of sick pay operates on trust. Employees are expected to act with integrity and honesty in complying with the spirit of the scheme. All employees must comply fully with the requirements of this policy to retain their eligibility to sickness pay.

The period of paid sick absence may be extended only in exceptional circumstances and only at the discretion of the Service Director in conjunction with the Assistant Director of HR.

If the absence is for less than half a day/shift then the absence will be classed as a half-day sick absence. If the absence is for more than half a day/shift then the absence will be classed as a full day's sickness absence.

12.1 Details of the scheme

If the employee has complied fully with this policy, the council will provide contractual sick pay at the levels and for the periods outlined in the table below. Statutory payments will be offset against this and not paid in addition.

| LENGTH OF SERVICE | SICK PAY PERIOD |
|--|---|
| Less than four months' service | One month's full pay |
| Between four months and one year's service | One months' full pay and two months' half pay |
| During second year of service | Two months' full pay and two months' half pay |
| During third year of service | Four months' full pay and four months' half pay |

| | |
|---|---|
| During fourth and fifth year of service | Five months' full pay and five months' half pay |
| After five years' service | Six months' full pay and six months' half pay |

Sick pay is calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

12.2. Sick pay for cases of Industrial disease, accident, or assault

For sick pay purposes, absence arising from normal sickness is entirely separate from absence due to alleged industrial disease, accident or assault arising out of or in the course of employment with the council. Periods of absence in respect of one shall not be offset against the other for the purposes of calculating sickness pay periods.

For example, an employee may have exhausted their contractual sick pay (CSP) entitlement through having normal sickness absence, but be entitled to full CSP if they have an industrial disease, accident or assault arising out of or in the course of employment with the council.

All absence arising from an alleged industrial disease, accident or assault must be recorded correctly on the [absence recording HR system](#) by either the line manager or appropriate nominated deputy. Failure to record correctly may result in inappropriate payments being made to the absent employee.

12.3 Loss of entitlement to sickness pay

There are circumstances where the council may consider suspending contractual and/or statutory sickness payments. The council would advise the employee of the grounds for the suspension of pay and the employee would have the right of appeal to the Assistant Director of HR against the suspension of pay. If the council decide that the grounds for suspension were justified then the right to any further payment in respect of that period of absence would be forfeited.

Circumstances of sickness pay suspension may include, but is not limited to:-

- If an employee refuses to meet with their manager to discuss their absence (unless medical evidence has been submitted to state that the employee is too unwell to meet with their employer or manager)
- If an employee is absent on account of sickness which is as a result of deliberate conduct that does not help their recovery or makes it worse,
 - The employee's own misconduct or neglect
 - The employee's active participation in professional sport
 - An injury sustained while working in the employee's own time on their own account for their own private gain or for another employer
- If the Council have any reason to doubt the validity of an employee's illness or injury or the reason given for absence.
- If an employee does not comply with their obligations under this policy, for example, if they do not submit medical certification within 10 calendar days from the first day of absence, and/or do not comply with the sickness reporting procedure.

Occupational Health advice [will may](#) be sought as appropriate throughout an employee's absence.

Disciplinary action may be taken against an employee for fraudulent sickness pay claims, which could result in sanctions against the employee, up to and including dismissal if appropriate.

14.13. Conduct during sickness absence

In all cases of sickness absence that necessitates taking time off work, it is expected that the employee will do their utmost to facilitate a speedy return to fitness and to work. In this regard, employees are expected to act sensibly and honestly.

Peterborough City Council would not expect any employee who is absent from work due to sickness or injury to:-

- participate in any sports, hobbies or social activities etc. which are in any way inconsistent with their stated illness or injury or which could aggravate the illness or injury or which could delay recovery.

- undertake any other employment whether paid or unpaid.
- engage in any activity that is inconsistent with the nature of the stated illness/injury

The council reserves the right to fully investigate the reasons why an employee refuses treatment that would expedite their recovery. Should the reason given not be acceptable, the disciplinary procedure may be followed.

Any employee who does undertake any other duties whilst absent from their employment on sickness absence, may be subject to disciplinary action, as undertaking other employment may be seen as an act of gross misconduct, and may lead to dismissal under the disciplinary procedure.

It is the responsibility of the employee to ensure that their return to work is not compromised by their actions outside of work.

If it is recommended that exercise or any other therapeutic treatment is required to assist recovery, then the employee may be asked to submit a written report, outlining the reasons for the recommended exercise/therapeutic treatment and details of the exercise/therapeutic treatment. The report/letter must be issued by the employee's GP or other specialist.

The employee must ensure they follow the reporting procedure and that every day of the absence is properly covered by a medical certificate.

45-14. Claims for damages

If the employee intends to claim for damages against a third party following an accident or incident that results in sickness absence, where contractual sick pay is paid, the employee is obliged to: -

- tell their line manager, and
- sign an undertaking to repay any sick pay that the Council has paid to them when their claim against the other party has been settled (any claim will normally include the cost of sick pay paid by the Council during their absence from work).

The employee must do this even if the accident happened away from work (whilst the Council is incurring employee costs). The employee will not be expected to repay more than any award made to them.

Any period of absence where a full refund of sick pay is made will not be recorded as sickness absence for the purposes of the sick pay scheme.

46-15. Annual Leave instead of sickness absence

If employees are unfit for work then the day should be classed as a sickness day and annual leave days will not be authorised to 'cover' the sickness.

Should an employees' sickness absence fall into the long term category (as per Section C of this policy), consideration will be given to granting (statutory) annual leave during this absence, should the employee request it via the normal leave request procedure. At the Council's entire discretion, it may waive the need for the employee to comply with normal notice requirements or any other applicable Council policy.

If the employment is terminated before an employee returns from sickness absence, they will receive a payment in lieu of any accrued but untaken statutory leave entitlement.

All employees must have the statutory leave each year under the working time regulations. Any employee who has taken below the statutory level will be able to carry over those days into the following leave year and take the days within 18 months. Bank holidays taken are included in the total. The contractual leave would not be carried over in addition to the statutory leave.

47-16. Employee taken ill during a period of annual leave

Where an employee falls sick or is injured while away from home on holiday, within or outside of the UK, the council will allow the employee to transfer to sick leave and take replacement holiday at a later time. This is subject to the following strict conditions:

- The total period of incapacity must be fully certificated by a qualified medical practitioner
- The employee must contact the organisation (by telephone) as soon as he/she knows that there

will be a period of incapacity during a holiday.

- The employee must submit a written request no later than 10 days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time.
- Where the employee is overseas when he/she falls ill or is injured, evidence must be produced that the employee was ill by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location. If the medical certificate is not printed in the English language, then the employee will be expected to obtain a translation to ensure that it can be appropriately considered. Any translation costs or certification costs must be borne by the employee in full if they choose to request the leave be allocated back to them.

Where the employee fulfils all of the above conditions, the organisation will grant the employee the same number of days' replacement holiday leave as the number of holiday days lost due to sickness or injury.

18-17. Pre-booked annual leave during periods of certified sickness

If an employee is ill or is injured before the start of a period of planned holiday, and consequently unable to take the holiday, the council will agree to the employee postponing the holiday dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the council's normal policy on sickness absence, providing medical certificates are in place to cover the absence.

The employee must submit a written request to postpone the planned holiday and this must be accompanied by a letter from his/her doctor confirming that he/she is unfit, or is still likely to be unfit, to take the holiday.

If an employee wishes to take the pre-booked period of leave as leave then they must provide a medical statement which states that the period of sickness is as at an end before the holiday starts.

19-18. Sickness on a Public/Bank holiday

If a public or bank holiday occurs during sick leave the employee will continue to receive sick pay. Where an employee has exhausted his/her period of entitlement to sick pay, no payment will be made (other than SSP if applicable) in respect of a public or extra statutory holiday occurring during his/her period of sick leave.

20-19. Sickness during a period of suspension

If an employee falls sick during a period of suspension, he/she must notify the Investigating Officer or HR Business Partner by 10.00 a.m. on the first day of incapacity. The employee should be regarded as being on sick leave from the date of the medical statement. A medical certificate must cover all sickness during a period of suspension as there will be no entitlement to self-certified absence during a period of suspension. The council will meet the cost of any medical certificate if the medical practitioner imposes a charge.

~~21. —Whilst off sick, the suspended employee must continue to observe the provisions of para 5.6 of the disciplinary procedure. The suspended employee may still be required to attend meetings with the investigating officer whilst off sick. but this will only be done following consultation with the council's occupational health adviser.~~

22-20. Poor Attendance of disabled employees

The Council will always endeavour to support and will comply with all relevant legislation relating to its disabled employees. However, if a disabled employee has been given all the relevant support and all options have been explored, but their absence or ability to carry out their role is a cause for concern, then Section B or C of this policy will be followed.

If an employee considers that he or she is affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager or the HR department.

23-21. Referral to Occupational Health

All employees who are absent (or likely to be absent) for ~~four~~ two weeks or more, will be referred to the occupational health service.

Employees who report that they are absent due to a stress related illness will, following a discussion with their line manager on day one of the absence, be directed to the wellbeing interventions that the Council has access to, which includes referral to an Occupational Health practitioner. During the initial few weeks of a stress related illness, it is important that the employee is provided with the individualised support they need; this should be employee-led but monitored closely by the line manager with guidance from the HR Team where appropriate. ~~should be referred to Occupational Health as soon as their line manager has been informed that they are absent, and this is the reason for the absence.~~

24-22. Access to medical records

In operating this policy, the Council may, at any time, ask an employee to consent to a medical examination carried out by an external medical practitioner nominated by the Council.

If such a request is made, the employee will be asked to agree that any report produced in connection with any such examination may be disclosed to the Council, and that the Council may discuss the contents of the report with our advisers and the relevant doctor.

If an employee refuses to attend appointments or allow access to their medical records, then they will be informed that the Council will have no option but to take decisions based on the information it has to hand.

25-23. Notification of absence meetings

Unless it is impractical to do so, the Council will give the employee written notice of the date, time and place of an absence meeting, and will put any concerns about the employee's sickness absence, and the basis for those concerns, in writing or otherwise advise the employee why the meeting is being called.

The employee will be given a reasonable opportunity to consider this information before a meeting is held.

26-24. General information about absence meetings

Absence meetings should, wherever possible, be carried out in private and conducted face to face, regardless if the employee works remotely or in another council office to the manager conducting the meeting, of the employee's agile working status. The meetings will normally be conducted by an employee's line manager, a more senior manager or nominated deputy; a representative of the HR Department may be in attendance at any of these meetings.

An employee is entitled to bring a companion with them to formal meetings. A companion may make representations, ask questions, and sum up an employee's position, but will not be allowed to answer questions on an employee's behalf.

The Council may, at its discretion and on a case by case basis, allow an employee to bring a companion who is not a work colleague or union representative (for example, a member of the employee's family) if this will help overcome a particular difficulty caused by a disability.

An employee must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If an employee or his or her companion is unable to attend at the time specified they should immediately inform their line manager or the HRBP who will seek to agree an alternative time.

Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, the rearranged hearing will take place in the employee's absence. The employee's companion fellow worker or trade union official may attend in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.

A meeting may be adjourned if the employee's line manager or the HR Business Partner is awaiting receipt of information, needs to gather any further information, or needs to give consideration to matters

discussed at a previous meeting. An employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Confirmation of any decision made at a meeting, the reasons for it, and the right of appeal will be given to an employee, in writing, usually within 1 week of an absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

If, at any time, the line manager or the HR Department considers that an employee has taken or is taking sickness absence when they are not unwell, they may refer matters to be dealt with under the Disciplinary Procedure.

Issuing Formal Warnings or Notifications

When carrying out the formal process for either the Short or Long term procedure, it is expected that a formal warning or notification should be issued in all cases. However, there may be exceptional circumstances where a warning or notification will not be issued.

Circumstances that will not be considered exceptional include but are not limited to:

- Wishing to avoid a difficult conversation or awkward situation
- Feeling sorry for the employee or
- Thinking that the act of merely arranging and attending a formal meeting is enough and has fulfilled the requirements of the policy

27-25. Permanent ill health

There will be a very limited number of cases where the only option is termination of employment on the grounds of permanent ill health. The criteria for this is those employees who are permanently unfit to do their job efficiently on the basis of ill health or infirmity of the mind or body. It is only a qualified medical practitioner who can make this declaration. the council's Occupational Health Adviser who can make this declaration initially, which then has to be accepted by an external adviser. Once this decision has been taken then normal dismissal procedures have to be applied.

28-26. Further information

Further guidance can be found in the Guidelines. Further advice can be sought from the HR Business Partner.

SECTION B - SHORT TERM SICKNESS ABSENCE MANAGEMENT PROCEDURE

1. Management of Short Term Sickness Absence

All absence will be recorded and tracked via the HR system. Where an employee's absence is tracking towards a further absence triggering a Stage meeting, a discussion should take place with the employee and the line manager to notify them of this and a File Note raised to summarise the conversation. The employee should acknowledge the File Note by signing a copy which is then uploaded to their electronic record on the HR system. This does not form part of the formal Sickness Absence Management process; however, this will act as an informal indication that any further absence could mean the formal procedure is implemented. This should act as a preventative measure

An employee whose level of sickness absence has reached a defined trigger point (as outlined in Section A paragraph 8.0), will be invited to attend Formal Attendance Management Meetings. These meetings should take place as soon as is reasonably practicable after the trigger point has been reached.

2. Management of Long Term Sickness Absence

The definition of long- term sickness absence is absences of ~~four~~ ~~two~~ weeks or more. Each case will be treated on an individual basis, and in partnership with the employee, their manager, HR representative and ~~the Occupational Health Advisor~~ in some instances Occupational Health and the treating medical practitioner(s). It is expected that the manager will already have been in contact with the employee on an informal basis before this process is followed and wellbeing interventions explored as part of those discussions to support the employee back to work.

The Council will maintain contact with the employee during periods of long- term sickness absence, unless there is medical evidence that no contact should be made. Contact ensures that the Council are fully aware of the issues surrounding the absence and the likely return to work date. This may be in the form of telephone conversations or face to face meetings or a combination, whichever is most appropriate.

All employees who are absent (or likely to be absent) for ~~four~~ ~~two~~ weeks or more, ~~may~~ will be referred to ~~a medical practitioner the occupational health service.~~ Employees who are absent due to a stress related illness ~~should be referred to Occupational Health will be directed on day one to access the wellbeing interventions that the Council has on offer to support employees at work. as soon as their line manager has been informed that they are absent, and this is the reason for the absence.~~

If at any stage during this procedure it is considered that the absences from work are not due to sickness and that the employee is abusing the scheme, this will be dealt with under the disciplinary procedure.

3. Returning to work after Long Term Sickness Absence - light duties and phased returns

When an employee's GP or Specialist states that the employee is fit to return to work providing that they can work on 'light duties' or on a 'phased return' then the Council will endeavour to support this. However, 'light duties' cannot be guaranteed and will depend on the role, the request and the advice issued from the treating medical practitioner(s) or Occupational Health. 'Light duties' may be defined as:-

- reduced or altered duties;
- reduced or amended working hours, working pattern or location
- temporary medical redeployment to an alternative role.

Light duties are a temporary measure and will usually be for a period of not more than four weeks unless medical advice recommends that a longer period is necessary. This can only be extended after consultation with the treating medical practitioner(s) or Occupational Health. ~~the Occupational Health Advisor.~~

During any period of light duties, the employee must be able to carry out the majority of their job, and play a useful role once back at work. If the employee is unlikely to be fully fit within four weeks then they should obtain a Fit Note and remain absent due to sickness.

Phased returns shall normally be for either a half or a full day. If an employee is unable to physically attend a Council building for any part of the phased return, it may be agreed that the employee may work from home, subject to advice from occupational health and any relevant risk assessments.

For employee's working on a phased return basis they will be paid normal pay for the half or full day that they are at work and sick pay (full, half or none) for the hours that they are not at work.

Light duties will not automatically be arranged for employees returning from long term sickness absence. The Council will consider all relevant factors before making a decision as to whether light duties will be implemented.

If an employee has a relief post/s with the Council in addition to their substantive role then they will not normally be allowed to work in the relief role until they are fully working in their substantive role. Overtime and training shall not be carried out during any period of light duties.

4. Absences that may be taken into account

In most cases all sickness reasons will be taken into account. However, those wholly attributable to an employee's pregnancy, will be discounted. The absence will be recorded and discussed at the return to work interview, but not used to take further action against the employee.

The Council will always endeavour to support and will comply with all relevant legislation relating to its disabled employees. Absences due to a disability will not be discounted, however, the triggers may be amended to take the disability into account.

Should an employee's sickness absence immediately follow a pre-planned or emergency operation or procedure, be wholly related to the operation or procedure and be for recuperation purposes, the absence will be recorded and discussed at the return to work interview, but not used to take further action against the employee.

However, should further related absences occur after the employee has returned to work, they will not be discounted.

5. Stage 1: First Sickness Absence Meeting

The Stage 1 First Sickness Absence Meeting will be arranged after the employee has reached a defined short-term absence trigger point (as outlined in Section A paragraph 8.0 of this policy), been absence for 4 weeks or more, or where an employee has been absent on a number of occasions lasting 4 weeks or more.

The purposes of a first sickness absence meeting will include:

Short-term absence

- Review the concerns as highlighted in any informal meetings and in return to work interviews
- Review and discuss the success of any measures made and consider what, if any, further strategies / support might improve the employees' health and attendance
- Provide the employee an opportunity to fully explain the circumstances of their absences
- Consider whether any formal action is required
- Agree a timescale for review over which the employee's attendance will continue to be monitored
- To remind the employee of the importance of regular attendance at work and that if the appropriate improvement in attendance has not taken place by the review date, that a further formal meeting in line with Stage 2 of the procedure will be arranged and may result in further action being taken and that their employment may be at risk.

Long-term absence

- Discussing the reasons for absence
- To determine how long the absence is likely to last
- Where an employee has been absent on a number of occasions lasting 4 weeks or more, determining the likelihood of further absences
- Considering whether medical advice is required, obtaining the employee's permission to write to their doctor and informing the employee that they shall be referred
- Considering what, if any, measures might improve the employee's health and/or attendance
- Agreeing a way forward; any action that will be taken and a timescale for review and a further meeting under the sickness absence procedure.

Possible Outcomes

The Stage 1: first sickness absence meeting may result in one or more of the following outcomes:

- First Written Warning (For Short Term Sickness only)
- First Written **Notification** (for Long Term Sickness only)
- A review and monitoring period
- In extenuating circumstances, no further action

Should a first written warning or notification be issued, this will be held on the employees' file and be considered live for a period of 12 months. The employee will have the right to appeal against a first written notice by following the Council's Appeals Policy and Procedure.

6. Stage 2: Second Sickness Absence Meeting

Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary under Stage 2.

The purposes of further meeting(s) may include:

Short-term absence

- Review the concerns as highlighted in the Stage 1 meeting, in subsequent return to work interviews and in any informal meetings that may have taken place
- Review and discuss the success of any measures made and consider what, if any, further strategies / support might improve the employees' health and attendance
- Remind the employee of the need for immediate sustained improvement in attendance
- Provide the employee an opportunity to fully explain the circumstances of their absences
- Consider the employees ability to remain in their current role in view of their capabilities and business needs and possible redeployment opportunities
- Consider whether any formal action is required
- Agree a further timescale for review over which the employee's attendance will continue to be monitored
- To remind the employee of the importance of regular attendance at work and that if the appropriate improvement in attendance has not taken place by the review date, that a further formal meeting in line with Stage 3 of the procedure will be arranged and may result in termination

Long-term absence

- Discussing the reasons for and impact of an employee's absence(s);
- Discussing how long the absence is likely to last
- Where an employee has been absent on a number of separate occasions lasting 4 weeks or more, discussing the likelihood of further absences;
- If it has not already been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required;
- Considering an employee's ability to return to/remain in their job in view both of their capabilities and the Council's business needs and any adjustments that can reasonably be made to the employee's job to enable them to do so;
- Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying the employee;
- Where an employee is able to return from long-term sickness absence, whether to their own job or to a deployed job, agreeing a return to work programme;
- If it is considered that an employee is unlikely to be able to return to work from long-term absence, whether there are any benefits for which he or she should be considered; and
- Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps the Council has already taken, include notifying an employee that they are at risk of dismissal.

Possible Outcomes

The Stage 2: Second sickness absence meeting may result in one or more of the following outcomes:

- Final Written Warning (for Short Term Sickness only)
- Final Written Notification (for Long Term Sickness only)
- An extended review and monitoring period
- In extenuating circumstances, no further action

Should a final written warning or notification be issued, this will be held on the employees file and be considered live for a period of 12 months. The employee will have the right to appeal against a final written notice by following the councils Appeals Policy and Procedure.

7. Stage 3: Final Sickness Absence Meeting

Where an employee has been notified that they are at risk of dismissal, the Council may invite them to a meeting under the third stage of the sickness absence procedure.

The purposes of a Stage 3 meeting will be:

Short-term absence

- Review the concerns as in the Stage 2 Meeting and in subsequent return to work interviews
- Review and discuss the success of any measures made and consider what, if any, further strategies / support might improve the employees' health and attendance
- Provide the employee an opportunity to fully explain the circumstances of their absences
- Consider the employees ability to remain in their current role in view of their capabilities and business needs and possible redeployment opportunities
- Consider whether any formal action is required

Possible Outcomes for Stage 3 meetings due to short-term absence triggers being met

The Stage 3 formal attendance management meeting may result in one of the following outcomes:

- An extended review and attendance monitoring period
- Redeployment
- Dismissal, usually with notice

Should the employee be dismissed, they shall have the right to appeal against the dismissal by following the Council's Appeals Policy and Procedure.

Long-term absence

- To review the meetings that have taken place and matters discussed with the employee;
- Where an employee remains on long-term sickness absence, to consider whether there have been any changes since the last meeting; either as regards their possible return to work or opportunities for return or redeployment;
- To consider any further matters that the employee wishes to raise;
- To consider whether there is a reasonable likelihood of the employee returning to work or achieving the desired level of attendance in a reasonable time;
- To consider the possible termination of the employee's employment due to lack of capability to carry out their role. Termination in such circumstances will normally be with full notice or payment in lieu of notice.

Should the employee be dismissed the employee will have the right to appeal against this by following the Council's Appeals Policy and Procedure.

4.8. Examples

Short-term absence example

| | Absences | Action taken | Reason for action |
|-----------------|----------|--|----------------------------------|
| YEAR ONE | | | |
| January | 0 | | |
| February | 2 days | RTW interview. No further action | |
| March | 9 days | RTW Interview. Stage 1 Attendance Management Meeting – 1st written warning | 10 working days over 2 occasions |
| April | 0 | | |
| May | 0 | | |
| June | 6 days | RTW interview. No further action | |
| July | 1 day | RTW interview. No further action | |
| August | 0 | | |
| September | 2 days | RTW interview. Stage 2 Attendance Management Meeting – Final Written Warning | 3rd occasion of absence |
| October | 0 | | |
| November | 0 | | |
| December | 3 days | RTW interview. No further action | |
| YEAR TWO | | | |
| January | 0 | | |
| February | 0 | | |
| March | 0 | | |
| April | 0 | | |
| May | 0 | | |
| June | 0 | | |
| July | 3 days | RTW interview. No further action | |
| August | 6 days | RTW interview. No further action Stage 3 Attendance Management Meeting – Dismissal | 3rd occasion of absence |

Long-term absence example

| | Absences | Action taken | Reason for action |
|-----------------|--------------------|----------------------------------|-------------------|
| YEAR ONE | | | |
| January | 0 | | |
| February | 2 days | RTW interview. No further action | |
| March | 17 – 31 15 days | | |

| | | | |
|-----------|---------|--|---|
| April | 30 days | Refer to OH Invite to Stage 1 First Sickness Absence Meeting – 1st written <u>warning</u> notification; 3 month review effective from 25/4 | Employee absent for over four weeks Employee absent for over four weeks from 17/4 |
| May | 31 days | No formal action – regular review meetings | Review period |
| June | 30 days | No formal action – regular review meetings | Review period |
| July | 31 days | Invite to stage 2 Second Sickness Absence Meeting – <u>2ndFinal</u> written <u>warning</u> notification; 3 month review; employee informed that their job is at risk | Review period end 24/7 |
| August | 31 days | Redeployment/ reasonable adjustments reviewed at meetings | Review period |
| September | 30 days | | Review period |
| October | 31 days | Invite to stage 2 Second Sickness Absence Meeting; 3 month review; employee informed that their job is at risk | Review period end 24/10 Employee had informed their manager that they should be returning to work in the next 3 months |
| November | 30 days | Redeployment/ reasonable adjustments reviewed at meetings None identified | Review period |
| December | 31 days | | Review period |
| YEAR TWO | | | |
| January | 31 days | | Review period |
| February | 31 days | Invite to stage 3 Third Sickness Absence Meeting Outcome - dismissal | Review period end 24/1 |



Attendance Management – Guidelines to using the Attendance and Sickness Absence Management Policy

1. Introduction

This guide is to help managers navigate their way through the Attendance and Sickness Absence Management Policy.

It is important to remember that every absence is unique and all cases will need to be treated according to the individual circumstances, sometimes a flexible approach is required. However, a consistent approach is a must, and all employees must be treated fairly, sensitively, and in accordance with the policy.

Further guidance and advice is available in the Attendance and Sickness Absence Management Policy or from your HR Business Partner.

The council is committed to the wellbeing of its workforce. This must be balanced against the duty of all local authorities to ensure the best use of its main resource – its people. It is the responsibility of the employee to promote high attendance levels to minimise working time lost. It is the responsibility of the employer to ensure it fulfils its duty of care to its employees.

The council does not encourage a presenteeism culture. Those who are unfit for work should be at home getting better and not feel pressured into attending work, or working from home, where their performance may be reduced and their illness impact on others around them.

Managers should remember that the first aim of this guidance is to try to improve employee's attendance and not punish them for their absence.

2. Employee Wellbeing

Various initiatives are in place to promote healthy living. Ensure that your employees are aware of what's available and encourage them to take them up. Initiatives include BOOST Week, Health Awareness Weeks/Days such as No Smoking etc., VDU eye tests for all designated visual display unit users and promotion of lunchtime walks. Full information can be found on the Wellbeing Page on Insite.

The council operates a confidential counselling service through the Employee Assistance Programme. In certain cases an employee may be referred to an external counsellor. To arrange this service, the line manager should refer the employee to the occupational health advisor. The employee does not have to discuss the issues with their manager unless this is appropriate. The council's Occupational Health Advisor will make the decision regarding the level of support the council can provide. This service is available to all employees and is one the council supports and encourages employees to avail themselves of.

It is important to be mindful of the Equality Act 2010, which protects employees who have mental and/or physical disabilities. The Act imposes obligations on employers not to discriminate against disabled employees but it is also realistic in its expectations on employers, providing advice and guidance on the areas of 'reasonable adjustments'.

- It will not always be obvious that an employee has a disability. An employee may have a disability for the purposes of the Act even if they are not registered as disabled.

- Remember that employees may not always disclose their disability – the Council cannot avoid liability under the Act simply because an employee has not explicitly disclosed the nature of their disability. The Council may be deemed to have knowledge of a disability because, for example, an employee's absence appears to be caused by a long term underlying medical condition or simply because the employee acts out of character at work.
- A disabled employee needs to be given additional considerations when monitoring their sickness absence (which may or may not be linked to their disability).

3. Sickness Reporting

Good communication between managers and their employees is vital, regardless of the employee's working status. Employees must be in no doubt about exactly what they have to do to report their sickness absence from the commencement of the absence.

Workplaces may have their own systems in place but these will follow council policy which states:-

- All employees, regardless of their working status, must report the absence to their manager on every day of absence. Only telephone calls or video calls are acceptable, (e.g. via [Google Hangout](#) [Teams](#) or Facetime).
- They must provide a signed Fit Note if they are still absent on the eighth calendar day
- If still absent after ~~two~~ four weeks, the manager must refer them to the occupational health department

Suggested questions for Managers to ask staff when they ring in sick:

Ask

- How they are feeling?
- If they have taken any medication and whether it was prescribed or not
- If they have seen or need to see their GP?
- Did they attend hospital (if applicable)?
- If they are doing anything to help themselves / alternative therapy?
- When they expect they will be well enough to return to work?
- If this is a condition they have suffered from before?
- If so how long does it usually last for?
- How long they have suffered from this?
- If there is anything that can be done to help whilst they are off?

Other points to watch out for: -

- A valid Fit note with no breaks that must cover the entire absence
- The employee may self-certify for calendar days one to seven only
- The medical certificate must state the actual reason for absence (not just 'ill' or 'unwell')
- Whenever possible employees must inform their manager if they believe the absence was as a result of an industrial incident to ensure the relevant documents are completed.
- Don't forget to ensure sickness returns are completed properly and timely. Incorrect information may result in sickness payments being made wrongly, the absence not recorded against the employees record, or disciplinary action being taken against you for failing to carry out your managerial responsibility

Uncertified sickness absence (absences that are self certified) may be withdrawn if it is considered inappropriate for individual employees; this would normally apply to those who do not follow the correct reporting in procedure, those with a history of poor attendance, a breach of the sickness rules, or those employees that are being taken through the Sickness Management Procedure.

Guidelines for conduct during sickness absence are in place, which all employees should follow whilst absent due to sickness. Basically, they remind employees that it is their responsibility to ensure that their return to work is not compromised by any action they take

outside of work. The council also expects employees to follow the correct reporting procedures and to take up any exercise or treatment regime recommended by their medical practitioner to assist with their recovery.

If an employee submits a certificate from someone who is not a registered medical practitioner (Osteopaths, Chiropractors, Christian Scientists, Herbalists, Acupuncturists) then the certificate will only be accepted at the discretion of the council on the merits of the certificate. Advice may be sought from the Occupational Health Adviser.

A copy of all Fit Notes, hospital admission and discharge certificates must be made, they should be dated and signed and the original note or certificate returned to the employee. The copies must be scanned to payroll.

4. Issuing Formal Warnings or Notifications

When carrying out the formal process for either the Short or Long term procedure, it is expected that a formal warning or notification should be issued in all cases. However, there may be exceptional circumstances where a warning or notification will not be issued.

Circumstances that will not be considered exceptional include but are not limited to:

- Wishing to avoid a difficult conversation or awkward situation
- Feeling sorry for the employee or
- Thinking that the act of merely arranging and attending a formal meeting is enough and has fulfilled the requirements of the policy

It is important to state that if a formal warning or notification is not given, then this will prevent the manager- moving through the formal process, resulting in the procedure being delayed. Also, this means that the absence issue is not actually dealt with; it is, in effect ignored resulting in employees being treated differently and the absence issue still affecting the team.

The important point is not to ignore these difficult issues. All managers must take responsibility for following the [Attendance and Sickness](#) Absence Management Policy consistently. This will in turn assist those employees who may need support and help. The service may be suffering due to inconsistency of delivery and this must be measured against the needs of the employee.

If you decide that, due to the evidence presented, no formal warning or notification should be issued, you must inform the employee of your reasons for this by detailing them in the outcome letter. Evidence may include, but is not limited to:

- The employee declaring an underlying medical reason not previously known about
- The employee undergoing a form of treatment for an illness that is listed in the Equality Act 2010, and which subsequently affects their attendance; e.g. cancer; HIV infection; multiple sclerosis etc
- Taking a new type of medicine that is adversely affecting their ability to manage an existing illness; e.g. diabetes; asthma; mental health etc
- The employee declaring they are taking sickness absence due to childcare or other caring issues (this needs to be dealt with separately)

Advice is available to assist managers dealing with sickness cases from the HR Business Partners.

5. Return to Work Interviews

An important part of effective sickness management is the Return to Work Interview. Our policy states that every employee is seen on their return and formally taken through this process which informs both manager and employee. The council takes the WARM approach to these meetings:

Welcome – the employee back to work,

Absence – discuss the absence in detail,

Responsibility – ensure the employee understands that the absence is their responsibility,

Move On – discuss the future.

To ensure that the council is managing sickness absence effectively all absences, which continue for four 2 weeks or more, should be referred to the Occupational Health Advisor. The council has a standard referral form, which should be completed by the line manager – who has the best knowledge of the case. Those that are absent due to a stress related illness must be referred immediately made aware of the wellbeing initiatives that are available to them.

When referring an employee to Occupational Health, please remind them that:

- They may not necessarily be seen by the OH Advisor – initial contact may take place over the telephone
- It is expected that employees will comply with reasonable requests from their employer and attend medicals if required
- Employees will remain under the care of the Occupational Health Advisor until the adviser believes their case is resolved or their employment ends.

It is likely that all managers will have to manage the absence of employees who take persistent intermittent sickness absence or those who are on long-term sickness absence. The management of short and long-term absence cases should be a partnership between the employee, their manager, the HR Business Partner and in some instances a medical practitioner where appropriate and the council's occupational health service.

Please remember that:

- A disabled employee needs to be given additional considerations when monitoring their sickness absence (which may or may not be linked to their disability).
- It is absolutely vital that managers maintain contact with their employees throughout the period of the absence (unless medical advice says otherwise). Employees who feel neglected are likely to take longer to recover and hence delay their return to full fitness and work.

6. Short Term Absence Trigger Points

When an employee has reached a defined trigger point for the first time in a rolling 12 month period, they should be invited to a First Stage Formal Attendance Management meeting. The trigger points (as detailed in Section A paragraph 8 of the Attendance and Absence Management Policy) are as follows:-

- Three or more occasions of sickness absence
- 10 working days absence over 2 occasions (eg. 9+1, 8+2, 7+3, 6+4,5+5)
- Unacceptable patterns of absence.

Managers should note that an absence of a duration up to 6-4 continuous weeks of absence should be included when calculating if a trigger has been met. When an employee has been absent, or is expected to be absent, for more than 6 4 weeks, then managers should arrange a Stage 1 First Sickness Absence Meeting as detailed in the Long Term Absence Procedure.

7. Short Term Sickness Absence

When an employee has reached a defined trigger point for the first time in a rolling 12 month period, they should be invited to a First Stage Formal Attendance Management meeting. A Stage 1 STS Meeting template form should be used for this meeting, which can be found on Insite.

You may choose to meet with the employee during any live warnings to ensure that their health and attendance is improving. This will show them that you are monitoring their attendance and also wish to help and assist them to achieve an acceptable level of attendance.

Providing the employee has been issued with a First Written Warning at Stage 1, as soon as they reach a defined trigger point (whilst the warning is still live), then you should move onto Stage 2 of the process, and so on until all stages have been exhausted.

Please remember that some employees may not be open with you, and may not ask for help with their attendance until you start the formal attendance process. When they do talk to you, be supportive and consider what assistance they may need from [Occupational Health or the Employee Assistance Programme](#), ~~the wellbeing initiatives available to them.~~

If an employee is at Stage 2 of the formal attendance process, always remind them that their employment is at risk should their absences continue.

Remember

- Managers should continue to carry out return to work interviews following every absence, even where a meeting under the trigger point sickness procedure occurs

If at any time the manager believes that the sickness procedures are being abused then they should consider taking action under the disciplinary procedure.

8. Long Term Sickness Absence

The council defines long-term sick leave as absences of ~~four~~ two weeks or more.

It may be that the medical practitioner has completed a Fit Note for the employee to present when returning that requests either a phased return to work and/or reduced duties or hours. The council, taking advice from ~~its Occupational Health Adviser~~ a medical practitioner, will always consider such requests but phased returns are not an entitlement, and if agreed they will always be time limited. It is for you as the manager to decide if the phased return can be accommodated within your area, after completion of a Risk Assessment.

The formal process of managing long term sickness is designed to be followed step by step and different action needs to be taken at each stage. Any actions taken will be dependant totally on the individual circumstances of the case but could ultimately result in a meeting being held where termination of employment is considered. This dismissal is different to the permanent ill health termination outlined below. Providing employees are treated fairly and consistently then the process is designed to ensure the best possible outcome for the employee balanced against the needs of the service.

Stage 1

This stage should be arranged when the employee has been absent for ~~4~~ 6 weeks, and starts the process of formally understanding the employee's illness and potential for returning to work. It also starts the process of potential termination of employment.

These meetings should always take place face to face, regardless if the employee works remotely or in another council office to the manager conducting the meeting, regardless of the employee's working status/patterns, at a location that is mutually convenient for both parties. However, caution should be exercised when arranging a meeting in a public location. Remember that anything that is discussed will be private and confidential so the location must be suitable.

A Stage 1 LTS Meeting template form should be used for this meeting, which can be found on Insite.

Stage 2

Under this stage, there may be more than one meeting, dependant on the nature of the employee's illness. You may remain at this stage if it is initially felt that the employee will be off work for a defined, reasonable period of time, and would be ready to return within, for example, two or three months. You may also need more time to review alternative employment, rehabilitation plans and any reasonable adjustments. Under these circumstances, you would continue to meet under this stage, however, be able to move to Stage 3 if the employee does not return to work as agreed; there are no suitable alternative roles; rehabilitation plans or reasonable adjustments that can be made.

Stage 3

This stage should only be arranged if all other avenues have been exhausted. Alternative roles and rehabilitation plans must always be explored before an employee's employment is terminated. As a result, it would be rare to end this stage with any outcome other than termination of employment.

Permanent Ill Health

There will be a very limited number of cases where the only option is termination of employment on the grounds of permanent ill health. The criteria for this is those employees who are permanently unfit to do their job efficiently on the basis of ill health or infirmity of the mind or body. It is only ~~the council's~~ [Occupational Health Adviser a qualified medical practitioner](#) who can make this declaration initially, which then has to be accepted by an external adviser. Once this decision has been taken then normal dismissal procedures have to be applied.

Standard forms and standard letters are provided for managers and can be found on Insite.

9. Emergency or Pre - planned operations or procedures

For any absence, the manager should remain in contact with the employee, unless there are medical reasons that preclude this.

For pre-planned operations/procedures, the manager should have discussed how long the employee may be away from work recuperating usually before it takes place. Every case is different, and the employee may only be able to give a best guess based on average recuperation times. For emergency operations or procedures, the manager should ask about recuperation times when informed about the operation or procedure.

Recuperation lasting 2 weeks or more

If the absence/recuperation lasts over 2 weeks, then the employee should be referred to OH to start the process of understanding how to return the employee to work in a safe and reasonable timeframe.

In most cases, the employee shall be able to return within a [46](#) week timescale, either on reduced hours or working from home.

If this is not the case, then the manager should continue to communicate with the employee. Working with OH and any doctor or specialist, conversations on returning to work/adjustments/phased returns should continue.

If the employee is unable to return to work, then this may be a case of termination of employment on permanent ill health grounds.

If it begins to look as if the employee's recuperation is extending beyond a reasonable timeframe, but permanent ill health retirement is not applicable, medical advice should be sought to fully understand why the recuperation is taking longer than first advised. If there is no medical reason for the absence to continue, the manager must contact their area HRBP for advice and support.

Routine procedures or recuperation lasting less than 2 weeks

Some procedures may only involve a few days of recuperation, and no OH involvement is required.

If it begins to look as if the employee's recuperation is extending beyond a reasonable timeframe, but long term sickness or permanent ill health retirement is not applicable, medical advice should be sought to fully understand why the recuperation is taking longer than first advised. If there is no medical reason

for the absence to continue, the manager must contact their HRBP for advice and support. Should the absence be longer than 6.4 weeks, then the Long Term Sickness Absence Procedure should be followed.

10. Sick Pay Scheme

If the employee has complied fully with the Sickness Attendance and Absence Management Policy, the council will provide sick pay at the levels and for the periods outlined in the table below.

The sickness payment scheme is calculated on a *rolling year basis*. All sickness taken in the twelve months preceding each absence is deducted before the amount payable is calculated. Taking this into account, sickness payments currently are as follows: -

| LENGTH OF SERVICE | SICK PAY PERIODS |
|----------------------------------|---|
| Less than four months' | One month's full pay |
| Between four months and one year | One months' full pay and two months' half pay |
| During second year | Two months' full pay and two months' half pay |
| During third year | Four months' full pay and four months' half pay |
| During fourth and fifth year | Five months' full pay and five months' half pay |
| After five years' service | Six months' full pay and six months' half pay |

Sickness pay important points to note: -

- It is not council policy to extend periods of paid sick leave
- Absence of less than half a day/shift = half day sick leave,
- Absence of more than half a day/shift = full day sick leave
- Definition of full pay may vary according to local payment schemes
- Absence as a result of an industrial incident is counted separately to other forms of sickness absence
- Sickness pay suspension may be appropriate in certain cases
- Sickness pay may be repayable if damages are subsequently paid to the recipient

11. Paid Time Off

Paid time off is usually given for hospital appointments of the employee themselves as the timing of such appointments is normally determined by the hospital.

- Wherever possible the council would expect that appointments were made outside of working hours
- Time off is not given for appointments relating to surgery or dentistry for cosmetic purposes
- Agreed time off should not usually be recorded as sick leave.
- Paid time off is not given for doctor or dentist appointments.

12. Employee taken ill during a period of annual leave

Where an employee falls sick or is injured while away from home on holiday, within or outside of the UK, the council will allow the employee to transfer to sick leave and take replacement holiday at a later time. This is subject to the following strict conditions:

- The total period of incapacity must be fully certified by a qualified medical practitioner
- The employee must contact the organisation (by telephone) as soon as he/she knows that there will be a period of incapacity during a holiday.
- The employee must submit a written request no later than 10 days after returning to work setting

out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time.

- Where the employee is overseas when he/she falls ill or is injured, evidence must be produced that the employee was ill by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location. If the medical certificate is not printed in the English language then the employee will be expected to obtain a translation to ensure that it can be appropriately considered. Any translation costs or certification costs must be borne by the employee in full if they choose to request the leave be allocated back to them.

Where the employee fulfils all of the above conditions, the organisation will grant the employee the same number of days' replacement holiday leave as the number of holiday days lost due to sickness or injury.

13. Pre-booked annual leave during periods of certified sickness

If an employee is ill or is injured before the start of a period of planned holiday, and consequently unable to take the holiday, the council will agree to the employee postponing the holiday dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the council's normal policy on sickness absence, providing medical certificates are in place to cover the absence.

The employee must submit a written request to postpone the planned holiday and this must be accompanied by a letter from his/her doctor confirming that he/she is unfit, or is still likely to be unfit, to take the holiday.

If an employee wishes to take the pre-booked period of leave as leave then they must provide a medical statement which states that the period of sickness is as at an end before the holiday starts.

14. Sickness on a Public/Bank Holiday

If a public or bank holiday occurs during sick leave the employee will continue to receive sick pay. Where an employee has exhausted his/her period of entitlement to sick pay, no payment will be made (other than SSP if applicable) in respect of a public or extra statutory holiday occurring during his/her period of sick leave.

15. Sickness during a period of suspension

If an employee falls sick during a period of suspension, he/she must notify the Investigating Officer or HR Business Partner by 10.00 a.m. on the first day of incapacity. The employee should be regarded as being on sick leave from the date of the medical statement. A medical certificate must cover all sickness during a period of suspension as there will be no entitlement to self-certified absence during a period of suspension. The council will meet the cost of any medical certificate if the medical practitioner imposes a charge.

Whilst off sick, the suspended employee must continue to observe the provisions of para 5.6 of the disciplinary procedure. The suspended employee may still be required to attend meetings with the investigating officer whilst off sick, but this will only be done following consultation with the council's occupational health adviser.

16. Annual Leave instead of sickness absence

Managers must not authorise annual leave to cover employees who need to take the occasional day off due to sickness. If employees are unfit for work then the day should be classed as a sickness day [regardless if the employee works remotely](#).

Should an employee's sickness absence fall into the long term category, consideration will be given to granting holiday during this long term sickness absence, should the employee request it via the normal holiday request procedure. At the Council's entire discretion, it may waive the need for the employee to comply with normal notice requirements or any other applicable Council policy.

If the employment is terminated before an employee returns from sick leave, he/she will receive a payment in lieu of any accrued but untaken statutory holiday entitlement.

All employees must have the statutory leave each year under the working time regulations. Any employee who has taken below the statutory level will be able to carry over those days into the following leave year and take the days within 18 months. Bank holidays taken are included in the total. The contractual leave would not normally be in addition to the statutory leave.

17. Further Advice

- Your HR Business Partner can provide advice and guidance on all aspects of sickness management
- The occupational health unit can provide guidance on all medical matters
- The [Sickness Attendance and](#) Absence Management Policy provides detailed guidance on all areas outlined above
- For additional advice on stress management standards refer to: www.hse.gov.uk/stress/standards/index.htm

18. FAQs

The following FAQs may help and assist you find an answer to a query, however, you are also advised to seek support from your HR Business Partner.

When do I refer the employee to OH?

When an employee is off work for sickness absence for four ~~two~~ continuous weeks and has not returned to work, you must refer them to OH.

If an employee is off work for a stress related illness, regardless of whether they have been signed off by their doctor, they must be [made aware of the options available to them via the Wellbeing Page on Insite.](#) ~~referred to OH immediately.~~

How do I refer an employee to the Employee Assistance Programme?

Employees do not need to be referred to this service. It is a free 24 hour support service that the employee can contact directly by calling 0800 030 5182, and +44 161 836 9498 from outside the UK.

How do I know the employee has a disability?

The disability may not be obvious and the employee may not declare it to you. However, through your normal day to day conversations with the employee, they might have disclosed information that leads you to reasonably assume that the illness may be due to a disability.

My direct reports start work before me, who do they report to when absent due to sickness?

Employees could report any absences to the most senior person available under these circumstances. As the manager, it would be your responsibility to arrange a system that worked in your area, but that also adhered to the council policy.

Are weekends included when deciding when a Fit Note is required?

Weekends are included. On the eighth calendar day, an employee must provide a Fit Note to cover their absence.

The employee refuses to call me or allow me to contact them during their absence.

While some managers may, understandably, feel uneasy about the notion of contacting an employee who is off sick, from the employee's perspective this may be vital for his or her wellbeing and confidence, to avoid isolation and maintain a link with his or her "normal" life.

It will be very important to make sure that no pressure of any kind is put on the employee, and that he or she understands that the purpose of the contact is to keep in touch, provide support and, at a later stage, properly manage the rehabilitation process. Provided that contact is maintained using a sensitive and non-intrusive approach, it can act to prevent the employee from feeling unwanted and undervalued while absent from work.

A record of any attempt to contact the employee should be kept; the information you should log would include the date and time of contact; if a message was left; the content of the message or of any conversation had with the employee.

In some circumstances, it may be appropriate to conduct regular communication via a designated third party, but only if express written consent is received from the employee.

Ultimately, if the employee refuses all contact during their absence, any decisions can only be made on the information you hold at the time.

The employee refuses to attend an attendance management meeting

If an employee refuses to attend a meeting, a suitable alternative date and location should be offered to them. If they still refuse to attend, then the meeting should take place without them and any decisions then based on the information to hand. You should offer the employee an opportunity to submit their comments in written form for you to consider at the meeting.

If a warning or notification is not live, do we have to start the formal process at the beginning?

Not necessarily. Please speak with your HR Business Partner for further advice on a case by case basis.

How do I know if a phased return to work is suitable?

The [treating medical practitioner\(s\)](#) or OH advisor will advise you on whether a phased return to work is a suitable option, and will, with agreement with you and the employee, decide how best to accommodate it in the workplace.

Phased returns are not an entitlement, and may not be suitable in all cases.

Can an employee be dismissed without looking at alternative roles?

You have a legal requirement to explore if alternative roles, rehabilitation plans and reasonable adjustments can be accommodated before any dismissal takes place. Only when these avenues have been exhausted, can a dismissal take place.

Can an employee book holiday instead of having a few days off for a short term illness such as a cold?

If an employee is unwell, then the absence should be reported as a sickness absence and the employee given time to recover before returning to work, regardless of [their agile working status. whether they were due to attend work in a council office or work remotely.](#)

What policy do I follow when the employee is not performing their job to the agreed standards?

If the employee is not performing their job to agreed standards, or is willfully underperforming, then you should follow the Capability Policy.

If the underperformance is as a result of an illness, then you should speak with the employee and, dependant on the outcome of the conversation, consider referring them to Occupational Health.

What process do I follow when the employee is off work intermittently?

If the absence is intermittent, then you should follow the Short Term Absence Procedure.

I have just realised that an employee has been off work for more than 7 continuous weeks, what do I do?

You should follow the Long Term Absence Procedure and ensure the employee is referred to OH as soon as possible.

The employee has returned to work after being off for 3 continuous weeks, does this hit a trigger?

If this is the employee's first period of absence, then no trigger would be met. If it is their third period of absence; or their second period of absence of 10 days or more; or forms part of an unacceptable pattern, then this does meet a trigger and the short term absence procedure should be followed.

The employee has raised a grievance whilst going through the absence management procedure, what do I do?

Where an employee raises a grievance during the absence management process, the sickness process may be temporarily suspended in order to deal with the grievance.

Where an absence management meeting triggers a disciplinary investigation the absence process may be temporarily suspended in order to deal with the disciplinary matter.

In any circumstance where both the procedures apply in relation to the same facts it may be appropriate to deal with both matters together.

I've been told I can't take any action if the employee is disabled, is this true?

If an employee is registered disabled, then any absences will be taken into account for both short term and long term reasons. Reasonable adjustments must be considered both to the employee's working environment and equipment, and the triggers may be amended accordingly. However, despite the

sensitivity of the disability or individual personal thoughts, we have to consider the impact on the service delivery and other staff members. Ultimately, a disabled employee may be dismissed, but only after fully exploring any reasonable adjustments that may be implemented.

How should phased returns be recorded

When an employee is on a phased return to work, their attendance should be recorded as per the example below. Please remember that the [payroll record employee's absence record](#) is updated [on the HR System](#) to reflect the hours that they are still on sick leave, so absence [records returns](#) should reflect the time they are and are not working.

Example:

The employee normally works Monday to Friday 9am – 5pm.

On the phased return to work, they work Monday to Friday 9 am-12 noon

The afternoon would be recorded as sick and they would receive half normal basic pay plus half day at sick pay based on the entitlement they had remaining.

Should hospital appointments count towards sickness absence?

Paid time off is usually given for hospital appointments as the timing of such appointments is normally determined by the hospital.

What is the difference between a review period and a monitoring period?

Review period - an agreed timeframe before a meeting is held between manager and employee to focus and concentrate on the employee's attendance and wellbeing. The manager should use this to ensure the employee is feeling well, and any adjustments or the phased return plan is still appropriate.

Monitoring period - an agreed timeframe during which further absences count towards trigger points and means attendance is being constantly reviewed and monitored. This may result for example in referral to OH or formal action.

Can warnings from Short Term Absence be combined with warnings from Long Term Absence?

Warnings can not be combined because these are two separate processes.

Human Resources



Time Off Policy

1. Introduction

Peterborough City Council is committed to being an employer of choice. We will strive through our HR policies to be a consistently fair and caring employer. This policy covers time off in a wide variety of situations to support employees in working towards a healthy work-life balance.

2. Scope

This policy applies to all employees excluding those on teacher's terms and conditions. It covers both statutory and contractual leave. All entitlements within this policy will be applied on a pro rata basis for those who work less than 37 hours per week.

3. Principles

The Council will ensure that the leave granted is always equivalent to or better than the statutory entitlements.

This policy covers the following:-

- [Annual Leave](#)
- [Bank Holiday](#)
- [Bereavement Leave](#)
- [Maternity and Adoption Support Leave](#)
- [Special Leave - Time off for Dependants](#)
- [Special Leave - Emergency Situations](#)
- [Parental Leave](#)
- [Time Off for Public Duties and School Governors](#)
- [Jury Service](#)
- [Time off for Reservists](#)
- [Medical Appointments](#)
- [Gender Reassignment](#)
- [Time Off In Lieu](#)
- [Maternity Leave/Paternity Leave/Shared Parental Leave and Adoption Leave](#)
- [Antenatal Appointments](#)
- [Unpaid Leave - Career Breaks](#)

- *Foster Carers*

You should refer to the guidance document for full details about each of the time off options listed above.

4. Further Advice

Any employee with concerns about the application of this policy should discuss this in the first instance with their line manager. Full details are available from the HR Business Support team or HR Business Partner.

5. Annual Leave

The annual leave entitlement is based on the employee's contracted weekly hours. The entitlement is based on a 37 hour, 5 day week. Employees who work their hours in any other way will have their leave entitlement expressed in hours. The standard entitlement is as follows:-

| Terms and Conditions type | Annual Holiday Entitlement |
|---------------------------|--|
| Soulbury | No less favourable terms than those stated in the Green Book |
| Teachers | 28 days as per the WTD (including May Day Bank Holiday) |
| Youth and Community | Less than 5 years' service – 30 days (6 weeks) plus statutory and general national holidays 5 years' service plus – 35 days (7 weeks) and general national holidays |
| Agenda for Change | On appointment – 27 days plus 8 bank holidays After 5 years – 29 days plus 8 bank holidays After 10 years – 33 days plus bank holidays |
| National Joint Council | New starter and those with less than five years' service – 24 days plus public and bank holidays At least 5 years but less than 10 years' service – 29 days plus public and bank holidays At least 10 years but less than 15 years' service – 30 days plus public and bank holidays 15 years' service and above – 31 days plus public and bank holidays |
| Chief Officers | Annual Leave and holiday arrangements are at the discretion of the local authority to a minimum entitlement of 30 working days including annual and long service leave, extra statutory and local holidays. |

The leave year will run from 1st April to 31st March.

All annual leave will be subject to prior approval of the appropriate manager. The annual leave card must be authorised correctly by the manager in advance of the leave being taken.

6. Bank Holiday

Full details of bank holiday entitlements can be found in the Time Off Guidance.

7. Bereavement Leave

Peterborough City Council recognises the need to allow employees reasonable time off when a death of a dependant or member of the employee's immediate family occurs. Employees need time to deal with the consequences of the death, making funeral arrangements and/or attending the funeral.

The following leave may be authorised, any additional time off that is required may be granted by the Director where an employee is concerned with the completion of arrangements or where extensive travelling is involved. Any additional leave will be without pay.

| | |
|---|--|
| Death of Husband/Wife/Partner, Father, Mother, Son, Daughter or Guardian Dependent child (if 18 years of age or over) | 3 days paid leave and up to 2 days discretionary paid leave* |
| Death of Brother, Sister, Grandparent, Grandchild | 2 days paid leave and up to 1 day discretionary paid leave* |
| Death of any other relative (E.g. Aunt/Uncle/Cousin, Mother in law/Father in law) | 1 day paid leave to attend the funeral |

The Parental Bereavement Leave and Pay Act 2018 (known as Jack's Law), gives provision for up to two weeks paid leave, (where the employee is the primary carer) for the death of a child under the age of 18, including a child that is stillborn after 24 weeks pregnancy. Further details can be found in the Time Off Guidance document.

**Discretionary paid leave is at the discretion of the Director and is paid where extenuating circumstances exist. Discretionary paid leave can only be authorised up to the amount stated.*

8. Maternity and Adoption Support Leave

Please refer to the Maternity Leave and Adoption Leave Scheme for details of support leave.

9. Special Leave - Time off for Dependants

Time off for Dependants' entitles employees to take a reasonable amount of unpaid time off work to deal with certain unexpected or sudden emergencies involving a dependant of the employee.

A dependant is defined as a partner, child or parent of the employee, or someone who lives with the employee as part of their family. A dependant does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, for example a live-in housekeeper.

In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

10. Special Leave - Emergency Situations

An employee may be granted up to 5 days paid leave (pro-rata for part time staff) in any rolling twelve month period and reasonable unpaid leave of absence.

Such leave, whether paid or unpaid, is at the discretion and authorisation of the Director in conjunction with the Head of Human Resources and will be granted subject to the needs of the service. Peterborough City Council shall give particular consideration to granting reasonable paid time-off for dependants under the Employment Relations Act 1999.

Special leave (unpaid) will not normally be granted until the employee has exhausted their entitlement to annual leave.

Special leave may be authorised where an employee requires time off to care for a dependant person in a genuine emergency situation, whether child or adult, or where an employee has used all their entitlement to annual leave but extenuating circumstances exist, e.g. family crisis. Special leave does not cover domestic difficulties, e.g. delivery of household goods, fire or flooding. It is difficult to define every eventuality but, each period of special leave will be authorised on an individual basis and will not apply where there are other existing policies in force.

11. Parental Leave

An employee is entitled to up to 18 weeks' unpaid parental leave per child if he/she is the birth or adoptive parent of a child who is under 18 years of age. To qualify for parental leave, employees must have completed at least one year's continuous service with the organisation.

Employees must be one of the following:-

- The mother of the child OR
- The father of the child OR
- Anyone who is given parental responsibility under section 5 of the Children Act 1989 OR
- Adoptive parents OR
- Those that have parental responsibilities outside of the legal definition, e.g. foster parents, adoptive parents prior to placement, grand-parents with a significant parenting role, and step-parents.

Basic Entitlement

Qualifying employees will be entitled to a maximum of 18 weeks' ordinary parental leave to be taken up until the child's 18th birthday.

Definition of a Week

Where an employee's working pattern does not vary, a week is the normal 'working week' worked by the individual. If the employee's working pattern does vary from week to week then a week is the total hours of all periods worked in a year in which s/he works, divided by 52.143.

Parental Leave

Parental leave may be taken:

- from a single block of 18 weeks;
- for parents of disabled children as a number of shorter periods of a minimum of a half-day;
- in patterns which provide a part-time or reduced hours working arrangement for a period of time equivalent to taking 18 weeks leave as a single block.

Employees are eligible to take a maximum of four weeks Parental Leave per child in any calendar year (Jan to Dec), commencing on the date upon which the employee becomes entitled to the Leave. This will either be the date of the child's birth, date of adoption, or for new employees to the authority, after serving the one year qualification period.

Every attempt must be made by the employee to give as much notice as possible with a minimum of 21 days' notice in writing before the day on which s/he proposes to take the leave. Applications for Parental Leave should be submitted to the Line Manager, in writing, on the [Parental Leave Request Form](#) available on InSite. The form allows the Line Manager to agree in principle to the request.

Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of the employer. Such discretion shall not be unreasonably withheld.

Postponement of a request for Parental Leave

The employer may postpone a Parental Leave request for up to a maximum period of six months (where the needs of the service warrant this) after the beginning of the period that the employee originally wanted to start their Parental Leave.

The employee will receive written notification within seven working days of the postponement. Such notification will state the reasons for the postponement and specify the date on which the agreed period of leave will begin and end.

The taking of Parental Leave may not be postponed where it is taken in the following circumstances:-

- Immediately following the birth or adoption of a child having previously given 21 days notice either before the expected week of childbirth or the expected week of placement.

Terms and Conditions during Parental Leave

Employees taking up to four weeks Parental Leave shall have the right to return to the post in which they were employed prior to taking Parental Leave.

Employees will remain employed by the Authority during the Parental Leave period.

Contracts of Employment will continue, and all contractual rights, other than salary, will be maintained, including entitlement to accrued paid annual leave in accordance with the Council's Annual Leave Arrangements.

Employees who fall sick during a period of Parental Leave should report such sickness, in accordance with the Council's Sickness Reporting Procedure and provide a medical statement for the period of sickness. Any period of certified sickness will not count towards the employees parental leave entitlement.

Employees will have the option of paying pension contributions for any period of unpaid Parental Leave at the standard rate on the pay that would have been received had they been at work during the leave period.

12. Time Off for Public Duties and School Governors

Under s.50 of the Employment Rights Act 1996 employees who hold certain public positions have a right to reasonable time off during working hours. The provisions cover Justices of the Peace and members of the following public bodies:

- a relevant education body (Please note that this also includes School Governors);
- a local authority;
- a statutory tribunal;
- a police authority;
- the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
- a board of prison visitors or a prison visiting committee;
- a relevant health body;
- the Environment Agency, the Scottish Environment Protection Agency or a relevant Scottish water and sewerage authority.
- members of a panel of lay observers, appointed under section 81(1)(1)(b) of the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody;
- members of Visiting Committees, for the immigration and detention estate, appointed under section 152(1) of the Immigration and Asylum Act 1999. These committees monitor the immigration detention estate;
- members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports; and

- independent prison monitors in Scotland appointed under section 7B(2) of the Prisons (Scotland) Act 1991.

The duties that are covered are as follows: -

- All duties of a Justice of the Peace
- Attendance at meetings of the body or any of its committees or sub-committees
- Performance of duties approved by the body for the purpose of discharging its functions or those of any of its committees or sub-committees

In the case of local authorities operating executive arrangements:

- attendance at meetings of the executive or its committees
- performance by a member of the executive of duties for the purpose of discharging the functions of the executive.

Eligibility Criteria

These provisions apply to all employees other than those where the public duties are connected with certain political or other activities, i.e. designated as Politically Restricted Posts under the Local Government & Housing Act 1989. If an employee does hold a politically restricted post then this will be detailed clearly in their employment details.

13. Jury Service

Jury Service is unpaid. Employees absent on jury service or as a witness, will be paid full pay but this is offset by an allowance from the court. Employees must forward to their manager for Payroll purposes notification of the amount of allowance paid as soon as notification is received. More details can be found in the Time Off Guidance.

14. Time off for Reservists

Time off for reservist duty, either as a volunteer or regular, may be permitted. Further details can be found in the guidance document.

15. Medical Appointments

Hospital Appointments

Paid Time off will usually be given for hospital appointments. It is accepted that it is not always possible to arrange Hospital Medical Appointments outside of working hours, particularly for those working full time office hours. However, wherever possible appointments should be arranged to minimise the time lost. The employee may be asked to produce evidence of the appointment (i.e. patient appointment card).

Prenatal checks, and regular physiotherapy appointments will be treated as hospital appointments where the employee has no discretion over the time of the appointment. Where it is possible these appointments should be made outside of working time. It is expected that the manager will be kept up to date with forthcoming appointments.

Appointments relating to surgery or dentistry for cosmetic purposes should be arranged outside of working hours or taken as annual leave. Time off to attend hospital appointments should not be recorded as sick leave.

The occupational health service may be consulted where it is not clear if an appointment is a normal medical appointment or an appointment for cosmetic purposes.

Fertility Treatment

The Council wishes to be supportive of those affected by fertility issues, therefore employees wishing to attend appointments relating to Fertility Treatment (including IVF) will usually be granted reasonable paid time off to attend these.

This section only applies to Hospital Appointments of the employee themselves.

Cancer Screening

Employees will receive paid leave to attend any cancer screening appointments if the appointment cannot be arranged outside of normal working hours. The employee's line manager may request to see written evidence of appointments.

Doctors and Dentists

Paid time off will not be granted to attend appointments with Doctors or Dentists. These should be arranged outside normal working time if possible. If it is not possible to arrange the appointment outside of working time then prior approval should be sought for the absence. In all cases, actual start and finish times should be recorded on the flexi-sheet/timesheet which should be an accurate record of time worked that day. Any time taken during working hours must be made up as soon as possible or taken from existing flexi time where applicable.

16. Gender Reassignment

Absence as a result of the gender reassignment process should be managed in accordance with the Attendance and Absence Management Policy. Managers should speak to an HR Business Partner for further advice.

Occasional medical appointments may be required for the individual to see their doctor or psychiatrist or to have hormone injections. Such appointments should be treated in exactly the same way as any other medical appointment.

If sick leave is required for gender reassignment surgery, this should be treated as any other surgical procedure. A fit note will be required but does not need to state the procedure performed.

17. Time Off In Lieu

It is acknowledged that, in the course of carrying out their duties, employees may be required to work more than their contracted hours of 7.4 hours per day or 37 hours per week (or an average of 37 hours or less over a rostered period).

Additional Hours which attract Time Off in Lieu (TOIL) are defined as:

- unavoidable extra time worked which has been approved in advance by the line manager or which is approved as soon as possible after it has been worked.

18. Maternity Leave/Paternity Leave/Shared Parental Leave and Adoption Leave

The Council has separate policies that cover these types of leave which can be found on the intranet. Any employee who has a child under a Special Guardianship arrangement should discuss this with their HR Business Partner.

19. Antenatal Appointments

An expectant father or the partner (including same sex) of a pregnant woman will be entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. The time off is capped at six and a half hours for each appointment.

"Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through that arrangement.

This leave is in addition to any time off the partner may ask to take using any of the Council's leave as detailed in this policy.

20. Unpaid Leave - Career Breaks

A career break is special unpaid leave without pay for a specified period. Any permanent employee who has satisfactorily completed their probationary period may apply for special leave without pay for a career break. It does not affect other arrangements for granting unpaid leave.

A career break may be allowed for various reasons, eg:

- for employees who require time outside of the statutory policies to take responsibility for the care of children, or to care for an adult and/or disabled relative.
- for personal development reasons
- to undertake voluntary work.

21. Foster Carers

We provide up to 5 days paid time off for employees undergoing training to become a foster carer for Cambridgeshire County Council or Peterborough City Council.

22. Review

This policy will be formally reviewed in January 2021.

23. Further advice

Advice and support is available from line managers. Any employee with concerns about the application of this policy should discuss this in the first instance with their manager.



Time Off Guidance

1. Introduction

Peterborough City Council is committed to being an employer of choice. We will strive through our HR policies to be a consistently fair and caring employer. This guidance document covers time off in a wide variety of situations to support employees in working towards a healthy work-life balance.

2. Purpose

These guidelines are written to ensure full understanding of the circumstances under which time off may be applicable and how to apply for time off from work.

3. Scope

These guidelines apply to all employees excluding those on teacher's terms and conditions. It covers both statutory and contractual leave. All entitlements within this policy will be applied on a pro rata basis for those who work less than 37 hours per week.

4. Principles

The Council will ensure that the leave granted is always equivalent to or better than the statutory entitlements.

This guidance document covers the following:-

- € [Annual Leave](#)
- € [Bank Holiday](#)
- € [Bereavement Leave](#)
- € [Parental Bereavement Leave](#)
- € [Special Leave - Time off for Dependants](#)
- € [Special Leave - Emergency Situations](#)
- € [Parental Leave](#)
- € [Time Off for Public Duties and School Governors](#)
- € [Time off for Reservists](#)
- € [Time Off In Lieu \(TOIL\)](#)
- € [Antenatal Appointments](#)
- € [Unpaid Leave - Career Breaks](#)
- € [APPENDIX A - Annual Leave Entitlement Table](#)
- € [APPENDIX B - Entitlement For Starters](#)

€ [APPENDIX C – Entitlement For Leavers](#)

€ [APPENDIX D – Minutes Expressed As A Decimal Place](#)

5. Further advice

Any employee with concerns about the application of this guidance should discuss this in the first instance with their line manager. Full details are available from the HR Business Support team or HR Business Partner.

6. Annual Leave

All employees will be issued with an electronic annual leave card each year detailing their individual entitlement.

Where there are conflicting annual leave requests, managers will take account of the needs of the service, and mutual needs of the team members, before reaching a decision.

All annual leave must be approved in advance.

Only on receipt of a signed leave card authorised by the line manager should the employee commit themselves to any leave plans.

If leave is refused then the employee will be notified as soon as practicable; the line manager will provide reasons for the refusal.

There may be exceptional occasions where leave already granted may be withdrawn to meet the needs of the service. The Council will consider covering any reasonable expenses incurred by the employee where it cancels a previously booked leave occasion.

Any issues regarding the booking of leave should be referred to the Head of Service.

Carry Over of Annual Leave

Where employees are unable to take their full annual leave entitlement during the leave year of 1st April to 31st March, the facility to carry forward up to 5 days untaken annual leave, into the next year may be granted by their Head of Service. A written application must be submitted to the Head of Service in advance of the leave year ending. Any days carried forward must be taken within the next leave year.

This will apply pro-rata for part time employees or for those working less than a five- day week.

Payment will not be made in lieu of untaken leave.

Leavers should take outstanding leave as leave. However, in exceptional circumstances and only with Head of Service approval, leave not taken when employees leave the Council may be paid with final salary. Head of Service approval must be passed to payroll to allow any such payment to be made.

Annual Leave During the Christmas and New Year Period

Those services which continue to operate throughout the year may need to introduce restrictions on employees wishing to take leave across the Christmas and New Year periods to ensure service delivery.

Set periods of annual leave

The City Council has an agreement in place whereby the council operates a shutdown of its main offices and non-essential services between Christmas and the New Year.

Employees may be required to take unpaid leave or save a number (normally three) days of their leave to take between the Christmas and New Year bank holidays (dependent on grade). Deductions are made on a monthly basis over the financial year (or a proportion thereof in respect of employees who join the City Council after 1st April). All new starters will take three days unpaid leave in their first year of service.

Employees who are required to work on any of these days will be paid at plain time for the time worked. This agreement will be reviewed on an annual basis.

All employees affected by 'shut down' periods will be advised in advance.

Definition of a day's pay

A day's pay for annual leave purposes will be calculated according to the employee's contract. Any entitlement to contractual enhancements will be included in the calculation.

Buying additional Leave

The council believes that its policies are flexible enough to allow employees choice to take time off to deal with family crises, emergencies, sickness absence etc whilst maintaining an acceptable level of work life balance. However, there may be occasions where employees may need more annual leave than they are entitled to. The council may allow employees to buy annual leave subject to the details below. Claims will only be considered for the leave year to follow and not within a leave year except in certain exceptional circumstances. Claims will not be considered whilst absent on sick leave.

The following points apply to those wishing to purchase leave:-

- The maximum leave that may be 'bought' is 5 days, pro-rata for part time employees or full-time employees who do not work a 5 day week
- The costs of any leave purchased will be spread across the whole leave year.
- The form should be completed and authorised at least one month before the commencement of the new leave year. The decision will be taken by the Head of Service and will depend on circumstances of each service and employee.
- Leave should not be purchased to avoid claiming any other type of leave (i.e. leave where other policies apply)
- If the employee leaves PCC employment during the leave year then they may owe further leave if leave has been purchased. This will be deducted from the final salary in the same way as normal leave entitlement.
- Additional purchased leave is pensionable.
- If the employee is taken ill during a period of annual leave then the details outlined in paragraph 10 will apply
- The leave purchased should be added to the annual leave entitlement and requested/authorised in the same way as all 'normal' leave.

In general if an employee on long term sick leave returns to work in March they should request any previously accrued leave in the normal way, and if it can be accommodated, then they will be allowed to take it. At the Council's entire discretion, it may waive the need for the employee to comply with normal notice requirements or any other applicable Council policy.

All employees must have the statutory leave each year under the working time regulations. Any employee who has taken below the statutory level will be able to carry over those days into the following leave year and take the days within 18 months. Bank holidays benefited from are included in the total.

Employees who have had the statutory leave but still have contractual annual leave left on their return from sick leave will be able to carry over up to 5 days annual leave in accordance with this guidance.

The contractual leave would not normally be in addition to the statutory leave.

If an employee on long term sickness absence decides to take a pre-booked holiday then the Council may request a letter from the GP stating that the holiday is essential to their recovery and will not prejudice their recovery. Failure to obtain this letter may mean that the council will treat this pre-booked period as annual leave and not as sick leave. Any costs charged by the GP will be met by the employee.

On termination of the employment contract any accrued leave will be paid as per the contractual rules up to the last full calendar month before the leaving date. Any leave taken in excess of an employee's entitlement must be re-paid or taken from the final salary.

Sickness during periods of annual leave

If an employee is taken ill whilst absent from work on annual leave, consideration will be given to allocating part of their annual leave back to them (to cover the sickness part of the annual leave) on their return. The decision will be taken by the employee's Head of Service after considering all of the facts in each individual case. Claims will not be considered for less than five days. All days reclaimed must be covered by a medical certificate or letter from a qualified medical practitioner. This also applies to those employees who are away from their home on holiday, either within or outside the UK. If the medical certificate is not printed in the English language then the employee will be expected to obtain a translation to ensure that it can be appropriately considered. Any translation costs or certification costs must be borne by the employee in full if they choose to request the leave be allocated back to them.

Employees who commence or leave employment during the leave year

Employees who commence or leave employment during the year will be entitled to annual leave proportionate to the number of full, **completed** months worked within the year. Tables outlining entitlements are attached at Appendices B and C. Regardless of this the Council will ensure that the leave granted is always equivalent to or better than that under the Working Time Regulations.

Employees who leave the council before the end of the leave year and who have taken more leave than their accrued entitlement may have a deduction from their final salary to cover the leave owed. The amount will be the equivalent of each day or hour of holiday taken over the accrued entitlement. Leave will accrue to the end of the final completed month worked.

Employees who leave the council before the end of the leave year will be expected to take any outstanding leave prior to the termination date. In exceptional circumstances and only with Head of Service approval, days/hours not taken may be paid with final salary.

Where the start date for a new employee is not the first day of the month, consideration will be given to allocating leave for that month providing that the first day of the month was a Saturday, Sunday, or a Bank Holiday. This will not however affect the actual first day of service, but just the leave entitlement. This will not apply if the employee had the option of starting on an alternative day.

New employees transferring to PCC from any other local council will not be able to transfer outstanding leave from their previous employer. New starters to Peterborough will be granted leave on a pro-rata basis according to the number of completed months to be worked within the year of commencement. Existing employees transferring between departments may carry forward outstanding leave to the new department.

Late return from annual leave

If for any acceptable reason, the employee knows that they will be late returning from annual leave they must contact their line manager and notify their delayed return as soon as possible. If the employee does not have sufficient annual leave to cover the absence, then it will be classed as unpaid leave. (The employee may choose to request either purchasing additional leave, or requesting an advance of their leave. However, the manager can decide to turn down such requests depending on the circumstances).

Failure to contact the line manager may result in disciplinary action being taken against the employee for unauthorised absence in accordance with the disciplinary procedure.

Term Time only employees

The leave entitlement for part-time, term-time only employees, will be calculated pro-rata against hours, and number of weeks worked. The leave will already be incorporated into the employee's salary and time off will only be allowed during school holidays. This will form part of the normal terms and conditions of employment. Separate arrangements apply to those who work in schools.

Minimum and maximum periods of leave

There is no minimum amount of leave that an employee must take at any one time. However, normally the minimum will be half a day/shift.

The maximum period of leave that an employee may take at any one time is three weeks leave. Requests for periods of leave longer than three weeks will be at the discretion of the Head of Service. Any applications for extended leave should be in writing to the Head of Service through the line manager giving as much notice as possible. If approved then the leave card should be signed by the Head of Service.

Unless there is a valid reason employees should endeavour to take their annual leave spread across the entire leave year.

Annual leave days to reflect rota

Annual leave should reflect an employee's rota. Employees will not be able to take a disproportionate amount of weekend days as leave. For those employees who work over seven days their annual leave should follow their rota pattern, i.e. where an employee works two days per week and both days are at weekends then their annual leave will all be taken at weekends, an equal number of Saturdays and Sundays. No employee should be treated more favourably than a comparable employee and consideration of service needs must be given due regard.

Variable hours/relief employees

For employees with no contracted hours, i.e. those who do not have any guarantee of working hours or those whose hours vary from week to week, annual leave will be calculated based on the average number of hours worked each week over the previous twelve months. For new employees leave will be based on the expected weekly pattern of hours or the average following completion of the first twelve weeks service. During the first twelve weeks service it is expected that leave taken will be in arrears.

Armed Services Reservists

The City Council is not permitted to allow any employee to accrue annual leave whilst mobilised. On demobilisation reservists will take a period of post-operative home leave, having accrued 2.5 days leave for each month of permanent service. For further advice refer to the Ministry of Defence website on www.sabre.mod.uk

Advance of annual leave

In exceptional circumstances employees may wish to take annual leave from their following year's entitlement. The maximum period of leave that an employee may 'borrow' is one week's leave (pro-rata for part-time employees). Requests for leave advances will be at the discretion of the Head of Service. Any applications for advanced leave should be in writing to the Head of Service – copied to the line manager - one month before the end of the leave year (i.e. 1st March). All employees must commence each leave year with at least 20 days leave plus bank holidays and no requests will be granted if they take the employee below the 20 day start point.

Leave in separate contracts

For employees who hold more than one post with the Council all leave will be treated separately for each post. Leave hours will be allocated against each post and dealt with individually. Leave granted in one post will not necessarily be approved in other posts held.

7. Bank Holiday

Full time employees (37 hours/5 day week):-

- receive normal salary if they are able to take bank holidays as days off
- receive double pay for hours worked on a bank holiday plus time off in lieu* (less than half normal hours = half day) (more than half normal hours = full day)
- receive an alternative rest day or free day if their rest day or free day falls on a bank holiday
- receive no additional time off in lieu if they are off sick on a bank holiday
- receive the bank holidays as they occur if they start or leave during the year.

Part time employees (those working less than 37 hours per week or those working on different working patterns such as rotating shifts, or compressed working weeks):-

- are entitled to a proportion of the bank holidays each year based on their contracted hours
- receive normal salary if they are able to take bank holidays as days off and deduct those hours from their bank holiday leave entitlement
- receive double pay for hours worked on a bank holiday plus time off in lieu* (less than half normal hours = half day) (more than half normal hours = full day) and deduct the hours worked from their bank holiday entitlement
- receive an alternative rest day or free day if their rest day or free day falls on a bank holiday
- receive no additional time off in lieu if they are off sick on a bank holiday and deduct the hours paid from their bank holiday entitlement
- receive the bank holidays as they occur if they start or leave during the year pro-rata to their part time hours.

Annualised Hours

Employees who work on an annualised hour's basis have their bank holiday entitlement deducted from their target hours at the beginning of their accounting year. Therefore there are no further calculations to undertake. However, if a bank holiday is worked then the employee would receive:

- double pay for hours worked on the bank holiday*
- plus time off in lieu: (less than half normal hours = half day)
(more than half normal hours = full day)

The time off in lieu hours should simply be deducted from the original target hours.

*Double pay is claimed by adding the number of hours worked to the 'plain rate enh' column 'code 3301' on the CSV file. Remember that the hours have already been paid once (as basic hours). The employee is entitled to be paid the hours once more to receive double time.

Entitlement

A table detailing the number of bank holiday leave hours a part time employee is entitled to (if they are employed for a full leave year) is included in the leave card template available on the intranet.

All employees will receive the equivalent of leave entitlement under the working time regulations.

Examples

Part time employees should be allocated their 'bank holiday' leave at the commencement of each leave year. It should be recorded separately to normal annual leave on the standard leave 'card' template/work book provided via the intranet, which contains the current entitlement charts and calculator. As each bank holiday occurs the leave should be reduced by the standard working day for that person. Examples are given below. For those employees who do not use all their bank holiday entitlement then they are able to book the balance of hours as annual leave in the normal way (example A & C). It is important to note that for those employees who require more bank holiday leave than they are allocated then they

must take this leave either from their annual leave entitlement or by working additional hours to make up the difference (example B).

In a year when an employee starts or leaves they will be entitled to the bank holidays that occur during the time they are employed – pro rata for part time (example D).

EXAMPLE A

Mr B works every Monday (5 hours) and Tuesday (5 hours) plus every Saturday (6 hours) and Sunday (6 hours).

His contracted hours are 22 per week. His bank holiday entitlement is 35.2 hours for a full year.

| Using fictitious dates:- | | |
|-------------------------------------|---|------------------|
| Starting total | Starting total: 35.2 hours | Balance |
| Friday 13 April (no benefit) | 0 | 35.2 |
| Monday 16 April (day off) | -(5) | 30.2 |
| Monday 7 May (day off) | -(5) | 25.2 |
| Monday 28 May (day off) | -(5) | 20.2 |
| Monday 27 Aug (day off) | -(5) | 15.2 |
| Monday 25 Dec (day off) | -(5) | 10.2 |
| Tuesday 26 Dec (day off) | -(5) | 5.2 |
| Monday 1 Jan (day off) | -(5) | 0.2 |
| Balance to be added to annual leave | | 0.2 hours |

EXAMPLE B

Mrs C works every Monday (7.4 hours), Tuesday (7.4 hours), and Wednesday (3.7 hours). Her contracted hours are 18.5 per week. Her bank holiday entitlement is 29.6 hours for a full year.

| Using fictitious dates:- | | |
|--|---|--------------------|
| Starting total | Starting total: 29.6 hours | Balance |
| Friday 13 April (no benefit) | 0 | 29.6 |
| Monday 16 April (day off) | -(7.4) | 22.2 |
| Monday 7 May (day off) | -(7.4) | 14.8 |
| Monday 28 May (day off) | -(7.4) | 7.4 |
| Monday 27 Aug (day off) | -(7.4) | 0 |
| Monday 25 Dec (day off) | -(7.4) | -(7.4) |
| Tuesday 26 Dec (day off) | -(7.4) | -(14.8) |
| Monday 1 Jan (day off) | -(7.4) | -(22.2) |
| Balance to be made up (worked as additional hours) or taken from | -(22.2) hours | -22.2 hours |

| | | |
|--------------|--|--|
| annual leave | | |
|--------------|--|--|

EXAMPLE C

Mrs C works every Thursday (7.4 hours), Friday (7.4 hours), and Wednesday (3.7 hours). Her contracted hours are 18.5 per week. Her bank holiday entitlement is 29.6 hours for a full year.

| Using fictitious dates:- | | |
|-------------------------------------|------------------------|-------------------|
| Starting total | Starting total: | Balance |
| | 29.6 hours | |
| Friday 13 April (day off) | -(7.4) | 22.2 |
| Monday 16 April (no benefit) | 0 | 22.2 |
| Monday 7 May (no benefit) | 0 | 22.2 |
| Monday 28 May (no benefit) | 0 | 22.2 |
| Monday 27 Aug (no benefit) | 0 | 22.2 |
| Monday 25 Dec (no benefit) | 0 | 22.2 |
| Tuesday 26 Dec (no benefit) | 0 | 22.2 |
| Monday 1 Jan (no benefit) | 0 | 22.2 |
| Balance to be added to annual leave | | 22.2 hours |

EXAMPLE D

Mr B works every Monday (5 hours) and Tuesday (5 hours) plus every second Saturday (6 hours) and Sunday (6 hours).

His contracted hours are 22 per week. His bank holiday entitlement would be 35.2 hours for a full year. However he leaves the council on 2nd June and so is entitled to the bank holidays that occurred between 1 April – 2 June. There are four bank holidays in this period, three which he benefited from and one he didn't (as it fell on a Friday). Therefore he is entitled to 4 days x 7.4 hours (normal daily hours) x 0.6 (his FTE) = 17.7 hours.

| Using fictitious dates:- | | |
|---------------------------------|------------------------|---|
| Starting total | Starting total: | Balance |
| | 17.7 hours | |
| Friday 13 April (no impact) | 0 | 17.7 |
| Monday 16 April (day off) | -(5.0) | 12.7 |
| Monday 7 May (day off) | -(5.0) | 7.7 |
| Monday 28 May (day off) | -(5.0) | 2.7 hours to be taken as leave or paid with final salary |

8. Bereavement Leave

Employees should notify their line manager as soon as possible of the death of a member of their immediate family if they wish to request bereavement leave. Details of entitlement is provided in the time off policy.

The notification does not necessarily need to be in writing, at the time of the request, but the employee should notify the line manager of the relationship to the deceased, the date of the death and date of the funeral (if known). This should be followed up by completion of the [Leave Request Form](#) (available on the councils' intranet) and submitted to the Head of Service.

If the employee feels that the Head of Service has unreasonably refused bereavement leave then they will have recourse to the grievance procedure.

Where an employee is granted a period of unpaid leave, the Head of Service will ensure that the necessary arrangements can be made to deduct appropriate pay.

9. Statutory Parental Bereavement Leave

The Parental Bereavement Leave and Pay Act 2018 (known as Jack's Law), gives provision for up to two weeks paid leave for the death of a child under the age of 18, including a child that is stillborn after 24 weeks pregnancy, regardless of length of service.

This bereavement leave applies to:

- Employees who are, or intended to be, the primary carer for the child.
- Adoptive parents
- Individuals who are fostering for adoption
- Legal guardians
- Most foster parents (short-term arrangements, such as emergency foster care, may not be covered).

This bereavement leave does not apply to:

- Birth parents whose child has been adopted

Bereaved parents will be able to take the leave as:

- € a single block of two weeks; or
- € two separate blocks of one week at different times (for example the first week immediately after the child's death and the second week at the time of the funeral).

Statutory bereavement leave must be taken before the end of a period of at least 56 days beginning with the date of the child's death.

As a result of the death of more than one child, the bereaved parent is entitled to statutory parental bereavement leave and pay in respect of each child.

Notice

Bereaved parents will be able to take the leave straightaway, without having to give a period of notice. They should contact their line manager and explain that they wish to take parental bereavement leave, by telephone, text or email. On return to work, a Leave Request Form should be completed and submitted to payroll. There is no obligation to provide a death certificate.

Bereavement Pay

To be eligible for statutory parental bereavement pay, bereaved parents will be required to have:

- € at least 26 weeks' continuous employment with the council ending with the week before the week in which their child dies, and still be employed by the council on the day on which the child dies; and
- € normal weekly earnings in the eight weeks up to the week before the child's death that are not less than the lower earnings limit for national insurance contribution purposes.

Bereavement pay is paid at full pay for the first three days and statutory bereavement pay for the remaining seven days.

Statutory Bereavement Pay is paid at the prescribed rate which is set by the Government for the relevant tax year or the earnings-related rate if this is lower.

10. Special Leave - Time off for Dependants

Time off for Dependants' entitles employees to take a reasonable amount of unpaid time off work to deal with certain unexpected or sudden emergencies involving a dependant of the employee.

All employees may apply for this leave from the first day of employment. There are no qualifying service rights.

For most cases of dependants leave it will be granted for one or two days duration but this will depend on the circumstances of the case.

The circumstances under which an employee can take time off

Employees are able to take time off to deal with an unexpected or sudden problem and make any necessary longer term arrangements. The list below is not exhaustive but circumstances may include:-

- where a dependant falls ill or has been involved in an accident or has been assaulted;
- where it is necessary for the employee to make longer term care arrangements for a dependant who is ill or injured;
- dealing with an unexpected disruption or breakdown in care arrangements for a dependant, for example, when a child-minder or nurse fails to turn up;
- dealing with an incident involving the employee's child during school hours; for example, if the child has been involved in a fight or is being excluded from school
- where a dependant child is unwell and cannot be taken to the nursery /child-minder/ school.

Peterborough City Council will also consider events which may be foreseen, but which are of such a serious nature that the presence of the employee is required, for example:-

- time-off to settle an elderly relative into a care home;
- to attend a hospital appointment with a dependant
- a planned medical/surgical operation with a dependant

Procedure for requesting Dependant's Leave

In the event of such emergencies, employees must notify their Line Manager that they are unable to attend for work and the reasons for their non-attendance, the reason for their absence and the likely duration.

If the absence is likely to extend beyond a day employees should keep their Line Manager advised to allow cover arrangements to be made.

Any period of dependant's leave must be formally requested on the Leave Request Form, available on the councils' intranet, and recorded on the employees leave card and details held on their personal file.

Where an employee is granted a period of unpaid leave, the Line Manager will ensure that the necessary arrangements can be made to deduct appropriate pay.

11. Special Leave - Emergency Situations

An employee may be granted up to 5 days paid leave (pro-rata for part time staff) in any rolling twelve month period and reasonable unpaid leave of absence.

Procedure for requesting Special Leave

Where an employee requires a period of special leave, this should be requested, in writing on the Leave Request Form, available on councils' intranet, and submitted to the appropriate Head of Service/Director. The form should give full reasons for the request.

Any period of Special leave will be formally recorded and details held on the personal file.

Where an employee is granted a period of unpaid leave, the Director will ensure that the necessary arrangements are made to deduct appropriate pay.

12. Parental Leave

An employee is entitled to up to 18 weeks' unpaid parental leave per child if he/she is the birth or adoptive parent of a child who is under 18 years of age. To qualify for parental leave, employees must have completed at least one year's continuous service with the organisation.

Applications for Parental Leave should be submitted to the Line Manager, in writing, on the [Parental Leave Request Form](#) available on InSite. The form allows the Line Manager to agree in principle to the request.

Employees requesting Parental Leave for the first time should attach to the form one of the following:-

- The child's birth certificate, or
- The appropriate adoption documentation including the child's birth certificate, or
- Other relevant proof of parental responsibility, and child's birth certificate.

If the Line Manager feels unable to agree to the request, because of substantial operational reasons, they must discuss the situation with the employee and agree a suitable alternative date. No request will be refused unreasonably, and if refusal and postponement is necessary, a note of the details of the request and reasons for postponement must be completed on the form by the Line Manager and counter-signed by the employee, within 7 working days of receipt of the request.

In the event of a postponement being necessary, a second [Parental Leave Request Form](#), (available on InSite) should be submitted to the Line Manager for approval.

Any periods of Parental Leave should be approved by the relevant Director or Head of Service.

When the Parental Leave Request Form has been duly authorised it should be forwarded to the HR department who will notify the Payroll Section that the employee should not receive any pay for the duration of the Parental Leave.

Any period of Parental leave will be formally recorded and details held on the employee's personal file.

13. Time Off for Public Duties and School Governors

Amount of Leave

The amount of time which an employee should be permitted to take off to perform public duties, (including School Governor duties) and the occasions on which, and any conditions, subject to which time off may be taken, are those that are reasonable in all the circumstances. The maximum paid leave granted will be 12 days in any twelve-month period (1 April – 31 March). This amount will be pro-rata for part time employees.

Each separate occasion when leave is requested should be authorised in advance by the employee's line manager. Proof of attendance may also be requested. Paid time off may be refused according to the needs of the service at the time. The employee should hold the agreement form until the end of the financial year when it should be sent to HR and placed on the personal file.

Where any allowance is payable (with the exception of travel and/or subsistence allowances) the employee should claim the allowance and re-pay this in full to Peterborough City Council in all cases. Where the allowance is an annual amount then the equivalent of a day's pay should be repaid to the council for each day taken. Where an employee is a member of more than one of the public bodies listed above then paid time off will only be granted to the maximum of 12 days per year.

A manager may agree to additional unpaid leave in addition to the paid leave where this is considered appropriate. A form for recording all unpaid leave can be found on councils' intranet. This should be sent to Payroll if/when unpaid leave is agreed to ensure that relevant deductions are made from salary. The employee should retain a copy. The form should be sent to HR at the end of the financial year and placed on the personal file – this includes forms where no unpaid leave has been taken. Further advice regarding the granting of unpaid leave should be sought from the HR Business partner. In very exceptional circumstances a Head of Service, in conjunction with the Assistant Director of HR and Development, may be able to approve additional paid leave if this is the only option to allow an employee to fulfil the requirements of their public duty. Each request will be dealt with on an individual basis. This will only be granted in cases of severe need. The HR Business Partner must be consulted to ensure legal maximum limits are not exceeded.

Special Constabulary

Employees who are required to attend court in connection with their duties as a special constable will be entitled to receive full pay. Where an allowance is payable for loss of earnings the employee must claim the allowance and re-pay this in full to Peterborough City Council in all cases.

Employees will be able to take 5 paid days off required for the initial mandatory training in their first year, and thereafter 3 days per year for them to use for training or towards some of their volunteering hours.

Jury Service and Witnesses

Jury service is unpaid. Employees absent on jury service or as a witness, will, on receipt of notification of the amount of allowance paid, be paid full pay, but this will be offset by an allowance from the court. The employee must forward the form issued in the juror's pack to the payroll department via their line manager, for completion, before the Jury Service has started. The employee must then inform payroll of the amount of allowance paid to them by the courts, which will then be deducted from their full pay.

Witnesses attending magistrates' court hearings will normally have received a witness expense claim form together with their warning notice. This time from work shall also be unpaid. Witnesses attending at the Crown Court are supplied claim forms from their caseworkers. The employee must then inform payroll of the amount of allowance paid to them, which will then be deducted from their full pay.

14. Time Off for Reservists

It is the policy of the city council:-

- to provide support to employees who are members of the Reserve Forces, especially in times of mobilisation.
- to ensure that wherever possible no employee is disadvantaged as a result of serving in the Reserve Forces in terms of service rights.

Definition of a Reservist

There are two types of Reservist – Volunteer and Regular.

Volunteer - each of the services has its own reserve force (Royal Navy, Royal Marines, Army, and Royal Air Force). Volunteer Reservists are recruited directly from the civilian community into any of the four Volunteer Reserve Forces - the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Army Reserve (AR) and the Royal Air Force Reserve (RAFR). They train and serve alongside the Regular Forces during their spare time, but they may also be called up (mobilised) for a period of full-time service. The majority of volunteer reservists are members of the Army Reserve.

Regular - former full-time members of the Armed Forces may still be liable for service under certain circumstances and they are known as Regular Reservists. Members of the four Volunteer Reserve Forces may also volunteer to join one of the Civil Contingency Reaction Forces (CCRF) that exist to provide support for the civil authorities in the event of extreme national need, such as a natural disaster or terrorist attack. They receive special training and may be called up for service at very short notice.

Responsibilities of the employee

All employees who plan to become a reservist, or to be re-engaged as a reservist must give permission to the Ministry of Defence (MoD) to contact the city council. Four weeks after permission has been granted the MoD will contact the council with this information. Employees who think they have a good reason for the MoD not informing the council may apply for a temporary waiver of up to twelve months.

Amount of Leave

The council recognises the important role of its employees' contribution to the armed forces and will allow reasonable time off to perform the duties subject to the needs of the service. The maximum paid leave granted will be 12 days in any twelve-month period (1 April – 31 March).

This amount will be pro-rata for part time employees.

This is to cover normal requirements and to attend annual camp. Further unpaid leave to cover special training for example, may be considered subject to service requirements.

Each separate occasion when leave is requested should be authorised in advance by the employee's line manager using the relevant Paid or Unpaid Leave form on the councils' intranet. Proof of attendance may also be requested. Paid time off may be refused according to the needs of the service at the time. The employee should hold the agreement form until the end of the financial year when it should be sent to HR and placed on the personal file.

Where any allowance is payable (with the exception of travel and/or subsistence allowances) the employee should claim the allowance and re-pay this in full to Peterborough City Council in all cases. Where the allowance is an annual amount then the equivalent of a day's pay should be repaid to the council for each day taken.

A manager may agree to additional unpaid leave in addition to the paid leave where this is considered appropriate. A form for recording all unpaid leave is attached at appendix 5. This should be sent to Payroll, on each occasion, if/when unpaid leave is agreed to ensure that relevant deductions are made from salary. The employee should retain a copy. The form should be sent to HR at the end of the financial year and placed on the personal file – this includes forms where no unpaid leave has been taken. Further advice regarding the granting of unpaid leave should be sought from the HR Business Partner. In very exceptional circumstances a Head of Service, in conjunction with the Assistant Director of HR and Development, may be able to approve additional paid leave if this is the only option to allow an employee to fulfil the requirements of the reservists' duty. Each request will be dealt with on an individual basis. This will only be granted in cases of severe need.

Mobilisation - Notification of mobilisation requirements

In the event of mobilisation the MoD will issue the employee and employer with a Call Out Notice containing key information of the mobilisation. The employee must inform their line manager as soon as reasonably practical. There may be exceptional circumstances where the manager, in conjunction with the Head of Service may have to apply for exemption from the mobilisation order. This will be outlined to the employee before the exemption is applied for.

If a reservist wants to volunteer for mobilisation then they must obtain approval from the council before they can apply.

Any period of mobilisation is classed as unpaid leave. The employee's salary during mobilisation is paid by the MoD.

Return to work following mobilisation

At the end of any mobilisation period the employee should write to their line manager giving 21 days' notice of the intended return to work date. The employee will have the right to return to work for the city council in the same job or 'job of the same kind'. The job on return should be on no less favourable terms and conditions of employment depending on the timescale involved and providing that the employee has made an application for re-instatement.

At the end of the mobilisation the employee may be asked to undertake training and an occupational health assessment with the council's medical practitioner.

Pension scheme

During a period of mobilisation the employee retains their entitlement to be a member of the Local Government Pension Scheme (LGPS). The rules that govern the LGPS (Regulation 17 of the Local Government Pension Scheme Regulations 1997) state:-

If you are member of the LGPS or if you have applied to be a member of the LGPS, you must, whilst you are mobilised, pay your basic Pension contributions (and any additional contributions you may be paying to purchase added years in the LGPS) - if, and only if, during the period of mobilisation your reserve forces pay equals or exceeds the pay you would have received if you had continued to be employed by the City Council. Members of the TPS or NHSPS should contact the pension scheme direct.

Your contributions would be due on the Armed Forces pay you receive during the period of mobilisation:

- If your reserve forces pay does not exceed the pay you would have received if you had continued to be paid by the Council, pension contributions are simply deemed to have been paid and the service counts in full for pension purposes.
- If you are paying Additional Voluntary Contributions (AVC) or Shared Cost AVC's you must continue to pay these during a period of mobilisation, unless you opt to stop paying them.
- If, during the period of mobilisation, you die, attain normal retirement age or become incapable for health reasons of working efficiently in Local Government Employment, you shall be treated as if you had still been at work for the Council during that time.
- During a period of mobilisation the MoD will pay the employer's pension contribution, provided that the employee continues to pay their employee contributions.

Car/Bicycle/Employee loans

During a period of mobilisation the employee must make arrangements to continue any loan repayments to the council.

Terms and conditions of employment

All other terms and conditions of employment continue to apply during a period of mobilisation, this includes all council policies and procedures. There will be no change to the employee's notice period unless a negotiated change occurs during the mobilisation.

Continuous service

For the purposes of accruing contractual rights (i.e. contractual maternity rights, contractual sickness payments, annual leave entitlements) the period of mobilisation counts towards continuous service.

15. Time Off In Lieu (TOIL)

Additional hours worked at the discretion of the employee may only be taken as TOIL if the hours are approved in advance with the line manager. Any additional hours worked at the discretion of the employee will not be paid for under any circumstances.

For those employees who are contracted to work within the council's flexible working hours scheme additional hours worked will normally be taken, within that scheme, as flexi-time. However, there will be occasions when additional approved hours fall outside the flexible working hour's scheme and, on those occasions, the TOIL policy will apply. The TOIL policy is to ensure that all requests for time off are dealt with equitably.

Except in exceptional circumstances, employees should not accumulate more than fifteen hours TOIL at any given time. This equates to approximately two working days. This will apply pro-rata for those working part-time. This fifteen hours maximum applies within a 5 week period. This TOIL is in addition to and separate from any hours accumulated under the flexible working scheme.

TOIL which is not taken within a five week period may be banked to a maximum of five banked days. Banked days are treated as additional leave days (over and above normal leave entitlement) to be taken

over the period April to March. Carry-over of banked days will be subject to normal annual leave carry over requirements, except that two of the five banked days may be carried over independently from the maximum five allowed for annual leave entitlements. No further banked days may be accrued until the carry over portion has been taken.

Additional hours may be hours worked at any time of the day, i.e. when undertaking evening meetings, or working later hours to complete work to a deadline. Consideration should always be given to the issues around lone working etc and the health and safety of employees should not be compromised.

Agreement to an employee exceeding the maximum fifteen hours of TOIL may only be given by a Head of Service or above and there must be a plan in place stating when the TOIL hours will be taken. In exceptional circumstances, and only with the prior agreement of a Head of Service, payment for TOIL hours at plain time may be authorised (if the time worked was not at the employee's discretion), but only if the employee has taken the minimum holiday requirement defined in the working time regulations.

This authorisation of payment will only apply where there will be a very serious gap in service provision if the employee is absent, or where failure to attend work will result in essential work not being completed.

How is TOIL recorded?

All time worked must be recorded on the employee's normal time recording sheet. This may be the flexi-time recording sheet, timesheet, etc. Time off should be booked using the space provided on the back page of the leave card. Not only does this help prevent subsequent misunderstandings about time owed/taken, but allows managerial oversight of the extent of extra work being undertaken by individuals, teams/services. The issue of TOIL owed/taken should be discussed and recorded at each one-to-one/supervision session.

Is TOIL treated in the same way as annual leave?

TOIL does not have the same status as annual leave. Managers would almost never cancel an employee's annual leave. However, planned TOIL may be cancelled in order to ensure the service is delivered to an acceptable level. Employees who require time off for special occasions would therefore be wise to book this as annual leave. TOIL which cannot be taken within the five weeks and is 'banked' will be treated as Annual Leave.

Can I be paid for TOIL owing?

In normal circumstances the council is keen that employees take accrued TOIL as time off as this is important for employee well being. However, in exceptional circumstances, and where there is no opportunity for the time accrued to be taken as time off, then payment will be considered. This will only be an option for management approved additional hours TOIL (see above) and where the employee has taken the minimum holiday requirement defined in the Working Time Regulations.

What happens if I am sick on days I had booked off as TOIL?

If the days are claimed as sick days then the TOIL hours will not be affected.

Can I build up my TOIL hours to give me a long period of annual leave?

The TOIL policy is not in place to allow employees to build up periods of time off. It is there simply to recompense those employees who find themselves with no option other than to work additional hours. TOIL should be taken as time off as soon as possible after it is worked to avoid any buildup of excessive hours. If an employee needs time off then there are other policies in the council which may apply.

16. Antenatal Appointments

An expectant father or the partner (including same sex) of a pregnant woman will be entitled to take unpaid time off work to accompany the woman to up to two of her ante-natal appointments. The time off is capped at six and a half hours for each appointment.

To apply for unpaid leave to attend antenatal appointments, please complete the Time Off - Partner Antenatal Form.

17. Unpaid Leave - Career Breaks

A career break is special unpaid leave without pay for a specified period. Any permanent employee who has satisfactorily completed their probationary period may apply for special leave without pay for a career break. It does not affect other arrangements for granting unpaid leave.

To apply for a career break, employees should write to their direct manager detailing:

- Why they wish to apply for a career break
- When they wish the career break to start
- The proposed duration of the career break

The manager will then meet with the employee to discuss whether the career break may be authorised.

18. Foster Carers

We provide up to 5 days paid time off for employees undergoing training to become a foster carer for Cambridgeshire County Council or Peterborough City Council. To apply for this time off, applications can be made via the Paid Leave option on Myview.