

Absence & Leave Policy

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Version Control

- 1.0 Policy developed. October 2019
- 1.1 Reviewed and updated to include statutory parental bereavement rights

1.0 Introduction

- 1.1 Warfield Parish Council seeks to be an employer of choice. It recognises that on occasions employees will need to be absent from work for a variety of reasons. The council will support its employees through periods of absence that may be required, while ensuring it can continue to deliver its services, commitments and perform statutory functions.
- 1.2 This policy is a guide for managers and employees and sets out both the statutory and discretionary absences and leave that may be encountered and how these will be dealt with. The policy also covers how any breaches of the absence policy will be dealt with.

2.0 Scope

- 2.1 This policy covers both absence and leave that may be classed as statutory or contractual (as laid down in law or contract of employment), or at the discretion of the council.
- 2.2 This policy will apply to employees of the council. Councillors and volunteers are not subject to the provisions of this policy. Councillors requiring a period of absence are advised to contact the Clerk so the necessary arrangements can be put in place.
- 2.3 A breach of this policy by employees may be dealt with under the Disciplinary Policy.

3.0 Responsibility for implementation of the policy

- 3.1 The council has overall responsibility for the effective operation of this policy.
- 3.2 The Clerk is responsible for the implementation and of this policy. The Clerk will monitor and review the operation of this policy and make recommendations for changes to minimise risks to the work of the council.
- 3.3 All employees will be briefed on this policy and provided with a copy.
- 3.4 Questions regarding the content or application of this policy should be directed to the Clerk.
- 3.5 The Clerk may discuss matters arising from this policy with the Staffing Committee or with the Chairman of the Council, or Chairman of the Finance & General Purposes Committee.

- 3.6 Where the Clerk is the employee requiring leave or absence, this will be reported or requested through the Chairman of the Council or Chairman of the Finance & General Purposes Committee in the instances set out in section 9.

4.0 Monitoring and review of this policy

- 4.1 The Clerk shall be responsible for reviewing this policy annually to ensure that it meets legal requirements and reflects best practice and will bring any changes to council.
- 4.2 The Council shall review the policy on a two-year review cycle if no changes have been brought forward.

5.0 Examples of Statutory and Discretionary Leave or Absence

- 5.1 The following list shows the types of leave or absence that are covered within this policy and if they are of a statutory or discretionary nature.

Statutory or contractual absence or leave	Discretionary absence or leave
Sickness	Dependency leave
Maternity leave	Compassionate leave
Paternity leave inc. bereavement	Exceptional leave
Adoption leave	Unpaid leave
Fostering leave	
Annual leave	

6.0 Definitions

- 6.1 The following definitions shall be applied:
- 6.1.1 A “dependent” is the employee’s spouse or civil partner, child, parent or a person who lives in the same household as the employee but who is not his or her employee, tenant, lodger or boarder. Government guidance states that an elderly aunt or grandparent who lives in the employee’s household would be a qualifying dependant.

7.0 Statutory and contractual absence or leave

- 7.1 Sickness
- 7.1.1 Sick leave shall be given and paid as per the arrangements stated in the employee’s Contract of Employment.
- 7.1.2 Employees should contact the Clerk at the earliest opportunity to report sickness absence. For periods of sickness that extend beyond a 14-day period, the Clerk

may discuss the situation with the Chairman of the Council and/or Chairman of the Finance & General Committee.

7.1.3 All employees will be required to self-certify their sickness for periods of seven days or less, for periods greater than this a doctor's certificate is required.

7.1.4 If the sick leave involves the Clerk, the Chairman of the Council will be notified for any absence greater than five days. If the absence of the Clerk coincides with a council or committee meeting, the chairman of that meeting will be notified at the earliest opportunity.

7.2 Maternity, Paternity and Adoption/Fostering Leave

7.2.1 Under the provisions of the Employment Rights Act 1996 (as amended by the Employment Act 2002 and regulations there under) members of employees will be entitled to apply for Maternity/Paternity/Adoption/Fostering leave.

7.2.2 Under the Parental Bereavement Leave Regulation 2020 employees shall be entitled to apply for parental leave and statutory pay following the death of their child under the age of 18, including a stillbirth after 24 weeks of pregnancy.

7.3 Annual leave

7.3.1 Provisions for annual leave entitlement are set out in the contract of employment for each employee.

7.3.2 Requests for annual leave shall be made to the Clerk. Annual leave must be taken at times agreed with the council.

8.0 Discretionary absence or leave

8.1 Discretionary leave is divided into four types, dependency leave, compassionate leave, exceptional leave and unpaid leave.

8.2 Dependency leave

8.2.1 Dependency leave is leave to deal with an unforeseen emergency involving a dependent to the employee. The time off is designed to cope with emergencies that cannot be postponed. The Clerk will consider each case on its merits and the individual circumstances involved.

type	Paid entitlement	Note
Dependent's illness	Yes- up to 10 days	Dependent is defined in paragraph 6.1.1 See paragraph 8.2.2 for more information
Care arrangements	Yes- up to 10 days	Dependent is defined in paragraph 6.1.1

		See paragraph 8.2.2 for more information
Withdrawn childcare arrangements	Yes – for a discretionary period	To allow time for alternative arrangements to be made
To accompany a dependent to an appointment	No – for a discretionary period	Dependent is defined in paragraph 6.1.1
Childs school is shut	No	For INSET day or bad weather etc.
Child falls ill at school	Yes – for a discretionary period	To allow time for alternative arrangements to be made

8.2.2 All employees have the right to reasonable amounts of time off to deal with certain issues affecting dependents. This includes the following circumstances: -

- i. On occasion where a dependent falls ill, gives birth or is injured or assaulted.
- ii. To plan for the provision of care for a dependent who is ill or injured.
- iii. Because of the unexpected disruption or termination of arrangements for the care of a dependent.

8.2.3 In general, the time off is to make arrangements for care, etc. It is not a right to time off to provide continuing care. Case Law suggests that no more than a few hours or, at most one or possibly two days should be sufficient to deal with the immediate crisis.

8.3 Compassionate Leave

type	Paid entitlement	Note
Bereavement and funeral arrangements of a very close relative*	Yes - up to 5 days	
Funeral of a relative or close friend	Yes - 1 day	

*Parental bereavement leave is covered by statutory considerations

8.4 Exceptional leave

type	Paid entitlement	Note
Religious observance	No – 2 days	

Overstaying/delayed return	No - discretionary	Where the return from leave is delayed for reasons beyond the control of the employee
Study/examination leave	Yes- discretionary	Employees studying for a qualification relevant to their current post or where it aids their professional development.
Jury service	Yes – discretionary	Leave will be granted on production of a notification letter See paragraph 8.4.1
Attendance at court as a witness	Yes – discretionary	
Medical appointments	Yes – discretionary	Where possible appointments should be made outside of the employees working hours.
Public service leave	Yes – discretionary	See paragraph 8.4.2
IVF treatment	Yes – discretionary	Reasonable time off will be granted for employees to attend medical appointments and treatments. Each case will be considered on a case-by-case basis.
Other personal leave	No - discretionary	To attend a family wedding / graduation etc.

8.4.1 Where an employee is called for Jury service they should:

- Provide a copy of the summons letter
- Return to work on any day they are not required at court or if they become exempt from jury service.
- Claim any loss of earnings under the juror's allowance regulations. The council will make up the difference between the loss of earnings allowance and full pay.

8.4.2 The council can give a 'reasonable' amount of time off to employees if they are:

- a magistrate (also known as a justice of the peace)
- a local councillor
- a school governor

- a member of any statutory tribunal (for example an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of the Environment Agency
- a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- a trade union member (for trade union duties)

The amount of time off should be agreed between the employee and employer beforehand, based on:

- how long the duties might take
- the amount of time the employee has already had off for public duties
- how the time off will affect the business

The council can refuse a request for time off if they think it's unreasonable.

Employees in the Army Reserves or other reserve forces have certain protections under employment law if they're called up for service.

8.5 Unpaid leave

- 8.5.1 The council will consider requests for unpaid leave for visiting family members abroad, urgent domestic problems, family illness (not covered elsewhere), attendance at optional religious festivals or for any other family circumstance that may arise. Granting of this leave is at the discretion of the council.

9.0 Leave and absence involving the Clerk

- 9.1 The Clerk is responsible for managing their own workload and will act in the best interests of the council. With the exception of annual leave, which is taken around council working requirements, the Clerk will make a request to the Chairman of the Council or the Chairman of the Finance & General Purposes Committee for any period detailed in this policy of greater than five days, unless stated differently. The Clerk will advise the Chairman of the Council or the Chairman of the Finance & General Purposes Committee ahead of any appointment to a public service role of the nature of the duties and the timescales involved ahead of taking up such a role. The management of the time will then be the responsibility of the Clerk.

10.0 Record keeping

- 10.1 The Clerk shall be responsible for setting up and recording leave or absence taken under this policy and will report this to members of the Staffing committee.
- 10.2 The annual leave year will run from January to December. Any other absence is recorded and monitored on a rolling year basis.

11.0 Breaches

- 11.1 Any breaches of this policy will be reported to the Council through the Staffing Committee and are subject to the adopted Disciplinary Procedure.