



## **ABSENCE AND LEAVE MANAGEMENT POLICY**

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## 1. Scope

All employees of Bargoed Town Council

## 2. Policy

Terms and Conditions of Service (including holiday entitlements) are shown in Bargoed Town Councils' staff contracts. They may be amended and/or supplemented from time to time.

## 3. Definition

3.1 Entitlement to leave will accrue from day 1 of the worker's employment.

3.2 Employees are contractually entitled to the Annual and Public holidays provided for under their Conditions of Service. Employees are also contractually entitled to paid leave to sit approved examinations and to undertake jury service. All other leave is granted at the discretion of Council.

## 4. Delegated Authority

Council delegates authority to the Clerk to approve applications for the taking of contractual leave for all employees other than the Clerk him or herself. The Council delegates authority to the Chairman to approve applications for the taking of contractual leave for the Clerk.

## 5. General Rules

(i) All types and all periods of leave taken must be recorded in writing and be available for inspection for audit purposes.

(ii) Council reserves the right to refuse an application for leave or time off if it is necessary to maintain appropriate levels of service. Such a decision should be reasonable in all of the circumstances.

## 6. Public Holidays

Unless the employee's contract specifies otherwise, he/she will be entitled to all public holidays including any additionally granted by government in any year.

## 7. Annual Leave

The annual Leave year runs from 1 April to 31 March. Entitlement for part of a year's service is on a pro-rata basis for whole months worked.

## 8. Sickness during Annual Leave

An employee who becomes sick during a period of annual leave should obtain a medical certificate from the GP or hospital. Leave will be suspended from the date of the medical certificate and can be re-applied for when the employee returns to fitness.

## 9. Annual Leave Entitlement on Termination of Employment

(i) If an employee leaves the Council's employment during a leave year, he/she should use up any remaining leave entitlement prior to their termination date.

(ii) If there are valid reasons why the employee cannot take leave due, he/she will be entitled to receive pay in lieu of the untaken leave.

(iii) If the employee has taken leave beyond that earned by service in the year, a deduction for the excess leave taken will be made from the final salary payment.

#### 10. Examination leave

Employees are entitled to leave with pay to sit approved examinations, appropriate to their employment

#### 11. Maternity & Paternity Leave

Please refer to the Maternity Leave and Pay Policy for details

#### 12. Adoption Leave

Please refer to the Adoption Leave and Pay Policy for details

#### 13. Shared Parental Leave

Please refer to the Shared Parental Leave and Pay Policy for details

#### 14. Bereavement Leave

Please refer to the Bereavement Leave and Pay Policy for details

#### 15. Carers Leave

Please refer to the Carers Pay Policy for details

#### 16. Dependents/Emergency Leave

Time off for Dependents/to deal with an Emergency is available for all employees to cope with an unexpected crisis. This is normally unpaid and should only be taken to make other arrangements to cope with the situation.

Emergency leave is only intended to cover unplanned absence to attend to urgent or serious situations affecting your immediate family or dependents. It is impossible to provide a complete list of circumstances that are covered under this policy; however, the most common circumstances are as follows:

- To provide assistance on an occasion when a dependent falls ill, give birth or is injured or assaulted
- To make arrangements for the provision of care for a dependant who is ill or injured
- As a result of the death of a dependent
- Because of the unexpected disruption or termination of arrangements for the care of a dependent, or
- To deal with an incident which involves a child of the employee and which occurs unexpectedly when the child is at school.

A dependant could be the partner, child or parent of any employee, someone who lives with the employee as part of their family or someone for whom you are the main carer or an individual who depends on you for care. Eg. an elderly neighbour.

As soon as is reasonably practicable in the circumstances, contact the clerk (or chair of the council) by telephone to explain the circumstances, and if possible, an indication of the length of time-off you are likely to need in order to make alternative arrangements. If the clerk is unavailable you must contact the chair/deputy chair instead.

If you need to stay and care for a dependent on an ongoing basis, you can agree with the clerk to take annual leave, or where you have insufficient annual leave to take a period of unpaid leave. Alternatively, you may be able to take Parental Leave where the care is for your child.

## 17. Leave Entitlements of Part-Time Employees

(i) Part-time employees have the same entitlement as full-time employees, pro rata, to Annual leave, public holidays and other contractual leave provisions. They are also entitled to the same consideration as full-time employees for discretionary leave and time off.

(ii) Part-time employees cannot be expected to use their normal non-working or holiday time on Council business; this applies to training and any peripheral activity.

(iii) The leave entitlement of part-time employees is calculated pro rata of the full-time hours for their respective employment. For employees, this is 37 hours.

(iv) When accounting part-time leave taken, a day's leave is only the number of hours that normally would have been worked on that day.

## 18. Adverse Weather Conditions

Absences during these periods should be treated as follows:

If employees are unable to work for a number of reasons related to weather conditions (including possible school closures), then employees are requested to take annual leave. If there is no annual leave entitlement remaining, then leave must be taken as unpaid.

## 19. Hospital Appointments

Medical appointments, including GP and dental appointments should where possible be arranged during leave or scheduled time off, or an attendance swap arranged. In exceptional circumstances where this is not possible, maximum notice should be given of the need to take time off from work, for which leave may be requested. Every effort should be made to make arrangements which minimise the impact on the Council, for example by seeking an early or late appointment. Where regular medical appointments are necessary in respect of a disability, the Council should seek advice where necessary from the OHS and may consider the need to make reasonable adjustments to the individual's attendance arrangements. This adjustment can be supported by one or more of the following options: use of annual leave; temporary reduction in hours, or flexible attendance according to the individual circumstances of the application. Applications for leave relating to hospital appointments required for urgent diagnostic tests, consultations or emergency treatment should be considered under additional leave.

## 20. Sick leave

(i) Notification and certification – If an employee is unable to attend work due to sickness, he or she must notify the Council by contacting the Clerk, or in the case of the Clerk the Chairman as soon as possible, but no later than the end of the working day on which the absence first occurs. He or she should indicate the reason for the absence and, if possible, when he or she expects to return to work.

(ii) The employee must complete a self-certification form for the first seven calendar days of all sickness absences and give it to the Clerk/Chairman. This form can be completed on the employee's return to work if their absence lasts less than seven calendar days. Otherwise, they must request a copy form and complete and post it to the Clerk/Chairman as soon as possible.

(iii) If the employee is absent by the eighth day (including Saturday and Sunday), they must send a fit note, issued by their GP, to the Clerk / Chairman. Current fit notes must cover subsequent periods of absence. The employee should also keep in touch with the Clerk / Chairman regarding their condition and likely return to work date.

(iv) If the employee does not follow this procedure, they may be dealt with under the Council's Disciplinary Policy. Furthermore, the employee's contractual sick pay and statutory sick pay (SSP) may be withheld.

(v) Private medical certificates - In some circumstances the Council may require the employee to provide private fit notes for all absences from work due to sickness, regardless of their duration. The Council will reimburse him or her fully for the cost of obtaining these certificates. Examples of such circumstances include:

- a history of exceptional absenteeism
- an appearance or disposition such that management are concerned that the employee may not be receiving adequate medical attention.

(vi) Return to work - The employee will not be allowed to return to work until their GP deems that they are fit to return. Requests for temporary adjustments to the employee's working conditions will be considered by the Council and will be accommodated wherever possible and if Council's circumstances permit. In the case of extended periods of absence, the Council may require that the employee's fitness to return is confirmed by a medical practitioner of the Council's choice. Regardless of their length of absence, the employee will be given a 'back to work interview' by the Clerk in order to:

- check on the employee's fitness to return;
- ensure that all the support the employee needs is in place;
- bring the employee up to date on any changes.

(vii) Fit notes - An employee's GP might indicate on a fit note that the employee "may be fit for work". If this option is selected the GP will also identify potential amendments that should be made, selecting from:

- Phased return to work;
- Amended duties;

- Altered hours;
- Workplace adaptations

If a fit note is received, the Clerk/Chairman will contact the employee and arrange for a meeting between the employee and the Clerk/Chairman. At this meeting, the suggested amendments will be discussed with the aim of facilitating the employee's return to work. If the suggested amendments are not possible the employee will remain on sick leave. If amendments are possible the employee will return to work, but regular reviews will be carried out to ensure that the amendments are adequate. It should be noted that any amendments are not to be viewed as a permanent change to the contract of employment.

(viii) Medical examination - The Council reserves the right to require the employee to be examined by a practitioner of its choice in order to seek a medical opinion. (A refusal to be examined may lead the Council to take disciplinary action against the employee, up to and including dismissal.)

(ix) Access to medical reports - In order to gain as much information about the employee's medical condition as possible, the Council may also request the employee's permission to contact his or her GP and ask for a medical report on the employee's condition. The employee may ask to see this report.

(x) Extended absences - The Council will be sympathetic when an employee is ill, but the employee should appreciate that if they are persistently absent through ill-health or long-term injury or incapacity, it will not be possible for the situation to continue indefinitely, and their employment may be reviewed or terminated. Termination will not take place without:

- full consultation with the employee;
- medical investigation;
- a consideration of alternative employment.

Where a return to work does prove possible, the Council may require that the employee's fitness to return is confirmed by a practitioner of the Council's choice.

(xi) Contact - During any absence it is important that the employee keeps in touch so that Clerk/Chairman is kept informed of the employee's health and likely return-to-work date.

(xii) Disability - If the employee has a condition that means they might be considered disabled within the meaning of the Equality Act 2010, the Council will attempt to make reasonable adjustments to their job to accommodate their requirements. The employee will be fully consulted at all times. If reasonable adjustments or alternative employment prove not to be viable options, and there is no likelihood of a return to work in the near future, a decision to consider alternative arrangements may be the inevitable outcome.

(xiii) Sick Pay

Details of employee sick pay entitlements are contained within the employee's written terms and conditions of employment.

(xiv) Unpaid sickness - There are circumstances where the employee's absence due to sickness will be unpaid, eg when:

- he or she has exhausted this scheme and a decision is awaited regarding their future employment.

The employee should note that during periods of unpaid sickness he or she will receive neither any basic salary nor variable payments. Further, holidays will only accrue at a rate that is commensurate with his or her statutory entitlement under the Working Time Regulations 1998, i.e. pro rata up to a total of 30 days per annum, including public holidays.

(xv) Return of the Council's equipment- If the employee is off sick for an extended period of time (e.g. one month or more) the Council may require them to return Council equipment until they are well enough to return to work. If the employee does not return to work following a period of sickness absence, they will be required to return all outstanding Council equipment on the date of termination of his or her employment

## 21. Alterations & amendments to this policy

This policy and procedure does not form part of employee's contractual rights. The Council reserves the right to review the contents of this policy from time to time or withdraw it at its absolute discretion, in accordance with the needs of the Council.

## 22. Breach of Policy

Any breaches of this policy will be dealt with under the Council's Disciplinary procedures.

Policy Approved and Adopted by the Human Resources and Staffing Committee on: 29<sup>th</sup> October 2024

Next review due: October 2027

Signed: \_\_\_\_\_ Date: \_\_\_\_\_