



Folkestone Town Council

Annual Leave and Time off Policy

Adopted [05/09/19] – Finance & General Purposes – Minute 1302ii

1. Introduction

This policy details the annual leave, bank and public holidays staff are entitled to. It gives the entitlements for full time and part time employees. Arrangements for carrying forward annual leave, compassionate leave and requesting unpaid leave are also included. All employees must maintain a staff leave/absence record which will be issued on commencement of employment and must be submitted at least bi-monthly to the Town Clerk for authorisation.

2. Annual Leave Entitlement

The annual leave year runs from 1 April to 31 March.

Full Time Staff:

- The minimum paid annual leave entitlement is 21 days for full time staff.
- This increases to a maximum of 25 days after 5 years' continuous service.
- Only by agreement can leave be carried forward to the next leave year.
- In addition, subject to approval, Council awards 2 "Statutory Days" and 1 "Concessionary Day" to permanent staff which must be taken in the Christmas and New Year period.
- In addition to paid annual leave, staff are also entitled to annual bank and public holidays and any extra statutory, bank and public holiday days.

Part Time Staff

- Part time staff cannot be treated less favourably than comparable full-time staff and therefore receive the same holiday entitlement as detailed above for a full-time worker but on a pro-rata basis. Similarly, they receive a pro-rata entitlement to the annual bank and public holidays. This pro-rata entitlement will apply even if they are rostered to work the public/bank holidays.

Annual holiday entitlement during your first year of employment accrues at the rate of one-twelfth of the full annual holiday entitlement, on the first day of each month, in advance. You will not be permitted to take annual holiday during the first year of employment before it has accrued, unless otherwise agreed. Thereafter, you will be entitled to your full annual holiday entitlement each year and there will be no requirement to accrue holiday rights.

3. Bank holiday entitlement

In England there are six annual bank holidays and two public holidays which are:

- New Year's Day



Good Friday
Easter Monday
First Monday in May



- Last Monday in May
- Last Monday in August
- Christmas Day
- Boxing Day

Staff receive paid leave for these bank and public holidays either on the day itself or if their roster requires them to work on this day they will be offered an alternative day off in lieu or a pro-rata entitlement if they work part time. If additional public holidays are declared e.g. royal occasions specific guidance will be issued at the time.

4. Legal Requirement under the Working Time Amendment Regulations

If staff are on the starting contractual annual leave entitlement of 24 days (21 days annual paid leave, 2 Statutory and 1 Concessionary Days) then by including the 8 bank and public holidays they exceed the statutory 28 days holiday entitlement as required under the working time amendment regulations 2007. The council exceeds the 28 days minimum annual leave required under the working time amendment regulations 2007 with a combination of annual leave and bank holidays. It is a statutory requirement that you take 28 days as paid annual leave each year.

5. Timing of Annual Leave

The timing of leave is by mutual agreement with the Town Clerk. Under the working time regulations, you must give the Town Clerk advance notice of your intention to take leave which is at least twice the period of leave you wish to take. For example, if you want to take two weeks annual leave you should seek approval at least four weeks before you want to take the leave.

The Town Clerk may refuse a request to take time off but will notify you of this within the correct time limit. This is a period which is at least as long as the holiday requested. For example, to refuse a request for a week's leave the Town Clerk will inform you at least a week in advance or if you have given notice to take two weeks annual leave the Town Clerk will inform you two weeks before the leave starts. The Town Clerk may refuse a request for holiday for operational reasons.

Should you fail to return to work on the expected date of return and cannot provide a satisfactory explanation for this, an investigation will look into the circumstances and reasons and may result in the disciplinary procedure being followed.

6. Carrying annual leave forward

You may carry forward a maximum of 5 days (pro rata for part time employees) into the following leave year. This must be approved by the Town Clerk and signed off on your leave form at the end of each leave year.

Any leave beyond five days, which you have had an opportunity to take but have not taken, will be lost.



7. Sickness during Leave

If you become ill during a requested period of paid leave, you must comply with the requirements of the sickness reporting and certification procedure, if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact the Town Clerk on the first day of sickness and keep your them up to date during the period of sickness.

8. Unauthorised holidays

If you are absent from work on a date on which a holiday request has been refused, the Council will investigate the reason for your absence. If the Council considers that you do not have a reasonable explanation for your non-attendance, you may be subject to disciplinary action, up to and including dismissal without notice.

9. Leavers / Termination

If an employee leaves the council during the annual leave year they will receive a pro-rata entitlement to annual leave. They should arrange to take any outstanding holiday entitlement before leaving the council (Council reserves the right not to provide you with advance notice of this requirement). If in exceptional circumstances the Town Clerk confirms that operational reasons prevent them from doing this, then payment in lieu is allowed. If they leave the council and have taken more than the proportion of holiday entitlement accrued a deduction will be made from final salary equivalent to the excess holiday pay already received.

10. Unpaid Leave

The Town Clerk may authorise unpaid leave up to the amount of the annual leave entitlement in any one leave year. Before requesting unpaid leave, employees will need to have booked their annual leave entitlement for the year. Requests for unpaid leave need to be approved by the Town Clerk.

11. Medical appointments

Every effort should be made to attend medical appointments (i.e. Doctor / Dentist appointments) in your own time. If this is not possible, how this time is taken should be agreed with the Town Clerk.

12. Dependency / Emergency Leave

You can take unpaid time off work to deal with an emergency or unforeseen circumstance involving a dependent. This could be a husband, wife, partner, child, parent or anyone living in the household as a member of the family (excluding tenants, boarders or someone you employ). A dependent may also be anyone who reasonably relies on you for help in an emergency.

An emergency could be any unexpected or sudden problem involving someone who depends on you for your help or care. The right to time off for dependents could apply to



a wide range of different circumstances and you should discuss your situation with the Town Clerk.



When you make a request for dependency / emergency leave, the Town Clerk will process any personal data collected in accordance with the council's data protection policy. The Town Clerk will record only the personal information required to deal with your request for dependency / emergency leave and keep this information only for as long as necessary to deal with the request.

13. Compassionate Leave / Bereavement Leave

The purpose of compassionate leave is to help employees to come to terms with the death of a loved one.

Immediate family is defined as your spouse, civil partner, partner, parent, child, sibling, grandparent or grandchild.

If you need to take time off for bereavement, you will need to speak with the Town Clerk.

At the Town Clerk's discretion, it may be decided that you are entitled to paid leave. When making this decision the Town Clerk will ensure they are fair and consistent and will take into consideration what the custom and practice has been in the past for all employees. The Town Clerk may authorise:

- Unpaid time off up to 3 days, and in exceptional circumstances more than 3 days.
- Pay for up to 3 days in the event of the death of or serious injury to a child, partner or parent.
- Paid time off beyond 3 days in the event of the death of or serious injury to a child, partner or parent will be approved in consultation with the Town Mayor.

When you make a request to the Town Clerk for compassionate leave, the Town Clerk will process any personal data collected in accordance with the council's data protection policy. In particular, the Town Clerk should record only the personal information required to deal with your request for compassionate leave and keep this information only for as long as necessary to deal with the request

14. Jury Service

If you are called to do jury service the Council will allow you time off for this. You will need to show the confirmation of jury service letter received from the court prior to going on jury absence.

You will receive from the court a "certificate of loss of earnings form or Benefit" which must be given to the Town Clerk for completion. The Town Clerk will return the completed form to take to the court on your first day of jury service. At the end of jury service, the court will pay for loss of earnings and expenses and will give you a



statement which contains this information. This statement must be given to the Town Clerk.



You will receive normal pay, but any money obtained from the courts to cover loss of earnings must be either deducted from salary OR paid back to the Council. It is your responsibility to claim for allowances that you are entitled to in order to mitigate costs incurred by the Council. During periods where attendance is not required, and it is practical, the employee should return to work. If this is not possible they should discuss the situation with the Town Clerk.

15. Administration

All employees will be issued with an annual leave form upon their employment commencement date and the 1st April each year. Leave will be calculated for the full year or duration of your employment for those on fixed term contracts. The entitlement will be indicated on the form.