

Durham SU Leave Policy

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Approved By:	People and Culture Committee		
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Related Policies:	Flexible Working Policy, Absence Management Policy and Procedure		

REVIEW HISTORY			
Date	Name	Signature	Notes
June 2019	Gareth Hughes		
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November 2023	Kirsty Morrison		Minor amendment to include volunteering leave
DD/MM/YYYY			

Leave Policy Statement:

This policy outlines the types of leave that may be taken, how it will be managed and in what circumstances employees will be paid. The policy is to ensure that leave is managed fairly and consistently, and to inform all members of staff of the procedure that must be followed when applying for leave.

Purpose

The purpose of this policy is to ensure employees understand their own responsibilities in relation to Leave and ensure that managers understand their responsibilities in managing leave within their teams and helping their employees achieve a positive work-life balance. This policy outlines the types of absence and leave that may be taken, how it will be managed and in what circumstances employees will be paid.

Scope

This policy applies to all employees of Durham SU.

1. Principles

- 1.1. Durham SU will support employees who have a grounds for leave for whatever reason. This support includes:
- 1.2. A flexible approach to taking Annual Leave and Time Off in Lieu
- 1.3. Separate leave for necessary absences not caused by sickness

2. Roles and Responsibilities

- 2.1. Managers must regularly review the outstanding Annual Leave entitlements for their employees in an effort to ensure that all leave entitlement is used each year. Managers must ensure that their department has sufficient cover at all times.

3. Annual Leave

- 3.1. Durham SU's Leave year runs from 1 August to 31 July.
- 3.2. Leave must be taken in the holiday year of entitlement and may not normally be carried forward to the following year. Under exceptional circumstances an employee may be allowed to carry forward up to a maximum of 5 days; however this must be approved by the Senior Leadership Team. Managers are expected to make sure annual leave is appropriately spread throughout the year, for business needs and employee wellbeing.
- 3.3. Leave may only be taken at Durham SU's discretion and must be approved by managers in advance.
- 3.4. Durham SU may prohibit leave being taken during certain periods in order to maintain service levels during busy periods. Durham SU reserves the right to require employees to take leave during periods when Durham SU is closed or when service requirements are reduced.
- 3.5. Leave is accrued at a rate of one twelfth of an employee's annual entitlement per completed calendar month. Part months at the start or end of an employment will be pro rata relative to the number of days worked in the month.
- 3.6. Employees working on a part-time basis shall have their entitlement calculated on a pro rata basis.
- 3.7. Upon termination of employment, any remaining annual leave entitlement should be taken during an employee's notice period. In exceptional circumstances where this is not possible, the Senior Leadership Team may agree to the employee receiving a payment in lieu of any unused leave. Durham SU reserves the right to make a deduction from an employee's salary for leave taken in excess of entitlement.
- 3.8. If employees are sick during periods of annual leave they can reclaim their annual leave days back providing they supply a GP or hospital medical certificate.
- 3.9. For annual leave rules on maternity, paternity and shared parental leave please refer to the Parenthood Policy.

4. Annual Leave Request Processes

- 4.1. Employees must request to take annual leave via BreatheHR. All requests must be made at the earliest opportunity. Managers will review the request and consider the application taking into consideration the needs of Durham SU and will notify the employee of their decision.
- 4.2. Employees may only commit to leave plans once applications have been approved by their manager. If an application is rejected the employees' line manager will notify the individual as soon as possible. Where there are conflicting annual leave requirements, priority will be given to the member of staff whose request was received first, subject to business needs.
- 4.3. Employees that take unauthorised annual leave they may be subject to appropriate disciplinary action.
- 4.4. The maximum consecutive annual leave that can be requested is 10 days. Durham SU are happy to consider longer periods of annual leave but they must be approved by the Senior Leadership Team and the decision will depend on business needs.

5. Exceptional Annual Leave Requests

- 5.1. Employees can request to bring forward a maximum of 5 days annual leave from the following years allowance to the final 2 months of the current annual leave year for exceptional circumstances only, to be approved by the Senior Leadership Team.
- 5.2. Durham SU are willing to consider up to 5 days unpaid annual leave per annum should an employee need extra allowance.
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- 5.3. Employees are able to request an unpaid career break for exceptional circumstances, which would be considered by the Senior Leadership Team. This is not something that can be requested annually, but may be considered again with a gap of three years or more

6. Time off in lieu (TOIL)

- 6.1. Time off in lieu (TOIL) allows you to take paid time off in lieu of extra hours you have worked.
- 6.2. Any TOIL accrued must be agreed between you and your line manager. Line managers will try to allow TOIL to be taken at times that are convenient for you, however where this is not possible, your manager will inform you of when TOIL must be taken.
- 6.3. When booking time off in lieu, you should be aware of the following:
 - TOIL must be taken within 3 months of accrual otherwise it will be lost.
 - TOIL must be booked in the same way as Annual Leave, except in exceptional circumstances and where agreed with your line manager.

7. Time off for dependants

- 7.1. Time off for dependants means taking a reasonable amount of time off to deal with an emergency involving a dependant and to make any necessary longer-term arrangements. In most cases, this will be limited to one or two days. A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on you for care.
- 7.2. You may request time off to deal with unexpected or sudden matters, such as:
 - to provide assistance when a dependant falls ill, gives birth, or is injured

- to deal with a dependent child who is involved in an accident / incident during school hours
 - to make arrangements to provide care to a dependant who is ill or injured
 - to deal with unexpected disruption to normal childcare arrangements or termination of arrangements for the care of a dependant
 - to deal with the death of a dependant or immediate family member
- 7.3. You must actively seek alternative longer-term arrangements for the care of the dependant as soon as possible after the emergency occurs. If you are unable to make alternative arrangements and need to take more time away from work as a result, you must contact your line manager to discuss the situation.
- 7.4. Your line manager may agree for you to temporarily change your working hours, for example by starting and finishing work earlier or later or changing your shift pattern. This does not constitute a flexible working request, as it is not a permanent change.
- 7.5. Time off for dependants is unpaid, however your line manager may agree (at their discretion) for you to take one or more of the following types of time away from work:
- Annual Leave
 - Time off in lieu (TOIL)
- 7.6. If you need to take more than one or two days' leave, your line manager may agree (at their discretion) for you to take further unpaid leave or parental leave, if applicable (see Parenthood Policy for more information).
- 7.7. If you make repeated requests to take time off for dependants, your line manager may ask you to provide evidence that you are trying to address a recurring issue.
- 7.8. If there is good reason to doubt your claim to take time off for dependants and, after investigation, there is evidence that you have been untruthful, this could lead to disciplinary action.

8. Bereavement Leave

- 8.1. You can take bereavement leave if you have suffered the loss of an immediate family member or dependant, or a person who has played an important part in your life.
- 8.2. You should speak with your line manager to make them aware of your individual circumstances and agree what is appropriate.
- 8.3. If you are a parent or primary carer and suffer the loss of a child under the age of 18, you are entitled to take up to two weeks' leave. This can be taken in one block of two weeks, or as two separate blocks of one week each, and will be fully paid.
- 8.4. In all other circumstances, bereavement leave will normally be fully paid, up to a maximum of 1 week per year.
- 8.5. If you have suffered a bereavement and you are not ready to return to work after your paid leave has expired, it may be necessary for you to take a mix of paid and unpaid leave – this may include, for example, sick leave, annual leave and unpaid leave.
- 8.6. If the person who died was not a close relative, speak to your line manager who may (at their discretion) allow you to take:
- paid bereavement leave (depending on the circumstances)
 - holiday or bank holiday lieu time
 - time off in lieu (TOIL)
 - unpaid leave
- 8.7. Line Managers should carefully consider requests for compassionate leave with the need to balance the individual's circumstances. Please contact the HR Department for advice should you need it.

9. Study Leave

- 9.1. If you're studying for an approved external training course directly related to your work, you're entitled to 3 days of paid study leave per year for the purpose of revision and/or to attend exams.
- 9.2. An approved external training course needs to be approved by your line manager in the first instance.
- 9.3. Requests for study leave should be agreed with your line manager.

10. Jury Service

- 10.1. You must do jury service when you're sent a jury summons form. Jury service usually lasts for two weeks, but may be longer depending on the case being heard.
- 10.2. If you're called to carry out jury service at a particularly difficult time for your team / department, you can ask the Jury Central Summoning Bureau to delay your jury service for up to 12 months. Information about how to do this is available at <https://www.gov.uk/jury-service>.
- 10.3. When you're called for jury service, you must inform your line manager as soon as possible.
- 10.4. If you're advised that your jury service is likely to last longer than two weeks, you must inform your line manager as soon as possible.
- 10.5. If you're released early by the court on any day during your jury service, you'll be expected to return to work if you can reasonably get there 2 hours before your scheduled finish time.
- 10.6. You will experience a loss of earnings as a result of jury service, and are entitled to claim money back from the court.
- 10.7. You should claim compensation from the court by submitting a Certificate of Loss of Earnings form, which the HR Department will complete and return to you. On your return to work, the amount you have been paid by the court will be deducted from your normal pay, so your net earnings will be the same as if you had been at work.

11. Public duties

- 11.1. We will sympathetically consider and grant requests for time away from work to enable you to carry out public duties, if it is reasonable, taking into account your duties at work, the time needed, the impact on the business and how much time you have already taken. However, you must not assume that you have permission before it has been given.
- 11.2. Time away from work for public duties includes serving as:
 - a local councillor
 - a school governor
 - a retained firefighter
 - a special constable
 - a magistrate or Justice of the Peace
- 11.3. You should let your manager know as soon as possible if you need time off.
- 11.4. Time away from work to enable you to undertake your duties is usually taken as authorised unpaid leave, however you may request to take (in agreement with your line manager) one of the following:
 - holiday
 - time off in lieu (TOIL)
- 11.5. If you are a Magistrate or Justice of the Peace, you are allowed paid time off for the minimum required number of sittings as specified by the Lord Chancellor's Office. This is currently 26

half days per year, but you may also choose to offer your services for additional sittings in your own time.

11.6. You should attend work before or after the court sits if the location of the court allows you to do so. If you aren't able to return to work you should use one of the following options to account for the remainder of your shift, in agreement with your line manager:

- holiday
- time off in lieu (TOIL)
- unpaid leave

12. Volunteer Reservists

12.1. You must notify your manager if you are a member of (or wish to join) the armed reserve forces. Reservists include those who are enrolled in the following armed reserve forces:

- The Army Reserve
- Royal Naval Reserve (RNR)
- Royal Auxiliary Air Force (RAAF)

12.2. The Ministry of Defence (MoD) will provide us with written confirmation of your membership of the armed reserve forces and confirm each year that the information we hold is accurate.

12.3. Training is essential in order for you to retain rank and ensure that you are ready to be deployed if required. Training requirements vary: typically, reservists are committed to attend 30 days of training per year, plus up to one evening per week and one weekend per month. You are usually also expected to attend one 'annual training camp', which lasts for two weeks.

12.4. Durham SU will consider any requests for leave relating to membership of Volunteer Reserve Forces, and leave will be granted at your line manager's discretion. You may be asked to use a combination of the following for reservist duties / training:

- Holiday
- Time off in lieu
- Unpaid leave

12.5. Mobilisation is the process of calling reservists into full time service with the Regular Forces in order to make them available for military operations. The maximum period of mobilisation will vary but is typically no longer than 12 months.

12.6. Durham SU is legally obliged to grant unpaid leave to employees who are mobilised unless it can prove that the absence would cause serious harm to the organisation's operations.

12.7. If you are mobilised, you should inform your line manager as soon as possible.

12.8. You will be paid by the MoD for the duration of your mobilisation and your time away from work will be recorded as authorised unpaid absence.

12.9. Your leave will be classed as continuous service, providing that you return to work within six months of the end of your military service. You will have the right to return to employment at Durham SU after the period of leave.

13. Volunteering Leave

13.1. All employees regardless of length of service may request time off to volunteer within the community or for charitable institutions.

13.2. Line managers may grant up to two days paid leave (pro-rata for part-time staff) within any 12 month rolling period for community volunteering and an additional two days for charitable institutions (e.g. school governor, board member).

13.3. Each request for time off to volunteer will be considered by the Line Manager taking into account the needs of the organisation and the circumstances of the volunteering opportunity.

13.4. Consideration may be given to flexible working arrangements or the taking of annual leave as an alternative to paid leave or to extend beyond the maximum two days paid leave that may be granted.