Version No.	3
Adopted Date:	October 2023
Last Reviewed Date:	September 2026
Next Review Date:	September 2028

STAFF ABSENCES POLICY

Introduction and Purpose

This policy sets out the Council's approach to managing all kinds of employee absences, combining of 11 policies relating to differing absences in the following (alphabetical) order:

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This policy aims to ensure that employees understand their rights, responsibilities and notification requirements, while enabling the Council to provide appropriate support, maintain service delivery and comply with statutory obligations.

1. ADOPTION LEAVE

1.1 If you are matched for adoption with a child, you may be entitled to either adoption leave or paternity leave. One parent cannot take both periods of leave, and it is up to you to decide which you wish to take (subject to eligibility).

1.2 Where you are to take adoption leave, you are entitled to a total of 52 weeks' leave. We have set out below all of your rights and obligations should you be matched for adoption. The Council would ask that you notify us as soon as possible of your situation so that we can ensure you are fully aware of all your entitlements and obligations.

Time off to attend Adoption Appointments

1.3 You are entitled to time off to attend adoption appointments in the period between notification of a match and the date of placement. For single adopters or the primary adopter in a joint adoption, you are entitled to paid time off to attend up to 5 appointments, with a maximum of 6.5 hours per appointment. The secondary adopter in a joint adoption will be entitled to unpaid time off to attend up to two appointments.

1.4 Where the time is paid, you will be paid at your normal hourly rate for this time.

Eligibility

1.5 You are entitled to adoption leave from the commencement of employment. Adoption leave is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child/children. You must have notified the adoption agency of agreement to the placement and of agreement to the date of the placement.

1.6 Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement. However, if an additional child is adopted at a later date as a separate agreement then you could qualify again for a separate period of adoption leave.

Ordinary and Additional Adoption Leave

1.7 Adoption leave is divided into two categories, 'ordinary' and 'additional'. Each is for 26 weeks, with additional leave following on from ordinary adoption leave, giving 52 weeks leave in total. If you are eligible for ordinary adoption leave you will also qualify automatically for additional adoption leave.

1.8 During ordinary adoption leave you are entitled to the benefit of your normal terms and conditions of employment, except wages and salary (unless your contract of employment states otherwise). However, in the majority of cases, you will be entitled to Statutory Adoption Pay during this period.

1.9 During additional adoption leave the employment contract continues and you are entitled to the benefit of their normal terms and conditions of employment, except wages or salary (unless your contract of employment provides otherwise). However, in the majority of cases, you will be entitled to Statutory Adoption Pay during some of this period.

Commencement of Adoption Leave

1.10 You can choose to start your adoption leave on the date of the child's placement (whether this is earlier or later than was expected), or on a predetermined fixed date no earlier than 14 days before the expected date of placement and no later than the date of placement. Adoption leave can start on any day of the week.

Notification Requirements

1.11 You are required to give the Council notice, in writing, of your intention to take adoption leave within seven days of being notified by the adoption agency that you have been matched with a child, unless this is not reasonably practicable. The notice must specify:

- the date the child is expected to be placed with you; and
- the date you want the adoption leave to start.

1.12 You should provide documentary evidence - a "matching certificate" - from the adoption agency. The certificate will include basic information on matching and expected placement dates.

1.13 You are able to change your mind about the date on which you want your adoption leave to start providing you inform the Council at least 28 days in advance, unless this is not reasonably practicable.

1.14 We will write to you to notify you of the date on which you are expected to return to work if the full entitlement to adoption leave is taken, within 28 days of the date on which you notified us of your intention to take leave, or, if you have varied the date originally chosen to start adoption leave, within 28 days of the date on which adoption leave began.

Returning to Work

1.15 If you are returning to work at the end of additional adoption leave, you simply present yourself for work at the end of that period.

1.16 If you intend to return to work before the end of your additional adoption leave, you must give the Council at least 8 weeks' notice of the date on which you intend to return. If you do not give The Council 8 weeks' notice the Council may postpone your return to a date ensuring that there has been 8 weeks' notice.

Keeping In Touch Days

1.17 You can work for up to 10 days during your adoption leave period without losing statutory payments for that week or ending your entitlement to leave.

1.18 For this purpose any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the adoption leave period.

1.19 Payment in respect of these 'keeping in touch' days will be agreed beforehand.

Disrupted Placement in the Course of Adoption Leave

1.20 If you have begun a period of adoption leave in respect of a child before the placement of the child has taken place, and you are subsequently notified that the placement will not be made, your adoption leave period will end eight weeks after the week of that notification.

1.21 If, during adoption leave, the child dies or is returned to the adoption agency, the adoption leave period will end eight weeks after the week in which the child dies; or is returned; or at the end of the 26-week additional adoption leave period, if that is earlier.

Pay

1.22 Dependent upon your length of service, you may be entitled to statutory adoption pay (SAP). If you qualify for SAP this will be paid for the first 6 weeks at 90% of your normal weekly earnings in the 8 week period up to the date of notification of a match, with the remainder paid at the earnings related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a

payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

Shared Parental Leave and Pay

1.23 You may be entitled to opt in to shared parental leave, sharing up to 50 weeks of leave and up to 37 weeks of pay (subject to availability). If you think you would like to take shared parental leave instead of adoption leave, please ask the Council for more information.

Surrogacy and Adoption Rights

1.24 If you are an intended parent in a surrogacy arrangement who intends to apply for, or has already applied for, a Parental Order you may be entitled to either adoption leave and pay or paternity leave and pay. One parent cannot claim entitlement to both periods of leave and pay, and it is up to you to decide which you wish to claim (subject to eligibility).

1.25 You will be entitled to take unpaid time off to accompany the surrogate mother to up to two antenatal appointments of up to 6.5 hours per appointment.

1.26 You are entitled to adoption leave from the start date of your employment. This will be for a total of 52 weeks, split into two periods of "ordinary" and "additional" adoption leave of 26 weeks each.

1.27 You are required to give the Council notice, in writing, of your entitlement to take adoption leave by the 15th week before the expected week of birth. You must also notify the Council of the actual date of birth as soon as is reasonably practicable after birth.

1.28 You should provide documentary evidence - a statutory declaration. This document will state that you have obtained, applied for or intend to apply for a Parental Order in respect of the surrogate child and, where not received, this is expected to be made.

1.29 If you have begun a period of adoption leave in respect of a child before approval of a Parental Order, and you are subsequently notified that the application is refused, your adoption leave period will end eight weeks after the week of that notification or the end of the adoption leave period, if that is earlier.

1.30 Dependent upon your length of service, you may be entitled to Statutory Adoption Pay (SAP). If you qualify for SAP this will be paid for the first 6 weeks at 90% of your normal weekly earnings in the 8 week period leading up to the

end of the 15th week before the baby is due to be born, with the remainder paid at the earnings related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

Dual Approved Prospective Adopters and Adoption Rights

1.31 If you are a dual approved prospective adopter, a local authority foster parent who has a child placed with you with an expectation to adopt that child in accordance with section 22C of the Children Act 1989, you may be entitled to either adoption leave and pay or paternity leave and pay. One parent cannot claim entitlement to both periods of leave and pay, and it is up to you to decide which you wish to claim (subject to eligibility).

1.32 You are entitled to adoption leave from the start date of your employment. This will be for a total of 52 weeks, split into two periods of "ordinary" and "additional" adoption leave of 26 weeks each.

1.33 Only one period of leave is available irrespective of whether you go on to adopt the same child or children placed with you under section 22C. However, if an additional child is placed with you under section 22C at a later date as a separate agreement then you could qualify again for a separate period of adoption leave.

1.34 You can choose to start your adoption leave on the date of the child's placement (whether this is earlier or later than was expected), or on a predetermined fixed date up to two weeks before the placement of the child and no later than the date of placement. Adoption leave can start on any day of the week.

1.35 You are required to give us notice, in writing, of your intention to take adoption leave within seven days of being notified of the child's placement by the local authority in accordance with section 22C, unless this is not reasonably practicable. The notice must specify:

- the date the child is expected to be placed with you; and
- the date you want the adoption leave to start.

1.36 If you have begun a period of adoption leave in respect of a child placed with you under section 22C, and this placement does not proceed to a formal adoption, your adoption leave period will end eight weeks after the child is removed or the end of the adoption leave period, if that is earlier.

1.37 Dependent upon your length of service, you may be entitled to Statutory Adoption Pay (SAP). If you qualify for SAP this will be paid for the first 6 weeks at 90% of your normal weekly earnings in the 8 week period leading up to the date of notification, with the remainder paid at the earnings related limit or the statutory rate, whichever is lower. SAP will be paid in the same way as your wages would be paid if you were not on leave. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate government departments.

2 ANNUAL LEAVE

2.1 Employees' annual holiday entitlement is shown in their individual Statement of Main Terms of Employment (Form SMT) or Contract of Employment.

2.2 It is our policy to encourage employees to take all of their holiday entitlement in the current holiday year, 1st April to 31st March. We do not permit holidays to be carried forward and no payment in lieu will be made in respect of untaken holidays other than in the event of termination of their employment.

2.3 Where employees have more than the statutory minimum entitlement, we permit the enhanced entitlement to be carried forward when agreed with their Line Manager. The days carried forward should be used by 31st May. No payment in lieu will be made in respect of untaken holidays other than in the event of termination of their employment.

2.4 Holiday dates will normally be allocated on a "first come - first served" basis whilst ensuring that operational efficiency and appropriate staffing levels are maintained throughout the year.

2.5 Employees should give at least four weeks' notice of their intention to take holidays of a week or more and one week's notice is required for odd single days.

2.6 Employees may not normally take more than two working weeks consecutively.

2.7 No more than 2 employees can be off at any one time.

2..8 Employees are required to reserve sufficient days from their annual entitlement to cover the Christmas/New Year shut-down period. If they have not accrued sufficient holiday entitlement to cover this period they will be given unpaid leave of absence.

2.9 Payment for holidays will be at the rate shown in their individual Statement of Main Terms of Employment or Contract of Employment.

2.10 Employees' entitlement to public/bank holidays is shown in their individual Statement of Main Terms of Employment.

3 BEREAVED PARTNER'S PATERNITY LEAVE

3.1 Eligible employees have a statutory right to bereaved partner's paternity leave from day one of employment in circumstances where a child's primary carer dies. This policy explains your rights to time off and other support offered. Employees will not be subject to detriment for taking bereaved partner's paternity leave.

Eligibility to Bereaved Partner's Paternity Leave

3.2 In a birth case, you may be entitled to take leave if the child's mother has died and you are the father of a child or you are not the child's father but, immediately before the death of the child's mother, was married to, or was the civil partner or the partner of, the child's mother.

3.3 In an adoption case, you may be entitled to take leave if you were married to, or were the civil partner or the partner of, the child's adopter on the date on which the child was placed for adoption or immediately before the death of the child's adopter. In an overseas adoption case, you must have been married to, or the civil partner or the partner of, the child's adopter on the date on which the child's adopter received the official notification, or immediately before the death of the child's adopter.

3.4 In a parental order case, you may be entitled to take leave if you were married to, or were the civil partner or the partner of, the child's primary parental order parent on the date on which the child was born, or immediately before the death of the child's primary parental order parent.

3.5 You must have main responsibility for the upbringing of the child and the purpose of the leave must be to care for the child.

Commencement and Duration of Leave

3.6 Eligible employees may take a single period of up to 52 weeks' leave.

3.7 Leave can only be taken after the bereavement date and within the 52-week paternity leave eligibility period, which begins from either:

a) The day after the child is born; or

b) The day after the child is placed for adoption (for adoption in Great Britain); or
c) The day after the child enters Great Britain (for overseas adoption).

3.8 Where the bereavement date occurs within the last two weeks of the paternity leave eligibility period, the eligibility period will be extended and you will be entitled to a maximum of two weeks' leave.

3.9 During bereaved partner's paternity leave you are entitled to the benefit of your normal terms and conditions of employment, except wages/salary, and you are bound by any obligations arising under those terms and conditions except in so far as they are inconsistent with the right to bereaved partner's paternity leave.

3.10 Where possible, you should book and take your annual leave entitlement in the current holiday year. However, if you are unable to take all your statutory minimum entitlement to annual leave because you were on bereaved partner's paternity leave, you are entitled to carry over untaken annual leave into the following leave year.

Pay during Bereaved Partner's Paternity Leave

3.11 Time off for bereaved partner's paternity leave is unpaid.

Notification Requirements

3.12 You must give notice of your intention to take bereaved partner's paternity leave.

3.13 If you wish to start the leave within the first eight weeks following the bereavement date, you must give us notice before you are due to start work on your first day of absence. You can give notice orally or in writing.

3.14 The notice must set out:

a) The bereavement date
b) The date you want your leave to start
c) The date on which either the child was born, placed for adoption, or entered Great Britain for adoption

3.15 If you wish to start the leave after the initial eight week period following the bereavement date, you must give us at least one week's notice in writing.

3.16 This must include the information set out in 3 a) to c) above in addition to:

a) The date you intend to return to work
b) A declaration that the leave will be for the purpose of caring for the child and that the child's mother or main adopter has died
c) A declaration that you have an eligible relationship with the mother or main adopter

3.17 If you start your leave within eight weeks of the bereavement date, and you give us notice of your intention to take leave orally, you must also give us notice in writing of the date you intend to return to work. If your intended return date is more than eight weeks following the bereavement date, the written notice must also include the above declarations. You must give us the written notice no more than eight weeks after the bereavement date and at least one week before your intended return date.

Changing your mind about the Leave Start Date

3.18 You may change your mind about the date you want your leave to start, provided you notify us.

3.19 If you intended to start the leave within the first eight weeks following the bereavement date, you must give us notice that you wish to vary the start date of your leave before the last notified leave start date and, where the new leave start date is no more than eight weeks after the bereavement date, before the new leave start date. Where the new leave start date is more than eight weeks after the bereavement date, you must give us notice before the last notified leave start date and at least one week before the new leave start date.

3.20 If you intended to start the leave more than eight weeks following the bereavement date, you must give us notice that you wish to vary the start date of your leave at least one week before the last notified leave start date and at least one week before the new leave start date.

3.21 Where the new leave start date is no more than eight weeks after the bereavement date, you can give the notice orally or in writing. Where the new leave start date is more than eight weeks after the bereavement date, you must give us notice in writing.

Cancelling your Leave

3.22 You may cancel your leave by giving us notice in writing.

3.23 Where the last notified leave start date is no more than eight weeks after the bereavement date, you must give us notice that you wish to cancel your leave before that date.

3.24 Where the last notified leave start date is more than eight weeks after the bereavement date, you must give us notice that you wish to cancel your leave at least one week before that date.

Changing your mind about your Return to Work Date

3.25 You may change your intended return date by giving us notice of your new intended return date in writing.

3.26 Where the last notified intended return date is no more than eight weeks after the bereavement date, you must give us the notice at least one week before that last notified intended return date and at least one week before the new intended return date.

3.27 Where the last notified intended return date is more than eight weeks after the bereavement date, you must give us the notice at least eight weeks before that last notified intended return date and at least eight weeks before the new intended return date.

Postponing your Return to Work

3.28 If you want to return to work but haven't notified us as set out above, we may postpone your return to work to a date when you would have returned if you had followed the notice requirements. We will always give you notice in writing of the postponement.

3.29 We will not postpone your return to work past the end of the paternity leave eligibility period.

3.30 If we postpone your return to work, you will not be entitled to your usual remuneration until the date set out in the notice of postponement if you return to work before that date. This will apply unless we have revoked the notice of postponement in writing.

Entitlement to leave when the purpose of caring for the child cannot be met

3.31 You may still be entitled to leave where you would be eligible but for a 'relevant event' happening. These events are:

a) The death of the child
b) The child being returned after being placed for adoption
c) The child ceasing to live with you (overseas adoption)

3.32 In these circumstances, you are entitled to take bereaved partner's paternity leave until the earliest of:

a) Eight weeks following the end of the week the relevant event occurred in, or
b) the end of the 52-week paternity leave eligibility period

3.33 Where this situation arises, in addition to following the notification requirements set out above, you must inform us of the date and nature of the relevant event before your first day of bereaved partner's paternity leave following the relevant event. You can do this orally or in writing.

Keeping in Touch Days

3.34 You may by mutual agreement, work for up to 10 days' during your leave.

3.35 For this purpose any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the bereaved partner's paternity leave period.

3.36 Payment in respect of these 'keeping in touch' days will be agreed beforehand.

Returning to Work

3.37 If you return to work after a period of 26 weeks or less of bereaved partner's paternity leave, you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence.

3.38 If you return to work after a period of more than 26 weeks' bereaved partner's paternity leave, you are entitled to return to the same job in which you were employed before your absence or, if that is not reasonably practicable, to another job which is both suitable and appropriate for you in the circumstances on terms no less favourable. Your manager will explain how this affects you based on your individual circumstances.

Other Related Policies

3.39 For more information on time off in relation to your children, please read our policies on parental leave and parental bereavement leave.

Use of Bereaved Partner's Paternity Leave

3.40 Employees who take time off under this policy for reasons other than those for which the statutory right to bereaved partner's paternity leave is intended may be subject to investigation and subsequent disciplinary proceedings.

4 CARER'S LEAVE

4.1 The Council recognises the importance of supporting staff who provide care to anyone who relies on them for care. This care that they give is unpaid.

Aim of the Policy

4.2 The aim of this policy is to support carers in employment where possible, so that they are better able to balance their caring responsibility whilst fulfilling their employment commitments. This policy demonstrates a commitment on the part of the Council to help carers combine work with the care of others by offering them further flexibility to provide support.

Scope

4.3 This policy applies to any employee who provides or intends to provide care for an adult or disabled child but not an employee who provides or intends to provide care under or by virtue of a contract or voluntary work.

Key Principles

4.5 The Council believes it has a responsibility to support employees who have caring responsibilities and will as flexible as possible in its approach, balancing each individual's circumstances and the needs of the Council.

4.6 The Equality Act (2010) legally protects people from discrimination in the workplace and in wider society. The Equality Act includes measures to protect carers of disabled or elderly people from discrimination or harassment, including in the workplace.

Unpaid Carer's Leave

4.7 Employees are entitled to unpaid leave to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they are expected to need care for more than 3 months
- a disability
- care needs because of their old age

4.8 Employees are entitled to carer's leave from their first day of work for their employer. Their employment rights (like holidays and returning to their job) are protected during carer's leave.

How Long Employees Can Take

4.9 Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

4.10 They can either take a whole week off or take individual days or half days throughout the year.

4.11 If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

4.12 If an employee is a parent, they can take up to 18 weeks' leave to look after their child. This is separate to carer's leave.

How to take Carer's Leave

4.13 Employees need to give their employer notice before they want their leave to start.

4.15 If the request is for half a day or a day, the notice period must be at least 3 days.

4.16 If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.

4.17 The notice period needs to be in full days, even if the request includes half day amounts.

4.18 The request does not have to be in writing.

4.19 Employees do not need to give evidence of their dependant's care needs.

When Employers can delay Carer's Leave

4.20 Employers cannot refuse a carer's leave request but can ask the employee to take it at a different time. They can only do this if the employee's absence would cause serious disruption to the organisation.

4.21 If they delay it, the employer must:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave

5 MATERNITY LEAVE

5.1 All pregnant employees are entitled to a total of 52 weeks maternity leave, irrespective of their length of service. We have set out below all of your rights and obligations should you become pregnant. We would ask that you notify us as soon as possible of your pregnancy so that we can ensure you are fully aware of all your entitlements and obligations and also so that we can take any necessary steps to ensure the health and safety of both yourself and your unborn child whilst you are at work.

Antenatal Care

5.2 You are entitled to paid time off during normal working hours to receive antenatal care. Antenatal care can include not only medical examinations, but also relaxation and parent craft classes.

5.3 Other than for the first appointment, you must produce both a certificate confirming that you are pregnant and an appointment card (or similar document) from a registered medical practitioner, or a registered midwife, in the case of medical examinations or relaxation classes, or from a registered health visitor in the case of parent craft classes, showing that an appointment has been made.

Maternity Leave

5.4 You are entitled to the following maternity leave; 52 weeks in total, broken down as follows:

- 26 weeks Ordinary Maternity Leave. You are not permitted to work for 2 weeks immediately after your baby is born, this is called Compulsory Maternity Leave;
- additional Maternity Leave that starts immediately after Ordinary Maternity Leave and continues for a further 26 weeks.

5.5 Maternity leave can commence at any time after the 11th week before the expected week of childbirth and may commence as late as the day after the birth of your baby. In order to take advantage of the right to maternity leave you must give us the proper notifications. These are outlined below under the heading `Notice Requirements'.

Notification Requirements

5.6 We would urge you to notify us as soon as possible of your pregnancy to enable us to ensure that, where appropriate, any reasonable steps are taken to ensure the safety of yourself and your unborn child and that you are not subject to any unnecessary risks.

5.7 To qualify for maternity leave you must, no later than the end of the 15th week before the expected date of childbirth or, if that is not reasonably practicable, as soon as is reasonably practicable notify us, in writing of the following:

- our pregnancy;
- expected week of childbirth; and
- date on which you intend your ordinary maternity leave to start.

5.8 In addition, you must supply us with a copy of your MATB1 form from registered medical practitioner or registered midwife stating the expected week of childbirth.

5.9 If you wish to vary the date on which you intend your ordinary maternity leave to start, you must notify us of the new date at least 28 days' before the new date ork, if that is not reasonably practicable, as soon as is reasonably practicable.

Commencement of Leave

5.10 The earliest date that you can start maternity leave is the beginning of the 11th week before the expected week of childbirth.

5.11 The latest date that you may work up to is the birth of your child unless your leave is triggered by pregnancy related absence (see below).

5.12 Compulsory maternity leave commences on the day after the childbirth occurs. Its purpose is to ensure that you have at least 2 weeks leave after the birth of your baby.

5.13 There are two incidences in which the maternity leave period is triggered automatically:

(i) Where childbirth occurs before the maternity leave period would otherwise commence.

In the event of premature birth, you are not required to notify us of the date on which you intend to take your leave but must inform us as soon as is reasonably practicable after the birth, of the date on which you gave birth.

Your maternity leave period will begin automatically on the day following the date of the birth.

(ii) If you are absent from work, wholly or partly due to your pregnancy, after the beginning of the fourth week before the expected week of childbirth.

If you are absent from work after the beginning of the fourth week before the expected week of childbirth, wholly or partly due to your pregnancy, then again you must notify us as soon as reasonably practicable that you are absent for that reason and the date on which your absence began. Your maternity leave period will begin automatically on the day following the first day of such absence.

Once you notify us of the date on which you intend to commence your maternity (or have commenced) we will write to you within 28 days, notifying you of the date on which you are due to return to work after the end of your additional maternity leave.

Changing your Return to Work Date

5.14 If you decide to return to work before the end of the date notified for additional maternity leave you must give us at least 8 weeks' notice of the new date on which you intend to return. For example, if you only wish to take the 26 weeks ordinary maternity leave or the 39 weeks paid maternity leave, you must give us 8 weeks' notice of your intended return date. If you attempt to return to work without giving the required notice we will postpone your return to a date that will ensure that there has been 8 weeks' notice of that return, or the original date of return, whichever is the lesser period of time.

Returning to Work

5.15 If you are returning to work at the end of additional maternity leave, you simply present yourself for work at the end of that period.

5.16 If you return to work at the end of your ordinary maternity leave you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence.

5.17 If you return to work after a period of additional maternity leave, you are entitled to return to the same job in which you were employed before your absence or, if that is not reasonably practicable, to another job which is both suitable and appropriate for you in the circumstances on terms no less favourable.

Keeping In Touch Days

5.18 You may by mutual agreement, work up to 10 days during your maternity leave period (but not during the compulsory maternity leave period) without losing statutory payments for that week, or ending your entitlement to leave.

5.19 For this purpose any work carried out on any day, (even just an hour's work, is deemed to constitute "a day's work". Any day's work done under this provision will not have the effect of extending the total duration of the maternity leave period.

5.20 Payment in respect of these `keeping in touch' days will be agreed beforehand.

Maternity Pay

5.21 Dependent upon your length of service, you may be entitled to Statutory Maternity Pay. If you do not qualify for such a payment, you may, dependent upon your circumstances, be eligible to receive allowances from the appropriate Government departments:

(i) Eligibility

You will qualify for Statutory Maternity Pay (SMP) if you meet the following criteria:

(a) You have been continuously employed with us for at least 26 weeks continuing into the 15th week before the week the baby is due.
(b) Your average weekly earnings are not less than the lower earnings limit relevant for National Insurance purposes.
(c) You are still pregnant at the 11th week before the expected week of childbirth or have given birth by that time.
(d) You have complied with the relevant notification requirements, as detailed above.

Length of Pay Period

5.22 The period for which Statutory Maternity Pay (SMP) may be paid is called the maternity pay period. The maternity pay period may start at any time from the start of the 11th week before the expected week of childbirth and can continue for up to 39 weeks, even if you do not intend to return to work.

5.23 The starting date of the maternity pay period will usually be agreed between the employer and the employee however the final decision is yours. The maternity pay period and Statutory Maternity Pay can start on any day of the week. However:

(a) If you work up to the birth, the maternity pay period and statutory maternity pay will start from the day following the date of the birth.
(b) If you are absent from work because of a pregnancy related reason on, or after, the start of the fourth week before the expected week of childbirth, the maternity pay period will start on the day following the first day you are off work for that reason.
(c) If you are absent on sick leave with an illness which is not pregnancy related, the maternity pay period will start as notified or from the date following the date of birth whichever is the earlier.

Amount of Payment

5.24 Payment will be made at the rate of 90% of your normal salary (or standard rate statutory maternity pay whichever is the greater) for the first 6 weeks of leave and then up to 33 weeks at the standard rate Statutory Maternity Pay.

The Baby is Born Early or Late

5.25 If your baby is born before the maternity pay period is due to start, the pay period will begin from the day following the date of birth.

5.26 If your baby is born before you have given us a maternity certificate, you must, if reasonably practicable, provide us with medical evidence of the date the baby was born within 28 days.

5.27 If your baby was born early and the maternity pay period has started, Statutory Maternity Pay will be paid in the normal way until the liability ends as if the baby had been born in the expected week of childbirth.

5.28 If the baby is born after the expected week of childbirth, the maternity pay period is not affected.

The Baby is Stillborn

5.29 In the unfortunate event that a baby is stillborn before the 25th week of the pregnancy, i.e. earlier than the 16th week before the expected week of childbirth, statutory maternity pay is not payable.

5.30 If a baby is stillborn after the start of the 16th week before the expected week of childbirth, statutory maternity pay will be paid as it would for a live birth.

6 MEDICAL APPOINTMENTS

6.1 The purpose of this policy is to ensure consistent application in requesting and approving time off for dental or medical appointments for staff of Pontypool Community Council, as per the staff handbook.

Routine Appointments

6.2 By virtue of the wide variety of working arrangements within Pontypool Community Council most employees have the opportunity to book routine medical and dental appointments outside of work time.

6.3 In circumstances where this is not possible, the Clerk (or in the case of the Clerk, the Chair of Establishment) shall have sole discretion to grant paid time off to attend for medical or dental appointments. Approval for such time off should not be unreasonably refused.

6.4 Unlike appointments with the doctor or dentist, it is recognised that staff have less control over arrangements for routine hospital appointments.

6.5 Provided sufficient notice is given, leave to attend such appointments will, in most cases, be granted during working hours on application to the Clerk (or in the case of the Clerk, the Chair of Establishment) and will normally be 2 hours per appointment as paid time upon receipt of confirmation of appointment.

6.6 Where an employee requests time off for more than five appointments per annum, or where the period of time required is greater than 2 hours, the Clerk should discuss with the employee, or in the case of the Clerk, the Chair of Establishment whether the additional time off requested could be taken by other means.

Emergency Appointments

6.7 Pontypool Community Council appreciates that staff may have urgent medical or dental problems on occasion, which may require time off during working hours with minimal notice. Paid time off will be granted in these circumstances, on the understanding that permission must be obtained from the Clerk (or in the case of the Clerk, the Chair of Establishment), to attend the medical or dental appointment for urgent treatment, and confirmation of that appointment given to the Clerk (or in the case of the Clerk, the Chair of Establishment) after the staff member has attended that appointment.

Occupational Health Appointments

6.8 Employees who are referred and required to attend the Occupational Health Service will receive paid time off to attend appointments where these take place during the employee's normal working hours, subject to confirmation of that appointment.

7 NEONATAL CARE LEAVE

7.1 Employees have a statutory right to neonatal care leave from day one of employment where they are responsible for a child receiving neonatal care, subject to eligibility requirements. The Council recognises that this can be a difficult and worrying time, both physically and mentally. This policy explains the employee's rights to time off, pay during time off and other support offered. Employees will not be subject to detriment for taking neonatal care leave.

Entitlement

7.2 Employees may take neonatal care leave if they have parental or other prescribed responsibility for a child who is receiving, or who has received, neonatal care. This will apply if you are:

- the child's parent, intended parent, or partner of the child's mother at the date of birth;
- in cases of adoption, the child's adopter, prospective adopter, or the partner of either, at the date the child is placed.

7.3 Employees are entitled to take neonatal care leave where they are responsible for a child receiving neonatal care that lasts for at least 7 consecutive days and starts within 28 days beginning with the day after the child's birth.

7.4 Employees are entitled to take 1 week of neonatal care leave for each consecutive 7 day period that their child is receiving neonatal care, up to a maximum of 12 weeks.

7.5 `Neonatal care' is defined in law as medical care that may be received in hospital, or out of hospital providing the child was originally an inpatient and the care is under the direction of a consultant. Neonatal care also covers children receiving palliative or end of life care.

7.6 The Council recognises that people other than those listed above in relation to whom the statutory right applies may want time off in these circumstances. Requests for time off in relation to these people should be made to your Line Manager but these will be considered separately to time off for statutory neonatal care leave.

Notice Requirements

7.7 Employees can take neonatal care leave during 2 periods:

- "tier 1 period" – starts from the day the child starts receiving neonatal care, ending with the 7th day after the child stops receiving neonatal care. Leave taken in this period can be taken in non-consecutive weeks
- "tier 2 period" – any period which is outside of "tier 1" during which employees are entitled to neonatal care leave. Leave taken in this period must be taken consecutively.

7.8 Employees must provide the following information when notifying the Council of their intention to take neonatal care leave:

- your name
- the child's date of birth and date of placement if adoption
- date(s) the child started receiving neonatal care
- date neonatal care ended if the child is no longer receiving it
- date you want the leave to begin
- number of weeks leave you want to take
- declaration that you are taking the leave to care for the child
- declaration that you meet the eligibility requirements

7.9 If you wish to take neonatal care leave in the tier 1 period you must simply notify your Line Manager before you are due to start work on your first day of leave, unless it is not reasonably practicable to do so, in which case you must notify them as soon as is reasonably practicable. In practice, this means that no advance notice is needed but you must let your Line Manager know before you start work on that day, where reasonably practicable.

7.10 Where you have given notice in the tier 1 period of your intention to take neonatal care leave before the child has stopped receiving neonatal care, you must tell your Line Manager the date that the neonatal care ends, as soon as is reasonably practicable after that date.

7.11 Where the child starts to receive neonatal care again after you have told your Line Manager that the neonatal care has ended, you must tell them the date that the neonatal care started again and the date when it ends, as soon as reasonably practicable after each date.

7.12 If you wish to take neonatal care leave in the tier 2 period you must give your Line Manager the required notice in writing no later than 15 days before the first day of leave when taking a single week, or no later than 28 days before the first day of leave when taking 2 or more weeks.

7.13 If you change your mind about taking neonatal care leave, you can withdraw your notice by following the same notice period that you are required to give to take leave.

7.14 Notwithstanding the above, we may agree to waive the notice requirements where appropriate depending on the circumstances.

7.15 Your neonatal care leave will start on the day specified when you give notice unless the leave is due to start on the same day as the notice is given, or you are at work on that day, then it will start the day after.

Taking Leave

7.16 You cannot take neonatal care leave before the day after the first 7 day uninterrupted period of neonatal care. Neonatal care leave can only be taken in minimum blocks of 1 week.

7.17 You must take the leave before the ed of a period of 68 weeks beginning with the child's date f birth or date of placement in cases of adoption.

7.18 If you accrue neonatal care leave after already starting another period of statutory family leave, such as maternity or paternity leave, then you can take the neonatal care leave after the end of the statutory family leave, providing it is within 68 weeks beginning on the child's date of birth or placement.

Pay During Leave

7.19 You are entitled to statutory neonatal care pay during neonatal care leave if you:

- are eligible for statutory neonatal care leave
- have 26 weeks' continuous service by the relevant week
- earn at least the lower earnings limit on average calculated over the period of 8 weeks ending with the relevant week
- are still in employment in the week before neonatal care starts

7.20 Where you are entitled to another form of statutory family leave payment, such as statutory maternity pay, the relevant week is the same as the qualifying week for that payment. In all other cases, the relevant week is the week immediately before neonatal care starts.

7.21 If you are eligible, you are entitled to a maximum of 12 weeks' statutory neonatal care pay, paid at 1 week per every 7 uninterrupted days of care the child receives.

7.22 The weekly date of statutory neonatal care pay is the lower of:

- the current statutory rate
- 90% of your normal weekly earnings

7.23 If you are eligible for statutory neonatal care pay, you need to give your Line Manager notice in writing of your intension to claim it alongside your notice of intention to take neonatal care leave.

7.24 Where you are claiming statutory neonatal care pay in the tier 1 period, you must provide notice before the end of 28 days after the first day or the pay week the notice refers to.

7.25 If you are claiming statutory neonatal care pay in the tier 2 period, you must provide notice no later than 15 days before the first day of the relevant pay week when taking a single week, or no later than 28 days before the first day of the first relevant pay week when taking 2 or more weeks.

7.26 The notice must include:

- your name
- the child's date of birth and date of placement if adoption
- date(s) the child started receiving neonatal care
- date neonatal care ended if the child is no longer receiving it
- declaration that you are taking the leave to care for the child
- declaration that you meet the eligibility requirements

Returning to Work

7.27 You have the right to return to work to the same job unless you return after a specific point at which you will have the right to return to a similar job on no less favourable terms if it is not practicable for you to return to the same job. Your Line Manager will explain how this affects you based on your individual circumstances.

8 PATERNITY LEAVE

8.1 If your partner becomes pregnant you may be entitled to take time off work for various reasons, and this policy explains what your rights are.

Ante Natal Appointments

8.2 Regardless of your length of service, you have the right to take time off to accompany your partner in line with current employment law. An ante-natal appointment is one which has been made on the advice of a registered medical practitioner, nurse or midwife. Under this right, you are entitled to take time off to attend a maximum of 2 ante-natal appointments, to a maximum of 6.5 hours per appointment. This time is unpaid.

8.3 The Council may ask you to provide a declaration stating the date and time of the appointment that you qualify for the time off in terms of your relationship with the mother of the child or the child, and that the time off is for the purpose of attending the ante natal appointment.

8.4 You must be the:

- Father of the child;
- the husband, civil partner or partner of the mother.

The right applies whether the baby was conceived naturally or via donor insemination.

Ordinary Paternity Leave

8.5 You must be the father of the child, or be married to, or the civil partner or "partner" of, the child's mother or adopter. "Partner" in relation to a child's mother or adopter means a person (whether of a different sex or the same sex) who lives with the mother, or adopter, and the child in an enduring family relationship but is not a relative of the mother or adopter (a relative is defined as a parent, grandparent, sister, brother, aunt or uncle).

8.6 You must have, or expect to have, responsibility for the upbringing of the child.

8.7 Only one period of leave is available irrespective of whether more than one child is born as a result of the same pregnancy or adopted as part of the same arrangement.

Notification Requirements

8.8 You are required to give the Council notice, in writing, of your intention to take paternity leave.

8.9 The notice must be given in on or before the 15th week before the expected week of the child's birth or, in the case of an adopted child, no more than seven days after the date on which the adopter was notified of having been matched with a child. In a case where it is not reasonably practicable for you to give notice in accordance with the above, it should be given as soon as is reasonably practicable.

8.10 The notice must specify:

a) if applicable, the date on which the adopter was notified of having been matched with the child;
b) the expected week of birth or placement for adoption;
c) whether you wish to take one or two weeks' leave; and
d) when you want your leave to start.

8.11 You must also give the Council a signed declaration as to the purpose of the absence and that the eligibility conditions have been met.

8.12 You are able to change your mind about the date on which you want your leave to start providing you notify the Council at least 28 days in advance, unless this is not reasonably practicable. You must give the Council a further notice, in writing, as soon as is reasonably practicable after the child's birth or placement for adoption, of the date on which the child was born or placed.

Shared Parental Leave

8.13 You may be entitled to take shared parental leave if both you and your partner meet the eligibility criteria. Shared parental leave enables you and your partner to divide almost a year’s leave between you after the child is born/adopted and gives you more flexibility over who will take leave and when. If you choose to take shared parental leave, you are still entitled to take ordinary paternity leave.

8.14 If you would like more information on shared parental leave, please refer to the Shared Parental Leave section of this policy (Ref #9.).

Commencement and Duration of Leave

8.15 Leave may only be taken during the period beginning with the date of the child's birth or placement and ending 56 days after that date or, in a case where the child is born before the first day of the expected week of birth, 56 days after that day.

8.16 Subject to the above, you can choose to begin your leave:

i) on the date on which the child is born or placed with the adopter;
ii) from a specified chosen number of days/weeks after the date of the child's birth/placement (whether this is earlier or later than expected); or
iii) from a specified predetermined date which is later than the first day of the expected week of the child's birth or expected date of placement.

8.17 Leave can start on any day of the week and you can choose to take a block of either one week or two consecutive weeks. You cannot choose to take two separate single week blocks. During paternity leave you are entitled to the benefit of your normal terms and conditions of employment, except wages or salary, and you are bound by any obligations arising under those terms and conditions except in so far as they are inconsistent with the right to paternity leave. Most employees will be entitled to statutory paternity pay whilst on paternity leave.

Returning to Work

8.18 If you return to work following an isolated period of paternity leave; or a period of parental leave of no more than four weeks, you are entitled to return to the job in which you were employed before the absence. In addition, seniority, pension and similar rights should be as they would have been had the absence not occurred, and other terms and conditions should not be less favourable than those which would have applied had the absence not occurred.

9 SHARED PARENTAL LEAVE

9.1 Shared Parental Leave will allow you to take leave in a much more flexible manner to care for your child(ren) and allows you to take a period of leave much earlier than under the maternity and paternity provisions. Regardless of your length of service, you have the right to take time off to care for your child(ren) in line with current employment law.

Eligibility for Shared Parental Leave

9.2 If you meet the following criteria you are eligible for Shared Parental Leave:

(a) have a partner who has worked (employed/self-employed) for 26 of the 66 weeks prior to the EWC/placement week and who has earned on average at least £30 per week in any 13 weeks;
(b) share the primary responsibility for the child with the other parent at the time of the birth/adoption;
(d) have properly notified us of their entitlement and have provided the necessary declarations and evidence.

How much Shared Parental Leave can be taken

9.3 You can decide how you wish to split Shared Parental Leave provided that your partner takes her compulsory maternity leave entitlement because this is a legal requirement. The remaining 50 weeks of leave can be split as decided by employees (subject to our approval in certain circumstances). Leave must be taken in minimum blocks of one week. Leave must end 52 weeks after the date leave started.

9.4 Partners (i.e. baby's father/mother's husband/mother's civil partner/mother's partner) are still entitled to take 2 weeks Ordinary Paternity Leave subject to qualifying conditions.

Booking Leave

9.5 You must submit various notices in order to take Shared Parental Leave:

(a) the mother or primary adopter must provide a Curtailment Notice to end Statutory Maternity or Adoption Leave. This must be given after the 11th week prior to the EWC but at least 8 weeks prior to the start date of the first period of Shared Parental Leave;
(b) you must provide a Notice of Entitlement setting out both their eligibility, and their partners eligibility to take Shared Parental Leave;
(c) you must submit an approximate indication of how periods of Shared Parental Leave will be taken;
(c) you must provide the following details if requested within 14 days of such request:
    (i) in relation to a birth, the birth certificate and their partner's employer's details;

(ii) in relation to an adoption, the name and address of the adoption agency; the date that the employee was notified of having been matched for adoption with the child; and the date on which the adoption agency expects to place the child with the employee.

(d) you must submit a Period of Leave Notice in order to book a period of shared parental leave, giving at least 8 weeks written notice of the period of leave. The Period of Leave Notice must contain the start and end date of the leave requested. A Period of Leave Notice may notify details of one period of leave, or more than one period of leave.

9.6 The Curtailment Notice may only be revoked in limited circumstances. A Period of Leave may be amended providing that the amendment notice is given at least 8 weeks before leave starts/was due to start.

9.7 Period of Leave Notices, and amendments to Period of Leave Notices, may only be submitted on a maximum of 3 occasions.

Accommodating the Notifications/Requests

9.8 If you request one continuous block of leave in a Period of Leave Notice, you are entitled to take this period of leave.

9.9 However, if you request more than one period of leave i.e. discontinuous blocks of leave in one Period of Leave Notice, the Council reserves the right to refuse this request. Discontinuous leave is, for example, where a period of 6 weeks Shared Parental Leave is requested, then you return to work for a period of 4 weeks and then take a further 6 weeks of Shared Parental Leave.

9.10 When discontinuous leave is requested, the Council will arrange to discuss the request with you. The outcome of the request will be one of the following:

(a) agreement to the request;
(b) proposal of alternative leave dates; or
(c) refusal of the request.

9.11 Should the Council refuse a request, the default provisions will apply which means you are able to withdraw the request. If the request is not withdrawn, the leave requested will be taken one continuous block, rather than in discontinuous blocks.

Working during Shared Parental Leave

9.12 During Shared Parental Leave, you may work for up to 20 days without statutory payments being affected. These days are called SPLIT days i.e. Shared Parental Leave In Touch days. We recognise the benefit of SPLIT days and encourage you to use them, however, they are optional and you are not obliged to use them and we are not obliged to permit them.

9.13 You will be paid at normal rate for work on a SPLIT day. Any work done on one day will count as one SPLIT day.

Shared Parental Pay

9.14 Shared Parental Pay (SHPP) can be paid to both parents to a maximum of 39 weeks in total. This includes any Statutory Maternity or Adoption pay, and will be decided between the parents.

9.15 Only 37 weeks of paid leave will be shared to allow for the mother to take 2 weeks Compulsory Maternity Leave.

9.16 To be eligible to receive SPP, you must:

(a) have been continuously employed for at least 26 weeks up to and including the "qualifying week" (the 15th week prior to the expected week of childbirth or placement for adoption).
(b) have average earnings not less than the lower earnings limit for the payment of national insurance contributions in the 8 weeks prior to the qualifying week.
(c) comply with the notification requirements.

Holidays and Benefits

9.17 The Council encourages you to take any outstanding annual leave due in the current holiday year before the commencement of Shared Parental Leave, or during periods of work in between periods of Shared Parental Leave.

9.18 You will continue to receive all contractual benefits (with the exception of salary) during Shared Parental Leave.

Contact whilst away from Work

9.19 For the benefit of both parties, the Council encourages communication during periods of leave. You should agree with the Clerk (before leave is due to start) the level of contact and how you would prefer to be contacted (phone call, letter, home visit, workplace visit etc.). The Council reserves the right in any event to maintain reasonable contact from time to time with you.

9.20 Near the end of your leave period, the Clerk may contact you. This may be to discuss plans for return to work, to discuss training that may be available, or simply to update you on developments at work during the absence.

9.21 If there are any business changes that impact your role whilst on leave, you will be considered in the same way as any other employee and this will be communicated with you.

Rights on or after Returning from Shared Parental Leave

9.22 After Shared Parental Leave, provided the total amount of leave taken by you (including maternity leave) does not exceed 26 weeks, you are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.

9.23 When you are considering your return to work, for reasons of childcare, you may request a change to your previous working arrangements. Any such request will be considered in line with the operational requirements of the Council and there is no automatic right to return to work on altered conditions.

Surrogacy and Shared Parental Leave/Pay

9.24 If you are an intended parent in a surrogacy arrangement who intends to apply for, or has already applied for, a Parental Order and is eligible for adoption leave and pay, you may be entitled to Shared Parental Leave and Pay.

9.25 You must take at least two weeks of adoption leave before it can be curtailed. The remaining 50 weeks of leave can be split as decided by employees (subject to our approval in certain circumstances).

9.26 The above eligibility criteria apply to you.

10 SICKNESS ABSENCE

10.1 The purpose of this policy is to support and help employees who are absent from work to achieve and maintain full attendance and to support and assist employees who are on long term sickness absence to return to work as quickly as is appropriate in their circumstances. All staff qualify for sickness regardless of length of service, and Statutory Sick Pay (SSP) is payable from day one of the any sickness absence.

10.2 In taking steps to monitor and control absence we aim to maximise the efficiency and effectiveness of the Council and its employees.

10.3 This policy is designed to ensure all employees are aware of their obligations in the event of absence.

Notification of Absence

10.4 On your first day of absence from work you should notify the Clerk or person deputising within the hour.

10.5 You should notify us personally by telephone or e-mail. Text messages are not an acceptable form of notification.

10.6 You should provide us with the reason for your absence and brief details of the symptoms.

10.7 You should try to give us some indication of your expected date of return. The notification procedures should be followed on each day of absence unless you are covered by a medical certificate.

10.8 If you are unable to contact The Clerk when you telephone, you should leave a contact number and they will call you back within 30 minutes.

10.9 It is not acceptable to leave a message with any other member of staff.

10.10 If your absence extends to more than seven calendar days, you must provide us with a medical certificate. Subsequent medical certificates must be provided to cover the whole of your absence.

10.11 If your absence is to attend an appointment at the hospital, doctors or dentist then an appointment card must be produced.

Returning to Work

10.12 You must telephone the Clerk the day before you are due to return to work to enable us to reschedule any staffing arrangements. Failure to provide such notification (even if your medical certificate expires) may result in you being sent home from work for the day without pay.

10.13 Upon your return to work, you must obtain a Self-Certification Form from The Clerk before commencing work, complete this form and hand it to The Clerk.

10.14 Following any absence, whether self-certified or supported by a medical certificate, you will also be required to attend a Return to Work Interview with The Clerk to discuss the reasons for your absence and your current fitness for work.

Failure to follow the Procedures

10.15 If you fail to follow any of the above reporting procedures, you may be exempt from receiving sick pay, irrelevant of your reason for absence. Consistent failure to follow the procedures may result in disciplinary action being invoked.

Absence Monitoring

10.16 We will monitor the attendance records of all our employees. Review meetings will be held with individual employees in line with the following triggers:

- Three separate periods of absence within a 13 week period;
- Absence percentage of 20%.

Review Procedures

10.17 The intention of the review procedure is to discuss the reason for your absence levels and to discuss ways in which your attendance can be improved. If there is no improvement, then you may be subject to disciplinary action.

10.18 If you are requested to attend a review of your attendance levels, you have the right to be accompanied by a work colleague or a Trade Union Representative and you should make the necessary arrangements to have someone present at the meeting should you so require.

Initial Meeting

10.19 The Clerk will write to you to arrange a meeting at a convenient time, date and venue. You have the right to be accompanied at this meeting should you so wish. You will be provided with details of your absence record prior to the meeting.

10.20 At the meeting we will discuss your attendance record, the reasons for your absence/s, any help or support we can offer to improve your attendance if relevant and what improvement is necessary

10.21 If the absence is likely to be continuous over a long period of time, then the procedures for dealing with Long Term Sickness (detailed below) will be followed.

10.22 Should any underlying health conditions be identified, your absence will be dealt with following the guidelines for Underlying Health Conditions (detailed below).

10.23 Should the meeting ***not*** highlight any underlying health conditions for your absence/s, you will be informed that your attendance levels need to improve. Review meetings will be arranged at 12 weekly intervals, following the Sporadic Absence Procedures (detailed below), until your attendance reaches an acceptable level. Should there be no improvement at the subsequent meetings, then the disciplinary process will be invoked.

Long Term Sickness Absence

10.24 If you are off work sick for a continuous period of 4 weeks, we will normally contact you with a view to arranging an informal welfare meeting at a convenient time, date and location. We will meet you at your home, at work or at a location suitable to both parties. You have the right to be accompanied at the informal meeting by a friend or relative if you wish.

10.25 The aim of the meeting is to keep you in touch with events at work, to discuss your absence and offer any relevant support.

10.26 We aim to keep in regular contact with you and hold regular meetings over your period of absence.

10.27 Dependent upon the circumstances of your absence, we may, when appropriate, ask your permission to contact a medical professional for a report on your incapacity.

10.28 Upon receipt of this report, we will meet again with you to discuss fully the contents of the report and any implications arising from it. We will determine what support and/or reasonable adjustments we can make to assist you in your return to work in the future.

10.29 If it is evident from the report and our discussions with you, that a return to work is not possible in the foreseeable future we may have to consider dismissal but this would be a last resort. If the decision is made to dismiss, you will be paid in lieu of notice. You will have the right to appeal against the decision if you feel it was unfair and details of how to appeal will be detailed in the dismissal letter.

Underlying Health Conditions

10.30 If, at any time during the initial meeting or any subsequent review meeting, an underlying health condition is identified we may, dependent upon the condition, continue with the Sporadic Absence Process or we may ask your permission to contact a medical professional (either your GP, anyone else who is treating you or we may consult an Occupational Health Advisor) to determine the extent of your incapacity.

10.31 Upon receipt of this report, we would meet with you further to discuss the report and any implications arising from it. We would consider what support we could offer and any reasonable adjustments that could be made to assist your attendance at work.

10.32 If your level of attendance is still unacceptable and we have exhausted all other viable options we may need to consider dismissal on the grounds of ill-health but this would be a last resort.

10.33 If the decision is made to dismiss, you will be paid in lieu of notice. You will have the right to appeal against the decision if you feel it was unfair and details of how to appeal will be detailed in the dismissal letter.

Sporadic Absence

First Review (12 weeks after first review)

10.34 The Clerk will write to you to arrange a meeting at a convenient time, date and venue. You have the right to be accompanied at this meeting should you so wish. You will be provided with details of your absence record prior to the meeting.

10.35 At the meeting we will discuss your attendance record, the reasons for your absence/s, any help we can offer to improve your attendance and what improvement is necessary.

10.36 Should any underlying health conditions be identified, your absence will be dealt with following the guidelines for Underlying Health Conditions (detailed later in this document).

10.37 If your attendance has not improved to an acceptable level and should no underlying health conditions be highlighted, you will be issued with a Formal Verbal Warning for your level of absence. You will have the right to appeal against this warning, details of which will be given in the letter detailing your warning. You will be informed that you will need to attend a further meeting in 12 weeks' time to review your attendance further.

10.38 If attendance has improved to the required level, no disciplinary action will be taken at this time. You will be informed that you will need to attend a further meeting in 12 weeks' time to review your attendance further.

Second Review (12 weeks after the first review)

10.39 The Clerk will write to you to arrange a meeting at a convenient time, date and venue. You have the right to be accompanied at this meeting should you so wish. You will be provided with details of your absence record prior to the meeting.

10.40 At the meeting we will discuss your attendance record, the reasons for your absence/s, any help we can offer to improve your attendance and what improvement is necessary.

10.41 Should any underlying health conditions be identified, your absence will be dealt with following the guidelines for Underlying Health Conditions (detailed later in this document).

10.42 If your attendance has not improved to an acceptable level and should no underlying health conditions be highlighted, you will be issued with a Formal Written Warning for your level of absence. You will have the right to appeal against this warning, details of which will be given in the letter detailing your warning. You will be informed that you will need to attend a further meeting in 12 weeks' time to review your attendance further.

10.43 If your attendance has improved to the required level, no further disciplinary action will be taken at this time. You will be informed that you will need to attend a further meeting in 12 weeks' time to review your attendance further.

10.44 If your attendance has reached the required level at the second and third reviews, you will no longer be subject to attend further review meetings.

Third Review (12 weeks after 2nd review)

10.45 The Clerk will write to you to arrange a meeting at a convenient time, date and venue. You have the right to be accompanied at this meeting should you so wish. You will be provided with details of your absence record prior to the meeting.

10.46 At the meeting we will discuss your attendance record, the reasons for your absence/s, any help we can offer to improve your attendance and what improvement is necessary.

10.47 Should any underlying health conditions be identified, your absence will be dealt with following the guidelines for Underlying Health Conditions (detailed later in this document).

10.48 If your attendance has not improved to an acceptable level and should no underlying health conditions be highlighted, you will be issued with a Final Written Warning for your level of absence. (If you received no Formal Written Warning at your last meeting, you will be issued with a Formal Written Warning at this stage).

10.49 You will have the right to appeal against this warning, details of which will be given in the letter detailing your warning. You will be informed that you will need to attend a further meeting in 12 weeks' time to review your attendance further.

10.50 If your attendance has improved to the required level, no further disciplinary action will be taken at this time. You will be informed that you will need to attend a further meeting in 12 weeks' time to review your attendance further.

10.51 If your attendance has reached the required level at the second and third reviews, you will no longer be subject to attend further review meetings.

Fourth Review Meeting (12 weeks after 3rd meeting)

10.52 The Clerk will write to you to arrange a meeting at a convenient time, date and venue. You have the right to be accompanied at this meeting should you so wish. You will be provided with details of your absence record prior to the meeting.

10.53 At the meeting we will discuss your attendance record, the reasons for your absence/s, any help we can offer to improve your attendance and what improvement is necessary.

10.54 Should any underlying health conditions be identified, your absence will be dealt with following the guidelines for Underlying Health Conditions (detailed later in this document).

10.55 If your attendance has not improved to an acceptable level and should no underlying health conditions be highlighted, you may be dismissed. You will have the right to appeal against your dismissal, details of which will be given in the letter detailing your dismissal.

10.56 If you received no Final Written Warning at your last meeting, you will be issued with a Final Written Warning at this stage. You will have the right to appeal against this action, details of which will be given in the letter detailing your Final Written Warning. You will be informed that you will need to attend a further meeting in 12 weeks' time to review your attendance further.

10.57 If your attendance has improved to the required level, no further disciplinary action will be taken at this time. You will be informed that you will need to attend a further meeting in 12 weeks' time to review your attendance further.

10.58 If your attendance has reached the required level at the second and third reviews, you will no longer be subject to attend further review meetings.

Fifth Review (12 weeks after 4th review)

10.59 The Clerk will write to you to arrange a meeting at a convenient time, date and venue. You have the right to be accompanied at this meeting should you so wish. You will be provided with details of your absence record prior to the meeting.

10.60 At the meeting we will discuss your attendance record, the reasons for your absence/s, any help we can offer to improve your attendance and what improvement is necessary.

10.61 Should any underlying health conditions be identified, your absence will be dealt with following the guidelines for Underlying Health Conditions (detailed later in this document).

10.62 If your attendance has not improved to an acceptable level and should no underlying health conditions be highlighted, you may be dismissed. You will have the right to appeal against your dismissal, details of which will be given in the letter detailing your dismissal.

10.63 If your attendance has improved to the required level, no further disciplinary action will be taken at this time. You will be informed that you will need to attend a further meeting in 12 weeks' time to review your attendance further.

10.64 If your attendance has reached the required level at the third and fourth reviews, you will no longer be subject to attend further review meetings.

Subsequent Review Meetings

10.65 Should there be further cause for concern regarding your attendance levels, the above reviews may be continued or the process started again.

Underlying Health Conditions

10.66 If you have been absent for a continuous period of four weeks or longer, or upon investigation it is determined that you have an underlying health condition which is affecting your ability to attend work regularly, your Manager may request a medical report to determine what help, support or reasonable adjustments may be necessary to aid your attendance at work.

10.67 A meeting will be arranged with you and your Manager to discuss the report and ascertain if and when you may be fit to return to work and if so what, if any, reasonable adjustments may be necessary to facilitate this return.

10.68 It may be necessary to hold regular meetings over a period of time to consider how your illness or condition is progressing.

10.69 Whilst it is the Council's aim to offer support and help to enable you to return to work, if no solution can be found to facilitate a return to work within an acceptable timescale, the Council may have to consider termination of employment on the grounds of incapacity.

11 SPECIAL AND ADDITIONAL LEAVE

11.1 Special leave may be granted to support employees to manage unexpected events.

11.2 Reasonable time off with or without pay may be granted to employees to enable them to deal with certain unexpected or sudden emergencies. This policy highlights the types of special leave that may be requested. Each request will be dealt with on its own merits.

11.3 It is important that all special leave requests are treated properly fairly and consistently within the Council and will ensure that the correct entitlement of special leave is given, together with administration of wages or salaries.

Bereavement Leave

11.4 In the event of a death of an immediate relation such as a husband, wife, civil partner, child, parent or sibling, the Council recognises the traumatic nature of such an experience and will do everything it can to support the employee through their bereavement. Employees will be able to access the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days bereavement leave for attending to the practical arrangements following the death such as organising the funeral. Any additional leave required as a result of the emotional impact of the bereavement will be recorded as sickness absence.

11.5 In the event of a death or a relative not covered by paragraph 11.4 above, such as a grandparent, father-in-law or mother-in-law, and when the employee is not involved in the funeral arrangements, up to 1 day's paid leave will be granted to attend the funeral. Any additional leave required as a result of the emotional impact of the bereavement will be recorded as sickness absence.

11.6 Where an employee wishes to attend a funeral other than for the relations mentioned in the above paragraphs, annual leave, flexi leave or unpaid leave must be taken.

11.7 The Line Manager should try to accommodate all reasonable request to attend a funeral and must consider all options to cover the needs of the service. If the two are in conflict, the Line Manager must speak to the Clerk.

11.8 In the event that an employee is absence from work as a result of bereavement, the Line Manager must ensure that the employee is supported during their absence. Regular contact must be maintained with the employee.

11.9 In the unfortunate event that you experience the loss of a child, you may be entitled to parental bereavement leave and pay in accordance with the current statutory provisions. You should discuss your circumstances with your Line Manager and agree time off.

Compassionate Leave

11.10 In exceptional circumstances compassionate leave may be granted in addition to bereavement leave in cases where an acute illness/circumstance could not be foreseen and which required the employee's continued absence.

11.11 It may also be used in cases of a serious illness of a dependent (husband, wife, partner, spouse, parent, own child, sibling, grandparent including `in-laws) and such relatives by adoption). Employees must provide information as to the nature of the illness and a doctor's certificate may be required.

11.12 The maximum amount of compassionate leave that may be granted is up to 3 days paid leave per annum.

11.13 There may on occasion be exceptional circumstances where an extended period of leave is required, and some discretion applied. In these circumstances the employee will be recorded as on sick leave to ensure that all the appropriate support mechanisms are made available to the individual.

Additional Leave

11.14 Under the Employment Rights Act (1996) as amended by the Employments Rights Act (2025), the Council has a legal obligation to allow an employee involved in certain public duties or services to take time off during working hours. The purpose of this time off from work must be to attend a meeting of a public body or the doing of any other thing approved by that public body. Under the Act the amount of time an employee is allowed to take off to carry out these duties must be `reasonable'. The right is to have unpaid time off.

11.15 There is an expectation that employees will discuss an intention to seek appointment to a public body with their Line Manager out of courtesy prior to applying.

11.16 This policy sets out the types of leave employees make take off and the permitted length of time if they are eligible.

Who is Eligible

11.17 An employee will be permitted to take time off during the employee's working hours if they are:

- a Justice of the Peace (Magistrate) for the purpose of performing any of the duties of office
- a member of a community council
- a member of outside body(ies)

11.18 This guidance also provides details of time off work allowed for employees who are:

- candidates at election
- members of outside bodies
- a volunteer reservist

Undertaking Public Duties for Several Bodies

11.19 Where an employee represents more than one public body (for example a governor and a local authority member), a maximum of 28 days unpaid leave per year will be granted.

11.20 If an employee requires further leave, the Clerk and Line Manager must decide whether to grant an extension.

Membership of Outside Bodies

11.21 If an employee is a nominated member of an outside body representing the Council and forms part of an employee's normal duties they will receive paid leave.

11.22 If an employee is a nominated member of an outside body which does not represent your employment with the Council and does not form part of the employee's normal duties reasonable unpaid leave will be granted.

Membership of School Governing Bodies

11.23 Employees who are members of a school governing body are entitled to up to 4 full days or 8 half days paid leave per annum when attending meetings during normal office hours.

11.24 Where an employee is a Chair or Vice-Chair of the governing body, or one of its sub-committees, it is recognised that this may require extra time to carry out such duties. In these circumstances unpaid leave will not be unreasonably withheld.

11.25 Employees must be aware that the agreement of the Clerk and Line Manager is required before their name is put forward for election.

Community Council Members

11.26 An employee who is a member of a community council is entitled to up to 4 full days and 8 half days unpaid leave per annum. A separate allowance is payable from the Community Council.

Candidates at Election

11.27 Employees who are appointed as a candidate at Parliamentary, European Parliamentary elections will be allowed reasonable unpaid leave to perform as a parliamentarian and should they be elected a considerable amount of time would need commitment, to be discussed in isolation with the Clerk prior to nomination. The amount of time given will depend on their responsibilities and the effect of their absence on service delivery. An employee should discuss this with the Clerk and their Line Manager before making the commitment to stand for election and approval should be sought from them well in advance.

11.28 Employees who are appointed as a candidate at a Local Authority election that is situated outside Torfaen will be allowed reasonable unpaid leave to perform their duties as a councillor. The amount of time given will depend on their responsibilities and the effect of their absence on service delivery. An employee should discuss this with the Clerk and Line Manager before making the commitment to stand for election and approval should be sought from them well in advance.

11.29 Employees are prevented from standing for election within Torfaen. The rationale is that it prevents potential conflicts of interest from arising between an employee's duty to the Council and their political affiliation. In these circumstances an employee will be required to resign from their post before standing for election.

11.30 Employees engaged in the election process should ensure that their post is not identified as a `politically restricted post'. In these circumstances an employee is automatically disqualified from standing for election and is prevented from having any active political role either in or outside the workplace.

Justice of the Peace (Magistrate)

11.31 An employee who is appointed as a Justice of the Peace is entitled to paid leave for a period of up to 13 full days or 26 half day court sittings per annum.

11.32 Magistrates can be required, or volunteer, to attend more frequently. The amount of time off is not unlimited, but should be deemed as whatever is considered reasonable in all circumstances, taking into account:

- how much time off the magistrate requires to perform his/her duties
- how much time off the magistrate requires to perform the particular duty in question
- how much time off the employer has already permitted the magistrate to take to carry out public duties or trade union duties and activities
- the circumstances of the employer's business
- the effect of the magistrate's absence on the running of the Council's business

11.33 Magistrates who are employed and suffer a loss of earnings as a result of their duties can claim a loss allowance from the Magistrates Association (a set rate of £46.63 for a half day court sitting (up to 4 hours) and £93.27 for a full day court sitting (over 4 hours)).

Volunteer Reservists and Cadet Force Adult Volunteers (CFAV)

11.34 Volunteer Reservists and CFAV are a vital part of the UK's Armed Forces and make valuable contributions as civilian employees. Reservists and CFAV offer benefits to employers such as transferable skills, training and high levels of motivation.

11.35 Reservists and CFAV are committed to undergoing and supporting training throughout the year, so may need time off from work for this purpose.

11.36 Employees who act as Reservists or CFAV will be granted up to 10 days paid leave per year to help them to meet their volunteer requirements.

11.37 All other requirements for attendance beyond the allocated 10 days should be taken as annual leave or flexible leave.

11.38 Employees on active service will be granted unpaid leave as necessary. They will not accrue holidays during this period.

Consideration of Requests

11.39 Employees must consult their Line Manager in the first instance to discuss the nature and reason for their request for special/additional leave.

11.40 Where special/additional leave is granted within the remit of this policy, the employee must request the period of special/additional leave for recording and monitoring purposes.

11.41 The Line Manager will approve/refuse the request as soon as reasonably practicable . The Line Manager may need to discuss the request with the Clerk before making a decision. The employee will be notified of the decision.

11.42 Any special/additional leave requested cannot be applied for retrospectively except in exceptional circumstances.

Where Notice cannot be provided

11.43 There may be circumstances where special leave cannot be planned in advance, for example where bereavement occurs or something will occur which may prevent an employee from attending work that day. In these cases, employees should:

- telephone their Line Manager at or before their normal working time
- explain the situation and how long the absence is likely to last

11.44 The Line Manager will consult this policy to see whether it expressly provides for this type of absence. If so, the Line Manager and employee should discuss the length of leave to take.

11.45 Where leave is provided for within the remit of the policy, the employee must retrospectively request the period of special/additional leave taken immediately following their return to work.

11.46 The absence reason for special/additional leave requested cannot be amended retrospectively from that agreed with the Line Manager except in exceptional circumstances.

11.47 Where special leave is not provided within this policy the Line Manager and employee should discuss whether annual, flexible or unpaid leave may be more appropriate.

Refusal of Requests for Special/Additional Leave

11.48 Where a request for special leave covered within this policy is refused there will be no right to invoke an appeal.

11.49 However, if the employee feels that the refusal is unwarranted, based on the reasons or mitigating circumstances presented, the matter should be referred to the Clerk. A review will then be undertaken by the Clerk and the final decision will be conveyed to the employee.

11.50 The Council has other policies and guidance of types of leave which may assist in special circumstances, these include:

- annual leave
- flexible leave
- maternity leave
- adoption leave
- parental leave
- paternity leave
- time off for dependents
- shared parental leave
- carer's leave
- career break scheme
- bereaved partner's paternity leave

Other Circumstances

11.51 For anything not described in this policy, annual, flexible or unpaid leave may be requested.

11.52 There is no automatic entitlement to unpaid leave and it is only granted at the discretion of the Line Manager, in conjunction with the Clerk.

11.53 Should employees request unpaid leave, Line Managers should give consideration to the request on the following grounds:

- reasons for request
- effect on service provision
- the amount of time requested
- ability to treat all employees consistently

11.54 If unpaid leave is required for a period of time, it must not result in additional cost to the Council.

Jury Service

11.55 Any employee summoned for Jury Service is under a legal obligation to participate in the criminal justice process as a juror, and likewise the Council is legally obliged to allow time off for this.

11.56 An employee will not lose any pay for participating in Jury Service and no employee should be treated unfairly as a result of being summoned to attend Jury Service.

11.57 This policy applies to all employees of the Council.

How long does Jury Service last?

11.58 Jury Service usually lasts for up to 10 working days but may last longer depending on the case.

11.59 The nature of criminal cases varies greatly so if a trial is likely to last longer, the Court will ask jurors if this will be difficult.

11.60 While most cases can be successfully completed within 10 working days, there will be some, possibly more complicated cases that cannot. If jurors are empanelled to sit on such a case, the Judge will usually advise of this before jurors are sworn in.

11.61 If a juror is unable to sit for longer than two weeks, they should explain the reasons to the Judge who will decide whether or not that person will serve on that trial. The Judge's decision is final.

11.62 If jury service is due to go on longer than expected employees should notify their Line Manager.

Pay during Jury Service

11.63 Courts can pay for:

- loss of earnings
- travelling costs
- a subsistence allowance
- an allowance for other financial loss incurred solely because of jury service up to a maximum daily rate

11.64 No payment is made to third parties such as employers. For the current rates payable to jurors, this information is available on His Majesty's Court Service website – https://www.gov.uk/jury-service/what-you-can-claim

Abuse of this Policy

11.65 Any abuse or breach of the conditions set out within the policy may result in disciplinary action being taken against the employee or the Line Manager dependent on circumstances.

Monitoring

11.66 The Clerk will monitor the application of this policy and has the discretion to review it at any time through the appropriate mechanisms.

11.67 Responsibility for the implementation, monitoring and development of this policy lies with the Clerk. Day to day operation of this policy is the responsibility of Line Managers who will ensure that this policy is adhered to.

Employee Assistance Programme

11.68 We would like to remind you that you have access to a 24-hour telephone counselling service and Virtual GP, along with many other benefits of the Employee Assistance Programme, we would like to encourage you to use if it you feel you would like to take to someone about your situation.