

TIME OFF WORK POLICY

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TIMESCALES

Type of leave	Leave allocated (<i>pro rata for part-time employees</i>)	Paid/unpaid
Annual leave, Bank holidays and Purchasing additional leave	For entitlements, please use the annual leave calculator. For purchasing additional leave - up to 40 days available for purchase.	Paid
Career break	Up to 12 months	Unpaid
Carers leave	Up to 5 days (reasonable unpaid time for 'time off for dependants')	Paid
Christmas Eve leave	Up to half a day (unless Christmas Eve falls on a weekend)	Paid
Compassionate/Bereavement leave	1 day for the death of a family member if not involved in arranging the funeral, up to 3 days where the employees is involved in arranging the funeral (pro rata)	Paid
Disability leave	At the discretion of the manager	Paid
Emergency leave	Up to 2 days, see details on responsibility	Paid/Unpaid
Flexi leave	Maximum of 2 days every 6 weeks with sufficient hours	Paid
Interviews	Reasonable allowance depending on vacancy	Paid
Learning and development	See Learning and Development Policy	As left
Medical leave	Paid time off depends on the type of appointment	Paid/Unpaid
Military reservists, retained fire fighters & special constables	Up to a maximum of 2 weeks per year for training	Paid
Public duties	Up to 18 whole days or 36 half days per year based on circumstances	Paid
Staff Council	Reasonable time off	Paid
Unpaid leave	Reasonable	Unpaid
TOIL	Maximum of 2 days every 6 weeks with sufficient hours	Paid
Volunteering	Up to 5 days per year	Paid

ROLES AND RESPONSIBILITIES

HEAD OF SERVICE / DIRECTOR

- Consistently apply decision making regarding approval of leave throughout Service, bearing in mind the different circumstances
- Develop a culture where employees are supported in trying to achieve a work life balance
- Apply discretion in cases where exceptional circumstances may warrant this
- Support managers in carrying out their responsibilities for the maintenance of high performance standards from all employees
- Support managers/supervisors in managing absence levels and attendance in line with business needs

COUNCILLORS

- To encourage a culture of work life balance and engagement with this policy.
- To ensure the council's policies are in line with best practice and legislation.

LINE MANAGERS / SUPERVISORS

- Ensure staff are aware of their rights under this policy and support individuals to achieve a work-life balance
- Consistently apply the policy amongst all staff
- Assist in developing a supportive culture
- Be empathetic with employee needs at difficult times and apply discretion in line with business needs at times that warrant this
- To ensure they adhere to any timescales set out for various types of leave.

HUMAN REOSURCES

- Consistently advise managers and employees on the process and policy
- Ensure the policy and procedure are current and fair, and in line with any legislative changes
- Provide advice and guidance regarding support measures and accessing them

EMPLOYEES

- Adhere to any timescales set out in this policy or supporting guidance
- To be mindful of business needs and customer service requirements when requesting leave
- Actively and positively participate in measures implemented in order to support them
- Advise the supervisor/manager if there is particular support that will benefit them, and assist in accessing this
- To engage with managers in relation to their requirements for leave

*Please note that any lists included within this policy are not exhaustive.

1. Annual leave, bank holidays & purchasing additional leave

Annual Leave

All workers accrue annual leave based on their hours of work. The below tables outline the basic entitlement all workers have. For information on how to manage leave, calculating annual leave and all other queries/processes relating to annual leave and/or bank holidays, please refer to the **Annual Leave Guidance for Managers and Employees** on the intranet.

All employees working a pattern other than 7 hours 24 minutes per day, Monday to Friday, will receive their entitlement in hours and minutes. All leave is pro rata for part time workers, and/or part years. The annual leave year is the workers birth month for 12 months.

The above does not take into consideration those members of staff who work in a residential establishment or who work condensed and does not give the calculations this will cause ambiguity

NJC and Soulbury staff:

Length of Continuous Service	Days	Hours and minutes
Up to 5 years continuous service (basic leave)	21	155 hours 24 minutes
Extra Statutory Holidays	+3	+22 hours 12 minutes
Extra after 5 years continuous service	+4	+29 hours 36 minutes
Extra after 10 years continuous service	+1	+7 hours 24 minutes
Extra after 15 years continuous service	+1	+7 hours 24 minutes
Extra after 20 years continuous service	+1	+7 hours 24 minutes
Total maximum entitlement	31	229 hours 24 minutes

Youth Workers:

Length of Continuous Service	Days	Hours and minutes
Up to 5 years continuous service (basic leave)	30	222 hours
Extra Statutory Holidays	+3	+22 hours 12 minutes
Extra after 5 years continuous service	+5	+37 hours
Total maximum entitlement	38	281 hours 12 minutes

Heads of Service and above:

Length of Continuous Service	Days	Hours and minutes
Basic leave for all service lengths	30	222 hours
Extra Statutory Holidays	+2	+14 hours 48 minutes
Total maximum entitlement	32	236 hours 48 minutes

Bank Holidays

Full time and part time staff are entitled to statutory bank holidays. Part time staff are entitled to bank holidays pro rata to their hours worked and will receive at least the minimum entitlement or the number they work – whichever is greater. Please use the annual leave calculator attached to the **Annual Leave Guidance for Managers and Employees** to calculate a workers bank holiday allowance, should they be part time or have a working pattern that requires some bank holiday working. **Clarity is sought with regards to workers who may work condensed hours and work every bank holiday?**

Extra Statutory Leave

Full time and part time staff are entitled to 3 extra statutory days (22 hours 12 minutes pro rata to average contracted hours) in addition to the normal leave entitlement. In appropriate circumstances the council will determine, in consultation with the recognised trade unions, when extra statutory days are to be taken.

Purchasing Additional Leave

Employee may purchase an additional 40 working days (equivalent to a maximum of 8 weeks of average contracted hours) within one leave year. Payment will be taken out your salary by payroll. For more information or to request to purchase additional leave, please see the **Annual Leave Guidance for Managers and Employees**.

Annual Leave and Relief/Supply/Casual Workers

The Working Time Regulations 1998 states that “a worker is entitled in each leave year to a period of leave” which means that all employees and relief/supply workers of the council are entitled to receive annual leave proportionate to their hours worked. For more information on how this is calculated, please see the **Annual Guidance for Managers and Employees**.

2. Career break

A career break is when an employee decides to take an extended unpaid period of absence from work, up to a maximum of 12 months, in order to pursue other interests. Typically, career breaks are used for:

- caring for a child
- caring for a dependant
- training / study leave
- working abroad

Applications for other circumstances may be considered on an individual basis.

~~A career break may:~~

- ~~• enable employees to balance the competing demands of work and life away from work~~
- ~~• assist with recruitment and retention of trained and experienced employees~~
- ~~• enable employee development, increase motivation and enthusiasm~~

A minimum of 12 months continuous service is required and both full and part time employees may request a career break. Those who are **not** eligible for a career break are:

- Directors and Heads of Service
- employees working their probationary period
- agency workers
- employees on a fixed term or temporary contract
- casual, relief and volunteer workers
- apprentices and other traineeships

A career break is unpaid and is to be taken as a single period. Eligible employees will be allowed no more than 2 career breaks within a rolling 5 year employment timeframe.

Any requests for a career break for the purpose of working for another UK based company will be denied, as employees must not take paid employment within in the UK during their career break.

There is no automatic right to have a request for a career break to be granted, and managers will consider each request on a case by case basis. For full details on the application process please refer to the Career Break Guidance.

3. Carers leave

Paid Carers Leave

The definition of a carer is Carers are employees with significant caring responsibilities that have a substantial impact on their working lives. These employees are responsible for the care and support of disabled, elderly or sick partners, relatives or friends who are unable to care for themselves. Please note that this does not include day to day illnesses of dependants.

Their responsibilities may be:

- New Care
- Short Term Care
- Long Term Care
- Immediate/emergency care

Where a dependant is seriously ill, the authority can grant up to 5 days paid carers leave per annum. This should only be granted following consultation with the employee to understand fully what their requirements are, and following discussion with the appropriate Head of Service.

Managers should not automatically grant up to the 5 days leave. Careful consideration must be given to the circumstances and future prognosis for the dependant. It may be more appropriate to allow unpaid leave or annual/flexi/toil which would leave the 5 days paid carers leave to a later date when the employee's needs may be greater. Alternatively, the manager could agree a combination of annual/flexi/toil and unpaid/paid leave for example, the employee takes 2 days leave and the authority gives 2 days carers leave. Other special leave arrangements available or managing carers leave include carers' being able to purchase an additional 5 days leave in addition to the standard [Purchasing Additional Leave](#) arrangements, [Compassionate Leave](#) and also [Emergency Leave](#). Also for further information please see the Managing Carers' Leave Policy. (Hyperlink)

4. Christmas leave

Christmas Eve

The Council recommends that an additional half day be granted on 24 December (Christmas Eve) when the 24 December is a working day. In most cases full time employees will be granted a half day's leave for the afternoon of Christmas Eve with an equivalent compensatory half day being granted to employees in services where closure is not an option.

Part time or job sharing employees will receive time for the afternoon of Christmas Eve on a pro rata basis to their contractual working hours.

Designated public holidays

Over the Christmas period there are 3 designated public holidays:-

25th December – Christmas Day

26th December – Boxing Day

1st January – New Year's Day

Where these public holidays fall on a Monday to Friday, employees required to work on these days will be paid as per the usual bank holiday rates. As such, in addition to the payment, time off with pay shall be allowed at a later date.

Where these dates fall on a Saturday and/or Sunday, the government will designate alternative days in substitution for the public holidays which have fallen on the weekend. In such cases, employees required to work will be recompensed as per usual bank holiday rates, bearing in mind that they are only entitled to 3 days at the public/bank holiday rate. **Any days above this will be paid at the normal rate of pay for that day.**

Where these dates fall on a Saturday and/or Sunday, and the employee is required to work on these days, the employee will receive bank holiday rates, bearing in mind that they are only entitled to 3 days at the public/bank holiday rate. Any days above this will be paid at the normal rate of pay for that day.

Fundamentally, public holidays will be paid as per the usual public holiday rates of pay, including time off with pay at a later date for the hours worked. Public holiday rate of pay will also be paid in those instances where an employee is required to work Christmas Day, Boxing Day and/or New Year's Day, where these days fall on a Saturday and/or Sunday, and they are not working on the alternate designated public holiday.

Please see the below examples for clarity. The Government will usually confirm the public holiday and pay arrangements agreed for local councils each year. Where this is the case, the national agreement will be followed.

Example 1 - Where Christmas falls on a Saturday

Christmas working arrangements

- 25th December (Christmas Day) – Saturday
- 26th December (Boxing Day) – Sunday
- 27th December – Monday designated substitute public holiday for Christmas Day
- 28th December – Tuesday designated substitute public holiday for Boxing Day

No. of days employee due to Work	Saturday (25th Dec)	Sunday (26th Dec)	Monday (27th Dec)	Tuesday (28th Dec)
All 4 days	Normal Hourly Rate	Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate
3 days – 25 / 26 / 27	Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate	
3 days – 25 / 27 / 28	Normal Hourly Rate		Public Holiday Rate	Public Holiday Rate
3 days – 26 / 27 / 28		Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate
2 days – 25 / 26	Public Holiday Rate	Public Holiday Rate		
2 days – 25 / 27	Public Holiday Rate		Public Holiday Rate	
2 days – 26 / 27		Public Holiday Rate	Public Holiday Rate	
2 days – 26 / 28		Public Holiday Rate		Public Holiday Rate
2 days – 27 / 28			Public Holiday Rate	Public Holiday Rate
1 day – (any of the 4 days)	Public Holiday Rate	Public Holiday Rate	Public Holiday Rate	Public Holiday Rate

New Year working arrangements

- 1st January (New Year's Day) – Saturday
- 2nd January (Normal working day) – Sunday
- 3rd January – Monday designated substitute public holiday for New Year's Day

No. of days employee due to Work	Saturday (1st Jan)	Sunday (2nd Jan)	Monday (3rd Jan)
3 days	Public Holiday Rate	Normal Hourly Rate	Public Holiday Rate
2 days – 1 / 2	Public Holiday Rate	Normal Hourly Rate	
2 days – 1 / 3	Normal Hourly Rate		Public Holiday Rate
2 days – 2 / 3		Normal Hourly Rate	Public Holiday Rate

1 day – (any of the 4 days)	Public Holiday Rate	Normal Hourly Rate	Public Holiday Rate
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Example 2 – Where Christmas falls on a Sunday

Christmas Working Arrangements

25th December (Christmas Day) – Sunday

26th December (Boxing Day) – Monday

27th December – Tuesday designated substitute public holiday for Christmas Day

No. of days employee due to Work	Sunday (25th Dec)	Monday (26th Dec)	Tuesday (27th Dec)
All 3 days	Normal Hourly Rate	Public Holiday Rate	Public Holiday Rate
2 days – 25/26	Public Holiday Rate	Public Holiday Rate	
2 days – 25/27	Normal Hourly Rate		Public Holiday Rate
2 days – 26/27		Public Holiday Rate	Public Holiday Rate
1 day – (any of the 3 days)	Public Holiday Rate	Public Holiday Rate	Public Holiday Rate

New Year Working Arrangements

1st January (New Year's Day) – Sunday

2nd January – Monday designated substitute public holiday for New Year's Day

No. of Days Working	Sunday (1st Jan)	Monday (2nd Jan)
2 days	Normal Hourly Rate	Public Holiday Rate
1 day – (any of the 2 days)	Public Holiday Rate	Public Holiday Rate

5. Compassionate/Bereavement leave

Compassionate leave

Under review.

Bereavement leave

Paid leave of absence will be granted to employees who have suffered the bereavement of a family member. This is to be pro rata for employees.

A family member is defined as husband, wife, partner, parent, parent in law (to include partner's parents **where not married**), guardian, son or daughter, grandchild, grandparent (**to include great-grandparents**), brother and sister (**to include in law, and partners sibling where not married**), aunt or uncle. **This also includes these relationships where they are of a 'step' basis, i.e. stepfather, stepmother, stepsibling.**

A maximum of 3 days (pro rata) will be granted where the death is of a family member and the employee is personally involved in making the funeral arrangements. This includes time off to attend the funeral.

For employees who are not involved in the funeral arrangements, 1 day will normally be granted to attend the funeral with additional travelling time, if appropriate.

Any leave beyond 3 days must be agreed by the manager. This should normally be taken as annual leave and a compassionate approach towards granting leave should be adopted. If annual leave has already been exhausted, it may be necessary to allow leave to be taken from next year's entitlement. **Alternatively, flexi leave or TOIL may be granted where possible.** Unpaid leave may also be granted.

The Occupational Health service is available for advice and guidance on coping with bereavement.

6. Disability leave

Disability leave will only be considered where an individual's condition is likely to come under the Equality Act 2010. Occupational Health can advise if this is the case if unsure. A disability is defined as 'a physical or mental impairment that has a **substantial** and **long-term adverse** effect on a person's ability to carry out normal day-to-day activities'. Long term is defined as 12 months or more, and substantial is defined as more than minor e.g. person cannot dress themselves without assistance. Those diagnosed with HIV infection, cancer or multiple sclerosis will be considered as disabled from the day of their diagnosis.

High levels of sickness absence can in some cases be an indicator of an as yet unknown or undisclosed disability. Good practices on managing sickness absence and ensuring reasonable adjustments are made as quickly as possible will help to **both** improve attendance levels **and to support employees who may have a disability in the workplace**.

Disability leave is used for the purposes of rehabilitation, treatment and assessment, and is for a fixed period or periods of time that the employer and the employee know about in advance. In other words, **it is pre-planned and** there is a fixed end date for the leave. **It is not intended for when the employee is not well enough to come in to work**. Disability leave is also suitable for absences of a short period of time that are needed on a regular basis.

Examples of when disability leave may be appropriate are (this is not exhaustive and will be considered on a case by case basis):

- Treatment related to an employee's disability
- Physiotherapy specifically for a disability
- Dialysis treatment
- Having equipment fitted
- Blood tests for diabetes
- Chemotherapy treatments (including where the employee is signed off for short periods to avoid infection)
- Where, based on medical advice, it is not appropriate to remain at work/redeployed, while reasonable adjustments are made

Disability leave should be agreed on a discretionary basis by the Head of Service. During periods of disability leave an individual will in effect remain on full pay and will not be classed as being 'off sick'. Individual circumstances will determine how much paid time off is classed as reasonable. **Employees should look to also use annual leave, flexi leave, TOIL, where possible**.

It should be noted that every effort will be made to accommodate individuals who have a disability. However all employees need to maintain an acceptable level of attendance at work, in order for the Council to provide services to the public.

Please contact Occupational Health if you require any additional advice or guidance.

7. Emergency leave

Level 1 - employee's responsibility

~~When the emergency is of a personal or domestic nature, the employee will be granted reasonable time off without pay to deal with it. Such examples would include a break in at home, illness of a family member or disruption to current childcare arrangements. Reasonable time off is usually classed as a maximum of 2 days.~~

An emergency of a personal or domestic nature such as a break in at home, illness of a family member or disruption to current childcare arrangements.

Mobile/Flexible Workers

Employees with the facility to work flexible will be granted reasonable time to work at home to deal with a level 1 emergency.

Static/Desk Bound Employees

Employees who are unable to work flexibly will be granted reasonable time off without pay.

Reasonable time is usually classed as a maximum of 2 days.

Level 2 - neither the employer nor the employee's responsibility

The 1st day of absence

~~When the emergency is neither the responsibility of the council or the employee, the employee will be granted a half day off (or equivalent for part time staff) with pay and the remaining half day to be taken as unpaid, flexi or annual leave (this applies when a full day or shift is lost). Such examples may include extreme weather conditions (snow, flooding etc.), fuel crises or foot and mouth disease. Where the emergency occurs part way through a working day, the employee will be granted half of the remaining working time for the day, for example.~~

A **full time** employee has worked 3 hours:

7.24 (standard day) - 3.00 hours = 4.24 hours remaining. ½ of 4.24 is 2 hours 12 minutes.

~~The employee will be granted 2 hours 12 minutes paid leave and the remaining 2 hours 12 minutes will have to be taken as flexi, unpaid leave or be made up at a later date.~~

~~The 2nd and subsequent days of absence~~

~~The second and subsequent days of absence will have to be taken as annual, flexi or unpaid leave. Employees who have sufficient flexi credit may take flexi leave to make up the remaining working time regardless of whether they have already taken flexi leave during the 6 week period.~~

~~Level 3 - employer's responsibility~~

~~Where the emergency is solely the responsibility of the council for example, office heating system breaks down, the employee will be granted the time off with pay. Where the emergency occurs part way through the working day, the employee's time will be made up to a normal working day.~~

This would apply in cases where the emergency is neither the responsibility of the council or the employee and may include extreme weather conditions (snow, flooding etc.), fuel crises or foot and mouth disease.

Employees are expected to make every reasonable effort to reach their usual place of work and continue to work as normal provided they can do so safely without putting themselves and others at risk. Where the employees is unable to attend work or has left work early the following will apply:

Mobile/Flexible Employees

Employees with the facility to work flexibly will be expected to work at a different location or at home and will not be reimbursed for any lost time.

Static/Desk Bound Employees

Employees who are unable to work flexibly will be granted the following:

The 1st day of absence

Where an employee is unable to attend work, they will be granted a half day off (or equivalent for part time staff) with pay and the remaining half day to be taken as unpaid, flexi or annual leave (this applies when a full day or shift is lost).

Where the emergency occurs part way through a working day, the employee will be granted half of the remaining working time for the day, for example.

A full time employee has worked 3 hours:

7.24 (standard day) - 3.00 hours = 4.24 hours remaining. $\frac{1}{2}$ of 4.24 is 2 hours 12 minutes.

The employee will be granted 2 hours 12 minutes paid leave and the remaining 2 hours 12 minutes will have to be taken as flexi, unpaid leave or be made up at a later date.

Employees, who have presented themselves at their normal place of work and that location remains open, but they are unable to carry out their duties due to health & safety reasons, will have their time made up to a normal working day.

The 2nd and subsequent days of absence

The second and subsequent days of absence will have to be taken as annual, flexi or unpaid leave. Employees who have sufficient flexi credit may take flexi leave to make up the remaining working time regardless of whether they have already taken flexi leave during the 6 week period.

Level 3 - employer's responsibility

This will apply where the emergency is solely the responsibility of the council for example, office heating system breaks down.

Mobile/Flexible Employees

Employees with the facility to work flexible will be expected to either work at a different location or at home and will not be reimbursed for any lost time.

Static/Desk Bound Employees

The employee will be granted the time off with pay. Where the emergency occurs part way through the working day, the employee's time will be made up to a normal working day.

N.B. Where the facilities required to work flexibly are not available e.g. cag access, mobile/flexible employees will be granted time off as per a static/desk bound employee. This does not includes situations where the employee has left their equipment at work.

8. Interviews

Internal vacancies (including other local authority vacancies)

Where practical, reasonable time will be granted to employees who attend interviews/assessments within Denbighshire County Council during working hours. Reasonable time off with pay will also be granted for interviews or assessments for vacancies (to include secondments) within organisations covered by the Redundancy Modification Order.

Vacancies with DCC Partnerships

Where a working partnership has been created between the council and an external organisation, reasonable time off with pay will be granted for interviews/assessments during normal working hours.

External secondments

~~Where practical, reasonable time will be granted to employees who attend interviews/assessments during working hours.~~

External vacancies

Employees wishing to attend interviews for vacancies external to the council, or outside of the above parameters, should use their own time to do so (e.g. annual leave or flexi leave).

Employees affected by redundancy

Employees who have been served notice are officially “at risk” of redundancy will be granted reasonable time off work with pay to seek alternative employment and/or retraining opportunities. Please refer to the Redundancy policy for further details.

9. Learning & development

Employees undergoing training, studying or work related development may be eligible for an amount of paid time off to support their studies. This includes attendance on courses, additional study leave, examinations, or completing e-learning modules. To determine if an employee is eligible, and if so, the amount of time granted, please refer to the Learning and Development Policy.

10a. Medical – Elective

IVF treatment

One cycle of IVF treatment needs around eight to ten attendances at a clinic which normally last about an hour at a time. IVF treatment **can be requested** by either a male or female person and on occasions it **may** ~~would~~ be necessary for both parties to attend a clinic for treatment at the same time. This policy applies equally to an employee whose partner is undergoing fertility treatment so that he/she is available to support them through the treatment.

~~At present there is no law governing the right to time off work specifically for fertility treatment. However, as a fair and reasonable employer, Denbighshire County Council will grant a set amount of paid time off within a twelve month period to undergo fertility treatment.~~ **Denbighshire council allows employees a set period of time off within a twelve month period in order to undergo fertility treatment.** This time off will be equivalent to 3 days (22.12 hours) pro rata. However, if excessive travel is required in order to undergo IVF treatment, consideration should be given to extending the time off to be equivalent to 5 days (37 hours) pro rata. Should any additional time off be required for IVF treatment within the same twelve month period, holiday entitlement or flexi leave can be considered as an option available to the employee.

The employee should notify their line manager as early as possible if they wish to take time off for fertility treatment and give as much notice as possible of the specific dates on which time off will be required. Managers should be aware that on occasion's employees undergoing IVF treatment are required to attend for appointment at short notice.

The employee will be asked to produce an appointment card or letter from a medical practitioner for each occasion on which time off is requested to undergo fertility treatment. ~~For full time employees, annual leave is normally taken in half or full days, with similar arrangements are in place for flexi leave and TOIL.~~ Where employees may need short periods of time off to undergo fertility treatment, leave can be taken in hours.

Elective medical procedures and cosmetic enhancements

The decision to undertake elective medical procedure and/or cosmetic enhancements (including laser eye treatment) is a lifestyle choice and time needed for appointments and procedures must be the employee's own. This will include time off for recovery.

Annual leave, flexi leave or unpaid sick leave is to be used for these purposes. If unpaid sick leave is used for the purpose of undergoing an elective medical procedure and/or cosmetic enhancement, then the employee must produce a medical certificate and if eligible, maybe entitled to statutory sick pay. The only exception to this would be where medical advice (and evidence is provided from a medical practitioner accordingly) recommends that such treatment is essential for the health and wellbeing of the individual.

If an elective medical procedure or cosmetic enhancement procedure is required due to a potential health or psychological issue and is supported with written confirmation from a medical practitioner, reasonable time off with as paid sick leave would be granted under the Attendance at Work policy.

Gender reassignment

~~Special rules under the Sex Discrimination Act 1975 govern those undergoing gender reassignment. Employees undergoing this procedure should not be treated less favourably than they would be treated if absent due to sickness or injury. Employees undergoing gender reassignment would be granted time off as sick leave under the Attendance at Work policy and paid according to their Terms and Conditions of Employment.~~

Complications associated with treatment

With each form of elective medical procedure as outlined above, there may be side effects or unforeseen medical complications as a result of treatment or procedures. In all cases, where an employee is too unwell to attend work due to a complication or side effect of treatment or a procedure, employees and managers must follow the usual sickness absence process, outlined in the Attendance at Work Procedure.

IVF

~~Time off work due to the side effects of IVF treatment will be paid in line with the occupational sick pay scheme. The employee should report their absence in accordance with the Attendance at Work procedure.~~

Elective medical procedures and/or cosmetic enhancements

~~Medical complications may arise out of an elective medical procedure and/or cosmetic enhancement treatment which prevent the employee returning to work on the expected date. The employee will be paid in line with the occupational sick pay scheme and should report their absence in accordance with the Attendance at work procedure.~~

Gender Reassignment

~~In the event of medical complications arising out of gender reassignment procedure, time off work will be paid in line with the occupational sick pay scheme and the employee should report their absence in accordance with the Attendance at work procedure. All such absences must be supported by a fit note.~~

10b. Medical – Non-elective

Non elective appointments include GP, hospital, dentist and optician; this list is not exhaustive.

Employee's attending a planned **hospital appointment** should seek approval to attend prior to the appointment date. Managers can ask for proof of the appointment, failure to provide this may result in the employee having to take unpaid time off or annual leave. **Hospital appointments cannot be changed to suit the needs of the person the comment that an employee should seek approval is unacceptable it might be better to say "the employee should inform their manager as soon as possible of the appointment being made"**

If you are pregnant and attending **antenatal appointments** or if you are attending routine cancer screening you will be able to take the time off with pay.

Employees on Flexi-time

Routine medical appointments, including dental appointments should be taken in the employee's own time, and be taken outside of the working day whenever possible.

Appointments without pay (time not credited):-

Where it is not possible to attend an appointment in their own time, employees are able to attend medical and personal appointments during the normal working day subject to adequate office cover. Employees are required to clock out for such appointments and will not be credited for this time.

Appointments with pay (time credited):-

Employees attending hospital appointments will be required to clock out for such appointments and will be credited for this time. Hospital appointments which are half a day or more will be classed as sick leave.

Employees attending routine cancer screening will be required to clock out for such appointments and will be credited for this time.

Employees who require time off to give blood to the National Transfusion Service will be required to clock out for such appointments and will be credited for this time (as long as the needs of the Service are met before the line manager agrees to the time off).

Employees not on Flexi-time

Employees should endeavour to arrange routine medical appointments, including dental appointments, outside of normal working time. Where this is not possible, reasonable time off with pay will be granted.

Employees attending hospital appointments will be granted reasonable time off with pay for this time. Hospital appointments which are half a day or more will be classed as sick leave.

Employees attending routine cancer screening will be entitled to time off with pay.

Employees who require time off to give blood to the National Transfusion Service will be allowed reasonable paid time off (as long as the needs of the Service are met before the line manager agrees to the time off).

Note

~~Separate arrangements are in place for appointments concerned with fertility, maternity, adoption and surrogacy. Refer to the Elective medical procedures section of this policy and the Parental policy for further details.
For further details relating to time off to attend medical appointments please refer to the Attendance at work procedure.~~

11. Military reservists, retained fire-fighters & special constables

~~Denbighshire County Council recognises that all military reservist employees have yearly training commitments and the potential for individuals to be called up for service in relation to military action. The Council is committed to working with employees to support them (within reason, and taking into account the needs of the organisation) during this process.~~

~~Further information relating to military reserve forces and our obligations as an employer can be found at;~~

Military reservists, retained fire-fighters and special constables will be granted paid leave of absence for mandatory annual training camp, up to a maximum of two weeks per year.

Retained fire-fighters who have to respond to an emergency during working hours will be able to do so using Emergency Leave, or Flexi/TOIL if they have sufficient hours. **What happens if they don't have emergency leave?**

For further information on military reserve forces and supporting their absence, please refer to the Military Reservists, Retained Fire Fighters and Special Constables Guidance.

12. Public duties

Employees can get time off work for certain public duties. There can be different payments and rights to time off dependent upon the public duty performed.

Reasonable time off

Qualifying employees will be allowed reasonable time off to go to meetings or carry out duties. The amount of time off must be agreed between the employee and employer before taking any time off. Employers will be allowed to refuse time off if it is unreasonable, however, the law does not specify a set amount of time. What may be classed as reasonable will depend on:-

- how long the duties might take
- the amount of time the employee has already had off for public duties
- how the time off will affect the business
- Denbighshire CC can't refuse staff time off to do jury service.

Who doesn't qualify for time off

Staff can't ask for time off work for public duties if they're:

- agency workers
- members of the police service or armed forces
- employed on a fishing vessel or a gas or oil rig at sea
- merchant seamen
- civil servants, if their public duties are connected to political activities restricted under their terms of their employment

What relevance does the above have in relation to staff who work for Denbighshire

Examples of public duties:

- a magistrate (also known as a justice of the peace)
- a local councillor
- a school governor
- a member of any statutory tribunal (e.g. an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland

- a member of the Education Workforce Council
- a trade union member (for trade union duties)

Time off for Trade Union duties

The Trade Union and Labour Relations (Consolidation) Act 1992 (S168(1) and (2)) makes provision for employees to be given the right for time off under various circumstances. Representatives will be permitted reasonable paid time off during working hours to carry out duties for one or more Union roles that are concerned with any aspect of collective bargaining and representation of individual members.

Please refer the Facilities Agreement on the Intranet for further details.

Jury Service

If an employee is taking jury service, serving on public duties or undertaking public duties e.g. polling/count duties, they will be granted paid leave of absence.

Attending court as a witness.

Paid leave will only be granted where the case is related to an employee's position or employment for Denbighshire County Council cases. If you are attending a meeting as a witness for an employee, this

Cases that are not related to an employee's position or employment for Denbighshire County Council will have to be taken as annual leave, flexi leave, TOIL or unpaid leave.

13. Staff Council

Service representatives of the Staff Council may be required to take reasonable paid time away from their core duties to fulfil their role. This will include attendance at regular meetings for which adequate time will be provided. The full terms of reference can be found on the Staff Council page of the intranet.

14. Unpaid Leave, Flexi-leave & TOIL

Unpaid leave

Unpaid leave is for when employees need to take short-term time off work but have possibly exhausted their annual leave, flexi leave/TOIL, carers leave etc. Requests for unpaid leave are required to be made in advance, and with agreement with the line manager.

Managers will approve requests for unpaid leave on a case by case basis and must be in-line with the needs of the business. Whilst the council will grant a reasonable period of unpaid leave within a 2 month period, this reasonableness will be determined by consideration of service operations, staffing needs, customer needs, and individual circumstances.

Flexi-leave (Vision Time)

For senior posts, there will be an expectation that a reasonable number of hours will be worked over and above the contracted hours with no additional reimbursement.

For more detailed information regarding flexi time, please refer to the Flexible Working Policy and Guidance for Managers on the Intranet.

Employees who have reached their maximum credit on the flexi system will not automatically be able to claim and accrue TOIL for any further additional hours worked.

~~Employees on the flexi system are able to use accrued hours to take additional time off work. The flexi period runs on a 6 weekly cycle. Staff must ensure that they are not in a detriment for more than 2 cycles, and can only carry over 20 hours from one to the next, any hours accrued over and above this will be lost.~~

~~Staff can take up to 2 full days of flexi leave in every 6 week cycle. This can be taken in half or full days, in the same way as annual leave. Requests for flexi leave should follow the same process as annual leave. Staff may also work a 'short day' but must work a minimum of 4 and a half hours in these instances.~~

Employees leaving the council will not have excess flexi hours paid to them and every effort should be made to get to a zero balance.

Employees should ensure they have sufficient credit hours to cover leave. Flexi leave must not be taken if there are insufficient credit hours. Time accrued under the flexi scheme cannot be converted to time off in lieu.

Time off in Lieu (TOIL)

Time off in lieu (TOIL) is another way of reimbursing employees for hours worked over and above their contracted hours. Examples of when TOIL may be appropriate may be (this list is not exhaustive and it will be manager's discretion whether TOIL is appropriate):

- Planned evening meetings
- Training which involved long days or overnight travel
- Short periods of time worked as an extension of a normal working day

It will only be hours worked over and above the employee's contracted hours which are not reimbursed through any other means e.g. paid overtime that will be claimed as time off in lieu.

Time off in lieu will be accrued as plain time, regardless of when it is worked and a minimum of ½ hour must be worked before time off in lieu can be claimed.

The TOIL period runs on a 6 weekly cycle, and up to 20 hours of TOIL can be carried over from one TOIL period to the next. Hours in excess of 20 hours at the end of the 6 week period will be lost. Within a 6 week period, employees can take up to the equivalent of 2 days TOIL leave and this can be taken as whole or half days. Requests for TOIL leave should follow the same process as annual leave.

Where it is not possible, due to business reasons, to allow an employee to take 2 days TOIL leave during the 6 week period, and as a result of which the employee loses hours in excess of 20 hours, the amount lost should be repayable to the employee based on their basic hourly rate. This will only apply in cases where the employee has been unable to take TOIL due to business reasons. It will not apply to those who have had their 2 days TOIL but still had hours in excess of 20 at the end of the settlement period, or when employees have not taken the excess hours even though the business would have allowed them to.

Employees should ensure they have sufficient credit hours to cover requested leave. TOIL leave must not be taken if there are insufficient credit hours. Time accrued under the flexi scheme cannot be converted to time off in lieu.

Employees who have reached their maximum credit on the flexi system will not automatically be able to claim and accrue TOIL for any further additional hours worked.

Employees leaving the council should make every effort to achieve a zero balance. If this is not possible, then credit hours up to a maximum of 20 hours will be repayable to the employee at their basic rate. No enhancement will be payable for this time.

Credit hours are also not transferable from one service to another.

15. Volunteering

The council recognises that some employees wish for an opportunity to develop professional and personal skills whilst helping local people, **the community** or improving the environment. By encouraging voluntary activities, Denbighshire County Council demonstrates that they value their employees, local groups and community of Denbighshire.

It is expected that employee volunteering will normally take place in non-work time, which includes unpaid lunch breaks. However, there is management discretion should any time spent volunteering need to take place during the working day. Up to the equivalent of 5 days paid time off per calendar year can be allowed for ~~participation in volunteering activities~~ for training or attending meetings with the volunteering organisation. This is pro rata for part time employees.

For employees who are new to volunteering and for certain types of on-going projects, there may be a requirement for some initial training, 2 paid working days can be taken as time off for this one off volunteering activity **in addition to the 5 days as set out above.**

~~For full time employees, annual leave is normally taken in half or full days. Similar arrangements are in place for flexi leave and TOIL.~~ Where volunteers may need short periods of time off, leave can be taken in hours.

Note that this does not cover the statutory duty to allow employees time off for public duties. See Public duties.