

Time Off Policy



This policy applies to all Council employees. This does not include agency or contractors. It is recognised that due to the diverse nature of roles within the organisation that work patterns will vary and that this will need to be taken into account when applying this policy.

The Council ensures it is a fair, equitable and transparent policy with the needs of its employees at its heart. The Council ensures compliance with equality, diversity and inclusion making sure consideration is given to the needs of its employees, balancing these with the needs of the business.

Policy Title	Time Off Policy
Policy Author	HR Team - PSPS Limited
Policy Issue date	November 2024
Policy Review date	February 2028, or earlier if required
Policy Consultation	Trade Unions recognised by the Council Council Reader Panel Senior Leadership Team
Policy Sign-off	Head of Paid Service (at SHDC – in consultation with Portfolio Holder)

Time Off Policy

Introduction

The Council recognises the needs of employees to have time off from work, owing to personal circumstances, and encourages employees to take appropriate rest from work. We endeavour to provide employees with a positive work life balance whilst maintaining service delivery. We recognise the importance of annual leave and other time off in helping employees to achieve this.

The 'Time off Work Policy' is a collective set of provisions that are designed to support a variety of personal circumstances where 'Time off Work' rather than normal annual leave entitlement may be sought.

This policy aims to provide a standard and equitable approach to the management and calculation of leave and time off entitlements for employees. Some of the leave detailed in this policy has qualifying criteria (this is specified where applicable).

Governing Legislation

This policy document draws on legislation including, but not limited to:

- Working Time Regulations 1998 (As Amended);
- Employment Rights Act 1996;
- The Maternity, and Parental Leave etc. and Paternity and Adoption Leave (Amendment) Regulations 2008; and
- Trade Union and Labour Relations (Consolidation) Act 1992

Scope of the Policy

This policy applies to all employees who are employed by the councils who meet the qualifying criteria where specified. It is recognised that due to the diverse nature of roles within the organisations that work patterns will vary and that this will need to be considered when applying this policy. The 'Time off Work Policy' is a collective set of provisions that are designed to support a variety of personal circumstances.

Contents

Introduction	2
Scope of the Policy	2
1. Responsibilities under this policy -Employee	4
2. Responsibilities under this policy - Manager	4
3. Responsibilities under this policy - PSPS Human Resources Team	4
4. Annual Leave	4
5. Annual Leave Carry Forward	5
6. Purchasing Additional Annual Leave	5
7. Compassionate Leave	6
8. Bereavement Leave	7
9. Dependents Leave – Unpaid/Paid	7
10. Carers Leave	9
11. Domestic Emergencies	9
12. Medical Appointments – Personal	9
13. Medical Appointments – Dependents	10
14. Fertility Treatment	11
15. Religious Holidays	11
16. Public Duties	12
17. Military Reservist	13
18. Retained Roles	14
19. Jury Service	14
20. Elections	14
21. Career Break	14
22. Sporting Events	15
23. Training	15
24. Trade Union	15
25. Refusal of Time Off	15
26. Unauthorised absence	16
27. Unexplained or Uncertified Absence	16
28. Abuse of Right	17

1. Responsibilities under this policy -Employee

- Raise leave request with their manager and to provide reasonable notice where appropriate.
- Be aware of different leave arrangements and follow the relevant process.

2. Responsibilities under this policy - Manager

- Responsible for the application of this policy in your work area.
- Needs to be aware of the policy and the various causes of absence.
- Understand how to apply this policy and do so consistently.
- Input periods of unauthorised absence using First4HR.
- The manager is responsible for the application of this policy in their work area.

3. Responsibilities under this policy - PSPS Human Resources Team

- The PSPS HR Team is responsible for providing advice, guidance and support to People Managers and employees on the application of this policy.
- The PSPS HR Team is responsible for monitoring and reviewing the effectiveness of the Time off policy and procedure.
- The PSPS HR Team is responsible for providing training in the management responsibilities required under this policy.
- The PSPS HR Team is responsible for the provision of reports on Time Off information and other associated people management information to the Council.

4. Annual Leave

The leave year normally runs from 1 April to 31 March but may vary to suit service needs. Annual leave entitlement varies dependant by grade, and length of service. Employees should request the dates they wish to take their annual leave in First4HR and submit the request giving as much notice as possible, ideally twice as much notice as the leave being requested, prior to the start of the requested time off.

The manager should inform the employee if the leave has been granted or declined as soon as possible. A manager may refuse a request from an employee to take annual leave if, for example, other employees are taking leave at the same time, or the leave is requested at a particularly busy time for the service. If this is the case the employee will be able to take the leave at another time when the employee's absence from work will not detriment the service. Any leave being declined should be done so in a reasonable and timely manner.

In addition to annual leave, employees are entitled to public and Bank Holidays, pro-rata calculations will apply for part-time employees.

- 4.1 Where appropriate, employees leave entitlement will be determined by Conditions of Service and will be included in their terms and conditions document. Part time employees are entitled to the same amount of annual leave as full-time employees but on a pro rata basis to the hours they work. They also receive a pro rata entitlement for bank holidays, this is added to their total annual leave entitlement.
- 4.2 Employees joining or leaving the Council are entitled to annual leave proportionate to the amount of service completed during their service.
- 4.3 The employee's manager must approve all annual leave dates in advance. Employees must give as much notice as possible of proposed annual leave dates. This will ensure adequate business coverage at all times.
- 4.4 Managers will consider operational requirements when agreeing or refusing annual leave. Where several employees request the same time off, managers will discuss this with them. They will aim to balance the needs of the business and those of other employees.
- 4.5 If an employee is sick while on annual leave, any days covered by a medical certificate can be switched to sickness. Employees should speak with their people manager if this happens. If an employee does opt to amend Annual Leave to sickness leave the Council's Absence and Sickness Management Policy will apply.
- 4.6 If an employee has been unable to take Annual Leave due to long-term sickness absence, the entitlement will be carried forward and the carried forward holiday entitlement must be taken within 18 months of the end of the holiday year in which it accrued.
- 4.7 Employee will continue to accrue annual leave and their entitlement to paid annual leave will continue during Parental Leave

5. Annual Leave Carry Forward

Employees are entitled to carry leave over with agreement from their People Manager and Service Manager;

- Boston Borough Council employees a maximum of 10 days.
- East Lindsey District Council employees a maximum of 10 days.
- South Holland District Council employees a maximum of 15 days.

If employees are returning from a period of long-term sickness, it may be appropriate to incorporate the employee's annual leave or accrued flexi-leave to extend a phased return to work programme beyond 4 weeks if appropriate.

6. Purchasing Additional Annual Leave

An employee who wishes to purchase additional annual leave may make the request through the HR Halo Portal, which is subject to line managers approval.

Payments are deducted over 12 payments at point of approval, with deductions made from salary by the employer.

The cost deducted however should not reduce an employee's wages to below the level of the national minimum wage. It is the employee's responsibility to ascertain how much the monthly deduction from their salary will be.

The Cost deducted is calculated as at the point of purchase and will continue for the period of the deductions and won't amend based on any changes to pay.

6.1 Employees can purchase a maximum of 10 days annual leave

Part-time employees, or those on flexible working schemes, can purchase the equivalent weekly hours.

6.2 Employees must follow standard procedures to book time off on annual leave.

6.3 Additional leave purchased must be taken 'in-year' and cannot be carried-over between annual leave years

7. Compassionate Leave

7.1 The Council may grant paid compassionate leave for urgent personal reasons such as a bereavement, or serious illness/injury which requires nursing for a dependent or close relative.

7.2 The Council understands that family circumstances for each individual are different and therefore will assess applications for compassionate leave on a case-by-case basis.

7.3 Employees should refer to bereavement leave regarding the loss of a parent, partner, or child of the immediate family (including still-birth).

7.4 Compassionate leave applies to all employees irrespective of their length of service.

7.5 Employees may be granted up to 7 days paid compassionate leave within a 12-month period (pro rata for part time employees).

7.6 In exceptional circumstances, where an extended period of compassionate leave may be required then this will be at the discretion of the people manager and head of department. Such requests will be reviewed on an individual basis.

7.7 Employees should contact their people manager as soon as reasonably possible to request compassionate leave and make a formal request through hr system at the earliest opportunity.

7.8 Unpaid compassionate leave of up to 20 days can be granted if the individual requests this in addition to any paid period of compassionate leave. It is the people manager's responsibility to ensure that any approved requests for unpaid compassionate leave is notified to HR for processing via the payroll.

7.9 All requests for compassionate leave will be considered sympathetically and in confidence. The Council respects that such requests are unavoidable and may be made at short notice. Employees are encouraged to discuss potential issues with their people manager.

8. Bereavement Leave

8.1 The Council understands that family circumstances for each individual are different and therefore will assess applications for bereavement leave on a case-by-case basis

8.2 Parents have the legal right to take Parental Bereavement Leave if their child dies who is under the age of 18 or is stillborn after 24 weeks of pregnancy and make a formal request through HR system. An employee can choose to take either 1- or 2-weeks' leave. If an employee takes 2 weeks, this can be taken in one go, or as 2 separate weeks. For example, they could take 1 week immediately after the death, and take the other week later on. The leave must end within 56 weeks of the child's death. The date of the child's death is the first day of the 56 weeks.

8.3 The Council may grant up to 2 weeks paid Bereavement Leave where an employee loses a parent, partner, or child of the immediate family. In some circumstances, Bereavement leave in addition to compassionate leave may be appropriate and will be considered on case-by-case basis; by the People Manager and/or Head of Department.

8.4 In some cases it may be appropriate and supportive to agree a phased return to work for people returning from Bereavement leave. People Managers should liaise with HR for guidance.

9. Dependents Leave – Unpaid/Paid

9.1 All employees have the right to take a reasonable period of unpaid time away from work to deal with an emergency involving the care of a dependent. The Council recognises the impact of taking Unpaid Dependents Leave; therefore, in addition to the statutory requirements, employees may be granted a period of Paid Dependents Leave.

Definition of a dependent:

- A dependent is the husband, wife, partner, child, or parent of the employee. It also includes someone who lives in the same household as the employee as a member of the family.
- It does not include tenants or lodgers living in the family home, or someone who lives in the household as an employee, such as a live-in housekeeper.
- In cases of illness or injury, or where care arrangements break down a dependent may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency e.g., an elderly neighbour living alone who falls and breaks a leg.

9.2 **‘Emergency Unpaid and paid Dependents Leave’** may be requested to support an unexpected or sudden emergency such as –

- a dependent who falls ill or has been injured.
- an unexpected disruption or breakdown in normal care arrangements for a dependent.
- dealing with an unexpected incident involving a dependent e.g., a dependent may have been assaulted but is uninjured.

9.3 Employees may be granted up to 3 days paid Dependents Leave within a 12-month period (pro rata for part time employees).

9.4 Emergency time off to care for dependents applies to all employees, including those on fixed-term and part-time contracts. Employees do not have to complete a qualifying period in order to be able to take time off in an emergency.

9.5 Employees should contact their People Manager by telephone as soon as reasonably possible to request ‘Dependents Leave’ and make a formal request through HR system at earliest available opportunity. In the case of an emergency when it may not be possible to contact the appropriate People Manager, the employee should contact the Service Manager or HR Department to notify of absence.

9.6 Emergency time off to care for dependents does not apply to anticipated or non-urgent situations. If the employee is aware in advance that he or she is going to need time off, they should request the most appropriate ‘Time off Work’ in the usual way.

9.7 If an employee requires an extended period of unpaid leave to care for a child, the employee may be entitled to Parental Leave. Details of Parental Leave can be found in the ‘Parental Leave Policy’.

9.8 Paid Dependents leave will not be approved for foreseen or pre-planned events, such as school strikes, planned inset/school closure days.

9.9 Adverse weather and other extenuating situations can impact on educational premises and the availability of extended childcare providers, which can cause additional difficulties for parents or carers with dependents. In such situations where the closure is unforeseen/unexpected, employees are entitled to Emergency Dependents Leave for the first day. Any subsequent closure beyond the first day is not unforeseen and employees should make arrangements in preparation for this.

9.10 Any request for Emergency Dependents Leave must be made, to the employees Line Manager (or Service Manager), within 1 hour of their normal start time. The Council reserves the right to request medical evidence of an unforeseen medical appointment for a dependent.

10. Carers Leave

Carers Leave entitles employees to take one week's unpaid leave in any 12-month period to provide or arrange care for a dependent with a long-term care need. The one week can be used flexibly, either as full days, half days or one block week throughout the year.

This is a statutory right, but it is not paid and there is no requirement for Carers to supply evidence of why leave is needed. They would self-certify that they qualify for carer's leave.

It is an entitlement from day one of employment. Notice requirements will apply, in line with the purpose of the leave being to assist those with planned-for caring responsibilities, employees must give notice that is twice the length of the time being requested as leave, plus one day. For emergency care situations, where notice is not possible - Dependents Leave may be more appropriate.

11. Domestic Emergencies

11.1 There is no statutory right to time off work in these circumstances. Employees may request to take unpaid time off or request annual leave in the usual way.

11.2 Occasionally, employees may suffer from unforeseen domestic emergencies, such as burst pipes, heating systems breaking down. Employees should contact their People Manager as soon as reasonably possible to request any time off and make a formal request through HR system.

11.3 Approval for a period of absence due to a Domestic Emergency will only be given where the situation requires the employee to be absent from work for up to ½ a day. Should an employee require more than ½ day then they should discuss this with their People Manager.

11.4 In circumstances where a serious domestic instance has occurred, one day's paid leave will be given e.g., house fire, flood, or burglary

12. Medical Appointments – Personal

12.1 A 'Medical Appointment' is defined as: an appointment with a consultant, doctor, dentist, nurse, or other healthcare professional.

12.2 It is expected that employees make every reasonable effort to arrange 'routine 'Medical Appointments' outside of working hours or during a lunch period, such as periodic dental check-ups.

12.3 Where it is not possible to arrange a 'Medical Appointment' outside of working hours then the employee should look to arrange the 'Medical Appointment' at the start or end of the working day. Any change in an employee's working pattern to accommodate a 'Medical Appointment' should be discussed and agreed with the People Manger in advance.

12.4 The Council recognises that it may not always be possible to arrange 'Medical Appointments' outside of working hours, particularly for full-time employees; where this is the case then the employee should discuss this with their People Manager in advance.

12.5 Where an employee is required to attend a 'Medical Appointment' during the working day and following a discussion with the People Manager then the employee should make a formal request for paid 'Time off Work' through HR system and provide a copy of the 'Medical Appointment' letter to the People Manager. All requests will be recorded on HR system.

12.6 It is expected that employees will arrange general optical appointments outside of working hours. Where there is a need for an emergency optical appointment then the employee should discuss this with the People Manager and make a formal request for 'Time off Work' through HR system.

12.7 People Managers have the right to request evidence of a 'Medical Appointment' where the appointment takes place during the working day.

12.8 Where it is deemed that an employee may benefit from an Occupational Health appointment then the People Manager will make this referral following a discussion with the employee.

12.9 If an employee has a series of medical appointments over a period of time connected to the same issue, the Employee should discuss this with the People Manager at the earliest opportunity to enable appropriate arrangements to be agreed. These should also be recorded on HR system.

12.10 No more than 2 paid time off medical/dental appointments will be approved in a 12-month period. After two appointments, People Managers should record the time-off as unpaid time off work, or local arrangements can be made for the employee to work back the time taken off.

13. Medical Appointments – Dependents

13.1 A 'Medical Appointment' is defined as: an appointment with a consultant, doctor, dentist, nurse, or other healthcare professional.

13.2 In the case of a critical or urgent 'Medical Appointment' whereby a dependent requires medical treatment or therapy, an employee with caring responsibilities may be granted paid time off to accompany a dependent provided that this is supported by an appointment letter. A copy of the appointment letter must be submitted to the People Manager prior to seeking approval through HR system.

13.3 In the majority of cases it is anticipated that this support will be provided for either a morning or afternoon (4 hour) period. Where there are exceptional circumstances, this support may be extended to cover one full day subject to the People Manager's approval.

13.4 This provision is limited to 2 appointments in any 12-month period (pro rata for part time employees), after which such visits shall be agreed in advance between the employee and People Manager for this to be taken as unpaid leave or annual leave.

14. Fertility Treatment

14.1 The Council recognises the physical and emotional stress of undergoing fertility testing and treatment for assisted conception and understands the impact that this can have on employees.

14.2 In order to support employees during this time the Council offers.

- Employee undergoing treatment – 7 days paid leave per cycle of treatment (pro rata for part time employees), limited to one cycle per twelve months and no more than three cycles. This leave is for the purpose of receiving and recovering from fertility treatment and to attend appointments specifically associated with the IVF process (i.e., pre-booked interventions for consultant appointments, egg retrieval, monitoring tests, etc.).
- Partners Supporting - if it is an essential requirement within the course of treatment for the partner to attend a specific appointment, the Council will also grant up to two days of fertility treatment leave per cycle (pro rata for part time employees), limited to one cycle per twelve months and no more than three cycles.

14.3 Wherever possible, appointments for the investigation of, and testing for, fertility problems should be arranged outside of normal working hours. Where flexible working arrangements are not practical, time taken during working hours will be treated in the same way as for other Medical Appointments - Personal.

14.4 Requests for leave for fertility treatment will be treated in the strictest confidence.

14.5 Should an employee require time off because of the side effects of the treatment, this will be subject to The Council's normal sickness absence provisions. Sickness absence associated with IVF will not be regarded as 'pregnancy-related'.

14.6 Sickness absence taken following implantation of a fertilised ovum that is related to the procedure itself, will not be counted towards the triggers in the Sickness Absence Policy.

15. Religious Holidays

15.1 All staff, regardless of their religious belief or non-belief are required to work in accordance with their contract of employment.

15.2 Employees may request to take annual paid leave from their leave entitlement, Flexi time or unpaid leave to participate in their religious celebrations, festivals, or ceremonies.

15.3 It is the responsibility of the employee wishing to participate to inform their Line Manager in good time to enable arrangements to be made.

15.4 To assist in planning and maximising the opportunity for time off to be granted, employees should, where possible, make leave requests reasonably in advance of requiring such time off.

15.5 Any leave agreed with the Line Manager should be formally requested through First4HR. Managers are required seek advice from an HR before declining a request.

15.6 Any leave required for specific religious holidays may be taken through the usual annual leave or flexitime request

16. Public Duties

16.1 An employee has a right to request a reasonable time off for 'Public Duties.'

16.2 'Public Duties' include roles such as:

- a Magistrate (also known as a justice of the peace)
- a Councillor
- a school Governor
- a member of any statutory tribunal (for example 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 Environment Agency or the Scottish Environment Protection agency
- a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- a member of Scottish Water or a Water Customer Consultation Panel
- a trade union member (for trade union duties)

16.3 Who doesn't qualify for time off:

- agency workers
- members of the Special Constabulary 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

16.4 It is expected that employees make every reasonable effort to ensure that their 'Public Duties' do not interfere with the working day.

16.5 Where there is clear evidence that an employee's 'Public Duties' link directly to their role and/or is of benefit to the Council then this should be supported. There is no legal requirement for this to be paid time off, and all time off granted will be treated as unpaid leave.

16.6 The Council will grant a reasonable amount leave in a 12-month period to allow employees to fulfil such 'Public Duties', providing that the 'Time off Work' does not directly impact on The Council's service delivery.

16.7 This leave will be subject to authorisation by the People Manager and requests for such leave should be submitted through HR system.

17. Military Reservist

17.1 A 'Military Reservist' is a civilian who is a member of a military reserve force, and who gives up their time to train and serve alongside the regular forces.

17.2 The Council recognises the vital role of the reserve forces and the valuable contribution that reservists make to the country's defence, their communities, and the civilian workplace.

17.3 'Military Reserve' forces consist of:

- Maritime Reserve forces (including the Royal Navy and Royal Marine reserve forces)
- Territorial Army Reserves
- Royal Air Force reserves.

17.4 'Military Reservists' are called out to supplement the regular forces whenever operational demand requires it.

17.5 'Military Reservists' must inform the Council if they are a member of the reserve forces and to grant permission for the Ministry of Defence (MOD) to write to the Council and ensure the Council are aware they are a reservist and the benefits, rights and obligations that apply; this is known as an 'Employer Notification.'

17.6 'Military Reservists' will be sent a 'call-out notice' if they are needed for full-time service. This is known as 'Mobilisation.'

17.7 During Mobilisation a 'Military Reservist':

- Will not be paid by the Council, the MOD pays these costs.
- Will not accrue annual leave, including public holidays, and service-related entitlements.
- Will remain a member of the pension scheme, provided that they continue to make pension contributions.
- Will continue to be a union member, provided that contributions continue to be made.
- Will continue to accrue continuous service.

17.8 'Military Reservists' are responsible for informing the Council of training and Mobilisation commitments throughout the year providing as much notice as possible.

18. Retained Roles

18.1 A retained role is when a civilian gives up their time to train and serve alongside a regular force. Retained roles consist of:

- Retained Firefighters
- RNLI Lifeboat Crew
- Special Constables

18.2 Employees who undertake a retained role do not have the right to any time off work for their duties.

19. Jury Service

19.1 Leave will be granted when an employee is required to carry out Jury Service or called upon to give evidence in court. The notification documents from the court should be forwarded to HR when your leave of absence is submitted on HR system for approval.

19.2 If an employee reports for Jury Service but are not called upon to serve on any particular day, it is expected that the employee makes every effort to attend work.

19.3 Employees are expected to make a claim to the courts for the maximum amount in respect of loss of earnings. Employees should inform Payroll of the relevant amount and return to work as soon as practicable.

20. Elections

Where an employee volunteers to undertake duties as part of an election, they shall be entitled to 1 day of paid leave per election. This will normally be limited to Election Day, but where the employee has been involved in overnight duties, such as an overnight count, the leave may be taken on the following day.

The working time directive requires employees to have 'daily rest' between periods of work, therefore any employee working overtime during evening counts needs to have sufficient rest period (11 hours) prior to starting work again.

21. Career Break

21.1 Any employee with over five years of service is eligible to request an unpaid career break to pursue other interests for a period of up to 12 months.

21.2 The individual remains an employee of the Council and an authorised career break does not constitute a break in continuous service.

21.3 The employee is entitled to return to their post when the agreed period ends.

21.4 Applications for a career break should be made in writing to the employee's Service Manager, detailing the proposed dates of the break. There is no obligation to explain why you are requesting the break.

21.5 There is no obligation for a manager to grant a request and they will need to consider any requests against the needs and requirements of the service.

21.6 Whilst on a career break an employee must not undertake paid employment without first seeking approval from the Council.

21.7 During a career break period, an employee will not receive remuneration and they will not be entitled to the accrual of annual leave. However, they retain continuous service and other associated terms and conditions of employment.

22. Sporting Events

Sporting events – up to 5 days' paid leave may be granted where an employee is participating in a national or international event as a representative of their country. Additional leave may be taken as annual leave or unpaid leave.

23. Training

23.1 Time off for Training is covered in the relevant Training & Development Policy or individual training agreements where Qualifications and Study leave is supported by the Council.

24. Trade Union

The Council recognises the need for and the purpose of Trade Unions and has agreed 'Time off' and facilities for Trade Union Representatives. All employees of the Council who are accredited representatives of Trade Unions recognised by the Council are required to request permission for time-off during working time and the use of other facilities from their manager.

24.1 Reasonable time off during working hours for Trade Union activities will be agreed for the duties covered in the relevant Trade Union Recognition Agreement.

25. Refusal of Time Off

25.1 Whilst every effort will be made to support employee's applications for 'Time off Work,' it may not always be possible, particularly around peak holiday/school holiday times. The company and all services must ensure it can maintain the delivery of services and have sufficient resources to deliver to our customers, without placing unreasonable work demands on those people who remain at work. Each department should have agreed minimum staffing

provision and local guidance and appropriate People Manager coverage throughout the year. Some services may restrict leave at certain 'peak' periods of the year to ensure key output requirements.

25.2 People Managers may occasionally be required to cancel leave if for an urgent or unforeseen operational issue. This should be done in consultation with those impacted and only in exceptional circumstances.

25.3 In the event of an application for 'Time off Work' being refused, an explanation will be provided by the People Manager.

25.4 Should an employee feel any refusal to their time off application is unfair or unreasonable, they should aim to resolve this with their People Manager; where this is not possible or they don't feel able to, they may wish to escalate to the Head of Department. If the matter remains unresolved, where an employee chooses to use the, THE COUNCIL's Grievance Policy, an employee will need to consider the timescales within the grievance policy. There may occasionally be, especially for short-notice requests, insufficient time to investigate and determine an outcome in line with the grievance policy.

26. Unauthorised absence

Legal Custody / Imprisonment

If an employee is detained in legal custody or imprisoned, a decision will be made in conjunction with the employing Assistant Director and HR, as to whether the employee will be granted a period of unpaid leave of absence. The decision will be based on the length of the likely custody, or length of the sentence, the role undertaken by the employee, their length of service and the circumstances underlying the reasons for the sentence.

An employee will not necessarily be dismissed because of their conviction for a criminal offence, but the employee's position will be considered on its merits. An acquittal of criminal charge will not itself preclude disciplinary action where such action would otherwise be appropriate, subject to the terms of this procedure. Where a long-term sentence is passed, this can be grounds for dismissal under some other substantial reason or other legal provisions (i.e., frustration of contract).

27. Unexplained or Uncertified Absence

Managing unexplained or uncertified absences involves several steps to ensure both the employee's well-being and the company's operational needs are addressed.

As soon as it becomes clear that an employee is absent without an acceptable explanation or medical certificate, the manager should attempt to make contact. If the manager is unsuccessful in contacting the employee, and the emergency contacts held on record, the manager should notify HR and HR will write to the employee. The letter should note the date from which the employee was absent and that no medical certificate or satisfactory

explanation has been received. It should remind the employee of their obligations and say they will not be paid beyond the last date at which they were either present at work or absent with an explanation. It will ask the employee to reply by contacting the manager or HR.

If, within a week, there is no response or no acceptable mitigating circumstances, a further letter should be sent by recorded delivery. It should refer to the earlier letter, state the lack of response and that unless the employee returns by a specified date a week later or unless a medical certificate or acceptable explanation covering the whole period of absence is received by that date, a hearing will be convened. The letter should state that if the employee fails to attend the hearing on the date and time provided, this will result in a decision being considered in their absence, which is likely to result in dismissal for breach of contract of employment.

If there has been no acceptable response by the specified date, an unauthorised absence hearing should be convened, and the decision should be made to dismiss the employee. The Assistant Director will again write to the employee. The letter should refer to the earlier correspondence, state the lack of response or acceptable response and confirm that the employee failed to attend the hearing, so a decision was made in their absence to dismiss them for breach of contract. This letter should quote the effective date of termination and make reference to any outstanding monies (for example holiday pay).

Advice on applicable notice requirements where the employee is dismissed is available from HR.

As the employee has been dismissed for having breached their contract of employment through failing to respond to actions taken by the Council, the employee has a right of appeal and will be informed in writing of this right.

Employees returning to work who are unable to give satisfactory reasons for their absence, will be subject to disciplinary action, in accordance with the disciplinary policy and will not be paid for the period of unauthorised absence. Employees who return to work and provide medical confirmation of their absence may also be subject to disciplinary for failing to follow the council's sickness reporting procedure

28. Abuse of Right

28.1 If the Council believes that an employee is abusing the provisions made under this policy then The Council has the right to consider disciplinary proceedings.