

## 1. Flexible Working

- 1.1 Flexible working is a way of working that suits an employee's needs. Flexible working could be part time working, job sharing, working from home, staggered hours (different start, finish or break times), compressed hours (working full time hours over fewer days) or phased retirements.
- 1.2 All employees who have worked for the same employer for at least 26 weeks have the statutory right to request flexible working - not just parents and carers. However the Council recognises the importance of helping their staff to achieve a good work-life balance so will consider informal and statutory requests. For the purposes of this procedure, the focus will be on the process for making statutory requests.
- 1.3 Statutory Right to Request Flexible Working
- 1.3.1 Employees should submit their request in writing to the Parish Administrator, outlining how they want to work flexibly, their requested flexible working start date and provide an explanation of how they think flexible working might affect the Council and how this could be dealt with, eg if they're not at work on certain days.
- 1.3.2 The Parish Administrator should consider the application and hold a meeting to discuss the request with the employee, at the earliest opportunity.
- 1.3.3 If the request can be accommodated, or an agreement reached by all parties on the request, a start date for the change and written statement of terms and conditions will be sent to the employee, within 28 days of the request being approved.
- 1.3.4 The Council can reject an application following the meeting, for any of the following reasons:
- extra costs that will damage the Council
  - the work cannot be re-organised among other staff
  - people cannot be recruited to do the work
  - flexible working will affect quality and performance
  - the council will not be able to meet customer demand
  - there is a lack of work to do during the proposed working times
  - the council is planning changes to the workforce.
- The reasons for a refusal will be detailed in writing to the employee along with a right of appeal, to the Council's Finance and Resources Committee.
- 1.3.5 The Finance and Resources Committee will hold an Appeal Hearing at the earliest opportunity and confirm the outcome of this hearing in writing to the employee.
- 1.3.6 All requests should be dealt with within three months of the date of application. An employee can only make one application for flexible working within each financial year.

## 2. Maternity Leave

The Council operates a Maternity Leave and Pay Scheme. Details of eligibility, criteria and pay can be found in the Maternity Leave and Pay Policy.

## 3. Maternity Support Leave

- 3.1 One half day paid leave for the child's father or the partner of the nominated carer to attend a specific ante natal session which can only be accommodated in working hours.
- 3.2 Maternity Support Leave of 5 days with pay shall be granted to employees who are the child's father or the partner or nominated carer of an expectant mother at or around the time of the birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother.
- 3.3 The employee must have been continuously employed by Penkridge Parish Council for at least 26 weeks by the end of the 15<sup>th</sup> week before the week that the baby is due. The employee must then continue to be employed by Penkridge Parish Council until the date the baby is born.

## 4. Paternity Leave/Shared Parental Leave

The Council operates a Paternity Leave and Shared Parental Leave Pay Scheme. Details of eligibility, criteria and pay can be found within the Policy.

## 5. Parental Leave

### 5.1 Criteria

5.1.1 This gives an employee the right to take up to 18 weeks unpaid leave to care for a child providing they have 1 year's continuous employment.

- the employee may be the mother or father of a child or adopted child under the age of 18.
- the right lasts for 5 years from the date on which the child is placed for adoption, or until the child's 18<sup>th</sup> birthday whichever is the sooner or
- the employee has acquired formal parental responsibility under the Children Act 1989 for a child who is under 18 years old

5.1.2 The right is an individual right, so both parents are entitled to unpaid parental leave.

### 5.2 Key Elements

5.2.1 The right is for up to 18 weeks per child. In the case of multiple births, 18 weeks leave must be provided for each child. This will be pro rata for part-time staff.

5.2.2 A father of a newly born child is entitled to 5 days Maternity Support Leave and a further 12 weeks unpaid Parental Leave.

- 5.2.3 Parental Leave can be taken in blocks of between 1 and 4 weeks in any one year (part weeks count as 1 week). The parents of a disabled child may take leave in single days.
- 5.2.4 The Parish Administrator can postpone the leave where the needs of the Council make this necessary and it is reasonable, but not for more than 6 months. If leave is postponed unreasonably, the employee can take the Council to an Employment Tribunal.
- 5.2.5 A minimum of 21 days notice of the exact start date of the leave must be given. Notice is double the amount of leave if the employee wishes to take more than 2 weeks at a time. For example, 8 weeks notice must be given for 4 weeks leave.
- 5.2.6 A special provision can be made for fathers to take time off immediately after the birth or adoption, providing at least 28 days notice is given before the week in which the birth or adoption is expected. The employer may not postpone this.
- 5.2.7 The employer must reply to a request for Parental Leave within a time equal to the amount of time requested.
- 5.2.8 The contract of employment will continue but the employee **will not be paid**.
- 5.2.9 Penkridge Parish Council can ask for evidence, it is reasonable, for example proof of a child's age. This could be a birth certificate, certificate of parental responsibility, documentation from Social Services, the child's parent, a legal document, a letter from a solicitor or doctor.
- 5.2.10 If an employee tries to claim for Parental Leave dishonestly, they will be subject to the [Managing Sickness Procedures](#).

## 6. Dependants' Care Leave

- 6.1 The Employment Relations Act 1999 (EReIA) introduces a statutory right to unpaid dependants leave.
- 6.2 The Act defines a 'dependant' and the 'unexpected or sudden problem' for which leave would be granted and these are detailed below.
- 6.3 Penkridge Parish Council has incorporated this statutory entitlement into Dependants' Care Leave.
- 6.4 Entitlement
- 6.4.1 Dependant Care Leave entitles an employee to a maximum of five days per year paid leave. This leave would normally be taken in blocks of 1 or 2 days at a time, but it may be taken in hours if this is agreed between the employee and the Parish Administrator.
- 6.4.2 Entitlement will be per employee's leave year and pro rata for part-time employees.
- 6.4.3 There is no length of service requirement for the entitlement and it will apply to temporary and permanent employees.

6.4.4 The Parish Administrator will grant reasonable additional unpaid leave up to a further four weeks. Alternatively reduced hours working may be agreed (with appropriate reduction in pay).

6.4.5 Employees using this provision must telephone the Parish Administrator before 10.00am on the day.

6.4.6 Employees are expected to use annual leave or time in lieu in other situations.

## 6.5 Dependants

The definition of a 'dependant' emphasises the people employees are closest to rather than a particular blood relationship i.e.:-

- Spouse/Partner
- Child (including adopted child)
- Someone who lives with the employee (excluding lodgers, friends, flatmates etc.)
- Someone who reasonably relies on the employee for assistance.

## 6.6 Unexpected or Sudden Problems

Dependants Care Leave is for unforeseen matters, not where the employee knows in advance that they are going to require time off. The situations covered by Dependants Care Leave are:-

- Caring for dependant who is ill, injured or assaulted. (Dependants Care Leave only applies where the employee accompanies dependants to doctor or hospital appoints for emergency visits and not to planned, routine visits.)
- Making new arrangements for care of a dependant who is taken ill or injured.
- Making new arrangements when there is an unexpected disruption or termination of care arrangements for the dependant. This would include the employee looking after their children when the normal child care arrangements are disrupted.
- Dealing with a serious incident involving a child which occurs unexpectedly during school hours.

## 7. Adoption Leave

The Council operates an Adoption Leave and Pay Scheme. Details of eligibility, criteria and pay can be found in the Adoption Leave and Pay Policy.

## 8. Foster Carer Leave

Permanent and temporary employees who are foster carers are eligible to receive up to a maximum of 5 days paid leave per annum (pro-rata for part-timers) for the purpose of attending:

- (i) Training events
- (ii) Statutory review, education planning and other meetings related to their foster carer responsibilities.
- (iii) Supervision sessions.

All paid leave must be authorised by the Parish Administrator, so employees who are foster carers should provide as much notice as possible of the request for leave.

Foster carers are also eligible for the Town Council's Dependants Care Leave Policy which provides for up to 5 days per year paid leave (pro-rate for part-timers) to deal with unexpected sudden problems related to dependants.

## 9. Bereavement Leave

Up to 4 days paid leave (in addition to Funeral Leave) for an employee who has considerable additional responsibilities as a result of a death of a dependant or relative e.g.

- Main responsibilities for organising the funeral.
- Young children for whom permanent care arrangements need to be made.
- A business to sort out.
- Complicated debts etc.

## 10. Parental Bereavement Leave

- 10.1 Parents or primary carers employed by the Council are entitled to 2 weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy
- 10.2 Employees are entitled to leave in respect to each of their children.
- 10.3 Up to two weeks' leave can be taken, either as one two-week block or in two one-week blocks. It may be taken at any time within 56 weeks of the child's death.
- 10.4 If you have more than 26 weeks of continuous service with the Council, employees are entitled to government-set statutory parental bereavement pay (SPBP) during the leave. Otherwise the leave is unpaid
- 10.5 Dependent on length of service, Bereavement Leave and/or Maternity Leave may be taken alternatively to or in conjunction with Parental Bereavement Leave.

## 11. Funeral Leave

One day's paid leave to be given to attend funeral of:-

A Dependant (as defined in Dependants Care Leave); or A close relative. This is defined as: brother, sister, parent, parent-in-law (including parents of employee's partner), grandparent, grandchild.

## 12. Other Leave

Other types of paid leave for certain circumstances can be granted with authorisation from the Parish Administrator. These include the following:

### **Paid Leave**

- Public Duties such as Jury Service, Court appearances etc.
- Medical Screenings/Hospital appointments
- If you need to book a medical or dental appointment it should (where possible) be arranged outside of your working hours, if this is not possible you will be allowed to attend the appointment, however no credit will be given for time lost.
- If you have to attend a hospital appointment (which you are not able to book out of working hours) you will be granted paid time off to attend as long as you can provide proof of the appointment.

- Study Leave  
*This must be for approved study to gain qualifications in direct connection with Council work otherwise see Discretionary Leave below.*

**Severe Weather Conditions**

*It is the responsibility of employees to make every effort to attend work, even in exceptionally severe weather. Where staff cannot attend work, the Parish Administrator should allow them to take the day as [annual leave](#), unpaid leave or [TOIL](#). Additionally, where child or other dependants care arrangements are disrupted, staff are able to take [dependants care leave](#), in accordance with the scheme. Special leave may be paid in exceptional circumstances.*

**Leave at the discretion of/in conjunction with the Parish Administrator and Chairman**

- Election Duties
- Political Activities
- Other -Study Leave
- International Sports Representatives
- Special Leave