

**URN's:** 24-039, 24-040, 24-041, 24-042, 24-044, 24-045, 24-046

**Report Title:** Family Friendly Policies

**Report to:** Cabinet

**Date of meeting:** 11 June 2024

**Responsible Cabinet Member:** Councillor Carl Smith

**Responsible Director / Officer:** Karen Sly/Sarah Tate

**Is this a Key decision?** No

**Date added to Forward Plan of Key Decisions if a Key Decision:** N/A

#### **EXECUTIVE SUMMARY / INTRODUCTION FROM CABINET MEMBER**

This report presents the new and/or reviewed suite of family friendly policies which have been updated to meet new legislative requirements. All policies have been fully consulted with the Executive Leadership Team (ELT), UNISON and the Joint Consultative Working Group (JCWG).

#### **RECOMMENDATIONS:**

That Cabinet

1. Approves the suite of policies and;
2. Gives delegated authority to the Head of Organisational Development to make minor and/or consequential amendments to the Policy for the purpose of keeping it up to date, clarifying its content or interpretation, correcting any errors or omissions, updating it in accordance with changes in legislation, and/or caselaw, or with changes in the management structure.

## **1. Introduction**

The policies presented include those which have been amended due to changes in legislation as of 6th April 2024, where indicated, and new policies which aim to provide managers and employees with relevant information.

The policies have been drafted with reference to XperthHR and Acas and have already been consulted on with JCWG, UNISON, Unite and GMB.

### **1.1 Paternity Leave Policy – URN 24-039 - new policy - change in legislation as of 6 April 2024**

Greater flexibility has been introduced to statutory paternity leave for employees where the expected week of childbirth (EWC) is after 6 April 2024, or the expected date of placement for adoption is after this date.

The Paternity Leave (Amendment) Regulations 2024 introduced changes to statutory paternity leave including that employees can choose to take either two consecutive weeks' paternity leave, or a single period of either one or two weeks; the period in which paternity leave must be taken is extended to 52 weeks after the birth or adoption placement (previously 56 days) and notice of entitlement to take paternity leave must be given in or before the 15th week before the EWC, followed by at least 28 days' notice of their intention to take leave (or seven days of being matched in cases of adoption) for each period of leave.

The draft policy reflects these changes.

### **1.2 Flexible Working Policy – URN 24-046 – reviewed - change in legislation as of 6 April 2024**

On 6 April 2024, the right to request flexible working became a day one right. As a result, all employees now have the right to request flexible working regardless of their length of service (previously you needed 26 weeks' service).

In addition, regulations introduced at the end of March also confirmed the commencement of changes from 6 April: Employees can make two flexible working requests in 12 months (but only one at a time), employers have two months in which to respond, employers must consult with employees before refusing a request and employees no longer need to explain the impact of their request.

The draft policy reflects these changes.

### **1.3 Carer's Leave Policy – URN 24-042 - new policy - reflecting new legislation.**

The Carer's Leave Act 2023 provides for one week of unpaid leave per year for employees who are providing or arranging care for a dependant.

The draft policy reflects the new legislation.

### **1.4 Maternity Policy – URN 24-040 – reviewed.**

The Maternity Policy, which was due for review in September 2023, has now been reviewed. No significant changes were made.

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 was implemented on 6 April 2024 and provides for greater protection against redundancy during pregnancy and on return to work from maternity leave, adoption leave and shared parental family-related leave. This will be included in the Change Management Policy, as it is the policy which is referred to for change management, including redundancy, and which will be reviewed shortly.

### **1.5 Time off for Dependants Policy – URN 24-041 – new policy reflecting new legislation**

Employees are allowed time off to deal with an emergency involving a dependant. The policy has been drafted to provide information to employees and managers on requesting and authorising time off for dependants.

The draft policy reflects the new legislation.

### **1.6 Unauthorised Absence Policy – URN 24-044 – new policy – information for managers and employees**

The policy has been drafted to enable managers to manage employees who do not report for work and who have not contacted them and for employees to be aware of the steps which will be taken to try and contact them. Primarily this is about supporting employees and checking on their welfare.

### **1.7 Annual Leave Policy – URN 24-045 – new policy - information for managers and employees**

The policy has been drafted to provide employees and managers with information on requesting, recording, and taking annual leave and management expectations.

## **2. Work to date/proposal**

The policies have been drafted, or amended, with reference to XpertHR and Acas.

The Head of OD has reviewed all the policies; the HR Manager and HR colleagues have reviewed some of the policies. We have consulted with UNISON, Unite, GMB and JCWG and where appropriate, policies have been updated to reflect their comments.

It is proposed that Cabinet approve the policies.

The Head of Organisational Development is seeking delegated authority to make minor and/or consequential amendments to the policies for the purpose of keeping them up to date, clarifying their content or interpretation, correcting any errors or omissions, updating them in accordance with changes in legislation and/or case law, or with changes in the management structure.

## **3. Impact / Next Steps**

Once the policies have been approved, they will be made available to employees i.e. via the Loop, and training will be provided as and when required.

## **4. Financial Implications**

None.

## **5. Risk Implications**

The risk of not approving the policies is that we will be working with outdated policies and will not have provided our employees with the information required.

## **6. Legal Implications**

The revised policies consider and are compliant with all relevant employment legislation, ACAS guidance and case law.

## **7. Background Papers**

Consultations	Comment
Monitoring Officer Consultation:	Considered
Section 151 Officer Consultation:	Considered
Existing Council Policies:	Flexible Working Policy Maternity Policy
Financial Implications:	Considered
Equality Issues/EIA:	Considered

DRAFT



# Paternity Leave Policy

<b>Author</b>	Human Resources
<b>Version No.</b>	2
<b>Updated by</b>	AS
<b>Date of update</b>	April 2024
<b>Description of changes to this version</b>	<b>Change to legislation</b> in relation to children who are expected to be born after 6 April 2024 or are expected to be placed for adoption with the adopter (or enter Great Britain for adoptions from overseas) on or after 6 April 2024. Allows paternity leave to be split into two blocks of one week at any point in the first year after the birth or adoption of their child and allows parents to give 28 days' notice instead of 15 weeks.
<b>Document Status</b>	DRAFT
<b>Review date</b> (other than legislative changes, errors, and omissions)	April 2027

## **1. Introduction and scope**

- 1.1 We are committed to supporting a positive work-life balance for all our employees and recognise that time with your children is important.
- 1.2 This policy sets out the rights of employees to paternity leave and pay in relation to children who are expected to be born after 6 April 2024 or are expected to be placed for adoption with the adopter (or enter Great Britain for adoptions from overseas) on or after 6 April 2024.
- 1.3 This policy has been agreed with Unison, Unite and GMB.
- 1.4 This policy applies to employees employed by us. It does not apply to workers, contractors, consultants, or any self-employed individuals working for the organisation.
- 1.5 The policy does not form part of your contract of employment, and we reserve the right to amend it at any time.
- 1.6 The following definitions are used in this policy:

"Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects them to give birth.

"Adopter" means the person with whom the child has been or is to be placed for adoption, or where two people have been matched jointly, whoever has elected to be the child's adopter for the purposes of adoption leave.

"Matched for adoption" means an adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been "matched for adoption" with a child on the date on which the person receives notification of the adoption agency's decision.

"Official notification" means written notification, issued by or on behalf of the relevant domestic authority, that it is prepared to issue, or has already issued, a certificate to the overseas authority concerned with the adoption of the child, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

"Partner" includes someone, of whatever sex, who lives with the mother, expectant mother, or adopter of the child in an enduring family relationship but who is not the mother's or adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Placed for adoption" means placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").

## **2. Employee Assistance Programme - provided by Norfolk Support Line (Vivup)**

All our employees have free and confidential access to our Wellbeing and Employee Assistance Programme, provided by Norfolk Support Line (Vivup). Whatever mental health, physical, financial or personal issue you may be facing, you can access expert help and support 24/7, 365 days a year. There's no limit on the support you can receive. To access the service call [0800 169 7676](tel:08001697676), or go to the [Norfolk Support Line](#) website.

### **3. Entitlement to paternity leave (birth)**

You can take paternity leave for the purpose of caring for the child or supporting the child's mother if:

- you are the child's biological father and have or expect to have responsibility for the child's upbringing; or
- you are the spouse, civil partner, or partner of the child's mother or nominated carer and have or expect to have the main responsibility (apart from the mother) for the child's upbringing.

For the purposes of paternity leave only, Council employees will not be required to have the 26 weeks continuous employment by the 15<sup>th</sup> week before the expected week of childbirth.

To exercise your right to take paternity leave in a birth situation, you must comply with the notification procedure set out below (see *Notice to take paternity leave (birth)*).

### **4. Entitlement to paternity leave (adoption)**

You can take paternity leave for the purpose of caring for the adopted child or supporting the child's adopter if:

- you are the spouse, civil partner, or partner of the child's adopter, and have or expect to have the main responsibility (apart from the adopter) for the child's upbringing.

For the purposes of paternity leave only, Council employees will not be required to have the 26 weeks continuous employment with us at the end of the week in which the child's adopter is notified of being matched for adoption (or received the official notification for adoptions from overseas).

If you are one of a couple jointly adopting a child, only one of you will be entitled to take adoption leave and the other parent may elect to take a period of paternity leave, provided that the relevant qualifying conditions are met.

You are not entitled to take paternity leave if you have taken paid time off to attend an adoption appointment in respect of the same child.

To exercise your right to take paternity leave in an adoption situation, you must comply with the notification procedure set out below (see *Notice to take paternity leave (adoption in the UK)* or *Notice to take paternity leave (adoption from overseas)*).

### **5. Amount of paternity leave you can take**

You can take up to two weeks' paternity leave. You do not have to take your leave in one single period, but the leave must be booked in blocks of at least one week.

This means that you can take the leave in one single block of one week if you want to, or as one single block of two weeks, or two separate blocks of a week each.

A week of paternity leave is the same duration as your normal working week, meaning that if you are a full-time employee, one week is five days. If you are contracted to work four days per week, one week is four days and so on.

You can take only two weeks' paternity leave per pregnancy or adoption, even if more than one child is born as a result of the pregnancy or more than one child is placed under the same adoption arrangement.

## 6. Timing of paternity leave

You can start your paternity leave on any day from the child's birth, but it must end within 52 weeks of the birth (or the expected week of childbirth if the child is born early).

In the case of an adopted child, the 52-week period runs from the date on which the child was placed for adoption with the adopter (or the child's entry into Great Britain for adoptions from overseas).

If you wish to take shared parental leave, you must take your paternity leave first. You cannot take paternity leave if you have already taken a period of shared parental leave in relation to the same child.

## 7. Notice to take paternity leave (birth)

### ***Notice of entitlement (birth)***

Before you can take paternity leave, you will need to give your line manager notice in writing, at least 15 weeks before the expected week of childbirth, of:

- the expected week of childbirth; and
- your declaration confirming that you meet the eligibility requirements to take paternity leave.

You should submit your notice and declaration using *Form to provide notice of entitlement to paternity leave (birth after 6 April 2024)* available from the HR department.

### ***Period of leave notice (birth)***

For each occasion that you wish to take a period of paternity leave, you must give your line manager further notice in writing of:

- when you want to start your leave (you can choose to take this in one single block or two separate blocks).
- whether you wish to take one- or two-weeks' leave; and
- your declaration that the purpose of the leave is to care for the child or support the child's mother.

You have three options for when to start a period of paternity leave:

- **On the date of your child's birth:** Your period of leave notice should be received by us at least 28 days before the first day of the expected week of childbirth.
- **A set number of days after your child's birth:** Your period of leave notice should be received by us at least 28 days before the date falling that set number of days counted from the first day of the expected week of childbirth.
- **On a predetermined date (which must be no earlier than the first day of the expected week of childbirth):** Your period of leave notice should be received by us at least 28 days before that predetermined date.

You should submit your notice of leave and declaration using *Form to provide period of leave notice to take paternity leave (birth after 6 April 2024)* available from the HR department.



## **8. Notice to take paternity leave (adoption within the UK)**

### ***Notice of entitlement (adoption within the UK)***

Before you can take paternity leave, you will need to give your line manager notice in writing, within seven days after the date on which the child's adopter is notified that they have been matched for adoption, of:

- the date on which the adopter was notified that they have been matched for adoption.
- the date on which the child is expected to be placed for adoption with the adopter (or, if they have already been placed for adoption, the date of the placement); and
- your declaration confirming that you meet the eligibility requirements to take paternity leave.

You should submit your notice and declaration using *Form to provide notice of entitlement to paternity leave (adoption within UK on or after 6 April 2024)* available from the HR department.

### ***Period of leave notice (adoption within the UK)***

For each occasion that you wish to take a period of paternity leave, you must give your line manager further notice in writing within seven days after the date on which the child's adopter is notified of having been matched for adoption, of:

- when you want to start your leave (you can choose to take this in one single block or two separate blocks);
- whether you wish to take one- or two-weeks' leave; and
- your declaration that the purpose of the leave is to care for the child or support the child's adopter.

You have three options for when to start a period of paternity leave. You can start the leave:

- on the date on which the child is placed for adoption.
- a set number of days after the child is placed for adoption; or
- on a predetermined date, which must be no earlier than the first day of the child's placement for adoption.

You should submit your notice of leave and declaration using *Form to provide period of leave notice to take paternity leave (adoption within UK on or after 6 April 2024)* available HR.

## **9. Notice to take paternity leave (adoption from overseas)**

### ***Notice of entitlement (adoptions from overseas)***

Before you can take paternity leave, you will need to give your line manager notice in writing within 28 days after the date on which the child's adopter receives the official notification (or the date on which you complete 26 weeks' continuous employment with us if that is later), of:

- the date on which the adopter received the official notification.
- the date on which the child is expected to enter Great Britain (or, if they have already entered Great Britain, the date of entry); and
- your declaration confirming that you meet the eligibility requirements to take paternity leave and that the child's adopter has received the official notification.

You can submit your notice using *Form to provide notice of entitlement to paternity leave (adoption from overseas on or after 6 April 2024)* available from HR.

### ***Period of leave notice (adoption from overseas)***

For each occasion that you wish to take a period of paternity leave, you must give your line manager further notice in writing of:

- when you want the leave to start (you can choose to take this in one single block or two separate blocks).
- whether you wish to take one- or two-weeks' leave; and
- your declaration that the purpose of the leave is to care for the child or support the child's adopter.

You have two options for when to start a period of paternity leave:

- **On the date of your child's entry into Great Britain:** Your period of leave notice should be received by us at least 28 days before the date on which the child is expected to enter Great Britain.
- **On a predetermined date (which must be no earlier than the date of your child's entry into Great Britain):** Your period of leave notice should be received by us at least 28 days before that predetermined date.

You should submit your notice of leave using *Form to provide period of leave notice to take paternity leave (adoption from overseas on or after 6 April 2024)*. This form contains a declaration that will need to be signed by you.

You must also give your line manager written notice of the date your child entered Great Britain within 28 days of entry, or written notice that the child will not be entering Great Britain, as soon as possible after you become aware of this fact.

### **10. Late notice**

If extenuating circumstances mean that it is not possible for you to meet the deadlines for giving notice as set out in this policy, we will accept later notice than this. Examples of extenuating circumstances include if you have been absent from work on sick leave or if a pregnancy is discovered very late.

In these circumstances, you should let us know that you would like to take paternity leave as soon as you reasonably can.

If there are no extenuating circumstances, you will be unable to take paternity leave. However, we will discuss other options with you, including you and your partner switching to shared parental leave, taking annual leave or flexitime, or taking unpaid ordinary parental leave.

## 11. Changing your paternity leave plans

If you have submitted a period of leave notice but wish to cancel or vary the timing of your paternity leave, you must usually inform your line manager at least 28 days before the original date stated in your period of leave notice, or the revised start date, whichever is earlier.

However, we appreciate that in some circumstances you might need to change the date you start paternity leave when it may not be possible for you to give 28 days' notice of the change, including if your baby is born early; if your baby is born prematurely (before 37 weeks) and/or needs to stay in hospital for a time after birth. For example, you might decide to start paternity leave once your baby is home from hospital. You will need to tell us of the new date you are starting paternity leave. We will be supportive of any difficult circumstances and request that you (or a friend or family member) let us know as soon as possible.

If your baby is born late, you must inform your manager of the new date you are starting your paternity leave as soon as you can. If you want to take time off before the birth, you could agree with your manager to take another type of leave, for example holiday, or flex leave.

Under normal circumstances please use our *Form for employee to cancel or vary dates of paternity leave (birth after 6 April 2024)*, *Form for employee to cancel or vary dates of paternity leave (adoption within UK on or after 6 April 2024)* or *Form for employee to cancel or vary dates of paternity leave (adoption from overseas on or after 6 April 2024)*.

## 12. Paternity pay

**Statutory Paternity Pay** - To benefit from paternity pay and/or maternity/adoption support leave pay you must be eligible for statutory paternity leave and you must:

- have at least 26 weeks continuous employment by the 15th week before the expected week of childbirth, or:
- have at least 26 weeks' continuous employment with us at the end of the week in which the child's adopter is notified of being matched for adoption (or received the official notification for adoption from overseas)
- and
- be the spouse, civil partner, or partner of the child's adopter, and have or expect to have the main responsibility (apart from the adopter) for the child's upbringing.

**Maternity / Adoption Support Leave** is an Occupational (enhanced) benefit provided by the Council to eligible employees which can be used to replace one week of the paternity pay and leave period.

Eligible employees may qualify for one week of Paternity Leave (pro rata) or one week of Maternity / Adoption Support Leave (pro rata), or a combination of the two. If they wish to take the combined total of 2 weeks Paternity Leave the first week will be paid at the occupational enhanced rate and the second week will be paid at the statutory rate; for a total maximum of two weeks:

### ***Week 1 – Maternity / adoption support leave – occupational enhanced paternity pay***

If an employee is eligible for Paternity Leave and Pay, they may choose to 'top up' their first week of statutory Paternity Leave by taking Maternity / Adoption Support Leave. This means that their first week of leave (5 days or pro rata if less than 5 days) is at full pay.

You will continue to be paid your normal rate of pay for one week (pro rata) of your paternity leave while taking paternity leave, and the remaining week will be paid at statutory paternity pay, provided:

- you are entitled to take statutory paternity leave.

- you remain in continuous employment with us on the date the child is born (in a birth situation), is placed for adoption (for adoptions within the UK) or entered Great Britain (for adoptions from overseas); and
- you have complied with the notice and evidential requirements and are able to provide the declarations as set out in this policy.

### ***Week 2 - statutory paternity pay***

Statutory paternity pay is payable during your paternity leave period, if you are entitled to statutory paternity leave and statutory paternity pay.

The rate of statutory paternity pay is set by the Government for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower).

You will qualify for statutory paternity pay if:

- you are entitled to take statutory paternity leave.
- your average weekly earnings are not less than the lower earnings limit for national insurance contributions.
- you remain in continuous employment with us on the date the child is born (in a birth situation), is placed for adoption (for adoptions within the UK) or entered Great Britain (for adoptions from overseas).
- you have complied with the relevant notice and evidential requirements and are able to provide the declarations as set out in this policy; and
- you confirm when you wish to start receiving statutory paternity pay within the relevant Form to provide period of leave notice to take paternity leave.

Eligible employees can only claim two weeks paternity leave and pay in total, which includes Maternity Support Leave.

### **13. Further information**

We may ask you to confirm the date of the child's birth, placement for adoption or entry into Great Britain if you have not already provided this information. You must respond to our request within 28 days, or as soon as is reasonably practicable.

### **14. Your rights during paternity leave**

During paternity leave, all the terms and conditions of your contract except normal pay will continue. Your pay will be replaced with statutory paternity pay or enhanced paternity pay if you are eligible for it. However, other benefits such as holiday entitlement will continue to accrue and pension contributions will continue to be paid.

### **15. Returning to work after paternity leave**

Following your paternity leave, you generally have the right to resume working in the same job as before on terms and conditions that are no less favourable than the terms that would have applied had you not been absent. Your continuity of employment is not affected.

### **16. Time off for antenatal appointments**

If you have a qualifying relationship with a person who is pregnant, you have a statutory right to take unpaid time off to accompany that person at up to two antenatal appointments.

This could be you if you are the spouse or civil partner of the pregnant person, or you could be living with the pregnant person in an enduring family relationship (and you are not their parent, grandparent, sister, brother, aunt, or uncle). In addition, you will be eligible for the time off if you are the biological parent of the expected child.

To make a request for time off to accompany someone to an antenatal appointment, you will need to complete *Form to request time off to accompany pregnant individual to antenatal appointment* and give this to your line manager.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife, or nurse. The right to time off work is limited to a maximum of six-and-a-half hours for each appointment.

You should give your line manager as much notice as possible of when you need the time off for the antenatal appointments and, wherever possible, try to arrange them outside your core hours/as near to the start or end of the working day.

#### **17. Time off to attend adoption appointments**

If you are adopting a child jointly, one of you can elect to take paid time off to attend up to five adoption appointments. The other adoptive parent is entitled to take unpaid time off to attend up to two adoption appointments.

The parent who takes paid time off is not entitled, later, to take paternity leave in respect of the child.

To make a request for time off to attend an adoption appointment, you will need to complete *Form for joint adopter to request time off to attend adoption appointment* and give this to your line manager.

The appointment must have been arranged by or at the request of the adoption agency. The right to time off work is limited to a maximum of six-and-a-half hours for each appointment.

You should give your line manager/the HR department as much notice as possible of when you need the time off for the adoption appointment and, wherever possible, arrange them as near to the start or end of the working day as possible.

#### **18. Supporting the Parents of Premature or Sick Babies**

The Council will adopt the approach outlined by ACAS in their help and advice on Workplace support for parents with premature or sick babies recognising this can be a very difficult and worrying time for them.

The guidance covers the encouragement of careful communication, approaching parents to make sure they are comfortable being contacted by colleagues from work with offers of help and asking parents what they would like their colleagues to be told about their situation. The Council recognises the need to approach this situation with compassion and flexibility and assumptions will not be made about the parent's return to the workplace.

#### **19. Other policies**

- Shared Parental Leave Policy
- Time off for Dependants
- Annual Leave Policy
- Carers Leave Policy
- Parental Bereavement Leave Policy
- Grievance Policy
- Flexible Working Policy
- Data Protection Policy

## **20. Administration of the Policy**

HR is responsible for the administration of the Policy. Should you have any feedback, please contact [HR@great-yarmouth.gov.uk](mailto:HR@great-yarmouth.gov.uk)

## **21. Data protection**

The Council processes any personal data collected during the paternity leave process in accordance with its Data Protection Policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

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# Flexible Working Policy & Procedure

<b>Author</b>	Human Resources
<b>Version No.</b>	2
<b>Updated by</b>	AS
<b>Date of update</b>	April 2024
<b>Description of changes to this version</b>	<b>Change to legislation.</b> Updated to reflect changes in legislation and simplification of process
<b>Document Status</b>	DRAFT
<b>Review date</b> (other than legislative changes, errors, or omissions)	April 2027

## **1. Introduction and scope**

- 1.1 The Council believes that flexible working can increase staff motivation, promote work-life balance, enrich employee wellbeing and improve performance and productivity.
- 1.2 This policy sets out our approach to flexible working requests under the statutory procedure.
- 1.3 This policy has been agreed with Unison, Unite and GMB.
- 1.4 This policy applies to employees employed by us. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.
- 1.5 This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

## **2. Employee Assistance Programme - provided by Norfolk Support Line (Vivup)**

All our employees have free and confidential access to our Wellbeing and Employee Assistance Programme, provided by Norfolk Support Line (Vivup). Whatever mental health, physical, financial or personal issue you may be facing, you can access expert help and support 24/7, 365 days a year. There's no limit on the support you can receive. To access the service call [0800 169 7676](tel:08001697676), or go to the [Norfolk Support Line](#) website.

## **3. Eligible employees**

All employees have the statutory right to request flexible working. Under the statutory procedure, you can make two requests in every 12-month period. If you have submitted a flexible working request, you must wait until that one has been considered and any appeal has been dealt with, before submitting another.

## **4. Types of flexible working**

We will consider requests for any type of flexible working with an open mind. Examples of flexible working include:

- Agile/hybrid working, where staff split their time between attending the workplace/office and working remotely. We have a separate agile working policy, which sets out our approach to agile working.
- part-time working – working reduced hours compared to full-time.
- staggered hours – having a different start and finish time to other employees.
- homeworking.
- flexible hours - having flexible start and finish times, within agreed limits.
- job sharing – when 2 people do one job and split the hours. Employees might need to cross over so they can hand over work or work together some of the time.
- compressed hours – working the same total hours over fewer days.



## **5. Making a request for flexible working**

All requests must be made in writing by email or letter, or by filling in our form for submitting a flexible working request, which is available from HR or on The Loop. This should be submitted to your line manager and copied to the HR department.

Any request made under this policy must include:

- the date of the request.
- the anticipated duration, if applicable.
- the changes that you are seeking to your terms and conditions of employment.
- the date on which you would like the change to come into effect.
- a statement that this is a statutory request.
- if and when you have made a previous application for flexible working; and
- if you have made a previous request, when you made that application.

If your request does not contain all the required information, you will be asked to resubmit it with the necessary additional information. Any request that is incomplete or contains errors will not be automatically rejected.

### **Asking for a change related to a disability.**

A disabled employee might need to ask for adjustments to where, when or how they work because of their disability. They can decide what is best for their circumstances and make either:

- a reasonable adjustment request, under the Equality Act 2010
- a statutory flexible working request, under the Employment Rights Act 1996

## **6. Timescales**

Once you submit your flexible working request, it will be dealt with as soon as possible. However, all requests will be dealt with within two months, from receipt of the request to notification of any appeal decision.

The timescales within this policy may be extended where this is mutually agreed and will be confirmed in writing.

## **7. Consultation meeting**

Your line manager will arrange a consultation meeting to discuss your flexible working request unless it can be agreed without the need for a meeting. The consultation meeting will be held as soon as reasonably practicable and usually within seven days of receiving your request, however, if this is not possible, you will be informed of the reason for any delay. The meeting should be held privately, either in person or remotely via Teams, or where neither of those are possible, via telephone call. HR may attend the meeting.

You may, if you wish, be accompanied by a colleague, a trade union representative, or a trade union official. You should let us know in advance the name of your companion where possible and whether they are a colleague or trade union official or representative.

The consultation meeting can help to make sure that all relevant information is understood before a decision is made. It can also make clear whether a request may relate to a reasonable adjustment for an employee's disability. It will usually be helpful to discuss, for example, the potential benefits or

other impacts of accepting or rejecting the request, and any practical considerations involved in implementing the request.

Where your original request cannot be accepted in full, we will discuss with you if it may be possible to secure some of the benefits that the original request sought, for example, any potential modifications to the original request, or any alternative flexible working options that may be available and suitable to you and us. We may discuss whether a trial period may be appropriate to assess the feasibility of an arrangement.

At the consultation meeting, we urge you to be as open as possible about your needs so that we can engage in a constructive discussion about what is feasible.

If your line manager can agree to your request without a meeting, they will write to you.

## **8. Considering your request**

After the meeting, your line manager will consider your proposed flexible working arrangements carefully, weighing up:

- the potential benefits to both you and the organisation; and
- any adverse impact of implementing the changes.

Each request will be considered on a case-by-case basis; agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working patterns.

## **9. Notifying you of the decision**

Your line manager will inform you in writing, usually within 7 days after the consultation meeting, of their decision, taking into account the statutory two-month period for deciding request including any appeal. Your manager will inform HR of any changes.

## **10. Where your request is granted**

If we can agree to your request, or if a modified or an alternative arrangement is agreed after consulting with you, the written decision will confirm the details of the agreed arrangement. Your line manager can meet with you to discuss how and when the changes might be implemented.

Any changes to your terms and conditions of employment, whether permanent or temporary, will be put in writing and sent to you as an amendment to your contract of employment.

## **11. Reasons for rejecting a request**

If we reject your request, the written decision will clearly explain the business reason(s) and will set out any additional information to help explain the decision.

While we are committed to encouraging flexible working patterns, we need to remain realistic. In some cases, it may not be possible for us to accommodate a request because of:

- the burden of additional costs.
- an inability to reorganise work among existing staff.
- an inability to recruit additional staff.
- a detrimental impact on quality.
- a detrimental impact on performance.
- a detrimental effect on ability to meet customer demand.
- insufficient work for the periods the employee proposes to work; and
- a planned structural change to the business.

We will not reject your request for any other reason.

## **12. Appeal**

You can appeal if your request for flexible working is rejected or only agreed in part.

Your appeal should be sent in writing to [hr@great-yarmouth.gov.uk](mailto:hr@great-yarmouth.gov.uk) within seven days of receiving our decision. Your letter should set out the grounds on which you are appealing.

Once we have received your letter/email of appeal, we will arrange an appeal hearing without unreasonable delay, which will usually be within seven days of receipt of your appeal. An Appeal Officer, who did not make the original decision, will be appointed to hear your appeal. This will usually be a Head of Service, supported by HR.

You may, if you wish, be accompanied by a colleague, a trade union representative, or a trade union official. You should let us know in advance the name of your companion where possible and whether they are a colleague or trade union official or representative.

Following the appeal meeting, the appeal chair will inform you in writing, usually within seven working days, of the outcome. The outcome of the appeal is final.

## **13. Treating your application as withdrawn**

If we arrange a meeting to discuss your request, including any appeal, and you fail to attend both this meeting and a rearranged meeting without good reason, we may treat your application as withdrawn. If we do consider the request withdrawn, we will inform you of this in writing.

## **14. Other policies**

- Shared Parental Leave Policy
- Paternity Leave Policy
- Maternity Leave Policy
- Time off for Dependents
- Annual Leave Policy
- Carers Leave Policy
- Parental Bereavement Leave Policy
- Grievance Policy
- Data Protection Policy

## **15. Administration of the policy**

HR is responsible for the administration of this policy. Should you have any feedback, please contact [hr@great-yarmouth.gov.uk](mailto:hr@great-yarmouth.gov.uk)

## **16. Data Protection**

The Council processes any personal data collected during the request for flexible working process in accordance with its Data Protection Policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the flexible working procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

DRAFT



# Carers Leave Policy

<b>Author</b>	Human Resources
<b>Version No.</b>	1
<b>Updated by</b>	AS
<b>Date of update</b>	April 2024
<b>Description of changes to this version</b>	Carers policy – new legislation from 6 April 2024
<b>Document Status</b>	DRAFT
<b>Date of review</b> (other than legislative changes, errors, or omissions)	April 2027

## **1. Introduction and scope**

1.1 We recognise the challenges that carers face while trying to balance the demands of caring, work, and looking after their own health. As an organisation, we are committed to doing what we can to help to ensure that the health and wellbeing of employees with caring responsibilities is looked after.

1.2 This policy sets out the statutory right of employees to carer's leave to provide or arrange care for a dependant with a long-term care need, and other support that we offer to combine work with care.

If you need to look after someone in an emergency, you can take time off for this without giving a notice period – please refer to our Time off for family and Dependants Policy.

1.3 This policy has been agreed with Unison, Unite and GMB.

1.4 This policy applies to employees employed by us. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

1.5 This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

## **2. Employee assistance programme**

All our employees have free and confidential access to our Wellbeing and Employee Assistance Programme, provided by Norfolk Support Line (Vivup). Whatever mental health, physical, financial or personal issue you may be facing, you can access expert help and support 24/7, 365 days a year. There's no limit on the support you can receive. To access the service call [0800 169 7676](tel:08001697676), or go to the [Norfolk Support Line](#) website.

## **3. Being a carer**

A carer is anyone with caring responsibilities who provides care, assistance and support to any other individual who may be seriously ill or unable to care for themselves.

Carers might find it difficult to distinguish their caring role from the personal relationship they have with the individual they are caring for, be it a relationship with a spouse, civil partner, child, parent, or friend. Therefore, some employees may not immediately identify themselves as a carer.

The activities that carers undertake are wide ranging, including, but not limited to:

- help with personal care.
- help with mobility.
- managing medication.
- practical household tasks.
- emotional support and
- help with financial matters or administration.

#### **4. Requesting support**

We recognise that caring can be unpredictable and emotionally upsetting. An employee may acquire caring responsibilities overnight or caring responsibilities may develop over time.

We realise that caring is a subject that not everyone finds it easy to talk about. However, we urge you to be as open as possible about any issues that you are experiencing to ensure that you are provided with the right level of support.

You are encouraged to speak to your line manager about your caring responsibilities to explore how we can help you with any challenges that you are facing. If for any reason you are unable to approach your line manager, you can speak to the HR department. Any information disclosed by you during discussions with your line manager or the HR department will be treated sensitively and in strict confidence.

#### **5. Entitlement to carer's leave**

Whatever your length of service, you have a statutory right to take carer's leave to provide or arrange care for a dependant if they have a long-term care need.

In the context of statutory carer's leave, a dependant means:

- your spouse, civil partner, child or parent.
- any person who lives in the same household as you (other than as a lodger, tenant, boarder or employee) or
- any other person who would reasonably rely on you to provide or arrange care.

A dependant has a long-term care need if they:

- have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months
- have a condition that amounts to a disability under the Equality Act 2010; or
- require care for a reason connected to their old age.

This statutory right to carer's leave applies to a wide range of caring situations, but excludes general childcare, except where your child meets the definition of a dependant with a long-term care need. If you are a parent, you can take up to 18 weeks' unpaid parental leave to look after your child. This is separate to carer's leave.

#### **6. Other types of leave**

The statutory right to carer's leave is intended to be for planned and foreseen caring commitments. If you need to take time off to manage an unexpected or sudden problems relating to a dependant and make any necessary longer-term caring arrangements, please see our Time off for Dependants Policy.

We recognise that you may need a longer period of time off work that goes beyond your statutory entitlement to carer's leave under this policy. In such cases, you should speak to your line manager to request the time off work as annual leave and/or flexitime (if you want to), or ordinary parental leave, if applicable.

#### **7. Amount of carer's leave you can take**

The amount of carer's leave that you can take is up to one week in any 12-month rolling period.

A week of carer's leave is the same duration as your normal working week, meaning for example that a full-time employee normally working a five-day week is entitled to five days' carer's leave in any 12-month rolling period. If you are contracted to work four days per week, you will be entitled to four days of carer's leave in any 12-month rolling period, and so on. If you work an irregular number of days and hours each week, the leave entitlement will be calculated by adding up the total number of hours worked in the previous 12 months and dividing by 52 (or however many weeks since you started employment if employed less than a year). To work out how much carer's leave you can take if your working hours change each week: <https://www.gov.uk/carers-leave>

You can take the leave in one continuous block, as individual days, or as half days. There is not a separate entitlement if you are caring for more than one dependant.

## **8. Notice to take carer's leave**

If you want to take carer's leave, you need to give your manager notice before you want your leave to start. You should submit your request in writing to your manager, by email or completing the 'Request for carer's leave' form, and provide a copy to HR. All carer's leave must be approved in advance by your line manager.

We ask that you give as much notice as possible when requesting carer's leave so that we can plan for your absence. If the request is for half a day or a day, the notice period must be at least 3 days. If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.

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

## **9. Pay during carer's leave**

You do not have a statutory right to be paid during carer's leave. Therefore, any leave taken as carer's leave is unpaid.

While sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement continues to accrue. Pension contributions will continue to be paid.

## **10. Postponing your carer's leave**

We will not refuse a request for carer's leave, and while every effort will be made to meet your request, we may ask you to take it at another time if we consider that your absence would cause serious disruption to the organisation.

If your line manager makes a decision to postpone / delay your leave, they will consult with you to find an alternative leave period within one month of the carer's leave period originally requested. Your line manager will write to you within seven days of receiving your notice (your original request), and before the requested start date of the leave, clarifying the reason for the postponement and the revised dates on which the carer's leave can be taken.



## **11. Cancelling your carer's leave**

You can cancel your carer's leave and take it at a different time as long as you let your line manager know before your leave has started.

You cannot normally cancel any carer's leave that has already begun, unless your manager agrees to it. Please discuss with your line manager if required.

## **12. Returning to work after carer's leave**

Following your carer's leave, you have the right to resume working in the same job as before on terms and conditions that are no less favourable than the terms that would have applied had you not been absent. Your continuity of employment is not affected.

## **13. Our commitment to you**

You have the right not to be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) because you have taken, sought to take, or made use of the benefits of carer's leave.

If you are told or it is implied that you do not take or request carer's leave, or you believe that you have been subjected to detrimental treatment because you have taken or requested carer's leave, you should discuss it with your manager or Head of Service. Alternatively, you can raise it under our Grievance procedure.

Any such behaviour will not be tolerated and will be investigated in line with the Council's Disciplinary Policy.

## **14. Requesting flexible working**

We realise that flexible working can help navigate the challenges of caring while also working. We enable a wide range of flexible working practices within the workplace.

If you feel that you would benefit from a permanent change to your working arrangements to help balance your work and caring responsibilities, we encourage you to look at our Flexible Working Policy.

We appreciate that the option to work flexibly on a temporary (rather than permanent) basis may be enough for you to balance work and your caregiving responsibilities. This could include working from home, hybrid working or changing your start and finish times.

If you feel that you would benefit from a temporary change to your working arrangement on an ad hoc basis, you should discuss and agree this with your line manager.

We will try to facilitate temporary flexible working arrangements wherever this is possible and will continue to review these to ensure that they meet your needs.

## **15. Other support**

How we support an employee with caring responsibilities will vary depending on their specific needs and individual circumstances. Support that we may be able to offer includes:

- access to a private space to make/receive calls in connection with any caring responsibilities.
- help and support through our employee assistance programme, which offers information and advice on some of the practical issues that carers may face, or a referral to Occupational Health.

You may contact HR if you have any issues regarding combining work with care that you do not wish to discuss with your line manager.

## **16. Other information and sources of help**

The following internal policies contain additional information and guidance and are available on the Loop, along with other HR policies which might be useful:

- Time off for Dependants Policy
- Flexible Working Policy
- Annual Leave Policy
- Bereavement Leave Policy
- Data Protection Policy
- Grievance Policy

There are various external organisations that provide help and support to carers, including:

- [Carers UK](#), which provides help and advice for carers on employment rights, benefits and tax credits, assessments, and other practical matters for carers.
- the [NHS website](#), which provides a wealth of information and advice for carers;
- [Grace Care Consulting](#), which provides advice and support on care, special needs and neurodiversity; al needs and neurodiversity.
- [Age UK](#) and [Independent Age](#), which offer information and support to anyone providing informal unpaid care to an older person through a range of local services;
- [Contact a Family](#), which provides support, advice and information to families with disabled children; and
- [Carers Trust](#), which works with other organisations to provide access for carers to breaks, information, advice, education, training, and employment opportunities.
- <https://carents.co.uk/> which provides help and advice for carers who are supporting an elderly relative

## **17. Administration of the Policy**

HR is responsible for the administration of this Policy. Should you have any feedback, please contact [HR@great-yarmouth.gov.uk](mailto:HR@great-yarmouth.gov.uk)

## **18. Data protection**

The Council processes any personal data collected in accordance with its Data Protection Policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing carers leave including requests. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

DRAFT



# Maternity Policy

<b>Author</b>	Human Resources
<b>Version No.</b>	3
<b>Updated by</b>	AS
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<b>Review date</b> (other than legislative changes, errors, or omissions)	April 2027

## **1. Introduction and scope**

1.1 This policy outlines the statutory rights and responsibilities of employees who are pregnant or are new parents and details arrangements relating to maternity leave and maternity pay.

1.2 The policy has been agreed with Unison, Unite and GMB.

1.3 The policy applies to employees employed by us. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

1.4 This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

1.5 The following definitions are used in this policy:

- "Expected week of childbirth" means the week, starting on a Sunday, when your doctor or midwife expects you to give birth.
- "Qualifying week" means the 15th week before your expected week of childbirth.

## **2. Employee Assistance Programme - provided by Norfolk Support Line (Vivup)**

All our employees have free and confidential access to our Wellbeing and Employee Assistance Programme, provided by Norfolk Support Line (Vivup). Whatever mental health, physical, financial, or personal issue you may be facing, you can access expert help and support 24/7, 365 days a year. There's no limit on the support you can receive. To access the service call [0800 169 7676](tel:08001697676), or go to the [Norfolk Support Line](#) website.

## **3. Notification of pregnancy**

3.1 On becoming pregnant, an employee should inform their line manager and HR as soon as possible, but no later than 15 weeks before the baby is due. This is important, including in respect of health and safety considerations as their line manager will work with them to assess and manage any health and safety risks during their pregnancy.

3.2 Employees and managers should refer to Appendix 4 and the New and Expectant Mothers Policy on the Loop. It is the responsibility of managers to ensure that risks to new and expectant mothers are managed in areas under their control.

3.3 If an employee is having a difficult pregnancy, including if it is affecting their work, they should inform their line manager or HR. It may be possible for an employee to change their working arrangements, for example different start and finish times, time working from home and/or extra breaks for when you're feeling unwell. Employees who want to make more permanent changes to their job, should make a flexible working request (see Flexible Working Policy). They may also wish to contact the Council's Employee Assistance Programme.

#### **4. Ante-Natal Care**

- 4.1 Once an employee has informed the Council about their pregnancy, they can take paid time off to attend ante-natal care appointments on the advice of a registered medical practitioner, midwife, nurse or health visitor. Antenatal care can include antenatal or parent craft classes, if recommended by a doctor or midwife. Time off for an antenatal appointment includes the length of the appointment or class and travel to and from it.
- 4.2 Employees are requested to give their line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day. If the appointment is in the middle of a working day, employees should talk with their line manager about how long it will take and, if, for example, it will take too long to get back to work, consider requesting a change to their start and finish times on the day of the appointment or to work from home for the remaining time, if this would be possible.
- 4.3 After the first appointment the employee may be requested to produce evidence of appointments (i.e. an appointment card or an email confirming a class booking) to their line manager.
- 4.4 An employee who is the expectant father or the partner of a pregnant person will be entitled to take unpaid time off work to accompany the person to up to two of their antenatal appointments, for a maximum of 6.5 hours for each appointment, including travelling time and attendance at the appointment. Employees are requested to give their line manager as much notice as possible of such appointments. Also see Paternity Leave Policy, Parental Leave Policy and Shared Parental Leave Policy.

#### **5. Maternity Leave – Eligibility and procedure**

- 5.1 All pregnant employees, regardless of their service, are entitled to take Statutory Maternity Leave and to resume work afterwards. Statutory Maternity Leave is a minimum level of entitlement of up to 52 weeks: the first 26-week period of maternity leave entitlement is known as Ordinary Maternity Leave (OML) and the remaining 26-week period of maternity leave entitlement is known as Additional Maternity Leave (AML). If taken, AML must follow immediately after OML.
- 5.2 You can decide how much of the maternity leave you wish to take. However, you must take at least two weeks of compulsory maternity leave immediately after your child is born.
- 5.3 Whilst there is no qualifying period for maternity leave, there is a qualifying period for statutory maternity pay and occupational maternity pay. See section 5.0 for details of Maternity Pay.
- 5.4 To take Maternity Leave, the employee must:
  - inform HR and their line manager that they are pregnant as soon as reasonably possible, and no later than 15 weeks before the due date. The employee should complete and submit the Employers Notification Form Mat E1 (Appendix 2) to HR by the specified time, stating the dates they wish to start and end maternity leave and
  - provide HR with a medical certificate or MAT B1 form, issued by their doctor or midwife from the 20<sup>th</sup> week of pregnancy.

If it is not possible for the employee to comply with the above, (for example, because they did not know they were pregnant), they must inform HR as soon as possible.

5.5 Once HR have received the completed Mat E1 form from the employee, they will reply in writing, within 28 days, confirming that they are entitled to 52 weeks' maternity leave and their return-to-work date, assuming they will be taking 52 weeks, unless otherwise advised. The employee may change it later if they want to take less but must give notice to do so.

5.6 During maternity leave an employee has a right to benefit from the terms and conditions that would have applied to her had they been at work, the only exception being salary.

## **6. When maternity leave will start / informing of birth of baby**

6.1 Maternity leave will start on whichever date is the earlier of:

- the employee's chosen date – which can be at any time after the beginning of the 11<sup>th</sup> week before their expected week of childbirth (as long as she is fit to continue working and it does not contravene health and safety guidelines).
- the day after the employee gives birth if the baby is early.
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth, irrespective of anything agreed previously; in this case maternity leave will start automatically.

6.2 If the employee gives birth before their maternity leave was due to start, they (or their partner or a member of their family) must let the Council know that the baby has arrived early and when, as soon as possible, by contacting their line manager or HR. Following this and as soon as practicably possible, HR will write to the employee confirming the new end date for their leave.

6.3 If the baby is late and the employee gave a specific date, they wanted maternity leave to start, they can still start the leave from that date but must inform the Council of the date they gave birth so that they start their compulsory maternity leave from then.

## **7. Changing the date maternity leave starts**

7.1 If an employee wishes to change their maternity leave start date, they must give the Council 28 days' notice in writing. If they are unable to give 28 days' notice (for example, if it is late in the pregnancy) they should speak to their line manager, agree the new date with them and confirm it in writing to the line manager and HR. The revised date to start maternity leave cannot be before the start of the 11th week before the expected week of childbirth.

7.2 HR will write to the employee within 28 days of the commencement of the employee's ordinary maternity leave, to acknowledge the employee's intentions and to inform of the date on which the 52-week maternity leave entitlement will end.

## **8. Compulsory maternity leave following the birth**

8.1 Although an employee can decide how much maternity leave, they wish to take (up to a maximum of 52 weeks), the law requires that they take a minimum of two weeks maternity leave immediately following the birth, starting with the day of the birth, for health and safety reasons. This is called compulsory maternity leave, applies in all circumstances and forms part of the period of Ordinary Maternity Leave.

8.2 The employee can decide how many of the remaining 50 weeks they wish to take.

## **9. Multiple births**

Employees will receive the same amount of maternity leave and pay whether they have one baby or more than one, for example twins.

## **10. Contact during maternity leave**

10.1 The Council is required by law to tell employees on maternity leave about important changes or news at work, including promotion or other job opportunities, redundancies and/or any reorganisation that could affect their job. Therefore, before maternity leave starts, the line manager and employee should agree the best way to keep in touch and whether they prefer email to phone calls or vice-versa.

10.2 Employees may also want to be told about things such as staff bulletins, social events and colleagues who are leaving or joining. Employees should discuss this with their line manager and agree what they would like to hear about, how they'd like to communicate, for example by email, phone or keeping in touch (KIT) days and how often they would like to be in touch (unless the contact is about things, we must tell them about).

10.3 Employees may also wish to make contact with their line manager during their maternity leave, for example, to discuss and discuss arrangements for their return to work, Keeping In Touch (KIT) days for attendance at meetings or training for example, without bringing an end to or jeopardising the right to maternity pay. Employees will be paid equivalent to their full pay for any KIT days. Employees may also discuss with their line manager any flexible working arrangements that they may wish to request.

## **11. Changing the date of the return to work**

11.1 Unless otherwise notified or agreed, the employee will return to work on the date which they are due to return to work, which will normally be the first working day 52 weeks after their maternity leave began or as per the date specified on their Mat E1 form. Employees are requested to contact their line manager or HR to confirm that they will be returning to work as expected, in the 8 weeks before returning.

11.2 Where the employee wishes to curtail part of their leave to enable her partner to take SPL, or to return to work earlier than planned, they should give at least eight weeks' notice in writing.



- 11.3 If the employee wishes to return earlier than eight weeks, they should discuss it with their line manager first and if agreed, confirm it in writing.
- 11.4 If less than eight weeks' notice is given, and the line manager has not agreed to it, the Council may postpone the employee's return to work to ensure 8 weeks' notice is given, but not beyond the end of the maternity leave period.
- 11.5 In any event, maternity leave cannot be extended beyond the maximum entitlement of 52 weeks.
- 11.6 If an employee becomes pregnant while on maternity leave, they are entitled to another 52 weeks' maternity leave, and are required to notify their line manager and HR in line with this policy. By law, the employee cannot start their next maternity leave until the 11th week before their baby is due, so if their first maternity leave ends before that point, they will be required to return to work until at least the 11th week before the baby is due or submit a request to their line manager and HR to remain off work by taking another type of leave (i.e. annual leave). If agreed, the employee is required to give the Council the correct notice.

## **12. Keeping in touch (KIT) days**

- 12.1 Employees have up to 10 optional keeping in touch (KIT) days which can be worked by them during their maternity leave (but not within the first two weeks of giving birth), if the line manager agrees, without it affecting maternity leave and pay. KIT days can be worked one at a time, or in blocks of several days in a row, for example to attend training sessions, appraisal meetings and team meetings.
- 12.2 Before working a KIT Day, the line manager and employee should discuss and agree when the KIT Day(s) will be worked, what work the employee will do/what training they will be attending, whether they wish to use the KIT days consecutively, singly or in blocks and how many hours they wish to work on those days.
- 12.3 Employees should be aware that any work on a day (even as little as an hour) will count as a whole KIT Day and they will only be able to claim for, and be paid for, the hours they work, in units of ¼ hour, at the normal contractual rate of pay, agreed with their line manager in advance.
- 12.4 Employees will be paid for work carried out on a KIT Day a month in arrears. Their manager must submit a KIT Form (Appendix 3) by the third working day of the month for inclusion in that month's payroll.
- 12.5 If an employee works more than 10 KIT days their maternity leave and pay will automatically end.
- 12.6 As well as taking up to 10 KIT days, an employee taking Shared Parental Leave (SPL) might be able to take 20 extra days for keeping in touch, known as Shared Parental Leave in touch days (SPLIT days). The employee and their manager can agree on up to 20 Shared Parental Leave keeping in touch (SPLIT) days, which work in a similar way to keeping in touch ('KIT') days. SPLIT days can be useful for the employee to keep up to date with work, go to a work-related activity or training session, work part of a week to help the team, return from leave in a gradual way, for example taking 2 SPLIT days and working 3 days a week to start with. The line manager and employee should agree whether to use SPLIT days and how many of the 20 to use.

### **13. Returning to work after maternity leave**

- 13.1 An employee may take her full period of maternity leave entitlement and return to work at the end of this period.
- 13.2 Alternatively, an employee may return to work at any time during ordinary maternity leave or additional maternity leave, except during the first two weeks from the day of childbirth (see compulsory maternity leave) if they have given the appropriate notification.
- 13.3 New mothers should refer to the New and Expectant Mothers Policy, on The Loop or available from Health & Safety or HR, which includes information for new mothers who are breastfeeding.
- 13.4 Where the employee has taken maternity weeks of 26 weeks or less, Ordinary Maternity Leave (OML), they have the right to return to the same job.
- 13.5 Where the employee has taken more than 26 weeks maternity leave Additional Maternity Leave (AML) she will still have the right to return to the same job on the same terms as before they left, but if it is not reasonably practicable for her to return to the same job because there have been significant changes, they could be offered a suitable alternative job, on terms and conditions which are not less favourable i.e. pay, benefits, holiday entitlement, seniority, and where the job is. In such a scenario the council will clearly demonstrate why it is not reasonably practicable for the employee to return to their original job.
- 13.6 If the employee fails to return to work by the end of maternity leave without notification or good reason, it may be treated as an unauthorised absence unless the employee is absent due to ill health and produces a current medical certificate before the end of the maternity leave period.
- 13.7 If the employee decides during maternity leave that they do not wish to return to work, they should give written notice of resignation to the Council as soon as possible and in accordance with the terms of her contract of employment. The same principles apply to an employee who does not intend to return after a period of shared parental leave.
- 13.8 An employee who has received Occupational Maternity Pay and decides not to return to work after their maternity leave, may be liable to repay the Occupational Maternity Pay portion of their pay.
- 13.9 If an employee wants to change their hours when they return from maternity leave, they should consider making a flexible working request; see Flexible Working Policy on The Loop.

### **14. Maternity Pay**

- 14.1 Qualification for maternity pay depends on a number of factors including how much local government continuous service an employee has and also their average weekly earnings in the relevant earnings period. Employees who do not qualify for maternity pay may be able to claim Maternity Allowance (MA).

14.2 For employees who qualify for maternity pay, there are two types of maternity pay which they may be eligible for – SMP for weeks 1 to 39 or SMP for weeks 1-6 inclusive and Occupational Maternity Pay for weeks 7 to 39. Weeks 40-52 are unpaid.

14.3 Maternity pay starts as soon as the employee commences maternity leave. SMP / OMP is paid into the employee's bank account on the 15th of every month and is subject to Tax and National Insurance Contributions. It is payable only for complete weeks; there is no daily rate. For the purposes of Occupational Maternity pay, a week's pay is calculated by dividing annual gross salary by 52.142.

14.4 HR will send the employee a schedule of the maternity pay.

## **15. Statutory Maternity Pay (SMP)**

15.1 To qualify for SMP the employee must:

- have been continuously employed by GYBC for at least 26 weeks, ending with the 15<sup>th</sup> week before the week the baby is due and,
- their average weekly earnings must be over the National Insurance Lower Earnings Limit up to the end of the 15<sup>th</sup> week before the baby is due.

## **16. Occupational Maternity Pay (OMP)**

16.1 To qualify for OMP an employee must:

- have at least 12 months continuous service with local government by the 11th week before EWC and earn over the National Insurance Lower Earnings Limit
- provide a Mat B1 to the HR Department at least 28 days prior to the start of their maternity leave and return to work for a minimum of 3 months immediately after maternity leave.

16.2 Payment of OMP is made by the Council during maternity leave on the understanding that the employee will return to local authority employment for a period of at least three months which may be varied by the local authority on good cause being shown. In the event of the employee not returning, they will be required to refund the monies paid, or such part thereof, as the authority decides. If an employee is unsure whether they want to return to work, they may postpone the receipt of OMP until they have returned to work for 3 months.

## **17. Maternity Allowance (MA)**

17.1 An employee who is not entitled to SMP may be able to get Maternity Allowance instead, which is payable directly by the Government.

17.2 If an employee is not entitled to SMP, the Council will provide the employee with an SMP1 form to enable her to pursue a claim for maternity allowance through Job Centre Plus.

Eligibility	Timescale	Pay
<b>1. Maternity Allowance (MA)</b>		
<b>Maternity Allowance</b> may be payable where an employee has less than 26 weeks continuous service at the 15 <sup>th</sup> week before the EWC and/or earnings less than the National Insurance Lower Earnings Limit.  <a href="https://www.gov.uk/maternity-allowance/how-to-claim">https://www.gov.uk/maternity-allowance/how-to-claim</a> – for details of how to claim maternity allowance	Weeks 1-39	Employees will not qualify for SMP but can claim Maternity Allowance, paid at the current flat rate (or 90% of average weekly earnings if this is less) for 39 weeks.  Maternity Allowance is not processed by our Payroll, but by your local Job Centre Plus office, claimed on form SMP1.  A copy of the Maternity Allowance form is available from Payroll or <a href="http://www.dwp.gov.uk">www.dwp.gov.uk</a> .
	Weeks 40 - 52	Unpaid
<b>2. Statutory Maternity Pay (SMP)</b>		
<b>Statutory Maternity Pay (SMP)</b>  Payable where an employee has more than 26 weeks continuous service at the 15 <sup>th</sup> week before the EWC (but less than 1 year's continuous service at 11 <sup>th</sup> week before EWC) and earns over the National Insurance Lower Earnings Limit.	Weeks 1 – 6	Employees who are eligible for SMP will be paid:  9/10ths of their average earnings for six weeks'
	Weeks 7 – 39	SMP rate (or 9/10 <sup>th</sup> of a week's pay if this is less) for 33 weeks
	Weeks 40 – 52	Unpaid
<b>3. Occupational Maternity Pay (OMP)</b>		
<b>Occupational Maternity Pay (OMP)</b>  Payable where an employee has at least 1 year's continuous service at 11 <sup>th</sup> week before EWC.	Weeks 1 – 6	Employees who are eligible for OMP will be paid: 9/10ths of a week's pay for 6 weeks
	Weeks 7 – 18	SMP for 12 weeks if they have indicated they <i>do not</i> intend to return <i>OR</i>  If the employee has indicated their intent to return, SMP, plus 12 weeks Occupational Maternity Pay, which is equal to half pay. However, this will not exceed 100% of contractual weekly salary including SMP.
	Weeks 19 – 39	SMP for a further 21 weeks
	Weeks 40 – 52	Unpaid

## **18. Other information**

### **18.1 Annual Leave**

18.1.1. Employees are advised and encouraged to take any annual leave which they have accrued, but have not taken, before the commencement of their maternity leave.

18.1.1 Although annual leave continues to accrue during maternity leave, it cannot be taken during maternity leave and can only be taken at the start or end of the maternity leave period. It is usual for employees to take the annual leave they have accrued during maternity leave before returning to work and employees should discuss this with their manager prior to going on maternity leave or during maternity leave, before they return to work.

18.1.3 On return-to-work employees will also be given substitute days of paid leave for all bank holidays that have fallen during the maternity leave.

### **18.2 Health and Safety**

18.2.1 The Council has a duty to take care of the health and safety of all employees and is required to carry out a risk assessment to assess the workplace risks to employees who are pregnant or have recently given birth.

18.2.2 A New and Expectant Mothers risk assessment (see Appendix 4 for links to form and Policy) should be carried out by the employee and their manager at the initial stage of informing the Council that they are pregnant and then again during the pregnancy if appropriate. Risk assessment should also be carried out on return to work if this is within six months of childbirth and/or on return to work if the employee is breastfeeding.

18.2.3 Consideration will be given to any health and safety implications for pregnant or breastfeeding employees.

18.2.4 Risks can be caused by heavy lifting or carrying, standing or sitting for long periods without adequate breaks, exposure to toxic substances and long working hours. Where there are risks, the Council will take reasonable steps to remove them, for example by offering the employee different work or changing their hours.

18.2.5 If it is not possible for the Council to alter the employee's working conditions to remove the risks to their health and there is no suitable alternative work available to offer them on a temporary basis, the employee may be suspended from work on maternity grounds until such time as there are no longer any risks to their health. During this time the employee will be entitled to their normal salary and contractual benefits, unless they have unreasonably refused an offer of alternative employment. Suspension on maternity grounds may be for the remainder of an employee's pregnancy until the commencement of their maternity leave. Where an employee is suspended in these circumstances, their employment will continue during the period of the suspension and will not affect her statutory or contractual employment and maternity rights.

- 18.2.6 If a pregnant employee thinks they are at risk they should speak to their line manager, health and safety advisor or HR as soon as possible.

### **18.3 Sickness absence**

- 18.3.1 If an employee is absent from work during pregnancy owing to sickness, they will receive pay in the same manner as they would during any other sickness absence, provided that they have not yet begun ordinary maternity leave and it is not in the 4 weeks before the baby is due.
- 18.3.2 If the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before their expected week of childbirth, their maternity leave will start automatically.
- 18.3.3 Employees are not entitled to sick pay whilst on maternity leave.
- 18.3.4 Where an employee is unable to return to work on the expected day after maternity leave due to sickness, the sickness absence policy will apply.
- 18.3.5 In all cases of sickness absence employees are required to comply with the Sickness Management Policy, including notification of absence and provision of fit notes.

### **18.4 Statutory Paternity Leave / Maternity Support Leave**

Employees should refer to the Paternity Leave Policy on The Loop for further information about paternity leave and maternity support leave or contact HR.

### **18.5 Parental Leave**

Employees should refer to the Parental Leave Policy for more information or contact HR.

### **18.6 Shared Parental Leave (SPL)**

Employees should refer to the Shared Parental Leave Policy for eligibility and further information or contact HR.

### **18.7 IVF / fertility treatment**

We acknowledge the emotional impact that IVF can have on employees and their partners who are undergoing it and recognize that different legal rights apply at different stages of the process.

Whilst there is no statutory right to take time off work in connection with infertility investigations or treatment before the stage at which they are pregnant, employees can request to take flextime, annual leave or unpaid leave or a combination of different types of leave and are requested to give as much notice as possible.

Employees can also make a request for flexible working, for example altering the hours worked on a temporary basis, part-time working or working from home for some of their hours, depending on the needs of their needs and those of the workplace.

The employee's line manager will be responsible for managing the flexibility that is required to attend appointments for treatment. Employees must provide as much notice as possible and evidence must be given of appointments made if requested. All cases will be treated individually, and confidentiality will be maintained at all times.

There may be times in the course of the IVF process when an employee is unable to work due to the effects of the treatment and is signed off by an appropriate person (fit note). Prior to implantation of the fertilised ova, this will be treated like any other sickness absence, reason and managed in accordance with the Council's Sickness Management Policy. Sickness absence associated with infertility treatment will not be classified as 'pregnancy related', until following implantation a woman is regarded as being pregnant, from the point of implantation.

From the point of implantation of the fertilized ova, an employee is regarded as pregnant, and the employee has the same rights. The Maternity Policy will apply, including the right to paid time off for antenatal appointments and absence being recorded and managed as pregnancy related. The employee should inform their line manager and HR when they reach the implantation stage of the treatment to avoid any uncertainty. If this subsequently changes and the IVF was unsuccessful, the employee should inform their manager and HR as soon as possible.

The Equality Act 2010 provides that unfavourable treatment of a woman at work during the 'protected period' because of their pregnancy, or because of illness suffered by them as a result of pregnancy, constitutes pregnancy discrimination. Section 18(6) provides that the 'protected period' begins 'when the pregnancy begins' and ends when the woman returns to work after maternity leave, or if they do not have the right to maternity leave, 'at the end of the period of two weeks beginning with the end of the pregnancy'. In the case of IVF treatment, the protected period begins with implantation of the fertilised ova. A pregnancy test is usually taken at two weeks after implantation; if that is negative the pregnancy is at an end and the protected period would end two weeks after that.

#### **18.8 Tax free childcare**

For more information, please visit [www.gov.uk/tax-free-childcare](http://www.gov.uk/tax-free-childcare).

#### **18.9 Pensions**

Employees will continue to pay the same percentage contributions to the pension scheme during their paid maternity leave. On their return they will have the option to make up pension contributions for any period of unpaid leave.

If an employee has any queries about how their pension may be affected by their maternity leave, they can contact Norfolk Pension Fund on 01603 495923 or [pensions@norfolk.gov.uk](mailto:pensions@norfolk.gov.uk)

#### **18.10 Sensitive information regarding miscarriage, stillbirth or death of a child**

We recognise that, while dealing with any bereavement is difficult, the death of a child, a stillbirth or a miscarriage, are among the most devastating events that an employee can ever face. We are very sorry if this applies to you, and we wish to assure you of our commitment to support you and all bereaved parents through your grief and to make you aware of the leave and support available to you. The following information is provided to help, when you feel able to read it. Alternatively, please contact HR. Help and support is also available from Norfolk Support Line, which is

confidential and free to employees: Our employee assistance programme provides support and advice to employees, including counselling, on a confidential basis. See 2.0 for details.

### **Miscarriage, stillbirth or the baby dies soon after birth**

Where a baby sadly dies before 24 weeks (miscarriage) the Council will give sympathetic consideration to the circumstances and may will grant paid compassionate special leave to mothers, fathers, partners or nominated carers. Employees should speak to Human Resources.

When a baby is stillborn after the 24th week of pregnancy or dies soon after birth, the employee will still be able to take their maternity leave and pay. In these circumstances, we ask that they, or a friend or family member, contact their line manager or HR, as soon as reasonably possible. If it would be helpful to the employee, we can arrange to contact a friend or family member, for a limited time, regarding work related matters, upon request, including leave and flexibility around their return to work i.e. phased return.

The employee will also be able to take Statutory Parental Bereavement Leave after they finish their maternity leave if they wish to.

### **Statutory Parental Bereavement Leave (SPBL)**

Where their child dies under the age of 18 or is stillborn after 24 weeks of pregnancy, employees will be able to take two weeks statutory Parental Bereavement Leave, to be taken in the 56 weeks following their child's death; eligible employees will also be entitled to two weeks SPBL pay.

We would encourage employees to refer to the Parental Bereavement Leave Policy, which is available on the Loop, for further information and seek guidance from HR if needed.

### **18.11 Retaining records of proof provided**

The Council is required to keep records of the proof the employee provides.

### **18.12 Other useful information and contacts**

The following internal policies, which can be found on the Loop, contain additional information and guidance.

- Flexible Working Policy
- Sickness Management Policy
- Annual Leave Policy
- Time off for Dependents Policy
- Parental Bereavement Leave Policy
- Data Protection Policy
- Grievance Policy



[www.gov.uk/maternity-pay-leave/pay](http://www.gov.uk/maternity-pay-leave/pay) – for details of the current rate of SMP, ShPP, SAP and SPP  
<https://www.gov.uk/maternity-allowance/how-to-claim> – for details of how to claim maternity allowance.

### **18.12.3 Administration of the Policy**

HR is responsible for the administration of this Policy. Should you have any feedback, please contact [HR@great-yarmouth.gov.uk](mailto:HR@great-yarmouth.gov.uk)

## **19. Data protection**

The Council processes any personal data collected in accordance with its Data Protection Policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing maternity etc. under this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.



# Time off for Dependants Policy

<b>Author</b>	Human Resources
<b>Version No.</b>	1
<b>Updated by</b>	AS
<b>Date of update</b>	April 2024
<b>Description of changes to this version</b>	New policy
<b>Document Status</b>	DRAFT
<b>Date for review:</b> (other than legislative changes errors, or omissions)	April 2027

## **1. Introduction and scope**

- 1.1 This policy sets out the rights of employees to time off work to manage unexpected or sudden problems relating to a dependant and make any necessary longer-term arrangements.
- 1.2 The policy has been agreed with Unison, Unite and GMB.
- 1.3 The policy applies to employees employed by us. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.
- 1.4 This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.
- 1.5 "Dependant" in this policy, means:
  - your spouse, civil partner, child, grandchild or parent.
  - any person who lives in the same household as you (other than as a lodger, tenant, boarder or employee);
  - any other person who will reasonably rely on you for assistance if they fall ill or are injured or assaulted, or who would rely on you to make arrangements for the provision of care in the event of illness or injury; or
  - in relation to the disruption or termination of care for a dependant, any other person who reasonably relies on you to make arrangements for the provision of care.

## **2. Employee assistance programme**

All our employees have free and confidential access to our Wellbeing and Employee Assistance Programme, provided by Norfolk Support Line (Vivup). Whatever mental health, physical, financial or personal issue you may be facing, you can access expert help and support 24/7, 365 days a year. There's no limit on the support you can receive. To access the service call 0800 169 7676, or go to the Norfolk Support Line website.

## **3. Entitlement to time off for dependants**

You have a statutory right to a reasonable amount of time off during working hours to take necessary action:

- to provide assistance when a dependant falls ill, gives birth or is injured or assaulted. This does not have to be life threatening or need full time care – it could be an existing condition that has worsened.
- to make arrangements for the provision of care for an ill or injured dependant
- in consequence of the death of a dependant
- because of the unexpected disruption or termination of arrangements for the care of a dependant and
- to deal with an incident that involves their child and occurs unexpectedly while the child is at school/other educational establishment or in the care of another.

#### **4. Requesting time off for dependants**

- 4.1 If you need to take time off for dependants, you should contact your manager at the earliest opportunity. If you become aware of an emergency while at work, you should immediately speak to your manager about leaving work early. You should explain:
- the reason for the absence; and
  - how long you expect to be absent from work.
- 4.2 If your manager is unavailable, you must speak to an equivalent or more senior manager.
- 4.3 If you are unable to contact your manager before taking time off for dependants, you should inform an equivalent or more senior manager know and contact your manager as soon as possible.
- 4.4 You must inform your manager as soon as possible of any change in the anticipated date of your return to work.

#### **5. Pay during time off for dependants**

- 5.1 Employees are entitled to take 'reasonable' time off, to deal with specific circumstances involving a dependant. In most cases, the amount of leave is expected to be one or two days. There is no set amount of time as it depends on the situation. As with Parental Leave, the legal entitlement is to unpaid leave. Employees can request annual leave and/or flexitime, as well as flexible working.
- 5.2 Employees can if they wish, consider using annual leave and/or flexitime, as well as flexible working, subject to manager authorisation.
- 5.3 Up to one-week pro rata special leave with pay may be requested, if, as a result of illness, or some other emergency, it is necessary\* for an employee to give assistance to a close relative. In the case of illness, the necessity for the presence of the employee after the third calendar day must be certified by a medical practitioner (the Council will reimburse to the employee the cost of the certificate if the medical practitioner makes a charge, provided a receipt is submitted). "Close relative" in this and succeeding paragraphs would normally be deemed to be the partner/spouse or an immediate blood relative (i.e. son, daughter, brother, sister, mother or father). However, discretion to broaden the category may be exercised when the individual family circumstances of the employee concerned make it appropriate.

\*Employees must be realistic in determining how much Special Leave is claimed and must consider other means of providing the assistance or a proportion of it. In the interests of equity, the responsibility of caring should be shared across carers, to ensure that the costs do not fall only on the Council. HR can give further advice if required.

- 5.4 Further dependants leave will be unpaid unless flexitime or annual leave is taken.

## **6. How much time off can be taken?**

The right to time off for dependants will, in most cases, be one or two days. You must actively seek alternative longer-term arrangements for the care of a dependant as soon as possible after the emergency occurs. If you are unable to make alternative arrangements, you must contact your manager and explain why further absence is required.

## **7. Other types of leave**

Time off under this policy is intended to be for you to deal with emergency situations involving dependants. Once the immediate emergency has been taken care of, you are expected to return to work or, if further time off is necessary, to request to take it as annual leave, flexitime, or other leave, as appropriate.

## **8. Providing false information**

If an employee knowingly provides false information in relation to taking time off for dependants, this may be treated as a disciplinary matter, which could potentially amount to gross misconduct, rendering the employee liable to dismissal.

## **9. Other information**

The following internal policies contain additional information and guidance and are available on the Loop, along with other HR policies which might be useful:

- Carers Leave Policy
- Annual Leave Policy
- Data Protection Policy
- Grievance Policy
- Parental Leave Policy
- Flexible Working Policy

<https://www.gov.uk/time-off-for-dependants>

## **10. Administration of the Policy**

HR is responsible for the administration of the Policy. Should you have any feedback, please contact [hr@great-yarmouth.gov.uk](mailto:hr@great-yarmouth.gov.uk)

### **11.0 Data protection**

The Council processes any personal data collected in accordance with its Data Protection Policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing dependants leave including requests. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.



# Unauthorised Absence Policy

<b>Author</b>	Human Resources
<b>Version No.</b>	1
<b>Updated by</b>	AS
<b>Date of update</b>	April 2024
<b>Description of changes to this version</b>	New policy for established procedure
<b>Document Status</b>	DRAFT
<b>Date of review</b> (other than legislative changes, errors, or omissions)	April 2027

## **1. Introduction**

- 1.1 This policy will be followed if an employee has not arrived for work at the time they were expected and has not contacted their line manager to let them know. It outlines the steps employees should take if they are late for work or unable to attend work and the actions managers will take.
- 1.2 Our primary concern is about the wellbeing of our employees, and we will take immediate steps to contact the employee, and where this is unsuccessful, their Emergency Contact. We will also conduct a home visit if required. If our attempts to contact the employee are unsuccessful, in exceptional circumstances and where we have reasonable grounds to suspect a situation of an emergency nature, we will contact the Police and request that they conduct a Welfare Check. We will always respond proportionally to the situation and information at hand at the time.
- 1.3 This policy has been agreed with Unison, Unite and GMB.
- 1.4 This policy applies to employees employed by us. It does not apply to workers, contractors, consultants, or any self-employed individuals working for the organisation.
- 1.5 This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

## **2. Employee assistance programme**

All our employees have free and confidential access to our Wellbeing and Employee Assistance Programme, provided by Norfolk Support Line (Vivup). Whatever mental health, physical, financial or personal issue you may be facing, you can access expert help and support 24/7, 365 days a year. There's no limit on the support you can receive. To access the service call [0800 169 7676](tel:08001697676), or go to the [Norfolk Support Line](#) website.

## **3. Employee responsibilities**

- 3.1 If you are, or think you may be, late for work, you should let your manager know as soon as possible, by phone (please ensure you are safe to call and do not phone when driving), and the time you expect to arrive at work.
- 3.2 If you are unable to attend work when you are scheduled to, you should contact your line manager by phone and let them know as soon as possible. You should tell them the reason(s) why you can't attend work, when you expect to attend work and provide them with a phone number on which they can contact you. If you can't attend work due to illness, you should also follow the Sickness Management Policy, including maintaining contact with your manager. If there are other reasons you can't attend work such as an emergency relating to a dependent for example, other policy provisions may apply.

If, in *exceptional circumstances*, you are unable to telephone (for example you are receiving treatment in hospital), initial contact can be made by a friend or family member on your behalf, or you may send a text message to your manager. In either case, an explanation

must be provided as to why you are unable to telephone your manager and the reason for your absence. You must then take steps to contact your line manager by phone as soon as reasonably possible.

- 3.3 A failure to promptly inform your line manager of lateness or absence, persistent lateness and/or failing to follow Council policies may lead to your absence being considered unauthorised and could result in loss of pay / deduction from pay and disciplinary action in accordance with the Disciplinary Policy.
- 3.4 If you have contacted your line manager and they have not answered and/or your line manager is unavailable themselves due to absence, then please contact another manager, a more senior manager, or HR.

#### **4. Line manager responsibilities**

- 4.1 You must keep a diary record of all attempts to contact the employee, their Emergency Contact, and Police (in exceptional circumstances), along with the responses received.

- 4.2 If an employee has not reported for work within 30 minutes of their expected start time, or by 9.30am at the latest (unless the employee is due to start work later when the times should be adjusted accordingly), line managers must act promptly to check on their welfare and must attempt to contact them to ascertain:

- Are they alright?
- The reason(s) why they are late or have not reported for work.
- When they expect to arrive / attend work.
- If they are unwell, how long they anticipate being absent for and then follow the Sickness Absence Policy.

Also:

- Provide the employee with details of our confidential Employee Assistance Program.
- If the employee does not respond to this initial call, leave a voicemail and send them a text and email, asking them to contact you urgently and within the next 30 minutes.
- Consider if there may be any other reason why the employee may have mistakenly not reported for work.

- 4.3 If, within the next 30 minutes (i.e., one hour of start time or by 10am at the latest, unless the employee is due to start work later than this in which case the timing can be adjusted) you have not been able to contact the employee or have not had a response from them, phone them again and if no response, leave a message telling them that you will be conducting a welfare visit to their home address. Then:

- o Inform HR.
- o Go to the employee's home address if appropriate (accompanied if possible) and attempt to make contact with them and ascertain the information in 4.2 above.
- o If you are unable to contact them at their home address, contact their Emergency Contact (details can be accessed via HR), regarding the employee's welfare.
- o If there is no response from either the employee or their Emergency Contact if you hold reasonable grounds that the situation is likely of an emergency nature you should contact HR to seek agreement, then contact the Police. You must usually have taken all reasonable steps to contact the employee before calling the police, this includes a home visit. Explain that you are concerned for the employee's welfare



- and of the attempts you have made to contact the employee and their Emergency Contact. Request that they conduct a Welfare Check and let you know if / when they have been able to make contact with the employee.
- o Keep HR and your Head of Service informed.
- o Further actions:
- If there has been no response by the end of the first day of unauthorised leave, including from the Police:
  - o Write to the employee (hand-delivered and/or 'signed for'), informing them of the attempts made to contact them, any actions that have been taken (i.e., attempts to contact their Emergency Contact, home visit(s) conducted, Police Welfare Check) and the concerns you have for their welfare. Include:
    - o details of our Employee Assistance Program, Norfolk Support Line
    - o details of how to contact you, (or your deputy/other in your absence), as soon as possible.
    - o Keep your Head of Service and HR informed.
  - Actions to be taken by the Manager – Days 2 and 3.
- If there is no response (or an unsatisfactory response) from the employee, you should:
  - o Repeat your attempts to contact the employee, both by telephone and email again, including by attempting to contact their Emergency Contact and conduct a second home visit.
  - o Establish whether the Police have managed to engage with them.
  - o Liaise with your Head of Service and HR to discuss actions taken to date, employee response (or not) and next steps, i.e., carry out, or arrange for an investigation to be carried out promptly into the employee's unauthorised absence.
  - o Send a further letter informing the employee Requesting their immediate contact by reply.
- 5. Action to be taken where the employee continues to fail to engage without good reason.**
- If the employee does not respond or continues to fail to attend work, refer again to Head of Service and HR for further guidance.
- Consider whether it is the employees first occasion of lateness/unauthorised absence, a one-off event or a regular occurrence/pattern of behaviour and any warnings on file. Lateness/unauthorised absence and/or a pattern of behaviour should be investigated, and consideration given as to whether it should be managed under the Disciplinary Policy.
- If an employee informs you that they have resigned or intend to resign, request that they confirm their resignation in writing to you as soon as possible, including the date of their resignation and the date notice is to take effect (where notice is given it should be worked and/or accounted for. Managers should seek HR advice). Once received it will be treated as a formal resignation and managed accordingly.
- Keep your Head of Service and HR updated.

## **6. Unauthorised leave following a request for annual leave.**

6.1 If an employee has reasonably been refused annual or other leave but declares that they intend to take the time off, anyway, speak to them as soon as possible. Carefully consider the reasons why the employee has requested the leave and if there are alternative statutory or contractual leave policies applicable in the circumstance. Unless there are mitigating factors or other application leave provisions that may apply, inform them that they are required to attend work and that failure to do so will be a disciplinary matter.

- Consult with HR throughout and confirm in writing:
  - the specific date(s) of the leave request, the date it was requested and the date it was legitimately declined.
  - that the employee is required to attend work as usual.
  - A failure to attend work without authorisation will be considered unauthorised absence, will be unpaid and may result in disciplinary action, up to and including dismissal for gross misconduct.
  - invite the employee to reconsider their expressed intention to be absent.

6.2 If an employee has been refused a request for annual leave and fails to attend work investigate it as a potential unauthorised absence, in accordance with the Disciplinary Policy and consider suspending pay. If the employee calls in sick on the same day/period as applied for leave, follow the sickness absence policy which includes provisions if there are suspected concerns regarding its validity.

## **7 Other information**

The following internal policies contain additional information and guidance and are available on the Loop, along with other HR policies which might be useful:

- Time off for Dependants Policy
- Carers Leave Policy
- Flexible Working Policy
- Sickness Management Policy
- Annual Leave Policy
- Disciplinary Policy
- Grievance Policy

## **8 Administration of the policy**

HR is responsible for the administration of this policy. Should you have any feedback, please contact [hr@great-yarmouth.gov.uk](mailto:hr@great-yarmouth.gov.uk).

## **9 Data Protection**

The Council processes any personal data collected in accordance with its Data Protection Policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing absence including unauthorised absence. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.



# Annual Leave Policy

<b>Author</b>	HR
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<b>Next review due (except for changes to legislation, errors and omissions):</b>	April 2027

## **1.0 Introduction and scope**

- 1.1 The Council considers it important that you take regular holidays for your wellbeing and to achieve a work/life balance. We encourage you to take your full annual leave entitlement and to spread your holiday throughout the year to prevent building up an excessive period of leave at the end of each holiday year.
- 1.2 This policy aims to ensure employees are aware of their holiday entitlements and their responsibilities and the protocols around applying for leave. Managers should also consider this policy before authorising employee's annual leave.
- 1.3 This policy has been agreed with Unison, Unite and GMB.
- 1.4 This policy applies to employees employed by us. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.
- 1.5 This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

## **2. Employee assistance programme**

All our employees have free and confidential access to our Wellbeing and Employee Assistance Programme, provided by Norfolk Support Line (Vivup). Whatever mental health, physical, financial or personal issue you may be facing, you can access expert help and support 24/7, 365 days a year. There's no limit on the support you can receive. To access the service call [0800 169 7676](tel:08001697676), or go to the [Norfolk Support Line](#) website.

## **3. Your annual leave entitlement**

- 3.1 The holiday year (annual leave period) runs from 1st of April to 31st of March each year.
- 3.2 The Council's annual leave is generous and is above the statutory minimum. Your annual leave entitlement will increase dependant on length of service, subject to a maximum.
- 3.3 Annual leave is calculated at the start of every leave year and each time a change in work pattern, or hours occurs. How much annual leave you receive will vary according to how many hours you work, your length of service and grade. If your employment starts or terminates part way through a holiday year, your holiday entitlement during that year will be calculated on a pro rata basis.
- 3.4 Your personal annual leave entitlement can be found on your contract of employment and on MyView.
- 3.5 You are responsible for recording and requesting your annual leave; your line manager is responsible for authorising your annual leave requests. You must not take holiday leave unless it has been authorised by your manager.
- 3.6 Except where set out in this policy and/or otherwise required by law, all holiday leave must be taken during the holiday year in which it is accrued otherwise it will be lost.
- 3.7 Where an employee has been transferred to the Council as part of a TUPE transfer, they should refer to their contract and MyView regarding their annual leave entitlement. For any queries following this, please contact HR.

#### **4. Carry over**

- 4.1 We encourage you to take all of your holiday entitlement in the current holiday year. It is important for your health and wellbeing to take your annual leave.
- 4.2 However, you may transfer up to 5 days leave (pro rata) automatically to the following leave year. You must take these 5 days before the Spring Bank holiday (which usually occurs on the last Monday in May) otherwise it may be lost. In exceptional circumstances, such as long-term sickness absence, long term suspension or similar, accrued annual leave will not be lost. This will be dealt with on a case-by-case basis.
- 4.3 You may, only in exceptional circumstances, be able to carry forward more than 5 days leave (pro rata), if the statutory entitlement was taken during the leave year, but you must get prior approval from the Head of Service. This may be particularly appropriate where the reason for the leave not being taken is attributable to the employee being absent on account of certified illness or other leave. Your Head of Service will need to inform HR of any additional authorised leave so that your entitlements can be updated on MyView.

#### **5. Requesting and booking annual leave.**

- 5.1 You should request leave in advance, by giving as much notice as is reasonably possible. You must normally give notice at least twice as many days in advance of the amount of leave you wish to take. For example, if you want to take 2 days annual leave, you must give at least 4 days' notice in advance.
- 5.2 Annual leave must be requested via MyView, our online system for booking holidays. You will be given the rights to request annual leave online and you will also be able to view your holiday entitlement online at any time. This is to give you the facility to easily plan your holidays throughout the year.
- 5.3 If you wish to book 2 weeks or more, please ensure you give your manager at least 1 month notice so they can ensure there is adequate cover to meet the demands of the service.
- 5.4 Managers may decline an employee's request for annual leave in exceptional circumstances if there is a valid business reason for this. In such a scenario the business reason will be communicated to the employee.
- 5.5 During the first year of your employment, the amount of leave that you receive may be limited to the amount of leave that you have accrued at that time.
- 5.6 If you feel that your request has been unreasonably refused for any reason, you should speak to your manager in the first instance. They will endeavour to ensure that you have every opportunity to take your holidays at the time you request them, but they will need to balance your requests with the needs of the department.
- 5.7 You must not book a holiday or make any firm holiday arrangements until your manager has authorised your leave request/your leave has been confirmed. Any costs incurred due to cancelling or changing prior arrangements will be your responsibility.
- 5.8 Requests for annual leave will usually be considered on a 'first come, first served' basis, except for certain periods of the year, for example, around the Christmas period or year-

end/peak work periods, when your manager may request that you and your colleagues submit requests for that period, when they will be considered as a whole and may take into account what leave you/your colleagues took the previous year for the same/similar period.

- 5.9 We reserve the right to require you to take leave on specified dates including periods of shut down, for example, at Christmas/New Year. The arrangements for leave between Christmas and New Year will be communicated in advance.
- 5.10 Generally, at least two thirds of your annual leave entitlement should be taken during the period April to December inclusive. For example, if your leave entitlement is 28 days (plus bank holidays), then at least 18 days should be taken between April to December.

## **7. Holiday pay**

- 7.1 You will receive normal pay during any day taken as part of your holiday entitlement.
- 7.2 No payment in lieu will be made in respect of untaken holidays other than in the event of termination of your employment.

## **8. Public holidays**

- 8.1 You are entitled to a holiday with a normal day's pay for each of the statutory, general and public holidays as they occur, unless otherwise advised i.e. you are required to work it. This will be pro rata for part time staff.
- 8.2 Employees who work part time are required to request the bank holidays which fall on their normal working days via MyView as bank holidays have been taken into account in their allocation of annual leave.
- 8.3 Employees who are required to work on a public or extra statutory holiday will be paid in accordance with the Green Book.

## **9. Sickness during periods of holiday leave or on a Bank Holiday**

- 9.1 If you fall sick or are injured while on holiday, and would have been incapable of work, you may request that the period is treated as sick leave and reclaim your annual leave subject to the following conditions:
  - The total period of sickness must be fully certificated by a qualified medical practitioner if greater than 7 days.
  - You must contact your manager (by telephone, if possible) as soon as you know that there will be a period of sickness during your holiday.
  - You must submit to your manager a written request no later than five days after returning to work setting out how much of your holiday was affected by sickness and the amount of leave that you wish to take at another time.
- 9.2 If you fall sick or are injured before a pre-booked holiday, you may request to cancel your holiday, and take any part that is interrupted by incapacity as sick leave subject to the following conditions:
  - The total period of sickness must be fully certificated by a qualified medical practitioner if greater than 7 days.
  - You must contact your manager by telephone, if possible, as soon as you know that there will be a period of sickness during your holiday.

You must submit to your manager a written request to cancel or change your pre-booked holiday, setting out the amount of leave that you wish to take at another time.

- 9.3 Any holiday leave that is adjusted to sick leave will be managed in accordance with our policy on sickness absence.
- 9.4 If your sickness coincides with leave that you had requested to take as annual leave, but was declined, your line manager will require you to provide evidence of sickness (the total period of sickness must be fully certificated by a qualified medical practitioner not self-certification) who will investigate the situation if they consider that the absence might not be genuine and if appropriate, will invoke formal disciplinary proceedings.

## **10. Holiday entitlement and sick leave**

- 10.1 You will continue to accrue your holiday entitlement during any period of sickness absence.
- 10.2 Subject to a request from you to use your paid holiday (annual leave) and approval from your line manager, you can use your paid holiday (annual leave) while off sick, for example if you:
- are not physically able to work but are physically able to take a holiday.
  - have a mental health condition that might be helped by a holiday.
  - are off sick long term, and a holiday might help with your recovery.
- 10.3 You should give your line manager as much notice as possible of your proposed holiday dates.
- 10.4 If your manager approves your holiday request, sick leave will be paused while you take a holiday, and you will instead receive holiday pay. After you have taken the holiday, sick leave will continue if you are still not well enough to return to work and provide a fit note(s) and will be managed in accordance with the Sickness Management Policy.
- 10.5 If your sickness lasts longer than 4 weeks, it is usually considered long term. If you have not been able to use your holiday because you have been on long-term sick leave, you can carry your unused holiday entitlement, which must be used within 18 months from the date it is carried over. Alternatively, you can choose to take your paid holiday during your sick leave, in which case you will be paid at your normal rate.
- 10.6 You might not need to carry over any unused holiday if for example you return from sick leave and still have enough of the holiday year left to use your holiday, by agreement.



## **11. Holiday entitlement and family leave**

- 11.1 The leave year and holiday entitlement (including bank holidays) are not affected by maternity, adoption, paternity, parental or shared parental leave and you will still accrue holiday over these periods.
- 11.2 Details of annual leave in relation to family leave can be found in the relevant policy.
- 11.3 Employees are advised to discuss leave with their manager as early as is reasonably possible and agree when it is going to be taken.

## **12. Holiday pay (or deduction of pay) on termination of employment**

- 12.1 In the event that the contract of employment is terminated (by either party):

If you have taken more than your entitlement to annual leave at the date of termination of employment, the corresponding amount will be deducted from your final salary payment. If your final salary is insufficient to cover this, we will invoice you.

We will pay you for annual leave you have accrued but not taken. However you may choose to take annual leave during the notice period, which has been booked in accordance with this policy.

We may in exceptional circumstances, where there is a business reason, request that you take all annual leave that you have accrued but not taken prior to your departure and will give you sufficient notice of this and outline the business reason.

You will receive a payment in lieu of accrued and untaken holiday for that holiday year, subject to the terms of your employment and this policy.

## **13. Failure to follow policy / falsification of leave**

- 13.1 A failure to follow this policy, including the requirement to request and record annual leave, and/or if leave is taken without authorisation, could result in disciplinary action being taken, including dismissal.
- 13.2 A deliberate falsification of annual leave recording/requests will be treated as gross misconduct.

## **14. Other relevant policies**

The following internal policies contain additional information and guidance and are available on the Loop, along with other HR policies which might be useful:

- Time off for Dependents Policy
- Maternity Leave Policy
- Paternity Leave Policy

- Parental Leave Policy
- Shared Parental Leave Policy
- Carers Leave Policy
- Absence Management Policy
- Disciplinary Policy
- Grievance Policy

#### **15. Administration of the Annual leave policy**

HR is responsible for the administration of this policy. Should you have any feedback, please contact [hr@great-yarmouth.gov.uk](mailto:hr@great-yarmouth.gov.uk)

#### **17. Data Protection**

The Council processes any personal data collected in accordance with its Data Protection Policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing annual leave. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.