

## **Authorised Absence Policy**

### **1. Authorised Absence**

1.1 North Halifax Partnership (NHP) will try to be flexible to meet people's needs in terms of hours worked and granting of leave. However, it is essential that we are able to deliver an effective service and there may be local arrangements in place when annual leave is limited or required, for example to ensure staff: child ratios in children's centres.

1.2 The following constitutes authorised absence, which may be paid or unpaid as detailed below:

- Annual Leave
- Fixed Holidays including Statutory (Bank) Holidays
- Training when agreed via the appraisal system and relevant working practices.
- Maternity/Paternity/Adoption and other statutory parental leave
- Special Leave:
  - Hospital Appointment or other medical leave
  - TOIL (Time off in Lieu) where agreed in advance.
  - Leave for bereavement.
  - Leave for family/carer emergencies.
  - Agreed unpaid leave.
  - Jury service
- Arrangements during adverse weather conditions
- Carers leave

1.3 All leave requests must be booked in advance, except where the leave is due to emergency circumstances. Employees are reminded that leave requests are agreed at the Manager's discretion. Managers will consider the impact on the operational needs of the business when considering requests. This may mean that some requests will be declined.

1.4 Granting of some requests for special leave is not an automatic entitlement and the operational needs of the organisation take priority, this may mean there are times when a request for leave is refused.

1.5 Any occasions of unauthorised absence will be unpaid and may be treated as a disciplinary matter and regular periods of unauthorised absence will be regarded as a disciplinary matter. This would include occasions of reporting to work late, or not

providing a reasonable explanation of any period of unauthorised absence. Authorised leave will be paid or unpaid, depending on the circumstances.

## **2 Annual Leave**

### *Entitlement*

2.1 Employment contracts outline individual annual leave entitlement

2.2 Staff who have been employed for 5 years qualify for 5 extra days leave automatically. This is awarded on the 1<sup>st</sup> April on, or after, the 5 years anniversary of their appointment.

2.3 Annual leave entitlements are pro-rata for part time staff.

2.4 Term time only staff are reminded their annual leave is deemed to be taken during their non-working weeks and are therefore not eligible to submit annual leave requests.

### *Taking, and booking annual leave*

2.5 The annual leave year is April – March. It is an expectation that all staff take their annual entitlement during the annual leave year. Generally, it is expected that colleagues will usually take 50% of their leave from April – September, and 50% from October to March.

2.6 There may be occasions when the employer gives an employee notice of when there is a requirement to take annual leave. Whilst this is a legal provision, managers will explain the situation on the occasions that this provision is invoked.

2.7 Requests should be made using Citrus HR. This is a 'self-serve' system and employees input the details of the leave they are requesting. Leave is not deemed to be agreed until the request is authorised by the relevant manager.

2.8 Managers will monitor annual leave patterns year-on –year with the aim of ensuring fairness and equity(so that, for example it is not the same employees reserving advance holidays and/or reserving school holidays and /or holidays around bank holidays).

2.9 Annual leave should be booked at least seven days in advance. However, it is recognised that this may not always be possible, for example if you need to take a day off to deal with a family emergency. See section 8 'Time off in an emergency'. It may not always be possible to accommodate all employees' requests. We anticipate that school holiday times could be a particularly busy time and would expect to have at least half of the staff at work during these times (excepting statutory holidays).

2.10 No more than 10 days annual leave can be booked together unless there are exceptional circumstances, and at the discretion of the manager.

*Advanced booking of leave*

2.11 Holiday entitlements are shown on Citrus HR. Leave can be requested for the following leave year. Staff may not usually book leave any earlier than in the previous October. Exceptionally, leave may be booked over a year in advance to facilitate for example the planning of a wedding. Requests should be made in writing to your line manager, for consideration with the relevant senior manager.

*Carry over of leave*

2.12 Annual leave entitlement should be taken during the leave year wherever possible. A staff member may carry over up to 5 days annual leave (pro-rata for part time staff) with the agreement of their line manager. This leave must be taken by June of the following holiday year.

2.13 This also applies to re-credited annual leave for periods of sickness (see Section 4 below). If this looks unachievable, it should be discussed with the line manager

### **3 Fixed Holidays including Statutory (Bank) Holidays**

3.1 In addition to annual leave entitlement the organisation recognises the 8 statutory Bank Holidays plus an additional 4 days, a total of 12 days as follows:

- New Years Day
- Good Friday
- Easter Monday
- Early May Bank Holiday
- Spring Bank Holiday
- Summer Bank Holiday
- Christmas Day
- Boxing Day
- Floating Day
- 3 days between Christmas and New Year

3.2 Part time staff have a pro-rata entitlement to these days, expressed in hours. This applies to all part time employees, irrespective of hours or patterns of work and is known as Bank Holiday entitlement. For example:

Someone who works 22 hours would be entitled to 52 hours and 48 minutes Bank Holiday Entitlement.  $(22 \div 37 \times 12 \text{ [days]} \times 7.4 \text{ hrs})$

3.3 NHP centres are closed on Fixed Holidays, and anyone whose normal working day falls on that day is required to use their Bank Holiday entitlement on that day.

3.4 Some staff may find that their Bank Holiday entitlement does not cover all the Fixed Holidays that fall on their working days. In this case, staff should either:

- Agree with their line manager to work their balance up at an alternative time.
- Take the balance from their annual leave entitlement.

3.5 Other staff may have Bank Holiday entitlement left over, because fewer Fixed Holidays fall on their working days. In this case, staff can add the Bank Holiday Entitlement to their Annual leave entitlement.

3.6 Part time employees who start or leave their employment during a holiday year will receive a proportion of their full bank holiday entitlement. This is based on the number of public holidays in their employment period within the current leave year.

3.7 When an employee has their fixed term contract extended or their hours of work change, their bank holiday entitlement should be recalculated using their new end date/hours per week (less any bank holiday entitlement already taken).

#### **4   Sickness during Annual Leave and Fixed Holidays**

4.1 If you are unfortunate enough to be unwell during a period of annual leave, this will be re-credited to your entitlement on production of a Doctor's sickness certificate/note and provided the usual sickness notification procedures have been followed. Days that could have been self-certified will not be re-credited to an entitlement.

#### **5   Medical Appointments**

5.1 Routine medical appointments (e.g. visits to GPs, opticians or dentists) should be made in staff's own time. However, we do recognise that this is not necessarily possible with hospital appointments. Staff may take up to 2 hours paid absence for each hospital appointment. Any additional time needed for the appointment/s will be taken as unpaid leave, annual leave or Time off in Lieu. As soon as staff know they have a hospital appointment they should notify their line manager, and provide a copy of the appointment details.

##### *Treatment in relation to infertility*

5.2 The Partnership understands that fertility treatment may be a sensitive, and emotionally taxing process, and we are committed to supporting you to the best of our abilities. Appointments should be made outside your usual working day. NHP appreciate that this is not always possible, therefore, if you require time off during the working day to attend fertility treatment then NHP is willing to provide up to 2 days paid leave in any 12 month period for that purpose. You will be required to submit a request

for leave, and you may be asked to provide appointment letters or other written evidence. We are committed to showing flexibility, but would ask that you make your line manager aware, with as much notice as possible, if you require time off for fertility treatment so that we are able to support you. Time required for fertility treatment above 2 days should be taken using annual leave or TOIL.

### *Gender reassignment*

5.3 Medical appointments to support gender reassignment should be discussed with your line manager. We recognise that this is an individual and sensitive situation and will deal with each situation on a case by case basis, depending on the particular circumstances.

### *Other appointments*

5.4 Appointments for elective surgery or procedures should be taken using annual leave or TOIL.

5.5 All non-elective hospitalisation will be treated as sickness absence or if a medical appointment requires the employee to undergo further treatment this will be treated as sickness absence. Please refer to the Sickness Absence Management Policy for further information. It is also recognised that often an employee has a number of medical appointments for exploratory, diagnostic or pre or post-treatment reasons. Managers are able to discuss the reasons for medical appointments with the employee to ensure appropriate support can be agreed (e.g. temporary alternative working arrangements), to minimise any impact on the organisation and to support the individual.

## **6 Maternity, Paternity, Adoption and Shared Parental Leave**

6.1 Please refer to the suite of NHP Family Leave policies.

## **7 TOIL (Time off in Lieu) and the working day**

7.1 Employment contracts outline individual contracted working hours. Occasionally staff may work in excess of their weekly contracted hours. Permission from your line manager must be given before you work extra hours. In such cases time should be taken off in lieu at the earliest opportunity in agreement with the line manager.

7.2 Under the working time directive, no member of staff may work more than 48 hours per week averaged over 17 weeks. Staff who do occasionally work a long week are encouraged to limit their hours to 48 hours in a long week.

7.3 Employees are reminded that any requests to 'take back' TOIL accrued must be agreed in advance by their line manager, using the agreed recording system.

Staff can accrue up to 7 hours 24 minutes TOIL, and owe (negative toil\*\* can only be used for emergency absences) and only up to 7 hours 24 minutes. Where more TOIL is likely to be accrued, this must be agreed with your line manager.

7.4 To comply with the law, and sustain a healthy work-life balance the following unpaid break provisions are operated:

- 7.4.1 All staff on full time hours (37) must take at least 30 minutes for their lunchbreak.
- 7.4.2 Staff on 6 hours per day must take at least 20 minutes for their lunch break
- 7.4.3 Whatever hours are worked, a break of at least 20 minutes must be taken every 6 hours
- 7.4.4 It is not acceptable to work through the lunchbreak and leave early unless in exceptional circumstances AND agreed with the line manager.
- 7.4.5 Where possible, staff are encouraged to take their lunch away from their desks to avoid distracting other staff who are still at work.
- 7.4.6 Staff must follow the relevant local arrangements in respect of flexible working and other breaks.

7.5 Staff are encouraged to deal with personal business in their break, though a short break from work to take a personal phone call for example may be permissible.

7.6 Smokers may smoke off work premises during their break time. Any further smoke breaks - the time for which must be worked back at the end of the day - are at managers' discretion.

## **8 Time off in an emergency for family members and dependants**

8.1 It is recognised that staff may occasionally need time off at short notice – for example if a family member is suddenly ill or for an emergency at home. For this reason, employees are allowed a reasonable time off to deal with an emergency involving a dependent. They must notify their line manager as soon as possible.

8.2 A dependent could be a spouse, partner, child, grandchild, parent, or someone who lives with the employee and depends on them for their care.

8.3 An emergency is a situation where there is no advance notice, and the right to take time off enables an individual to deal with an unexpected problem and make any necessary longer-term arrangements. The following provides examples:

- 8.3.1 if a dependant falls ill or has been involved in an accident or assaulted

- 8.3.2 when a partner is having a baby
- 8.3.3 to make longer-term care arrangements for a dependant who is ill or injured
- 8.3.4 to deal with an unexpected disruption or breakdown in care arrangements for a dependant, for example, when a child-minder fails to turn up
- 8.3.5 to deal with an incident involving your child whilst they are at school.

This list is not exhaustive and time off for emergencies will be considered on a case by case basis.

8.4 Whilst there are no set limits on the amount of time an employee can take to deal with emergencies, requests should be reasonable. Where care arrangements have broken down or where the employee is aware that further time off from work may be needed, they should make other arrangements (e.g. take annual leave, request unpaid leave)

8.5 Line managers are able to discuss the amount of time an individual has requested under this policy, in light of business needs, and any disruption the leave causes to usual business operations.

8.6 Line managers will discuss leave requests sympathetically and explore alternative working arrangements where time off is considered to be impacting usual business. This may include a temporary or permanent reduction, or change, to working pattern, a period of unpaid leave or other temporary arrangements to support the individual.

8.7 In cases where it has not been possible to discuss the request for emergency leave in advance of the staff member's absence, there will be a Return to Work interview when the staff member returns to work. Line managers have the right to explore whether the absence constitutes genuine emergency absence within the provisions of this policy.

- 8.7.1 Where the Line manager has grounds to disagree that the emergency was genuine, they will discuss those reasons with the staff member, and place a record of unauthorised absence on the individual's personnel file.
- 8.7.2 Where the Line Manager agrees that the emergency was genuine, this will be recorded as authorised absence on the short notice of absence form in the individual's personnel file

8.8 Frequent emergency absences will be addressed, using the processes set down in the Absence Management Policy.

## **9 Time off for family members and dependants – non-emergency**

9.1 It is recognised that staff may occasionally need time off to attend appointments with family members or those who they have caring responsibilities for (e.g. meeting at school, hospital appointment etc). Wherever possible these requests will be agreed, without pay. Employees are able to use their annual leave or TOIL to attend these appointments.

9.2 See also Section 11.3 – Carers Leave.

## **10 Bereavement (Compassionate) Leave**

10.1 In addition to the statutory right to reasonable time off to deal with a family emergency (see above); in the event of the death of an immediate family member, employees can request compassionate leave. An immediate family member is a spouse, partner, child, sibling, grandchild, parent, or someone who lives with the employee. Each request will be viewed sympathetically and considered on an individual basis. Usually up to 5 days paid compassionate leave will be agreed to deal with bereavement. The Parental Bereavement Leave scheme is intended to provide further support to employees in the event of the death of their child. (See below).

10.2 For requests for leave to deal with bereavement (including attending a funeral) outside the immediate family, any agreed leave would generally be unpaid.

## **11 Parental Bereavement Leave**

11.1 As an employer, NHP is committed to providing support to employees who experience loss in their lives and, in particular, understands that the death of a child, or a stillbirth, can be one of the most harrowing experiences of someone's life. **Appendix 1** of this policy explains rights to time off, pay during time off and other support offered.

11.2 Parental bereavement leave is available from day one of employment. It is available to employees on the death of a child under the age of 18. For clarity, employees are able to access up to 5 day's compassionate leave and up to two weeks of parental bereavement leave in the event of the loss of a child.

11.3 Up to 5 days' compassionate leave will be offered to employees, regardless of length of service. Statutory Parental Bereavement Pay (SPBP) is based on the statutory provisions.

## **12 Jury service and court attendance**

### **12.1 Jury service**

- Employees must discuss the request for jury service with their manager. Depending on workloads and business needs, it may be appropriate to discuss

applying for a deferral. NHP cannot apply to defer on an employee's behalf, but they may be able to write a letter of support.

- Employees who are called for Jury Service shall be granted leave with pay for the first 2 weeks. Loss of earnings should be claimed from the Court if the case lasts longer than 2 weeks. (Please refer to the Courts information in this regard).
- Employees should not make claims for loss of earnings for the first 2 weeks of jury service.
- If employees called for jury service are told the case is likely to last for more than two weeks, they will be required to discuss this with their line manager before agreeing their attendance.
- Employees attending for jury service are required to report for work on the days or part days that they are not required by the Court.

## 12.2 **Court attendance**

- Employees who are requested by the Police to attend court as a witness for a criminal prosecution shall be granted leave with pay. Any loss of earnings received, excluding allowances for travelling and subsistence must be reimbursed to NHP.
- Employees that request leave to attend court where they are the defendant or the matters are related to a civil case, must take this time as annual leave or discuss with their manager a request for unpaid leave.

## 13 **Adverse weather conditions**

13.1 Staff are expected to make every effort to report to work and attend for their contracted hours, whilst ensuring that they travel safely in adverse weather conditions.

13.2 If adverse weather causes difficulty in getting to their place of work, staff must alert their workplace by phone as soon as there is someone to answer the call; or contact their line manager by mobile phone if no one is available at work. Staff may be advised to report to an alternative workplace nearer their home.

13.3 Managers will use their discretion to decide when it is appropriate for staff to leave work early in the event of weather deteriorating during the working day.

13.4 Time taken off if staff have to leave early, or cannot attend work must normally be taken as TOIL or Annual Leave.

13.5 Staff who have in place hybrid working arrangements and have the ability to work from home/remotely are expected to work their usual hours. Where someone cannot work their usual hours, due to family emergencies connected with adverse weather Section 8 will apply.

13.6 In exceptional circumstances, where a decision is taken to close NHP service centres and no alternative working arrangements can be made, then staff who cannot work from home may not be required to take TOIL or Annual leave. These circumstances will be addressed on a case-by-case basis.

13.7 Where staff have family emergencies connected with adverse weather (e.g. your child's primary school has an emergency closure), section 8 above applies.

## **14 Carer's Leave**

14.1 From 6<sup>th</sup> April 2024 there is a statutory entitlement for those employees caring for a dependant with a long-term care need, to have one week unpaid leave per year (pro-rata for part time staff). This is a day one right and we will not require you to provide evidence of how the leave is used, or who it will be used to support.

14.2 You are able to have one week of carer's leave in a 12 month rolling period. You have the option to take the leave as half or full days, up to and including taking a block of a whole week of leave at once.

14.3 To take carers leave you are required to give notice of your leave. The notice period you are required to give is twice as many days as the period of leave you are requesting, or three days (whichever is longer), in advance of the first day of the leave. For example if you wanted to request a week's leave you would need to give at least two weeks' notice in advance of the day you want your carer's leave to commence.

14.4 Whilst not a statutory requirement, we ask that you provide this notice in writing to your line manager. Days' notice is based on Monday – Friday (5 days).

14.5 We are able to postpone a period of carer's leave, where this would unduly disrupt business operations. If this is the case, we will give you notice, as soon as is reasonably practicable and, following consultation with you, confirm a new date on which you can take the leave within a month of the original date(s) requested. For this reason, please do not make any arrangements for your carers leave until the dates of your leave have been confirmed.

14.6 As this is a statutory right, employees taking their carer's leave entitlement will be protected from dismissal or any detriment as a result of having taken time off. They have the right to return to the job in which they were employed before taking a period of carer's leave. Your annual leave entitlement will continue to accrue during this period of leave.

## 15 Training and development

15.1 Staff attending previously agreed training courses will be credited with hours according to the following principles:

- 15.1.1 No member of staff will be disadvantaged by attending training, though it is recognised that some staff may occasionally benefit from the following arrangements to enable the standardised administration of training hours.
- 15.1.2 A full day's training (6 hours or more) will be credited at the full time standard working day 7hours 24 minutes for full time staff. All other training courses will be credited for the actual time taken on the course, plus travel time in excess of usual travel time to work.
  - 15.1.2.1 Exceptionally, staff may be credited for more than 7hrs 24 minutes when the actual duration of the course, together with the time taken to travel (in excess of usual travel to work time) is longer than 7 hours 24 minute.
- 15.1.3 For part- time staff who attend a full day's training:
  - 15.1.3.1 Where attendance at training is outside normal contracted hours, additional hours will be recorded.
  - 15.1.3.2 Any hours worked on training in excess of their normal daily hours may be taken as TOIL.
  - 15.1.3.3 Those staff who work a long shift may need to make up the hours between the time credited and their normal working day. For example a staff member working 27 hours per week @9 hours per day will need to work back 1 hr 36 minutes for a course that lasts 6 hours at their usual place of work. If that course was in Manchester, and it took them 1.5 hours to travel each way , on top of the 6 hours course duration, they would have no hours to pay back.
- 15.1.4 In all cases where hours are accrued, these must be taken as TOIL.

## **Appendix one – Parental Bereavement Leave**

Parental bereavement leave is available in addition to Compassionate Leave. Parental bereavement leave is recognised as a statutory leave entitlement and NHP have applied the statutory provisions to all employees.

### **1. Eligibility**

Parental bereavement leave is available from day one of employment. It is available to employees on the death of a child under the age of 18. You may take parental bereavement leave if you fall into any one of the following categories:

- A 'natural' parent
- An adoptive parent, and those with whom a child has been placed under the 'foster to adopt' scheme, provided the placement is ongoing
- A 'natural' parent where the child has been adopted but a Court Order exists to allow the 'natural' parent to have contact with the child
- An employee who is living with a child who has entered Great Britain from overseas in relation to whom has received official notification that they are eligible to adopt
- An intended parent under a surrogacy arrangement where it was expected that a parental order would be made
- A 'parent in fact' which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day to day responsibility for the child, subject to exceptions. This category includes guardians and foster parents but does not include paid carers
- The partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent.

In addition, parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to take parental bereavement leave.

### **2. Length of leave and how it may be taken**

A total of two weeks may be taken as parental bereavement leave and you may choose to take leave as:

- A single block of one week
- A single block of two weeks
- Two separate blocks of one week

Leave may start on any day of the week and must be taken in whole weeks. It may be taken at any time in the 56-week period following the death.

If you have suffered a stillbirth after 24 weeks of pregnancy, you are still entitled to take your full entitlement to maternity and paternity leave, provided you were eligible to take maternity or paternity leave in the first place, in addition to parental bereavement leave. Parental bereavement leave cannot be taken at the same time as maternity or paternity leave.

Where more than one child dies or is stillborn, you are entitled to two weeks of parental bereavement leave in relation to each child.

### **3. Notification requirements**

#### **1.1. Leave to be taken within the first seven weeks of the death**

You do not need to give any advance notice of taking parental bereavement leave. You are required to contact your line manager by email or telephone by the time you were due to start work on the day you wish leave to begin, or if this is not possible, as soon as is reasonably practicable, giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

#### **1.2. Leave to be taken between 8 – 56 weeks after the death**

You need to give one week's advance notice of taking parental bereavement leave to your line manager, by telephone or email giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

### **4. Cancelling or changing leave dates**

You can cancel a period of leave that you have already told us about, as long as the period of leave has not already started. If you wish to cancel a period of leave which was to begin within the first 56 days of the death, you can cancel it by letting us know by your normal start time on the day that leave was originally due to start.

To cancel leave which was to begin later than seven weeks after the death, you should let us know no later than one week prior to the intended start date.

You can also change the start date of leave by following the notice requirements above.

### **5. Payment during leave**

You will qualify for statutory parental bereavement pay during leave if you meet the following criteria:

- You have been continuously employed for at least 26 weeks by the week prior to the week in which the child dies

- Your normal average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes
- You are still employed by us on the date the child dies.

Payment will be made at the rate set by the Government each year or 90 per cent of your average weekly earnings (whichever is lower).

In order to receive statutory parental bereavement pay, you must provide us with notice of this. You will be asked to provide the child's name and date of death (or stillbirth) within 28 days, or as soon as is reasonably practicable, of the first day of parental bereavement leave. You should also declare the relationship you had with the deceased child, confirming you fall into one of the categories listed under the 'Eligibility' definitions.

We will ask you to provide this to your line manager and given the sensitivities around this we will do all we can to avoid the need to complete forms and ask you to produce documentation.

Please note that the statutory scheme provides that leave is to be taken in full weeks, and no statutory parental bereavement pay is due where leave is taken in shorter periods e.g. one day.

## **6. Returning to work**

On your first day back to work, your line manager will set time aside to hold an informal meeting with you to discuss any arrangements regarding your return to work and any additional support we may be able to offer you.

Upon your return to work, you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence unless:

- the period of leave you have taken is more than 26 weeks when added to any other period of statutory leave including maternity, paternity, adoption leave etc in relation to the same child and
- it is not reasonably practicable for you to return to the same job.

## **7. Terms and conditions during leave**

During parental bereavement leave, you are entitled to receive your normal contractual terms and conditions of employment that you would have received had you not taken this leave, with the exception of remuneration.

## **8. Other support**

In order to support you we are able to arrange for access to counselling services, to support your return to work, or to support you once you have returned to work. We would encourage you to use it if you feel like you would like to talk to someone about your loss. The service can be accessed by speaking to your line manager, on or before, your return to work.

## **9. Flexible working**

We appreciate that a temporary period of flexible working may be beneficial to employees after they have suffered a loss. If you would like to discuss this further, please discuss with your line manager, in preparation for your return to work.