



LEEK TOWN COUNCIL

ANNUAL LEAVE AND SPECIAL LEAVE POLICY

Approved 21st May 2024

1. INTRODUCTION:

1.1 This Policy gives an overview of the Town Council's approach to:

- Annual leave
- Compassionate and emergency leave
- Time off for emergencies
- Maternity leave
- Paternity leave

2. OBJECTIVES OF THE POLICY:

2.1 The Town Council aims to ensure that employees are treated fairly and are supported both within work and outside of the workplace cognisant of the relevant statutory obligations.

3. PROVISIONS:

3.1 ANNUAL LEAVE

- a) Annual leave entitlement will be agreed when the employment contract is negotiated, and a formal job offer made.
- b) Annual leave commences on 1 April and ends on 31 March.
Commencement of employment during this period is calculated pro-rata.
- c) Public holidays include bank holidays, holidays by Royal Proclamation and 'common law holidays'. When public holidays in the Christmas and New Year period fall on Saturdays and Sundays, alternative weekdays are declared public holidays.

- d) Employees are required to give notice to their employer if they wish to take annual leave must negotiate this with the Town Clerk or if unavailable, The Mayor. Emergency leave may be granted at the discretion of the Town Clerk or if unavailable, The Mayor.
- e) A maximum of five days leave may be carried over from one year to another, at the discretion of the Town Clerk.
- f) Part-time workers are entitled to the same holidays as full-time workers, calculated on a pro-rata basis. This will be set out in the employee's contract.
- g) This policy works hand-in-hand with the **Flexible Working Policy**.
- h) If an employee falls ill during a period of annual leave, reclaiming this leave will be at the discretion of the Town Clerk.

3.2 COMPASSIONATE AND EMERGENCY LEAVE

- a) Compassionate and emergency leave for urgent or serious situations should begin following agreement with the Town Clerk.
- b) Emergency leave is permitted to deal with an emergency involving a dependant, deigned as a partner, husband, wife, civil partner, child, parent or grandparent, step-parent or parent-in-law, sibling or elderly relative. They can also include the employee's wider family.
- c) Compassionate leave may also be given for other emergency or compassionate grounds agreed through negotiation with the Town Clerk.
- d) Where such leave is required by the Town Clerk, this should be agreed with The Mayor.

3.3 MATERNITY LEAVE

- a) Pregnant employees are entitled to 52 weeks Statutory Maternity Leave if they give the correct notice to the employer. The first two weeks following the birth must be taken.

Key points:

- Pregnant employees have the right to 52 weeks maternity leave.
- 39 weeks could be paid which may be Statutory Maternity Pay, Maternity Allowance or contractual maternity pay.
- Pregnant employees are protected against unfair treatment and discrimination.

- Employees are entitled to paid reasonable time off for antenatal care. Women returning to work following Maternity Leave have the right to return to the original job or suitable alternative.
- b) To qualify for maternity leave, a woman must tell her employer at least 15 weeks before the baby is due:
 - that she is pregnant
 - the expected week of childbirth, by means of a medical certificate if requested
 - the date she intends to start maternity leave.
- c) The Town Clerk agree actions regarding leave arrangement with the individual and confirm these in writing.
- d) All pregnant employees are entitled to reasonable time off with pay for antenatal care made on the advice of a registered medical practitioner.
- e) Statutory maternity pay (SMP) will be payable if an employee has been employed continuously for at least 26 weeks ending with the 15th week before the expected week of childbirth. SMP is payable for 39 weeks; for the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90 per cent of the average weekly earnings whichever is the lower.
- f) Arrangements with regard to contractual maternity pay will be approved by the Finance Committee.
- g) Other specific Maternity Allowance payments in individual circumstances will follow Maternity Allowance National Guidelines.

Ref: Maternity Allowance.Gov.uk

3.4 PATERNITY LEAVE, SHARED PATERNITY LEAVE, SURROGACY AND ADOPTION

- a) Employees may be entitled to Paternity Leave and Pay if their partner is having a baby, adopting a child, or having a baby through a surrogacy arrangement.
- b) The Town Clerk should follow the specific guidelines issues via Gov.uk under the appropriate circumstance.

4. RELEVANT LEGISLATION:

- The **Working Time Regulations 1998 (as amended)** highlight the rights as regards annual leave.
- The **Employment Rights Act 1996** also considers statutory leave entitlement and pay.
- The **Equality Act 2010** considers pregnancy and maternity discrimination.
- Gov.uk guidelines on Maternity and Paternity pay and leave.