

Public Document Pack

EMERGENCY NON EXECUTIVE DECISION

(In accordance with Part 3 of the Councils Constitution 3. (B 1) (1.1) Scheme of Delegation to Officers specific delegation to the Chief Executive.

South Lakeland District Council EMERGENCY NON – EXECUTIVE DECISION REPORT Changes to the Councils Special Leave Policy and approvals of Special Leave

Date: 03/04/2020	Reference: 004
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Reason for emergency

Changes to legislation come into effect from 6 April 2020 which has an impact on the Council's Special Leave policy. The Council currently has no meetings scheduled for the Human Resources Committee due to Covid 19 and so we require an emergency decision to be taken.

The Policy needs to be updated prior to 6 April 2020

TYPE OF DECISION

Non-executive decision	
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Portfolio: Cllr Eric Morrell
Report from: David Sykes, Director of Strategy, Innovation and Resources
Report Author: Charles Officer, Lead HR Specialist (acting)
Wards: N/A

1.0 Expected Outcome

1.1 This report presents an updated version of the Council's Special Leave Policy. The Special Leave Policy provides details to employees about what leave employees may be entitled to under a range of circumstances. The changes to legislation increase the entitlement for 'parental bereavement leave' and these changes will take effect on 6 April 2020.

2.0 Decision

2.1 It is recommended that:

2.1.1 the Chief Executive approves the changes to the Special Leave Policy in consultation with the Chair of the Human Resources Committee and that the approvals of requests under exceptional circumstances under the Special Leave Policy is delegated to the Chief Executive and Director of Strategy, Innovation and Resources and Commercial Services.

2.2 That the Council's Monitoring Officer is authorised to make the necessary changes to the Council's Constitution.

3.0 Background and Proposals

- 3.1 The Parental Bereavement Leave and Pay Regulations, known as Jack's Law will implement a statutory right to a minimum of 2 weeks leave for all employed parents if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy, irrespective of how long they have worked for the Council. This will be known as 'Parental Bereavement Leave'.
- 3.2 Currently the Council pays up to one working week of paid leave to support employees in the event of a death of a close family member. A further working week of unpaid leave may be granted if required /requested by the member of staff. There is no current legislation that entitles employees to time off in the event of a death of a family member or friend.
- 3.3 The new legislation which takes effect from 6 April 2020 states that parents with at least 26 weeks' continuous service with their employer and weekly average earnings over the lower earnings limit (£118 per week for 2019 to 2020) will be entitled to Statutory Parental Bereavement Pay (SPBP), paid at the statutory rate of £148.68 per week (for 2019 to 2020), or 90% of average weekly earnings where this is lower.
- 3.4 In line with our family friendly policies and in the event of the death of a child we are proposing that the 2 weeks leave will be paid at full pay irrespective of how long a member of staff has worked for the Council.
- 3.5 In line with legislation, parents will be able to take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week, each taken at different times across the first year after their child's death.
- 3.6 In section 3.1.1 of the policy we are proposing to make amendments to the definition of close relative to include mother/ father In-law and step-parent. We have also changed the wording in section 3.1.1 to change son or daughter to now say son or daughter over 18 years old, in the close relative definition.
For a son or daughter under 18 years old, this will be covered by the new Parental Bereavement Leave.
- 3.7 Currently for paid exceptional leave decisions are referred to the Human Resources Committee. It is proposed that paid time off under exceptional circumstances is delegated to the Chief Executive and the Director of Strategy, Innovation and Resources.

4.0 Consultation

- 4.1 The Corporate Management Team and Unions have been given the opportunity to comment on the changes to the Special Leave Policy and agree with the recommendations as well as the Portfolio Holder and the Chairman of the Human Resources Committee.

5.0 Alternative Options

- 5.1 To agree to pay the new Statutory Parental Leave pay at statutory rates and not at enhanced rates.

6.0 Links to Council Priorities

- 6.1 A clear policy ensures that the Council continues to work towards the Council Plan by ensuring excellence and openness.

7.0 Implications

Financial, Resources and Procurement

- 7.1 Should the proposal be accepted to pay two weeks full pay for Statutory Parental Leave, there will be a minimal financial impact. In addition the Council will be able to recover 92% of the statutory amount under these conditions.

Human Resources

- 7.2 Locally agreed policies and procedures are agreed in full consultation with the recognised Unions and take place in line with statutory requirements.

Legal

- 7.3 There are no legal implications other than the employment issues that are dealt with in the body of this report and within the Human Resources section.

Health, Social, Economic and Environmental

- 7.4 A sustainability impact assessment has not been carried out.
- 7.5 This report does not have any significant environmental effects. The Social, Economic impacts of the adoption of the new pay spine have been previously assessed as positive when considered by the Human Resources Committee.

Equality and Diversity

- 7.6 An equality and diversity impact assessment has not been carried out as there are a number of approved Human Resource policies and procedures that deal with pay and remuneration of all employees in exceptional circumstances. Diversity runs through all aspects of the Council's Human Resources Policies and Procedures and managing this is integral within all our Policies and Procedures, thus ensuring compliance with legislative requirements.

Risk

Risk	Consequence	Controls required
The policy is not agreed	The Council will be in breach of statutory requirements and could face a financial penalty	To agree to the updated policy

Contact Officers

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Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Special Leave Policy
2	Appendix A – Summary of Special Leave

Background Documents Available

Name of Background document	Where it is available
Link to Government Guidance	Gov.uk guidance on parental bereavement leave

Tracking Information

Signed off by	Date sent	Date Signed off
Legal Services	4/3/20	4/3/20
Section 151 Officer	4/3/20	4/3/20
Monitoring Officer	4/3/20	4/3/20
CMT	4/3/20	4/3/20

Approved by:	Signature and Date
Chief Executive	3 April 2020
In consultation with	
The Portfolio Holder	5 April 2020
The Chairman of the Human Resources Committee	7 April 2020



SPECIAL LEAVE

1.0 INTRODUCTION

South Lakeland District Council understands that at various stages during an individual's working life they may have domestic, community and other public commitments that affect their ability to commit to their work responsibilities. The Council acknowledges these potential pressures and endeavours to provide assistance and support in the form of special leave.

This policy will give clear guidance in defining, managing and applying for special leave.

2.0 SCOPE

All employees of the Council regardless of their length of service are entitled to special leave as detailed in this policy.

3.0 TYPES OF SPECIAL LEAVE

Advice and guidance on entitlement to Special Leave may be sought from the employee's manager or from a member of the Human Resources Group.

A Summary of Special Leave Entitlement can be found at Appendix A.

3.1 Compassionate Leave

3.1.1 Bereavement Leave

For employees who need time off as a result of death of an immediate close relative (defined as, a spouse, partner (including same sex partnerships), parent, **step-parent, mother/father in-law, son or daughter (over the age of 18)**, brother, sister, grand-parent, grandchild or next of kin) employees can request up to one working week of paid leave, **this does not have to be consecutive days**. A further working week of unpaid leave may be granted if required/requested by the member of staff.

For employees who suffer the loss of a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy, will be entitled to two weeks' paid leave (Parental Bereavement Leave). Parents will be able to take the leave as either a single block of two weeks, or a 2 separate blocks of one week each taken at different times across the first year after the loss of their child.

Up to one day's leave without pay may be granted for the attendance at the funeral of a direct relative not defined as above.

Should employees wish to attend the funerals of individuals who are not relatives they should make use of the flexi-time (where applicable) or use their annual leave.

3.1.2 Medical Screening

Paid time off will be granted for the purpose of a one-off urgent medical appointment: e.g. cancer screening.

The Council will allow unpaid time off for employees to attend planned medical appointments. Agreement must be sought from your line manager and may be authorised during core time for those employees on the flexi scheme.

3.1.3 Critical Illness

An Employee may be granted Critical illness leave of up to a maximum of one working week's leave, per dependant, within a 12-month period. This may be granted to employees who need time off as a result of the serious illness (i.e. an illness which is potentially life threatening of a close relative (normally defined as for bereavement as above). A further period of Critical illness can be granted within a 12-month period for employees who need time off as a result the serious illness of a different dependant.

3.1.4 Child in Hospital

A maximum of one working weeks' paid leave in any 12 month period may be granted to employees who need time off when their child is admitted to hospital on either a planned or unplanned basis. A child is defined as a person who is under the age of 18.

Should additional time off be required an employee may submit a request under exceptional circumstances, section 3.7.

3.2 Time Off for Domestic Reasons

3.2.1 Dependants leave

All employees are entitled to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies that involve a dependant and to make any

necessary longer term care arrangements.

The amount of time off which can be taken under this leave will depend on individual circumstances. Generally, the leave should be sufficient to help the employee cope with the immediate problem. This leave is unpaid.

If the needs of the dependant are such that additional time off is required it may be appropriate to consider use of annual leave, flexi-time or applying for leave under more appropriate policies. Advice should be sought from HR.

3.2.2 Leave for Urgent Domestic Distress

Employees can request leave in order to deal with urgent domestic distress such as burglary, fire, flooding. One days' unpaid leave will be granted.

3.3 Leave to Carry Out Public Duties

Employees are entitled to a **reasonable amount** of time off taking into account all the circumstances and in particular:

- how much time off is required for the performance of the duties of the office or as a member of the body, and how much time off is required for the performance of the particular duty;
- how much time the employee already takes off further to any trade union duties and activities; and
- the circumstances of the Council's business and the effect of the employee's absence at that time.

An employee who holds several public offices will be expected to organise them so that the time taken off is reasonable.

Where employees wish to take annual, flexi or unpaid leave for other public duties, this will be accommodated wherever possible.

Allowances for loss of earnings must be claimed if applicable.

3.3.1 Justice of the Peace

An employee who is a justice of the peace has the right to take time off to perform any duties of their office (s50 ERA 1996).

The Council grants paid time off for this public duty.

3.3.2 Membership of a Public Body

An employee who is a member of any of the bodies identified in Appendix B has the right to time off to attend a meeting of the body or any of its committees or sub committees, and to perform duties as approved by the body for the purpose of discharging the functions of the body or any of its committees or sub-committees (s50 (1), (2) ERA 1996).

The Council grants reasonable paid time off for these public duties, to a maximum of one working week per year.

3.3.3 Jury Service

An employee called for jury service must inform and seek authorisation for leave from their manager.

Employees must seek compensation for loss of earnings when attending for jury service. Courts issue jurors with a Certificate of Loss of Earnings which employees must ask Payroll to complete. Once employees have received reimbursement for loss of earnings from the Court they should take the statement provided by the Court to payroll so a deduction of equal amount (excluding any travel and subsistence payments) can be made from their next pay period.

3.3.4 Training with the Non-Regular Forces

The Council acknowledges the transferable skills that are gained by employees signed up for the non-regular forces and grants a maximum of 2 working weeks paid

leave per year for employees to attend training in the Territorial Army, reserve or cadet forces.

3.3.5 Recognised Professional Bodies

Employees are granted reasonable paid time off to attend meetings of recognised professional bodies associated with their area of work.

3.4 Leave to Attend Interviews

Employees under formal notice of redundancy, will be granted paid time off to attend interviews in accordance with the Council's Compulsory Redundancy Policy.

Reasonable time off with pay will be allowed for employees to attend interviews within SLDC.

3.5 Further Unpaid Leave

The Council recognises that occasionally staff may wish to take further leave on an unpaid basis. In these circumstances the Council will endeavour to meet reasonable requests for unpaid leave. Normally, unpaid leave will not exceed two working weeks and will only be approved subject to service demands and the availability of cover.

Unpaid leave will normally only be granted when annual leave entitlement has been exhausted or is fully committed.

3.6 Exceptional Circumstances Leave

For additional time off in exceptional circumstances applications for:

- **Paid and** unpaid time off should be referred to the Management Team for determination;

4.0 APPLICATION PROCEDURE

Applications for Special Leave should be submitted as early as possible (using the form at Appendix C), and should wherever possible be accompanied by supporting documentation.

It is recognised that prior notice is not always possible, therefore telephone requests, direct to the manager, will be considered but the Special Leave Application Form will need to be completed on return to work.

Approval for Special Leave will initially be the responsibility of the employee's manager who may seek advice from the HR Group to ensure the policy is applied consistently.

All authorised application forms will be forwarded to the HR Group and placed on an individual's personal file.

5.0 APPEALS PROCEDURE

Managers should ensure that decisions regarding Special Leave are applied as consistently as possible. Any employee who believes that this policy is not being fairly applied may speak informally or seek redress through the Council's Grievance Procedure.

6.0 REVIEW

The policy will be reviewed on a regular basis in the light of operating experience and/or changes in legislation.

APPENDICES TO THIS DOCUMENT

Appendix A Summary of Special Leave Entitlement



Appendix A - SUMMARY OF SPECIAL LEAVE ENTITLEMENT

Type of Leave	Paid/Unpaid	Duration	Comments
Bereavement	Paid Unpaid	1 Working Week 1 Working Week	Local Agreement
Parental Bereavement Leave	Paid	2 Working Weeks	Statutory Requirement – Statutory amount paid Local Agreement – Full pay
Urgent one-off Medical Screening	Paid	Variable	Local Agreement
Routine Medical Screening	Unpaid	Variable	Local Agreement
Critical Illness	Paid	1 Working Week	Local Agreement
Dependents Leave	Unpaid	Variable	Statutory Requirement
Urgent Domestic Distress	Unpaid	One Day	Local Agreement
Public Duties	Paid	Reasonable (as defined in the policy)	Statutory Requirement-Unpaid Local Agreement-Paid
Interviews (when under notice of redundancy)	Paid	Variable	Statutory Requirement
Territorial Army/Reserve and Cadet Forces	Paid	2 Working Weeks	Local Agreement