



SOUTH LANARKSHIRE
Leisure & Culture

Conditions of Service

Section Three – Flexible Working and Leave Provisions

Section three - flexible working and leave provisions

The Trust recognises the difficulties that individuals face in balancing their working-life with their domestic responsibilities and is committed to developing work/life balance policies to support this principle.

In support of the above, the Trust provides a range of variable working schemes and practices to improve the balance between work and home life including; flexible working hours scheme, job-sharing scheme, scheme of special leave, career break and homeworking schemes.

This section outlines the leave entitlements that employees are entitled to or can apply for. Application of these conditions will ensure fairness and equity whilst ensuring that the needs and requirements of the service are met.

8. Annual leave

8.1 For the purpose of these provisions the Trust's leave year is 1 January to 31 December. All leave must be taken within the period 1 January of the year to which it relates and 31 January of the following year. Any leave not taken by 31 January will be forfeited. However, leave accrued during long term sickness may be carried forward where there has been no opportunity to take the leave prior to 31 January. Refer to paragraphs 8.18-8.19

8.2 An employee who will have completed less than one year's continuous service with the Trust as at 31 December will be entitled to proportionate annual leave for each completed month of service. In addition, an employee transferred from another recognised organisation will, on request, be granted leave of absence without pay at the normal holiday period equal to the period for which payment in lieu of holidays was made by the previous employer.

8.3 ***Administrative note: Each area should ensure that leave balances are updated at the end of each year on People Connect. Employees should ensure that leave entitlement is recorded correctly in People Connect.***

For those employees who do not have access to People Connect, a record of entitlement to leave and of leave taken must be displayed in a prominent place in each workplace to enable employees to plan leave and to ensure that appropriate staffing levels are maintained. A leave form will be issued each year by HR for this purpose and copies will be distributed to all areas.

Updated January 2013

8.4 Annual Leave will be granted as follows:

		<u>Floating Days</u>	<u>Total</u>	
Less than 1 year's service by 1 January	-	20 days	+2	22
1 year's service by 1 January	-	21 days	+2	23
2 years' service by 1 January	-	22 days	+2	24
3 years' service by 1 January	-	23 days	+2	25
4 years' service by 1 January	-	24 days	+2	26
5 years' service by 1 January	-	25 days	+2	27
6 years' service by 1 January	-	26 days	+2	28
7 years' service by 1 January	-	27 days	+2	29
8 years' service by 1 January	-	28 days	+2	30
9 years' service by 1 January	-	29 days	+2	31
10 years' service by 1 January	-	30 days	+2	32

8.5 For continuous service of less than 1 year, or broken service, the entitlement will be calculated, inclusive of the 2 floating days, on a pro-rata basis as follows:-

Occupational Annual Leave Accrual													
Years Service	<1	1	<1	1	2	3	4	5	6	7	8	9	10+
Entitlement (days)	**20 days	**21 days	20 days	21 days	22 days	23 days	24 days	25 days	26 days	27 days	28 days	29 days	30 days
Floating Days			+2	+2	+2	+2	+2	+2	+2	+2	+2	+2	+2
Total Entitlement	20	21	22	23	24	25	26	27	28	29	30	31	32
*Completed months of continuous service in current leave year													
1	2	2	2	2	2	2	2	2	2	2	3	3	3
2	3	4	4	4	4	4	4	5	5	5	5	5	5
3	5	5	6	6	6	6	6	7	7	7	8	8	8
4	7	7	7	8	8	8	9	9	9	10	10	10	11
5	8	9	9	10	10	10	11	11	12	12	13	13	13
6	10	11	11	12	12	13	13	14	14	15	15	16	16
7	12	12	13	13	14	15	15	16	16	17	18	18	19
8	13	14	15	15	16	17	17	18	19	19	20	21	21
9	15	16	17	17	18	19	20	20	21	22	23	23	24
10	17	18	18	19	20	21	22	23	23	24	25	26	27
11	18	19	20	21	22	23	24	25	26	27	28	28	29

*A "complete month" means the period between a date in one month and the immediately preceding date in the following month (e.g. 15 February to 14 March inclusive).

- 8.6 As annual leave, including floating days, is calculated in terms of days worked, employees will be entitled to leave with pay in proportion to the number of days worked per week.
- 8.7 Examples:
- An employee with 3 years' continuous service who works:-
5 days per week = 25 days per year
4 days per week $\frac{4}{5}$ ths of 25 = 20 days per year
3 days per week $\frac{3}{5}$ ths of 25 = 15 days per year
- An employee with 8 years' continuous service who works:-
- 3 days per week $\frac{3}{5}$ ths of 30 = 18 days per year
4 days per week $\frac{4}{5}$ ths of 30 = 24 days per year
- 8.8 For the purpose of annual leave, continuous service shall be assessed as all previous service with any local authority listed in the Redundancy Payments (Local Government) (Modification) Order 1983 and subsequent Amendment Orders thereto.
- 8.9 Where an employee has entered or re-entered the Trust and is in receipt of benefits under any occupational pension scheme service for annual leave purposes will commence at the date of entry or re-entry into the Trust.
- 8.10 The Trust recognises continuous service between the Trust and other Public Sector Partner Organisations for calculating entitlement to annual leave. A list of the agreed Public Sector Partner Organisations is maintained by SLC's Corporate Resources Personnel Services.
- 8.11 Leave granted shall be subject to the needs of the service. Employees must agree annual leave with the designated supervisor/manager using People Connect where appropriate and giving reasonable notice of the leave desired. Managers should ensure that annual leave is approved appropriately and in a timely manner, and that employees take their leave proportionately throughout the leave year. Managers should therefore review annual leave balances periodically during the year.
- 8.12 Employees who work in locations subject to closure over the Christmas and New Year period must allocate the appropriate annual leave to cover this period.
- 8.13 The leave granted should be based on the assumption that an employee will remain in service until the end of the leave year. If an employee leaves the service before that date any necessary adjustments will be made in the balance of salary paid at the termination date.
- 8.14 An employee who leaves the service of the Trust, for reasons other than dismissal for misconduct, will be granted, prior to leaving, any proportion of annual leave due. This proportion will be calculated as set out in table 8.5 and where applicable using the formula at 8.18. If, however, at the request of the Trust or through unavoidable circumstances such leave cannot be granted, the employee will be paid an allowance in lieu. In cases of dismissal on the grounds of misconduct, employees are not entitled to any payment in lieu of annual leave other than receiving the statutory minimum for service given to the date of dismissal.

Updated January 2013

- 8.15 An employee who leaves the service of the Trust following a period of long term sickness will receive a payment in lieu of accrued leave, minus leave already taken, and calculated in line with table 8.5 and paragraph 8.19.

Payment in lieu of accrued leave will only be made to employees who do not return to work following their sickness absence, eg, termination of employment as a result of incapability or ill-health retirement. However, where an employee is suffering from a terminal illness, an application may be made to the General Manager for consideration during their continued employment with the Trust.

Administrative note: The General Manager or other Senior Manager should ensure that the proportion of annual leave due by the date of termination has been taken by the employee prior to leaving the service. Only in exceptional circumstances will payment in lieu be made. In the case of employees retiring it is essential that leave due is taken prior to the date of retirement since no payment can be made beyond that date.

- 8.16 Where an employee is sick during a period of pre-planned leave and they choose to take this as sick leave as opposed to annual leave, they must provide a medical certificate for the duration and follow normal sickness absence reporting arrangements in order for this re-classification to apply.
- 8.17 Where an employee is sick and they choose to take a holiday during their period of sickness, these arrangements must be agreed with their line manager as it may be appropriate for the employee to use an application of accrued leave for this purpose. Each case will be considered based upon the circumstances.
- 8.18 Employees who are absent through sickness will continue to accrue leave. During long term sickness, ie, 28 calendar days (4 weeks) or more, leave will accrue in line with the statutory minimum entitlement as detailed in the UK Working Time Regulations currently 28 days (from 01 April 2009).

To calculate leave entitlement accrued during sickness absence the following formula (based on FTE ie 5 days) applies:

$28 \text{ days} / 12 \text{ months} \times \text{number of months sick leave} = \text{number of days statutory accrued.}$

For example, $28/12 \times 6 \text{ (months sickness)} = 14 \text{ days accrued.}$

Please note: the statutory entitlement (28 days) is inclusive of annual leave and public holidays. Employees must accrue a minimum of 28 days leave per year but leave accrued will not exceed their occupational leave entitlement.

- 8.19 Leave accrued from a previous leave year during any period of long term sickness should be used upon the employee's return to work, where appropriate, and following agreement with their line manager. If the employee would benefit from a phased return, accrued leave from the previous leave year will be used to facilitate this.
- 8.20 Where employees have paid for additional annual leave under the Enhanced Leave Policy, this will remain accessible over and above leave accrued during a period of sickness. Therefore, for the purposes of calculating accrued leave entitlement, enhanced leave is excluded from considerations concerning occupational or statutory leave.

Updated January 2013

- 8.21 In all cases, where annual leave taken before the period of sickness absence exceeds the entitlement established by the above, no recovery of such excess will be made.
- 8.22 The personal representatives of an employee who dies in service will be paid an allowance in lieu of any holidays which had accrued to the deceased employee at the date of death.
- 8.23 In determining the normal pay of an employee during annual leave the Trust shall include their normal contractual pay.

Updated January 2013

9. Public holidays

9.1 In addition to annual leave, employees will be granted 10 fixed public holidays per annum, with 2 floating days which will be added to annual leave entitlement (see Paragraph 9.6 below). Employees working in facilities/venues/halls will have public holidays set in accordance with the arrangements in the site. In respect of employees engaged on night/shift working, the public holiday shall be defined as that complete shift which commences on the eve of the public holiday and ends on the day of the public holiday.

9.2 Apart from the two public holidays at Christmas and two public holidays at New Year, the other fixed dates can be altered to floating days by local agreement where the needs of the service justify this.

9.3 Employees working on a designated public holiday for that facility will receive the following:-

In addition to normal pay for that day, plain time for all time worked within normal working hours and time in lieu, as detailed below, or double time in complete recompense.

Less than 4 hours worked = half a day in lieu
More than 4 hours worked = full day in lieu

Note: For specific details on local arrangements, employees should refer to their schedule of terms and conditions of employment.

9.4 Part time employees who are required to work hours in addition to their normal working wee, and which fall on a designated public holiday, shall receive payment at plain time for the hours worked with time off in lieu, as in 9.3, at a later date.

9.5 For work on a general public holiday out-with normal working hours, this will be treated as overtime and paid at a rate of time and a half in complete recompense. See paragraph 4.13 for details of agreed transitional arrangements.

9.6 Public Holiday entitlement is based on employees working 5 days per week. For those who work less than five days, the following pro-rata entitlement applies:-

No of Days worked per week	Pro rata Public Holiday entitlement
1	2
2	4
3	6
4	8

9.7 Where the pro rata entitlement is more than the number of days which would actually accrue in the leave year then the difference should be added to the employee's annual leave entitlement.

9.8 Where the pro rata entitlement is less than the number of days which would actually accrue in the leave year then the difference should be deducted from the employee's annual leave entitlement.

9.9 Details of the dates of the 10 fixed public holidays will be issued each year by HR and these dates will be prominently displayed on notice boards within the Trust.

Updated January 2013

9.10 The following public holidays are recognised:-

First 2 working days of the New Year

Good Friday

Easter Monday

First Monday in May

Last Monday in May

Third Monday in July (N.B. for employees in Lanark this will be taken as Lanimer day)

Last Monday in September

Christmas Day or next working day

Boxing Day or next working day

9.11 For broken service in a leave year any public holidays due are taken as they accrue subject to part week employees, whose entitlement is pro-rata in accordance with paragraph 9.6.

Updated January 2013

10. Scheme of maternity, adoption and paternity allowances and leave

Maternity allowance and leave

Entitlements

- 10.1 When absent due to pregnancy or childbirth, an employee may be entitled to either of the following:-
- Subject to satisfying the specified conditions, an employee will receive either Statutory Maternity Pay (SMP) or National Insurance Maternity Allowance from the Trust in accordance with the Social Security Contributions & Benefits Act 1992.
- 10.2 Again subject to satisfying the specified conditions, an employee will be granted maternity leave by the Trust in accordance with the provisions of paragraphs 10.15 – 10.53.
- 10.3 The conditions in respect of entitlement to and receipt of SMP or National Insurance Maternity Allowance, and maternity leave, are separate and are set out in paragraphs 10.6 – 10.15.
- 10.4 The payment of SMP will be in accordance with the provisions of the Social Security Contributions & Benefits Act 1992. The principal provisions particularly where they have an effect on the payment of the maternity allowance are set out below for information. This also applies to National Insurance Maternity Allowance rules under the Social Security Contributions & Benefits Act 1992.

Statutory maternity pay

Other conditions

- 10.5 In addition to the conditions set out in the above paragraphs the employee, in order to establish entitlement to and receive payment of SMP, must:-
- Continue to be pregnant at the twenty-fourth week of pregnancy ; and
 - Have stopped working for the Trust wholly or partly because of pregnancy or childbirth.

Notification

- 10.6 In order to establish an entitlement to SMP, an employee shall inform the Trust in writing, using the appropriate form, by the 15th week prior to the expected week of childbirth. If that is not possible, it should be submitted as soon as is reasonably practicable. If an employee wishes to change the date on which Maternity Leave will commence the Trust should be notified at least 28 days before the original date.

Certification

- 10.7 In order to establish an entitlement to SMP, as well as satisfying the requirement of paragraph 10.6 an employee shall submit to the Trust a maternity certificate (Form Mat BI) from a registered medical practitioner or midwife stating the expected date of childbirth. Such certificate shall be submitted at least 21 days before the absence begins.

Period and amount of entitlement

- 10.8 Where an employee satisfies the qualifying conditions, entitlement to SMP will depend on the employee's continuous period of employment with the Trust and average weekly earnings.

Period of entitlement

- 10.9 The period during which SMP is paid is known as the maternity pay period (MPP). SMP is payable for 39 weeks. The MPP can begin at any time after the start of the 11th week before the expected week of childbirth (EWC). However, if a woman is on sick leave because of her pregnancy and there are four weeks or less before her baby is due, she will be deemed to have commenced her maternity leave and be entitled to maternity pay if appropriate. If an employee returns to work for all or part of any week before the MPP is exhausted, the MPP is reduced by a week for each week or part week in which the employee works.
- 10.10 If an employee gives birth before the expected week of childbirth but after her maternity pay period has started, the payment of SMP is unaffected. If an employee gives birth after the end of the qualifying week but before her maternity pay period was due to start, she must, if reasonably practicable, notify the Trust within 21 days of childbirth of the date on which she gave birth; in such circumstances the maternity pay period (during which SMP is payable) will be the period of 39 weeks starting the day following the birth. If the employee gives birth after the expected week of childbirth, the maternity pay period (and payment of SMP) is unaffected.

Amount of entitlement

- 10.11 Where an employee's average weekly earnings are not less than the lower earnings limit for national insurance contribution liability and where an employee has been continuously employed by the Trust for 26 weeks, including all or part of the qualifying week, regardless of hours worked she will be entitled to:-

Updated January 2013

- For the first 6 weeks of absence an employee will be entitled to nine tenths of weeks pay offset against payments made by way of SMP or Maternity Allowance (MA) where eligible;
- The subsequent 33 weeks are at the new standard rate of SMP.

Calculation of payments

10.12 SMP is payable only in respect of complete weeks. There is no daily rate.

Cessation of entitlement

10.13 Cessation of SMP will be in accordance with the regulations of the Social Security Contributions & Benefits Act 1992.

Occupational maternity leave/pay

10.14 The provisions relating to maternity leave granted by the Trust, whether with or without pay, are as follows. These provisions are separate from the statute based payments which an employee may receive and are subject to a range of conditions additional to or different from those applying to the statute based payments. Employees who have variable working arrangements and who otherwise satisfy the qualifying conditions are entitled to maternity leave.

Exclusion from entitlement

- 10.15 If, at the commencement of the maternity pay period (MPP), an employee:-
- Is not employed for all or part of the qualifying week;
 - Has not been continuously employed for 26 weeks up to and including all or part of the qualifying week;
 - Has average weekly earnings less than the lower earnings limit for National Insurance contribution liability;
 - Has not notified the Trust of the date on which she will cease work in accordance with paragraph 10.6;
 - Has not provided the Trust with a maternity certificate (Form Mat BI) in accordance with paragraph 10.7;

There is no entitlement to SMP.

10.16 Similarly, if at any time in the first week of the maternity pay period, an employee is in legal custody there is no entitlement to SMP.

Exclusion form

10.17 Where the employee is excluded from entitlement to SMP, the Trust is required to complete DSS Form SMP1 for issue, together with the Form Mat B1 if she has provided it, to the employee within 7 days of the decision that she is not entitled to SMP (this will enable the employee to claim national insurance maternity allowance).

Updated January 2013

Entitlement conditions

- 10.18 The conditions which have to be satisfied for entitlement to SMP under the Social Security Contributions & Benefits Act 1992 are set out in paragraphs 10.15 and 10.16 above and can be subject to amendment as determined by the Secretary of State.

Qualifying week

- 10.19 The “qualifying week” is the 15th week before the week in which the maternity certificate indicates the employee's baby is due. In order to establish entitlement to SMP, the employee must continue to be employed during all or part of the qualifying week.

Ante-natal care

- 10.20 A pregnant employee shall also be entitled to take such reasonable time off without loss of pay as is required to attend for ante-natal care, on production to the Trust of evidence of appointments.
- 10.21 Ante-natal care can include not only medical examinations but also dental appointments, relaxation and parent craft classes. However, the employee should make every effort, where possible, to arrange these appointments out-with working hours.

Entitlement conditions

- 10.22 The qualifying conditions for entitlement to maternity leave are set out in paragraphs 10.23 - 10.29 and 10.34 – 10.40.

Continuous service

- 10.23 For the purpose of calculating maternity leave and pay, continuous service dates from when an employee joined South Lanarkshire Leisure and Culture or from a local authority. Normally service is broken if there is a gap of seven days or more.
- 10.24 An employee on maternity leave continues to be employed during the maternity leave period unless appointed on a temporary contract which ends for a reason other than that the woman is pregnant or taken maternity leave.
- 10.25 All of an employee’s contractual terms and conditions except for remuneration are preserved during the period of maternity leave and the maternity leave period counts towards continuous employment for the purposes of assessing service, increments etc.

Other conditions

- 10.26 In order to establish an entitlement to maternity leave, an employee shall continue to be employed up to and including the last working day before the beginning of the eleventh week before the expected week of childbirth (whether or not they are at work), and shall stop work, due to pregnancy or childbirth.

Updated January 2013

Notification

- 10.27 In order to establish an entitlement to maternity leave, an employee shall inform the Trust in writing, using the appropriate form, by the 15th week before the Expected Week of Childbirth (EWC) begins, of the date of the beginning of the absence, and that stopping work will be wholly or partly because of pregnancy or childbirth. The employee shall at the same time declare in writing, using the appropriate form, their intention to return to work, on the expiry of their leave.
- 10.28 Employees who are entitled to maternity leave in accordance with paragraph 10.33 will require to return for a period of not less than 3 months. Employees on maternity leave shall also notify the Trust, in writing using the appropriate form, of confirmation of return following maternity leave no later than 8 weeks before the date on which they wish to return if this date is prior to 52 week SML period.

Certification

- 10.29 In order to establish an entitlement to maternity leave an employee is required to submit to the Trust a maternity certificate (Form Mat BI) from a registered medical practitioner or midwife stating the expected week of her childbirth. Such certificate shall be submitted by the 15th week before the Expected Week of Childbirth (EWC) begins.

Period and amount of entitlement

- 10.30 Subject to satisfying the conditions set out in paragraphs 10.23 – 10.29 and paragraphs 10.34 – 10.40 an employee shall be entitled to maternity leave for a period not usually exceeding 52 weeks and in accordance with paragraphs 10.32 – 10.34 below.
- 10.31 Employees who have less than 26 weeks continuous service by the end of the 15th week before the Expected Week of Childbirth (EWC) are entitled to take up to 52 weeks maternity leave under this scheme. Payment will be employee's entitlement to SMP or maternity allowance.
- 10.32 Employees who have completed at least 26 weeks continuous service ending with the 15th week before the Expected Week of Childbirth (EWC) are entitled to take up to 52 weeks maternity leave under this scheme and payment will be made as follows;
- 10.33 SMP is paid for 39 weeks at the following rates:
- 6 weeks at the "earnings related rate" which is defined as the weekly rate equivalent to 90% of normal weekly earnings for the period of 8 weeks immediately preceding the 14th week before the expected week of confinement. This must not be less than the weekly rate of statutory sick pay.
 - For employees intending to return to work, this is followed by an additional 12 weeks at half pay, without any deductions, except to the extent to which the combined pay and SMP exceeds full pay.
 - 21 weeks at the prescribed weekly rate of SMP or her "earnings related rate" if that is lower.

Updated January 2013

Further details are available in the Maternity Policy, available from the Corporate Drive or from the HR Department.

Commencement of maternity leave

10.34 Maternity leave shall commence no earlier than the beginning of the eleventh week before the expected week of childbirth, unless childbirth takes place prior to this (see paragraph 10.50), but the period of maternity leave shall in all cases commence on any day of the week.

10.35 Keeping in Touch Days

An employee on maternity leave is allowed up to 10 days at work with normal pay as 'Keeping in Touch Days' without bringing the maternity leave or additional leave period to an end. Normal pay will be an amount inclusive of SMP, SAP, or maternity allowance as appropriate. These days do not have to be consecutive and can be used for training and any other activity which enables the employee to keep in touch, and can only be taken following agreement between the employer and the employee to both the activity and timing.

Return to work

10.36 Maternity leave shall continue for no longer than 52 weeks beginning with the week of childbirth, except that the employee may postpone their return to work for a further period and receive sickness allowance, in accordance with paragraph 10.42 below, if they satisfy the provisions of Sickness Allowance Scheme and if they submit, in writing to the Trust, a medical certificate covering that further period.

10.37 The postponement of an employee's return to work, referred to above, shall apply from the date which the employee had notified to the Trust as the proposed date of return to work, or where no such notification has been given, from the end of the 52 weeks period referred to above.

10.38 Where an employee does not return to work in accordance with the time limits set out above and remain at work for at least 3 months, they shall refund to the Trust the amount of maternity pay paid to them for the 12 week period at five-tenths pay, or such part thereof, if any, as the Trust may, at its discretion, decide.

10.39 In special cases, where it is felt that the application of paragraph 9.38 will cause undue hardship, sympathetic consideration can be given to waive this requirement. Any such request must be submitted in writing by the Senior Manager to the General Manager with accompanying reasons.

Administrative note: *An employee must actually return to and remain at work for a 3 month period. In this respect annual leave and public holidays will count towards the calculation of the 3 month period but periods of sick leave either before or after a physical return to work will not, i.e. in calculating the 3 month period only time actually spent at work or on annual leave/public holiday will be taken into account and periods of sick leave will be disregarded.*

Updated January 2013

- 10.40 The employee shall inform the Trust in writing, using the appropriate form, at least 8 weeks before her return to work, of the date on which she proposes to return. The employee shall also at the same time declare in writing, using the appropriate form, that in her opinion, she is medically fit to return to work.

Application of other scheme provisions to maternity leave

- 10.41 Maternity leave shall not be treated as sick leave to be taken into account in calculating an employee's sick leave entitlement under the Sickness Allowance Scheme.
- 10.42 Absence on account of illness due or attributable to pregnancy or childbirth, which occurs out-with the period of maternity leave (whether before or after the period of maternity leave), shall be treated as leave in accordance with the provisions of the Sickness Allowance Scheme except that sickness allowance will not be payable in such circumstances in the period between the notified commencement of maternity leave and the week of childbirth.

Administrative note: *An employee who has not commenced maternity leave is entitled to SSP and occupational sick pay up until the baby is born, unless the Trust considers the employee to be on maternity leave in accordance with Paragraph 10.9.*

- 10.43 Where an employee has been absent on maternity leave in accordance with the provisions of paragraphs 10.31 – 10.34, that period of leave shall be taken into account when calculating the employee's period of continuous service for annual leave, sickness allowance, period of notice or further maternity leave.
- 10.44 Where an employee has been absent on maternity leave in accordance with the provisions of paragraph 10.31 – 10.34, on her return to work that period of leave shall be taken into account in calculating the employee's annual leave entitlement for the leave year(s) in which maternity leave falls.
- 10.45 An employee on maternity leave will be entitled to a day in lieu for each Public Holiday that coincides with the duration of the maternity leave on her return to work.
- 10.46 An employee who is pregnant or has recently given birth or is breast feeding and who cannot carry out her normal duties because of health and safety regulations has the right to be offered suitable alternative work, or if such work is not available, to be suspended on normal pay.

Return to work when employee terminates employment (following the death of a child)

- 10.47 Where an employee has terminated her employment due to pregnancy or childbirth, but the child does not live, she shall be entitled to return to work but without entitlement to return to the same post at the same grade and salary as applied immediately prior to the termination of employment unless the Trust determines that this is not practicable.

Updated January 2013

- 10.48 However, an employee shall not be entitled to return to employment with the Trust in accordance with paragraph 10.47 above unless:-
- A suitable vacancy exists;
 - And she submits the appropriate form, in writing, stating that, in her opinion, she is medically fit to return;
 - And she satisfies the requirements of paragraphs 10.36 – 10.37 and paragraph 10.40 above in respect of the timing of her return to work.

Definitions

- 10.49 “Childbirth” means the birth of a child either living or dead, after 24 weeks of pregnancy.
- 10.50 In relation to the “expected week of childbirth”, “week” means the period of 7 days, beginning with midnight on Saturday/Sunday, in which the childbirth is expected to take place. In all other contexts, such as in “the eleventh week” before the expected week of childbirth, “week” is defined as a week (i.e. 7 days) ending with a Saturday.
- 10.51 In normal circumstances, “return to work” in paragraph 10.36 – 10.40 above, will be a return to the post which the employee held prior to her absence on maternity leave.
- However, a return to local authority employment, i.e. employment with another local authority, will satisfy the requirements of paragraph 10.36 and paragraph 10.37, in which case the discretion referred to in paragraph 10.39 shall rest with the former authority.
- 10.52 Where it is not practicable by reason of redundancy for the Trust to allow the employee to return to work in her post as defined in paragraph 10.51 above, the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to her and appropriate to the circumstances.
- 10.53 Suitable alternative employment may also be offered if exceptional circumstances, other than redundancy (e.g. a general reorganisation) which would have occurred if the employee had not been absent, necessitate a change in the post in which she was employed prior to her absence, provided that the work to be done is suitable to her and appropriate to the circumstances.

Adoption allowance and leave

- 10.54 The Employment Act 2002 introduced a new statutory right for adoptive parents to take leave following the adoption of a child. This is in addition to the right introduced in 1999 for adoptive parents to take unpaid parental leave.
- 10.55 The Act gives employees taking adoption leave similar rights to those enjoyed by women taking maternity leave namely the right to:-
- Protection from detriment as a result of having taken adoption leave;
 - The benefit of continuity of terms and conditions of employment except pay;
 - The right to return to the same job, or, if not reasonably practicable, a suitable and appropriate alternative job.
- 10.56 The Act applies to a child (under the age of 18 years) matched for adoption where an approved adoption agency notifies the adopter of a match with a child.
- 10.57 Adoption leave and pay are available to an employee who adopts or to one member of a couple who adopt jointly. The couple may choose which partner takes adoption leave. A partner can take statutory paternity leave or maternity support leave if they meet the qualifying conditions (see Paragraphs 10.71 – 10.78).
- 10.58 Adoption leave applies only where a child is newly placed with adoptive parents. It will not apply to step-parent adoptions or to adoptions by existing foster carers.
- 10.59 An employee must have been notified that they have been matched by an adoption agency with a child for the purposes of adoption and be able to produce evidence of entitlement such as a “matching certificate” issued by the adoption agency.
- 10.60 There is a length of service qualification for Ordinary Adoption Leave but no further service requirement for Additional Adoption Leave. The right to adoption leave applies to all employees regardless of the number of hours worked.

Adoption leave

- 10.61 An employee who has been notified that they have been newly matched for adoption by an approved adoption agency and who has been continuously employed by South Lanarkshire Leisure and Culture for a period of not less than 26 weeks ending with the week in which they are notified of being matched for adoption is entitled to:-
- A period of 26 weeks Ordinary Adoption Leave. This period of leave can begin on either the date of the child’s placement or from a fixed date up to 14 days before the expected date of placement.
 - A further period of 26 weeks Additional Adoption Leave immediately following the period of Ordinary Adoption Leave. Additional Adoption Leave is without pay.

NB: A “week” means the period of 7 days beginning with Sunday.

- 10.62 In the case of a multiple adoption, only one period of ordinary adoption leave can be taken.
- 10.63 Where the placement is “disrupted” i.e. ends for any reason during either Ordinary or Additional Adoption Leave, the employee will be entitled to remain absent on adoption leave and pay, if applicable, for up to 8 weeks after the end of the week in which the placement ends.

Adoption pay

10.64 An adopter who qualifies for statutory adoption leave and whose average weekly earnings are above the lower earnings limit for national insurance contributions will qualify for Statutory Adoption Pay (SAP) for 39 weeks as follows:-

- The first 6 weeks at 9/10ths of a week's pay offset against any payments made by way of SAP;
- For employees intending to return to work, twelve weeks at 5/10ths pay without deduction except to the extent where the combined pay and SAP exceeds full pay;
- 21 weeks of Statutory Adoption Pay.

Notification requirements

10.65 Where reasonably practicable, an employee must give notice in writing, of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption.

Notification must include details of the following:-

- The date when the employee was notified of being "matched" with a child;
- The name and date of birth of the child;
- The expected date of placement;
- The date that the employee has chosen for the adoption leave to begin;
- A "matching" certificate provide by the adoption agency.

10.66 The employee may vary the start date by giving twenty eight days notice in writing or as much notice as is reasonably practicable.

10.67 Within 28 days of receipt of notice of the intention to start adoption leave, the Trust will confirm in writing the date for return to work and will send the employee a copy of the pro forma used to confirm the date of return for pay purposes.

10.68 An employee wishing to vary the date of return to work must give 8 weeks notice, or as much as is reasonably practicable, to allow administrative arrangements to be made, otherwise the Trust may postpone the return for the full period of notice required.

Return to work

10.69 Employees in receipt of additional adoption pay must actually return to, and remain at work, for 12 weeks after the period of adoption leave otherwise the 12 weeks leave at 50% pay must be repaid. Annual leave and public holidays will count towards the calculation of the 12 week period but periods of sickness absence either before or after a physical return to work will not.

10.70 In special cases of hardship, the Senior Manager may recommend to the General Manager that consideration be given to waiving the repayment. If an employee is unsure if they wish to return to work, and is concerned about having to repay the 12 weeks, they can opt to waive receipt of additional adoption pay until they return to work.

Updated January 2013

Paternity leave (including maternity support leave) allowance and leave

- 10.71 The Employment Act 2002 introduced a statutory right to 2 weeks' paid paternity leave on the birth of a child or placement of a child for adoption. This is in addition to the existing entitlement to unpaid parental leave.
- 10.72 Paternity leave may be taken not just by the biological father but by a partner if that person will have the main responsibility for the child's upbringing in addition to the mother. Therefore a cohabiting partner of either gender may apply for paternity leave.
- 10.73 In the instance of a multiple birth or adoption, only one period of paternity leave is allowed.
- 10.74 The Act gives employees taking paternity leave similar rights to those enjoyed by women taking maternity leave.
- 10.75 Fathers or partners of an expectant mother, or adopters, who have 26 weeks continuous service ending with the 15th week before the Expected Week of Childbirth (EWC) or ending with the week in which an approved "match" for adoption is notified will be entitled to 2 weeks leave, as undernoted:
- 1 week at full normal pay;
 - A second week's leave under the Statutory Paternity Leave provisions;
 - employees whose average earnings are above the lower earnings limit for national insurance contributions will be paid Statutory Paternity Pay (SPP) for the second week's leave. SPP is paid at the standard rate of Statutory Maternity Pay.
- 10.76 An employee will be treated as having satisfied the continuous employment conditions but for the fact that the child was born early. A newborn child includes a child stillborn after 24 weeks of pregnancy.
- 10.77 Statutory Paternity Leave must be taken during the period of 56 days beginning with the date of birth or the first date of the expected week of the child's birth whichever is later, or the date of placement for adoption. This covers the situation of a premature birth. Where 2 weeks leave is taken this must be consecutive.

Maternity support leave

- 10.78 Maternity Support Leave of up to 5 days leave with pay is available to the child's father, secondary carer in adoption, partner or nominated carer of an expectant mother at or around the time of the birth. The nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth i.e. within 1 week before and 3 weeks after the birth. The 5 days do not need to be consecutive. Applications should be made using the appropriate form. Maternity Support Leave is available to employees with 26 weeks continuous service at the time of birth or notification of adoption.

N.B. Employees cannot apply for both Maternity Support Leave and Statutory Paternity Leave.

Updated January 2013

Notice requirements

- 10.79 An employee must give written notice of their intention to take Statutory Paternity Leave/Maternity Support Leave by completing the appropriate pro forma and submitting it to their employing service area:-
- In or before the 15th week before the expected week of childbirth;
 - No more than 7 days after the date of notification of having been “matched” for adoption or;
 - As soon as is reasonably practicable.
- 10.80 This will provide the following information:-
- The Expected Week of Childbirth or date of notification of “matching” for adoption;
 - Whether 1 or 2 weeks’ leave is requested;
 - The date on which leave will begin;
 - Confirmation of entitlement to paternity leave i.e. a declaration that they meet the conditions as to responsibility for the child.
- 10.81 An employee may vary the date that Statutory Paternity Leave starts by giving 28 days notice in writing, where this is reasonably practicable.

Additional Paternity allowance and leave

Statutory Additional Paternity Pay

Entitlements

- 10.82 The undernoted conditions apply for fathers when taking additional paternity leave (APL):
- Up to 26 weeks (6 months) leave can be taken once the Mother/Adopter has returned to work.
 - APL can be taken from 20 weeks after the birth or after placement for adoption.
 - APL can be taken up until the child’s first birthday or 1 year after placement began.
 - The minimum period of APL is 2 consecutive weeks and the maximum is 26 weeks. Period of leave need to be complete weeks and taken in a continuous block.
 - In terms of adoption – Additional Paternity Leave and Pay (APLP) will be available to the adopter who chooses not to receive Statutory Adoption Pay (SAP).
- 10.83 In order to establish entitlement to and receive additional paternity leave, the employee must:-
- Be continuously employed by same employer for at least 26 weeks ending with the relevant week (15 weeks before expected date of childbirth or week the adopter is matched with the child for adoption) and remain in the same employment until the APL starts.
- 10.84 In order to establish an entitlement to ASPP, and employee shall inform the Trust in writing, using the appropriate form, at least 8 weeks prior to the date leave will begin. If that is not possible, it should be submitted as soon as is reasonably practicable. If the Father requests to change the start date, they must notify the Trust of the change at least 6 weeks before the original start date. If the Father requests to withdraw or change the date of the planned additional paternity leave, less than 6 weeks prior to

planned leave, the Trust does not have to accommodate change if it is not reasonably practicable to do so.

Certification

- 10.85 In order to establish an entitlement to ASPP, an employee shall submit to the Trust a birth certificate, marriage certificate, marriage certificate, proof of co-habitation eg, joint utility bill as defined in the Maternity, Adoption and Paternity Leave and Pay Policy. Such certificate(s) shall be submitted at the time of application.

Period and Amount of entitlement

- 10.86 Where an employee satisfies the qualifying conditions, entitlement to ASPP will depend on the employee's continuous period of employment with the Trust and average weekly earnings.

Period of entitlement

- 10.87 Additional Statutory Paternity Pay (ASPP) is paid at the same rate as Statutory Maternity Pay (SMP) for the balance of the Statutory Maternity Pay Period; and additional time taken after this period will be classed as unpaid leave.
- Additional Paternity Leave cannot be taken during mothers SMP, MA or SAP pay period.

Amount of entitlement

- 10.88 Where an employee's average weekly earnings are not less than the lower earnings limit for national insurance contribution liability and where an employee has been continuously employed by the Trust for 26 weeks, including all or part of the qualifying week, regardless of hours worked they will be entitled to:
- Standard ASPP rate or 90% of Fathers average earnings, whichever is less only payable during the period where the Mother/Adopter would be entitled to SMP, SAP or Maternity Allowance. The pay period for these payments is 39 weeks.

Calculation of payments

- 10.89 ASPP is payable only in respect of complete weeks. There is no daily rate.

Commencement of additional paternity leave

- 10.90 Additional Paternity leave shall commence no earlier than 20 weeks after the child is born.

Extended Additional Paternity Leave

- 10.91 In event of the death of the Mother the Father is entitled to start APL immediately with a maximum period of 12 months ending no later than the child's 1st birthday or 1 year after the adoption placement.
- In these circumstances the Father only needs to provide information on Mothers/Adopters entitlement to pay and leave eg, letter of confirmation of maternity leave and pay from mother's employer, this should be provided as soon as reasonably practical after date of Mothers/Adopters death.
 - The Father will only be entitled to ASPP, during the 39 weeks where the Mother/Adopter would have receive SMP, MA or SAP.

- The Father cannot take extended APL if a period of APL has already been completed.
- If the Mother/Adopter dies during the period of APL the Father can apply to extend the leave up until the child's 1st birthday or 1 year after placement began (if due to return to work earlier).

Keeping in Touch Days

- 10.92 Fathers will be allowed to work/train on up to 10 days during leave without loss of Additional Statutory Paternity Pay or bringing the leave to an end. This is similar to Keeping in Touch Days with the Maternity Leave Policy (see point 10.35).

Return to Work

- 10.93 Additional Paternity leave shall continue for no longer than 26 weeks or no later than the child's first birthday/1 year after placement began.
- 10.94 The employee shall inform the Trust in writing, using the appropriate form, at least 6 weeks before their return to work, of the date on which they propose to return.
- 10.95 An employee on Additional Paternity Leave will be entitled to a day in lieu for each public holiday that coincides with the duration of the Additional Paternity Leave on their return to work.

Definitions

- 10.96 "Father" is; the child's father, the husband or partner or civil partner of the child's mother. The right will also apply to adoptive Fathers/co-adopters.
- 10.97 In normal circumstances, "return to work" in paragraph 10.93-10.95 above, will be a return to the post which the employee held prior to their absence on additional paternity leave.
- 10.98 Where it is not practicable by reason of redundancy for the Trust to allow the employee to return to work in their post as defined in paragraph 10.97 above, the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable and appropriate to the circumstances.
- 10.99 Suitable alternative employment may also be offered if exceptional circumstances, other than redundancy (eg, a general reorganization) which would have occurred if the employee had not been absent, necessitate a change in the post in which they were employed prior to their absence, provided that the work to be done is suitable and appropriate to the circumstances.

General Conditions

- 10.100 HRMC will carry out compliance checks on samples of employers. Where the employer has made payment in good faith, however, the employee has given false information the employee can be penalized by the Inland Revenue.

11. Scheme of enhanced leave

- 11.1 This scheme allows employees the opportunity to supplement their existing annual leave entitlement by 'banking' and 'buying' leave.
- 11.2 **'Banking leave'** – an employee sacrifices a fixed amount of their annual leave and banks this over a set period of time, to be used at an agreed later date.
- 11.3 When banking annual leave, the amount sacrificed each year should not reduce that year's entitlement to less than the minimum set by the Working Time Directive (28 days for full time employees and pro-rata equivalent for part time employees).
- 11.4 **'Buying leave'** allows an employee to purchase additional days leave to increase their leave entitlement. A maximum of 5 days annual leave entitlement can be bought per year.
- 11.5 Subject to the needs of the service, employees may have the option to bank and buy annual leave over a fixed period of time. Applications for Enhanced Leave must be made through People Connect or on form STAF'172 from 1 October to 30 November of the preceding year in which the leave is to be bought/banked.
- 11.6 The maximum number of days that can be bought and banked depending on an employees annual leave entitlement are shown in the table below.

Current Annual Leave Entitlement	Maximum number of days which can be banked	Maximum number of days which can be bought	Maximum Amount of enhanced leave per year
22 days	4 days	5 days	9 days
23 days	5 days	5 days	10 days
24 days	6 days	5 days	11 days
25 days	7 days	5 days	12 days
26 days	8 days	5 days	13 days
27 days	9 days	5 days	14 days
28 days	10 days	5 days	15 days
29 days	11 days	5 days	16 days
30 days	12 days	5 days	17 days
31 days	13 days	5 days	18 days
32 days	14 days	5 days	19 days

General conditions

- 11.7 Employees have the option to use their bought or banked leave to supplement their existing annual leave entitlement. The general criteria for being able to apply for enhanced leave, includes the following:-

Service requirements

- 11.8 All approvals for enhanced leave under the terms of the scheme are subject to the needs of the service and will be considered by the appropriate manager within 14 days of receiving the request.
- 11.9 Applications should include the amount of leave to be banked/bought, the period in which it will be accrued and how it will be taken i.e. for a sabbatical or to supplement current annual leave entitlement.

Updated January 2013

- 11.10 Managers should take into account other leave requests submitted from employees, the number of periods of extended leave already taken by the employee and any service need requirements.
- 11.11 Employees participating in the scheme are expected to demonstrate a good level of attendance. To ensure consistency across the Trust, the suggested level of attendance is 97%. However, managers are expected to review each case on an individual basis and take into consideration previous records of attendance and the reasons for any absence(s).
- 11.12 For example, a manager may authorise an application from an employee whose absence has fallen below 97% due to treatment for a medical condition, and who in previous years has demonstrated a good level of attendance.
- 11.13 Where the manager is unable to grant the request, the employee has the right to progress this through the grievance procedures.

Conditions for banking and buying leave

- 11.14 The maximum period over which leave can be banked is five years.
- When buying annual leave, no more than 5 days of an employee's annual leave entitlement can be purchased in any one leave year.
- 11.15 Payroll will make deductions direct from an employees' salary, each fortnight over the leave year. Payments may be adjusted in line with any changes in salary e.g. pay award.

Calculation of pay

- 11.16 The deductions taken from an employee's salary, each fortnight over the leave year, are calculated as follows:-

From April 2004, an employee's salary will be calculated on the basis of hourly rates.

Hourly rate x average hours worked per day

For example, an employee on an hourly rate of £7.35 who works 35 hours per week, and wishes to buy 5 days leave, would have £9.89 deducted from their pay each fortnight, for the leave year. This is calculated as follows:-

$7.35 \times 7 \text{ hours} = \text{£}51.45 \text{ per day} \times 5 \text{ days leave} = \text{£}257.25/26 = \text{£}9.89 \text{ per fortnight.}$

Attendance at work

- 11.17 Employees on maternity, paternity and adoption leave are able to participate fully in the scheme. Periods of maternity leave do not count as non-attendance for the 97% attendance level. As with all other employees, they must apply to take part in the scheme prior to the start of the new annual leave year.
- 11.18 Employees who enter into the scheme and subsequently fail to achieve an acceptable attendance record will have their case reviewed under the Maximising Attendance Policy. Depending on the circumstances of the case, an employees' participation may be withdrawn.

Moving to an alternative post

- 11.19 Where an employee applies for an alternative post, the employee and the line manager must discuss prior to appointment, the ongoing arrangements of those participating in the scheme and intending to take an extended period of leave i.e. a sabbatical.
- 11.20 The appointing department must use the criteria outlined in Paragraphs 11.8 - 11.13 to help them decide whether the employee's arrangement can be honoured or not.

Buying leave

- 11.21 Employees may choose to buy leave in order to supplement their current annual leave entitlement for the following leave year.
- 11.22 Employees must satisfy the following criteria in order to be able to supplement their annual leave each year:-
- Applications for buying leave must be submitted by employees to their line managers during the window of opportunity from 1 October to 30 November of each year. Employees must detail on the form the number of days leave they wish to buy;
 - Where an employee withdraws from participating during a leave year, they will get a pro-rata entitlement for leave already bought and will be expected to use this in that leave year. At that time, the agreement will cease and payments will no longer be deducted from the employees' pay;
 - Normal rules will apply for annual leave for those who terminate their employment;
 - Employees with fixed work agreements i.e. term time employees, are excluded from banking leave as they are restricted in the days they can take annual leave. However, subject to the needs of the service, these employees can buy leave which can then be used at times agreed with their line manager.

12 Scheme of special leave

- 12.1 Special Leave with or without pay is available to all employees of South Lanarkshire Leisure and Culture. The scheme is divided into two sections; one supporting work life balance and the other covering leave for National, Public and Community Service and other special circumstances.
- All special leave should be recorded and payroll notified of any appropriate adjustments required to pay.
- 12.2 Approval of any special leave is subject to the operational requirements of the Trust, the amount of the employees' outstanding annual leave and any conditions imposed by legislation.
- 12.3 Under the Maximising Attendance Policy, managers are encouraged to consider flexible methods of supporting employees, and should use this scheme as a means of encouraging attendance.
- 12.4 In cases of unpaid leave, managers have discretion to agree changes to working patterns to allow employees to make up the time by working additional hours.
- 12.5 Similar flexibility should be considered where paid leave applies, and managers should approve appropriate time off depending on what is necessary.
- 12.6 Applications for special leave must be submitted initially to line managers for onward submission to Senior Managers giving as much notice as possible. Appointment cards or other notification should be shown, where available.
- 12.7 Requests for special leave in the following cases must be passed to the HR Manager, for approval only after authorisation has been sought from line managers and this is supported by either the General Manager or nominated Senior Manager:-
- Paragraph 12.56 Employees with less than 5 years service who request leave of absence to visit relatives overseas;
 - Paragraph 12.81 Employees who apply for voluntary service overseas;
 - Paragraph 12.70 Employees who wish time off to participate in an International sporting or cultural event.
- 12.8 Loss of Earnings Certificates will only be issued when employees have been granted unpaid leave of absence and as a result have had an appropriate deduction from their pay. They will not be issued for events which took place during a period of annual leave/rostered day off etc.

Balancing work and family life

Family emergencies

- 12.9 If employees are required to be absent from work to make alternative arrangements arising from family emergencies leave with pay for up to one day will normally be granted for each incident. Family emergencies may include incidents such as the sudden and unexpected illness of a relative, partner or child, disruption to the care of a dependant or an incident involving children at school/childcare.
- 12.10 In the case of the *emergency* hospitalisation of a child and an employee has been advised by medical staff to remain with their child whilst they are in hospital, leave with pay for up to 5 days will normally be granted. Additional time off may be agreed at the line managers discretion.
- 12.11 In the case of a critically ill or injured relative/partner, an employee may be granted up to 5 days leave with pay. Additional time off may be agreed at the line managers discretion.
- 12.12 Where the illness of a near relative or partner is of a serious nature and an employee wishes time off work to allow them to care for that person, an employee with one year's continuous service may be granted leave of absence without pay, subject to monthly review.

Domestic abuse (see also paragraphs 21.31 – 21.33)

- 12.13 Where an employee experiencing domestic abuse needs time off from work to make special domestic arrangements, leave with pay for up to five days will normally be granted for each incident. Under our Service Level Agreement with SLC, the Trust has also adopted SLC's Domestic Abuse Policy which provides information on a number of support mechanisms available to victims of domestic abuse.

Medical treatment

- 12.14 Employees requiring optical, dental, orthopaedic or other medical treatment should make arrangements to obtain treatment out-with normal working hours. For employees on flexible working hours, appointments should be arranged using flexitime.
- 12.15 It is recognised that for employees who are not on flexible working hours it is not always possible to get appointments out-with normal working hours. In these circumstances if a line manager is satisfied that alternative arrangements are not possible, leave with pay may be granted. Employees should arrange appointments at times which will minimise the time off required e.g. at the start or end of the working day.
- 12.16 Employees shall be entitled to reasonable time off with pay for the purpose of preventative medical examinations, fertility treatment and hospital and dental hospital appointments for themselves and to accompany their own children under the age of 18 and elderly/disabled relatives.
- 12.17 Employees who are pregnant and who, on the advice of a doctor, midwife or health visitor, attend a clinic or other place for ante-natal care will be granted reasonable time off with pay.

Updated January 2013

Bereavements

- 12.18 Leave with pay will be granted on the following basis:-
- In the case of a near relative, such as husband, wife, or partner, son, daughter or parent of an employee, reasonable time off as necessary will be allowed.
 - Where employees are required to conduct business in connection with a bereavement, leave as necessary will be allowed, due regard being taken of the circumstances.
- 12.19 In other cases, an agreement should be reached between the manager and employee about the time necessary to attend the funeral service which will include an element for travelling time. This will not normally be more than one day with pay. In exceptional circumstances where the employee has a significant distance to travel, the line manager has the discretion to allow an additional day with pay.
- 12.20 In normal circumstances it is expected that the employee will attend work before and after the service but this will depend on the actual time of the service. Where the service is held at a time out-with an employee's normal working hours it is expected that the employee will report for work as usual or as otherwise agreed.
- 12.21 In dealing with cases covered by Paragraphs 12.18 and 12.19, managers should be sympathetic to the situation faced by the employee. No minimum or maximum period of leave is specified as managers should agree with the employee what 'reasonable time off as necessary' would be appropriate given the circumstances.
- 12.22 If an employee is experiencing difficulty in coming to terms with a bereavement, the HR Department can arrange appropriate counselling.
- Parental leave**
- 12.23 Up to 13 weeks parental leave without pay is available to all employees who have completed at least one year's continuous service, and up to 18 weeks for parents of disabled children. This leave is available for each parent, for **each child** under the age of 18 years.
- 12.24 Parental leave may be taken in a single block or as an allowance at any time up to the child's 18th birthday. The minimum amount of parental leave that can be taken at any one time will be one complete week. If a period of less than one week unpaid leave is required it will count as a full week for the purposes of calculating the total parental leave allowance.
- 12.25 If the child is disabled, leave may be taken up to the child's 18th birthday and may be taken in single days or multiples of one day.
- 12.26 Employees may apply for parental leave in addition to Maternity/Adoption Leave or Paternity/ Maternity Support Leave.
- 12.27 Unless in an emergency situation, an employee must give as much notice as possible but at least 21 days.
- 12.28 Every effort will be made to grant parental leave for the dates requested, however, consideration must be given to operational requirements and other leave requests such as annual leave, maternity/adoption leave and paternity/maternity support leave. Line managers may postpone parental leave for up to 6 months for operational reasons, except when parental leave is to be taken immediately after the birth or adoption of a child.

Leave to be set against annual leave
Visiting relatives overseas

- 12.29 Employees visiting relatives overseas must use their annual leave entitlement. Where an extension of leave is necessary, employees who have completed 5 years continuous service at the date of the proposed leave may be granted reasonable leave without pay.
- 12.30 In exceptional circumstances employees with less than 5 years continuous service may be granted leave without pay. Requests should be submitted to line managers who, if supporting the application, should forward it to the Senior Manager, for approval.

Weddings

- 12.31 Leave for weddings, including an employee's own marriage, must be set against annual leave entitlement.

Moving home

- 12.32 Leave in connection with moving home will normally be set against the employee's annual leave entitlement, except in cases covered by the Resettlement Allowances Scheme.
- 12.33 An employee whose full annual leave entitlement has been exhausted may be granted leave without pay for one day.

National, public and community service

- 12.34 The Trust is committed to providing support to employees who have chosen to support their country or community in any way, and to accommodating those employees who are called on to carry out public duties. Accordingly the following leave arrangements will apply.

Reserve forces

- 12.35 An employee who is a member of reserve forces and attends an annual training camp for a period of one week or more will be granted up to 15 days special leave with pay. This will be subject to the deduction of service pay and allowances received in respect of the period of special leave.

Jury and witness service

- 12.36 An employee who receives a summons to serve on a jury must advise their line manager and will be granted special leave with pay to attend unless exemption is secured. This pay is subject to the deduction of Jurors' Allowances which the employee must claim.
- 12.37 Where an employee is cited to attend as a witness, leave of absence will be granted as follows:-
- In the case of professional witnesses, leave with pay will be granted, on the understanding the employee advises their line manager of witness fees received to allow the equivalent deduction from pay. Employees called as a witness by persons other than the Trust will be granted leave without pay. The employee may claim an allowance in respect of loss of earnings from the person citing them;

Updated January 2013

- Where an employee has been called as a witness by the Trust, the employee will be considered to be on authorised Trust business.

12.38 Employees who are required to attend an Employment Tribunal, either as a witness or an appellant in cases involving South Lanarkshire Leisure may be given reasonable leave of absence with pay.

12.39 After advising their line manager, employees who receive a citation should send the document to the HR Department for submission to payroll to have their current daily/hourly rate of pay entered into the loss of earnings section and certified as correct by an official stamp.

12.40 After attending Court, the Court employees will calculate the loss of earnings and other expenses to be paid and will record these on the citation. The employee should ask the court employees for a copy of the receipted claim and record their employee number on the citation. This copy claim should be submitted to the Company Secretary so that the amount received for loss of earnings can be deducted from the next available salary/payment.

12.41 Any other expenses received (i.e. travelling and subsistence payments) should be retained by the individual.

Public duties

12.42 Leave without pay, as necessary, will be granted for employees to attend meetings as members of Community Councils, Health Councils, DSS Appeals, Tribunals, College Board of Management, Board of Visitors for Prisons and Young Offender Institutions, or to undertake duties as Justices of the Peace, or business arising there from.

12.43 Leave with pay, as necessary, will be granted to all employees to attend meetings as members of School Boards and Education Appeals Committee. Up to five days leave with pay will be given to employees who undertake duties associated with membership of the Children's Panel.

International sporting/cultural events

12.44 An employee representing their country at an amateur international sporting event or an important international cultural event may be granted reasonable leave with pay depending on the nature and duration of the event as follows:-

- Where individuals are representing their country at an international event then a period of up to 10 days paid leave in any annual leave year may be granted;
- In the case of special events e.g. Commonwealth Games, Olympic Games, World and European Championships employees may be entitled up to a further 10 days paid leave, up to a maximum of 20 days paid leave within an annual leave year.

12.45 Requests may also relate to duties such as being a national coach and umpiring/refereeing at sporting events.

12.46 All requests should be submitted to the HR Manager.

Updated January 2013

- 12.47 The Trust will support leave for employees who participate in volunteering, for example:-
- Youth Organisation Holiday Camps - Leave of absence without pay may be granted to employees who are required to organise or assist at Youth Organisation Holiday Camps etc, provided the exigencies of the Service can be met.

Leave in support of the democratic process

- 12.48 The Trust fully supports and encourages employee involvement in the democratic process in the following ways:-

Election duties

- 12.49 Subject to the operational requirements being met, leave with pay will be granted to allow appropriate employees to undertake official duties such as Presiding Officer and Polling Clerk at Elections for the Scottish, Westminster or European Parliaments or Local Elections within South Lanarkshire Council.

Election candidates & agents

- 12.50 Leave of absence without pay for a period not exceeding 4 weeks at the time of the election will be granted to employees, who are candidates or election agents for the Scottish, Westminster or European Parliaments or Local Elections within South Lanarkshire Council. This excludes those employees holding posts which are "politically restricted". Please note that employees are required to resign from their post if they are elected as a Councillor for South Lanarkshire Council see Paragraph 12.51 below.

Councillor duties

- 12.51 Employees who require to undertake duties in connection with being a Councillor with another Local Authority will be allowed reasonable time off. Employees who are elected as a Councillor with South Lanarkshire Council will be required to resign from their post.
- 12.52 Under Section 10 of the Local Government and Housing Act 1989 the amount of leave with pay is limited to 208 hours in any financial year. Thereafter any further leave will be without pay. This limit does not apply to employees who are appointed as Convener of a Local Authority, for example, the Provost.

Voluntary and humanitarian services

- 12.53 Employees who participate in some voluntary and humanitarian services will be supported in their action in the following areas:-

Community emergency services

- 12.54 All employee's who participate in community emergency services, e.g. retained fire-fighters, lifeboat crew, will be granted leave of absence with pay to attend emergencies which occur during working hours.

Updated January 2013

Voluntary service overseas

- 12.55 Employees applying to the Voluntary Service Overseas Organisation will be granted leave of absence without pay for a period of up to 2 years, provided they have at least 1 years' continuous service with the Trust. Following completion of the period of leave, the employee will be reinstated with the Trust on the salary grade and placing held immediately prior to the period of leave, but not necessarily to the same post. During the period of absence, the post held by the employee may be filled. If specialised training is required to be undertaken to carry out the voluntary activity, a further 3 months leave without pay may be granted in addition to the two years.
- 12.56 All requests should be forwarded to the HR Manager, for approval.

Special purposes

- 12.57 Leave with pay will be granted to allow an employee to undertake duties or services of an honorary, charitable, philanthropic and civic character. Normally this leave will not exceed one day in any one year.

Interviews

- 12.58 An employee invited for interview with a Local Authority will be granted leave with pay for up to one day, on each occasion. If more than one day is required, e.g. for travel purposes, the employee will be required to set the additional days against annual leave or be granted leave of absence without pay.

Special circumstances relating to term time employees only holidays during term time

- 12.59 For term time employees only, leave will not normally be granted for holidays during term time, apart from leave in respect of sickness and maternity leave.

Personal business

- 12.60 If the line manager is satisfied that the request is reasonable, short periods of less than a day can be granted with pay.
- 12.61 Requests for additional leave is at the discretion of the HR Department - who may grant further leave, not more than one day of which shall be with pay.

13. Flexible working policy

Statutory right to apply to work flexibly

- 13.1 While there are a range of options to work flexibly currently available to employees, the Employment Rights Act (2002) introduced a statutory right for parents/carers to apply for flexible working by requesting a change in their terms or conditions of employment i.e. a contract variation for the sole purpose of caring for someone with whom they have a qualifying relationship.
- 13.2 The type of changes which may be requested include the hours of work, the times of work and the location of work.
- 13.3 To qualify to make a request under the Employment Rights Act, an employee must:
- Have at least 26 weeks continuous service, however South Lanarkshire Leisure and Culture employees who wish to work flexibly can apply from day one of their employment;
 - Have caring responsibilities for a child. This means that the employee is the parent, guardian, foster parent or partner of such a person and have or expect to have responsibility for the upbringing of the child.
 - In line with the Policy on Special Leave a “child” is defined as under 18 years and/or
 - Have other caring responsibilities such as being the main carer for a disabled or elderly relative or dependant.

Options available

- 13.4 There are a range of options available as listed below. Further information on flexible working is available from the HR Department.
- 13.5 An employee may wish to retain their contracted hours but vary working arrangements for example, by making use of the scheme of Flexible Working Hours or “Flexi time” or by working compressed hours or annualised hours.
- 13.6 For employees who wish to reduce contracted hours, there are a variety of options for part time working such as job sharing, term time working, reducing the working day to suit school hours.
- 13.7 Employees may also request to work either at, or from home, as part of the Home Working Scheme. In this instance their duties would need to be suitable for home working and specific management arrangements made
- 13.8 For employees who wish to take a break from work for a longer period, there is the Career Break Scheme which enables an employee to take a complete break from work, other than for 2 week contact periods each year.

Making a request

- 13.9 An employee should submit a request for flexible working to their employing area using the appropriate pro forma which requires the following information:-
- the change to working hours or pattern requested;
 - the date from which it is proposed to become effective;
 - the duration of the change requested if it is to be temporary;
 - how the employee meets the conditions.

Updated January 2013

- 13.10 Depending on the complexity of the arrangements to be made, and the nature of the employee's work, the work area may convene a meeting with the employee within 28 days of receipt of the request. The purpose of this meeting is to explore the requested work pattern in depth and discuss how it may be accommodated or to consider alternative suitable working arrangements. An employee may if they wish to be accompanied at this meeting by their Trade Union representative or other suitable person.

Notification of decision

- 13.11 The employing area will give the employee written notice of its decision on the application within 28 days of receipt of the request or within 14 days of any such meeting. Where a variation has been agreed, the HR Department will confirm the change to the employee's terms and conditions and the date from which it is to take effect.
- 13.12 Any changes to an employee's terms and conditions will be permanent unless agreed otherwise.
- 13.13 Should the Trust decide to refuse the request, it will advise the employee in writing setting out the grounds for refusal and notifying the employee of the right of appeal.
- 13.14 There will be no occasion where a request is refused without a meeting having been held as set out above to enable a full discussion of the request and any alternatives to take place.

Right of appeal

Within the Trust

- 13.15 An employee has the right to appeal to another senior manager within the Trust who has not previously been involved in the matter. An appeal should be submitted in writing stating the grounds, to the General Manager, within 14 days of the date of receipt of the decision.
- 13.16 Arrangements will be made for the appeal to be heard within 14 days of receipt of the submission. The employee may be accompanied at this meeting by a Trade Union representative or work colleague. The decision will be confirmed to the employee in writing within 14 days of the meeting. Where agreement is reached, this will be confirmed to the employee in writing, specifying the terms and conditions agreed and the date from which it is to take effect.
- 13.17 Where the appeal is not upheld, the letter advising the employee will state the grounds for the decision and will be copied to the General Manager.

Appeals panel

- 13.18 Where an appeal is unsuccessful, the employee may submit a complaint in writing to the Company Secretary within 14 days requesting that the matter be heard by SLLC's Board Appeals Panel.

Detriment

- 13.19 Employees have the right not to be subjected to any detriment or unfair treatment as a result of making a request to work flexibly.

Updated January 2013

- 13.20 However, as the effect of an application will be to vary an employee's terms and conditions, the Trust will view seriously any falsification of information, for example where the intention is to use the flexible working pattern for purposes other than to meet caring responsibilities.

Monitoring and review

- 13.21 Regular reports on the number of variations granted to employees' terms and conditions will be available through the "Oracle" HRMS system. These will be used to assess the effectiveness of this policy and amendments will be made as appropriate.

14. Career break scheme

Introduction

14.1 A career break may provide employees with the opportunity, subject to operational requirements, to have an unpaid employment break and return to work without affecting their continuity of employment.

14.2 Career breaks could be taken for example, to:

- concentrate on caring responsibilities
- follow a period of maternity, adoption or paternity leave
- undertake a course of study
- undertake a public service or voluntary work
- undertake a period of travel
- pursue sports/hobbies

14.3 Applications for career breaks will be considered by the employee's line manager, in line with operational and service requirements.

Who can apply?

14.4 The career break policy is available to all employees who have two years continuous service.

14.5 Employees who are on maternity, paternity or adoption leave and meet this criteria may apply for a career break and if agreed the break can follow on directly from the end of their period of maternity, paternity or adoption leave if requested.

Length of break

14.6 The minimum length of a career break will be 6 months with the maximum being four years, excluding statutory maternity, paternity or adoption leave.

14.7 In normal circumstances, an employee may have a maximum of two career breaks with a minimum of two years' service in between breaks.

Keeping in contact

14.8 Before a career break starts, the manager and employee should agree how contact can be maintained. Contact periods can help maintain the employee's confidence, skills and knowledge and also assist in easing them back to work when appropriate.

14.9 Employees should provide details of permanent address/or details of how they can be contacted throughout the duration of the break. Any changes to these details must be communicated to their line manager.

14.10 Employees will be required to undertake a minimum period of 5 days work per year. These are known as "contact periods" and do not have to be taken as consecutive days. It may be appropriate for the employee to have more than 5 days contact and therefore the manager should discuss with the employee what would be deemed an appropriate amount. When agreeing the contact period(s), managers should also bear in mind the reason why the employee is having a career break, eg, if it is for care reasons, an employee may need time to make alternative care arrangements or if the employee is travelling, it may not be feasible for them to physically return for a contact period. If the latter is the case the employee and the manager should agree the best way to keep in touch.

- 14.11 If it is feasible for the employee to physically return for a contact period, they will be paid for the contact period(s) at the rate equal to the same spinal column/scale point prior to going on the career break.
- 14.12 Agree with the employee what information they would like to receive to help keep them up to date with the Trust and their area of activities. It is essential to strike a balance between the employee receiving too much and too little information. Types of information could include:
- “What’s the Buzz in the Trust”, SLC’s “The Works” magazines
 - Meetings/seminars/briefings
 - HR circulars/management bulletins
 - Social events

Conditions of service implications

- 14.13 A career break will not be regarded as a break in service for the purposes of statutory reemployment provisions. However, the period of the career break will not count towards any service related benefits (see 14.15). For these purposes service before the career break will be aggregated with service after the career break.
- 14.14 The number of days the employee attends work for “contact periods” will also be part of this service calculation.
- 14.15 The career break will not count:
- Towards entitlement to sickness allowance or occupational sick pay
 - Towards entitlement to occupational maternity/paternity pay
 - Towards incremental progression
 - Towards the calculation of annual leave entitlement. Employees will receive any pro-rata entitlement to annual leave prior to commencing the career break. Any outstanding leave must be used **before** the commencement of the career break, or
 - As a break in service for the purposes of unfair dismissal.
- 14.16 Any employee starting a career break will require to make arrangements with HR/Payroll to continue paying any outstanding balances, for example, car loan under the provision of the Trust’s assisted car purchase scheme, cycle to work, child care vouchers scheme, etc.
- 14.17 Allowances, for example, first aid, telephone rental, will not be payable during a career break.
- 14.18 When an employee returns from their career break, while reasonable effort will be made to place the employee to a position with similar duties, it may be necessary to consider wider redeployment. It is the intention that the employee will return to the same work area and the same spinal column point, which they held prior to the career break but this cannot be guaranteed. However, consideration must be given to the reason for the career break, for example, if the employee has requested the career break to provide an extension to her maternity leave the employee will return to the same spinal column point. Managers should see advice from HR.
- 14.19 Employees on a career break will still be able to take advantage of some employee benefits such as employee counseling. However, they will be unable to take advantage of any scheme which requires a deduction from salary, for example,

Voluntary Life Assurance, salary sacrifice. For more information about employee benefits during a career break contact HR.

- 14.20 Employees who are on a career break can apply for vacancies within South Lanarkshire Leisure and Culture, however, there will be no right for the career break to continue in a different position unless it is agreed under exceptional circumstances.

National Insurance implications

- 14.21 Employees should also be aware that National Insurance contributions will cease while an employee is on a career break as a result of the employee being in a no pay situation.
- 14.22 Employees should be aware of the implications on benefits. The following issues were correct at the time of writing this policy, however legislation affecting benefits can change. Therefore it is the responsibility of employees to check with their local Benefits Agency about potential implications based on their individual circumstances at the time of applying and during their career break.
- 14.23 A career break could cause possible shortfall in a state retirement pension. However, voluntary contributions can be made to protect this.
- 14.24 Further guidance on the implication(s) of a career break on state benefit entitlements can also be sought from www.directgov.gov.uk

Local Government Pension Scheme

- 14.25 Contributions to the Local Government Pension scheme will also cease while an employee is on a career break because the employee would be in no pay. However, the Strathclyde Pension Fund Office will still pay out the death in service lump sum payment to the estate of the deceased if the employee dies during the period of the career break.
- 14.26 On return to work the employee may arrange to buy back pensionable service (up to 36 months maximum) which will mean double their normal pension contributions. An application to make this payment must be made within 30 days of returning to work at the end of the career break.
- 14.27 Employees should be aware of the effect of a career break on the accrual of their pension benefits and should contact the Strathclyde Pension Fund Office on 0845 2130202. (www.spfo.org.uk)

Application Procedure

- 14.28 Employees should have an initial discussion with their line manager when they are considering a career break.
- 14.29 Employees should then submit their application for a career break in writing at least 3 months prior to the proposed start date to their line manager stating the reasons and anticipated length of the career break. The career break application form is available on the Corporate I: Drive, QPulse or contact HR.
- 14.30 When considering a career break application, managers must balance the requirements of the employee with the operational needs of the Trust. Consideration should be given to:

- The length of time requested for the career break
- The service delivery needs
- Can work be reallocated and
- Could temporary cover be organized or would the post require to be recruited for on a permanent basis.

The above list is not exhaustive.

- 14.31 The manager will forward the application form to the Senior Manager for the work area for a final decision. If the Senior Manager is considering refusing an application, this should be discussed with HR.
- 14.32 If an employee is refused a career break, they will be provided with justification in writing. The employee will also be advised of their right to appeal through Stage 3 of the Grievance Procedures.
- 14.33 An employee may decide to take a career break after they have received either occupational maternity pay (OMP) or occupational adoption pay (OAP), ie, 12 weeks at half pay. In these circumstances, if the employee either does not return to work after the career break or does return but terminates their employment before they have completed 3 months at work, then they will be required to repay the 12 weeks at half pay. The employee should be aware that this repayment is calculated in line with HMRC guidelines and therefore their repayment may result in a slightly higher amount than the original payment received. If the employee has planned to take a career break before they have been paid 12 weeks half pay, then this payment will be held until the employee has returned to work for 3 months. For further advice contact HR and/or refer to the relevant policies.
- 14.34 If the employee becomes pregnant or is to adopt a child during a career break they must notify their line manager. Employees may not be eligible for contractual paid maternity/adoption leave (depending on when the career break commenced) but may qualify for statutory benefits. The normal statutory notification procedure must be followed as outlined in the Maternity, Adoption, Paternity Leave and Pay Policy.
- 14.35 Employees who are on a career break will not normally be allowed to undertake full time employment, other than on a seasonal basis, with another employer as this would conflict with the aims and objectives of the career break policy.
- 14.36 However employees, in certain circumstances, will be allowed to undertake part-time employment with another employer as long as this does not interfere or impinge on the Trust's services.
- 14.37 Employees wishing to accept any such employment must seek prior approval from the General Manager.

Return to work

- 14.38 If an exact date has not been agreed, employees must give three months notice confirming the proposed date of return to work after a career break.
- 14.39 Managers should recognise that circumstances can change rapidly, and should allow flexibility, in exceptional circumstances, for employees to return to work sooner than they had planned. Similarly, managers should also allow for employees, who may find it difficult to return at the end of their career break due to unforeseen circumstances, to apply for an extension of up to 3 months.

- 14.40 employees should attend a meeting with their line manager about the post they are returning to and agree a planned programme of induction, training and confirming their key work objectives. The employees Performance Development and Review must also be updated accordingly.

15. Homeworking scheme

15.1 Types of homeworking

Homeworking falls into two broad categories:-

- Work from Home
- Work at Home

Working from home – long term

- 15.2 This category of homeworking is for an employee who uses their home as their main admin base. Working from home suits peripatetic employees whose work involves them being mobile and who only need report back to a base to carry out incidental tasks e.g. make telephone calls, complete a report, read documents etc.

Working from home – occasional/ad-hoc

- 15.3 Working from home can also suit employees who may need to work from home on a short term basis. For example, an employee working on a project where concentration is required and may benefit from less interruptions by working from home or to provide a solution to a temporary problem where the employee may be unable to travel to the office i.e. in the case of severe weather/traffic difficulties/broken down car/family member unwell etc.
- 15.4 There is no automatic right for an employee to work from home and any requests are subject to the approval of their line manager. Where an employee feels that it would be advantageous to work from home occasionally they should seek agreement in advance or as soon as is reasonably practicable from their line manager.
- 15.5 Managers must ensure that where occasional homeworking has been approved, employees are aware of the work to be carried out, and that deadlines and workloads are agreed on a case by case basis.
- 15.6 Managers have the right to refuse requests for operational or practical reasons. The reasons should be discussed with the employee.

Working at home

- 15.7 The other category of homeworking is for employees who work at home on a permanent or long term arrangement. Employees belonging to this group are classed as 'homeworkers'. Working at home rather than the normal place of work involves using electronic systems to accomplish tasks and remain in contact with managers/employers. This could include working a set number of days per week, fortnight, or on a formally agreed basis at certain times throughout the year, with management approval.
- 15.8 Approval to homework will rest initially with the employee's line manager. If an employee applies to work at home via the flexible working policy and their application is refused, they have the right to appeal, firstly within their own area to their Senior Manager and secondly to the Board Appeals Panel.

Updated January 2013

Applying to work at home

15.9 Homeworking may be an option for many employees of the Trust but is not suited to all posts or employees. As such, it is not a contractual right to work from home but employees do have the right to request to work at home as part of the flexible working policy. To do this employees must complete the appropriate form detailing the following:-

- The change to working hours or pattern requested e.g. do they wish to work the same hours each day or agree an amount of hours which should be worked over the course of a week/month?
- The date from which it is proposed to become effective.
- The duration of the change requested, if it is a temporary arrangement e.g. do they wish to work at home on a temporary basis for a specific reason, or on a permanent basis?
- How the employee meets the conditions i.e. details of the proposed location.

Notification of a decision

15.10 The decision to allow an employee to homework rests with the line manager in conjunction with the HR Department and Senior Manager. Line managers must be able to explain and justify their decision and ensure that they adhere to the timescales and standards set out in the Flexible Working Policy.

15.11 Managers will be required to assess each individual application taking into consideration the following:-

- Is the post suitable for homeworking? See paragraphs 15.25 to 15.28;
- Does the employee possess the right personal characteristics? See paragraph 15.23;
- Following a risk assessment, is the suggested location suitable for home working arrangements? See paragraph 15.24;
- Is the arrangement practical and in line with the needs of the service?

Application approved

15.12 If the employee's request can be accommodated then the Trust will give the employee notification within 28 days of receiving the request. Any changes to the employee's terms and conditions will be permanent, unless it is agreed between the employee and manager that the change will be temporary.

Application not approved

15.13 If the Trust cannot accommodate the employee's request, a meeting must be convened during which there is opportunity to discuss the request and any possible alternatives. This meeting must be held within 28 days of the employee's initial request and the employee has the right to be accompanied by his/her Trade Union representative or a suitable person. The refusal must be confirmed to the employee in writing, including an explanation of why the request has been refused and advising the employee of their right to appeal.

Conditions of service for employees working at home

15.14 Homeworking arrangements are entered into on a voluntary basis. Hours can be agreed between the employee and line manager in line with the needs of the service.

- 15.15 Where it is agreed that an employee may take part in homeworking, their revised terms and conditions should be based on the following principles:-
- No reduction in grade
 - No loss of status
 - No detriment to career prospects

Allowances

- 15.16 Travelling - Occasional journeys made to the employee's admin base cannot be claimed as travelling expenses. For business journeys from home to office, the principles of the Travel and Subsistence Scheme will apply.
- 15.17 Annual Allowances - Employees working at home (as a long term arrangement) will receive an annual allowance of £250 in respect of additional expenses incurred by working at home (i.e. heating, lighting, and the use of electricity for computer equipment). The allowance will be paid in equal fortnightly instalments and on a pro-rata basis for those who work at home for part of the work. The allowance is not payable to employees who may work at home on an occasional basis. In addition, the Trust will cover any necessary telephone costs.
- 15.18 National Insurance and Tax - The allowance will be subject to tax and national insurance contributions, however, employees may make a claim to the Inland Revenue to have all or part of this allowance treated as non-taxable. To enable the Inland Revenue to calculate how much of the allowance should be treated as non-taxable, employees will be required to provide the Inland Revenue evidence of the total heating and lighting costs for the year in question.

Termination

- 15.19 On termination of a homeworking arrangement, any equipment provided by the Trust will be recovered. Employees must take reasonable care of such equipment and ensure that both equipment and information are kept securely in line with relevant codes of practice.

Manager identification of posts suitable for homeworking

- 15.20 Managers must review their service requirements and, where a homeworking arrangement would prove more suitable for particular posts, group of employees or specific tasks, they should consider the aims and objectives of the scheme, advantages/benefits to be gained and the overall costs.
- 15.21 Managers should discuss this with the relevant employees and invite applications from those who may wish to be considered for homeworking.
- 15.22 Once suitable employees/posts for homeworking have been identified, managers should produce an action plan for implementation and submit this to the HR Department. Managers should consider the following:-
- Equipment/resources required
 - Number of employees involved
 - Training/support programme
 - Monitoring Process
 - Total Costs
 - Implementation Date
 - Trial Periods
 - Technology required

Criteria for homeworking

Does homeworking suit?

15.23 The success of homeworking depends on the homeworker holding the right personal qualities and skills and monitoring systems being developed. The following are some of the personal characteristics to be considered important for homeworking:-

- Employee can work without close supervision;
- Ability to manage own workload and meet deadlines;
- The ability to communicate well in writing and by telephone;
- Demonstrates self-motivation and discipline;
- Self-reliant and able to cope with reduced contact with colleagues;
- Manage the proximity of home and worklife.

Choosing a suitable location at home

15.24 Consideration has to be given to the suitability of the proposed location. The work site has to be adequate both for practical working and in terms of health and safety legislation:-

- Ideally an employee should have enough space to accommodate all necessary furniture and equipment;
- The room must be secure with regards to equipment and storage of confidential/sensitive information;
- Adequate storage and working space;
- Professional wiring and cabling with supports and cable tidies as appropriate;
- Appropriate temperature/humidity and ventilation systems;
- Appropriate electrical safety checks and certificates;
- Adequate access i.e. loft ladders into roof-space conversions are not acceptable;
- Noise control or screening from rest of home if necessary.

Suitable posts

15.25 Managers must give consideration to the jobs as some types of jobs are more suitable for homeworking than others. Posts which are information/advisory based or guidance led and can be clearly definable in output and programme terms. The work must be able to be done without face-to-face contact or direct supervision. If access to information is necessary on a daily basis, the information must be able to be retrieved either by telephone enquiry or electronically. Homeworking should cause no adverse effects on the level and quality of the service.

15.26 The following are some occupations/jobs/tasks which may be suitable for homeworking:-

Working at home

15.27 This would suit posts which are desk bound such as IT Specialists, data entry and typing, accountants, customer service helpline etc.

Working from home

15.28 This would suit posts which are able to work from home and do not necessarily need to be based at a work location.

Trial periods

- 15.29 For those working from home as a long term arrangement, there will be a six month probationary period to ensure that the new arrangements are satisfactory to both parties. If the Trust is of the opinion that the new arrangements are not satisfactory, management reserve the right to revert to previous working arrangements regarding an employee's place of work.
- 15.30 For those who work from home on an occasional basis, managers will review the homeworking arrangement on an ongoing basis to ensure its effectiveness.

Health and safety

- 15.31 Homeworking employees have the same responsibilities under the Health and Safety at Work Act as any other employee. Employees must take reasonable care of their own health and safety and that of anyone else who might be affected.

Employee development

- 15.32 Homeworkers require a high degree of aptitude and skill in the execution of their tasks. They have less access to assistance from colleagues or guidance from supervisors, and may need knowledge of a wider range of tasks that would normally be left to specialists in the office.
- 15.33 The extent and cost of additional training will vary however due to the amount and complexity of equipment installed at home, training should be:-
- How to use and maintain telecoms, computers and home office equipment;
 - Health and safety e.g. training for safe working practices and the safe operation of any equipment required in the course of the job;
 - Communications and time management skills;
 - Cultural adjustment and contact with the organisation;
 - Skills enhancement for career and personal development;
 - First aid, fire safety, accident reporting etc.
- 15.34 Managers should ensure that training needs are identified as part of the Performance and Development Review process and any issues discussed with the employee.
- 15.35 Advice and assistance can be obtained from the HR Department when preparing a training programme.

Management responsibilities

- 15.36 Once a request to homework has been approved, arrangements should be put in place to ensure a smooth transition from office based working to homeworking. Managing employees who work at home or at another location requires a different approach to that used in traditional face-to-face management. It is essential that when finalising a homeworking arrangement that the following issues have been agreed :-
- Clear objectives and tasks
 - Procedure for assessing/monitoring performance and outputs
 - Contracted hours and how to record hours worked
 - Communication and reporting procedures
 - Arrangements for face to face meetings i.e. contact periods

- Future training and development which should be agreed through individual personal development plans and as part of PDR discussions.
- Ordering, delivery and installation of necessary equipment

Employee responsibilities

Health and safety

- 15.37 It is the responsibility of each employee to take reasonable care to ensure the safety and security of the equipment and to maintain the working environment to the agreed health and safety standards.
- 15.38 Any equipment supplied by the Trust should be used for the Trust's work only. This is particularly important with respect to computer equipment due to the risk of introducing computer viruses.

Conduct

- 15.39 Employees are also responsible for ensuring any necessary confidentiality. Employees who work at or from home are still covered by the Trust's Code of Conduct and all other relevant policies.

Sickness absence

- 15.40 Employees should report their absence to their line manager within one hour of their normal commencement of work. The absence reporting procedures detailed in the Maximising Attendance Policy apply to all employees including homeworkers.

Third parties

- 15.41 Employees working from home are required to inform relevant third parties of their homeworking arrangements including:-

Insurance provider

- 15.42 Equipment provided will be covered by the Trust's insurance as long as the employee has taken reasonable care to ensure its safety and security. Employees will be required to inform their home and contents insurer that extra IT equipment has been provided and that they are homeworking. If an employee's home insurance increases as a result of homeworking, the Trust will reimburse the difference. Employees will be provided with guidelines from the Trust's insurer.

Mortgage and lease agreements

- 15.43 Homeworking may have implications for an employee's mortgage or lease agreement and are advised to consult their mortgage provider or landlord of their homeworking arrangements.

Taxation

- 15.44 Working from home may also have implications for capital gains tax as part of the home is used for business and employees should contact the Inland Revenue for a personal assessment. However, if the work location is not used solely for business purposes, no tax liability usually results from a move to homeworking.

Family and friends

- 15.45 As there is a need to balance work and home life, employees should inform their friends and family about their homeworking arrangements to ensure that there will be minimal interruptions.

Childcare arrangements

- 15.46 Homeworkers with children will be required to demonstrate that adequate childcare arrangements are in place. They should do this by discussing their childcare provisions with their line manager and if applying for homeworking via the flexible working scheme, detail this on their application form.
Should any employee have difficulty with childcare, this should immediately be brought to the attention of the employee's line manager.
- 15.47 Please note that for more information on working at home, an employee information booklet, 'Homeworker's Guide to Health and Safety', is available from the HR Department.

16. Job sharing scheme

Definition

- 16.1 Job Sharing is defined as the voluntary sharing by two persons of all the duties and responsibilities of one post. The salary and appropriate conditions of service will be shared on a pro-rata basis according to the hours worked by each job sharer.
- 16.2 It may be agreed that employees can work flexibly without going onto a job share pattern i.e. can work 3 days one week and 2 days the following week.

Scope of the scheme

- 16.3 Job Sharing will be available to job applicants and existing employees unless a post is advertised as being unsuitable.
- 16.4 All posts in the Trust will be considered eligible for job sharing, subject to the needs and requirements of a particular department. Where a line manager considers that a particular post or group of posts is not suitable for job sharing, a case must be submitted in writing to the HR Manager.
- 16.5 All posts will be advertised as suitable for job sharing unless otherwise indicated.
- 16.6 No employee may apply to hold two job sharing posts simultaneously.

Various means of accessing job sharing

- 16.7 Subject to the general conditions, in paragraphs 16.3 -16.6 above, job sharing can be accessed in a number of ways.
- 16.8 An existing post holder may apply to job share and the remaining portion of the post may then be advertised.
- 16.9 An employee returning from maternity leave who wishes to return on a job share basis can apply to do so and once agreed, the remaining portion of the post may then be advertised.
- 16.10 Two candidates can apply jointly for an advertised vacancy and both be successful.
- 16.11 One successful candidate can be appointed to a vacant post on a job share basis and the remaining portion may then be advertised.
- 16.12 Two candidates applying independently of each other can be appointed to a vacant post on a job share basis subject to both satisfying the requirements of the job.

Application for job sharing by existing employees

- 16.13 An existing employee who wishes to job share should apply in writing to the manager in their employing area, using the appropriate form, and give at least eight weeks notice of the proposed start of job sharing. This will allow time for advertising, interviewing and appointment procedures to be followed.
- 16.14 These time-scales also apply to employees on maternity leave wishing to return to work on a job sharing basis. It is not necessary for the applicant to have an identified partner.

- 16.15 The manager will acknowledge receipt of the application within three working days.
- 16.16 Employees do not need to wait until a partner is appointed but can begin job sharing after the end of the eight week notification period, subject to operational requirements.
- 16.17 Where a manager is of the view that the post in question is not suitable for job sharing, they must give reasons in writing to the employee within 3 weeks of receipt of the request and send a copy to the HR Manager. The employee may pursue the claim through the Trust's Grievance Procedures.
- 16.18 In the event that a post is not considered suitable for job sharing, the employing area will make every effort to redeploy the employee to a suitable alternative post.

Advertising, recruitment and selection of a job sharing post

- 16.19 All posts in the Trust will be advertised as suitable for flexible working unless otherwise indicated.
- 16.20 As outlined in paragraphs 16.13 -16.18 above, applicants wishing to job share can apply jointly or separately. Each potential sharer will be interviewed separately and will be appointed on their own merit. If only one job share applicant is appointed, the other part of the post will be re-advertised incorporating the phrase 'Job Share' after the Job Title.
- 16.21 Following individual interviews, job share applicants who are selected for the same post will be given the opportunity to meet each other, together with their manager. At this time, arrangements will be finalised and details included in the contracts of appointment.

When a job sharer leaves

- 16.22 In the case of the resignation of one job sharer, the remaining partner will normally be offered the total hours of the post. If such an increase is not acceptable to the remaining job sharer, subject to budgetary constraints, the vacant shared post may be advertised in accordance with the Trust's Recruitment Policy. The employing area should make every effort to find a replacement within a reasonable timescale.

Sharing arrangements

- 16.23 Ideally, each job share employee should work half the hours of the job to ensure an equitable working relationship between the two job sharers. Sharing arrangements out-with this may be permitted subject to approval by the Senior Manager of the employing area.
- 16.24 The division of hours and duties will be agreed by the manager in the employing area who will meet with the job sharers.

Updated January 2013

- 16.25 A post may be shared on a split day or a split week basis or 2/3 days on alternate weeks. Other sharing arrangements may be allowed, subject to approval by the employing area. The agreed arrangements will be contained in the employee's letter of employment. In reaching a decision, the employing area should take account of:-
- The wishes of the job sharing employees;
 - The type of work and its requirements;
 - The need to have an overlap;
 - The need to have a viable package to attract an applicant for the vacant half of the post.
- 16.26 Job sharers will be given at least one month's notice in writing of any prospective change.
- 16.27 Good communication is essential to the effective operation of the Job Sharing Scheme. It will be the responsibility of the nominated manager to ensure that there is an equal division of work, clearly defined working practices and an effective communication system established between the job sharers.
- 16.28 The job sharers must share a commitment to establishing good communications to ensure that the job requirements are met. If necessary, a paid overlap period may be agreed by the Senior Manager of the employing area.

Salary scale

- 16.29 Each individual job sharer will be paid in accordance with the Conditions of Service.

Flexible working hours

- 16.30 Where appropriate, job sharers will be covered by the scheme of flexible working hours if it applies in the building in which they are based. Each job sharer must comply with the requirements to work their contracted hours within each 4 week accounting period.
- 16.31 Job sharers are entitled to the same conditions of service as full time employee although this will be pro-rated accordingly.

Updated January 2013

17. Flexible working

Flexible working hours scheme

Objectives of scheme

- 17.1 The Trust has agreed a flexible working scheme which provides managers with the ability to agree locally, variations to the scheme. The objectives of the flexible working hours scheme is:-
- To improve service delivery by allowing flexibility in working arrangements which accommodate service requirements and individual employee's circumstances
 - To allow employees to vary their starting and stopping times to a certain degree and arrange their work to coincide with operational deadlines.
- 17.2 The provision of a flexible working hours scheme should:-
- Contribute to the overall efficiency
 - Enhance the quality of service provided to customers of South Lanarkshire Leisure and Culture
 - Ensure operational needs of each of the areas are adhered to
- 17.3 It will not be possible for all employees to participate within the flexible working hours scheme, due to the service requirements of certain posts. South Lanarkshire Leisure and Culture, therefore reserves the right to exclude any such posts from participation in the scheme, whereby, inclusion would result in reduced effectiveness of customer service.

Role of managers

Management of scheme

- 17.4 Accountability for the arrangements of flexible working hours in relation to employees rests with the General Manager. Line managers are responsible and must be proactive in managing, controlling and communicating the objectives and mechanics of the scheme to their employees.
- 17.5 The flexible working hours scheme operates without core time. The overall aim is to allow employees greater flexibility when arranging their pattern of work as well as providing an improved level of service and access to the public. It also enables employees to vary their arrival and departure times to suit personal circumstances, for example, child care arrangements, attending dental appointments. It is of course imperative that the provision of customer service remains unaffected by the flexible working arrangements of employees.
- 17.6 The degree of flexibility of the working pattern is subject to agreement by management. Line managers play an important key role in monitoring and controlling the flexible working hours scheme and must, as far as possible, be fully informed of the expected working patterns of their employees. This is particularly important, for example, when an employee wishes to arrive mid-morning or depart early afternoon (i.e. during normal office hours). Prior to this arrangement being agreed, line managers must consider customer requirements and the possible restriction placed on the remaining employees. To ensure the scheme operates effectively, communication between management and employees is vital, as is teamwork and co-operation among colleagues.

- 17.7 Furthermore, as part of their normal supervisory responsibilities, line managers should ensure the following areas are managed:-
- The work load and availability of work for employees during the bandwidths (i.e. 8.00am - 7.00pm) especially when line managers are not present
 - The accumulation of flexi time credits which the available workload does not justify
 - The maintenance of adequate staffing at particular times or for particular tasks (e.g. reception points, mail duties)
 - Appropriate supervision is available
 - Flexibility by both employees and managers, for example, employees agreeing to work on until 7.00 pm to finish a task by a deadline when there is a peak in workload and in return
 - Management agreeing to later start times on those occasions when the cycle workload may have reduced.
- 17.8 All employees should be aware that flexible working hours are a facility and not a condition of service. Therefore, although the normal working week amounts to 35 hours, the flexibility of hours worked is subject to the needs of the Trust. Levels of performance and standards of customer service must be maintained at all times, which may require employees to vary their proposed working arrangements. In such instances, the line manager may feel it appropriate to introduce a rota system.
- 17.9 Ultimately, the success of any flexible working hours scheme largely depends upon trust and co-operation between line managers and their employees. It is the role of managers to ensure all employees are fully trained in the operation of the flexible working hours scheme in order that employees will:-
- Comply with the scheme;
 - Understand the need to maintain the service provision during normal office hours;
 - Ensure duties, which may require a variation of working pattern, or appropriate systematic rotas, are always undertaken ;
 - Enjoy the advantages of the scheme, while not accumulating flexi credits where no extra work is available or produced;
 - Are able to manage their time at work;
 - Understand that the facility of flexible working hours can be withdrawn following abuse of the scheme.

Flexible working hours print out

- 17.10 Managers with access to the electronic flexi system, Win Time, should log on daily to confirm details of the actual hours worked by individual employees and identify the exact times of arrival, lunch break, any business bookings during the day and the final departure time. Where Flexi systems are managed via a manual form process, managers should make daily checks of the forms.
- 17.11 Managers should take time to check the flexible working hours of employees by examining Win Time or paper forms on a daily basis. Where discrepancies are identified, supervisors should discuss them with the employees in question. Potential discrepancies may include -
- No lunch time bookings
 - No details of departure booking

- Using the business absence button on arrival

Flexible working hours exceptions report

- 17.12 Any adjustments to be made to the flexible working hours of employees should be notified to the HR Department.

Overtime

- 17.13 Employees will be paid for authorised overtime out-with the flexible working hours band.
- 16.14 Otherwise, an employee will only be paid for authorised overtime taking them beyond 154 hours in an accounting period; i.e. hours worked out-with the normal daily hours (8.45am - 4.45pm) but within the flexible working hours band (8.00am - 7.00pm).
- 17.15 Managers are responsible for ensuring that accumulated flexi credits are utilised where possible, therefore reducing the need to authorise overtime.
- 17.16 In special cases, approval may be given to pay overtime to employees on the flexible working hours scheme for authorised overtime worked beyond the standard hours but within the flexible working hours band where the employee has not accumulated 154 hours in the accounting period. This could happen in cases where it will not be possible for the employee to take appropriate flexi leave e.g. because of operational reasons or where the employee has already taken the maximum permitted flexi leave. This will be subject to agreement with the Senior Manager of the employing area.

Abuse of scheme

- 17.17 If, through the control process, it is established that an employee has been abusing the flexible working hours scheme, the line manager (or appropriate senior officer) has the discretion to exclude the employee from the scheme and impose a return to working normal daily hours. In addition, the Trust's disciplinary procedures may be invoked if an employee is found to be abusing the scheme. Employees removed from the scheme will still be required to book in and out using the electronic system, recording their normal hours.

Principles of the flexible working hours scheme

Operation of scheme

- 17.18 For those employees operating the flexi scheme normal working hours will be:-

Monday - Thursday	8.45 am - 4.45 pm Lunch break of 1 hour
Friday	8.45 am - 4.15 pm Lunch break of 1/2 hour

Areas which fall out-with these arrangements are expected to adopt local arrangements which follow the same general principles of the scheme.

Updated January 2013

- 17.19 Due to the removal of core time, the pattern of work is flexible. However, the flexibility of working hours must be agreed with an appropriate manager, prior to any arrangements being made. In addition, employees must co-operate with colleagues to ensure minimum disruption to the provision of customer service as well as the efficiency and output of work from the team.

Bandwidths

- 17.20 These are the hours during which time credits can be accumulated during working hours for employees participating in the scheme and consists of the earliest start time and latest finish. Within South Lanarkshire Leisure and Culture, this will be 8.00am until 7.00pm.

Lunch break

- 17.21 A lunch break should be taken by all employees. This is subject to a minimum of 1/2 hour and a maximum of 2 hours.

Personal appointments

- 17.22 Whenever possible, employees should be encouraged to make an appointment outside normal working hours. However, management recognise that this is not always possible. In such circumstances, the new arrangements for the Trust's flexible working hours scheme which provide employees with greater flexibility should alleviate some difficulties faced. Therefore when organising appointment's, such as dentist, solicitors or doctors, employees should utilise their flexi time to attend, taking into account operational needs of the section.

Accounting period

- 17.23 The accounting period is the period over which actual hours of attendance are compared to contracted hours and any time credits or debits identified. The accounting period covers 4 weeks.

Flexi terminals

- 17.24 Employees should ensure that they book in and out at the flexi terminal nearest their place of work.

Flexi credit

- 17.25 A maximum of 14 hours per accounting period can be carried forward. Employees will automatically lose flexi credits in excess of 14 hours at the end of each accounting period.
- 17.26 Job sharers, working 17.5 hours per week or 35 hours per fortnight, are entitled to carry forward a maximum of 14 hours per accounting period. Any excess flexi credits will automatically be deducted. Those employees, whose job share working pattern differs from the standard, will be entitled to carry forward maximum flexi credits based on the pro-rata calculation. A manual adjustment to deduct excess credits will be required in such circumstances.

Flexi debit

- 17.27 A maximum of 7 hours flexi deficit can be carried over into the next accounting period. However, managers must highlight any such deficit to employees concerned, ensure

they are fully aware of the need to clear this and obtain a credit balance at the end of each accounting period.

Flexi leave

17.28 There is no annual limit to the amount of time off, (which is less than one complete day), that managers can allow employees to take. However employees must be aware of the requirements to discuss and agree time off in advance with line management and give full consideration to the needs of their customers. For flexi time which amounts to one complete day, employees are permitted to take a maximum of one day per accounting period subject to a maximum of 9 days per annum. Ultimately, the efficiency and effectiveness of service provision should not be affected by the flexi leave taken by employees.

17.29 A request for one day's leave can only be granted where 7 hours credit already exists.

Absences

17.30 Absence, such as annual leave, special leave or official business must be recorded directly into the system by individual employees using Wintime.

Other absences

17.31 Flexi credits will not be given in respect of the following:-

- Car breakdown;
- Transport failure;
- Adverse weather conditions;
- Travelling time.

Termination of employment

17.32 On termination of their employment with the Trust, employees will not be entitled to receive payment in respect of accumulated flexi credit. However, any flexi deficit which exists on the last day of service will be deducted from the employees final pay.

Cards

17.33 It is the responsibility of each employee to take care of their card. Replacement cards will be provided to employees who lose or damage their cards, however the associated costs will be required to be met by the employing department.

Manual recording of flexi

17.34 Many work locations within the Trust do not have an electronic system for the recording of flexible working hours. In such instances, the patterns of attendance will be recorded using standard forms.

Time recording

17.35 All employees participating in the scheme will be issued with a standard form for recording their actual attendance during each accounting period.

Arrival/ departure procedure

17.36 Employees are required to manually record their arrival and departure times on a daily basis. Supervisors will initial their form on a daily basis.

Updated January 2013

Actual hours worked

- 17.37 The total number of hours worked each day should be recorded in the appropriate box and totaled at the end of each week.

Flexi time balance

- 17.38 Credit/Debit balances should be calculated daily. At the end of each accounting period supervisors should authorise the balance to be carried forward to the next accounting period making any necessary adjustments e.g. maximum credit of 14 hours.

Role of the nominated supervisor

- 17.39 Supervisors are responsible for verifying the times recorded by individual employees each day including an arithmetic check of totals/calculations.

Accounting period

- 17.40 There will be common accounting periods for all employees on the flexible working hours scheme.

Principles of manual system

- 17.41 The manual recording system operates on the same principle as the electronic flexi system.

18. Severe weather policy

- 18.1 South Lanarkshire Leisure and Culture covers both rural and urban areas and, in recognition of possible difficulties which employees may face during severe weather conditions the following guidelines will apply.

Employee responsibility

- 18.2 Each employee is responsible for ensuring their attendance at work, and should not assume that they will automatically be paid or given time back for days or shifts on which they are unable to attend. The onus for attendance at work rests with the individual.

Trust responsibility

- 18.3 Managers within areas should ensure that contingency planning takes place for dealing with severe weather conditions and should ensure employees have been informed and are aware of action required of them should a severe weather situation occur. This includes ensuring appropriate alternative locations and alternative duties are discussed and agreed with the appropriate Trade Unions and communicated to employees. Contingency planning should also include, as required, discussions with other areas within the Trust.

Notification

- 18.4 Any employee who is unable to attend work due to severe weather conditions, must telephone their line manager in person to advise them of the situation as early as possible before they are due to commence work. An employee must notify their manager as soon as possible each day that severe weather continues to prevent attendance at work. An alternative line manager should be nominated for any employee unable to contact their immediate line manager.
- 18.5 Line managers should discuss at this stage the options that are available to an employee. For example, an employee who does not wish to remain available for work at any point on a day of severe weather, may, where accessible, request annual or flexi leave. If granted this will not be credited back at a later date.

Annual leave

- 18.6 Annual leave can be requested by employees to cover their absence from work due to severe weather where an individual does not wish to remain available for work. Requests for leave on the day of severe weather will be considered by the appropriate line manager.

Flexi leave

- 18.7 Flexi leave can be requested by employees to cover absence due to severe weather where an individual does not wish to remain available for work and will be considered by the line manager. This flexi leave will not be credited back at a later date.
- 18.8 An employee who is in a debit position as a result of non-attendance for reduced hours will be allowed to exceed the maximum debit of 7 hours at the end of the accounting period and to make up the excess debit over the next accounting period.
- 18.9 The scheme of Flexible Working Hours is intended to provide an improved level of service to the public as well as providing employees with greater flexibility when

arranging their pattern of work.

This should be used where possible in the first instance, where an individual wishes to remain available for work, and a late arrival or early departure allows the individual to travel in clearer road conditions. When used for this reason flexi leave taken should be credited back to an individual.

- 18.10 If an individual wishes to remain available for work, they will be expected to attend work as soon as possible. It is an individual's responsibility to contact their line manager regularly to update them on their situation as it changes, and advise them as soon as it is possible to travel to an appropriate work location. The appropriate line manager will be responsible for ensuring that information with regards to an individual's circumstances throughout the day are recorded.

Options available

- 18.11 For those employees who do not apply for annual or flexi leave and who therefore remain available for work, managers will ensure the following:-

Alternative location

- 18.12 Line managers will ensure appropriate alternative work locations are available and are responsible for ensuring these are communicated to appropriate groups of employees, who will then be expected to attend the alternative location.

Homeworking

- 18.13 If an employee cannot attend work due to severe weather conditions homeworking may be an option. This should be agreed with the line manager.

Alternative duties

- 18.14 Managers will also identify for appropriate groups of employee's, alternative duties to be undertaken when normal duties cannot, these alternative duties should be appropriate to the individuals post and training.
- 18.15 Area specific plans will be available outlining particular arrangements within specific areas. Alternative locations and duties will be discussed and agreed with the Trade Unions at a local level.

Operation of premises

- 18.16 On occasions where weather conditions are severe it may be necessary for the appropriate Senior Manager to review the opening/closure of premises in a locality. Where severe weather conditions affect a number of premises or localities, the General Manager, will review any potential closure. An employee not at work will not be affected by a decision to close a particular premise.
- 18.17 Where adverse weather conditions occur during the working day, the appropriate line manager may permit employees to leave early. Managers should give priority to those employees most likely to have difficulty travelling home in a reasonable time. Managers should take into account where employees live and modes of transport used. However, where possible a minimum number of employees should remain at work until normal finishing time in order to maintain services.

18.18 Where an employee is required to remain at work in these circumstances and is then unable to return home, the appropriate Manager in consultation with the appropriate Senior Manager can authorise reasonable accommodation expenses, having first being satisfied of the necessity of the requirement and the lack of any suitable alternative.

Non attendance

18.19 Employees should note that there will be no automatic award of special leave for non-attendance. Only when an employee meets the following criteria will the appropriate Senior Manager consider special leave:-

- Every effort has been made to get to their place of work such as travelling later in the morning if the weather has improved;
- Where no alternative workplace is available and this is confirmed by the appropriate area personnel;
- Where alternative duties are not available;
- Where homeworking is not appropriate.

18.20 Line Managers should ensure the appropriate information is available for each individual employee affected by severe weather conditions. Senior Managers should be satisfied that a genuine attempt to attend work was made before authorising special leave/flexi credit and should use the information collected by managers to determine if an individual has met the required criteria.