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**LEAVE OF ABSENCE POLICY**

A guide for staff on NAPA’s policies surrounding leave, annual or otherwise  
This policy will be reviewed on an ongoing basis, at least once a year. NAPA will amend this policy, following consultation, where appropriate.

Date of last review: 02/09/2021

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**General notes on leave**

1. The holiday year runs from 1st Sep to 31st Aug, except where conditions of employment specify other arrangements.
2. Annual holiday entitlement is outlined in your contract of employment. If you are unsure of this, please seek clarification from the Chief Executive.
3. New entrants shall be entitled in the first year to annual leave proportionate to the completed months of service.
4. Any employee who leaves will be entitled to annual leave proportionate to the number of completed months of service during that year.
5. If an employee falls sick during annual leave and produces a self-certificate this will be regarded as sick leave from the date of the certificate.
6. Subject to the exigencies of the service up to five days annual leave maybe carried forward on application and taken in the following year. Only in exceptional circumstances and with the approval of the Chief Executive can the five days carried forward be increased.

**Procedure**

* Employees should give as much notice as possible when requesting annual leave and not less than one weeks’ notice, except in exceptional circumstances.
* Application for special leave is by speaking directly to the Chief Executive at the earliest opportunity.

**Special Leave**

NAPA recognises that their employees will, from time to time, encounter personal circumstances requiring absence form work which cannot be accommodated through normal time off or leave arrangements. The purpose of this policy is to help employees balance the demands of domestic and work responsibilities at time of urgent and unforeseen need through the provision of paid or unpaid leave according to circumstances and to ensure fairness and consistency to aid the individual in time of need and to ensure fairness and consistency by managers in granting such absence.

**The Policy**

It is acknowledged that staff make tremendous efforts in order to attend work and cope with family demands. On occasion this requires requests for taking of Lieu Time, taking of annual leave etc. The special leave provisions outlined below are provided in the recognition that circumstances may arise which cannot be fully accommodated by such means. The allocation of such leave is dependent on individual circumstances.

On a day-to-day basis such discretion is vested in the Chief Executive with recourse to the Board of Trustees in exceptional circumstances. Such leave is intended to help staff balance the demands of domestic and work responsibilities at times of urgent and unforeseen need through the provision of paid or unpaid leave according to circumstances. Leave granted under these arrangements is not intended for long term domestic and family needs.

The Chief Executive has a responsibility to ensure that the application of the provisions of this policy is consistently applied.

**Carers’ leave and compassionate leave**

The aim of such leave is to provide a compassionate response to immediate needs. It will be essentially short term and normally with pay.

The circumstances which are likely to arise and result in a request for such paid leave are for example, bereavement, sudden illness of a child, close relative or dependent when no alternative arrangements can be found; breakdown of normal carer arrangements and to facilitate making arrangements for longer term coping with a care problem.

The normal number of days allowed under such a heading will be up to three days paid leave. This could be a single circumstance of three days (eg for bereavement) or three separate days spread over a year (eg for care of a relative). Depending on circumstances, an extension up to a maximum of six days may be granted to meet individual circumstance. This period may be further extended where there are extenuating circumstances by agreement with the Chief Executive. Where circumstances require a longer period of absence see provisions for unpaid and long-term leave.

Request for such leave should be submitted by contacting the Chief Executive directly.

**Bereavement Circumstances**

**Immediate Family**

On the death of a father, mother, partner, child, sister or brother, it is recommended that up to three days of compassionate leave with pay be authorised. The period may be extended up to a further three days (i.e. six days maximum) to meet individual circumstances. This period may be further extended where there are extenuating circumstances by agreement with the Chief Executive. This leave should not normally extend beyond the dates of the funeral unless this takes place away from the employee’s home area. If, in extreme circumstances, an employee remains too distressed to return to work they should contact the Chief Executive for advice with regard to action required.

**Other Relatives/Close friends**

It is recommended that up to one day’s compassionate leave with pay be submitted (day of funeral) although in special circumstances this may be increased. Where, however, the employee has the responsibility to make arrangements for the funeral, up to three days leave with pay should be authorised.

**Other urgent domestic circumstances**

Under this general heading employees may request paid leave for specific difficulties which are sudden and temporary in nature e.g. illness of a child, breakdown of existing cares arrangements etc. In these circumstances, it is expected that employees will have already explored other alternatives to resolve the difficulty without success. The granting of short-term carer leave will be at the discretion of the Chief Executive.

The overall normal allocation for such circumstances is three days in any one leave year, either together or separately. However, further paid leave in extreme circumstances may be granted at the discretion of the Trustees committee. Other options include requests for annual leave, unpaid leave or long term leave should the problem be of a longer nature.

**Adoption leave**

The nature and period of such leave will be largely determined by:

* The requirements of the formal adoption procedures
* When the child first comes under the adoptive parents’ full-time care and attention
* The age of the child and any special home care needs

There may be other special and particular needs to be taken into account.

Where the child is under five or designated as having special needs, a period of two weeks at full paid leave and four weeks at half paid leave will normally be granted to the primary carer of the child. Where a child is over five, one week’s full paid leave and two weeks half paid leave will normally be granted to the primary carer.

Request for adoption leave must be submitted in writing, together with some form of supporting evidence (eg a letter from the local Social Services Department). The Chief Executive will then acknowledge the written request and notify the employee, in writing, of the leave and pay entitlements concerned with a copy to the Administrator to ensure appropriate payment is made. The full range of adoption leave will be granted to the primary carer of the child.

**Maternity Leave**

Eligible employees can take up to 52 weeks’ maternity leave. The first 26 weeks is known as ‘Ordinary Maternity Leave’, the last 26 weeks as ‘Additional Maternity Leave’. The earliest that leave can be taken is 11 weeks before the expected week of childbirth unless the baby is born early.

Employees must take at least 2 weeks after the birth.

Maternity Pay for eligible employees can be paid for up to 39 weeks, usually as follows:

The first 6 weeks: 100% of their average weekly earnings (AWE) before tax. The remaining 33 weeks: at the current statutory pay or 90% of their AWE (whichever is lower).

Tax and National Insurance need to be deducted.

**Paternity Leave**

Where a prospective father or co-parent wishes to accompany their partner to ante-natal classes or obstetrics appointments this should be accommodated wherever possible. This would normally be through annual leave, Lieu Time etc. The Chief Executive may, however, grant paid leave for up to four such occasions, in special circumstances.

In addition a maximum of three days paternity leave should be made available at the time of the birth, or if more help is required by the family, at some period following the birth etc. when mother and baby leave hospital. The three days may be taken together or separately in units of half days etc. The Chief Executive has the discretion to give up to five days depending on the needs of the individual and the family.

**Shared Parental Leave**

If you have a partner, you might be able to use Shared Parental Leave (SPL). This means you end your maternity leave early and what’s left of your entitlement can be used more flexibly between you and your partner.

You must still take a minimum of 2 weeks’ maternity leave after your baby’s born.

You can decide to take SPL after you have started maternity leave, but it’s best to plan it and let your employer know as early as possible.

**Unpaid Leave**

It is anticipated that any requests for unpaid leave to help cope with any of the above situations would normally follow after the expiry of annual leave. Depending on circumstances, requests will, however, be considered for unpaid leave prior to expiry of annual leave.

Consideration could also be given to long term leave as outlined below in appropriate circumstances. Employees should note that unpaid leave does not count towards holiday entitlement and would require repayment of employee’s superannuation contributions for the period in order to provide continuity of pensionable service. Unpaid leave of up to five days may be authorised by the Chief Executive. This period may be further extended where there are extenuating circumstances by agreement with the Chief Executive.

Written confirmation of authorisation of unpaid leave should be formally notified to the employee by the Chief Executive granting the leave and copied to the Administrator to ensure appropriate deductions of pay.

**Long Term Leave**

Where the above provisions are inadequate to meet individual circumstances, employees may apply for a period of long term leave to assist with problems. This would be provided on an unpaid basis. The normal maximum period would be three months, subject to monthly review, with extension in exceptional circumstances e.g. terminal illness. Such requests should be made to the Chief Executive or Board of Trustees.

In applying for long term leave, employees must be prepared to advise of the likely timescale anticipated and co-operate in reviewing the situation with the Chief Executive on a regular basis. Employees will receive advice regarding their position with the National Insurance scheme, superannuation scheme and holiday entitlement.

Consideration of the application will need to assess service needs and the availability of temporary replacement staff where applicable.

**Contact with a notifiable disease**

Employees who are required to be absent from work following contact with a case of notifiable disease, shall be granted special leave with full pay.  
Employees who are under medical observation may be deemed incapable of work for the purpose of SSP or sickness benefit.

**Jury Service**

Employees who are called for jury service shall be granted special leave with pay for the full duration of their service. No travelling expenses or subsistence allowances shall be paid.

**Magisterial Duties**

Employees who undertake magisterial duties may with discretion and subject to the exigencies of the service be granted special leave with pay, not exceeding 18 days in any twelve-month period.

**Special Paid Leave – Employment Protection (Consolidation Act 1978)**

Listed below are some examples for which special paid leave shall be given under the above act.

1. Serving as a justice of the peace.
2. Membership of a local authority.
3. Membership of the Broads Authority.
4. Membership of any statutory tribunal.
5. Membership of a Board of Prison Visitors.
6. Membership of, in England and Wales, the managing or governing body of an education establishment maintained by a local education authority or academy.

**Other Provisions**

Special leave with pay shall be made available in the following circumstances.

1. Attendance at court as a witness.
2. Training with the reserve and cadet force.
3. Attendance as a witness at appeal hearings.
4. Attendance at meetings of community health councils.
5. Attendance at interviews following redundancy or termination of fixed term contracts.
6. Attendance at Trade Union meetings.

Special leave for any other circumstances may be granted at the discretion of the Chief Executive.

**Appeals Arrangements**

Should any employee feel that the application of the above arrangements has not been fairly applied they should raise the matter through the grievance procedure.