



## PORTISHEAD TOWN COUNCIL

### LEAVE, SICKNESS & TOIL POLICY UPDATE & CLARIFICATION

DATED 30 APRIL 2020

#### DRAFT FOR DISCUSSION

#### General

This document supplements and updates PTC Holiday, Attendance, Overtime and TOIL and related Policies with effect from 1 April 2020. It is intended to provide clarification and harmonisation of working practices and forms part of and amends staff contractual terms. Where the following provisions differ from existing contractual terms or policies it amends them and takes precedence over them.

#### Annual leave

- Staff annual holiday and leave entitlements are set out in employment contracts and summarised in the Annual PTC Holiday, Sick and TOIL Record for each staff member.
- Basic and minimum leave entitlement for each member of full-time staff for 2020-21 and subsequent years is:

a). <b>Holiday</b> , to be taken at the discretion of the employee	21 days per annum
b). <b>Special Christmas leave</b> , to be taken between 25 Dec & 1 Jan	2 days per annum
c). <b>Statutory Public Holidays</b> , to be taken if falls on a normal working day	8 days per annum
 Total minimum leave entitlement	 31 days per annum

These minimum entitlements are for full-time staff with normal contracted hours of not less than 37 hours per week. Part-time staff (normally working less than 37 hours a week) and new staff (joining during a year) shall have a pro-rata entitlement to their hours and length of employment.

- Where employment contracts have provision for additional leave in excess of the minimum entitlement (for example by reason of length of service) their provisions shall continue to apply and shall increase the Holiday entitlement accordingly. However total Holiday and Special Christmas leave shall not exceed 28 days in aggregate.
- Where Statutory Public Holidays in any year are more or less than 8 days, the annual Holiday entitlement shall be correspondingly reduced or increased (by the excess or shortfall relative to 8 days).
- Special Christmas leave must be taken on normal working days between Christmas Day and New Years day. If not taken during this period entitlement is forfeited.

- Statutory Public Holiday leave must be taken where the public holiday falls on a normal working day, unless otherwise agreed. Where a public holiday falls on a non-working day the normal Holiday entitlement of the employee is correspondingly increased.
- Holiday requests must be made in good time and at least seven full days in advance of the requested holiday period, using the [Holiday Request Form]. Requests submitted with less than 7 days' notice will be considered on a best endeavours basis and granted where practically possible. Advance approval is required for all Holidays (approval is not required for Special Christmas Leave and Statutory Public Holiday leave taken in accordance with the above).
- Requests to cancel approved Holiday must be made at least seven full days in advance of the approved holiday period. Requests submitted with less than 7 days' notice will be considered on a best endeavours basis and granted where practically possible. Requests to cancel leave will be considered based upon the circumstances and may be granted in whole or part.
- Holidays approved and taken, and accumulated balances must be recorded in the Annual PTC Holiday, Sick and TOIL Record by the employee and will be reviewed on a monthly basis, as part of payroll procedures.
- Where Holiday entitlement (including any brought forward balance) is not fully used by the end of a holiday year (31 March) the unutilised balance up to a maximum of 5 normal working days (calculated in hours by reference to normal average working hours per day) may be carried forward to the subsequent holiday year. Unutilised holiday balances in excess of that amount are forfeited without and compensation or payment-in-lieu.
- Due to the extenuating circumstances of Coronavirus, where it is not reasonably practicable for a worker to take some, or all, of the holiday to which they are entitled due to the coronavirus, they have a right to carry up to 4 weeks into the next 2 leave years<sup>1</sup>. In accordance with this regulation, the above provision is relaxed, for staff working on coronavirus activities, to enable a carry forward on unutilised Holiday balances equivalent to 20 working normal days until 31 March 2023. The maximum carry forward of any unutilised balance at 31 March 2022 shall be reduced to 5 normal working days, with any balance in excess of that amount being forfeited without and compensation or payment-in-lieu.

#### **Time Off in Lieu (TOIL) & Overtime**

- The PTC TOIL Policy remains in force. The objective of TOIL is to enable flexible working, providing staff with autonomy to work more than normal hours where required and to recover on a subsequent day by working less. TOIL should not be used to accumulate overtime balances (that require specific authorisation).

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<sup>1</sup> The Working Time (Coronavirus)(Amendment) Regulations 2020 amend the Working Time Regulations 1998.

- Staff are trusted to work flexibly and responsibly self-manage TOIL balances. However, should staff wish to formally track TOIL amounts the Annual PTC Holiday, Sick and TOIL Record should be used.
- Accumulated TOIL balances should not exceed 2 normal working days (equivalent hours), without approval. However, during the period of the Coronavirus community support, for staff working on Coronavirus activities, the maximum TOIL balance that may be accumulated (without approval) is temporarily increased to 5 normal working days (equivalent hours).
- Staff likely to exceed the maximum TOIL balance should contact their manager to discuss extenuating circumstances and seek approval for any additional TOIL or Overtime.
- Overtime should not be worked without specific approval in advance. However, an agreement to work up to a certain number of additional hours may be reached for a defined period to manage in exceptional cases. Such agreements should be documented in writing. Overtime, where agreed, will be paid at normal hourly rates.
- As part of the process of agreeing overtime, staff are expected to provide details of what tasks cannot be done within normal working hours and the priority of work on hand and what tasks can be deferred or not undertaken as an alternative to working overtime.
- Overtime where approved (or agreed to be paid as an adjustment of accumulated TOIL balances) should be recorded in Annual PTC Holiday, Sick and TOIL Record and will be discussed on a monthly basis with the employee as part of the payroll process.

#### **Sickness**

- The PTC Attendance Policy remains in force.
- Staff who are sick must complete and return the [PTC Absence Return to Work Form](#) and discuss it with their manager. There is capacity to record sickness absence within the Annual PTC Holiday, Sick and TOIL Record if this is being used by staff (for TOIL/Overtime purposes).

#### **Special Coronavirus Situation**

- It is appreciated that staff working on the Coronavirus response are a special case and additional hours may need to be worked. There is also a need to keep accumulated holiday and TOIL balances to manageable levels, notwithstanding the increased ability to carry forward holiday balances.
- In response to these circumstances the following offer is made to PTC staff.
  - a). Accumulated TOIL balances at the end of April are reduced to nil, by a payment of overtime. Thereafter TOIL to be operated in accordance with the above policy with excess TOIL requests being dealt with on an individual basis; and/or
  - b). Accumulated holiday balances at 31 March 2020, up to a maximum of 4 normal working weeks may be carried forward up to 31 March 2022. Alternatively, staff may surrender all or part of accumulated and carried forward balances in excess of 5 normal working days, for a payment equal to half the surrendered balance at normal hourly rates.

This offer is designed to enable staff to be remunerated for balances that they would otherwise not be able to use, to stop build-up of excessive balances, and recognise the special circumstances that some staff are working under due to the Coronavirus situation. It also reflects the fact that accumulated Holiday balances at 31 March 2020 will have largely been accumulated prior to additional Coronavirus requirements and would otherwise lapse (where in excess of 5 normal working days).

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