



Leave and time off policy and procedure P201

Introduction

Norfolk County Council (NCC) is committed to supporting employees achieve a work/life balance. This policy outlines the options available for taking time off work, whether paid or unpaid. However, sometimes it may be more appropriate to consider different ways of working such as flexible working or working from home.

Scope

This policy applies to all employees covered by the NJC for LGS (Green Book) conditions of service unless stated otherwise.

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1 Annual leave

Statutory entitlement - 5.6 weeks paid annual leave including public/bank holidays, pro rata for part time employees.

NCC entitlement - dependent on grade and continuous service and does not include public/bank holidays (see Continuous employment guidance notes G102a for more information on continuous service). The table below shows the different annual leave entitlements for staff on Local Government Services Conditions of Service Handbook (Green Book).

Scale	Length of continuous service in complete years immediately before the start of leave year		
	Below 5	5 or more but less than 10	10 or more
Scale A – E	24 days	29 days	29 days
Scale F – G	25 days	29 days	29 days
Scale H – M	27 days	29 days	30 days
Scale N and above	28 days	29 days	31 days

Senior officers employed on the terms and conditions of the Joint Negotiating Committee for Chief Officers of Local Authorities (JNC) are entitled to 30 days plus 4 local additional days per annum.

Contractual annual leave entitlement for employees new to NCC should be calculated from **the first of the month** in which they start. Employees moving within NCC to a new post take any outstanding annual leave with them.

When an employee’s length of continuous service triggers a new entitlement during the annual leave year the employee’s entitlement should be recalculated to reflect the amount on a pro rata basis.

The [Annual leave calculator G201a](#) is available to assist with calculating annual leave entitlement except for employees on term time only contracts or casual workers.

Eligible employees may also buy additional annual leave in line with the [Buying additional annual leave policy and procedure P219](#).

1.1 Leave year

The annual leave year begins on 1 April and ends 31 March, unless otherwise locally agreed.



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1.2 Annual leave & overtime

Contractual overtime counts for the purposes of annual leave, as this is part of the substantive contractual arrangements of the post.

However, casual overtime does not count in the calculation of annual leave entitlement. Any additional hours employees work should be recorded on the flex sheet, where the flexitime scheme is operating, or using the relevant claim form (found in the [Additional Hours and Overtime Policy and Procedure P214](#)).

Where there are high, regular levels of casual overtime, managers should review whether it should be contractual on a permanent or temporary basis, at which point leave entitlement would need to be re-calculated.

1.3 Annual leave requests

Employees should request annual leave with their manager as soon as possible.

Managers must consider all requests for annual leave and ensure there is adequate cover to meet the demands of the service. The manager has the right to decline an employee's request for annual leave.

Employees may request leave to attend a religious festival or spiritual observance and managers should consider these requests sympathetically where the needs of the business allow this.

1.4 Public/Bank holidays

Part-time employees receive the benefit of all public and bank holidays on a pro-rata basis and should hold a 'bank' of hours. For each public and bank holiday that falls on a day an employee would normally work, the number of hours they would work should be deducted from their 'bank'.

Any 'bank' hours that are not used can be taken as annual leave. Where there are not enough 'bank' hours to cover the public/bank holidays, annual leave hours should be used or an employee could work extra time during the working week where possible. The 'bank' and time taken for public holidays should be recorded on the employee's [Annual leave record form F201](#).

1.5 Carrying annual leave over leave years

All employees should take their full annual leave entitlement during the leave year and managers should regularly monitor this. Where this is not possible, managers have the discretion to allow up to three days to be carried over to the next leave year. The leave should be taken, where possible, within the first two months of the new leave year.

In exceptional circumstances a manager may allow an additional two days to be carried over (five days in total). Example situations include:

- where a manager is genuinely unable to allow an employee to take some of their annual leave entitlement due to workload



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- where an employee is planning an extended holiday or to return to their country of origin.

If an employee has not been able to take their annual leave entitlement due to long term sickness absence refer to section 1.8.3.

Please refer to the relevant policy/procedure for details of the impact of maternity, adoption, surrogacy or paternity leave on taking annual leave.

1.6 Annual leave and suspension

Where an employee's leave request is not approved because of an investigation or hearing, and this means the leave entitlement cannot be taken in the current leave year, managers may consider allowing them to carry over the appropriate amount of leave to the following annual leave year.

1.7 Employees leaving NCC

All employees are entitled to an annual leave entitlement based on the period worked in the current leave year, up to and including their last day.

All annual leave should be taken before an employee leaves.

In exceptional circumstances beyond an employee's control, for example long term sickness that means outstanding leave cannot be taken, managers may approve annual leave being paid in lieu of notice.

If an employee has taken more than their accrued leave entitlement, their manager should meet with them to discuss this and ensure it is documented on the Resource Management System. This will ensure payment for this is recovered, usually by deducting the appropriate amount from the final salary payment, but if it cannot be recovered in this way it will be treated as an overpayment.

1.8 Annual leave and sickness absence

1.8.1 Sickness during a period of annual leave

Employees who are due to take, or are on annual leave, and are sick may reclaim the annual leave if they provide appropriate medical certification. The absence will then be recorded as sickness absence.

1.8.2 Annual leave whilst on long-term sickness absence

Employees continue to accrue annual leave while they are absent due to sickness absence.

Employees may request to take annual leave during a period of long term sickness absence, however they are not obliged to do so. An employee can only take their accrued statutory annual leave entitlement whilst off sick (see section 1.1).

During the requested annual leave the absence will be recorded as sickness absence and appropriate medical certification will be required. Moving between sick leave and annual



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leave will not 'break' the sickness, i.e. the period of sick leave will be continuous if it relates to the same sickness or injury prior to the period of annual leave. Taking annual leave during a period of sick leave does not trigger a new entitlement to sick pay or extend the length of time sick pay is paid. Where an employee takes annual leave during sick leave, statutory sick pay (SSP) will be offset against holiday pay. This means that any SSP due will count towards the holiday pay received.

Managers need to confirm the arrangements in writing to employees, including the dates of the annual leave, and send a copy to payroll to ensure correct payments are made.

1.8.3 Annual leave entitlement on return from long term sickness absence

On returning from long term sickness absence (or if an employee is not able to return to work from long term sickness absence and is leaving NCC) employees are entitled to take any contractual annual leave owed for the current leave year.

If there is not the opportunity to take the annual leave (i.e. they have just returned and there is not enough time in their current leave year) employees have the right to carry over any outstanding statutory entitlement to annual leave (see section 1.1).

Any bank holidays that happen during the absence will not be reimbursed unless they form part of an employee's statutory entitlement i.e. they only have a contractual entitlement to 24 days and failure to reimburse for bank holidays will mean they do not receive the statutory entitlement.

There may be difficulty in accommodating all of the carryover of annual leave in one annual leave year so managers should discuss this with HR Direct and the employee to identify and agree how this will be managed.

2 Time off for medical appointments

Employees should make all medical appointments outside working hours or by using flexible working arrangements. Where an appointment cannot be made outside of working hours or flexible working arrangements are not available, the time should normally be made up at a later date or take unpaid leave. However, in the following instances reasonable paid time off will normally be allowed:

- Specialist hospital appointments or treatment, including IPRS appointments
- Appointments or treatments where the manager agrees that the injury/sickness is work related
- Voluntary programmes which have positive social impacts, e.g. bone marrow or blood donation
- Mother's/primary parent's medical appointments and antenatal/parenting classes
- Time off work for treatment, rehabilitation or assessment related to a disability (see section 3)

Fathers/Partners may have two unpaid antenatal appointments. Please see the relevant maternity, adoption, surrogacy or paternity policy/procedure for more information.



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Fertility treatment will be considered by managers on a case by case basis. Managers may authorise reasonable time off but should consider alternative options i.e. flexitime, annual leave etc before this is agreed.

For non-essential cosmetic surgery, time off should be taken as annual leave, time off in lieu or additional unpaid leave. However, if an employee is unfit to work after the surgery they should notify their manager using the sickness absence procedures.

3 Disability leave

Disability leave is an example of a reasonable adjustment that aims to avoid employees taking annual leave or having a poor attendance record due to their disability. It provides reasonable paid time off work, is usually planned and is for a fixed period. Examples of disability leave include:

- Hospital or doctor appointments
- Training with an assistance animal
- Disability related treatment such as a blood transfusion, chemotherapy, radiotherapy or dialysis
- Servicing of necessary equipment or disability aids
- A reasonable extension to a phased return period based on medical advice
- To allow time for adjustments or adaptations to be made to the work environment.
- Other reasons connected with rehabilitation, assessment and treatment

Disability leave may not always be the most appropriate course of action. For example, where ongoing/regular assessment, treatment or rehabilitation is needed other reasonable adjustments may be considered i.e. flexible working arrangements, reduction in hours etc. The effectiveness of any such arrangements need to be monitored and reviewed.

If an employee is not well enough to attend work this must be recorded as sickness absence. This is not disability leave.

Employees who feel that they may be eligible for disability leave should discuss this with their manager first and make an application using F201c.

4 Compassionate leave - bereavement

All employees are entitled to request paid compassionate leave due to bereavement or to attend a funeral of a close relative, regardless of length of service.

4.1 Time off to attend a funeral

Managers may approve up to one day's paid leave to attend the funeral of a close relative.

A close relative is defined as an employee's child, parent, spouse or partner, next of kin or nominated next of kin, sibling, grandparent, grandchild or mother/father/brother/sister-in-law, aunt, uncle or cousin.



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Managers will make every effort to enable an employee time off to attend the funeral of other individuals not listed but employees should use annual leave, flex leave, additional unpaid leave or make up the time at a later date.

Managers must complete [F201f](#) to inform HR of any unpaid leave taken.

4.2 Additional compassionate leave - bereavement

Managers may approve up to four days further paid leave, in addition to the time off to attend a funeral, on a case by case basis. The leave does not have to be taken as consecutive days. Factors to consider include:

- Personal responsibilities of the employee e.g. the employee may need to arrange the funeral, register the death and manage the estate
- Geographical location of the funeral and the travelling time involved

When on rare occasions over five days is required, other forms of leave may be considered including annual leave, flex leave or additional unpaid leave.

5 Compassionate leave – ‘other’

In wholly exceptional circumstances Chief Officers may approve up to two weeks paid ‘other’ compassionate leave per annual leave year where it is impractical or unreasonable for the employee to use other forms of leave. An example situation would be if an employee’s house burnt down.

6 Emergency dependants leave

This provides reasonable unpaid time off for employees to deal with an emergency involving a dependant. There is no set amount, but in most cases 1 or 2 days should be enough. A dependant is a

- husband or wife
- partner
- child (includes a foster child or any child an employee may have legal parental responsibility for)
- parent
- foster carer
- friend or family member who lives with the employee but doesn’t pay rent
- someone who relies on the employee to care for them (e.g. an elderly neighbour)

Examples of emergencies covered:

Illness, injury or assault - includes mental or physical illnesses that do not have to be life-threatening and could be an existing condition that has worsened. However, this type of leave is not to be used to look after a dependant until they recover.

Disruption of care arrangements – a child minder or carer does not turn up to look after a dependant or a nursing home/school closes unexpectedly.



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If a dependant is involved in an incident during school time - an employee's child is suspended from school or taken ill during the course of the day.

If a situation is known about in advance it is not an emergency and would not be covered by emergency dependants leave e.g. taking a dependant to their planned hospital appointment.

Managers need to consider the individual circumstances and decide if emergency dependants leave is appropriate and discuss other leave options with the employee if not. If emergency dependants leave is taken the manager must inform HR by completing and forwarding the [F201f](#) so the appropriate pay deduction is made.

Managers also need to monitor the amount of dependants leave taken. If there is an impact on an employee's work this should be discussed with them. The **Emergency dependants leave record form F201a** can be used for this.

For the impact of emergency dependants leave on an employee's terms and conditions, please see section 16.

7 Parental leave

Parental leave is planned, unpaid time off for employees to look after their children or make arrangements for their welfare. Examples may include:

- spending more time with their children
- taking children to planned appointments
- looking at new schools
- settling children into new childcare arrangements

Employees must have one year's continuous service and be named on the child's birth/adoption certificate, or have or expect to have legal parental responsibility (this does not include foster parents unless they have secured parental responsibility through the Courts).

Employees may take up to 18 weeks per child up until their 18th birthday.

The Green Book states employees may take parental leave:

- as a single block of up to 18 weeks (or 18 weeks if the child is disabled)
- as a number of shorter periods of a minimum of half a day
- in patterns which provide a part time or reduced hours working arrangements for a period of time equivalent to taking 18 weeks (or 18 weeks for a disabled child)

One week equals the length of time an employee normally works in a week e.g. if an employee works three days a week, one 'week' of parental leave is three days. If an employee wishes to take less than a week they will only lose pay for the days not worked. A week will only be deducted from the overall entitlement to 18 weeks when the leave adds up to a normal working week.



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Parental leave must be recorded for each parent and for each child. Parents cannot transfer parental leave between them.

Employees need to provide their manager with evidence of eligibility and complete the [Parental leave record form F201b](#), providing 21 days' notice before the intended parental leave start date. Acceptable forms of evidence include the child's birth/adoption certificate and papers confirming legal parental responsibility.

Managers need to check employee's eligibility and assess whether to approve the request or postpone it (requests for parental leave cannot be refused). If agreeing a request, they need to send a copy of the evidence to HR for their personal file and no further checks will be required for future requests in respect of that child. The employee should also complete the [Unpaid leave request form F201f](#) so deductions can be made from their pay.

If delayed, parental leave must be allowed within 6 months from the original date of the leave being requested. Managers must discuss the reasons with the employee and confirm the postponement arrangements in writing, within 7 days from the employee's request using the [F201b](#).

However, parental leave cannot be postponed when an employee makes a request 21 days' before (or as soon as is reasonably practical) the expected week of childbirth/expected week of placement to take parental leave immediately after the birth of a child/expected week of placement.

For the impact of parental leave on an employee's terms and conditions, please see section 16.

8 Maternity support leave and adoption support leave

Maternity support leave (MSL) and adoption support leave (ASL) are five days paid leave for employees (pro rata for part time employees) who are nominated by the expectant mother/primary parent to assist in the care of the child and to provide them with support. The mother/primary parent does not have to be a local authority employee and only one nominated carer per expectant mother/primary parent can take advantage of MSL/ASL.

MSL must be taken around the time of the birth or up to 56 days after the birth. ASL must be taken at or around the time of placement.

In maternity leave, adoption leave and surrogacy leave cases, employees who also qualify for paternity leave may choose to 'top up' their first week of statutory paternity pay by taking MSL/ASL instead. This means the first week of leave cannot be taken before the birth of the child in maternity cases. For employees seeking to benefit from both MSL/ASL and paternity leave, there is a combined total leave entitlement of two weeks, i.e. the one week of MSL/ASL cannot be added to the two weeks of paternity leave to give three weeks of leave.

Requests for MSL and ASL should be made using [F208k](#) or [F208m](#). If requesting paternity leave and MSL/ASL together, either [F208a](#) should be completed for maternity cases, [F208d](#) for adoption cases or [F208j](#) for surrogacy cases.



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Further information can be found in the [Paternity policy P208b](#).

9 Leave for foster training

Managers are encouraged to support any employees who wish to apply to become a foster carer in light of NCC's corporate parent responsibilities.

Paid leave for foster training applies to all NCC employees who apply to become a foster carer and have been accepted for assessment by the fostering service. Employees should provide their manager with a letter from the fostering service to confirm they have been accepted onto the formal assessment process.

Employees may request up to 8 days paid leave to participate in the formal fostering assessment and preparation training process, where this commitment occurs during their normal working hours. Where the commitment falls outside normal working hours, there will be no entitlement to paid time off at another time.

Employees need to inform their manager of the amount of time off likely to be required and when in advance. Managers should give fair and consistent consideration to requests for time off. A request can be refused but the reasons for doing this should be explained to an employee.

10 Jury service and other court attendance

10.1 Jury service

NCC has a legal obligation to allow an employee to serve as a juror if they are called up, for as long as is necessary.

NCC will continue to pay an employee, who must claim juror's allowance from the court which will then be deducted from their pay. The juror's allowance compensates for an employee's loss of earnings, so if they attend court for longer than their normal working hours, no additional payment will be made.

During the period of jury service an employee may be released early. If this happens they should contact their manager to discuss whether it is practical to return to work for the rest of the day.

Employees should notify their manager of the dates for jury service as soon as they receive a jury summons. They should then complete the [Jury service/compulsory court attendance notification form F201d](#) and loss of earnings certificate form when they receive the summons and send these to Human Resources before the court service. The loss of earnings form will be completed and returned to the employee so they can take it with them on their first day in court. The [Jury service/compulsory court attendance confirmation form F201e](#) should be completed once the jury service has ended or if it is cancelled.

10.2 Court attendance

10.2.1 Court attendance on behalf of NCC

If an employee is called to be a witness, defendant or plaintiff on behalf of NCC they will be paid as normal to attend court. They must claim the appropriate allowance for loss of



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earnings from the court and follow the same process as employees doing jury service (outlined at 10.1). This amount will then be deducted from their pay. If the court sits outside of normal working hours the employee and their manager should discuss how to manage it. For example, the manager may approve time off in lieu, flex time credit or an employee may be able to rearrange working days or be paid additional hours.

10.2.2 Compulsory court attendance – Not related to NCC employment

If an employee is called to be a witness, defendant or plaintiff and this is not related to work they will be granted paid leave to attend court. They must claim the appropriate allowance for loss of earnings from the court and follow the same process as employees doing jury service as outlined at 10.1.

10.2.3 Voluntary/Personal court attendance

Where attendance at court is of a personal matter to an employee or is voluntary, managers should try to accommodate attendance through the use of annual leave, TOIL, flex or unpaid leave.

11 Time off for public duties

An employee may request reasonable, paid time off to perform the public duties listed below:

- a magistrate, also known as a justice of the peace
- a local councillor (not NCC)
- a school governor
- a member of:
 - any statutory tribunal (e.g. an Employment Tribunal)
 - the managing or governing body of an educational establishment
 - a health authority
 - the General Teaching Council for England
 - the Environment Agency
 - the prison independent monitoring boards
 - visiting committees, for the immigration and detention estate, appointed under the Immigration and Asylum Act 1999. These committees monitor the immigration detention estate
 - visiting committees appointed to monitor short-term immigration holding facilities, for example at airports
 - a panel of lay observers, appointed under the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody;
 - the Water Customer Consultation Panel
 - the Broads Authority

An employee undertaking election duties (but not standing for election) may also request reasonable paid time off.



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To request paid leave employees must write to their line manager. If the duties are within a public organisation not listed above the employee will need to provide a business case to the Head of HR to consider.

The right **does not** apply to:

- employees who hold politically restricted posts and where the public duties are connected to this
- those employed in the police service as a member of the constabulary, or in any other capacity which has the power of a police constable
- volunteering activities or work performed for other voluntary organisations

11.1 Determining 'reasonable'

Managers will consider what amount of paid leave is reasonable by assessing:

- What the public duties are
- The time needed to carry them out
- The impact on the business
- How much time off an employee has already been allowed for this public duty or trade union duties or activities

Managers may approve up to 18 days/36 half days paid leave per year (pro rata for part time employees). For paid leave over these amounts the employee must make their request in writing to the Head of HR. However, there is a legal maximum of 208 hours per year for duties as a member of a county, district or parish council. This restriction is not applicable to the role of the chairperson.

Other exclusions to public duties

Employees may not serve as an elected member at NCC.

Where an employee is standing for election to a district or parish council no time off, paid or unpaid, other than annual leave will be allowed for campaign or other pre-election duties.

Employees who hold politically restricted post are prevented from becoming a candidate for election to a Local Authority, the House of Commons or European Parliament and also from undertaking certain other political activities. (A Local Authority in this context includes County Councils, District Councils and Broads Authority).

Parliamentary candidates will be allowed unpaid leave for a period or periods not exceeding 4 weeks in total in the period immediately preceding an election, up to and including the day of the poll.

If an employee is elected as a Member of Parliament, NCC would not keep the individual's job open but would be willing to seek to re-employ them if they have at least 10 years previous service with NCC and return to employment after a single term in Parliament. No commitment to the success of re-employment or the nature of employment and salary can be given.



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11.2 Allowances

Where an allowance or expense received through undertaking the public duty has already been paid to an employee, they must provide evidence of the amount claimed to the payroll team so the appropriate deduction can be made from their earnings.

12 Volunteer reserve forces

NCC strongly supports membership of the British Volunteer Reserve Forces (VRF) which consists of the Royal Naval Reserve, the Royal Marines Reserve, the Territorial Army, and the Reserve Air Forces.

12.1 Training commitments

Training commitments will vary between the different elements of the Reserve Forces. The vast majority of this training takes place in an employee's spare time, at evenings and weekends. However, there is a continuous training period, often referred to as annual camp. NCC allows additional paid leave of up to two weeks per year to reservists to attend this camp. Employees need to confirm the dates of this to their manager as soon as possible and the manager should keep a local record of the dates taken.

12.2 Mobilisation

Reservists may be called up and 'mobilised' to support defence strategy in conflict operations and assist in disaster relief across the globe. Mobilisation is the process of calling reservists to full time service with the regular forces, in order to make them available for military operations. If an employee has been sent notification that they are to be 'mobilised', their manager should contact HR Direct for information about what this means and the process to follow.

13 Time off for interviews

Employees should be allowed paid leave to attend interviews for jobs within local government service (please see [Continuous employment guidance notes G102a](#) for information on local government service).

Annual leave or flexitime should be requested to cover other interviews.

Employees must provide as much notice as possible to their manager if they are required to attend an interview, and wherever possible mitigate the amount of leave required.

Employees who have been given notice of dismissal on the grounds of redundancy should be given reasonable paid time off for interviews, regardless of whether the jobs are within local government. If an employee also has continuous employment of two or more years, they are entitled to reasonable paid time off to arrange training for future employment too. This is referred to in the [Staffing adjustment policy P318](#) and the [Redeployment and Retention Policy P316](#).

14 Staff attendance during severe weather

Employees are responsible for making their own arrangements for travelling to and from their place of work, and are expected to make all reasonable efforts to do so. However, there will be occasions when employees are delayed in getting to work, cannot attend their



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work place or are sent home from work. A reason for this may be extreme weather such as heavy snow fall, flooding and heavy rainfall causing adverse driving conditions. Employees must contact their line manager before their normal start time or within half an hour of that time to discuss arrangements if they are going to be delayed or unable to attend work. Managers need to approve the leave to be used in these circumstances e.g. flexitime or annual leave.

If severe weather that may lead to difficult travelling conditions begins to occur during the working day, staff may be released early. Staff based at County Hall will be informed by the Head of HR and staff based in other locations will be informed by the Head of Service or available senior manager. Employees must wait for confirmation from their manager about being released early or any site closures.

If staff are authorised to leave work early they will be credited with the difference between the time they leave and the normal finishing time.

15 Additional unpaid leave

Employees may request one or more days' additional unpaid leave, up to a maximum of six months. Chief Officers must approve any period of additional unpaid leave of more than six months. Additional unpaid leave may only be approved when alternative options have been explored. Unpaid leave request form [F201f](#) should be completed.

For the impact of additional unpaid leave on an employee's terms and conditions, please see section 16.

16 The impact of any unpaid leave on terms and conditions

Employees who take any unpaid leave i.e. emergency dependants leave, parental leave or additional unpaid leave, remain employed with NCC.

Pay

No salary payments will be made to the employee for the period of unpaid leave.

16.1 Contractual benefits affected by unpaid leave

Continuous service

Continuous service is not affected by unpaid leave.

Pension

Employees should contact their pension provider before they take unpaid leave to check the impact on their pension.

Under the Local Government Pension Scheme, members don't pay pension contributions while taking unpaid leave, so there will be no accrual of pension benefits during this time. The lost pension can be bought back via an additional pension contribution (APC) and if done within 30 days of taking unpaid leave NCC will pay two-thirds of the cost.

Excess mileage



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Payment will be suspended for periods of additional unpaid leave that are over 30 days. There will be no extension to the 18 month payment period.

Annual leave, public and bank holiday entitlement

Annual leave, public and bank holiday entitlement accrues during unpaid leave. In some scenarios, it may be appropriate to use this leave and reduce the period of unpaid leave.

Statutory payments and entitlements

Periods of unpaid leave may affect statutory payments. To be entitled to receive these payments an employee's average weekly earnings must be at or above the Lower Earnings Level (LEL). If unpaid leave reduces the average weekly earnings below the LEL it can cause employees to lose their entitlement or it can affect the amount of statutory pay an employee receives. Contact HR Direct for more advice.

16.2 Contractual benefits affected by additional unpaid leave only

Maternity leave

Employees must return to work for twelve weeks following maternity leave or they will be required to repay any occupational maternity pay they have received. Any unpaid leave taken following maternity leave does not count for the qualifying period.