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## ANNUAL LEAVE POLICY

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[WWW.HYTHERTC.GOV.UK/POLICIES/HR](http://WWW.HYTHERTC.GOV.UK/POLICIES/HR)

This Policy was adopted by the Council at its meeting held on: 26 April 2021

Minute 318/20

GOVERNING BODY: HYTHE TOWN COUNCIL, TOWN COUNCIL OFFICES, OAKLANDS, 1 STADE STREET,  
HYTHE, KENT. CT21 6BG



## Annual Leave and Time Off Policy

### Introduction

This policy details annual leave, bank, and public holidays Full and Part Time staff are entitled to. Arrangements for carrying forward annual leave, compassionate leave, and requesting unpaid leave are also included. All employees must maintain a staff leave/absence record which will be issued on commencement of employment and must be submitted at least bi-monthly to the Town Clerk for authorisation.

### Annual Leave Entitlement

The annual leave year runs from 1 April to 31 March.

#### Full-Time Staff:

The minimum annual leave paid entitlement totals 29 days plus 5 days bank holidays (a total of 34 days).

Only by prior arrangement with the Town Clerk can leave be carried forward to the next leave year.

The Council also awards 2 “Statutory Days” and 1 “Concessionary Day” to permanent staff which must be taken during the Christmas and New Year period.

If additional public holidays are announced e.g. Royal occasions, specific guidance will be given

#### Part-Time Staff

Part-time staff receive the same holiday entitlement as detailed above for a full-time worker **but on a pro-rata basis**. Similarly, they receive a pro-rata entitlement to annual bank and public holidays. This pro-rata entitlement will apply even if they are rostered to work public/bank holidays.

Annual holiday entitlement during your first year of employment accrues at the rate of one-twelfth of the full annual holiday entitlement, on the first day of each month, in advance.

You will not be permitted to take an annual holiday during the first year of employment before it has accrued unless otherwise agreed by the Town Clerk. Thereafter, you will be entitled to your full annual holiday entitlement each year and there will be no requirement to accrue holiday rights.

### Bank holiday entitlement

In England, there are six annual bank holidays and two public holidays which are:

- New Year's Day
- Good Friday
- Easter Monday
- First Monday in May
- Last Monday in May
- Last Monday in August
- Christmas Day
- Boxing Day

Staff receive paid leave for bank and public holidays either on the day itself or if their roster requires them to work on this day. They will be offered an alternative day off in lieu or a pro-rata entitlement if they work part-time.



If additional public holidays are announced e.g., royal occasions, specific guidance will be given.

### **Legal Requirement under the Working Time Amendment Regulations**

If staff are on starting contractual annual leave entitlement of **24 days (21 days annual paid leave, 2 statutory and 1 concessionary day)** then by including **8 bank and public holidays** the exceed the statutory **28 days holiday entitlement** as required under the working time amendment regulations 2007.

The council exceeds the **28 days minimum annual leave required under the working time amendment regulations 2007** with a combination of annual leave and bank holidays. It is a statutory requirement that you take **28 days as paid annual leave each year**

**\*\*Note – the paragraph above has not been edited so figures stated in bold text are not correct\*\***

### **Timing of Annual Leave**

The timing of leave is by mutual agreement with the Town Clerk. Under working time regulations, you must give the Town Clerk advance notice of your intention to take leave which is at least twice the period of leave you wish to take. For example, if you want to take two weeks of annual leave you should seek approval of at least four weeks in advance.

The Town Clerk may refuse a request to take time off but will notify you of this within an acceptable time frame. For example, if you have requested a week's leave the Town Clerk will advise at least a week in advance, for two weeks you will receive two week's notice etc. The Town Clerk may refuse a request for a holiday for operational reasons or due to unforeseen circumstances

Should you fail to return to work on the expected date of return and cannot provide a satisfactory explanation for this, an investigation will establish the circumstances and may result in disciplinary procedures being followed.

### **Carrying annual leave forward**

You may carry forward a maximum of 5 days (pro rata for part-time employees) into the following leave year. This must be approved by the Town Clerk and signed off on your leave form at the end of each leave year.

Any leave beyond five days that you have had an opportunity to take but have not will be lost.

### **Sickness during Leave**

If you become ill during a requested period of paid leave you must comply with the requirements of the sickness reporting and certification procedure if you wish to have this sickness period deducted from the period of leave taken.

It is important that you contact the Town Clerk on the first day of sickness and keep them informed for the period you are unwell.



## **Unauthorised holidays**

If you are absent from work on a date on which a holiday request has been refused the Council will investigate the reason for your absence. If the Council considers that you do not have a reasonable explanation for your non-attendance you may be subject to disciplinary action, up to and including dismissal without notice.

## **Leavers / Termination**

If an employee leaves the council during the annual leave year they will receive a pro-rata entitlement to annual leave. They should arrange to take any outstanding holiday entitlement before leaving the council (the Council reserves the right not to provide you with advance notice of this requirement).

If in exceptional circumstances the Town Clerk confirms that operational reasons prevent them from doing this, then payment in lieu is allowed.

If an employee leaves the council and has taken more than the proportion of holiday entitlement accrued a deduction will be made from the final salary equivalent to the excess holiday pay already received.

## **Unpaid Leave**

The Town Clerk may authorise unpaid leave up to the amount of the annual leave entitlement in any one leave year. Before requesting unpaid leave, employees will need to have booked their annual leave entitlement for the year.

New requests for unpaid leave need to be approved by the Town Clerk.

## **Medical appointments**

Every effort should be made to attend medical appointments (i.e., Doctor / Dentist) in your own time. If this is not possible, how the time is taken should be discussed and agreed with the Town Clerk.

## **Dependency / Emergency Leave**

You can take unpaid leave to deal with an emergency or unforeseen circumstance involving a dependent. This could be your husband, wife, partner, child, parent, or anyone living in the household as a member of the family (excluding tenants, boarders, or someone you employ). A dependent may also be anyone who reasonably relies on you for help in an emergency.

An emergency could be any unexpected or sudden incident involving someone who depends on you for your help or care.

The right to time off for dependents could apply to a wide range of different circumstances and you should discuss your situation with the Town Clerk.

When you make a request for dependency/emergency leave, the Town Clerk will process any personal data collected in accordance with the council's data protection policy. The Town Clerk will record personal/specific information (as required) to deal with your request for dependency/emergency leave and only keep it for as long as necessary.



## **Compassionate Leave / Bereavement Leave**

The purpose of compassionate leave is to help employees come to terms with the death of a loved one. Immediate family is defined as your spouse, civil partner, partner, parent, child, sibling, grandparent, or grandchild.

If you need to take time off for a bereavement you will need to speak with the Town Clerk.

At the Town Clerk's discretion, it may be decided that you are entitled to paid leave. When making this decision the Town Clerk will ensure any decision is fair and consistent for all employees.

The Town Clerk may authorise:

- Unpaid time off up to 3 days, and in exceptional circumstances more than 3 days.
- Pay for up to 3 days in the event of the death of or serious injury to a child, partner, or parent.
- Paid time off beyond 3 days in the event of the death of or serious injury to a child, partner, or parent will be approved in consultation with the Town Mayor.

When you make a request to the Town Clerk for compassionate leave, the Town Clerk will process any personal data collected in accordance with the council's data protection policy. In particular, the Town Clerk will only record relevant personal information required to deal with the request and keep it only for as long as necessary.

## **Jury Service**

If you are called to do jury service, the Council will allow you time off for this. You will need to produce a 'confirmation of jury service' letter received from the court prior to attending.

You will receive from the court a "certificate of loss of earnings form or Benefit" which must be given to the Town Clerk for completion. The Town Clerk will return the completed form to take to the court on your first day of jury service. At the end of jury service the court will pay for loss of earnings/expenses and will give you a statement that contains this information. This statement must be given to the Town Clerk.

You will receive normal pay but any money obtained from the courts to cover loss of earnings must be either deducted from your salary or paid back to the Council.

It is your responsibility to claim for allowances that you are entitled to and mitigate costs incurred by the Council. During periods where attendance is not required and it is practical, the employee should return to work. If this is not possible the employee should discuss their situation with the Town Clerk.

## **Administration**

All employees will be issued with an annual leave form at the start of their employment and on the 1st of April each year. Leave will be calculated for the full year or duration of your employment for those on fixed-term contracts. The entitlement will be indicated on the form.

