

Notice of Meeting

Delegated Officer Decision

Tuesday 5 February 2019

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e-mail: stephen.chard@westberks.gov.uk

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WestBerkshire
C O U N C I L

Agenda

Part I

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1 **Additional Leave Procedure (DOD3678)**

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Andy Day
Head of Strategic Support

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Additional Leave Procedure

Committee considering report: Delegated Officer Decision

Date of Committee: 5th February 2019

Portfolio Member: Councillor Dominic Boeck

Report Author: Katie Penlington

Forward Plan Ref: DOD3678

1. Purpose of the Report

- 1.1 To seek approval for minor amendments to the additional leave procedure.
- 1.2 With effect from 1st October 2018, the Time Off for Public Duties Order 2018 extended the right to time off for public duties under section 50 of the Employment Rights Act (ERA) 1996 to include:
 - (1) Members of a panel of lay observers, appointed under s81 (1) (1) (b) of the Criminal Justice Act 1991. These are volunteers who monitor conditions for prisoners under escort and in court custody
 - (2) Members of Visiting Committees, for the immigration and detention estate, appointed under s 152(1) of the Immigration and Asylum Act 1999. These committees monitor short-term immigration detention estate
 - (3) Members of Visiting Committees appointed to monitor short-term immigration holding facilities, for example at airports, and
 - (4) Independent prison monitors in Scotland appointed under s 7B (2) of the Prisons (Scotland) Act 1991
- 1.3 The list of public duties within the Council's Additional Leave Procedure has been expanded to include points 1.2 (1) to (3) above (point 1.2 (4) applies to Scotland so has not been included).
- 1.4 Although under the ERA the right to paid time off for public duties is unpaid, the Council's current Additional Leave Procedure gives employees the right to up to 10 paid days off for public duties (pro-rata for part time employees). This number of days of paid leave has not been increased in the proposed revised procedure.
- 1.5 Section 13 of the Additional Leave Procedure has been revised to reflect best practice in managing employees undergoing IVF treatment. This clarifies that time off to attend IVF appointments in addition to the five days paid leave granted under the existing Additional Leave Procedure, should be handled as time off for other medical appointments. It also explains protection under the Equality Act where a woman is at an advanced stage of IVF treatment.
- 1.6 A new section (18) has been added to set out the requirement for apprentices undertaking an approved apprenticeship to be allowed paid time off to complete the

off the job training aspects of their apprenticeship scheme. This is a requirement under the Government's apprenticeship levy scheme.

2. Recommendation

- 2.1 The Chief Executive is recommended to approve the Additional Leave Procedure.

3. Implications

- 3.1 **Financial:** There is a potential minor financial impact. Section 23 has been expanded to cover the additional public duties that employers are required to grant reasonable paid time off for under the Time Off for Public Duties Order 2018. This amendment may lead to more employees claiming paid time off for public duties. Whilst there is no requirement time off for public duties to be paid WBC have allowed 10 working days paid leave per annum for public duties. Section 7.5 of the NJC Green Book states: 'Paid leave of absence will be granted for employees undertaking jury service or serving on public bodies or undertaking public duties. Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the employing authority.' WBC normally mirrors NJC decisions on pay. The total number of paid days off per year that an employee can claim for undertaking public duties has not been changed.
- 3.2 **Policy:** N/A
- 3.3 **Personnel:** N/A
- 3.4 **Legal:** Amended to allow time off for public duties required under the Time Off for Public Duties Order 2018, and to allow paid time off for the completion of off the job training aspects of apprenticeships using the apprenticeship levy.
- 3.5 **Risk Management:** N/A
- 3.6 **Property:** N/A
- 3.7 **Other:** N/A

4. Other options considered

- 4.1 None; the amendments to the Additional Leave Procedure are relatively minor and reflect changes in legislation and best practice.

Appendices

- 4.2 Appendix A – Additional Leave Procedure

Additional Leave Procedure

Reference: HRALP
Version No: 4
Issue Date: January 2019

Document Control

Document Ref:	HRAddLP	Date Created:	Original Dec 2007
Version:	4	Date Modified:	Sept 2013, Jan 2014, July 2014, September 2014, 2015, 2017, 2019
Revision due	December 2021		
Author:	Jane Milone, amended by Katie Penlington	Sign & Date:	
Head of Service:	Robert O'Reilly	Sign & Date:	
Equality Impact Assessment: (EIA)	Date undertaken:	Sept 2013	
	Issues (if any):	none	

Change History

Version	Date	Description	Change ID
1.1	March 2013	Modified to increase parental leave from 13 weeks to 18 weeks following change to legislation, and ordinary paternity leave section updated.	
2.0	Sept 2013	Update format following changes to format of Leave Policy and Procedure	
2.1	Jan 2014	To include reference to time off for election duties	
2.2	July 2014	Minor changes to time off for qualification training to mirror qualifications training procedure, clarify entitlement to dependants leave, and relationship between MSL and OPL for employees qualifying for both	
2.3	September 2014	Inserted the right to accompany pregnant women to antenatal appointments.	
2.4	Jan 2015	To take account of changes to unpaid parental leave from April 2015	
2.5	April 2015	To remove references to Additional Paternity Leave and insert reference to Shared Parental Leave. To add information on unpaid time off for pre-adoption appointments for partners of adopters.	
2.6	May 2017	To clarify non-accrual of annual leave during extended unpaid leave (4.6)	
4	December 2019	Amended to reflect changes from Time Off for Public Duties Order 2018, to reflect best practice in leave for IVF treatment and to set out time off for apprenticeship off the job training.	

Related Documents

Reference	Title	Tier
	Leave Policy and Procedure	
	Qualification Training Procedure	

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1. Purpose

- 1.1. This document sets out the circumstances in which additional leave may be granted and clarifies whether the additional leave is with pay or without pay.

2. Applicability

- 2.1. The procedure applies to all employees of West Berkshire Council with the exception of employees in schools (separate procedures apply).
- 2.2. This procedure covers statutory entitlements to time off (with or without pay), contractual entitlements under conditions of service, and discretionary entitlements under the Council's policy.
- 2.3. This procedure does not include the following, which are covered by other procedures;
 - Maternity leave
 - Adoption leave
 - Shared parental leave
 - Sick leave
 - Annual leave and public holiday leave

3. Roles and Responsibilities

- 3.1. Heads of service are responsible for taking decisions regarding additional time off where discretion is required (although some heads of service may choose to delegate this to line managers where it is not practical to refer the decision-making to the head of service – for example, in large service areas)
- 3.2. Managers are responsible for considering requests for additional leave/time off and for keeping local records of decisions.
- 3.3. Managers are also responsible for notifying payroll of any leave granted without pay or where pay will be affected (e.g. jury service).
- 3.4. Employees are responsible for ensuring requests for leave are made in accordance with the procedure set out below.

4. Procedure

- 4.1. Requests for additional leave/time off may be made orally or in writing. In circumstances where the request should be made in writing, this is stated in the relevant sections below.
- 4.2. A model [Paternity/Maternity Support Leave Application Form](#) and model [Request for Additional Leave](#) form are available on the HR intranet, which managers may ask employees to use.
- 4.3. In some circumstances, it may be appropriate for line managers to seek supporting information/documentation when considering a request for additional leave – e.g. certification from a doctor that the employee is required to care for an ill relative/dependant.

- 4.4. Additional leave must be approved by the appropriate line manager or head of service before it is taken, unless impractical to do so. In cases of compassionate need or domestic emergencies, requests to take leave may have to be made at very short notice, or even after the event.
- 4.5. Any additional leave or time off outside this procedure can only be granted at the discretion of the head of service.
- 4.6. Where a period of extended unpaid leave is granted at the discretion of the head of service, annual leave entitlement will not accrue during this period.

5. Parental leave

- 5.1. Employees are entitled to up to **18 weeks unpaid leave** for each qualifying child. The leave may be taken in a single 18 week block, in a number of shorter periods of a minimum of half a day, or by means of a temporary alteration to working patterns to provide a part-time or reduced hours working arrangement.
- 5.2. Parental leave is a statutory entitlement and is available for the purposes of caring for a child. From 5th April 2015, this applies to children up to the age of 18.
- 5.3. To be eligible, the employee must have parental responsibility under the law for the child and have completed one year's service at the time they want to take the leave.
- 5.4. The employee must submit a request in writing to his/her line manager, giving at least 21 days notice before the day on which they propose to start the leave. The line manager will make every effort to avoid postponing the parental leave or, in any event, will not postpone it by more than three months.
- 5.5. Employees returning from parental leave will have the same right of return as employees on maternity or adoption leave (see Maternity Leave Procedure).
- 5.6. All of the parental leave will count as a period of continuous service and all contractual benefits such as holiday entitlements remain unchanged throughout the parental leave period, with the exception of remuneration.
- 5.7. If an employee is on unpaid parental leave at the end of the leave year and has remaining annual leave entitlement, the manager may authorise carrying forward up to five days (one week) to the next leave year. Only in exceptional circumstances can additional days be carried forward and at the discretion of the head of service. Payment in lieu cannot be made for any untaken annual leave.
- 5.8. Employees with lease cars will continue to be invoiced for contributions towards the car throughout the parental leave period. West Berkshire Council will continue to pay the employer subsidy towards the lease.
- 5.9. Employees designated as Essential Car Users will continue to receive the Essential Car User allowance for the duration of the parental leave.
- 5.10. Employees who fall sick whilst on parental leave will be entitled to occupational sick pay in respect of any period of sickness and, on the provision of a doctor's note, will be able to take sick leave rather than parental leave.

6. Compassionate leave

- 6.1. Compassionate leave may be granted to all employees, regardless of length of service.
- 6.2. Compassionate leave will normally be granted by the head of service, although the head of service may choose to delegate authorisation for granting some compassionate leave requests (e.g. attendance at funerals) to the relevant line manager.
- 6.3. There are no rigid criteria for compassionate leave but reasons may include:
 - A personal crisis (e.g. serious damage to home due to flood, fire or storm, breakdown of marriage or long term relationship)
 - Attendance at the funeral of a close family relative*, work colleague or close personal friend
 - A serious emergency involving a close relative* or partner
- 6.4. A close relative is normally defined as a grandparent, parent, child or sibling, either of the employee's family or employee's partner's family. However, this will depend on the individual circumstances. For example, an employee may have a particularly strong connection to an uncle/aunt, in which case the manager should take a view as to whether compassionate leave should apply.
- 6.5. Non-serious domestic matters, such as the washing machine breaking down, or a pet requiring a routine visit to the vet would not qualify for compassionate leave. In such circumstances, the employee should apply to his/her manager for unpaid leave, annual leave or flexi leave/TOIL, where applicable. Time off to deal with minor illness/injury of a dependant, or an unexpected disruption to the care of a dependant, is covered in 'Time off for Dependants' below.
- 6.6. Compassionate leave will not normally exceed a total of **five days paid leave** in any one year (pro rata for part time employees). Only in exceptional circumstances, such as the death or serious illness of a partner or dependant, will this total be extended, at the discretion of the head of service in consultation with the Head of Human Resources. Alternatively, additional leave may be granted by the manager as flexi-leave/TOIL, where applicable, or unpaid leave.
- 6.7. The employee must notify his/her manager as soon as possible of the reason for the absence, or a need to leave the workplace if they are already at work. The employee should inform his/her manager how much leave they expect to take. Where appropriate, the line manager should seek authorisation for the leave from the head of service.

7. Time off for dependants

- 7.1. All employees have the statutory right to take a **reasonable period of unpaid** time off work to take action that is necessary to:
 - to provide assistance where a dependent falls ill, gives birth or is injured or assaulted
 - to make arrangements for the provision of care for a dependant who is ill or injured

- in consequence of the death of a dependant
- because of unexpected disruption or termination of arrangements for the care of a dependant (for example a child minder or nurse/home carer failing to turn up)
- to deal with an incident involving a child of the employee that occurs unexpectedly during a period when the child is attending school

Note: compassionate leave may apply in cases where there is a serious emergency – e.g. accident requiring admission to hospital, or following the death of a dependant.

7.2. In relation to time off for dependants, a dependant is classed as:

- The employee's spouse or civil partner, child or parent
- Any person who lives in the same household as the employee, but this does not include those living there as an employee, tenant, lodger or boarder
- Any other person who would reasonably rely on the employee for assistance if he or she falls ill, is injured or assaulted or who would rely on the employee to make arrangements for the provision of care in the event of injury or illness
- In relation to the disruption of care; any other person who reasonably relies on the employee to make arrangements for the provision of care

7.3. The entitlement to leave for dependants is **unpaid**. However, employees may choose to take annual leave or use flexi-time (where applicable) to cover the absence.

7.4. The employee must notify his/her manager as soon as possible of the reason for the absence or a need to leave the workplace. The employee should inform his/her manager how long they anticipate being away.

7.5. There is no set limit to the amount of time off that can be taken. However, the purpose of the leave is to enable the employee to deal with the immediate issue, and to put in place longer term arrangements, if required. The leave will therefore not normally extend beyond one or two days.

8. Maternity support leave

8.1. **Five days paid leave** (pro rata for part time employees) will be given to any employee who is the nominated carer of an expectant mother, at or around the time of the birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide the principal support to the mother at this time.

8.2. To qualify, the employee should have 26 weeks continuous service by the 15th week before the expected week of childbirth.

8.3. Maternity Support Leave may not be taken by an employee of West Berkshire Council if the mother is being supported by another partner who is taking paternity leave at or around the time of the birth.

8.4. Employees who are the partner of the mother can apply for two weeks statutory Ordinary Paternity Leave (see below). This includes same-sex partners. The employee can choose to take either Maternity Support Leave (MSL) or Ordinary Paternity Leave (OPL); the entitlements cannot be added together (i.e. the partner

cannot take two weeks OPL AND five days of MSL). However, it is possible to have one week MSL followed by one week OPL if entitled to both.

- 8.5. A model [Notification Form](#) can be found on the HR intranet pages.

9. Ordinary Paternity Leave

- 9.1. On the birth of his/her partner's child or the placement with his/her partner of a child for adoption, an employee has the right to take a **single period of one or two week's paternity leave**. (Note: the employee may also qualify maternity support leave – see section eight above, and may also qualify for Shared Parental Leave and Shared Parental Pay – see separate policy for further details.)
- 9.2. To qualify, the employee should have 26 weeks continuous service by the 15th week before the expected week of childbirth, or 26 weeks service by the week in which the employee's partner is notified him/she is matched with a child for adoption, or the date the child enters the UK if adopting from abroad.
- 9.3. Statutory Paternity Pay is currently £145.18 per week (at October 2018) or 90% of average earnings, whichever is the lower. The time off should be taken at, or around, the time of the birth or the placement. An employee should advise his/her manager at least 28 days before intending to start the paternity leave, though it is recognised the actual date of leave may change, for example in cases where an actual date of birth changes.
- 9.4. Most fathers/partners will meet the criteria for maternity support leave and for ordinary paternity leave. The entitlements cannot be added together, the father/partner must choose to take either MSL, OPL or one week MSL followed by one week OPL and should read sections 8 and 9 of this procedure.
- 9.5. If the baby is stillborn after 24 weeks of pregnancy, the employee is still entitled to Ordinary Paternity Leave.
- 9.6. A model [Notification Form](#) can be found on the HR intranet pages.

10. Time off to accompany a pregnant woman to antenatal appointments

- 10.1. An employee or agency worker with a qualifying relationship with a pregnant woman or her expected child (see definition at 10.5) has the right to **unpaid** leave to accompany the woman to a **maximum of two** antenatal appointments.
- 10.2. Employees are entitled to take this leave from the first day of their employment; agency workers are required to have been doing the same kind of job for the same hirer for at least 12 weeks before being entitled.
- 10.3. On each of those occasions the maximum time off during working hours to which the employee/agency worker is entitled is six and a half hours. The time taken can include travel to and from the appointment, waiting time and attendance at the appointment.
- 10.4. The appointment must be made on the advice of a registered medical practitioner, a registered midwife or registered nurse.

- 10.5. To have a qualifying relationship with a pregnant woman or her expected child the employee must be either:
- The spouse of the expectant woman, her civil partner, or her partner, including same sex partners, in an enduring relationship.
 - The father of the expected child
 - The intended parents of a child in a surrogacy arrangement if they expect to be entitled to, and intend to apply for, a parental order in respect of the expected child.
- 10.6. In order to take this time the employee must give his/her line manager written confirmation that:
- He/she has a qualifying relationship with a pregnant woman or her expected child
 - That he/she is taking time off to accompany the woman when she attends an antenatal appointment
 - That the appointment has been made on the advice of a registered medical practitioner, registered midwife or registered nurse
 - The date and time of the appointment
- 10.7. A [request](#) form for this purpose is available from the HR intranet.
- 10.8. The line manager must ensure that payroll is informed of the number of hours of unpaid leave that the employee has taken. This can be done using the request form.

11. Preparation for adoption

- 11.1. For children placed for adoption on or after 5th April 2015, the primary adopter's partner (where his or her partner is adopting the child jointly) may take unpaid time off during working hours to attend up to two appointments to prepare for adoption. Up to 6.5 hours may be taken off on each occasion.
- 11.2. Entitlement, confirmation and notification requirements are as for antenatal appointments in paragraph 10 above.

12. Time off for doctor, dentist or hospital visits

- 12.1. Employees are expected to arrange dental and medical appointments at either end of the working day, wherever possible (for example, before 9.30am and after 4pm) or during lunch breaks.
- 12.2. Time off during working hours for hospital, doctor or dentist visits should be booked as flexi-leave/TOIL or annual leave as appropriate. It should not be recorded as sickness absence.
- 12.3. In exceptional circumstances the head of service may grant paid leave of absence to attend specialist hospital or doctor's appointments. Leave could be granted for some or all of the appointments, depending on the circumstances of the case. This time will not be regarded as annual leave, flexi-leave, TOIL, or sickness absence and the manager will record the absence as authorised absence/special leave

- 12.4. Circumstances in which 12.3 might apply include where the employee has an on-going or chronic condition and either long courses of treatment are involved or the employee is required to see a specialist consultant, and it is difficult for the employee to make the appointment(s) outside of working hours, or the length/frequency of the appointments make it difficult for the employee to take time as annual leave or make the time up.
- 12.5. The Head of Service may, exceptionally, authorise reasonable paid time off work for urgent medical or dental appointments, for example where an employee requires sudden and unexpected urgent medical or dental treatment that cannot wait until an appointment can be made outside core hours. This will not be regarded as annual leave, flexi-leave, TOIL or sickness absence and will be recorded as authorised absence/special leave.

13. Time off for IVF treatment

- 13.1. Line managers may authorise up to **five days paid leave** for employees undergoing IVF treatment and should record the absence as authorised absence/special leave. Where the employee needs additional time off to attend IVF appointments these will be handled as for medical appointments (section 12) above.
- 13.2. Where an employee is unwell and unable to attend work as a result of IVF treatment this will be treated as sick leave, however managers should be aware that women at an advanced stage of IVF are protected against detriment or dismissal. An advanced stage is between the retrieval of the ova followed by the immediate transfer of the fertilised ova. Women are also regarded as being pregnant from the point of implantation and are protected under the Equality Act. A pregnancy test is taken two weeks after implantation. If the treatment is unsuccessful the protection will end two weeks after this pregnancy test is taken. Sickness absence due to IVF treatment at an advanced stage, or due to pregnancy should not be counted towards the triggers under the Council's procedure for managing sickness absence.

14. Medical screening

- 14.1. **Paid time off, as necessary**, will be given for the purposes of appropriate medical screening. This will not be regarded as sickness absence and the manager should record the absence as authorised/special leave.

15. Blood donation

- 15.1. **Reasonable time off with pay** will be given for the purposes of blood donation, provided adequate notice has been given to the line manager. The manager should record the absence as authorised absence/special leave.

16. Time off for religious observance

- 16.1. Requests for time off for religious observance should be considered sympathetically and accommodated wherever possible, although extended absences (in excess of two weeks) will need to be balanced with the operational needs of the service area.
- 16.2. Time off for religious observance should be taken as **annual leave, flexi time or unpaid leave** and authorised by the line manager.

17. Qualification training – time off to attend workshops/lectures/seminars

- 17.1. Where an employee is being supported by the Council through a qualification training programme, the head of service has discretion to grant time off during the normal working week to attend workshops/lectures/seminars or to meet the assessor or undertake preparation work. Time off should take account both of the needs of the service and the study options that are available for a particular course.
- 17.2. Paid leave will not normally exceed the equivalent of ½ day per week. In exceptional circumstances (for example, if the only study option available is on a full day release basis) one full day per week may be agreed, but this must be balanced against the needs of the service.
- 17.3. If the employee has elected to undertake a distance learning programme, the head of service has discretion to allocate **study time during normal working hours**. This is subject to service needs. Such study time will normally be undertaken at the workplace. However, the head of service may allow this when working from home.
- 17.4. Study time can be organised on a flexible basis. For example, it may suit the needs of the employee and the service for time off to be allocated on a monthly basis, or at particular times of the year.
- 17.5. If the employee is required to attend residential/non-residential workshops during normal working hours as part of the qualification programme, **time off with pay** should be agreed in advance with the line manager.
- 17.6. Employees undertaking qualification learning are also required to sign a Qualification Learning Agreement. Please refer to HR or access via the intranet.
- 17.7. Time off in lieu should not normally be granted for time spent at seminars, lectures or workshops that occur outside normal working hours (e.g. at the weekends or in the evening).

18. Apprenticeships

Where the employee is undertaking an approved apprenticeship as part of their employment with the Council they will be given **paid** time off to undertake the off the job training requirements of the particular apprenticeship scheme.

19. Study and examination leave

- 19.1. In addition to the time off granted under section 17 above, the following leave may be granted:
- 19.2. **Paid leave** may be granted to sit approved examinations at the rate of **one day per examination**. Applications should be made through the line manager and must be agreed and arranged in advance.
- 19.3. At the discretion of the Head of Service, additional **paid leave, to a maximum of five days** per annum, may be granted for final revision in the period preceding the examination.
- 19.4. Paid study leave for non-examination courses can be granted at the discretion of the line manager, **up to five days** per annum. This must be agreed in advance.

20. Members of the Reserve Forces

- 20.1. Volunteer reserve forces consists of the Royal Naval Reserves, the Territorial Army and the Reserve Air Forces. In addition, there are High Readiness Reserves who have specific skills which the armed forces must have access to and can deploy within seven day's notice.
- 20.2. An employee who works more than two days per week and who wishes to volunteer for high readiness status must obtain the written consent of his/her head of service and this agreement must be renewed annually.
- 20.3. Employees who serve in a volunteer reserve force should also inform their head of service. The Ministry of Defence will arrange for the employer to be notified and will follow this up annually to ensure the information held by the MoD is accurate.
- 20.4. In most cases, time off must be granted to the employee if he/she is called up to carry out his/her military duties. The period of call up can be up to one year in every three years. In exceptional cases, it may be possible to obtain an exemption if the absence of the employee will cause serious harm to the Council. Such an application must be made within seven days of the reservist being service with a mobilisation notice.
- 20.5. Reservists will receive pay from the Services so the Council will not pay the employee during their absence during military service. The line manager must ensure Payroll is informed when the employee commences military service, so that the salary payments can be stopped.
- 20.6. The period of absence will count for continuous service and the employee has the right to return to his/her job on demobilisation, or to be offered suitable alternative work if his/her old role is not available.
- 20.7. During the period of absence, annual leave will continue to accrue. As in other circumstances where an employee is absent from the workplace, no more than five days annual leave can be carried forward to the following leave year. If the employee is in receipt of essential car user allowance, this will continue to be paid for three months at the full rate and three months at half rate. If the employee has a lease car, the employee contributions should continue to be paid. The Council will continue to pay the employer contributions. The employee is entitled to remain in the occupational pension scheme during his/her absence and the MoD will pay the employer contributions, provided the employee continues to pay the employee contributions.
- 20.8. Employers are also entitled to claim an 'employers award' in respect of replacement costs incurred during the period of call-out that exceed the reservists earnings, subject to a cap of £110 per day.
- 20.9. If a reservist is required to undertake training, **paid leave of up to two weeks per year** will be granted for this purpose. This is in addition to the annual leave entitlement. The employee should provide his/her line manager with a minimum of 28 days notice. The employer can claim from the MoD the costs associated with the employee undertaking training.
- 20.10. Further information is available on the [GOV.UK website](#)

21. Attendance at court as a witness

- 21.1. An employee receiving a summons to appear as a witness must report the fact to his/her head of service or line manager as soon as possible. Paid time off from work will be given as necessary.
- 21.2. In the event of the employee not being required to appear on a particular day, the employee must report for work if more than four hours of the working day remains available.
- 21.3. An employee attending court as a witness should receive from the court forms to claim for earnings. The forms should be passed to Payroll for completion. The employee should then advise Payroll how much he/she expects to receive from the court. Payroll will then deduct an equivalent amount from a subsequent salary payment.
- 21.4. If a part time employee undertakes witness duty on a day when he/she would normally not be working, the payment from the court for this day would not need to be deducted from the salary payment.

22. Jury duty

- 22.1. An employee receiving a summons to serve on a jury must report this to his/her line manager as soon as possible.
- 22.2. **Paid leave** of absence will be granted for jury service.
- 22.3. In the event of the employee not being required to serve on a particular day, the employee must report to work if more than four hours of the working day remains available.
- 22.4. An employee serving as a juror must claim the allowance for loss of earnings to which they are entitled under the Jurors' Allowance regulations currently in force.
- 22.5. The employee must inform Payroll of the allowance received so that an equivalent amount can be deducted from the employee's pay.

23. Public duties

- 23.1. The Council supports employees who take an active part in the community and will grant up to **10 days paid leave** per annum for recognised public duties, subject to operational requirements (pro rata for part time employees).
- 23.2. Recognised public duties include:
 - Justice of the Peace
 - Member of a visiting committee to prisons, remand centres and young offenders institutes.
 - Member of a Local Authority
 - Member of a statutory tribunal
 - Member of a health, education, water or river authority including member of a governing body of an educational establishment
 - Retained fire fighter
 - Special constable

- Member of a panel of lay observers, appointed under s81(1)(b) of the Criminal Justice Act 1991 (these volunteers monitor conditions for prisoners under escort and in court custody)
- Member of a Visiting Committee, for the immigration and detention estate, appointed under s152 (1) of the Immigration and Asylum Act 1999. (These committees monitor the immigration detention estate)
- Member of a Visiting Committee appointed to monitor short-term immigration holding facilities, for example at airports

23.3. Time off must be agreed in advance with the line manager and the employee must provide adequate notice. Additional time off may be granted if considered by the line manager to be reasonable, but this should be taken as unpaid leave, annual leave or flexitime.

24. Time off for trade union duties

24.1. Employees who are trade union representatives of unions, recognised by West Berkshire Council for the purposes of collective bargaining, have the right to **paid time off to undertake their union duties**.

24.2. In addition, employees who are trade union representatives have the right to **paid time off to receive training** to help them carry out their trade union duties.

24.3. Trade union representatives will be expected to arrange these duties so as to cause minimum interference to the service area and should ensure that the line manager is informed of the need for the absence as far in advance as possible.

25. Time off for election duties

25.1. Employees who are employed by the Returning/Counting Officer to assist in the conduct of elections or referendums held in the district will be entitled to take a day's special paid leave to allow them to undertake these duties. This is in addition to any statutory payment which the Returning/Counting Officer makes for attendance.

25.2. Time off to work on election/referendum duties must be authorised by the line manager and will be granted subject to operational requirements of the service being met.

25.3. Special paid time off will normally only be extended to elections/referendums covering the whole of West Berkshire, and other instances approved by the Chief Executive, to ensure that elections/referendums are adequately staffed and conducted efficiently and effectively.

Summary table

Type of Leave	Paid / unpaid	Number of Days	Authorised by
Parental Leave	Unpaid	Up to 18 weeks per child	Line Manager
Compassionate Leave	Paid	Up to 5 days (pro rata for part time)– can be extended	Head of Service (<i>extensions at discretion of HoS and Head of HR</i>)
Time off for Dependants	Unpaid (<i>or annual leave, flex-leave</i>)	Usually up to 2 days	Line Manager
Maternity Support Leave	Paid	Up to 5 days (pro rata for part time)	Line Manager
Ordinary Paternity Leave	Paid (<i>see procedure for details, as not all at full pay</i>)	Up to 2 weeks	Line Manager
Hospital, Doctor, Dentist visits	Unpaid in most circumstances	As reasonably required	Line Manager (HoS if paid)
IVF Treatment	Paid	Up to 5 days then handled as for other hospital or doctor visits	Line Manager
Medical Screening	Paid	As reasonably required	Line Manager
Blood Donation	Paid	As reasonable	Line Manager
Religious Observance	Unpaid (<i>or annual leave, flex leave</i>)	As reasonable	Line Manager
Study and Examination leave	Paid	1 day per exam Up to 5 days per annum for non-qualification course	Line Manager for exam/non qualification leave HoS for additional study leave
Approved apprenticeships as part of WBC employment	Paid	Required off the job training for the particular apprenticeship	Line Manager
Qualification Learning	Paid	Please see procedure for details	HoS
Reserve Forces	Mobilisation = unpaid (<i>though Reservist paid by Services</i>) Training = paid	Mobilisation = as required Training = 2 weeks per annum	Line Manager to be informed
Witness/Jury Duty	Paid	As necessary	Line Manager to be informed
Public Duties	Paid	Up to 10 days per annum (<i>pro rata for part timers</i>)	Line Manager
Union Duties	Paid	As reasonably required	Inform Line Manager
Election duties	Paid for whole district elections/referendums	One day	Line manager
Accompany a pregnant woman to an antenatal appointment	Unpaid	A maximum of two appointments, each of a maximum of six and a half hours.	Line Manager

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