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# Buying Additional Leave

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<b>Committee considering report:</b>	Personnel Committee on 12 February 2018
<b>Portfolio Member:</b>	Councillor Graham Bridgman
<b>Date Portfolio Member agreed report:</b>	25 January 2018
<b>Report Author:</b>	Robert O'Reilly
<b>Forward Plan Ref:</b>	PC3410

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## 1. Purpose of the Report

This report has been requested by Cllr Lee Dillon for discussion at the Personnel Committee on 12<sup>th</sup> February 2018. The report is to explore whether the Council should do more to encourage employees to buy additional leave (excluding schools).

## 2. Recommendation

It is recommended that, following discussion at Personnel Committee, more publicity might be given to the existing arrangements whereby employees can request unpaid leave (which is another way of saying 'buying additional leave') and a separate form is designed by HR for this purpose.

## 3. Implications

3.1	<b>Financial:</b>	No adverse effects
3.2	<b>Policy:</b>	No existing change to policy
3.3	<b>Personnel:</b>	None
3.4	<b>Legal:</b>	None
3.5	<b>Risk Management:</b>	None (requests must be agreed by the relevant Head of Service so operational needs will be met)
3.6	<b>Property:</b>	None
3.7	<b>Other:</b>	None

## 4. Other options considered

None

## Executive Summary

### 5. Introduction / Background

- 5.1 The Council has a leave policy on the intranet which includes the opportunity for management to send a form to Payroll to authorise unpaid leave. Payroll receive approximately one such request per month (not schools). If a Head of Service actively encourages employees to think about taking unpaid leave to meet service savings targets the numbers going to Payroll will increase (which has happened in some services in recent years).
- 5.2 The Council uses the deduction rate of 1/365 of annual salary for each day of the unpaid leave. If the employee is in the pension scheme, the employer and employee pension contributions are paid as normal (unless the unpaid leave is due to industrial action in which case all the pension contribution costs fall to the employee).
- 5.3 There is no active promotion of the right to request unpaid leave. The request and reason are put forward by the employee. The decision is taken by the Head of Service (can be delegated to a line manager) and therefore operational considerations should be taken into account before a request for unpaid leave is agreed. Most requests are for five or fewer days of unpaid leave.
- 5.4 Local government employees enjoy more annual leave than the private sector. In WBC annual leave increases by five days after five years' service. It also increases when employees reach certain grades. In addition to annual leave, many WBC employees can take up to 13 'flexi-days' each year if they work additional hours during the preceding four week period. This means that for most employees the amount of time off with pay is sufficient for their needs; in fact there are some employees who do not take all their entitlement to paid leave in a leave year.
- 5.5 HR have not received any requests from employees (direct or via the 'Let's Chat' workshops) to promote buying additional leave. This issue has not been raised by the trade unions.
- 5.6 Cllr Lee Dillon has asked that the issue is put on the agenda of the Personnel Committee for discussion and as a result it needs to go to CB and Operations Board before Personnel Committee.

### 6. Proposal

- 6.1 It is recommended that, following discussion at Personnel Committee, more publicity might be given to the existing arrangements whereby employees can request unpaid leave (which is another way of saying 'buying additional leave') and a separate form is designed by HR for this purpose if PC wish to give this more publicity.
- 6.2 There will be a small saving for each period of unpaid leave. However, the relevant service may use this saving to pay for another member of staff to work additional hours to cover the workload, so no corporate savings can be assumed. The only certainty is that if the amount of unpaid leave increased there would be no adverse financial consequences for the Council.

## **7. Conclusion**

- 7.1 This report will be discussed at the Personnel Committee on 12<sup>th</sup> February and HR may take steps to increase the publicity for the possibility of employees buying additional leave as a result.

## **8. Appendices**

- 8.1 Appendix A – Equalities Impact Assessment

## Appendix A

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:***
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:***
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;***
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.***
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.***
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”***

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	No new decision other than more publicity for the possibility of buying additional leave
<b>Summary of relevant legislation:</b>	The Council awards more paid leave than the statutory minimum under the Working Time Regulations.
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	no
<b>Name of assessor:</b>	Robert O'Reilly
<b>Date of assessment:</b>	08/01/08

<b>Is this a:</b>		<b>Is this:</b>	
<b>Policy</b>	<b>Yes</b>	<b>New or proposed</b>	<b>No</b>
<b>Strategy</b>	<b>No</b>	<b>Already exists and is being reviewed</b>	<b>Yes</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>Yes</b>
<b>Service</b>	<b>No</b>		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	To bring a potential benefit to the attention of staff
<b>Objectives:</b>	As above
<b>Outcomes:</b>	As above
<b>Benefits:</b>	As above

<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b> (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	No negative impact	
Disability	As above	
Gender	As above	

Reassignment		
Marriage and Civil Partnership	As above	
Pregnancy and Maternity	As above	
Race	As above	
Religion or Belief	As above	
Sex	As above	
Sexual Orientation	As above	
<b>Further Comments relating to the item:</b>		

<b>3 Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	no
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Robert O'Reilly

Date: 08/01/18

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.