

Report to the Cabinet

Report reference: C-110-2009/10

Date of meeting: 19 April 2010



**Epping Forest
District Council**

Portfolio: Performance Management

Subject: Annual Leave

Responsible Officer: Paula Maginnis (01992 564536).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

That, as requested by the Joint Consultative Committee, the Council adopts the Annual Leave Policy attached at Appendix I.

Executive Summary:

The attached Annual Leave Policy codifies existing annual leave provisions, takes into account recent legislative changes with regard to sickness absence and annual leave, and formalises requests for unpaid leave that can be considered by Directors.

The Policy clarifies the contractual leave entitlements of different groups of staff, sets out the proper procedure for requesting annual leave, and underlines the responsibility that both the employee and the manager have for ensuring that all annual leave is taken within the leave year.

Reasons for Proposed Decision:

The Policy codifies and brings together into one document existing practice and clarifies the procedure for calculating and requesting annual leave. The Policy will provide a consistent approach for managers to apply.

Other Options for Action:

The Cabinet could decide not to agree the Policy or substitute it with another approach.

Report:

1. The attached Annual Leave Policy codifies existing annual leave provisions, takes into account recent legislative changes with regard to sickness absence and annual leave, and formalises requests for unpaid leave that can be considered by Directors. It clarifies the contractual leave entitlements of different groups of staff, sets out the proper procedure for requesting annual leave, and underlines the responsibility that both the employee and the manager have for ensuring that all annual leave is taken within the leave year.

2. Recent legislative changes (*Stringer v HMRC*) provides for employees to carry forward a maximum of 20 days statutory leave to the following leave year, if they are prevented from taking their leave by sickness absence. This is set out in the Policy, together

with details on the procedure to be followed should an employee become ill during, or immediately before, annual leave.

3. The Cabinet considered the consequences of this case law at the November 2009 meeting when asked to comment on amendments to the Managing Absence Policy. The same provisions have been set out in the Annual Leave Policy.

4. There are currently no formal arrangements with regards to unpaid leave, and the policy proposes that Directors have the authority to agree up to 5 days unpaid leave per year for staff when unexpected caring responsibilities arise.

Resource Implications:

N/A

Legal and Governance Implications:

Adoption of the Policy will ensure that the Council is meeting its obligations under the Working Time Directive 1999 and subsequent case law.

Safer, Cleaner and Greener Implications:

N/A

Consultation Undertaken:

N/A

Background Papers:

JCC Report 8 April 2010.

Impact Assessments:

Risk Management

The Policy clarifies the contractual leave entitlements of different groups of staff, sets out the proper procedure for requesting annual leave, and underlines the responsibility that both the employee and the manager have for ensuring that all annual leave is taken within the leave year.

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? No

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? No

What equality implications were identified through the Equality Impact Assessment process?

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?