# HR ProcedureTime Off Work

Time Off Work Booklet

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### [**Introduction**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc)

Within this document you will find information and guidance on the options available for employees to request time off work, which are in addition to the relevant annual leave provisions.Time off can usually be taken in days or hours depending on the working pattern.

### Scope

The time off provisions outlined in this guide are applicable to all employees of Cumbria Fire and Rescue Service (CFRS).

In all cases the Service is responsible for the costs of any cover arrangements which may be deemed necessary.

It should be noted that the annual leave year may be different in some service areas and any reference to the annual leave year should take this into account.

### Principles

The provisions for time off are not intended to replace the need to use annual, flexi or unpaid leave (where these are available), but to lessen the burden on employees. All requests for time off will be considered carefully and sympathetically, taking into account the needs of the service. The provisions do not cover all eventualities, nor prescribe time off in a rigid way. They do aim, however, to promote a consistent and fair approach whilst dealing with each application on its own merits.

Time off in relation to sickness absence is distinct from other time off provisions. This document includes guidance on paid time off for hospital and medical screening appointments.

It is recognised that people can suffer distress from time to time in their personal lives. This guidance encompasses a mix of statutory and local provisions. It enables line managers to exercise compassion and allow employees to take time off to deal with domestic incidents.

Approval to take time off is subject to the needs of the service, the reasons for the request, and working arrangements.

As with all absences, line managers will maintain records of occasions when time off is granted using the appropriate recording system.

Some provisions are statutory and some are at the discretion of the line manager. Requests for non-statutory time off for specific reasons may be with or without pay and this document aims to give guidance in dealing with such requests.

Due to operational demands it is not possible for every time off provision to apply in all settings.

Should further clarification be required in relation to this guidance please contact HR.

Should further clarification be required in relation to the consultation and / or implementation process please contact HR.

### Annual leave

Provisions for annual leave are outlined in the Annual Leave and Public Holiday guidance.

### Flexi time

The aim of the flexi time scheme is to encourage a greater work life balance. Flexi time is not applicable for all roles. Refer to the flexi time scheme for further details.

### Family Leave

Further guidance on the following procedures can be found on the CFRS website:

* Family Leave
* Shared Parental Leave

### Foster Care

Up to 5 days (pro rata for part time staff) additional paid leave of absence per year can be granted to any member of staff undertaking training relating to their role as a foster carer (or applicant foster carer). For any member of staff who is following the Fostering to Adopt process the adoption procedure would apply.

### Carer’s Leave

Employees are entitled to one week per year of carer’s leave from day one of employment.

A carer is someone who gives or arranges for care for a dependant who needs long-term care. Long-term care is defined as one or more of the following: a disability as defined under the Equality Act 2010, an illness or injury requiring care for 3 months or more, care needs related to old age.

The period of leave will be equal to the employee’s usual working week and can be taken flexibility to suit their circumstances, e.g.half days, full days or a whole week.

### Career break

A career break is designed to provide employees with the opportunity to take an extended unpaid break of between 3 and 12 months. Details can be found in the Work Life Balance Procedure.

### Religious Holidays

All requests for time off will be considered carefully and sympathetically. There is no automatic right to time off to observe religious holidays and the Equality Act 2010 protects both individuals with a religion or belief and those without a religion or belief.

All employees, whatever their religion or belief, will be treated equally in this respect and time off and annual leave requests should be submitted for approval in the usual way.

### Personal Medical/Dental Appointments

There is no entitlement to time off with pay for routine doctors or dental appointments. There is an expectation that such appointments will be made in the employees own time. Where time off is required to attend an emergency medical or dental appointment paid time off will be granted.

### Disability Leave

Provisions for Disability Leave to enhance the support and assistance available to disabled employees are outlined in a separate Disability Leave Procedure.

### Hospital appointments and Medical Screening

The expectation would be that employees will try to arrange all hospital appointment outside of working hours in order to cause minimal disruption to the service. Where appointment times are determined by the hospital/doctor and it is not possible for the employee to specify the date and time of the appointment paid time off will be granted.

The employee should give their line manager as much notice as possible to allow for any changes to rota/working patterns to be put in place.

### Elective/Cosmetic surgery

Elective surgery is surgery that is not considered to be medically necessary. This includes cosmetic surgery, which is concerned with the enhancement of appearance through surgical and medical techniques. This type of elective surgery should not be classed as sickness absence and paid time off will not be applicable, unless the employee is undergoing elective surgery at a doctor's recommendation in which case the normal provisions for hospital appointments will apply. Any subsequent sickness absence due to the effects of treatment e.g. a complication following surgery, will be classed as sickness absence and normal sick pay provisions will apply.

### Gender reassignment

The Equality Act 2010 protects anyone who proposes to start, starts or has completed a process to change their gender, from discrimination.

Any time off an individual needs because of gender reassignment issues, such as counselling, advice or surgery is protected under the Equality Act and will be treated in the same way as absence because of sickness.

It is recognised that the transition process and the time it takes will be unique to each individual and once an employee confirms that they are starting, or have started, the process of transitioning a confidential action plan will be agreed to manage their transition at work and any time off which is required.

Additional guidance and support will be made available to both employees and line managers and where employees reveal information about their gender identity this will be kept confidential and will not be revealed to anyone without the employee’s consent.

Line managers will support employees through the transition process and fully respect their individual circumstances and always seek the employee’s consent in all relevant matters.

### Fertility Treatment

There is no statutory right for employees to take time off work to undergo investigations or treatment. However up to 5 days (pro rata for part time staff) additional paid leave of absence per year can be granted to any member of staff undergoing fertility treatment. Flexible working arrangements should also be considered.

The expectation would be that employees will try to arrange all hospital appointments outside of working hours in order to cause minimal disruption to the service. Where it is not possible for the employee to specify the date and time of the appointment paid time off will be granted as outlined in point 7.

Any sickness absence due to the effects of the treatment will be recorded in the normal way.

Following implantation a pregnancy may or may not occur, but the person is regarded as being pregnant from the point of the implantation, and is protected under the Equality Act 2010 pregnancy legislation. Employees should notify their employer once they have reached this stage.

If the treatment is successful and the person remains pregnant the normal maternity provisions will apply. If the treatment is unsuccessful, the Equality Act provisions will end two weeks after confirmation of a negative pregnancy test.

### Statutory Parental Bereavement Leave and Pay

Statutory Parental Bereavement Leave and Pay was introduced in April 2020. This is a new entitlement for bereaved parents to be absent from work with pay at a statutory minimum rate for up to two weeks.

Key points of the legislation are:

* The legislation applies to employees who are the parents of a deceased child under the age of 18, or those who suffer a stillbirth 24 weeks or more into pregnancy.
* Parental bereavement leave is a ‘day one’ employment right, meaning that staff do not require a minimum period of service. There is however a qualifying period for statutory parental bereavement pay.
* Leave is taken in blocks of one week and can be either one block covering two weeks; or two separate blocks of one week at different times.
* Leave is to be taken within 56 weeks of the date of the death of the child. This is to allow flexibility for parents eg if they wish to take leave on the anniversary of the death.

To provide additional support to employees in these circumstances it has been agreed that the qualifying period for receiving parental bereavement pay will be removed and this will be a day one right for employees. It has also been agreed that the statutory payment will be uplifted to full pay.

Time off which is classed as Statutory Parental Bereavement should be recorded in the usual way, and you must give your employer notice before taking the time off.

### Paid Time Off for Urgent Domestic Leave

Senior managers may grant discretionary paid leave in respect of urgent domestic reasons. Examples of which may be the death of a close relative or dependent, sometimes referred to as bereavement leave, or an unexpected change in your own or your dependents’ health. A maximum of 7 working days' time off with pay may be granted to any full time employee in any 12 month rolling period, pro rata for part time employees. This will not be unreasonably withheld.

Employees should where possible confirm the request with their line manager at the earliest opportunity.

Paid leave in excess of 7 days shall require the prior approval of a senior manager.

The number of days paid leave granted will take into account the closeness of the employee to the individual/event in crisis, and the impact of the crisis on the employee.

Where a request for time off for Urgent Domestic Leave is declined then the manager will provide the employee with written reasons of the grounds for the refusal.

Any time off for urgent domestic leave should be recorded as paid absence in the normal way.

Domestic abuse is recognised as being a reason why an employee may require Urgent Domestic Leave. Domestic abuse victims are likely to make multiple attempts to leave a perpetrator and in these circumstances the entitlement is uplifted to 12 days annually to allow staff to seek and receive the support they need. Any time off should be recorded in the normal way and any reporting anonymized to protect the employee.

### Statutory Provision for unpaid time off to care for dependants

Employees have a statutory right to take a short amount of **unpaid** time off during working hours when it is reasonable for them to do so in order to take action which is necessary:

* to provide assistance when a dependant falls ill, gives birth or is assaulted;
* to arrange care for a dependant who is ill or injured;
* where arrangements for care of a dependant are unexpectedly disrupted or terminated;
* as a result of the death of a dependant; and
* to deal with an incident involving the employee’s child which occurs unexpectedly when s/he is at school.

A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on the employee for care.

In order to take time off the employee must tell their line manager the reason for the absence and how long it is expected to last as soon as reasonably practicable.

Leave granted under this provision may be granted as and when required, there is no prescribed maximum number of instances per leave year.

Leave taken under this provision should be recorded as unpaid time off.

### Stuck not sick

The Stuck Not Sick procedure is available to all employees, though is more likely to be used by employees who do not have access to the flexi time scheme. Hours taken using Stuck Not Sick are repaid within an agreed time frame.

We all encounter problems from time to time, often with little or no notice, for example:

* the car doesn’t start
* a child minder doesn’t arrive
* the washing machine breaks down and the kitchen is flooded

For these and many other problems, employees need time off from work. The Stuck Not Sick procedure enables an employee to take the time off they need to deal with a crisis, however there is a contractual requirement to repay these hours at a later date. Stuck not sick is in addition to the statutory right for unpaid time off to deal with dependants.

A limit of 15 hours stuck not sick time applies for full-time employees. Part-time employees enjoy the same benefits of the scheme on a *pro rata basis*. Longer periods of time off can be dealt with using other leave procedures. *Stuck not sick time is for a short term crisis only.*

## Process

The Stuck Not Sick arrangements are available to all employees, though they are more likely to be used by employees without a flexi time scheme in operation. Hours will be taken and repaid within an agreed time frame.

## Notification and agreement of arrangements

Employees will telephone their line manager to discuss their need for stuck not sick hours and where possible (subject to service need) they will be granted. Employees will only be paid their normal contractual hours for that day i.e. not any additional hours scheduled. If the hours would normally attract a sessional payment i.e.Bank Holiday they will not be paid as they have not actually attended work. When they repay the hours they have already been paid however, if they work at a time that would attract a sessional payment then this will be paid.

A limit of **15 hours** stuck not sick time will be applied for employees on whole time contractual arrangements. This means that the maximum stuck time an employee can owe at any one time is 15 hours. In normal circumstances, no further stuck not sick hours will be agreed until any outstanding hours have been re-paid.

## Repayment of hours

When an employee returns to work, they must meet with their line manager and agree ways in which the stuck not sick hours taken will be repaid. Managers will agree with employees a payback period (this would not normally be longer than 12 months). If the hours cannot be paid back within the period, the overpayments procedure will be considered.

The method of repaying stuck hours should be agreed in consultation with the employee and will be subject to operational requirements. Options on how to repay stuck hours include:

* Working extra hours to repay stuck hours
* Working additional shifts to repay stuck hours
* Use of annual leave
* Flexi credit hours (where applicable)
* Unpaid leave

 All Stuck Not Sick agreements should be recorded as absence.

### Volunteer Reserve Forces

Subject to the needs of the service, volunteer reservists who attend summer camp will be granted 10 days additional paid leave.

Exceptionally, additional paid leave may also be granted to volunteer reservists who are required to undertake training additional to attendance at summer camp and who are unable to arrange for such training to be on days when they would normally not be working. Requests for time off must be supported by documentation from the Commanding Officer confirming that the training cannot be otherwise arranged and giving alternative dates so that mutually acceptable dates can be identified.

Volunteer reservists may be called up to supplement the regular forces when required, if they are mobilised they will carry out the same roles as a member of the regular force.

If a reservist receives the call-out notice, they should inform their employer immediately.

There is no right to accrue annual leave while away on military service, reservists when they demobilise will get a period of [post-operational leave](http://www.sabre.mod.uk/Reservists/Mobilisation-and-Demobilisation/Demobilisation). Reservists will be continued to be paid by the MOD during this time.

### Volunteer Emergency Services

Subject to the needs of the service, employees who volunteer with emergency services will be granted 5 days additional leave in respect of any mandatory training which is relevant to the role.

Employees should meet with their line manager to discuss the impact of emergency volunteering role on their work role with a view to reaching an agreement on how this will be managed. Further advice can be obtained from the HR Team.

### Special Constables

Employees who are Special Constables shall be granted one week’s paid leave to undergo necessary training.

Special Constables attending as witnesses at trial would be required to make use of their annual leave and flexitime entitlements. Alternatively, at the discretion of their senior manager unpaid leave may be granted.

### Court Appearance

An employee attending court as a witness, as a direct consequence of their employment with CFRS, will receive normal pay (and normal expenses where these are necessarily incurred). In all other circumstances time off to attend as a witness or litigating on your own behalf will be without pay. Appearance as the accused or as the plaintiff will be without pay. Annual leave or flexi leave will normally be granted as an alternative if requested.

### Jury Service

When an employee receives a letter calling them up for Jury Service they should contact their line manager, as soon as possible, to request the required time off and should also provide their manager with a copy of the court summons. The manager should retain a copy of the form for their own records and forward the original to the HR Team.

Employees are entitled by law to have time off for Jury Service and, therefore, requests for such time off will not normally be refused. Employees will not be required to make up the time taken off.

In very exceptional circumstances if the individual’s absence from work at that time would be likely to cause substantial problems to CFRS business, an application may be made to the court to excuse the individual from Jury Service. In these circumstances advice should be sought from the HR team.

Employees will continue to be paid whilst on jury service at their normal rate of pay. Where an allowance is claimable for loss of earnings the employee should claim this allowance and any monies received from the court in respect of loss of earnings will be deducted from salary.

Payroll will issue a form to the employee for them to hand in to the Court. Part I of the form will certify the employee’s daily rate of pay; Part II of the form is completed by the Court and will show any payment made for loss of earnings. This will be returned to the employee.

The employee should then send Part II of the form to the Service Centre/HR and Payroll Provider so that the equivalent amount can be deducted from their next salary. Any additional payments which the employee has received for expenses or travel will not be deducted.

If on any day during the Jury Service period the employee's services are not required at the court, they will be expected to return to work for that day.

If on any half day the employee’s services are not required at the court they may be required to return to work for the remaining part of the day. Whether this is reasonably practical is dependent on the nature of the employee’s work and they employee should discuss this with their line manager.

Under pension regulations, payment of contributions must be paid by an employee for all periods of absence arising from Jury Service and will be made through salary in the normal way.

### Acting as a Court Witness

Similar arrangements will apply to those described above for Jury Service. However, it is likely that the time-off required will be much shorter than that required for Jury Service.

Before allowing paid time-off managers will need to ask for confirmation from the employee that they have been subpoenaed as a court witness. If they have not been subpoenaed and are acting as a witness on a voluntary basis, they will be expected to use annual leave or flexi-time or to take the time as unpaid leave. Employees attending court as a witness as part of their employment duties will be paid as normal.

Any employee who has a query on any of the above provisions should discuss this with their line manager in the first instance.

### Leave to Attend Job Interviews

Employees invited to attend job interview within CFRS will be granted reasonable time off for each post. Reasonable time off without pay will be allowed for all other interviews. Alternatively, employees may use annual leave or flexi leave (if a flexi scheme is in operation) as appropriate

Employees under notice of termination of employment on the grounds of redundancy shall be entitled to additional support, this includes paid time off to seek work. Refer to the Managing Change procedure and guidance for further details.

### Public Duties

By virtue of Section 50(1) of the ERA, an employer shall permit an employee who is a **Justice of the Peace or Magistrate** to take time off during the employee’s working hours for the purpose of performing any of the duties of office. The right includes time spent sitting in Court and attending the required training sessions, plus visits to various prescribed institutions.

**Membership of various committees, such as the Probation Committee and a panel such as the Youth Panel of the Court** are also covered.

For employees who are a **Member of a Local Authority** (as defined by Section 40 of the Local Government Superannuation Act 1937), leave with salary up to a maximum of 208 hours (approximately 28 days), (pro-rata for part-time employees) may be granted in any one year, together with such additional leave without salary as may be necessary (subject to Departmental/Unit requirements) for duties and attendance at meetings as a member of a Local Authority or of any Committee or Sub-Committee thereof. Where an allowance is claimable for loss of earnings the employee should claim and pay the allowance to the employing authority.

Under Section 50(2) of the ERA further categories of membership are identified which give employees a statutory right to time off. These are **Membership of a Statutory Tribunal, an independent monitoring board of a prison Visitors or a prison visiting committee, a relevant health body, a relevant education body, the Environment Agency or the Scottish Environment Protection Agency, or Scottish Water.**

The amount of time off which an employee should generally be permitted for public duties is that which is reasonable in all the circumstances having regard in particular to:

* How much time off is required for the performance of the duties of the office or as a member of the body in question, and how much time off is required for the performance of the particular duty.
* How much time off the employee has already been permitted for public duties, or for trade union duties or activities?
* The circumstances of the employer’s business and the effect of the employee’s absence on the running of the business.

### Duties as a Partner to a Mayor/Mayoress or as a Deputy Mayor/Mayoress

An employee undertaking duties in the role of partner to a Mayor/Mayoress (or as a Deputy) should be allowed time off without pay. There is no specific limit to the amount of time but it should be that which is reasonable in the circumstances.

### Right to Request Training

With effect from 6 April 2010 the statutory Right to Request Time Off for Study was introduced. Eligible employees can submit a request for time off for any study or training that they believe will improve their effectiveness in the organisation and the performance of the business. CFRS is not obliged to automatically agree to such a request but is under a duty to consider and discuss the request with the employee. In order to qualify to make a request under the Act an employee will have to have been in employment with that employer for over 26 weeks.

### Study Leave and examinations

Employees undertaking an approved and relevant correspondence course should be allowed up to 1 half day per week paid leave for private study.

Paid leave will be granted for the purpose of sitting approved and relevant examinations.

In addition up to a maximum of three days paid leave (dependent upon the number of examinations being taken) may be granted for the purpose of revision for the final examinations, this will be at the discretion of the relevant manager. . Normal reasonable time will be one day per final exam.

Apprentices should spend 20% of their time on off the job training.

### Under Notice of Redundancy

An employee who has been given notice of redundancy must be allowed to take a reasonable amount of time off, with pay, to look for new employment or to make arrangements for training for future employment.

This right is dependent on the employee having at least one year’s continuous employment by the date on which notice is due to expire, or by the date on which it would expire had the statutory minimum period of notice been given.

### Trade Union Conferences, Committees and Special Meetings

Requests by the trade unions to seek time off with pay to allow representatives to attend annual conferences, CFRS meetings or special meetings (e.g.; to discuss a pay claim) are normally made “en bloc” direct to HR.. Services will be advised and consulted before replying to the trade union, with regard to:

1. the appropriateness of the request;
2. any restrictions on the granting of leave in view of:
	* the exigencies of the service
	* the length of time off allowed
	* the number of employees affected

Senior officers are authorised to grant individual requests for paid leave for other approved trade union activities such as national meetings.

### Trade Union Departmental Committees

Only in exceptional circumstances should departmental trade union committees be permitted to meet in work time; the exception being where a head of department has put a proposal forward to the departmental committee for their consideration and comment. Where a divisional or district representative has to travel for a meeting of the departmental committee, travel will be allowed in work time to get to the meeting.

### Trade Union Members

Employees who are trade union members should be allowed to take reasonable time off work to take part in the following trade union activities:

1. to take part, as a representative or delegate, in meetings of the Trade Union Executive Committee or Annual Conference.
2. voting at the workplace in union elections;
3. to attend union meetings called during working hours.

Such time off will normally be without pay unless otherwise agreed and be subject to the prior approval of the department concerned and operational exigencies.

There is **no right** to time off for trade union activities which themselves consist of industrial action. Therefore time off would not, of course, include taking part in a strike or other industrial action.

If an official or a member of a union is refused time off for trade union duties/activities then they have the right to complain to an industrial tribunal within three months of the refusal.

### Trade Union Officials

Employees who are trade union officials (an employee who has been elected or appointed by a union to be a representative of the union members in a workplace) should be allowed “reasonable” time off work with pay, (“reasonable” means that the employer can take account of the needs of the business), subject to prior approval, to undertake the following duties:

1. collective bargaining with the appropriate level of management;
2. informing employee members about negotiations or consultations with management;
3. meeting with other lay officials or with full-time union officers on matters which are concerned with industrial relations between his or her employer and any associated employer or their employees;
4. act as a representative on behalf of employee members on grievance and discipline matters concerning them and their employer;
5. appearing on behalf of constituents before an outside official body, such as an employment tribunal, which is dealing with an employee relations matter concerning the employer;
6. explanations to new employees whom they will represent of the role of the union in the workplace employee relations structure.

Where there is some element of doubt as to whether a matter is a trade union duty, CFRS must exercise its discretion. In these instances, matters are to be determined by the relevant head of department.

### Trade Union Safety Representatives

Employees who are trade union representatives are allowed time off, with pay, in order to carry out their duties or to receive appropriate training in health and safety matters.