

Unpaid Leave Policy and Procedure

1. Introduction

1.1 This Unpaid Leave policy is intended to provide guidance when responding to requests from employees for **leave without pay** under the following three classifications:

(i) **Short term Unpaid Leave** – for periods of absence **up to and including four weeks**;

(ii) **Extended Unpaid Leave** – ordinarily for periods of absence **greater than four weeks up to and including twelve weeks**.

(iii) **Special Extended Unpaid Leave** - for periods of absence **greater than twelve weeks**. It is expected that requests for Special Extended Unpaid Leave greater than twelve weeks will be rare.

2. Scope

2.1 The provisions of the **Short term** classification of Unpaid Leave apply to all employees of Lancaster City Council, and are available to employees **without a qualifying service period**.

2.2 The provisions of both **Extended and Special Extended** Unpaid Leave apply to all employees, excluding casual workers, who have completed **one years' continuous service** with Lancaster City Council before the commencement of the period of Unpaid Leave.

3. Potential reasons for the request

3.1 All classifications of Unpaid Leave may be requested for a number of reasons, including, but not limited to:

- Care of a dependant;
- Travel abroad to visit friends or family;
- Travel abroad for religious reasons;
- Other personal reasons.

4. Conditions

4.1 It is expected that requests for all classifications of Unpaid Leave will be submitted once an employee's entitlement to annual leave has been exhausted or nearly exhausted.

- 4.2 The Council will not normally consider more than one period of Extended or Special Extended Unpaid Leave in a three year period.
- 4.3 If the reason for the request is for travel abroad, then only on receipt of approval of the Unpaid Leave should an employee commit to travel plans.

5. Requesting Unpaid Leave

5.1 Regardless of the classification of Unpaid Leave required, requests should be made in writing to the relevant manager before the leave is due to start, setting out the reasons for the request.

5.2 Employees should submit requests for Unpaid Leave to the relevant manager in accordance with the notice periods outlined below:

(i) **Short Term Unpaid Leave** – for requests for periods of absence up to and including four weeks, requests must be submitted **two weeks** before the leave is due to start.

(ii) **Extended Unpaid Leave** – for requests for periods of absence greater than four weeks up to and including twelve weeks, requests must be submitted **two months** before the leave is due to start.

(iii) **Special Extended Unpaid Leave** – for requests for periods of absence greater than twelve weeks, requests must be submitted **two months** before the leave is due to start.

5.3 In exceptional circumstances, the relevant manager may be prepared to accept applications for Short Term Unpaid Leave where less than two weeks' notice has been given.

5.4 Also in exceptional circumstances, the relevant manager may be prepared to accept applications for Extended or Special Extended Unpaid Leave where less than two months' notice has been given. For example, to assist with the care of a seriously ill dependant or relative.

5.5 On occasion, requests for Short Term Leave may be retrospective. For example, for emergency situations not involving a dependant where an employee has insufficient annual leave remaining and it is not practicable for the employee to request the Unpaid Leave prior to taking it.

5.6 Employees should submit requests for Unpaid Leave to the relevant manager as outlined below:

(i) **Short Term Unpaid Leave** – for requests for periods of absence up to and including four weeks, requests must be submitted to the employee's line manager.

(ii) **Extended Unpaid Leave** – for requests for periods of absence greater than four weeks up to and including twelve weeks, requests must be submitted to a Senior Service Manager.

(iii) **Special Extended Unpaid Leave** – for requests for periods of absence greater than twelve weeks, requests must be submitted to an employee's Chief Officer. It is expected that these requests will be rare.

- 5.7 Where an employee's line manager is also a Senior Service Manager, the employee can submit requests to their line manager for both Short Term and Extended Unpaid Leave for periods up to and including twelve weeks.
- 5.8 Where an employee's line manager is also a Chief Officer, the employee can submit requests to their line manager for Short Term, Extended and Special Extended Unpaid Leave for periods up to and greater than twelve weeks.
- 5.9 Employees have the option of requesting an extension to an initial request for Short Term Unpaid Leave, so that it will be subsequently categorised as a request for Extended or Special Extended Unpaid Leave. In these cases, the employee should submit their request to the relevant manager as detailed above.

6. **Consideration of request**

- 6.1 The relevant manager should consider the request taking into account some or all of the following factors:
- ❑ The operational needs of the service;
 - ❑ The employee's reason for the request;
 - ❑ The employee's attendance record;
 - ❑ The likely effect of the employee's absence;
 - ❑ Any failure on the part of the employee to return promptly from earlier periods of leave;
 - ❑ Any other relevant factors.

- 6.2 Where necessary, Human Resources may be consulted before a final decision is made by the relevant manager.

7. **Approval of request**

- 7.1 If a request for any classification of Unpaid Leave is approved, it is the responsibility of the relevant manager to write to the employee as confirmation of the approval within 10 working days of receiving the request. This includes retrospective approvals of requests. A template letter is available from HR, and a copy of the letter sent to the employee should be provided to HR.

8. **Rejection of request**

- 8.1 The discretion as to whether to approve a request for any classification of Unpaid Leave rests with the relevant manager, and there is no right of appeal should a request be rejected.
- 8.2 Upon receiving a request for Unpaid Leave, if the relevant manager considers that the request for Unpaid Leave cannot be accommodated at the time requested by the employee, then the request will be either postponed or rejected. It is good practice for the relevant manager to discuss this with the employee. HR should also be advised.
- 8.3 If the relevant manager postpones or rejects the request, there must be a clear business reason. For example, if taking the Unpaid Leave at the time requested by the employee would cause the business to be particularly disrupted.

8.4 Should the employee be in agreement, it would be good practice for the relevant manager to initially consider postponing the request, instead of rejecting it. If the employee does not wish to postpone the timing of the leave, then the manager may reject the request if there is a clear business reason to do so.

8.5 Regardless of whether the request is to be postponed or rejected, the relevant manager must write to the employee within 10 working days of receiving a request, setting out their position and providing details as to why the request is to be postponed or rejected. Template letters are available from HR, and a copy of the letter sent to the employee should be provided to HR.

8.6 An employee will not automatically be entitled to Occupational Sick pay where they submit a medical certificate, after being advised that their request for any classification of Unpaid Leave has been rejected.

9. Recording Unpaid Leave

9.1 If approved, the line manager must ensure that all classifications of absence agreed under the Unpaid Leave Policy are correctly recorded onto the MyView system to ensure that the employee's pay ceases for the unpaid leave period.

10. Pension contributions

10.1 During periods of Unpaid Leave the employee may elect to pay pension contributions. Employees wishing to explore this option should contact payroll@lancaster.gov.uk at the earliest opportunity, as certain time limits apply. Further advice on pension contributions during periods of unpaid leave can be sought from Your Pension Service.

11. Rights during Unpaid Leave

11.1 An employee absent on any classification of Unpaid Leave remains employed, although pay and most contractual benefits will be suspended. The employee will be entitled to return to their existing post provided that they return to work on or before the agreed date.

11.2 Failure to return on the agreed date after a period of Unpaid Leave will result in pay being suspended, and will be treated as an unauthorised absence which will be dealt with through the Disciplinary Policy and Procedure.

12. Annual and Statutory Leave

12.1 For any period of Unpaid Leave taken, the employee will have no right to accrual of statutory or contractual annual leave entitlement. HR will make the necessary amendments to the employee's annual leave balance on MyView.

13. Review

13.1 This Unpaid Leave Policy and Procedure will be reviewed 2 years after implementation or earlier in the event of further changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	02.02.2016	New Policy to be considered by JCC and Personnel Committee	