



NOTTINGHAMSHIRE
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NOTTINGHAMSHIRE
POLICE & CRIME
COMMISSIONER

PS 165

Leave Policy

Type of Document:

Policy

Version:

2.2

Registered Owner:

Head of People Services & OD

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Effective Date:

Apr 2020

Review Date:

Apr 2025

Replaces document (if applicable)

Linked Documents:

PS147 Attendance Management Policy

PD610 Attendance Management Procedure

PG023 Attendance Management Guide

Authorised (Head of Dept & FEB)

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Table of Contents

SECTION 1	VERSION CONTROL.....	2
SECTION 2	AIMS AND OBJECTIVES OF THE POLICY.....	3
2.1	Key Principles.....	3
SECTION 3	POLICY STATEMENT.....	4
3.1	Annual Leave Entitlement.....	4
3.2	Application.....	5
3.3	Carry Over of Annual Leave.....	5
3.4	Planned Extended Leave.....	6
3.5	Bringing Forward of Annual Leave.....	6
3.6	Cancellation of Leave.....	7
3.7	Sickness During a Period of Planned Annual Leave.....	7
3.8	Public Holidays.....	7
SECTION 4	LEAVE FOR RELIGIOUS OBSERVANCE.....	8
SECTION 5	CLOSURE OF OFFICES.....	8
ADDENDUM	COVID-19 and Carry Over of Annual Leave.....	9

SECTION 1 VERSION CONTROL

Version No.:	Date:	Post Holder/Author:	Post:	Reason For Issue:
1.0				New Policy- Review date 2014
2.0				PNB Circular 2014/23. New reference at 1.3 to carry over of leave following sickness or maternity/shared parental leave absences. New case law regarding return from sickness absence and expiry of leave carried forward. Some clarification of wording elsewhere but no other substantial changes. Sept 2015
2.1	Apr 2017	James Lunn/Bal Dosanjh	Senior HR Manager/ HR Consultant	Reflecting the PSC Handbook Changes 01.04.2017.
2.2.	April 2020	David Lawley	Policy & Wellbeing Partner	COVID-19 and Carry Over of Annual Leave

SECTION 2 AIMS AND OBJECTIVES OF THE POLICY

Annual leave and bank holiday entitlements are provided for in Police Regulations 2003 for police officers and Police Staff Council handbook and contracts of employment for police staff.

The aim of the policy is to set out:

- annual leave and bank holiday entitlements for different groups;
- the principles for handling annual leave requests;
- a framework that is equitable, consistent and transparent allowing police officers and police staff to take time off for rest and recuperation whilst the Force maintains the appropriate service to the community of Nottinghamshire.

The policy is applicable to police officers and police staff. Where there are differences this is highlighted.

2.1 Key Principles:

- The Force holiday year runs for the 12 month period 1 April to 31 March inclusive
- Annual leave is based on length of service
- Annual leave is considered in hours rather than days for system purposes; therefore a leave day for a:
 - police officer working 40 hours per week is 8 hours
 - police staff member working 37 hours a week is 7 hours 24 minutes.

This is pro rata for individuals working part time.

- Requests for annual leave should be made with a reasonable period of notice. Departments may have specific time frames for requesting annual leave. Longer notice may be required during particularly popular periods, such as school or public holidays. It is the individual's responsibility to be aware of local arrangements when requesting leave.
- Line managers will respond to annual leave requests within a reasonable time frame.
- Individuals changing their working hour's part way through a holiday year will have their annual leave recalculated to reflect the new hours worked.
- Individuals leaving Nottinghamshire Police should use accrued annual leave during their notice period. In circumstances where the Force has refused the individual the opportunity to take their annual leave the accrued, but unused, leave will be paid.
- Individuals who leave the organisation whilst on sickness leave may be entitled to receive payment in respect of outstanding leave in line with the Working Time Directive.
- Police Officers and Police Staff are able to request annual leave to be taken during periods of suspension or sickness absence.

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- Individuals who do not return to work following a period of maternity/adoption or shared parental leave may be entitled to receive payment in respect of outstanding leave.
- Individuals who leave Nottinghamshire Police having utilised more annual leave than they have accrued will be required to pay the outstanding amount or make up the time.
- Annual leave must be approved by the line manager prior to taking the time off.
- All public holiday leave must be approved by the line manager prior to taking the time off for all individuals who work a shift pattern that requires them to be rostered on public holidays.
- It is expected that police officers and police staff will return from annual leave on the agreed date of return. Failure to return on the expected date may result in the individual being subject to misconduct proceedings if the absence is for unacceptable reasons.
- Annual leave increases at the anniversary of employment or service and the remaining leave will be recalculated when an individual is entitled to additional leave.
- The line manager may exceptionally approve unpaid leave to be taken in addition to annual leave, subject to operational requirements, where an individual requires an extended period of time away from the work place. Annual leave will not accrue during unpaid leave. Annual leave entitlement is recalculated if unpaid leave is taken.

SECTION 3 POLICY STATEMENTS

3.1 Annual Leave Entitlement

Constable, Sergeant, Inspector, Chief Inspector are entitled to:

Length of service	Leave entitlement
Less than 2 years relevant service	22 days (176 hours)
2 or more years relevant service	25 days (200 hours)
5 or more years of relevant service	25 days (200 hours)
10 or more years of relevant service	27 days (216 hours)
15 or more years of relevant service	28 days (224 hours)
20 or more years of relevant service	30 days (240 hours)

Superintendents and Chief Superintendents are entitled to 31 days (248 hours) annual leave per annum.

Police Officers, above the rank of Chief Superintendent are entitled to 42 days, (336 hours), annual leave per annum, increasing to 48 days (384 hours) per annum for those with ten or more years' service at ACPO rank.

Police Staff are entitled to:

Length of service	Leave entitlement
Basic leave allowance	24 days (177.6 hours)
After 5 years' service	29 days (214.6 hours)

After 10 years' service	32 days (236.8 hours)
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3.2 Application

Annual leave should be taken in accordance with the following principles:

- The notice period for requesting annual leave should not be less than the duration of the leave requested (e.g. 1 weeks' notice for 1 weeks leave where possible).
- A minimum of 2 months' notice will be required for requests for annual leave that exceed 2 weeks duration.
- There are occasions when exceptional circumstances may require annual leave to be requested at late notice. A minimum of 1 days' notice should be provided where possible.

3.3 Carry Over of Annual Leave

Police officers and police staff are permitted to carry over up to 5 days annual leave from the current leave year to the next. Balances of up to 5 days are automatically carried forward. Leave which is carried forward will be deemed to be the first leave taken in the ensuing year. This must be taken within 3 months of the start of the leave year.

If exceptional personal or operational circumstances prevent an individual from using their leave within the current leave year, the Head of Department/ Division may approve the carry-over of more than 5 days to the next leave year.

Please see below for the specific arrangements for carry over following long term sickness absence

(a) Long-term Sickness Absence

Police officers and police staff who have been unable to take annual leave because of long term sickness absence, (28 days or more), will, (in line with the Working Time Directive), be entitled to carry over up to 4 weeks', (20 days), annual leave less any annual leave or bank holidays already taken, to the new leave year if:

- the long term absence on sick leave continues into a new leave year; or
- the return to duty is late in the leave year and the individual did not have the opportunity to take all their annual leave before the end of the leave year.

Any annual leave carried over following long term sickness absence must be taken within 18 months of the end of the leave year in which it was accrued.

Line managers should discuss outstanding leave with the individual and work to agree a pattern for this to be taken in accordance with the policy.

There is no definition of 'late in the leave year'. This can be for determined by managers in the light of operational requirements and the individual circumstances.

Any outstanding leave in excess of the maximum periods for carry over, identified above, will be

lost.

All of the above carry-over entitlements apply pro-rata for officers or staff working part time.

(b) Maternity/Adoption/Shared Parental Leave Absence

Police officers that have been unable to take all of their annual leave/bank holidays in the leave year due to being on maternity/adoption or shared parental leave will be entitled to carry over the balance to the appropriate leave year when returning to work.

Police staff can take annual leave during a break in maternity leave; otherwise any accrued or unused annual leave should be carried over to the next leave year.

3.4 Planned Extended Leave

Extended leave is defined as leave that extends beyond 4 weeks, (160 hours for police officers and 148 hours for police staff). Police officers and police staff are allowed the opportunity to bank a maximum of 5 days, (40 hours a week for police officers and 37 hours for police staff and pro rata for individuals working part time), of their normal annual leave entitlement over a period of 4 years to enable them to take, in subsequent years, a longer period of leave for the purposes of:

- Visit to a family member/or partner's family overseas
- For religious observance
- An extended travel ambition
- Further education not supported by Nottinghamshire Police.

The 5 'banked' days are a separate provision to the carry forward of up to 5 days in 1.3 above.

The individual must provide advance notice of their intention to take extended leave to their line manager, who will notify Duties to enable adjustment of leave allocation.

The individual must provide a minimum of 6 months' notice of their intention to request extended leave. A minimum of 2 month's-notice is required for the specific dates requested. All requests will be considered on their merits and will be subject to the exigencies of the Force. The approval of the Head of Department/Divisional Commander is required for all requests with a recommendation from the line manager.

The maximum period of extended leave that may be taken, inclusive of entitlement for current year, is 6 weeks, (240 hours for police officers and 222 hours for police staff), on any one occasion in any 5 year period.

3.5 Bringing Forward of Annual Leave

The line manager may approve an individual's request to bring forward a maximum of 5 days annual leave from the next years leave entitlement, to be taken in March only. Priority in granting annual leave must initially be to those individuals using the actual leave year allocation of annual leave.

3.6 Cancellation of Leave

There may be occasions when an individual wishes to cancel booked/authorised leave at short notice. The line manager may refuse such a request if there may be an impact on the department or service. The line manager should confirm reasons for refusal to cancel authorised leave.

In extreme operational circumstances it may be necessary for Nottinghamshire Police to cancel booked leave.

Police staff: Leave that is cancelled by Nottinghamshire Police will be re-credited to the individual's leave entitlement balance.

Police officers: Where it is operationally necessary to recall a police officer to duty, compensation will be granted in accordance with Police Regulations 2003, Regulation 33, Annex O.

3.7 Sickness during a Period of Planned Annual Leave

Should an individual become ill during a period of planned annual leave, the individual must advise their line manager on the first day of sickness and BOBO to register the change to sickness. With line manager approval, the annual leave can be re-credited to their annual leave allowance on proof of sickness.

For all periods of reported sickness whilst on annual leave a medical certificate or fit note is required. Individuals are responsible for any costs associated with supplying a medical certificate or fit note.

Annual leave continues to accrue whilst an individual is absent due to sickness. For police officers and staff returning to work after a long term illness:

- Leave allowance is considered at contractual level if return to work in current leave year.
- Leave allowance remaining from a previous leave year is calculated at statutory level.

3.8 Public Holidays

Police Officers

All police officers are entitled to paid leave for recognised national holidays, otherwise referred to as Public Holidays. Part-time police officers will have a pro-rata entitlement to Bank Holidays.

Police Regulations, Annex E, allows constables and sergeants to propose substituting a day which is not a public holiday for any day which is, with the exception of 25 December. The substitution is subject to Chief Officer approval. When the substitution is approved, the day becomes a 'public holiday' and is treated as per Annex H. The substitution is subject to an annual request.

If a police officer chooses not to propose a substitution the original public holiday stands.

Police Staff

All police staff are entitled to public holidays which are designated by the government. Police staff who wish to observe religious/holy holidays which do not coincide with public holidays in England should request annual leave or unpaid leave to cover these periods. These requests will not be unreasonably refused.

SECTION 4 LEAVE FOR RELIGIOUS OBSERVANCE

Police staff who joined Nottinghamshire Police prior to 1 April 2004 and who were therefore employed under the conditions of the Nottinghamshire County Council Orange Book, who wish to observe religious /holy holidays that do not coincide with public holidays in England retain the right to 4 days paid time off for the purpose of observing religious/holy festivals or other religious observance in accordance with their continuous contract of employment.

The police staff member should provide their line manager with information as to the religious/holy festival or religious observance that they will be participating in.

SECTION 5 CLOSURE OF OFFICES

Heads of Department or Divisional Commanders of non-operational departments may, at their discretion, close on the Tuesday following the Easter, Spring and Autumn Public Holiday, as well as between Christmas and New Year providing that:

- the closure is approved in advance by the line next manager above the Head of Department which wishes to close.
- the individuals all take annual leave on the days lost.
- reasonable notice is provided that the department will be closed.

Addendum to PS 165 Leave Policy

The 4 weeks of statutory annual leave granted by Working Time Regulation 13 cannot generally be carried between leave years, with exceptions when a worker cannot take annual leave due to sickness absence or maternity leave.

A further exception is now included due to circumstances linked to the Coronavirus pandemic. The Working Time (Coronavirus) (Amendment) Regulations 2020 relaxes Working Time laws on statutory leave.

The amendment effective from 1st April 2020 provides that workers have the right to carry forward untaken holiday for two years where it has not been reasonably practicable to take the leave due to the coronavirus (COVID-19) pandemic.

The measure is to protect workers from losing their holiday entitlement and to provide employers with flexibility and staff to deal with the consequences of the coronavirus outbreak

In relation to carry over of annual leave, Section 3.3 of the force Annual Leave Policy states, Police officers and police staff are permitted to carry over up to 5 days annual leave from the current leave year to the next. Balances of up to 5 days are automatically carried forward. This remains the force policy.

The new regulation will be considered through the existing “exceptional circumstances” referred to in Section 3.3 of the Leave Policy. Officers and staff who have been prevented from using their leave within the current leave year as a direct result of leave cancelled by the organisation due to operational requirements relating to our response to the Coronavirus pandemic should submit a request to their Head of Department/ Division who may approve the carry-over of up to 20 days for use within the next two year period.

RMU will maintain a list of all leave cancellations for the pandemic in order that Heads of Departments can clarify carry over requests quickly.