

Leave and attendance times for Fire and Rescue staff

New policy number: **367**
Old instruction number: **PER:G005:a1**
Issue date: **16 August 2004**
Reviewed as current: **28 March 2023**
Owner: **Assistant Director, People Services**
Responsible work team: **Culture and Organisational Development**

Contents

1	Introduction	2
2	Leave	2
3	Sickness and leave entitlement	3
4	Option absence scheme	3
5	Booking of annual and option leave	4
6	Christmas holiday period	4
7	Hours of attendance	5
	Document history	8

1 Introduction

- 1.1 This policy sets out the principles attached to the booking and the taking of leave and the terms, conditions and procedure affecting attendance times for fire and rescue staff. It should be noted that the granting of leave is contingent on the exigencies of the Brigade's service and accordingly, the giving of adequate notice for leave requests is required.

2 Leave

- 2.1 The leave year is from 1 April each year to 31 March in the following year.
- 2.2 Joining and leaving; leave entitlement will be pro-rata on the basis of each complete month of service up to the end of the current leave year or from the beginning of the leave year as appropriate. The annual leave entitlement will not, in any event, be less than the statutory leave entitlement. All entitlements listed below are for full time staff. Part time and flexi-working staff entitlements will be pro-rata as appropriate.

Annual leave

- 2.3 26 days plus public holidays or days in lieu.

Long service leave

- After 5 years' service – 1 day
- After 10 years' service – 2 days
- After 15 years' service – 3½ days
- After 20 years' service – 5 days
- After 25 years' service – 7 days

New technology leave

- ½ day – Staff must be in post as of 31 March to accrue for the next leave year. Applicable to FRS B - FRS E posts only¹.

Carry over

- 2.4 Leave may be carried over into the new leave year on the following basis:
- (i) Employees should ensure that they take their leave allocation by the end of the leave year subject to section/departmental/organisational needs. 5 days leave (annual and/or long service) may be carried over in to the next leave taking year, but it should be borne in mind that leave not taken by the end of June will be forfeited.
 - (ii) In exceptional circumstances, where management accept that leave cannot be taken during the leave year on account of service needs, up to a maximum of an additional 5 days may be carried over in to the next leave year subject to the concurrence of the head of service, to be used by the end of July, leave not taken by then will be forfeited. This may be granted in addition to 2.4 (i) above.
- 2.5 Carried over leave not taken within the above time frames shall be lost.

¹ Staff who occupied MG7 posts at the time and are still in an FRS F position retain NTL as part of the agreement

Leave not taken

- 2.6 It is not the practice of the LFB to make payment in lieu of leave not taken beyond the statutory leave entitlement. The Assistant Director People Services may, however, authorise such payments to employees unable to take up all their leave by their last day of service because of the pressure of their work or other extenuating circumstances.

Anticipation

- 2.7 Only annual leave may be anticipated by an employee for personal reasons, not exceeding 6 days, subject to the approval of the Head of Service in consultation with the Assistant Director, PS.

3 Sickness and leave entitlement

- 3.1 Employees should be aware that extended periods of sickness absence covering more than one leave year may affect their contractual leave entitlement. Following periods of extended absence, leave entitlement will be adjusted on an individual case by case basis as appropriate. Statutory leave entitlement will not be affected.
- 3.2 An individual who becomes ill or is injured at the beginning of, or during a period of leave may be entitled to claim this back if they were ill or incapacitated provided that they:
- Inform their line manager of their illness or injury promptly, in line with normal sickness reporting procedures.
 - Provide a fit note, or other formal medical certification, covering the full period of their illness or incapacity.
- 3.3 Following a period of long term sickness absence an employee may request to take any outstanding annual leave and should endeavour to take this in the same year in which it was accrued. This will be facilitated by the Brigade as far as possible. However, where the outstanding leave cannot be taken, the Brigade shall allow the employee to carry forward statutory leave into the next holiday year. Please note that this statutory leave (up to 28 days) **must** be taken up to fifteen months from the end of the leave year in which it is accrued.

4 Option absence scheme

- 4.1 This scheme allows for FRS staff to earn one day off each calendar month by working an additional 22 minutes each day for staff with a working day of 7 hours and working 5 days a week. For staff on flexible working arrangements the additional time to be worked each day will vary in relation to the length of their normal working day and working pattern.
- 4.2 The period during which an option absence may be taken shall be the calendar month in which it is earned and the two successive calendar months following.
- 4.3 Option absence does not accrue in respect of days on long term absence, e.g. sickness and maternity absence, that is more than one complete calendar month.
- 4.4 On returning from such absence, if an employee wants to earn an option day for that calendar month they will need to work sufficient additional time per day for the remaining days of the month so as to amount to the duration of a normal working day. If the employee does not want to earn an option day for that month, they will work the normal hours for their work pattern for the rest of that calendar month.
- 4.5 Option absence not taken in line with 4.2 above shall be forfeited unless there are extenuating circumstances acceptable to the Head of Service.

4.6 The right is reserved to transfer employees without regard to their option arrangement or to vary an individual's option arrangement.

5 Booking of annual and option leave

5.1 Applications for leave will be granted subject to the exigencies of the service and the needs of the section/department.

5.2 Employees are advised not to commit themselves to any holiday arrangements until the period of leave has been authorised by their head of section/department. Employees should ensure that leave applications are submitted in good time before the proposed commencement of leave, so that their intended arrangements can be considered having due regard to departmental/section needs.

5.3 Employees wishing to take leave, be it annual, long service, new technology or option absence, do so by making the necessary application to their manager at least two days before the proposed leave is due to start. Applications for leave of more than one week will normally require longer notice. It is recognised that in exceptional circumstances, such as unforeseen emergencies, employees may need to take leave at short notice, but this will be the exception rather than the rule.

5.4 Line managers should normally review and respond to leave applications within 3 working days. If an employee believes that the line manager will be unavailable for these 3 days, then the leave application should be made to another manager in that area who is available.

5.5 The procedure for the requesting of leave is via an electronic application. The electronic leave form can be accessed on hotwire via **HR, pay and employment > Leave > Book leave – FRS staff**.

5.6 For advice or clarification on attendance times and leave taking arrangements for fire and rescue staff, contact the HR help desk on extension 89100.

6 Christmas holiday period

6.1 Additional leave and excused attendance is allowed during the Christmas holiday period on the following basis

When Christmas Day falls on:	Period during which attendance may be excused	
	From	To
Monday	Christmas Day	New Year's Day
Tuesday	Monday before Christmas Day	New Year's Day
Wednesday	Christmas Day	New Year's Day
Thursday	Christmas Day	Friday following New Year's Day
Friday	Christmas Day	New Year's Day
Saturday	Christmas Day	Monday after New Year's Day
Sunday	Christmas Day	Monday after New Year's Day

6.2 Establishments will remain open and staffed on the days mentioned in the second column where necessary to provide a proper service to the public. Employees required to work at such

establishments on the days concerned shall be allowed one days' paid leave in lieu to be taken at a time to be mutually agreed, subject to the exigencies of the service.

Excused attendance

- 6.3 At the discretion of the Brigade and subject to the exigencies of the service, the provision in 6.1 above may be varied for senior officer and FRS staff, so as to allow for excused attendance from duty over the Christmas holiday period; the particular arrangements in each year shall be determined annually.
- 6.4 The arrangements for excused attendance over the Christmas to New Year holiday period shall be on the following conditions:
- (a) Employees must use a days leave or option absence from their current entitlement, to cover absence on one of the days, as specified in the published "Christmas Leave Arrangements" on Hotwire.
 - (b) Part-time and flexi-working staff must use leave or option absence from their current entitlement, to cover absence on one of the days pro-rated in respect of their individual arrangements.
 - (c) Fixed term staff who are contracted to work beyond 1 January will receive the Christmas and New Year leave entitlement as detailed above.
 - (d) The remaining days of excused attendance for the year in question as shown in 6.3 above which would otherwise normally be worked shall be additional Christmas leave with pay.
 - (e) Except as already provided in connection with rostered shift work, or work on public holidays weekends or on other days not forming part of the normal working week, attendance for duty on any day over the Christmas and New Year holiday period as shown in 6.3 above shall be compensated for by the grant of equivalent time off in lieu to be taken at a time to be mutually agreed, subject to the exigencies of the service, and shall not attract overtime rates of pay.
 - (f) Employees who are not rostered, sick or otherwise absent on days on which attendance is excused shall not be allowed equivalent time off, nor additional payment in lieu.
- 6.5 The provisions above for excused attendance over the Christmas/New Year holiday period may be subject to review by the appropriate Joint Committee on receipt of three months notice from either side of the Committee.

7 Hours of attendance

- 7.1 Fire and rescue staff are contracted to work a 35 hour week based on a Monday to Friday working pattern. The core starting times are between 0800 hours and 1000 hours with corresponding finishing times between 1607 hours and 1807 hours for employees participating in the option absence (OA) scheme. Employees not participating in the option absence scheme, while still adhering to the starting times as detailed, will not be required to work the extra twenty two minutes at the end of each day and will as such, finish work between 1545 hours and 1745 hours. A sample of starting and finishing times for both schemes is given below, these timings are based on a 45 minute lunch period, which is not included in the half day timings:

Participants of the OA Scheme			
Start Time	Afternoon Leave Finish Time	Morning Leave Start Time	Finish Time
08:00	11:41	12:26	16:07
08:15	11:56	12:41	16:22
08:30	12:11	12:56	16:37
08:45	12:26	13:11	16:52
09:00	12:41	13:26	17:07
10:00	13:41	14:26	18:07
Non Participants of the OA Scheme			
Start Time	Afternoon Leave Finish Time	Morning Leave Start Time	Finish Time
08:00	11:30	12:15	15:45
08:15	11:45	12:30	16:00
08:30	12:00	12:45	16:15
08:45	12:15	13:00	16:30
09:00	12:30	13:15	16:45
10:00	13:30	14:15	17:45

- 7.2 The lunch break for fire and rescue staff is 45 minutes. Only in exceptional circumstances and with prior approval from line management, will it be acceptable to vary this time. In agreeing any 'one off' variations, managers and employees need to bear in mind the minimum rest periods required under the Working Time Regulations, which stipulates a minimum 20 minute rest period following 6 hours worked.
- 7.3 The basis of the option absence scheme is that employees work an extra 22 minutes per day in a given month in order to earn a day's leave in respect of that month and this is referred to as option absence leave.
- 7.4 The period during which an option absence may be taken will be the calendar month in which it is earned. There is provision to carry forward the earned option day up to the third month from when it is earned. The option absence day not taken by this time will be forfeited unless there are extenuating circumstances acceptable to the Head of Service/Section. It is important that starting and finishing times are agreed between manager and employee in order to ensure that office cover is maintained at all times, in particular, during core business hours. Managers will define the core hours which are appropriate to their business needs. Any variations must be by mutual consent and with due regard to both employee and organisational needs. Employees must keep to their agreed starting and finishing times except in circumstances as that detailed at 2.7 and 2.8 below.
- 7.5 Employees are required to work their full contractual hours in accordance with that detailed in their contract of employment. The exception is the working of reduced hours following a recommendation by the Brigade's medical adviser. In this instance, the provisions of Policy number 1005 -Supporting health and wellbeing–policy, Part 18, which details the Reduced hours policy for FRS and control staff, will apply.

- 7.6 If temporary difficulties are encountered with regard to employees attending work at their agreed starting and finishing times, alternative, albeit temporary, measures, can be considered in helping employees to counter these difficulties. Accordingly, a temporary change in the starting and finishing times within the prescribed core hours as detailed at 2.1 above can be considered by managers in helping to facilitate necessary solutions on the understanding that a return to the original arrangements will apply once the temporary hardship has been resolved.
- 7.7 If however a permanent change is requested outside of the core hours as detailed at 2.1 above, the required changes, subject to satisfying eligibility criteria, should be pursued via the Brigade's policy in Policy number 448 – Flexible working/work-life balance, including home working as detailed in 2.9 below. Requests will be considered, subject to the business needs of the department/section.
- 7.8 It should be noted that any changes made to working patterns may be subject to trial period and/or periodic review agreements but will be otherwise deemed permanent.

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	02/12/2020	SDIA	02/12/2020	HSWIA	02/12/2020	RA	
-----	------------	------	------------	-------	------------	----	--

Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Throughout	Minor terminology changes through out policy.	01/07/2009
Page 3, para 2.9 and 2.10	Reference to the Flexible Working – Work Life Balance policy number 448a added.	01/07/2009
Throughout	Help desk extension numbers updated.	11/05/2010
Throughout	Amending wording to reflect the deletion of the station cook posts in the organisation.	12/10/2012
Page 5	SIA date added.	28/01/2014
Page 5	Subject list and FOIA exemptions tables updated.	16/12/2014
Page 3, Para 2.6 Page 3, Para 2.8 and 2.9 Page 4, Para 3.4	Reference changed to reflect link to Attendance Policy. Changes made to reflect alteration to Flexible Working Policy number 448, and Policy number 504 being incorporated in to that document. Booking Leave, e-form reference updated.	13/08/2015
Throughout	Reference to PN712 – attendance management policy updated to PN889 – managing attendance policy.	21/02/2017
Throughout	Change of title and inclusion of relevant Staff Code provisions. Please read fully to familiarise yourself with the latest version.	07/02/2018
Page 6, para 7.1	Changes made to starting and finishing times in the table. Changes also made to 'A sample of starting and finishing times' sentence.	15/02/2018
Page 8	Under 'Document History, Assessments table' – HSWIA date added.	05/03/2018
Page 2, para 2.2	Annual leave entitlement for full time, part time and flexi-working staff added.	15/03/2018
Page 1 Throughout Page 2, para 2.6 Page 4, para 5.5	Owner title updated from 'Head of Human Resource Management' to 'Assistant Director, People Services'. 'Authority' updated to 'Brigade' due to the abolition of LFEPa. 'Head of HRM' updated to 'Assistant Director, PS'. 'HRM' updated to 'HR'.	07/08/2020

Page/para nos.	Brief description of change	Date
Page 2, para 2.6	Additional clarification information incorporating Staff Code information.	04/12/2020
Page 6, para 7.5	Reference to P889 –Managing attendance policy updated to PN1005 – Supporting health and wellbeing policy.	28/03/2023
Page 3, para 2.3	Additional text to confirm grades NTL applies to - post 2007 pay and conditions agreement.	17/05/2023

Subject list

You can find this policy under the following subjects.

Leave	Attendance
Attendance times	

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification