

## **B16 Special Leave Policy**

### **1 Policy**

- 1.1 The Council is committed to striking a fair balance between the needs of employees and service delivery. Employees may at times need assistance to manage the balance between their work and private lives. They may also have responsibilities towards the wider community. This policy sets out the framework for time off, paid or unpaid, for domestic reasons and for carrying out public duties, as far as these are not covered in other policies.
- 1.2 The above forms the Council's policy as at November 2010, it should be noted that: -
  - the policy for special leave either paid or unpaid does not confer any contractual rights
  - the Council will retain the right to review the policy at any time. Changes may result from employee, management and trade union feedback and/or from changes in employment legislation. The Council, following consultation with recognised Trade Unions, will implement revisions and updates.
  - The policy will cease on the 1 April 2015.

### **2 Scope**

- 2.1 Managers are responsible for taking a consistent and fair approach.
- 2.2 This policy applies only to employees. Casual, Agency and Sessional contracts are excluded from this.
- 2.3 Part time employees are entitled to special leave under the same conditions as their fulltime colleagues, on a pro-rata basis.
- 2.4 Special leave may be with or without pay.
- 2.5 This Policy will be applied equally to all staff and no groups will be disadvantaged by the application of this Policy.

### **3 Principles**

- 3.1 Within this policy, there are two main categories of leave:
  - Category 1: Unplanned special leave
  - Category 2: Planned special leave.

- 3.2 Wherever possible, applications for special leave should be made in advance using the 'Special Leave Form'. In an emergency, the employee must telephone his or her manager to make the request and the form filled in as soon as possible after the event.
- 3.3 Approval for periods of longer than 3 months (paid or unpaid leave) must be sought from a Chief Officer or Head Teacher as appropriate.
- 3.4 Special leave requests may be considered in conjunction with other policies on flexible working arrangements and an employee's annual leave entitlement. Employees are not required to exhaust their annual leave entitlement before special leave is granted. Each request is considered on its merits, giving full consideration to the facts and to the needs of the service.
- 3.5 Employees taking action against the Council or acting as a witness in support of a person doing so will be required to do so in their own time.

## **4 Category 1 – Unplanned Special Leave**

- 4.1 Special leave will only be granted for unforeseen circumstances. If the event is foreseeable, then it should be possible for the employee to apply for another type of leave, for instance annual leave or parental leave, depending on the circumstances.
- 4.2 Special leave is available to support unplanned events but is not an automatic right.
- 4.3 For most cases, one or two days should be sufficient to deal with the problem.
- 4.4 Each case will be judged on its merits, and managers are to ensure consistency in decisions and amount of leave granted.

### **4.5 Bereavement**

- 4.5.1 Employees will be granted a period of up to 5 days paid special leave for the death or terminal illness of a spouse, partner, child, sister, brother, grandparent or other close relative, or person with whom there is a very close relationship.
- 4.5.2 The manager granting the leave will take a number of factors into account in determining the amount of compassionate / bereavement leave to be granted, for instance:
  - The closeness of the relationship
  - The distance which would have to be travelled to care or to attend to the family
  - Whether the employee is responsible for making arrangements as next of kin or executor.

#### **4.6 Domestic problems**

- 4.6.1 Special leave with pay up to 1 day may be granted to staff in certain situations. If longer is needed, annual leave should be requested.
- 4.6.2 The need for special leave may be associated with serious domestic emergencies, which must be resolved immediately by the employee in person, such as burglary, fire, flood, storm etc, and situations, which pose a security risk to an employee's home if they are not resolved immediately.
- 4.6.3 Special leave with pay is not granted for employees who have tradespersons carrying out routine maintenance, or for employees to have a medical, for example for private insurance or a mortgage. Where possible, employees should try to arrange such visits outside of their normal working hours, or take annual leave.

#### **4.7 Notifiable Diseases**

Following contact with a notifiable disease, employees and their managers should seek advice from the Occupational Health Department. If the employee is required to take time off, this will be granted as paid special leave.

#### **4.8 Illness of Children or Other Dependants / Child Minders**

- 4.8.1 Annual leave entitlement, parental leave entitlements and flexi time should normally be sufficient in providing enough time off for most circumstances.
- 4.8.2 In emergency situations, for example where an employee's child is taken ill at school, immediate time off may be granted. On the employee's return to work, based on the merits of each case, the time off may be recorded as annual or flexi leave and only in exceptional cases as paid or unpaid special leave.

#### **4.9 Extensions to Annual Leave for Compassionate Reasons**

- 4.9.1 There will be instances where employees with immediate family living abroad may wish to travel to them abroad because of family illness or bereavement. Annual leave entitlements should normally be sufficient for most circumstances. If annual leave has been exhausted Chief Officers or Head Teachers may allow the employee to 'borrow' up to 5 days of their annual leave from the following year. The duration of leave granted will depend on:
- The closeness of the relationship
  - The distance and complexity of the journey
  - The reason why leave is requested.

- 4.9.2 The employee should give as much notice to their line manager as possible of the need for extended leave.
- 4.9.3 If the employee resigns after having gone on leave and taken more leave than would have been accrued had he or she been at work, this will be recovered from final salary.

#### **4.10 Medical / Dental Absences**

- 4.10.1 Refer to the Attendance Management Policy for absences for time off relating to cosmetic surgery, fertility treatment, and routine medical or dental checks.
- 4.10.2 Pregnant employees have a right to time off for Antenatal care, which is contained within the Maternity Policy.

#### **4.11 Late / Non Return from Leave**

- 4.11.1 Employees who are delayed in returning from leave through circumstances beyond their control, for example civil disturbance, transport strikes, will cover the excess day(s) by taking either annual, unpaid or flexi-leave.
- 4.11.2 Where the late return is because of illness/accident suffered during the holiday, the employee must produce some evidence of their incapacity, for example medical certificate or doctor's letter. If the manager is satisfied that there is acceptable evidence to suggest that the employee was incapacitated, then the extended absence will be treated as sick leave.
- 4.11.3 An employee's failure to return to work on the agreed date without either making contact with their line manager or providing a satisfactory explanation will be treated as unauthorised absence. This will result in an investigation, which could lead to the employee's dismissal.

## **5 Category 2 - Planned Special Leave**

### **5.1 Attending job interviews**

- 5.1.1 Subject to the needs of the service, an employee will be allowed paid time off, to attend job interviews for positions within the Council. If an employee has been placed at risk of redundancy by the Council they should be granted reasonable paid time off to attend interviews both within and outside the Council.
- 5.1.2 The employee must apply for special leave as soon as the day of the interview is known. He or she should indicate where and when the

interview is and how much time off is required. Written confirmation of the interview arrangements must be produced if requested.

## **5.2 Witnesses in Legal Proceedings**

- 5.2.1 Paid leave shall be granted where an employee is summoned to be a witness in legal proceedings. As for Jury Service, the amount received from the Court for loss of earnings should be declared so that the appropriate deduction of salary can be made.
- 5.2.2 An employee attending voluntarily as a witness in legal proceedings not connected with Council business shall be required to use annual, flexi-leave or unpaid Leave.

## **5.3 Removal of Household Effects**

- 5.3.1 For newly recruited staff and existing staff, a maximum of one working day's leave with pay may be granted in any 12-month period. Written application should initially be made to the employee's line manager.
- 5.3.2 Where staff in service accommodation are required by management to move to a new dwelling, either on a temporary or permanent basis, one working day's leave, with pay, may be granted for each move involved.

## **5.4 Extended Leave**

- 5.4.1 Employees may request to accrue leave to provide additional leave to permit an extended period of leave the following leave year, for example to visit family overseas. Each request will be treated on its merits but must have regard to service delivery and the interests of other team members.
- 5.4.2 Requests should be made to the line manager, other than requests for paid leave over 20 days which must be made to the Chief Officer or Head Teacher.

## **5.5 Short Extensions to Annual Leave Entitlement**

- 5.5.1 Employee's may request additional leave of up to one week, without pay, subject to the following:
- The employee having completed a minimum of 12 months service
  - Consideration of the effect of the extended leave upon colleagues and service delivery
  - Providing a satisfactory reason for the extended leave.

- 5.5.2 Applications should be made in writing giving a minimum of 4 weeks notice. Whilst such leave will not be unreasonably withheld, the needs of the particular service area may preclude the taking of this leave.

## **5.6 Training and Examinations**

- 5.6.1 Paid Leave may be granted for attendance at internal, external and day release programmes following line manager approval. Such leave is only granted in the case of approved vocational exams or programmes that relate to the employee's job role or future career development.
- 5.6.2 For attendance at exams for approved training courses necessary to the service and the employee's development, special leave with pay will be granted for the days or half days of the exams.
- 5.6.3 In addition, study leave with pay may be granted for an equivalent time to that granted at para. 5.6.2 for revision immediately prior to the day of the examination.
- 5.6.4 Similar leave may be granted for college revision periods and/or residential courses in connection with approved vocational or professional exams.
- 5.6.5 Paid leave from duties in connection with external examinations is available to teachers in certain circumstances. This will be with reference to the 'Memorandum of agreement for the release of teachers' contained within the 'Conditions of Service for School Teachers in England and Wales'.

## **5.7 Religious Holidays**

- 5.7.1 For religious holidays not occurring within the framework of Public/Bank Holidays, employees will be expected to use annual leave, flexi-leave, or seek to make other alternative arrangements, for example changing shift/rota times. Requests to take annual leave on religious holidays should not be unreasonably refused.
- 5.7.2 Where, for good reason, an employee is unable to take annual or flexi-leave or make alternative arrangements, unpaid leave may be considered, for example, staff employed term-time only in schools. In exceptional circumstances, paid leave may be considered on compassionate grounds. If a request for paid leave is refused, a request for unpaid leave may still be considered.
- 5.7.3 Where an employee participates in the flexi-time scheme, managers should use their discretion in allowing staff to carry forward more than the usual 7 hours credit into the next period if it is to be used for leave for religious holidays. If insufficient hours have been built up, staff may be granted leave on the strict proviso that they make up the hours later. Similarly, for staff not on flexi-time, managers can use their discretion

to allow staff to work extra hours either before or after a religious holiday to enable them to take paid leave on the relevant day(s).

## **5.8 Participation in Sporting Events**

Employees wishing to take part in sporting events at a local level will be expected to use annual leave, flexi-leave or, in exceptional cases, may request unpaid leave. Where an individual has been invited to participate at a national or international level, approved leave of absence will be at the discretion of the Chief Officer or Head Teacher, as appropriate.

## **6 Public service**

### **6.1 Membership of Public Bodies and School Governors**

6.1.1 An employee who is a Member of another local authority or other public body, including a managing or governing body of an educational establishment maintained by a local Authority, should be granted paid leave of absence to attend to their official duties. The granting of such leave will depend on the requirements of the service and up to a maximum of 12 working days or 24 half days in any leave year. On the recommendation of the Chief Officer or Head Teacher, additional paid special leave may be granted.

6.1.2 The statutory maximum limit for paid or unpaid time off is 208 hours in any leave year. The only exception to this is if the employee is a Chairman / Chairwoman or Mayor of another local authority where there is no limit set.

6.1.3 All other leave for this purpose must be taken as annual, flexi or unpaid leave.

### **6.2 Annual Training with H.M. Forces and Territorial Army**

6.2.1 Up to two weeks' leave with pay may be granted to employees who are volunteer members of non-regular forces to enable their attendance at Summer Camps. Applications for such leave should be in writing to the Chief Officer or Head Teacher, giving as much notice as possible.

6.2.2 Leave to undertake training additional to attendance at Summer Camps should normally be taken outside normal working hours or either an annual or flexi-leave. Consideration may be given to granting time off on mutually agreed dates when further training is required, and for good reason where the employee cannot arrange for such training to be on days when they would not normally be working.

### **6.3 Jury Service**

- 6.3.1 An employee receiving a summons to serve on a jury must inform their line manager, who will grant leave of absence unless exemption from Jury Service is secured.
- 6.3.2 The employee should claim for loss of earnings and produce evidence as to the amount received from the Court, as this will be deducted from salary.
- 6.3.3 For any whole or half days where an employee's services are not required at the Court the employee will be expected to return for work as normal. Where shorter periods of non-attendance at Court are involved, the employee should return to work where he or she consider it practicable to do so.

### **6.4 Justices of the Peace**

- 6.4.1 Special leave with pay may be granted to employees requiring leave of absence in connection with duties as Justices of the Peace, subject to the following conditions.
- 6.4.2 Employees must consult with their Chief Officer or Head Teacher, as appropriate, to obtain permission before allowing their name to be considered in connection with the appointment to the Bench. With regard to new appointees and requests from current employees, permission for time off to carry out Justice of the Peace duties should normally be given and only refused where there are reasonable and justifiable circumstances.
- 6.4.3 13 days or 26 half days is the total amount of paid time off normally permissible in any one year.
- 6.4.4 Additional special leave with pay may be granted to that in para 6.4.3 up to an additional 5 days [overall total 18 days] or 10 half days [overall total 36 half days] in any one year, and will need to be authorised by the Chief Officer or Head Teacher at their discretion.

### **6.5 Elections**

- 6.5.1 Special leave with pay will be granted to enable employees to undertake Official Appointments in connection with Parliamentary and local elections within this authority. Approval is at the discretion of a Chief Officer / Head Teacher and subject to the efficiency of the service being maintained.
- 6.5.2 Employees who undertake election duties with other local authorities will be expected to use annual or flexi-leave.

## **7 Time off for Trade Union Duties and Activities**

For further details, including time off for health and safety representatives, please refer to the separate policies.

## **8 Special Leave Appeal / Abuse**

- 8.1 Employees who feel that an application for special leave has been unreasonably refused have the right of appeal against the decision using the Council's Grievance Policy and Procedure.
- 8.2 Where an employee is thought to be abusing Special Leave provisions, whether by fraudulently claiming for special leave, or by failing to make sufficiently robust care arrangements to allow them to carry out their responsibilities as an employee, managers should deal with the situation according to the Council's Conduct or Capability procedures.