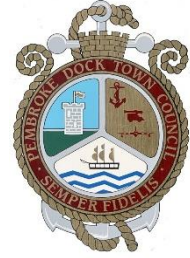


# Special Leave Policy



## **1. INTRODUCTION**

- 1.1. The Town Council recognises that on occasion employees need access to leave arrangements which support them in balancing their work responsibilities with personal commitments. This form of leave covers a range of need from genuine domestic emergencies through to bereavement.
- 1.2. This policy and procedure must be used consistently and fairly and used along with the Equal Opportunities policy of the council, ensuring that no employee will be disadvantaged by conditions or requirements which cannot be shown to be justified, particularly those on the grounds of ethnic origin or nationality, gender, gender reassignment, disability, marital status, age, sexual orientation, political or religious beliefs or trade union activity.

## **2. PURPOSE**

- 2.1. This policy provides a framework in which help may be offered to employees and sets out the circumstances when special leave, either with or without pay, may be granted for absences not covered by any of the Council's other leave policies. If the need for time off continues, other options may be considered, such as a career or employment break.
- 2.2. This policy aims to ensure that all employees are dealt with consistently and fairly in relation to balancing work and home responsibilities.
- 2.3. The Council is committed to providing a fair and timely procedure which supports staff in having leave arrangements which assist them in balancing their work responsibilities with their personal commitments. This policy and procedure is the means by which a request for special leave will be addressed.

## **3. SCOPE**

- 3.1. This policy and procedure applies to all staff employed by the Council on a substantive contract of employment, either full or part time including those on fixed term contracts. It does not currently apply to contractors, agency or temporary staff.
- 3.2. Categories within this policy are:
  - Parental Leave
  - Bereavement Leave
  - Extended Unpaid Special Leave
  - Jury Service and Court Attendance
  - Special Leave for Public Duties
  - Reserve and Cadet Forces
  - Other Special Leave
- 3.3 This policy defines different types of absence which may attract special leave but is not intended to be an exhaustive list of all the circumstances in which it can be used.

## **4. DEFINITIONS**

### **4.1 Special Leave**

Special Leave may be defined as leave, either paid or unpaid, given in addition to annual leave in order to help employees balance the demands of domestic and work responsibilities at times of either urgent, unforeseen and/or parental, carer and public service need. Leave granted under these arrangements is not intended for long term domestic and family needs.

### **4.2 Dependant**

A dependant is someone who is married to, is a civil partner, or a partner (whether opposite or same sex) "a near relative" or someone who lives at the same address as the employee.

### **4.3 Relative**

A relative for the purpose of this policy includes: parents, parents-in-law of a partner or civil partner, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives or is someone who relies on the employee in a particular emergency.

### **4.4 Carer**

A carer is anyone who cares, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support.

### **4.5 Armed Forces**

Staff who are volunteers for Reserve or Cadet Forces or who is a partner of a person in active service.

## **5. DUTIES AND RESPONSIBILITIES**

### **Council**

5.1 To provide all employees with access to leave arrangements which support them in balancing their work responsibilities with their personal commitments, ensuring that managers and staff receive appropriate training and support in the application of the procedure.

### **Employees**

5.2 To abide by the policy regarding special leave.

5.3 To not make arrangements regarding any special leave break arrangements (with the exception of leave for domestic emergency or bereavement) until a clear indication has been given by the manager that the request will be approved.

5.4 To ensure that all requests for special leave are made on the appropriate documentation contained in Appendix 1.

5.5 In situations requiring leave for domestic reasons and bereavement leave employees should make every effort to contact their manager as soon as possible to ensure that such leave is granted. Contact should normally be made within 1 hour of the start of the shift time.

Failure to notify the line manager of the absence will be regarded as unauthorised absence and treated accordingly.

## **6. PROCEDURE AND RESPONSIBILITIES FOR A SPECIAL LEAVE APPLICATION AND APPROVAL**

6.1 Authorisation must be obtained from the employee's manager, prior to the start of each episode of special leave absence, or as early as reasonably possible in the case of leave for domestic reasons or bereavement.

6.2 Applications for leave under this policy must be made by the employee completing the Special Leave Application Form appendix 1 and providing any accompanying evidence required within the category requested. Completion of the application form may be made retrospectively in the case of leave for domestic reasons and bereavement leave, subject to verbal contact being made with the manager at the earliest opportunity (normally within one hour of the start of the shift or normal hours of working). Failure to notify a line manager will be regarded as unauthorised absence and will be treated accordingly.

6.3 The manager must carefully consider any request for special leave.

6.4 Where special leave is not approved, and no alternative leave arrangements are agreed, any absence will be considered as unauthorised absence.

6.5 In the case of a request for non-urgent and/or longer-term special leave (which can often be planned in advance), the manager should meet with the employee to discuss the request before a decision is made and any leave taken.

6.6 The manager must respond in writing to the request by completing the manager section of the application form.

6.7 For special leave in response to applications approved in relation to the categories below, a letter must also be sent to the employee:

- Parental Leave
- Extended Unpaid Special Leave
- Jury Service and Court Attendance
- Special Leave for Public Duties
- Reserve and Cadet forces

6.8 Where the special leave is for a longer period, there must be a clear indication in writing as to how the special leave will be managed and any 'keep in touch' scheme that will be put in place to support such an absence and to facilitate an employee's return.

6.9 Employees are entitled to a written explanation if the application is denied.

6.10 Approval of all applications for special leave must be signed by the employee's manager.

6.11 With the exception of bereavement leave, leave for domestic reasons, Jury Service and Court attendance the Council reserves the right to refuse or to modify any request for special leave in the interests of service provision and patients interests and well-being.

- 6.12 Normally special leave is granted for a short period with defined start and finish dates, and the employee returns to their current post. In some cases, special leave may be for a longer period and where this is the case, the guarantee regarding any return (unless covered within a specific category of this policy or another associated policy) will be limited to an entitlement to return to similar or if possible same job on the same banding and hours. The exception to this is parental leave, where the employee retains all of his or her contractual rights except remuneration and should, where possible return to the same job after it.
- 6.13 If it is not possible to accommodate an employee's return to work in the same post (unless covered within a specific category of this policy or another associated policy), the Council will make every effort to support the employee in finding suitable alternative employment. In granting longer term special leave; there must be clear understanding, in writing, of the options to be considered.
- 6.14 Where re-organisation occurs during an agreed absence, the Council will make every effort to keep in contact with the employee and to include them in any consultation process as far as is reasonably practicable. For the purposes of the re-organisation they will be treated the same as any other employee, unless the duration of their absence or their whereabouts makes this impossible.
- 6.15 Special leave arrangements will be as flexible as possible but will be subject to the needs of the service. Postponement of special leave by the manager once granted will only be in exceptional circumstances and with written reasons.
- 6.16 Employees may request postponement or cancellation of special leave that has been agreed. However, depending on the amount of notice given, they may be required to take some of the special leave granted (or use annual/unpaid leave) to allow them to 'slot' back into the shift or working patterns of their area.
- 6.17 The Council accepts no responsibility for any arrangements that an individual may enter into prior to their special leave request being agreed. This includes any associated costs or other liabilities which remain with the individual employee.
- 6.18 At any formal discussions, an employee may be represented by an accredited union representative, work colleague or friend.
- 6.19 Claims or declarations found to be dishonest may be deemed to be fraudulent and will be investigated as per the Council's Disciplinary Policy and Procedure.
- 6.20 Where an employee falls sick while on special leave, the absence will be classed as sick leave subject to production of a relevant certificate (i.e. self-certificate or medical certificate).

## **7. CATEGORIES OF SPECIAL LEAVE**

### **Parental Leave**

- 7.1 Parental leave is unpaid leave taken to look after a child or to make arrangements for the good of the child and is a separate provision from either maternity or maternity support leave.
- 7.2 Parental leave is applicable to any employee in the Council who has nominated caring responsibility for a child under age 18.
- 7.3 Parents have the right to a total of 18 weeks' unpaid leave for each child. This leave will be converted into hours, based on the employee's normal weekly working hours multiplied by 18. Parental leave for the same child taken prior to joining the Council will count towards the total entitlement.
- 7.4 Parental leave is non-transferable.
- 7.5 Parental leave arrangements will be as flexible as possible to accommodate the needs of the child and the Council.
- 7.6 Parental leave can be taken in hours, blocks of a week, or more than one week at any one time, up to 18 weeks over the total of the first 14 (or 18 years if the child is disabled) of the child's life.
- 7.7 Parental leave is proportionate for part time employees. For example, an employee who works 2 days a week will have a right to 36 days leave. Where an employee works varying hours, then the time should be converted into hours.
- 7.8 The right to parental leave arises separately for each child, e.g. if a parent has twins the right arises twice.
- 7.9 Parental leave may be added to periods of maternity support or maternity leave.
- 7.10 Expectant/adoptive fathers/partners may 'book' up to 2 weeks parental leave to follow the birth of their baby by providing 21 days notice of the dates required. The Council will not postpone such leave, although in circumstances such as exceptionally early or late delivery the parent requesting the leave must raise the request for the time to be taken at an alternative date as soon as possible, and where possible this request will be agreed. This unpaid parental leave of 2 weeks would be in addition to the 2 weeks maternity support leave.
- 7.11 During parental leave the employee will retain all their contractual rights, except remuneration, and will return to the same job after it (unless in circumstances of organisational change where the employee will be fully involved in any consultation process).

- 7.12 Periods of parental leave will be regarded as continuous service.
- 7.13 The employee accrues annual leave during periods of unpaid parental leave.
- 7.14 Employees on low pay may be entitled to social security benefits or tax credits. The employee is responsible for making any such claim.
- 7.15 The employee is required to give a minimum of 4 weeks notice for periods of time between one and two weeks. If the employee wishes to take more than 2 weeks parental leave at a time, he/she must give double the amount of notice of leave required e.g. for 4 weeks leave – 8 weeks notice required.
- 7.16 For leave of less than 1 week, a minimum of 3 weeks notice is required. If a situation were to occur where it was not possible to give 3 weeks notice, please refer to leave for domestic reasons.
- 7.17 The manager must respond in writing to the employee's request for parental leave within one week of receipt of the request, advising whether the request has been granted or postponed.
- 7.18 The manager has the right to postpone parental leave for a maximum of 6 months from the date the employee wished to take the leave, where such postponement of leave is necessary by virtue of the needs of the Council or quality of service. The manager and employee should try to agree a suitable time for the parental leave to commence but if they are unable to agree, the manager becomes responsible for guaranteeing that the employee can take the leave at a time, no more than 6 months ahead, which best fits the needs of the Council and needs of the employee.
- 7.19 The line manager is responsible for ensuring a record of all parental leave is kept, as part of the employee's annual attendance record and placed on the employees' personal file at the end of the financial year.
- 7.20 The line manager is responsible for ensuring the employee has not claimed or is not granted more than 18 weeks parental leave in total, both at the Council or any prior employer.
- 7.21 The employee is responsible for declaring any previous periods of parental leave with any previous employer
- 7.22 The line manager is responsible for ensuring the employee's leaving reference contains the dates and total amount of time an employee took on parental leave whilst at the Council.
- 7.23 Evidence to Support a Claim - It is reasonable to ask for proof of the child's age, for example, birth certificate, and evidence of the relationship with the employee. Once submitted, it would not be reasonable to ask for proof on each occasion leave is requested and therefore copy of the proof supplied would be held on the employee's personal file.

## **Leave for Domestic Reasons**

7.24 This leave is applicable for the management of urgent short-term domestic needs that are unable to be covered by any other policy. This leave does not provide for longer term care. If the need for time off continues other options may be considered such as a career break. Alternatively, the Flexible Working Policy addresses the rights of any employee who is the carer (refer to the definition of carer)

7.25 All employees are entitled to leave/time off for domestic reasons regardless of length of service.

7.26 The following are some examples in which domestic leave may be granted:

- To deal with an incident involving a child which occurs unexpectedly when the child is at school or away from home during the normal hours that the employee would be there.
- To deal with an incident with a person for whom you are a carer (refer to definition of a carer)
- To deal with an incident relating to your partner who is an active serviceman/woman.
- To provide assistance when a dependant falls or is injured.
- To make arrangement for the provision of care for a dependant who is ill or injured.
- Unexpected disruption or termination of arrangements for the care of a dependant
- Damage to residence or property by fire, flood or storm, vandalism or burglary and situations which pose a health, safety or security risk if not resolved immediately.

7.27 If an employee repeatedly requests such leave, the manager should meet with the individual to discuss the available options such as a short or long term reduction in working hours (see Flexible Working Policy), planning unpaid leave, etc

7.28 Recognising that the very nature of domestic reasons leave means that it is unlikely to be possible to submit a request in advance, the request should be made on the first day the leave is required and within one hour of the normal time of commencing duty or, if this is not possible, at the earliest opportunity. As far as possible, the employee should be the person to make contact with the manager, but in certain circumstances it is recognised that this may need to be done by a third party.

7.29 Failure to notify a line manager of the need for leave for domestic reasons will be regarded as unauthorised absence and will be treated accordingly. If the application is not approved then any such absence from work will be treated as unauthorised and unpaid.

7.30 The manager may request and be provided with reasonable evidence to support this claim for leave for domestic reasons within 10 working days.

## **Bereavement Leave**

- 7.31 Bereavement leave is paid leave which is given when a person dies who was either a member of the employee's immediate family (or person who has acted in the role of a member of the employee's immediate family). 'Immediate family' means someone who is married, or is a partner or civil partner, children, adopted children, grandchildren, stepchildren, and parents or grandparents. This list is not exhaustive and there may be other relationships where the person has been a member of the employee's immediate family. In these circumstances the employee should make the relationship clear on their application for bereavement leave.
- 7.32 All employees are entitled to bereavement leave regardless of length of service
- 7.33 Bereavement leave will also be granted in the following circumstances:
- The employee is the nominated next of kin
  - The employee acts as an executor of an estate
  - The employee is solely responsible for the funeral for funeral arrangements
  - The deceased normally resides with the employee
- 7.34 Bereavement leave will normally be granted for a maximum period of 1 working week (paid) (pro rata for part time) for a member of immediate family. There will also be 1 paid day off for the funeral. In exceptional circumstances and at managers discretion, this may be extended by up to a further 1 further working week unpaid special leave. Alternatively, the employee may choose to extend the period of time taken by using annual leave.
- 7.35 Bereavement leave of 1 day may be granted to attend the funeral of a relation who is not a member of the employee's immediate family.
- 7.36 Bereavement leave will normally be taken on consecutive days, but this may be varied according to the circumstances.
- 7.37 Consideration can also be given to the use of annual leave or extended unpaid special leave if further time off is required. Any extension to such leave will be subject to the individual circumstances and the needs of the service.
- 7.38 Attendance at any other funeral (other than that of a member of immediate family or other relative) may be requested as unpaid time or annual leave.

## **Extended unpaid special leave**

- 7.39 Employees who have been employed for a minimum Council continuous period of 12 months at the time the leave is requested may apply for extended special leave.

Special consideration will be given to staff with caring responsibilities OR staff who are volunteers for the Reserve or Cadet Forces or is a partner of a person in active service



7.40 Extended unpaid special leave may be up to a maximum of 18 weeks over a 5-year period (pro rata for part time). This unpaid leave may be taken in any number of consecutive whole weeks up to 18 and may be split into more than one occasion. Continuous service is maintained during this special leave. Leave may be converted into hours for staff who work varying shifts or are part time. Special consideration will be given to staff with caring responsibilities OR staff who are volunteers for the Reserve or Cadet Forces or is a partner of a person in active service.

7.41 Extended unpaid special leave is for special circumstances not covered by any other section of this or any other policy. Extended unpaid special leave is not for use in circumstances when an employee is unwell and on sickness certified sickness absence. In those circumstances reference must be made to the Sickness Absence Policy. Examples of extended unpaid special leave circumstances may be:

- To care for a dependant in the case of sudden long term illness, and where the employee is the only carer or the person is a close relative living with them, or with whom they are required to temporarily live.
- To have time off after a serious/traumatic personal or domestic crisis e.g. death of a spouse/partner/child.
- To temporarily reduce hours for example during a period of personal stress/difficulty.

7.42 The employee will not accrue paid annual leave entitlement during a period of extended unpaid special leave.

## **8. JURY SERVICE AND COURT ATTENDANCE**

Employees who are called for Jury Service shall be granted leave with pay. Therefore fees must not be claimed from the court other than allowances for travelling and subsistence.

Employees must discuss the request for jury service with their manager and the appropriateness of attending or applying for a deferral.

Employees attending for jury service are required to report for work on the days that they are not required by the Court. Where the employee is released by the Court during a day of attendance, they should return to work unless the distance to travel or time it would take to get to work makes this unreasonable. For example if the court is 1 hours travel distance from work and the employee (a 9 - 5 worker) is released at 10am then it is reasonable they should return to work. If the release is not until much later in the day, for example 3pm then return to work may not be reasonable. Where this occurs the employee will inform the manager and agree how and when additional hours will be worked to compensate for the time taken off, including the use of annual leave

Employees who are requested by the Police to attend court as a witness for a criminal prosecution shall be granted leave with pay. Any fees received, excluding allowances for travelling and subsistence must be reimbursed to the Council.

## **9. SPECIAL LEAVE FOR PUBLIC DUTIES**

The Council shall grant reasonable paid time off for public duties to an employee who is:

- a Justice of the Peace
- a member of a local authority
- a member of a statutory tribunal
- a member of a police authority
- a member of a board of prison visitors or a prison visiting committee
- a member of a relevant education body (e.g. school governor)
- a member of the Environment Agency.

Special Leave for Public Duties should not exceed 2 weeks (i.e. 10 days or pro rata for part time staff) in any 12-month period.

In addition to the above, special leave with pay should be made available in the following circumstances:

- Attendance at Court (criminal), Employment Tribunal or Appeal Hearing.
- Employees who have been appointed to represent their Trade Union

#### **10. TIME OFF FOR MEDICAL, DENTAL & OTHER APPOINTMENTS/TREATMENTS AND FERTILITY TREATMENT**

Line managers have discretion to permit paid leave for employees to attend medical and dental appointments, including those relating to a national or local medical screening programme, or other treatment or type of appointment (e.g. chiropractor, osteopath).

Employees should wherever possible try to arrange such appointments for the beginning or end of their working day or outside working hours.

The paid leave will normally be granted for the period of the appointment plus reasonable time for travelling to the appointment.

Employees who undergo fertility treatment will be granted paid special leave of up to 5 days (pro rata for part time staff) to cover each course of treatment, up to a maximum of three courses of treatment.

#### **11. APPEALS**

An appeal against a decision to decline an application for special leave, or request for additional special leave, should be made through the Councils Grievance Procedure.