

Special Leave Management Guidelines

1 Introduction and Definition

- 1.1 Special leave can be split into two main areas. The first area, is authorised leave which employers must provide by law, along with other instances where the Council feels that it is good practice to grant special leave.
- 1.2 The guidelines cover all types of special leave excluding time off for trade union duties which has its own policy and procedure.
- 1.3 The areas covered in this category are:
 - Public duties
 - Jury service
 - Attendance in court as a witness
 - Political purposes
 - Service in non-regular forces
 - Sports and recreation
- 1.4 The Council recognises that there may be times when employees need time off to cope with unforeseen and/or urgent circumstances. This second type of special leave comes under the category of personal leave.
- 1.5 The areas covered are:
 - Compassionate Leave
 - Carers Leave
 - Personal/Domestic Leave
- 1.6 These areas are not exhaustive and any requirements for special leave not covered should be discussed with line managers in the first instance.
- 1.7 By introducing guidelines for the granting of special leave, the Council aims to help employees balance the demands of their outside commitments with their work responsibilities.

2 Conditions / Legal Issues

- 2.1 The conditions to the granting of this time off are that employees inform their line manager of the reason for their absence and for how long they expect to be absent as soon as reasonably practicable.
- ### 2.2 Paid Special Leave
- 2.2.1 Absences on paid special leave do not affect an employee's continuous service, basic pay, incremental date, annual leave entitlement or pension.

2.3 Unpaid Special Leave

- 2.3.1 For the purpose of authorised unpaid special leave, employee's continuous employment will not be broken.
- 2.3.2 For breaks of over 30 days, it is recommended that the continued existence of employment during the break should be agreed between the employer and the employee, prior to the commencement of unpaid leave.
- 2.3.3 Where a period of unpaid special leave lasts for over 30 days, annual leave will be reduced pro-rata from the first day of absence.
- 2.3.4 Annual leave will not be affected for periods of unpaid special leave of less than 30 days.
- 2.3.5 Superannuation contributions are payable for unpaid special leave of up to 30 days.
- 2.3.6 Any pension contributions for unpaid special leave of over 30 days are deferred until the employee returns to work. Employees then have 30 days to inform pensions if they wish to repay contributions.

3 Eligibility

- 3.1 All permanent, temporary, fixed term and part time employees are entitled to apply for special leave.
- 3.2 Under Section 1 of the Local Government and Housing Act, 1989, certain employees are disqualified from becoming or remaining a member of any authority to which the provisions apply (e.g. County and District Councils, London Boroughs). The employees are also disqualified from membership of the House of Commons and of the European Parliament.
- 3.3 Employees at Spinal Point 44 and above (unless exempted) are therefore not eligible to apply for special leave under section 10 of these guidelines, Political Leave.

4 Authorisation

- 4.1 Line managers have the authority to approve special leave requests which fall within these guidelines. Anything over and above is at the discretion of, and must be approved by the Head of Service.
- 4.2 Heads of Service are required to authorise special leave when employees apply to undertake public duties, act as a Justice of the Peace or become a School Governor. Once authorised by the Head of Service, Line Managers will approve applications for special leave as set out in these guidelines.

5 Misuse of Special Leave

- 5.1 Should there be grounds for considering that any period of special leave has been misused, an investigation will be carried out under the Council's Disciplinary Procedure, which could result in disciplinary action.

6 The Process

6.1 Applications for special leave should be made on the form at Appendix A and forwarded to the employee's Personnel Team. If the special leave is to be unpaid the form should be forwarded to Corporate Business Management and a copy sent to the Personnel Team.

7 Public Duties

7.1 The Employment Rights Act 1996 requires that employees are permitted paid or unpaid time off to undertake specific public duties.

7.2 Legislation covers employees who are:

- Justices of the Peace
- Members of a local authority, a regional area or health authority or health board
- Members of any statutory tribunal
- Members of the managing or governing body of an educational establishment
- Members of a board of prison visitors or a prison visiting Committee

7.3 The amount of time off to be permitted should take into account the amount of leave required to perform the public duty, and any specific occasions when such leave will be necessary.

7.4 It is the Council's practice to grant periods of paid special leave as follows:

- Up to 12 days in any year to act as a member of a publicly elected body
- Up to 18 days in any year to act as a Justice of the Peace
- Up to 5 days in any year to undertake duties as a School Governor

7.5 Section 10 of the Local Government and Housing Act (1989) makes it unlawful for a local authority to allow an employee paid time off in excess of 208 hours for councillor duties.

8 Jury Service

8.1 Under the Juries Act 1974 all persons aged between 18 and 70 can be required to do jury service subject to certain exemptions. These exemptions relate to people who are ineligible, disqualified or excused from jury service.

8.2 Employees summoned to serve on a jury must immediately inform their line manager and produce the summons for jury service. The summons must be complied with unless an exemption is granted by the court.

8.3 Exemption from jury service can be claimed if unacceptable inconvenience would be caused to the Council. In such cases, employees will be required to apply to the court for excusal on the grounds of inconvenience and a letter will be given by the line manager in support of the application.

8.4 Unpaid special leave will be granted for the duration of the jury service, and employees will be paid by the court. Payroll are required to complete a juror's loss of earnings form to enable the court to make correct payments.

- 8.5 On days where the employee is not required to attend court they will be expected to report to work. If the employee attends court and is not required to stay, they will be expected to return to work if it is practical to do so.

9 Attendance at Court/Tribunal as a Witness

- 9.1 An employee may be asked to give evidence in court or at a tribunal as a witness. Although the employee has no contractual right to be released for such a purpose, managers must release the employee if the employee has been served with a witness summons/subpoena requiring them to attend Court/Tribunal as a witness.
- 9.2 Unpaid special leave will be granted, and either the employee's manager or payroll will be required to supply the court with salary details, to enable them to pay the employee.

10 Political Leave

- 10.1 Please see para 3.2 and 3.3 regarding eligibility for Political Leave.

10.2 Election as an MP or MEP

- 10.2.1 Unpaid special leave should be granted to employees who are standing for election as an MP or MEP. The amount is at the discretion of the Head of Service but should be limited to 10 days per campaign.

10.3 Election Leave

- 10.3.1 Employees who are required to assist the Chief Executive with Parliamentary, European and Borough elections, shall be granted paid special leave on each occasion.

11 Service in Non-Regular Forces

- 11.1 Up to 5 day's paid special leave will be given for attendance at training camps for annual training as an obligation of membership of the reserve and auxiliary forces. Any additional time off required will be authorised as unpaid special leave.

12 Sports and Recreation

- 12.1 Special leave will be allowed to competitors or officials at major national or international competitions.
- 12.2 The amount of time approved and whether with or without pay will be agreed by the Head of Service. Each case will be treated on its own merits.

13 Compassionate Leave

- 13.1 Although a consistent approach should be taken, each case should be considered sympathetically and any individual circumstances taken into account.

- 13.2 The table below provides a guide to the amount of special leave that should be granted for compassionate leave. The relationships mentioned are not intended to be exhaustive and could include others where a close personal relationship exists.
- 13.3 It should be noted that leave granted should be for the period reasonably necessary up to a maximum of that recommended below.

Relationship	Death and Funeral **
Husband, Wife, Partner, Child	Up to 5 days with pay
Parent, Guardian, Brother, Sister	Up to 4 days with pay
Grandparents, and any other close relative	1 day with pay

** If the funeral necessitates a journey of over half a day up to 2 additional days with pay may be granted for travel.

14 Carers Leave

- 14.1 Carers leave is applicable to employees with responsibilities for looking after dependants, close relatives, children or partners.
- 14.2 The Employment Rights Act 1996 defines a dependant as:
- a spouse
 - a child
 - a parent
 - a person who lives in the same household as the employee (with the exception of lodgers, tenants, employees).
- 14.3 The three main circumstances where special leave may be granted are for:
- Illness/Accident/Assault
 - Breakdown of normal care arrangements
 - Making arrangements for long term care, particularly with elderly relatives.
- 14.4 A maximum of 5 days paid special leave may be granted in an annual leave year.
- 14.5 If a longer term period of caring is envisaged, a period of unpaid special leave up to a maximum of 3 months may be granted.

15 Domestic / Personal Leave

- 15.1 The Employment Rights Act 1996 provides for employees to take a reasonable amount of unpaid time off to deal with domestic incidents.
- 15.2 Many of the definitions of a domestic incident where it may be necessary for an employee to take time off are covered within the above Compassionate and Carers Leave sections of these guidelines.

- 15.3 A provision where an employee may be entitled to unpaid time off will be to deal with an incident involving a child of the employee which occurs unexpectedly when he/she is at school or at another educational establishment. An example would be if the child were to be excluded from school.
- 15.4 In cases where an employee has to deal with a domestic emergency which does not fall within a compassionate or caring category, line manager's have the authority to grant a days paid or unpaid special leave. Each case will be judged on its own merits.
- 15.5 There may be circumstances where other Policies and Procedures recommend that special leave should be taken at certain times. An example is the Harassment Policy. If this is the case then special leave will be considered in accordance with the recommendations set out in the particular Policy or Procedure.
- 15.6 The National Joint Council for Local Government Services has recommended that Local Authorities make reasonable time-off arrangements for employees undergoing fertility treatment. The Council have agreed the following time-off arrangements:
- The time absent for the actual treatment should be treated in the same way as a hospital appointment.
 - A maximum of 5 days paid special leave may be granted in an annual leave year for the purposes of preparing for or recovering from fertility treatment.
 - Any further absences resulting from the treatment must be covered by annual leave, or by making a request for unpaid special leave or alternatively the absence will be recorded as sickness and therefore covered by the Sickness Management Procedure and the Authority's sick pay scheme.