

Isle of Wight Council

SPECIAL LEAVE POLICY

1 Document Information

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Author:	<p>Jessica Payne HR Advisor, Corporate Services ✉ jessica.payne@iow.gov.uk ☎ (01983) 821000 ext 8829</p>
Sponsor:	<p>Judy Mason, HR Manager and Principal Lawyer, Corporate Services ✉ judy.mason@iow.gov.uk ☎ (01983) 821000 ext 6338</p>
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V4.1	May 2013	Updated and approved to include special leave provision for Coastguard duties
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V4.3	September 2016	Changes to reflect amended flexible working policy re time off for hospital appointments
V4.4	March 2018	Changes to reflect special leave being afforded to adult cadet instructors. Clarification instated around consecutive time when taking time off for dependants.
V4.5	July 2018	Changes to reflect council staff & on-call duties
V4.6	March 2020	Updated to reflect parental bereavement leave changes, effective 6/4/2020.
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3 Introduction

In law, as an employee you have a right to reasonable *unpaid* time off work to deal with an emergency involving a dependent or to carry out certain public duties. However, the council recognises the benefits of helping you at times of urgent and unforeseen needs to take time away from work or to conduct certain public duties that are of benefit to our community and is committed to the provision of, *paid* leave and where deemed necessary, *unpaid* leave in addition to normal annual leave entitlement or flexitime arrangements in place.

This policy sets out the circumstances upon which you may take reasonable time off following discussion with and authorisation by your line manager. This provision is not an automatic entitlement and will be dependent upon individual circumstances and having taken into account the needs of the service. The principle of special leave in the context of this policy will be to:

- Provide emergency care for a dependent or make arrangements for the care of a dependent in the event of an emergency.
- To deal with other personal emergencies or unexpected events that necessitate an urgent response.
- To take compassionate leave.
- For conducting approved public duties.

In authorising special leave managers should consider and where appropriate consult with their senior manager:

- All the circumstances surrounding the request.
- The need to ensure that services are minimally disrupted.
- Consistency and fairness of application to all employees.

You must notify your line manager as soon as is reasonably practical of the circumstances giving rise to a need to make a request for special leave, including an indication of the period of time it is anticipated they need to be away from the workplace. Your managers should consider with you all available options and the individual circumstances. It may be appropriate to consider a combination of annual leave and unpaid leave should the situation require you to be away for a protracted period of time and the use of flexible working arrangements may also be appropriate.

Abuse of this policy may be treated as a disciplinary matter. Complaints arising from the application of this policy should be raised through the grievance procedure.

You should also be aware of the council's additional employment policy.

4 Time Off for Dependents

In addition to parental leave which is set out in the parental leave policy, which is available on the intranet, reasonable time off, up to a maximum of five days (pro rata if part-time) paid leave in any calendar 12 month period, will be allowed to enable emergency care for dependents (or other close family member who reasonably relies on you to make arrangements for the provision of care) to deal with an unexpected event involving a dependent, for example:

- Care required for an ill dependent or accompanying them during an urgent medical appointment.
- Arranging longer term care as a result of illness or injury or as a result of breakdown in care arrangements.
- An accident or illness suffered by a dependent which requires emergency medical treatment.

It is not intended that special leave should cover illness which is of a minor nature and should not be granted to cover routine doctor or hospital appointments or planned hospital admissions that are known in advance.

It is also worth noting that special leave should not be taken as consecutive days. The provision for time off for a dependent should be used in situations (described above) to allow you to take time to arrange further commitments. An example of this would be to take one day off (as a reaction to the above situation) and should further time off be needed, this should be arranged via annual leave or flexi leave or unpaid as agreed by your line manager.

In deciding whether or not to grant special leave, managers will need to consider the nature of the illness or emergency and whether you are the sole carer. In some circumstances, it may be appropriate for you to work at home but this will depend on the nature and degree of the illness or emergency and whether there is suitable work available.

5 Compassionate Leave

You may be faced with difficult personal circumstances involving the serious illness or death of a dependent or other immediate family member. Individual circumstances, the nature of relationships and the required observances of different religions or faith may vary. Therefore each request for compassionate leave will be assessed on a case-by-case basis and take into account:

- The relationship between you and the individual/s.
- The nature and extent of any illness.
- Whether you are involved in making funeral arrangements.
- Whether there may be a requirement for you to travel or attend a funeral.

Line managers have the discretion to grant up to five days (pro-rata if part-time) paid compassionate leave in any calendar 12 month period to care for a dependent that is seriously ill or following the bereavement of a close family member which would normally include a parent, sibling, child (over 18), spouse or partner or spouse/partner's children. In exceptional

circumstances where an additional death or serious illness occurs of a close family member within the 12 month period, it is at the manager's discretion to grant additional compassionate leave if necessary.

6 Bereavement leave following death of a child (under 18)

Due to changes in legislation, effective from 6 April 2020 - Parents who lose a child will be entitled to two weeks' paid bereavement leave, provided that the child is under the age of 18 or if they have a baby who is stillborn from 24 weeks of pregnancy. The right applies to the child's parent(s), which includes an adoptive parent, prospective adopter, legal guardians, intended parent under a surrogacy arrangement, a parent "in fact" (someone looking after the child in that person's own home for the last four weeks, i.e. grandparents who have sole caring responsibility for the child), or that person's partners, but not a paid carer. We will look at each case on its merits and it will only be if the person has full care of the child, i.e. grandparents that babysit occasionally do not qualify, nor do childminders.

- This is for any working parent no matter how long they have worked for the Council. Parents employed for six months or longer will be paid two weeks full pay for their bereavement period. This is unpaid for employees with less than 26 weeks' service.
- One or two weeks' full pay is available, starting on any day of the week.
- Bereaved parents will be able to take this leave in either a single block of two weeks or as separate blocks of one week during the first 56 weeks after their child's death. This can start on any day of the week.
- During the first seven weeks, the employee need only give notice of intention to take leave before they are due to start work on the first day of leave.
- From weeks 8 to 56, leave requires at least one weeks' notice.
- Leave can be cancelled or rearranged with the same degree of notice as above.
- This does not affect a manager being able to exercise discretion in exceptional circumstances after seeking HR advice and extending this period if necessary and appropriate.

7 Public Duties

Under current employment law, you have the right to reasonable *unpaid* time off work to carry out certain public duties. The council will make available the following periods of *paid* time off work to undertake the following public duties:

7.1 Jury Service

If you are summonsed for jury service you will be granted paid leave, less the loss of earnings allowance paid by the court for the duration of the jury service. A copy of the written notification (Jury Service summons) must be provided to your manager prior to leave being confirmed and you should submit a claim to the court for loss of earnings.

You will continue to be paid whilst on jury service at the normal rate of pay, subject to the deduction of any monies that can be claimed from the court in respect of loss of earnings, irrespective of whether you actually make the claim to which you are entitled.

7.2 Magistrate/Judicial or Tribunal Duties

Up to five days (pro-rata if part-time) paid leave in any calendar 12 month period may be granted to you to enable you to carry out duties as a magistrate, tribunal member or other judicial role. Further periods of required absence may be taken as annual leave or unpaid leave. For the avoidance of doubt the limit of 5 paid days leave (pro-rata if part-time) is irrespective of how many roles you may hold within this category.

7.3 School Governor

Up to five days (pro-rata if part-time) paid leave in any calendar 12 month period may be granted to you to enable you to carry out such duties, but only where they fall within working hours.

7.4 Service as a Witness

6.4.1 If you are required to attend court as a witness arising from your employment and/or on behalf of the council, this is treated as a normal working day. This should not be classed as special or any other type of leave.

6.4.2 If you are called as a witness in other court proceedings a maximum of one day's special leave may be granted at the discretion of your line manager on the understanding that any loss of earnings received will be paid back to the council.

Managers should also be aware of the council's domestic abuse policy, which is available on the intranet.

7.5 Other Public Duties

7.5.1 Elections

Leave of absence with pay will be granted if you are appointed to assist at any election or referenda held within the area of the Isle of Wight Council, and for which the Chief Executive by virtue of their appointment is responsible for the conduct thereof. These may include, but are not limited to Parliamentary, European, Local Council and Police & Crime Commissioner elections and any form of referenda. You should seek confirmation from your line manager on each occasion that your service area is able to release you for the required time before accepting the appointment, and whilst service continuity is paramount, managers are normally expected to accommodate such requests.

7.5.2 Volunteer Reserve Forces (such as Royal Naval Reserve, Royal Marines Reserve, Territorial Army, Royal Auxiliary Air Force) and Cadet Adult Instructors

If you are a volunteer member of the non-regular forces or participating as an instructor for the adult cadets, you shall be granted up to ten days (pro-rata if part-time) paid leave in any calendar 12 month period to attend annual camp, for recruits to complete required unit training and for instructing the adult cadets. The volunteer reserves serve under a fixed term reserve contract and provide highly trained military personnel integrated with their regular counterparts on operations both at home and overseas. Such leave should normally be granted automatically unless the needs of the service would be jeopardised. Volunteer reserve units (including the cadets) should be in a position to offer alternative dates and it is expected that you will try to arrange for any training/instructing to be undertaken during off duty times. These training units are not liable for military service therefore any further periods of required absence may be taken as annual leave or unpaid leave by agreement with your manager.

7.6 Community Emergency Services

7.6.1 On-call Fire Fighters

The council recognises the value and importance of the duties carried out by the Fire and Rescue Service and therefore, allows staff to undertake an on-call firefighter contract whilst also being in other council employment. Unfortunately, due to the on call requirements to respond if alerted, service delivery can be heavily disrupted, leaving a significant burden on remaining staff to provide cover and in some circumstances present significant health and safety and/or safeguarding risks to service users or other staff. Any requests to undertake an on-call firefighter role in addition to your substantive role must therefore have prior approval from your line manager and Head of Service before prior to initiating an application for such a role.

Given the varying nature of roles across the council, each request will need to be treated on its own merits, taking into the account the effect of an on-call firefighter role against service delivery requirements. Managers therefore possess the right to decline a request where it is considered that; the nature of the role is not conducive to service delivery needs and/or there would be unacceptable risks placed upon service delivery and/or service users. Understandably, some roles will be automatically exempt from the ability to undertake an on-call firefighter role in addition to your current role given the risk posed if you leave your present role to respond to an alert. These roles would include for example front line care staff, social worker, lifeguard etc.

7.6.2 Special Constables

The council has demonstrated its support to the Hampshire Constabulary Employer Support Scheme and is signed up to Level 1 of that scheme in which we assist in the promotion of special constable recruitment. However, this does mean that if you enlist as a special constable you will *only* be granted paid leave in times when significant civil unrest has been identified or where a risk to public safety has been identified. In such circumstances up to a maximum of five days (pro-rata if part-time) in any calendar 12 month period will be granted and release will *only* be granted with the approval of the line manager. Where extended leave is requested, this will be subject to agreement being reached with Hampshire Constabulary on funding to support continued release and the impact on service delivery has been assessed.

7.6.3 Coastguard Rescue

Due to the nature of on call duty and requirements for response if alerted, service delivery can be heavily disrupted and leaves a significant burden on remaining staff to provide cover. The council does recognise and value the importance of these duties and considers that support for the release of staff during normal working hours (up to a maximum of five days (pro-rata if part-time) in any calendar 12 month period) can only be granted after an assessment has been undertaken as to the impact on service delivery and permission of the line manager is obtained to attend when alerted. Managers should be kept fully informed of periods of duty that overlap with required working hours/shifts.

If you are considering taking on such public duties you should advise your line manager before entering into such commitments to identify any other potential implications for your work. You should also comply with the additional employment policy.

8. Study/Exam Leave

If you are sponsored by the Council to undertake courses leading to examination based qualifications you may be granted the time necessary for attendance at the examination. In addition the line manager has the discretion to allow a further half day's leave per examination for the purpose of final revision. Under the Right to Request Time Off for Training Regulations there may be circumstances where permission is granted for other types of training that leads to a qualification or is training that will help you develop skills relevant to your job. Where such requests are submitted, consideration will be given to reasonable paid or unpaid time off as part of that request. For further information on the regulations and what constitutes relevant training, please contact the workforce development team.

9. Routine Medical Treatment

Routine optician, dental, GP appointments or other preventative medical treatment, are expected wherever possible to be undertaken out of normal working hours and will be treated as flexi leave unless they are antenatal appointments. If this is not possible, paid leave may be granted in exceptional circumstances and subject to these being arranged as close as possible to the start or end of the working day. Pre-arranged hospital appointments may be treated as special leave for one off appointments. However, if you have regular hospital appointments that you are aware of in advance, they should be booked as sick leave, flexi leave or annual leave. If you have a hospital appointment for day surgery, this should be pre-booked as sick leave. Managers will be expected to consider reasonable adjustments when regular hospital appointments may mean that the attendance management policy initiation points are breached. Such reasonable adjustments could include an increase to the number of absences allowed for a set period of time for that employee during the period of treatment. Reference should be made to the attendance management policy.

Time away from work to give blood will be treated as authorised absence and is not to be counted as special leave.

10. Other Special Paid Leave

There may be occasions when special leave is appropriate but may not be covered by the special leave arrangements set out in this policy. Managers have the discretion to authorise special leave, either paid or unpaid up to a maximum of five days (pro-rata if part-time) in total within any calendar 12 month period, for exceptional circumstances. Such circumstances may

include for example paid leave for domestic emergencies not involving dependants, such as fire, flood or theft at home; the observance of recognised religious festivals that are not covered by public holidays; appointments or attendance at counselling that assist you in resolving difficult personal life experiences such as domestic violence. Managers are advised to contact their HR Advisor before granting any such request to ensure that there is consistency in its application.

If you approach a manager in relation to attending an interview for an internal or external job it is at your manager's discretion considering the needs of the service whether they allow the sufficient time off as special leave in these circumstances.

Managers should also be aware of the council's domestic abuse policy, which is available on the intranet.

Recognised trade union representatives may be entitled to time off in accordance with the relevant facilities agreement with their union. These are available on the intranet.

11. Management of Special Leave

If you have taken special leave throughout the calendar 12 month period and at the end of the year you still have some outstanding annual leave remaining you will not be entitled to carry over your annual leave, until the amount of special leave taken is removed from the amount of annual leave left.

If you leave during the calendar 12 month period, any payment for outstanding leave will first be adjusted to deduct any time taken as special leave from the outstanding leave. In the event that this leaves your leave entitlement in deficit, however, you will not be required to pay back the entitlement.

Managers will be expected to keep a record of special leave agreed and forward the dates agreed, and type of special leave to the HR support team (email address: hr@iow.gov.uk) who will record this directly into SAP for monitoring purposes.

In circumstances where you disagree or dispute a refusal to grant special leave, you may utilise the council's grievance procedure.