

Special Leave of Absence Policy



2018 - 2021

Document Control

Overview

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|----------------------------|--|
| POLICY | Special Leave Policy |
| OWNER | HR Policy & Reward Advisor |
| NOMINATED CONTACT | Sian Croston (sian.croston@flintshire.gov.uk) Rachel Roberts (Rachel.roberts@flintshire.gov.uk) |
| REVIEWED BY | St. David's High School Governing Body |
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Revision History

| Version | Issue Date | Author | Summary of Changes |
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| 3.5 | June 2017 | HR & Reward Advisor | Paid Time off for IVF Treatment |
| 4.6 | May 2018 | HR & Reward Advisor | Removal of formal care plans under hospital appointments moved to Health Appointments in Attendance Management |
| 4.7 | November 2018 | HR & Reward Advisor | Wording clarification of special leave for child, dependent needing care at home/admitted to hospital Magistrates Leave Year updated to run with the bench. |
| 4.8 | March 2019 | HR & Reward Advisor | Inclusion to offer Cadet Forces Adult Volunteers (CAV) 2 weeks paid leave for annual camp training. |

Consultation

| Version | Who | Date |
|----------|---|--------------------------|
| V4 – 4.5 | HR&OD, Recognised TU's, Stakeholder Managers, Equalities Officer & Networks, Chief Officers, Chief Executive. | August 2017 – April 2018 |

Approval

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1.0 Introduction

Flintshire County Council is committed to equality of opportunity for all employees and to developing policies and practices that support work life balance.

In order to achieve an effective work life balance the council already has a number of flexible working policies in place, however it is acknowledged that there are times when emergency or other situations may arise and employees need to leave work to deal with such situations.

This policy details the leave categories that may be appropriate to be taken by employees depending on their situation. All requests for leave must be discussed with their line manager.

Requests for leave must be dealt with appropriately, and as soon as reasonably practicable, by managers to ensure that the needs of employees are met. Managers must also ensure that any requests for leave are treated consistently and are balanced against the requirements of the service.

2.0 Aim

The aim of this policy is to inform employees and managers of the range of leave options, and other associated provisions available. This policy does not form part of any employee's contract of employment and the Council may amend it from time to time.

3.0 Scope

This policy applies to all employees (including centrally employed teachers) of Flintshire County Council (As defined by the Employment Rights Act) and is commended to School Governing Bodies and other associated employers as best practice.

The provisions within this policy are not exhaustive and if any requests for leave fall outside this policy, managers and employees should refer the matter to their HR representative.

Where necessary managers can obtain further guidance in relation to this policy document from their HR representative.

4.0 Policy Principles

- 4.1. The Council will act sympathetically in situations envisaged by this policy and recognises the benefits to both the Council and the employee of applying this policy in a fair, reasonable and consistent manner.
- 4.2. Each request must be judged on its merits taking into account the needs of the service. Management will have discretion in determining whether special leave with pay or unpaid leave will be granted, whilst taking into account the legal right of employees to a reasonable amount of unpaid time off for dependents to deal with unexpected situations.
- 4.3. The purpose of special leave and unpaid leave is to enable the employee to deal with the immediate issues and sort out longer term arrangements if necessary.
- 4.4. Whilst operational needs and individual attendance records may be taken into account, special leave with pay and unpaid leave will not be withheld unreasonably.
- 4.5. Employees will not be entitled to payment in lieu of special leave.
- 4.6. A “day’s” leave may differ for different employees on alternative shift patterns. Where a day’s special leave is granted it will be based on the employees shift pattern, however when totalling time off to the maximum granted this would be considered in hours based on a full time equivalent of 37 hours per week.

5.0 Special Leave with Pay on Compassionate grounds

- 5.1. Employees may ask to be considered for up to **five days in total** (37 hours for those on alternative work patterns) special leave with pay on compassionate grounds within a rolling 12 month period. This amount is pro rata for employees who work part time.

A reasonable amount of special unpaid leave may be granted at the discretion of management.

Special leave **with pay** may be considered for the following situations.

5.2 The unforeseen breakdown of care arrangements for a person for whom the employee has primary responsibility.

This will enable employees to make arrangements for the provision of care for a dependent who is ill or injured. For example:

- Where a child is unable to attend school/nursery due to sickness
- In order to make urgent arrangements for the care of a parent/dependent
- In order to make urgent arrangements for a dependent who you are a carer for (Also refer to the Working and Caring Policy)
- In order to care for a sick dependent/child needing care at home.
- To be able to take/bring home a dependent/child from hospital

5.2.1 In such situations, employees will normally be given paid special leave for **one to five days**. However this will depend on the circumstances and the amount of paid special leave the employee has already taken. This can be taken in one block or on separate occasions.

5.2.2 The employee will be expected to make alternative arrangements for any further days required, for example, requesting unpaid leave, or to seek to work flexibly to make up the hours on another day if this is possible and depending on service needs and priorities and operational requirements.

5.2.3 Please also refer to section 8.1 of this policy for details on reasonable unpaid time off to care for dependents.

5.3 The serious illness of a domestic partner¹, child or other person, whether related or not who plays a significant part in the life of the employee.

5.3.1 In such situations, employees will normally be given paid special leave of between **one to five** days depending on the circumstances, including:

- The care requirements and the nature of the illness.
- How much paid special leave they have already taken.

5.3.2 This would also cover where a partner/dependent is admitted to hospital due to a serious accident/critical illness or during palliative care.

5.3.3 If further leave is required other options should be considered (in conjunction with the HR representative) such as unpaid leave or flexible working arrangements.

¹ Includes same sex partners

5.4 The death of a close relative, which would include a spouse or significant partner², child, parent, brother, sister, grandparent or grandchild, in-laws or equivalent.

5.4.1 In such situations, employees will normally be given paid special leave of between **one to five** days depending on the circumstances, including:

- The relationship to and with the individual.
- The employee's role in the funeral arrangements and where the relative lived.
- How much special leave they have already taken.
- For the bereavement of a close relative up to five days paid special leave can be granted by the line manager.

A close relative is defined as someone in your immediate family and could be but is not limited to spouse/partner, parent, child, sibling, adoptive child, grandparents, grandchildren, parents in-laws. However this will need to be discussed on a case by case basis by the manager as the definition of a close relative can be different to each individual.

- For the bereavement of a distant/extended relative, employees will be given **a day's paid** special leave to attend the funeral.
- If the funeral is far away or overseas, consideration may be given to additional time off such as unpaid special leave.
- However the circumstances must be taken into consideration as each case may be different.

5.4.2 In some circumstances, the line manager can agree to extended bereavement leave for up to a maximum of a **10 days, or 74 hours (Pro Rata)** for a close relative and where the employee is responsible for the funeral arrangements. Managers should consider agreeing to extended bereavement leave where the time will significantly support the employee and will prevent sickness absence. Managers need to deal with this on a case by case basis and seek support from their HR Business Advisor where required.

5.4.3 Where an employee becomes unwell following a bereavement the Attendance at Work policy should be followed and the necessary support put in place.

5.4.3 If further leave is required other options should be considered, such as unpaid leave, annual leave or flexible working arrangements.

6.0 Other Special Leave provisions

6.1.1 Service in Non-Regular Forces

Subject to the needs of the service, volunteer members of the Non- Regular forces who attend summer camp will be granted two weeks paid leave per annum (on a rolling basis) for

² Partner includes same sex partners

attendance at Annual camp. Consideration may also be given to granting additional days (paid or unpaid) for training which cannot be undertaken outside of work time.

6.1.2 Cadet Forces Adult Volunteers

Subject to the needs of the service, Cadet Forces Adult Volunteers (CFAV) who attend summer camp will be granted two weeks paid leave per annum (on a rolling basis) for attendance at Annual camp. Consideration may also be given to granting additional days (paid or unpaid) for training which cannot be undertaken outside of work time.

6.2 Court Appearance

6.2.1 An employee receiving a summons to service on a jury must discuss this with their manager who will approve paid leave of absence. There is a requirement to claim any entitlement of loss of earnings allowance from the Court. This will be deducted from the employees pay as an amount equal to the allowance received.

6.2.2 If an employee is required to attend Court, they will be granted paid leave of absence as follows:

- Witness at Court (subpoenaed witness), paid time for all attendance subject to reimbursement of any loss of earnings received by the employee.
- Court appearance for the council – employee will be granted paid leave (if not part of normal role)
- Court appearances as defendant/plaintiff will be without pay. Annual or flexi leave will normally be granted as an alternative.

6.3 Service as an Elected Local Authority Councillor or School Governor

An allowance of up to 18 days additional paid leave per annum (on a rolling basis), will be granted. Extra days may be granted if elected as Chair or Vice Chair of an Authority.

6.4 Service as a Magistrate

An allowance of up to 18 days additional paid leave per annum (April to March in line with the bench) will be granted for attendance in Court.

If an employee is both a Councillor and a Magistrate, the total for both will be 18 days per year on a rolling basis.

6.5 Service for other Public duties

An allowance of up to 18 days additional paid leave per annum (on a rolling basis), will be granted. This will cover statutory duties such as attendance on Statutory Boards.

If an employee is a Councillor, School Governor, or Magistrate or carries out some other form of Public duties, the total for all will be 18 days per year on a rolling basis.

6.6 Special Constables

Any time off requested to undertake the above duties/training must be taken from accrued flexi time, or unpaid leave, no additional paid time off will be granted. Please ensure you follow the Secondary employment guidance in the Recruitment Policy and Code of Conduct to request permission to undertake additional employment.

6.7 Retained Firefighters

Any time off to undertake the above duties/training must be taken from accrued flexi time, or unpaid leave, no additional paid time off will be granted. Please ensure you follow the Secondary employment guidance in the Recruitment Policy and Code of Conduct to request permission to undertake additional employment.

6.8 Interview Leave

Up to three hours, three times per year will be granted (on a rolling basis) for job interviews related to Local Government or Public Services Posts only. Appropriate paid time off will be granted to enable employees to attend interviews within Flintshire County Council.

6.9 Election Duties

6.9.1 Polling Duties

Employees who wish to volunteer for polling duties should seek the agreement of their manager to undertake those duties. If agreed, an allowance of one day additional paid leave will be granted (per election).

6.9.2 Count Duties

Employees who wish to volunteer to undertake the 'Count' overnight should seek the agreement of their manager to undertake those duties. If agreed, a flexi allowance will be granted of 3 hours and 42 minutes (per election). This time should be used to ensure appropriate rest as per the Working time Regulations following the count. Employees who are not on Flexible Working Hours will be credited TOIL.

6.10 Religious Holidays

Employees who wish to observe religious holidays that do not coincide with public holidays, are required to use their flexi credit and/ or take unpaid leave. Managers should give sympathetic consideration to employees who wish to take time off for Religious Holidays. Any requests for extended time off (for example Religious Festivals) will be considered against the needs of the service

7.0 Time off for Medical Appointments and Screening

- 7.1 Necessary paid time off will be granted for cancer screening. This will cover routine and non-routine screening. This does not cover travel to the appointment. Employees should try to arrange their appointments so as to cause minimal disruption to the service.
- 7.2 All other medical/hospital/GP/Dental appointments should be taken in an employee's own time. For employees on fixed hours, time can be made back up by prior agreement with the line manager.
- 7.3 Employees will be given paid time off for attending appointments with Flintshire County Councils Occupational Health appointments including management and self-referrals, travel to the appointment and any treatment triggered and arranged via Occupational Health such as physio or Counselling.

7.4 Attendance at appointments in relation to IVF

- 7.4.1 One cycle of IVF treatment needs around eight to ten attendances at a clinic which normally lasts about an hour at a time. IVF treatment can be needed by either a male or female person and on occasions it may be necessary for both parties to attend a clinic for treatment at the same time.
- 7.4.2 There is no legislation providing the right to time off work specifically for IVF treatment. However, paid time off within a 12 month period to undergo fertility treatment will be given. This time off will be equivalent to 3 days (22.2 hours for a 37 hour contracted employee). However, if excessive travel is required in order to undergo IVF treatment, consideration should be given to extending the time off to be equivalent to 5 days (37 hours).
- 7.4.3 The time off can be taken in hours and will be pro rata for part time employees. Additional time off for IVF treatment within the same 12 month period can be taken out of flexi-leave or unpaid leave.
- 7.4.4 This policy applies equally to an employee whose partner is undergoing fertility treatment so that he/she is available to support them through the treatment.
- 7.4.5 The employee should notify their Manager as early as possible if they wish to take time off for fertility treatment and give as much notice as possible of the specific dates on which time off will be required. Managers should be aware that on occasion's employees undergoing IVF

treatment are required to attend for appointment at short notice and should be flexible where possible.

- 7.4.6 The employee may be asked to produce an appointment card or letter from a medical practitioner for each occasion on which time off is requested to undergo fertility treatment.

8.0 Other unexpected or planned situations

8.1 Right to unpaid time off for dependants

Where it is not felt appropriate to grant paid special leave (for example, because the requirement does not meet the criteria in the Section above, or due to the amount of leave previously taken), consideration must be given to an employee's legal right to take a reasonable amount of **unpaid 'time off for dependants'** to deal with unexpected events, such as:

- The circumstances already set out in section 5 of this policy.
- To provide assistance on an occasion where a dependant falls ill, gives birth or is injured or assaulted.
- To deal with an incident involving a child of the employee that occurs unexpectedly during a period when the child is attending school.

A dependant is defined as:

- The employees spouse or civil partner, child or parent.
- Any person who lives in the same household as the employee other than as an employee, tenant, lodger or boarder.
- Any other person who would reasonably rely on the employee for assistance if he or she falls ill or is injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury, or

8.2 Other domestic emergencies/situations

In all other situations employees will be expected to seek agreement to work flexibly to make up the hours on another day if this is possible and depending on operational requirements. In exceptional circumstances unpaid leave may be granted at the discretion of management.

Examples of such situations include (this is not an exhaustive list):

- Car breakdown
- Burglary

- Train strike
- Central/heating boiler breaks down
- A pet is ill
- To be at home for a repair/service visit
- Taking a child or relative to a planned medical appointment
- A child's school is closed
- To attend a funeral other than for close relatives as listed.

Related Policies and Documents

- Family friendly Provision at Flintshire County Council
- Foster for Flintshire Policy
- Carers Policy
- Adverse Weather Conditions 7 Emergency Situations (Managers Toolkit)

9.0 Quick Guide to Special Leave

| Type | Reason | Paid Time |
|------|--------|-----------|
|------|--------|-----------|

| | | |
|--|--|--|
| Compassionate Leave (Max 5 days/37 hours for all) | Unforeseen breakdown of care arrangements | 1 – 5 days |
| | Serious illness/accident of a child/domestic partner/dependent or other person. | 1 – 5 days |
| | Bereavement (Dependent on relationship to individual and role in funeral arrangements) | 1 – 5 days |
| | To attend funeral – distant relative | 1 day |
| Extended Bereavement Leave (Compassionate Leave) | | 5 days (10 days/37 hours total paid special leave for bereavement) |
| IVF Treatment | Attending Appointments | 3 – 5 days |
| Election | Polling Duties | 1 day |
| | Count Duties | 3.42 hours Flexi/Toil allocated |
| Medical Appointments | Cancer Screening | Paid Time |
| | Occupational Health Appointments | Paid Time |
| | Hospital/Medical Appointments | Unpaid Time |
| Elected Councillor or School Governor | To carry out duties of Elected Councillor or School Governor | Up to 18 days |
| Magistrate | To carry out duties as a Magistrate | Up to 18 days |
| Other Public Duties | To carry out statutory duties | Up to 18 days |
| Court Appearance | When called for Jury Service | Paid Time |
| | As a Witness | Paid Time |
| | As Defendant/Plaintiff | Unpaid Time |
| Interview Leave | To attend Local Government or Public Service Interviews | Up to 3 half days |
| Service in Non Regular Forces | To attend annual camp/training | 2 weeks |
| Cadet Force Adult Volunteers (CFAV) | To attend annual camp/training | 2 weeks |
| Special Constable | To attend training/duties | None |
| Retained Firefighter | To attend training/duties | None |
| Religious Holidays | To observe Religious Holidays other than UK Public Holidays | None |