

# People Framework

## Special Leave Procedure



Version number 1  
Date June 2019

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## Tracking

<b>Policy Title</b>	Special Leave Procedure		
<b>LT sign off</b>	15 November 2019		
<b>Committee</b>	HR Panel  Strategy & Resources	<b>Date approved</b>	17 December 2019 (TBC)  30 January 2020 (TBC)
<b>Review due date</b>	15 November 2021	<b>Review completed</b>	
<b>Service</b>			

## Revision History

Revision Date	Revisor	Previous Version	Description of Revision

## Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date

## 1. Bereavement Leave

Bereavement Leave is appropriate in a case of bereavement of a close family member, it also can include time to travel a long distance/abroad to attend a funeral, make arrangements for a funeral and/or to deal with matters concerned with the estate of the deceased. By its very nature bereavement leave is only intended to be for a reasonable time period and staff may need to take other types of leave that may be linked to their loss.

Please see below an example table outlining recommendations for reasonable bereavement leave. This may vary and managers should apply their discretion to ensure the council adopts a supportive approach in cases of bereavement:

Initial notification of bereavement	Funeral Arrangements	Funeral
As best practice it is suggested that up to 3 days bereavement leave may be appropriate following initial notification of bereavement. Consideration should be given to how close the relationship is with the deceased.	A further 1-2 days bereavement leave to enable funeral arrangements may be appropriate in circumstances where the individual is responsible for these.	A day's bereavement leave to attend the funeral. In some circumstances it may be reasonable to extend this to 2 days dependent on distance required to travel to the funeral.

The Council recognise and understand that individuals may require a longer length of time away from the workplace following bereavement. In these circumstances consideration should be given to the use of annual leave/time in lieu, sickness absence or unpaid leave.

## 2. Emergency Dependant Leave

In emergency situations this leave allows you to take a reasonable amount of time off work to deal with sudden unexpected emergencies involving a dependant, and to make any necessary longer-term arrangements.

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. A relative for this purpose includes: children, parents, parents-in-law, 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.

A sudden emergency regarding a dependant may include the following incidents:

- Becomes ill or suffers an injury
- Distress (e.g. is a victim of a mugging incident)
- Unexpected incident of a child during school hours
- When a dependant is having a baby
- To deal with a breakdown of care arrangements for a dependant
- Deterioration of an existing condition etc.

It is unlikely for both parents to be absent from work in an emergency situation involving their child, but some situations may necessitate both parents taking emergency leave. A common-sense approach will be taken by your line manager, in conjunction with HR if necessary.

One or two days should be enough to deal with the emergency, as the right is only intended to cover genuine emergencies that could not have been foreseen. Again, a common-sense approach will be taken. If the issues continue, then other types of leave (e.g. annual leave) should be considered.

If you know in advance that you are going to require time off work, then you should request annual leave in the usual way. Alternatively, if the reason you need leave relates to your child, you may be entitled to take parental leave (please see Parental Leave policy).

There is no qualifying period to take this type of leave and the leave is paid.

If your manager considers that you are abusing the right to emergency time off for dependants, this could ultimately result in disciplinary action.

### **3. Compassionate Leave**

Compassionate leave may also be appropriate but not exclusive to the following instances:

- Where there is a need for ongoing care and support of a family member
- Accompanying a dependant during a hospital stay
- Severe damage or disruption to property e.g. fire, burglary, flooding involving traumatic experience and necessitating the employee's presence at home or with dependants
- To allow an employee to go home after a situation that may have occurred at work

The amount of paid time will be up to five days, and the Manager, in consultation with HR, will decide whether additional leave beyond this, without pay, is appropriate.

### **4. Time off for Public Duties**

Employees who are Justices of the Peace (also known as magistrates) or who are officials or members of certain public bodies, including local authorities, statutory tribunals, health authorities and education bodies, have the legal right to be permitted a reasonable amount of time off work to enable them to carry out their functions.

Justices of the Peace can use time off for public duties to perform any of the duties of their office.

Officials or members of any of the prescribed public bodies can take time off to attend a meeting of the body or any of its committees or sub-committees, and to do anything to discharge the functions of the body or any of its committees or sub-committees.

If an employee is unsure whether or not the legal right covers their public duties, they should contact the HR department for clarification.

Any time off for public duties will be unpaid.

## **5. Jury Service**

An employee receiving a summons to serve on a jury must report the fact to his/her manager who will grant leave of absence unless exemption is secured with the court. At that time they should record their absence on the Trent/HR system (under Other Absence, Jury Service) an employee will receive normal pay during absences. During periods where attendance at Court is not required, staff are expected to return to work.

## **6. Time off to accommodate Religious Beliefs**

Requests for time off work, either for the purpose of prayer, or to attend a religious ceremony or festival will be granted where it is possible and practicable to do so (for example by varying the employee's daily working schedule or granting time off out of annual holiday entitlement).

## **7. Time off for Trade Union Activities/Training**

Staff who are Trade Union Representatives and are appointed to attend their Trade Union Conferences, meetings, seminars and workshops are granted reasonable paid time off.

## **8. Time off for Territorial Army/Reservist Training**

So that we can support reservists, the organisation asks that new recruits who are already reservists or existing staff who become reservists inform their line manager as soon as possible that they are, or intend to become, reservists. This request is made purely to allow us to deal with the practical implications and reservists who do this will not be disadvantaged in any way.

Volunteer members of non-regular forces may be granted leave in addition to their normal annual leave to attend camp and training.

In normal circumstances paid leave of up to 2 weeks will be granted to attend camp. Where there is a requirement to attend camp goes beyond 2 weeks, any additional time off must be taken as part of annual leave entitlement. In exceptional circumstances, unpaid leave of up to 1 week may be granted subject to the agreement of the Head of Service.

## **9. Continuity of Employment & Pay**

Continuity of employment is maintained during the employee's special leave which means there is no break in service during an absence from work.

## **10. Pension Contributions**

The Council will continue to make pension contributions based on the employee's normal pay during paid special leave. However, employer pension contributions will cease during any periods of unpaid leave.

Where the employee is a member of the Local Government Pension Scheme (LGPS) and takes unpaid leave, they can choose whether or not to pay pension contributions for the period of unpaid leave.

If the employee elects to pay pension contributions to cover lost pension, they can do this by paying an age related Additional Pension Contribution (APC) within 30 days of returning to work.

If the employee purchases an APC within the 30 day period, the Council will share the cost. It will be assumed that the employee does not wish to pay contributions unless they elect to do so within the 30 day timescale.

Pension contributions for the period of unpaid leave are based on the actual pay that the employee received immediately before the period of unpaid leave started.

If the employee chooses not to pay pension contributions for the period of unpaid leave, this period will not count as service for pension purposes.

## **11. Gender Reassignment**

The Council has a duty, under section 16 of the Equality Act 2010, not to treat employees less favourably in relation to an absence that is because of gender reassignment. The employee and line manager should discuss what time off is likely to be required and when, if known. The employee may require time off for medical or other treatment. Time off for these purposes will be treated no less favourably than time off for illness or other medical appointments.

Some employees may wish to take a period of leave before returning to work in their acquired gender. The employee and line manager will need to agree whether this is to be part of the employee's normal annual leave entitlement or unpaid leave.