

SPECIAL LEAVE POLICY

Introduction

The Council fully supports the principle that employees should enjoy a suitable work-life balance and acknowledges that all individuals work best when they are able to achieve an appropriate balance between work and all other aspects of their lives. In striving to be an organisation that is committed to work-life balance, the Council: -

- recognises that effective practices to promote work-life balance will benefit both the organisation and its employees;
- highlights the employer's and the employee's joint responsibility to discuss and agree workable solutions and encourage a partnership between individuals, their colleagues and their line managers;
- will develop appropriate policies and practical responses that meet the specific needs of the organisation and its employees to ensure fairness and consistency and that employees are valued for their contribution to the service.

Depending on the circumstances, this Special Leave Policy, may also need to be read in conjunction with Time off for Dependants (Unpaid Carer Leave) and Parental Leave Policy. Both documents can be found in the Employment Handbook, Section 10.

Compassionate Leave

Who may grant compassionate leave?

Group Managers may grant up to a maximum of 6 days compassionate leave with pay in any leave year. Managers on Band 13 or above may grant up to one day's compassionate leave with pay. Unless there are exceptional circumstances, employees will not be granted more than a total of 6 days compassionate leave in any leave year. Attending a funeral is included in the 6 days. If managers believe the circumstances to be exceptional, they should discuss this with Human Resources (HR), prior to reaching a decision.

Before granting compassionate leave the manager will consider the facts of the situation in order to make a decision on how much time off to approve which will vary according to the circumstances.

When is it appropriate?

Compassionate leave is appropriate in situations of serious illness or death of an employee's close relative or partner. Additional unpaid compassionate leave may also be granted if this is considered necessary.

Guidelines

Compassionate leave allows an employee not only to deal with urgent practical matters, but recognises also that the death or sudden serious illness of someone close can be traumatic both for the employee and for others who may need the employee's emotional support. However, paid compassionate leave is not intended to be a long-term arrangement.

A 'close relative' will normally be a partner, sibling, parent, or child. However, the death or illness of someone in the employee's extended family may also be grounds for compassionate leave in some circumstances e.g. an aunt or grandparent who has had significant involvement in the employee's life.

In the event of a death, compassionate leave will be appropriate to enable the employee to deal with matters such as: funeral arrangements; attending a funeral; probate or estate matters; other financial affairs; property and personal effects; organising care for dependants; registering the death; attending a hospital or hospice in the final stages of a terminal illness.

Managers should take the following into consideration when assessing the amount of leave to be granted – relationship to the employee, travelling distance, number of other family members who have responsibility for the terminally ill / deceased person and their estate.

Annual leave, unpaid leave, flexi leave and flexible working may also be appropriate and should be considered by the manager.

Compassionate leave is also appropriate for **sudden, serious** illness, usually (but not always) involving hospital treatment. Young children and aged parents may particularly need emotional support during hospitalisation. As well as for attending hospital during the most serious stages of the illness, compassionate leave will also cover practical matters such as arranging emergency care for other dependants.

Managers must recognise that compassionate leave may be requested with very little notice. They will need to obtain as much information as possible while remaining sympathetic and as non-intrusive as possible to enable them to decide

the period of leave suitable. Managers may wish to discuss the situation with HR before reaching a decision.

Parental Bereavement Leave

Background

The loss of a child is traumatic. Known as 'Jack's Law', Parental Bereavement Leave aims to give parents who suffer this loss reasonable paid time off of work.

From 6th April 2020 parents who have tragically suffered the loss of a child will be entitled to two weeks statutory Parental Bereavement Leave, and if they have 26 weeks' service, statutory bereavement leave pay also.

The right to Parental Bereavement Leave

The new right will apply to employees who have suffered the loss of a child under the age of 18 years old or suffered a still birth from 24 weeks of pregnancy from 6th April 2020. Parents can take up to two weeks' leave, either in one block of two weeks, in two blocks of one week, within 56 weeks of the child's death. The right to take 2 week's unpaid bereavement leave will apply to all employees from 'day one' of employment.

Who is eligible for Parental Bereavement Leave

The new law uses a wide definition of parent including not only the birth or adoptive parent but also the following:

- Intended parents,
- Parents-in-fact
- The partner of any of these individuals
- Foster carers,
- Employees with day to day responsibility for the child (who are not being paid for such care)
- Employees who expect to be granted a parental order in respect of the child.

Managers will also need to understand the definition of parent for the purposes of taking parental bereavement leave so they do not turn down requests from employees that fulfil the wide definition on the misunderstanding it only applies to birth or adoptive parents. Managers will also need to be made aware that employees have the right to not to suffer any disadvantage by taking bereavement leave.

If you are unsure if you or any of your employees are eligible, please contact HR for further clarification.

Who is eligible for Parental Bereavement leave?

Employees with 26 weeks continuous service who meet the minimum earnings criteria and provide the proper notice period will also be entitled to Statutory Parental Bereavement Pay (SPBP) during their bereavement leave. SPBP will be paid at the same rate as statutory paternity pay i.e £151.97 per week or 90% of weekly earnings if lower.

Do employees need to give notice to take Parental Bereavement leave?

Yes. The notice requirements for parental bereavement leave differ according to when the employee is taking the leave;

- Leave taken within 56 days of the child's death; the employee must provide notice to the employer before they are due to start work on their first day of absence or, where that is not possible, as soon as is reasonably practicable.
- Leave taken between 56 days and 56 weeks following the child's death; the employee must provide a week's notice to the employer.

When giving notice of the intention to take bereavement leave, the employee must provide the date of the child's death, the date on which they would like their absence to begin and confirm whether they are intending to take one or two weeks of leave.

Are further notice requirements needed for Statutory Parental Bereavement Leave?

Yes. In order to receive SPBP for the bereavement leave, the employee must also give written notice to their employer. The notice should be given within 28 days of taking the bereavement leave or, where possible as soon as is reasonably practicable. When giving notice the employee must provide their name, the date of the child's death and a declaration that they meet the eligibility criteria to receive SPBP.

Any requests that do not comply with the stated notice period will be considered at the discretion of the Line Manager and Human Resources (HR).

Elections

Employees who volunteer and are authorised to assist with Local, European and Parliamentary Elections will have any related absence from work treated as if

they had worked their normal hours. This includes time off for any training required.

Auxiliary Forces Training/Reserve Forces Call-up

An Assistant Director may approve paid special leave to staff attending auxiliary forces training.

Employees representing their Country

An Assistant Director may authorise up to four weeks paid leave in a year for staff selected to represent their country.

Jury Service

An employee required to carry out jury service must apply for loss of earnings from the Court. The employee must obtain a form from the Court for Payroll to complete to detail the employee's loss of earnings. The employee must then return the form to the Court as evidence of what will be deducted from his/her pay. When the employee receives payment from the court, he/she must then notify Payroll of the amount received. Payroll will then deduct this amount from the employee's pay. The Court will also pay other expenses incurred (i.e. travelling and subsistence) and Payroll **do not** need to be informed of these.

Serving as a Magistrate or Special Constable

An employee must gain approval from his/her manager prior to accepting an appointment as a Magistrate or Special Constable. The manager will make every effort to support the employee's request; however, he/she will also need to consider the impact on the service, particularly if there is more than one person carrying out these duties.

An employee approved to serve as a Magistrate or as a Special Constable will be granted up to 13 days per year as special leave. The employee is required to use annual leave/flexi-time/time off in lieu in order to match the total amount of special leave granted by the Council. For example, if the employee is required to serve for 12 days per year, he/she will be given 6 days special leave and required to take annual leave/flexi-leave for the remaining 6 days.

Serving on Public Bodies and Undertaking Public Duties

Paid leave will be given for serving on public bodies or undertaking public duties. There is no definition of what constitutes a public body or a public duty and your

manager will consult with HR before giving you a decision on how much paid leave (if any) to grant.

Study Leave

Day release courses - at the discretion of the manager, employees studying for qualifications (including National Vocational Qualifications) may be granted up to 5 days study leave per year. This will include time off to take examinations.

Distance learning/correspondence courses - At the discretion of the manager, employees studying for qualifications may be granted up to 10 days study leave per year. This will include time off to take examinations.

Attending internal job interviews

An employee, who is called to attend an internal interview, must discuss this with his/her line manager. The employee will be given paid leave to attend the interview.

Special leave will not be granted for attending any external interviews except in the following circumstances:

Attending interviews whilst at risk of being made redundant

In line with the Council's Redundancy and Redeployment policy and procedure, employees at risk of redundancy, are entitled to reasonable paid time off during working hours to look for work or to arrange training. Employees must give reasonable notice of time off to their manager.

Employees experiencing difficulties in attending work

See Guidelines for employees experiencing difficulties in attending work.

Maternity Support

Please refer to the Maternity Leave policy for further information on Maternity Support. Maternity Support applies if you don't qualify for Parental Leave.

The (expectant) mother can nominate a carer to provide primary support at or around the time of the birth. The nominated carer will normally be the father of the child (children) but can be anyone as long as they are nominated by the mother. If the carer is the father of the child, he will be entitled to Paternity Leave not Maternity Support leave.

Managers, who are authorised by their Assistant Director, may approve up to 5 days paid Maternity Support leave to a nominated carer, subject to that carer providing:

- (a) a copy of the expectant mother's MAT B1 form, and
- (b) written confirmation from the expectant mother that the employee is the nominated carer.