

**Subject:** Special Leave Policy Review  
**Date of Meeting:** 19 March 2020  
**Report of:** Assistant Director – HR&OD  
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**Ward(s) affected:** All

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to provide Members with a new Special Leave Policy for approval – see Appendix 1.
- 1.2 The new policy has been developed as part of Our People Promise and ongoing work to make the Council a fair and inclusive workplace. The Policy will make the organisation more accessible and inclusive for employees who also act as an unpaid Carer to a disabled relative. The new policy recognises that the time off Carers may need to take in this capacity is different to other types of time off and, therefore, provides specific guidance.
- 1.3 The Discretionary Leave and Special Leave policies will be replaced by the new Special Leave Policy. The policy also includes other changes and updates that reflect and recognise the diverse needs of our employees.

**2. RECOMMENDATIONS:**

- 2.1 That the Policy & Resources Committee approves the new Special Leave Policy

**3. CONTEXT/BACKGROUND INFORMATION**

- 3.1 At the request of the Disabled Workers and Carers Network (DWCN) and the recognised trade unions, a meeting was held to discuss the issues that affect staff who act as unpaid carers to a person with disabilities. This was in the context of them needing to have time off work to attend pre-booked appointments with the relative in a support/advocate capacity.
- 3.2 Managers are hindered by the current policy wording in that there is no section or heading under which this type of leave could be reasonably considered. The current wording states that leave will not be approved where appointments are known in advance and only allows for 'unforeseen circumstances'. The very nature of appointments in the context of caring for a person with disabilities is that they will, invariably, be made in advance and, therefore, known about.

- 3.3 There are currently two policies that can be referenced – the Discretionary Special Leave Policy and the Special Leave Policy. The two policies have now been combined.
- 3.4 The current policy only allows provision for one day off for an ‘unforeseen circumstance’. It is understood that it is not always practical or possible for the employee to return to work the following day and the amended policy now gives provision for managers to consider additional time off beyond the initial day one emergency.
- 3.5 The policy now includes the provision for time off where a partner goes into labour/gives birth early/unexpectedly.
- 3.6 The policy now includes the provision for time off where an employee is at risk of being made genuinely homeless.
- 3.7 The policy now extends the Compassionate Leave section beyond immediate family members, recognising that families no longer always take the look of the ‘typical family’ or ‘nuclear family’ and are more diverse.
- 3.8 The policy additionally extends to incorporate the new Parental Bereavement (Leave and Pay) Act 2018 which allows for two weeks’ leave for employees following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 It had been suggested that leave for carers could be included within the Absence Management Procedure (AMP).
- 4.2 It is important not to confuse genuine employee sickness absence with other types of leave and it has been decided that the AMP should direct employees and managers to the Special Leave Policy in respect of time off employees may need in an unpaid carers capacity as opposed to being covered under the AMP.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Members of the DWCN and the recognised trade unions were consulted with and the amended policy includes their views and feedback and there is full agreement to the new proposed policy.

#### **6. CONCLUSION**

- 6.1 To conclude, approximately 1 in 9 employees equate to being an unpaid carer to a disabled relative. The amended policy is now fairer and more inclusive for those staff. It also carries benefits for all other employees as it is now more current, reflecting a different/modern way of living for many. It also provides more clarity for line managers in approving time off.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 Additional leave may give rise to additional costs where an employee's absence needs to be covered to maintain minimum statutory staffing levels or to maintain minimum standards of service, for example agency staffing cover. However, the policy may also result in lower overall sickness absence and/or improved retention of staff by providing a policy that complements existing flexible working policies and provides greater support for unpaid carers. Costs will, therefore, need to be monitored over time to understand what, if any, net impact (plus or minus) the policy may give rise to.

*Finance Officer Consulted: Nigel Manvell*

*Date: 15/01/2020*

### Legal Implications:

- 7.2

The proposed new Special Leave Policy complies with the Council's statutory responsibilities and the Codes of Practice, in particular the Employment Statutory Code of Practice issued by the Equality and Human Rights Commission.

*Lawyer Consulted: Carol Haynes*

*Date: 15/01/2020*

### Equalities Implications:

Revisions to the policy have been made as a result of assessment of the equality impact of the previous policy. Engagement with the DWCN and Unions identified potential disproportionate disadvantage to carers (who are protected by law, as noted in the report). Changes to the policy reflect the specific assessed needs of carers and the different contexts in which requests for Special Leave may be made and enable a more appropriate and consistent response by managers. Equally, the revised policy provides more flexibility for managers when considering families where dependence and responsibility are structured in diverse ways.

*Sarah Tighe-Ford*

*Date: 15/1/2020*

### Any Other Significant Implications:

Changes will be made to PIER Absence Management pages to allow all categories of Special Leave to formally recorded. This will allow effective reporting of time off and put HR colleagues in a better place to provide support to staff in a more holistic and informed way.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Special Leave Policy