

SPECIAL LEAVE POLICY

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1 Introduction

- 1.1 Brighton & Hove City Council recognises that there will occasionally be domestic situations which will require our employees' immediate attention. It is the purpose of this policy to provide additional support by way of immediate paid time-off for employees who have to cope with domestic situations. Some of these will be emergencies and others will not. The policy also covers other special leave to include jury service, undertaking public duties and service in the Non-Regular Forces.
- 1.2 In the interests of retaining experienced, skilled and valued employees and attracting skilled job applicants, the Council is determined to ensure that employees with dependants are not disadvantaged in the workplace by offering immediate support and flexibility at the point of greatest need. In the majority of cases, women are the principal carer and so such a policy is a means of promoting equalities. However, this policy recognises that both men and women may have carer responsibilities or be faced with complex domestic situations.
- 1.3 It is recognised that a large number of employees at the Council and residents across the City are recognised as a Carer and these employees are protected under this policy separately in section 5.
- 1.4 These circumstances rarely arise when it is convenient for the team and supporting the absence often needs a considerable contribution from the team as well as the line manager. Employees should only make applications under this policy when circumstances arise which demand their urgent attention and it is not possible/appropriate to make alternative arrangements. The policy places a responsibility on employees to maintain contact with their line managers and to minimise their absence.

2 General Principles

- 2.1 Special Leave is not an extension of annual leave entitlement, it is a separate policy. Therefore, there is an expectation that where possible and appropriate employees will not only minimise the length of the absence but also the frequency of applications. Wherever possible and appropriate, managers should allow staff to work from home as a reasonable adjustment for the duration/part of the leave period being requested.
- 2.2 Employees are expected to use annual leave or flexitime leave to cover known dependant commitments, e.g. school holidays, school inset days, pre-booked dental appointments. (This does not apply to Leave for Carers under section 5)
- 2.3 Applications for some types of Special Leave will, because of their very nature, need to be dealt with immediately. Therefore, the employee's line manager can approve requests on the telephone. An informal return to

work discussion should take place ideally on the day the employee returns to work in the same way as for sickness absence management.

- 2.4 In considering an application, the line manager will ascertain the reasons for the request, the steps taken by the employee to deal with the situation and the likely length of the absence. The manager will also need to assess the request against overall service delivery imperatives. On the basis of this information the line manager can grant Special Leave of up to five days in any leave year.
- 2.5 In exceptional cases, Special Leave of up to ten days may be granted in any one leave year by the line manager to enable an employee to fulfil his/her caring role in the face of emergency situations or to cope with a complex domestic situation.
- 2.6 Assistant Directors may approve Special Leave beyond ten days in consultation with the Head of Human Resources & Organisational Development.
- 2.7 All applications made under this policy will be monitored by Human Resources. Managers will be contacted by Human Resources to discuss if more appropriate support can be provided to an employee who has needed to use the policy for five or more days.
- 2.8 Where a line manager has agreed that an employee may carry forward one or more days from their annual leave from one leave year to another, the day/s carried forward should be used before being granted Special Leave under this policy.

3 Scope

- 3.1 This policy applies to JNC and NJC Local Government Services employees (excluding schools). The provisions of this policy will apply on a pro-rata basis for employees on temporary, part-time or job-share contracts.

4 Leave for Dependants

- 4.1 For the purpose of this section, an employee will be regarded as having a dependant where the dependant is an adult or child.
 - who lives in the same household as the employee and who is directly dependent upon the employee for financial/domestic support or who becomes dependent when ill.
 - who lives separately but who at times of illness requires domestic support from the employee because no other arrangements are available e.g. support around the house, shopping, school drop off and pick up.

The employee need not be related to the dependant but the employee must satisfy the Council that he/she has a principal permanent care role.

4.2 Special Leave cannot be granted where the employee could reasonably have been expected to plan to meet such a commitment (by use of annual leave or flexitime) – see examples below. The initial emergency must be such that it was unknown and unforeseen and for which pre-planning would have been impossible or impractical. Examples of where Special Leave may be granted are as follows:

- child care arrangements are unexpectedly withdrawn
- the dependant falls ill unexpectedly, is injured or assaulted
- the school or nursery is unexpectedly closed

4.3 It will not be granted where:-

- the childminder is on holiday or the school/play scheme is closed for the holiday/inset day.
- appointments with the doctor and dentist which have been planned in advance. Please refer to the Absence Management Procedure for such situations.

4.4 Managers may ask for documentary evidence concerning the request, e.g. an appointment letter, text or email.

4.5 Where the dependant continues to be unwell/ill after the initial unexpected illness, injury, etc, the manager should consider the requirement for additional time off beyond the initial day one emergency. It will not always be appropriate for someone else other than the employee to care for the dependant and/or if it is possible for the employee to make alternative arrangements i.e. they may not have a network of support. The manager should also consider alternative arrangements for home working during this period where it is appropriate and reasonable for the employee and the service.

5 Leave for Carers

5.1 Under the Equality Act 2010, employers have a legal duty to make reasonable adjustments where working arrangements place a person disabled at a substantial disadvantage from those who are not disabled.

5.2 The Equality Act is also applicable where an employee is acting as main carer for someone who is disabled. If that employee were treated less favourably as a result of their association with the disabled person

themselves, this is considered discrimination by association.

- 5.3 In context of their role as a formal Carer, the employee will often know in advance about hospital or GP/similar types of appointments for the person they are caring for where the appointment has to be during core working hours. The manager must reasonably consider this time off in the same way they would as if the event were 'unforeseen' or an 'emergency' under section 4 above.
- 5.4 Managers may ask for documentary evidence concerning the request, e.g. an appointment letter, text or email.
- 5.5 Those members of staff with disabilities should refer to the Absence Management Procedure for time off for pre-booked appointments.

6 Complex Domestic Situation and Compassionate Leave (Please also refer to Section 7 below – Parental Bereavement Leave)

- 6.1 The Council recognises that complex domestic situations occasionally occur which result in employees requiring immediate time off. An employee may not be able to concentrate on their work because of their complex domestic situation and a short period of time off may help the employee to cope with the situation. Examples could be:
- Employees experiencing the break-up of a personal relationship
 - Employees experiencing domestic violence
 - Employees whose partner or close family have a terminal/life threatening illness
 - Employees whose children have been unexpectedly admitted to hospital or need to attend to see a Consultant with the possibility of a terminal/permanent disability/need to operate diagnosis of the child.

Note: This point should be cross referenced to Leave for Carers and if there is any doubt as to what part of the policy applies, advice should be sought. This also does not apply to general GP/dental appointments, etc. See Point 4.3.

- Partner goes into labour/gives birth unexpectedly/early and/or the birthing partner experiences difficulties during the birth resulting in a stay at hospital for the partner and/or child as a result of those birthing difficulties
- Close family death (compassionate leave)
- If an employee is at risk of being made homeless and can provide proof of this risk, the manager must consider approving the time off in

the same way as other examples given above. This does not apply to staff who are simply moving home and it has been/is their decision to do so where annual leave/flexi time would apply.

- 6.2 It is understood that close family can differ from family to family. Therefore, the manager needs to understand the relationship between the employee and the close family member to consider approving the leave.
- 6.3 Where the complex domestic situation has affected the employee's health and rendered them unfit for work then any absence will be regarded as sickness absence and the sickness absence policy will apply.
- 6.4 Where appointments cannot be made outside of core time, employees will be allowed time off for appointments for life threatening conditions/treatment/screenings e.g. cancer in respect of themselves (See section 5 for reference to Leave for Carers). Managers must be notified in good time so that arrangements can be made to ensure service cover.

7 **Parental Bereavement Leave**

- 7.1 The Parental Bereavement (Leave and Pay) Act 2018 provides two weeks' leave for employees following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy
- 7.2 Employees who lose a child will be allowed two weeks paid leave which can be taken in either a single continuous block of two weeks, or in two separate blocks of one week at different times.
- 7.3 If an employee loses more than one child, they will be entitled to take a separate two week period of leave for each child.
- 7.4 The leave must be taken within a **56 week** window from the child's death
- 7.5 This applies to employees who are the primary carer for example including adopters, foster parents, guardians and those who have assumed responsibility for looking after a child in the absence of a parent.
- 7.6 Employees already taking family leave such as maternity leave, paternity leave, adoption leave, shared parental leave and parental leave will be entitled to take parental bereavement leave in addition to any of these types of leave.

NOTE: Paid Parental Bereavement Leave is in addition to any compassionate leave provided (see Section 6 above) and also see General Principles 2.4, 2.5 and 2.6

8 Service in Non-Regular Forces

- 8.1 Employees who are members of the non-regular forces who attend annual camp should be granted one week's leave

9 Jury Service and Public Duties

- 9.1 On receipt of a summons to serve on a jury, an employee must advise their line manager who will approve paid leave of absence unless a necessary exemption is secured. An employee serving as a juror shall claim the allowance for loss of earnings to which they are entitled under the Juror's Allowance Regulations currently in force. The Council will then deduct the amount claimed from the employees pay upon receipt of payment of the fee.

- 9.2 A maximum of 18 days paid leave in any one year will be approved for employees involved in the following defined activities:

- Attendance as a member at meetings of a local authority or other body including managing/governing bodies of schools
- Service as a Justice of the Peace
- Attendance at a court of law as a witness for any cases involving the Council, or arising out of any activity conducted by the Council. Court appearances in this context would include all courts, criminal or civil coroner's courts, courts of enquiry, employment tribunals and any necessary interviews in connection with proceedings. This should apply whether the employee is a party to the proceedings or a witness. Time off with pay should also be allowed where an employee has been summoned to appear as a witness in any criminal proceedings or at a coroner's inquest
- Duties as a retained Fire Fighter with East Sussex Fire Brigade
- Attendance at Civil Protection Training courses
- Attendance at a Police Identification Parades

9 How to apply for Special Leave

- 9.1 As soon as time is required, the employee must contact their line manager to explain the reasons for the request. If the line manager is not available, the employee must contact the next available manager.
- 9.2 Where an application for a period of Special Leave is approved, the onus is on the employee to maintain contact with their line manager during the absence. It is particularly important for operational reasons that line managers are kept abreast of changing circumstances.

- 9.3 If the line manager does not approve an application for Special Leave then they should consider whether or not to grant annual leave, flex leave or unpaid leave to enable the employee to take the time off. This must be discussed with Human Resources in advance.
- 9.4 On return to the work place, the employee should record the time off retrospectively on PIER.
- 9.5 Where the appointment is known in advance e.g. under Leave for Carers at section 5, the absence should be requested via PIER as well as being discussed and agreed with the line manager in advance
- 9.6 If a manager or employee is in doubt as to the application of any of the points in this policy, please contact Human Resources or your Union.

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