

# Human Resources and Organisational Development Special Leave Policy

Version 1.0

Implemented: 6 July 2020



## **1. INTRODUCTION**

- 1.1** The Council recognises that sometimes staff may need to request additional leave (with or without pay), to manage unpredictable or unanticipated demands and responsibilities outside of work. This is known as special leave. To qualify for special leave set criteria must be met. Where a problem/issue is known in advance, the provisions of special leave will not be applicable.
- 1.2** All special leave is discretionary and is not an automatic entitlement. Special leave will be considered in a fair and consistent manner by the line manager.
- 1.3** This procedure applies to all staff directly employed by the Council. It does not apply to workers employed through an agency.

## **2. THE AMOUNT OF SPECIAL LEAVE THAT CAN BE GRANTED**

- 2.1** Staff can apply for up to a total of 10 working days paid special leave (pro rata for part time staffs) in any leave year i.e. between 1<sup>st</sup> April to 31<sup>st</sup> March.
- 2.2** Depending on the circumstances, time taken and granted can be a combination of paid special leave, annual leave and/or unpaid leave.
- 2.3** Any staff who wish to request special leave should discuss with their line manager as soon as it is required. Staff should complete the Special Leave Form on HR Self Service and submit this to their line manager for consideration, providing enough relevant information to enable a decision to grant the special leave or not.
- 2.4** It is reasonable in some instances and where practical for a line manager to ask for proof of the situation (this does not necessarily have to be prior to the leave being agreed). Where a manager has reasonable belief that a staff member is abusing the right to time off, they will address this under the council's disciplinary procedure.
- 2.5** There are some types of public duties where separate special leave provisions will apply. This is covered under section 4.

## **3. THE TYPE OF SPECIAL LEAVE THAT CAN BE GRANTED**

- 3.1** This section sets out the different types of special leave that staff can request. In summary the different types of special leave available are:
  - 1. Time off for Domestic Emergencies
  - 2. Compassionate Leave (Bereavement Leave)
  - 3. Fertility treatment

4. Time off due to Domestic Abuse
5. Emergency Care for a Child or other Dependant Family Member
6. Leave for Public and Other Duties
7. Other

**3.2** Where the maximum of 10 working days paid special leave during a leave year has been used and staff wish to request additional time off, it is expected that annual leave or unpaid special leave be considered. Alternatively, staff can consider purchasing additional annual leave.

### **3.3 TIME OFF FOR DOMESTIC EMERGENCIES**

(Normally 1 or 2 working days)

If staff are faced with a domestic unforeseen emergency such as damage to property caused by floods, fire or burglary, line managers have the discretion to allow paid time off to deal with such an event.

### **3.4 COMPASSIONATE / BEREAVEMENT LEAVE**

(Normally up to 5 working days, but may vary depending on circumstance)

**3.4.1** Staff may request special paid leave in respect of the death and funeral of an immediate family member.

**3.4.2** A manager should consider requests for a longer paid period of time taking into account the particular circumstances, for example where staff are responsible for making funeral arrangements and registering the death or where staff have family abroad.

**3.4.3** Bereavement leave can be taken at once or spread out, normally up to 5 working days to support staff to manage and cope with the loss of an immediate relative.

### **3.5 IVF/ FERTILITY TREATMENT**

Staff may sometimes need time off work to go to appointments for IVF/fertility treatment. Staff should speak to their manager in advance to request and discuss any short-term arrangements and requirements for the time off needed.

### **3.6 DOMESTIC VIOLENCE**

**3.6.1** Domestic violence is any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or who have been, intimate partners or family members, regardless of gender or sexuality.

**3.6.2** The Council's Domestic Violence Guidance sets out how we will fully support staff should they experience abuse, and this should be the primary guidance used in discussion with staff. However, special leave may be appropriate for any initial immediate time off if required.

### **3.7 EMERGENCY CARE FOR A CHILD OR OTHER DEPENDENT FAMILY MEMBER** (Dependent on circumstances)

**3.7.1** The term 'dependent' will normally refer to someone who is reliant on the staff member for support and immediate help.

**3.7.2** Leave of this nature is intended to enable support in one-off or immediate emergency situations that arise; it off does not entitle staff to take time off to look after the dependant until they recover. The special leave is intended to enable staff to take a reasonable amount of time off work to deal with the immediate crisis and to make any necessary longer-term arrangements.

**3.7.3** Line managers must consider the service provision ahead of granting any emergency leave for an extended period. If the problem is known in advance, another form of leave must be requested/arranged.

#### **3.7.4 Breakdown in Childcare Arrangements (Under School Age)**

At the discretion of the manager, staff can take special leave to look after their own young children (or grandchild) when normal childcare arrangements fall through without prior notice. The purpose of granting this leave is to enable staff to care for the child and make alternative arrangements for childcare on subsequent days if necessary.

**3.7.5** Special leave must not be granted to cover foreseen circumstances such as school closures due to strikes or elections or inset days, or routine hospital appointments and planned hospital admissions. Annual leave, unpaid leave or flexible working should be used on these occasions.

**3.7.6** Note that for Health and Safety and insurance purposes parents must not bring their children to work when childcare arrangements break down.

### **3.8 LEAVE FOR PUBLIC AND OTHER DUTIES**

#### **3.8.1 Service in Non-Regular Forces**

(Dependent on circumstances)

Members of one of the Non-Regular Forces (i.e. Volunteer Reservist) are often required to attend a two-week summer camp. The Council will grant special paid leave in order for staff to attend. This leave will be granted according to the demands of the service.

Volunteer Reservists who are required by statute to undertake training additional to attendance at summer camp, should make every effort to arrange for such training on a day when they would not normally be working. Such training should be undertaken at a time which is mutually agreed between the employee and their Manager.

#### **3.8.2 Leave for Meetings of Public Bodies, or Public Duties**

As an employer, Tower Hamlets encourages and is keen to support staff to

perform valuable public services in the Borough. There is an obligation under the provisions of the Employment Rights Act 1996 to grant reasonable time off to staff for this purpose.

Staff should provide in writing adequate notice of scheduled meetings for public bodies and duties that they are required to attend.

Tower Hamlets provides a maximum of up to 10 working days per year to be granted to officers performing one or more of the following public duties: -

- School Governors
- Members of a visiting committee to prisons, remand centres and young offenders' institutions
- Members of a local authority
- Members of any statutory tribunal
- Members of certain health, education, water and river authorities
- Members of a Police Authority
- Environment Agency

### **3.9 OTHER**

#### **3.9.1 Leave for religious pilgrimages & Leave for Sporting Events**

Requests should be made in advance via the line manager and are subject to the demands of the service.

#### **3.9.2 Preparation/Training for Foster Carers**

Requests for special leave for prospective foster carers who are required to attend training sessions as part of the initial preparation should be made in advance and in writing to the line manager and are subject to the needs of the service.

### **3.10 HOSPITAL APPOINTMENTS**

There is an expectation that medical, dental and optician appointments are made in employees' own time; however, special leave may be granted in certain situations to attend hospital appointments or for associated treatments arising from a medical condition.

## **4 EXCEPTIONS**

### **4.1 Justices of the Peace**

Justices of the Peace are required to undertake specific training, which takes 13 days, and this will be granted. Attendance in court hearings is to be agreed in advance through discussion with the line manager and is subject to the needs of the service.

### **4.2 Leave for Attendance at Court/as a Witness**

If staff attend court voluntarily, including an Employment Tribunal, (and are not acting as a representative of the Council) they are required to book annual leave

or take unpaid leave to attend (subject to authorisation by their line manager).

#### 4.3 Leave for Attendance at Court/as a Witness - Under a Subpoena (Summons)

If staff are summonsed to attend Court, including Employment Tribunals, as a witness and they are not representing the Council, then they will be granted paid leave. This is on the understanding that they claim loss of earnings from the Court, which will then be deducted from their salary. If staff are not summonsed to attend court and choose to attend in a personal capacity and are not representing the Council, they will need to apply for annual leave, unpaid leave or flexible working, subject to the needs of the service.

#### 4.4 Leave for Jury Service

All staff are entitled to time off for jury service. When staff receive a summons to serve on a jury, they must immediately inform their manager in writing. Managers should explore whether there are special circumstances which may make it necessary to apply for jury service to be postponed. Unless exemption from service is secured, they will be granted special leave to attend. In some, exceptional circumstances, this may extend beyond 10 days.

Whilst serving as a juror, staff **must** claim for loss of earnings under the Jurors Allowances Regulations and the Council will deduct from their monthly pay an amount equal to the allowance they receive. The Summons/Court will provide a Loss of Earnings Form, which staff must forward to the Payroll Section before returning it to the Court. In calculating the pay due, no account will be taken of loss of potential overtime earnings.

Staff are expected to return to work for each day or half day they are not required to attend court.

## 5 IMPORTANT POINTS TO NOTE

#### 5.1 Recording of requested special leave

Staff will request and managers will approve special leave through HR Self Service.

#### 5.2 Further Information

For further information or advice on any aspect of this procedure, contact the Recruitment and Resourcing team on ext. 6400 or email [hr.generalenquires@towerhamlets.gov.uk](mailto:hr.generalenquires@towerhamlets.gov.uk)