

Special Leave

Date – to be confirmed

Personnel and Training Services



1. Introduction

- 1.1 Salisbury District Council realises that circumstances arise during the course of life when it is necessary for an employee to be away from their place of work. This policy has been implemented to make sure that all employees are aware of their entitlements to special leave and pay under certain circumstances.

2. Purpose

- 2.1 This policy is designed to ensure a consistent approach to the granting of special leave across the Council. It aims to provide a framework of the support available to employees when they find it necessary to be away from their place of work.

3. Principles

- 3.1 Employees can if they wish to do so, request annual leave instead of special leave, however, any application for annual leave will be dealt with in accordance with the Council's annual leave procedure and there is no guarantee that any such request will be granted.
- 3.2 Special leave will not be regarded as sick leave and will not be taken into account for the calculation of sick leave entitlement in accordance with the Council's sick pay scheme. An employee who fails to return to work on the expiry of their special leave and who submits a sick note from their GP will be regarded as being on sick leave from the date they were signed off sick.
- 3.3 Where special leave is to be paid, an employee will receive payment for this period based on his/her basic salary.
- 3.4 Where applicable, job share and part-time employees are entitled to the benefits contained in this policy on a pro rata basis.
- 3.5 Absence on special leave (paid or unpaid) will count towards annual increments on the employee's scale and will not defer the normal increment date.
- 3.6 If you are granted unpaid leave of absence the current pension provisions relating to such a situation will apply. At the date of this policy this is:
- For less than 31 days, you must pay your contributions of the pay you would have received had you not been on unpaid leave.
 - For more than 30 days, you may elect to pay contributions for the whole period up to a maximum absence period of 36 months in order to maintain your full pension benefits.
 - An election to pay back contributions must be made within 30 days of your return to work or within 30 days of leaving if you do not return.
- 3.6 Any employee who is dissatisfied with any decision made under this special leave policy can raise a grievance in accordance with the Council's current Grievance Procedure.
- 3.7 This policy has been developed by management in consultation with the trade unions and is fully supported by both parties.
- 3.8 Nothing in the policy should be regarded as affecting an employee's statutory rights.

4. Scope

- 4.1 This policy applies to all employees of Salisbury District Council, except casual employees.
- 4.2 This policy will be periodically reviewed jointly with the trade unions in the light of experience of any developments in employment legislation or best employment practice. It will be revised where necessary in order to ensure its continuing relevance and effectiveness. In such cases all relevant parties will be informed in advance of any changes.

5. Responsibilities

- 5.1 Line Managers have a responsibility to ensure that this policy is communicated to staff. They also must ensure that leave is granted in accordance with the contents except where the policy specifies otherwise. Unless the policy specifies otherwise Line managers have the discretion to grant special leave. Any leave granted should be recorded on the appropriate leave form that is attached. See Appendix A.
- 5.2 Any misuse of the scheme will be dealt with under the Council's disciplinary procedure.

6. Compassionate Leave

- 6.1 If requested, paid compassionate leave will be given to make arrangements in the respect of the death of a close relative or dependent (see below), including arranging and attending the funeral. Compassionate leave, however, is not an automatic entitlement and each case is to be treated on its own merits. Reasonable requests for the maximum time allowed, will not normally be refused. So that equality of treatment ensues, any proposal to grant compassionate leave outside of the following guidelines should be discussed with Personnel & Training Services prior to the granting of the leave.
- 6.2 The following is a guideline:

Death of:	Compassionate Leave
*Partner/Son or Daughter (including adopted children)	Up to 10 days
Parent (including adoptive parents)	Up to 5 days
**Brother/Sister/Parent-in-law/Grandparent/Grandchild (including adopted relatives)	Up to 3 days

* For the purposes of this policy a partner is defined as a person sharing the home of the employee as the other member of a couple in a relationship.

** Up to five days will be granted if the employee is the person with sole responsibility.

- 6.3 In the case of step relatives, leave will be granted as above, if the employee lives or has lived with the deceased and has acted in the capacity of parent, son, daughter or sibling.
- 6.4 Paid time may also be granted for any other relative, who was treated as a near relative or where there is no other person to look after the affairs of the deceased relative. In such cases and for any other relative, compassionate leave will be granted at the discretion of the Service Unit Head. In such cases, Service Unit Heads are required to consult with Personnel & Training Services where more than three days paid leave is to be granted.

- 6.5 Sympathetic consideration will be given to the granting of compassionate leave for reasons other than bereavement, however, this may require an equivalent contribution of time from the employee.

7. Attendance at Funerals

- 7.1 Leave to enable an employee to attend a funeral may be granted without pay if the compassionate leave arrangements do not apply. Leave to attend a funeral, as a representative of Salisbury District Council will be with pay. In either case, absence should be limited to the minimum period necessary.

8. Time Off for Dependents

- 8.1 All employees are statutorily entitled to take unpaid leave to deal with specific circumstances involving a dependant. This leave will normally be granted at the discretion of the employee's line manager although reasonable requests will not be refused subject to operational demands. Please see note below regarding times off without notification. For example an employee would be entitled to take time off to make alternative childcare arrangements where existing arrangements are disrupted. The employee is not entitled to take time to provide the care for the child him/herself.
- 8.2 A dependant is defined as an employee's spouse or partner, child, parent or partner's parent, or someone living as a dependant in the household; in some circumstances a dependant may be an individual for whom the employee has a primary caring responsibility. In cases of illness, injury or where care arrangements break down a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.
- 8.3 Circumstances covered by the right to time off include the breakdown of care arrangements, illness, injury or assault, the consequences of the death of a dependant, the involvement of a child in a serious incident at school or during school hours. Salisbury District Council reserves the right to ask the employee to provide some acceptable form of proof that these circumstances have occurred.
- 8.4 The employee must advise their line manager as early as possible about their absence, the reason for it and how long they expect to be away from work.
- 8.5 There may be times when an employee returns to work before it is possible to contact his or her manager, but he or she should still tell the manager the reason for the absence on return to work. All such leave should be recorded on the employee's flexitime sheet. If the employee is not subject to the flexitime scheme then the leave should be recorded on his/her leave card.
- 8.6 Consideration will also be given to allow employees unpaid time off where a dependant has a medical appointment or requires treatment for a serious illness and the employee needs to accompany them. Requests for time off will not normally be unreasonably refused.
- 8.7 To avoid the need to take unpaid leave to deal with these types of situations employees may prefer to use existing arrangements such as flexitime, annual leave time off in lieu or compassionate leave, where applicable. Where this is not practical then employees may prefer to 'make up' any working time lost where possible. Unpaid leave for dependants may be used as a last resort unless the employee expressly requests this.

9 Time Off for Domestic Emergencies

- 9.1 Employees will also be entitled to unpaid leave to deal with domestic emergencies. A domestic crisis is where an employee needs to take immediate action to ensure that a

domestic situation is not left in an unsafe or deteriorating state. For example, in the event of a fire or flood at home.

- 9.2 This should only be used where the employee is the only person available and or able to handle the emergency.
- 9.3 In such circumstances the employee should follow the same procedure as detailed in time off for dependents.

10 Volunteer Reserves

- 10.1 Employees who with the consent of Salisbury District Council or at the date of their commencement of employment are members of the volunteer reserves for the:

- Army
- Royal Navy
- Royal Marines
- Royal Airforce

will be entitled to one weeks paid leave in order to attend annual training.

- 10.2 Employees who are required to undergo two weeks annual training and have less than 25 days holiday will receive paid leave for the second week. Employees who have 25 days holiday or more, will be required to take the second week as annual leave or as special leave without pay.
- 10.3 Employees who are required to undergo short periods of training in addition to the annual training referred to above and this additional training cannot be undertaken in off duty time will be entitled to special leave (unpaid) for this purpose.

11. Attendance at a Court Case as a member of the Jury or a Witness

- 11.1 Leave of absence with pay will be granted while an employee serves on a jury or as a witness at a court case. Employees should always claim their full entitlement to expenses and provide Personnel & Training Services with the details. Arrangements will then be made to recover the amount from the member of staff from their next available month's pay.
- 11.2 Employees taking action against the Council or acting as a witness in support of a person doing so will be required to do so in their own time.

12. Employment Tribunals

- 12.1 Employees taking action against the Council or acting as at witness in support of a person doing so will be required to do so in their own time. Unpaid leave or access to annual leave to enable attendance will not be unreasonably refused.

13 Time off for other Public Duties

- 13.1 Employees, who with the consent of Salisbury District Council or at the date of the commencement of employment hold certain public positions are entitled to reasonable unpaid time off to perform the duties associated with them. The Public positions are:
 - Justice of the Peace
 - Local Councillor
 - Member of a statutory tribunal or regional or area health authority
 - Governor or manager of a school
 - Member of the Environment Agency or the Scottish Environment Protection Agency

- Member of a Policy Authority
- Member of a Board of Visitors in England, Wales and Scotland
- Member of a Visiting Committee to Prisons, remand centres and young offender institutions.

- 13.2 Where an employee undertakes such duties time off without pay will be granted as long as Salisbury District Council will not incur any additional cost and the quality of work delivery is not affected. It is expected that such employees will endeavour to minimise the number of duties they are required to carry out during work hours.

14 Religious Leave

- 14.1 Employees wishing to take time off work for religious festivals are required to advise their manager, giving reasonable notice. Whenever possible, leave will be granted, however, if there are genuine business reasons why it is not possible to do so, details of that reason will be explained to the employee. Each request will be looked at on a case by case basis. Requests for time off will not normally be unreasonably refused. Employees may take annual leave, flexi time or unpaid leave to cover such absences.
- 14.2 A religion or belief includes any religion, religious belief or similar philosophical belief. This does not include any philosophical or political belief unless it is similar to religious belief.
- 14.3 The three principal ingredients necessary to meet the definition of a religion are:
- A belief in a supreme being, worship of that supreme being and a group or following of people who observe the beliefs, values, customs and traditions as set down by that supreme being.
- 14.4 The main religions are Baha'i, Buddhism, Christianity, Hinduism, Islam, Janism, Judaism, Other Ancient Religions (including Druidism, Paganism and Wicca), Rastafarianism, Sikhism and Zoroastrians.

15. Study Leave

- 15.1 The granting of study leave is at each manager's discretion and should be discussed before the commencement of the training.

16. Degree and Diploma Presentation Ceremonies and Passing Out Parades

- 16.1 Leave of absence with pay may be granted to enable an employee to receive a degree or higher educational equivalent. Unpaid leave to allow an employee to attend a ceremony at which a husband or wife, son or daughter is receiving a degree or higher educational equivalent or as taking part in a passing-out parade would only be granted if Salisbury District Council would incur no additional cost and the quality of work delivery was not affected.

17 Medical and Dental Appointments

- 17.1 Details regarding time off for medical and dental appointments can be found in the sickness absence policy.

18 Blood Donor Sessions

- 18.1 Employees will be granted leave with pay to attend for blood donor sessions. Absence should be limited to the minimum period necessary.

19 Medical Screening

- 19.1 Employees will be given the necessary paid time off to attend screening for breast and cervical cancer. The Council will give consideration to supporting other national medical screening initiatives that may be introduced in the future.

20 Special Leave for Other Reasons

- 20.1 The types of special leave of absence listed above are not exhaustive. If an employee feels s/he should be entitled to special leave s/he should first approach their line manager.

21 Other Policies

- 21.1 Other policies with regard to leave are Maternity Leave, Maternity Support, Attendance at Work During Exceptional Circumstances, Paternity Leave, Parental Leave, Adoption Leave, Sickness Absence and Trade Union Recognition Agreement.

Special Leave Form

Confidential when completed

<p>To be Completed by Employee and Line Manager</p> <p>Name of Employee:</p> <p>Payroll Number:</p> <p>Service Unit:</p> <p>Special Leave Category: Compassionate/Jury Service/other, please specify:</p> <p>.....</p> <p>Reason for Leave:</p> <p>Date of Commencement of Leave:</p> <p>Date of Return to Duty:</p> <p>I confirm that this leave is: paid/unpaid/a combination of paid and unpaid as specified:</p> <p>No of Days Paid: No of Days Unpaid:</p> <p>Employee's Declaration:</p> <p>I certify that to the best of my knowledge the details outlined above are correct.</p> <p>Signed (Employee): Date:</p> <p>Manager's Declaration:</p> <p>I certify that to the best of my knowledge the details outlined above are correct.</p> <p>Signed (Manager): Date:</p> <p>Please forward this form to Personnel & Training Services.</p>
<p>To be Completed by Payroll:</p> <p>I confirm that days pay have been deducted from this employee in their</p> <p>..... (months) pay.</p> <p>Signed (Manager): Date:</p>

The information on this form when completed will be only be used to assess the employee's eligibility to pay and enable us to monitor the special leave policy for fairness and consistency across Salisbury District Council.