

HUMAN RESOURCES
POLICY STATEMENT

SPECIAL LEAVE POLICY & PROCEDURE

1. Introduction

The Council is committed to delivering a working environment that enables employees to achieve the right balance between work and home, whilst providing high quality services to the community.

1.1 This procedure supported by other key documents (e.g. Flexible Working Policy) aims to:

- 1) Enable employees to balance the demands of domestic and work responsibilities, especially at times of urgent and unforeseen circumstances.
- 2) Enhance the Council's reputation as a good employer.

AND

3) Develop an agile and flexible workforce.

1.2 This policy also seeks to promote equality and diversity in accordance with Harlow District Council's Equality, Diversity and Inclusivity Policy 2021/2022 (Corporate Equalities Policy).

Special Leave covers the following paid and unpaid leave entitlements:

- Dependency Leave
- Domestic Emergency Leave
- Time off for dependants
- Compassionate Leave
- Statutory Parental Bereavement Leave
- Carer's Leave
- Public Duties Leave
- Territorial Army or Reserve Forces Leave
- Training Leave
- Attending Interviews
- Religious Holidays

2. Key Principles

2.1 The Council is committed to ensuring that:

- 1) A family friendly working environment is developed, whilst maintaining high quality services.
- 2) Employees are supported during periods of crisis, including unforeseen and urgent circumstances.
- 3) Managers recognise the importance of balancing work and home life, seeing flexibility as integral to the recruitment, motivation, and retention of high quality staff.
- 4) All employees are treated fairly and consistently.
- 5) Statutory legislation and contract entitlements are complied with.

3. Who is covered by this procedure?

- 3.1 This policy applies to all employees of the Council, both those employed on a permanent or a fixed term basis.

All paid leave entitlements will be pro-rata for part-time employees and staff with less than twelve months service.

The provisions within this policy are not exhaustive and if a request for Special Leave falls outside the situations described in this document, employees should speak to their Line Manager, who may then refer the matter to the Council's HR Manager for further guidance.

4.0 Dependency Leave

Dependency leave is an additional employment benefit agreed by Harlow District Council.

Employees may request up to 5 days paid dependency leave in any 12-month rolling period at the discretion of their manager/supervisor. This entitlement will be pro-rata for part timers and for employees on fixed term contracts less than 12 months duration.

Dependency leave may be taken in full days or part days (recorded in hours)

There is no qualifying service for this benefit.

Dependency leave is time off to look after dependants. The Council defines dependants for this purpose as:

The partner, civil partner, children under the age of 18 (including step children if living at the same address), elderly parents, or grandparents. Dependants in this context would not usually include brothers, sisters, siblings, aunts, uncles, cousins or grandchildren.

The Council could make changes to this definition.

Dependency leave is intended to cover such situations as accompanying a dependant on a medical appointment (where they are unable to attend alone), caring for a dependant when ill or after receiving treatment.

Dependency leave can also be used to cover all or part of the first week of Paternity leave for a newly born baby or newly adopted baby or child. (See the Paternity and Adoption Leave and Pay Policies).

Requests for dependency leave must be made in writing to the Line Manager by completing an Authorised Absence Request Form, giving as much notice as possible and stating the reason for the request.

Managers must balance the needs of the service and the needs of the individual employee when considering the application.

Assistant Directors may agree requests for additional dependency leave in exceptional circumstances.

5.0 Statutory Provisions for Time Off for Domestic Emergencies

- 5.1 Employees have a statutory entitlement to **reasonable unpaid** time off to cope with unexpected domestic emergencies irrespective of their length of service.

The Employment Relations Act 1999 (as amended) sets out the circumstances for the granting of this leave and the criteria and definitions used in this legislation have been incorporated into Harlow Council's policy.

5.2 What is Emergency Leave?

Emergency Leave is intended to provide reasonable time off during working hours to deal with unexpected or sudden incidents involving a dependant and to make longer term care arrangements. Emergency leave is unpaid.

The Council recognises that employees will from time to time experience emergencies at home, such as a flood, fire or burglary. This policy, which applies to all employees, is intended to allow those who experience genuine domestic emergencies to take a reasonable amount of time off work to deal with the emergency. The policy does not apply to planned events such as domestic repairs, refurbishment, building or trades work, installation of appliances, home deliveries, etc.

In the event of a domestic emergency arising, the employee should notify their Line Manager as soon as it is reasonably practicable (either face-to-face if the employee is at work or otherwise by telephone), explaining the nature of the emergency and how much time off work the employee thinks they will need. Employees must complete an Authorised Absence Request Form and the Line Manager must authorise the form and log the unpaid absence on iTrent to enable the deduction from the employee's salary. A copy of the form must be sent to HR who will confirm the unpaid leave in writing to the employee and Line Manager.

Once the immediate emergency has been taken care of, the employee is expected to return to work or, if further time off is necessary, to arrange to take it as paid or unpaid holiday, subject to the agreement and authorisation of the Line Manager.

6.0 Time off work for dependants

All employees (irrespective of length of service, and whether they are part time or full time) are entitled to take reasonable **unpaid** time off during working hours in order to take necessary action:

- to make arrangements when a dependant falls ill, is injured, gives birth (also see Paternity and Dependency Leave)
- to make arrangements for the provision of care for an ill or injured dependant (also see Dependency Leave).

- in consequence of the death of a dependant; (also see Compassionate Leave)
- because of the unexpected disruption or termination of arrangements for the care of a dependant;
- to deal with an incident that involves their child and occurs unexpectedly while the child is at school/other educational establishment (also see Dependency Leave).

The employee must inform their Line Manager of the reason for their absence and how long they expect to be absent.

The law defines a dependant for these purposes as:

- a spouse;
- a civil partner;
- a child;
- a parent;
- a person who lives with the employee other than as his/her employee, tenant, lodger or boarder;
- any other person who would reasonably rely on the employee for assistance if he/she fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or
- in relation to the disruption or termination of care for a dependant, any other person who reasonably relies on the employee to make arrangements for the provision of care.

Employee's must complete an Authorised Absence Request Form and the Line Manager must indicate authorised unpaid leave on the form and record the unpaid absence on iTrent to enable the deduction from the employee's salary as appropriate. A copy of the form must be sent to HR. HR will confirm the unpaid leave in writing to the employee and Line Manager.

7. Parental Leave

Please see the Council's Parental Leave procedure for further details. Copies are available on Infonet or from Human Resources.

8. Compassionate Leave

Compassionate leave is an additional employment benefit agreed by Harlow District Council.

Employees may request up to 5 days paid compassionate leave in any 12-month rolling period at the discretion of their manager/supervisor. This entitlement will be pro-rata for part timers and for employees on fixed term contracts less than 12 months duration.

Compassionate leave may be taken in full days or part days (recorded in hours)

There is no qualifying service for this benefit.

Compassionate leave may be granted during a life threatening illness such as heart attack or stroke, the final stages of a terminal illness or after the death of a

family member. It can be used to allow an employee some time to grieve for an immediate relative or to allow an employee time off to make funeral arrangements, as well as to attend a funeral of a close relative. Compassionate leave may also be granted if an employee is the executor of a will.

The Council defines:

- 1) Immediate relatives as the spouse, partner, civil partner, child (including step child if living at the same address as the employee), grandchildren, and parent/ parent-in-law.
- 2) Close relatives as stepchildren (if living at a different address), grandparents, brother/ brother-in-law or sister/ sister-in-law. Close relative in this context would not usually include aunts, uncles, or cousins. If requested, employees may be granted up to 5 days paid compassionate leave following the death of an immediate relative (pro-rata for part time employees).

Employees may request compassionate leave to make arrangements for and to attend the funeral of a close relative. The length of time granted would depend on circumstances, e.g. distance that needs to be travelled and the involvement the employee has in making the arrangements including those who are executors of wills.

Requests for compassionate leave must be made in writing to the Line Manager by completing an Authorised Absence Request Form, giving as much notice as possible and stating the reason for the request.

Managers must balance the needs of the service and the needs of the individual employee when considering the application.

In all cases requests for unpaid leave, annual leave (and flexi leave) at short notice will be considered sympathetically.

The Deputy Chief Executive / Director of Governance and Corporate Services / Director of Finance, in consultation with the Council's HR department, may agree requests for additional compassionate leave in exceptional circumstances.

9. Statutory Parental Bereavement – Jack's Law

Employees who suffer the devastating loss of a child will be entitled to 2 weeks' statutory leave in line with new regulations from 1 April 2020

The Parental Bereavement Leave is known as Jack's Law. Employees have the statutory right to 2 weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy.

Parental Bereavement Leave will be paid at an employee's standard rate of pay and are able to take the leave irrespective of length of service and whether they are part time or full time – a day one employment right.

Employee will be able to take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across the first year after their child's death. This means employees can take their Parental Bereavement

Leave at the times they need it most, which could be in the early days or over the first anniversary.

10. Carer's Leave

See Section 5.2 - Emergency Leave.

Employees who care for a dependant have the right to request flexible working. Please refer to the Flexible Working Policy.

11. Maternity Leave

Please see the Council's Maternity Scheme for further details. Copies are available on Infonet or from Human Resources.

12. Adoption Leave

Please see the Council's Adoption Leave Procedure for further details. Copies are available on Infonet or from Human Resources.

12. Public duties

Paid leave of absence will be granted for employees undertaking jury service or serving on public bodies or undertaking public duties such as giving blood. Where an allowance is claimable for loss of earnings, the employee must claim the allowance and this will automatically be deducted from their pay.

Employees considering applying to sit as a Justice of the Peace, or standing for election as a Councillor for another local authority or standing as a School Governor should discuss their proposal with their Line Manager to understand the implications on the service.

Employees already serving in one of these positions when recruited to the Council should discuss this with their manager at the earliest opportunity if it has not been discussed at interview. Reasonable paid leave may be granted for these roles, up to a maximum of 12 days (pro rata) in a rolling year.

Requests for annual leave or unpaid leave will also be considered sympathetically.

As much notice as possible should be given of the days requested.

Justice of the Peace

Employment Rights Act 1996: An employer shall permit an employee who is a justice of the peace to take time off during the employee's working hours for the purpose of performing any of the duties of the officer.

The amount of time which an employee is to be permitted to take under this section and the occasions on which and any conditions subject to which time off may be so taken, are those that are reasonable in all the circumstances having regard in particular to:

- How much time off is required for the performance of the duties of the office.

- The circumstances of the employer's business and the effect of the employee's absence on the running of that business.

The Line Manager should discuss any such requests with HR.

Requests for public duties leave must be made in writing to the Line Manager by completing an Authorised Absence Request Form, giving as much notice as possible and stating the reason for the request.

13. Service in the Territorial Army or Reserve Forces

Members of the reserve forces are covered by the Reserve Forces Act 1996. Reserve Forces may be mobilised on a voluntary or compulsory basis. In instances of voluntary mobilisation, the Council is required to give consent before employees can be released from their employment. Where the call up is compulsory, the Council cannot refuse. The Council is able to apply for financial compensation or an exemption for key staff where financial compensation would not be sufficient to cover the loss to the Council.

Employees who are called up should notify their manager as soon as possible, irrespective of whether they are compulsorily mobilised or they volunteer. The Ministry of Defence believes that individuals should be able to give a minimum of 2 weeks notice.

Under the Reserve Forces (Safeguard of Employment) Act 1985 the Council is obliged to re-engage employees within 6 months of the end of military service in the occupation in which they were previously employed or on terms and conditions no less favourable than those they would have been entitled to had the employee not undertaken the period of service. The right to re-instatement applies to reservists called up under a compulsory order and to reservists who resign in order to volunteer for military service.

Managers should contact HR for guidance as soon as they receive a notification from an employee of a mobilisation. All employees in the reserved forces should ensure that relevant information about their status is held on their Personnel file.

Employees are entitled to two weeks additional leave with pay to attend Summer Camp. The Council will reclaim any wages paid to the employee by the Force concerned, up to the level of pay provided by the Council. Employees must provide evidence from the associated body.

14. Training and Study Leave - Young Person

Since 1st September 1999, employees aged 16 or 17 who left full time secondary or further education without having attained a prescribed 'standard of achievement' have had the legal right to be permitted a reasonable amount of paid time off work to enable them to pursue studies or training leading to a 'relevant academic or vocational qualification'. That same right extends to 18 year old employees who began their studies or training before their 18th birthday.

The right to be permitted a reasonable amount of paid time off work for study or training extends to only those employees who left school without achieving, for example:

- Grades A to C (minimum level 4) in five subjects in GCSE examinations.
- One Intermediate level GNVQ or one GSVQ at level 2.
- One NVQ or SVQ at level 2.

Additional rules apply for those who are currently undertaking studies or training. Please contact Human Resources for more detail.

15. Study & Exam Leave

For employees seeking information regarding Study & Exam leave please see separate policy.

16. Attendance at interviews

If employees apply for internal vacancies they will be granted reasonable paid leave for attending interview. Employees must seek permission from their Line Manager.

Employees attending interviews outside of Harlow District Council, including other local authorities, must use their annual leave or flexi time in accordance with current policy. If you are on Notice of Redundancy you will be permitted reasonable amount of paid time off work before the end of the notice period to look for new employment (See Organisational Change Procedure pt.18.1)

17. Procedures to Request for Emergency or Special Leave

Requests for special leave should be made to employee's Line Manager at the earliest opportunity by completing an Authorised Absence Request Form. The employee must state the nature of the request and, if possible, the likely time frame for a return to work.

In circumstances where this is not possible, (for instance, in unforeseen or emergency situations), the employee should telephone the manager as soon as possible to let them know why they are absent and, if possible, how long they intend to be absent for. The written request for special leave should be submitted to the manager immediately on their return to work.

In such cases the manager may wish to consult with Human Resources as to the type of leave that would apply. Advice should be sought as soon as possible and the individual notified.

The member of staff must keep their Line Manager informed of any changes in circumstances that may lead to changes in the original request.

If paid or unpaid leave is granted, it is the Line Manager's responsibility to inform Payroll of any periods of absence and complete an Authorised Absence Request

form which should be sent to HR and recorded on iTrent as either authorized paid or unpaid absence. This will ensure that any relevant deduction in salary takes place. Any leave granted should be recorded in the normal way.

If the Line Manager feels unable to grant the leave, they must provide the employee with the reason for their decision both verbally and subsequently in writing.

Employees can seek further advice from Human Resources (please see paragraph 20 - Appeals for further details).

18. Combining Annual Leave and Special Leave

In certain circumstances a combination of annual leave and Emergency or Special Leave can be used. This should be agreed with the Line Manager at the time of the request.

19. Taking Account of Attendance Records

Requests for Special Leave will be monitored by Human Resources to ensure a fair system is being implemented across the Council. In cases where individuals make repeated requests for Special Leave, the employee's overall attendance record may also be taken into account when a request is considered. This is not intended to prevent an employee from exercising their statutory entitlement to unpaid time off for domestic emergencies, as outlined in this procedure.

20. Complying with Procedures

Failure to comply with the procedures as outlined above, could lead to the absence being considered as unauthorised and therefore potentially a disciplinary matter. Any member of staff found to be abusing provisions for Special leave, or other provisions outlined in this policy, could be subject to disciplinary action under the Council's Disciplinary Policy.

21. Appeals

If an employee feels that their request for leave (made under any of the categories included in this policy) has not been dealt with fairly, they can refer the matter to Human Resources. They must, however, have previously fully discussed their concerns with their Line Manager.

Human Resources will then consult with both the employee and Line Manager to establish whether the matter can be resolved informally.

If a satisfactory solution is not achieved informally, then the employee can make a formal appeal using the Council's Grievance Policy.

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(Jacks Law)
February 2023 role and
system amendments

Date of next planned revision: July 2013
December 2021
March 2023
March 2026

Revision date	Summary of Changes	Changes marked
March 2020	Statutory Parental Bereavement – Jack’s Law	See Section 9
December 2021	No changes	N/A
February 2023	Inclusion of territorial army summer camp leave. Definition of immediate and close relative to include parent/brother/sister in- law. Senior titles updated to reflect current structure Amended processes linked to iTrent recording.	See Section 8 & 13