

Report to Employment Panel

Agenda
Item:
A.2

Meeting Date: 4th February 2021
 Portfolio: Finance, Governance and Resources
 Key Decision: No
 Policy and Budget Framework: Yes
 Public / Private: Public

Title: SPECIAL LEAVE POLICY
 Report of: Deputy Chief Executive
 Report Number: CS.11/21

Purpose / Summary:

A full review of the Special Leave policy has been undertaken to streamline the approval process and to incorporate recent changes in legislation.

Recommendations:

The Employment Panel review the new Special Leave policy and support its implementation. Attached at Appendix 1.

Tracking

Executive:	Not applicable
Scrutiny:	Not applicable
Council:	Not applicable

1. BACKGROUND

- 1.1 The Council's current Special Leave policy was last reviewed in 2018. The policy required an update following a change in legislation, the details of which are presented below. Alongside updating the legislative changes, the opportunity has been taken to review the policy in its entirety in order to streamline the policy and the process for recording special leave requests.

2. PROPOSALS

The main changes to the revised policy are as follows:

- 2.1 **Parental Bereavement Leave and Pay Regulations known as 'Jack's Law'** - From April 2020, employed parents are entitled to two weeks' bereavement leave following the death of a child under the age of 18 or if a baby is stillborn from 24 weeks of pregnancy. Parents 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 they can match their leave to the times they need it most, which could be in the early days or over the first anniversary.

The Council's current Special Leave policy allows for 5 days bereavement leave which can be extended by up to an additional 5 days compassionate leave in exceptional circumstances. It is proposed that the Council combine Bereavement and Compassionate leave in the new policy to meet the statutory requirement now introduced.

- 2.2 **Cadet Forces, Adult Volunteers** - The Council have recently been successful in being awarded the Employer Recognition Scheme Silver Award by the Ministry of Defence and aims to apply for the Gold award this year.

A desirable criterion for this award is to offer paid leave for Cadet Forces Adult Volunteers employed by the Council. The Council currently do not specify paid leave for its Cadet Forces Adult Volunteers; however, all employees are able to take up to 3 days volunteering leave per year. The addition of 2 days paid leave to facilitate Cadet Forces Adult Volunteer training is proposed which would incur an additional cost; however, it is understood that the Council currently only has one employee engaged with Adult Cadet Forces.

2.3 Request for Special Leave – It is further proposed that the procedure for requesting and processing special leave is amended. Currently there is a paper application form in place, but the new policy proposes that employees make special leave requests via iTrent (the current HR and Payroll system). This change will require work to the current iTrent system and the present arrangements will continue until the online process is ready for deployment.

2.4 Removal of ‘Afforded Time Off’ – In the current policy, the Council offers time off up to 2 working days per employee on an annual basis where flexi/TOIL isn’t available. This time off is then repaid on the employees return by them working the time back. The ‘afforded time off’ up to 2 days has been removed from the revised policy draft as it is felt the current special leave options such as ‘stuck not sick days’ cover this need for special leave.

3. RISKS

3.1 The Council is at risk of breaching employment legislation should it not comply with the recent legislative changes (Jack’s Law).

4. CONSULTATION

4.1 The HR Team have consulted with Service Managers, Union Representatives and the Senior Management Team on the new policy. Feedback during the consultation process has been incorporated.

5. CONCLUSION

5.1 If policy changes are agreed, iTrent will be updated to reflect the changes in the special leave categories, e.g. bereavement and compassionate leave combined. Training and guidance will be supplied to all Managers and staff on how to request and authorise special leave.

Contact Officer: Darren Crossley

Ext: 7004

**Appendices
attached to report: Revised Special Leave Policy**

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS:

LEGAL –

PROPERTY SERVICES – Not applicable

FINANCE – Any financial cost of the revised Special Leave policy as outlined will be met from existing budgets

EQUALITY –

INFORMATION GOVERNANCE – Not applicable

Special Leave Policy



The Council is fully committed to compliance with the requirements of the General Data Protection Regulations (GDPR) 2016 and the Data Protection Act (DPA) 2018. The Data Protection Legislation aims to balance the requirements of organisations to collect, store and manage various types of personal data in order to provide their services, with the privacy rights of the individual about whom the data is held. The Data Protection Legislation covers both manual and computerised records in any format, where the record contains details that can identify, directly or indirectly data on a natural person or persons. The Data Protection Legislation sets out principles which must be followed by those who process data; it gives rights to those whose data is being processed. Further information regarding how the Council collects, shares and uses personal information can be found in the Council's Privacy Notices.

Policy on a Page

Policy Aim:

The aim of this policy is to ensure that all employees are aware of the different types of special leave they are entitled to when working for the Council. This guidance will ensure that all employees are treated in a consistent, fair and equal way.

Target Audience:

All Carlisle City Council employees.

Training:

Advice on this policy is available from the HR team.

Key Principles:

This policy applies to all staff. Each section of the policy carries guidelines on:

- the types of leave covered (paid and unpaid) - see next page
- the amount of leave an employee may request
- what a manager must consider when dealing with a request
- descriptions of leave which are not exhaustive but give an indication of the types of leave available under this policy
- how employee requests should be made and recorded (manager and employee)



SPECIAL LEAVE ALLOWANCES

CARERS LEAVE (Policy Section 2)

TIME OFF FOR DEPENDENTS:
reasonable amount of unpaid leave.

FOSTER CARE: 5 days paid leave.

CARER'S TRAINING: 5 days paid leave.

COMPASSIONATE LEAVE (Policy Section 3)

Includes bereavement leave.

Up to 2 weeks paid leave
permitted.

STUCK NOT SICK DAYS (Policy Section 4)

Examples include bad weather, car break down,
emergency childcare issue.

Leave should be short term in nature e.g. 1 day and
should be repaid.

ELECTION DUTIES (Policy Section 8)

Paid leave will be given to support
election duties.

MEDICAL APPOINTMENTS (Policy Section 5)

HOSPITAL APPOINTMENTS: Up
to 2 hours paid leave.

IVF TREATMENT: Up to 5 days
paid leave.

BLOOD/BONE MARROW
DONORS: Up to 2 hours.

COSMETIC/ELECTIVE SURGERY:
Unpaid leave (contact HR for
guidance).

JURY SERVICE (Policy Section 7)

Usually up to 10 working days
but will depend on the case.

VOLUNTEERING (Policy Section 10)

VOLUNTARY/COMMUNITY
ORCHARITY WORK: Up to 3
days paid leave per year.

VOLUNTARY EMERGENCY
SERVICES: paid leave given to
deal with emergencies. Any
payment received externally
for these duties will be
deducted from pay.

PUBLIC DUTIES (Policy Section 6)

ELECTED MEMBERS OF OTHER LOCAL
AUTHORITIES: Maximum of 208 hours paid time

SCHOOL GOVENORS: Up to 2.5 days paid leave

HEALTH & SAFETY ACTIVITIES: reasonable
paid/unpaid leave

TRADE UNION ACTIVITIES: reasonable paid
leave – refer to Facilities Agreement

Reasonable time off will be allowed to attend
meetings or carry out any public duty.

Please refer to policy for further guidance.

JOB INTERVIEWS (Policy Section 12)

INTERNAL: Paid time off.

EXTERNAL: Unpaid leave –
must use annual
leave/flexi/TOIL.

Paid time will be permitted for
staff on redeployment/at risk
of redundancy.

UNPAID LEAVE / CAREER BREAK (Policy Section 11)

Up to 12 months unpaid
leave. See policy for eligibility
and level of authorisation.

ARMED FORCES RESERVISTS (Policy Section 9)

Up to 2 weeks paid leave
permitted for training
purposes.

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Introduction

Carlisle City Council is committed to developing work practices and policies that support work-life balance. In support of this commitment, the Council has developed a range of additional leave options to help employees take time away from work for reasons that do not necessarily fall under existing leave provisions, such as emergencies and public duties.

This policy is not intended to be prescriptive (unless otherwise specified) and therefore each request should be considered on its own merit and decisions to authorise leave will be at the discretion of the appropriate line manager.

The provisions made within this policy apply to all employees.

1. Policy

1.1 Aim

The purpose of this policy and guidance is to produce a comprehensive guide to the different types of special leave that are supported by the Council and how these work in practice.

1.2 Scope

This policy and guidance apply to all Carlisle City Council employees. Special leave allowances are granted on a pro rata basis for part time/part year employees.

Application of this policy will be considered on an individual case by case basis. Managers are encouraged to use their discretion and flexibility and to seek advice from the HR Advisory Team, where necessary.

1.3 Principles

The policy contains guidance on:

- the types of leave covered (paid and unpaid)
- the purpose of each type of leave
- the amount of leave an employee may request
- what a manager must consider when dealing with a request
- descriptions of leave which are not exhaustive but give an indication of the types of leave available under this policy
- how employee requests should be made and recorded (manager and employee)
- the time frame for taking types of leave

1.4 Responsibilities

Employee:

- To be aware of this policy and procedure.
- To be aware of the options of special leave available to them.
- To be aware of the process to request special leave, and if it is an emergency by what time it needs to be recorded.
- To be aware of how to record special leave (e.g. on iTrent self-service and/or flexi system)
- To monitor the amount of special leave they have used and ensure they have not gone over any prescribed set limits.
- To be aware of who to contact for additional information.

Manager:

- To understand the types of processes.
- To be aware of the options available.
- To be aware of who to contact for additional information.
- To provide support and guidance for the employee.
- To monitor the amount of special leave their employees have used and ensure they have not gone over any prescribed set limits.
- To seek advice from HR Advisory Team if any queries on the application of this policy.

HR and Payroll:

- To provide advice and guidance on the consistent application of the policy.
- To monitor and update the policy and procedure.
- To provide advice and guidance on the options of leave available.
- To monitor the amount of special leave taken by employees and to raise any discrepancies with the relevant manager.

1.5 Confidentiality

Any requests for special leave will be treated with discretion and remain as confidential as possible. However, as with annual leave or flexitime, others may need to be made aware to ensure appropriate cover to meet service demands (this will depend on the individual circumstances of each request).

2. Carers Leave

2.1. Time off for Dependants

2.1.1. A reasonable amount of time off work is applicable to employees with responsibilities for looking after dependants, close relatives, children or partners. Time off is usually unpaid however options, such as, annual, flexitime, or time off in lieu (TOIL) can be used to cover episodes of leave. Paid leave may be applicable in certain emergency situations. Please seek further advice from the HR Advisory team.

2.1.2. A dependant is defined as a:

- husband, wife, civil partner or partner;
- parent or child of the employee; or
- someone who lives in the household as part of the family, rather than being a lodger or a tenant.
- 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.

2.1.3. The three main circumstances where special leave (either paid or unpaid) may be granted are for:

- Illness/accident/assault
- Breakdown of normal care arrangements
- Making arrangements for long term care, particularly with elderly relatives.

2.2. Carers Training

- 2.2.1. Carers who are required to undertake training as part of their caring role can be awarded up to five working days paid leave annually to undertake the training required.

2.3. Foster Care Leave

- 2.3.1. Carlisle City Council values the contribution to the community made by Foster Parents and the commitment by employees who provide foster care for children. Foster Care Leave is paid time off to help you if you are applying/training to be a Foster parent and when you are an approved foster parent, in order to meet the needs of a foster child in your care.
- 2.3.2. Foster Care Leave is available for Foster Parents fostering children through the local authority, or other recognised agencies and normally does not apply to the short or long-term care of children who are family members. However, Foster Care Leave may also be available to members of staff where children of very close relatives would otherwise have to be fostered or go into local authority care for a period not normally less than 6 months.
- 2.3.3. Up to five working days paid leave per leave year is granted to Foster Parents to make necessary arrangements to receive a child being fostered, to attend relevant meetings, and/or to undertake training and any emergency circumstances pertinent to their role as a foster parent. These days can be taken as single days, a block or in hours.
- 2.3.4. To be eligible for Foster Care Leave staff must have been continuously employed by the Council for at least 6 months.

3. Compassionate Leave (including bereavement leave)

- 3.1.1. The Council recognises that employees may be faced with difficult personal circumstances involving the serious illness or death of a dependant. The Council understands that, during these situations, employees may need to take time away from work and may require additional support.
- 3.1.2. Individual circumstances, the nature of relationships and the required observances of different religions may vary. Therefore, rather than being prescriptive on the situations under which compassionate leave is available, each case should be assessed individually by the line manager who should take the following into consideration:
- the relationship between the individual and the employee;
 - the nature and extent of any illness;
 - whether the employee is involved in making funeral arrangements;
 - whether there may be a requirement to travel or attend a funeral.
- 3.1.3. Line managers, in consultation with the relevant member of the Senior Management Team, have the discretion to grant **up to** two weeks paid compassionate leave to employees who need to care for a dependant who is seriously ill or following the bereavement of a family member or friend.

- 3.1.4. Line managers must attach the email confirming the number of compassionate leave days approved by the relevant member of the Senior Management Team to the special leave request on the iTrent system.
- 3.1.5. The table below provides a guide to the amount of special leave that should be granted for compassionate leave. The relationships mentioned are not intended to be exhaustive and could include others where a close personal relationship exists. Please note that modern family dynamics should be taken into consideration and each case dealt with on an individual basis.

Relationship	Bereavement leave and funeral
Child (including a baby that is stillborn from 24 weeks of pregnancy)	Two weeks paid leave (can be taken either as one block or in two one-week blocks)
Husband, Wife, Civil Partner, Partner, Parent, or Sibling	Variable depending on the circumstances but normally up to two weeks paid leave
Grandparents, any other close relative or friends	Variable depending on the circumstances but normally up to two days leave.

- 3.1.5. This maximum may be extended in exceptional cases, but only in consultation with the relevant member of the Senior Management Team and HR Advisory Team; and only when other options, such as, annual, flexitime, TOIL, unpaid leave or purchase of additional annual leave have all been explored.

4. Stuck not Sick Day

- 4.1.1. The Stuck not Sick Day aims to address situations where currently an employee might have a genuine reason for not making it into work and phones in sick. We all encounter problems from time to time, often with little or no notice and by introducing Stuck not Sick days the Council hopes to foster a culture of honesty by allowing employees to deal with minor emergencies. For example:
- A child minder doesn't arrive;
 - Poor weather conditions;
 - Public transport problems;
 - A school closes due to severe weather conditions;
 - A child or parent is suddenly admitted into hospital; or
 - The washing machine breaks down and the kitchen is flooded.
- 4.1.2. For these and many other problems, employees need time off from work. This 'Stuck not Sick' category enables an employee to take one day off work to deal with the crisis, **however there is a contractual requirement to 'repay' the one day at a later date.**
- 4.1.3. Stuck not Sick Day's must be recorded on the flexi system. Managers of staff who are not on the flexi system must email Flexi at Flexi@carlisle.gov.uk to inform them of the hours to be deducted and when the employee will work the time back. Please note: Employees based at Boustead's, whether they are on the flexi system or not, must **always** inform Flexi if an employee has a Stuck not Sick Day.

- 4.1.4. It is envisaged that in most cases where a Stuck not Sick Day is required, that the crisis is short term in nature and therefore would only require one day's absence from work in order to deal with the situation. If any additional time of is required, this would most likely fall under another section of the Special Leave policy. Please speak to the HR Advisory team for further guidance.

5. Medical Appointments

5.1. Time off for Medical Appointments

- 5.1.1. Employees should use their own time to attend doctor / dentist / wellbeing appointments, etc. and employees should try to arrange appointments at the beginning and/or end of their working day.

5.2. Hospital Appointments

- 5.2.1. Employees required to attend hospital appointments will be allowed up to two hours paid leave to attend. If additional time is needed the employee will be required to take annual leave, flexitime, TOIL or unpaid leave
- 5.2.2. Where an employee is undertaking minor surgery at their Doctor's Surgery and is unable to stipulate the time of the appointment, they will be allowed **up to** two hours paid leave to attend for the duration of the appointment. Anything over and above the two hours will be taken out of the employee's own time.
- 5.2.3. In cases of critical illness, chronic conditions and disabilities as defined in the Equality Act 2010 employees will be allowed paid time off to attend any medical appointments or follow up procedures. Paid time off will also be granted for the purpose of cancer screening e.g. mammograms and smear tests.

5.3. In Vitro Fertilisation (IVF) Treatment

- 5.3.1. The Council provides up to 5 working days paid leave for an employee, who will act as a parent, for the first round of IVF treatment.

5.4. Blood Donors, Bone Marrow Donors

- 5.4.1. Employees who wish to attend Blood Donor appointments will be allowed **up to** two hours paid leave to attend. Anything over and above the two hours will be taken out of the employee's own time.
- 5.4.2. Employees who wish to attend Bone Marrow appointments and surgery will be allowed reasonable paid time off.

5.5. Cosmetic and Elective Surgery

- 5.5.1. Unless for a medical reason confirmed in a medical report, any absence taken for the purposes of cosmetic surgery should be covered by annual, flexitime or unpaid leave. This time off must be agreed in advance with the line manager. Any unpaid leave, flexi or annual leave granted will be subject to the availability of staff to cover the employee's period of absence.

- 5.5.2. Under the Equality Act 2010, a person who has the protected characteristic of gender reassignment is protected against discrimination. Gender reassignment is defined as someone who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning his or her sex by changing physiological or other attributes of sex. Therefore, time off for these purposes will be treated no less favourably than time off for illness or other medical appointments and the Attendance Management Policy will apply.

6. Public Duties

6.1. Time Off Work for Public Duties

- 6.1.1. An employee is entitled to a reasonable amount of time off if they are:
- a magistrate (also known as a justice of the peace);
 - a local councillor (for a council other than your employer such as a parish council);
 - a school governor;
 - a member of any statutory tribunal (for example an employment tribunal);
 - a member of the managing or governing body of an educational establishment;
 - a member of a health authority;
 - a member of a school council or board in Scotland;
 - a member of the Environment Agency or the Scottish Environment Protection agency;
 - a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland);
 - a member of Scottish Water or a Water Customer Consultation Panel;
 - Trade union member (for trade union duties).
- 6.1.2. Qualifying employees will be allowed reasonable time off to attend meetings or carry out duties. The amount of time off must be agreed before taking any time off. The Council will be allowed to refuse time off if it is unreasonable.
- 6.1.3. Any allowances received in connection with the performance of public duties will result in a deduction from pay equal to the allowance received but limited to a maximum deduction of the equivalent pay earned for the time of the duty. Employees must therefore provide the Payroll team with a statement of all allowances received, excluding travel and subsistence.
- 6.1.4. Detailed below is the Councils consideration and support of specific public duties. If any leave is granted for an employee to undertake more than one of these public duties e.g. a governor and a Local Authority Member, it cannot exceed a total of 28 working days leave in any year. This may be combined paid and unpaid leave. Any additional leave requested must be authorised by a member of the Senior Management Team.

6.2. Employees that are also Elected Members of another Local Authority

- 6.2.1. The Local Government and Housing Act 1989 has made it unlawful for a local authority to give in excess of **208 hours of paid time off**, in any one financial year, to any of its employees to enable them to undertake their duties as an elected member of another local authority. This limit does not, however, apply to the posts of Council Chair of an authority or mayor. A member of the Senior Management Team may still, however,

grant unpaid leave of absence for local authority duties, if they consider this to be reasonable.

6.3. School Governors

6.3.1. Most governors' meetings are held after school hours and therefore employees would not require paid time off to attend. If an employee is working with the governors on a lead project that may require them to attend school in work time, paid leave would be granted up to a maximum of 2.5 working days per annum (can be taken as hours). Thereafter unpaid leave or flexi may be granted, if service provision allows.

6.4. Health and Safety Activities

6.4.1. Reasonable paid/unpaid leave is to be permitted to Safety Representatives (as identified below) to take such time off with pay, as is necessary to undergo appropriate training. Managers should contact HR Advisory Team for advice on individual cases.

- Safety representatives appointed under the Safety Representatives and Safety Committee Regulations 1977 by a trade union recognised by their employer;
- Representatives of employee safety elected under the Health and Safety (Consultation with Employees) Regulations 1996, to represent employees not covered by the 1977 Regulations; and
- Safety representatives elected under the Offshore Installations (Safety Representatives and Safety Committee) Regulations 1989.

6.5. Trade Union Activities

6.5.1. Reasonable paid leave is granted to Trade Union Officials and members in accordance with the ACAS Code of Practice. Further details are contained within the Council's Trades Union Facilities Agreement.

7. Jury Service or Attendance at Court as a Witness

7.1.1. Employees who attend Court as a witness or those called for jury duty will be granted leave to attend.

7.1.2. Before Jury Service/Court begins:

- a) When an employee is called for jury service/court, the employee should inform their line manager of:
 - The date and duration they are expected to be away;
 - Outline what arrangements need to be made for cover; and
 - Provide an original copy of the Confirmation of Jury Service/Court letter and Certificate of Loss of Earnings received from the court.
- b) The manager will then need to forward the Certificate of Loss of Earnings to Payrollcarlislecc@carlisle.gov.uk who will complete and stamp the form to show the daily net loss of earnings and the employees' normal working pattern, so that a claim can be made for loss of earnings.

7.1.3. After Jury Service/Court ends:

- a) After the employee has completed their jury service/court, they will receive a statement from the court which gives a breakdown of the allowances to be paid by the court for any loss of earnings and any expenses due.
- b) The employee must give a copy of this statement to Payrollcarlislecc@carlisle.gov.uk to ensure that the correct amount of money i.e. the actual loss of earnings, which has already been paid by the court, is recovered from the employees pay.

- 7.1.4. The employee will not suffer any loss as they will be paid their normal gross pay less the payment received.
- 7.1.5. Jury service usually lasts for up to 10 working days but may last longer depending on the case. If jury service is due to go on longer than expected employees should notify their manager.
- 7.1.6. There will be occasions where an employee is not required by the Court and is discharged. The employee must inform their manager and return to work. Failure to do so will render the employee absent without permission and disciplinary action may be taken.

8. Election Duties

- 8.1.1. Employees will be granted paid time to serve during an election, for example as a Polling Clerk or Presiding Officer and unpaid time for associated training. This applies when the employee is supporting Carlisle City Council, Cumbria County Council, Parliamentary, Police and Crime Commissioner, European and Parish elections, together with any Local or National Referendums.
- 8.1.2. Some employees may also be involved in election duties such as undertaking tasks relating to counting of votes. In these circumstances they will be granted unpaid time for associated training and only be credited with the time they have been undertaking election duties.
- 8.1.3. In relation to the above election duties the employee can retain the fee received.
- 8.1.4. Permission to take time to serve during an election will be given by managers, wherever possible, subject to operational demands. Employees should request permission from their manager and should provide as much notice as possible so that managers can plan for any impact on service delivery.

9. Time off for Armed Forces Reserves/Cadet Forces Adult Volunteers

- 9.1.1. Where an employee wishes to undertake training duties for the Armed Forces Reserves, up to 2 weeks paid leave per leave year will be granted.
- 9.1.2. Where any additional training commitment takes place during scheduled working hours, the Reservist will need to request annual leave or, a mix of flexi time, annual leave, and/or unpaid leave for the duration of the absence from their line manager.
- 9.1.3. Further requests in excess of this may be considered in exceptional circumstances and would need to be authorised by a member of the Senior Management Team.

- 9.1.4. Employees who volunteer as Cadet Forces Adult Volunteers are granted up to 2 days paid leave per leave year. In addition to this paid leave, Cadet Forces Adult Volunteers can request up to 3 additional days leave per leave year in line with Section 10.2 Volunteering/Community or Charity work of this policy.

10. Volunteering

10.1. Voluntary Emergency Service

- 10.1.1. Employees who are members of an approved Voluntary Emergency Service Organisation will be granted special leave, with pay, to attend actual emergencies during working hours. This is subject to the deduction of pay, remuneration and like allowances received from such bodies, and subject to approval from a member of the Senior Management Team who will be satisfied with arrangements for service delivery in the absence of the member of staff during a call-out.
- 10.1.2. Approved bodies are currently British Red Cross Society; St Andrew's Ambulance Association; St John's Ambulance Association; the Voluntary Fire Service and the Retained Fire Service; HM Coastguard; Royal National Lifeboat Institution; and Mountain Rescue Services as recognised by the relevant Police Authority.

10.2. Volunteering/Community or Charity Work

- 10.2.1. Employees are granted up to 3 days paid leave per leave year to undertake volunteering/community support or charity activities.
- 10.2.2. Any uptake of volunteering/ community support or charity work must not constitute a conflict of interest with the Council and should be of no benefit or personal gain to the employee.
- 10.2.3. Prior to any paid time being awarded the Council will take into consideration the type of volunteer/ community support or charity work being undertaken, impact on service provision and affordability. For example, if three employees from one team apply to volunteer it would be reasonable for the Manager to fully consider if all requests can be accommodated.
- 10.2.4. **Please note** that if an employee has been granted special leave to undertake another activity, whatever the nature, then the Council's insurance would not respond to any claim that occurred during this period of leave. Therefore, it is the employee's responsibility to ensure they are insured to undertake the volunteering/charity work.

11. Unpaid Leave / Career Break

11.1. General Principles of Unpaid Leave / Career Break

- 11.1.1. Short periods of unpaid leave can be agreed after discussions with the employee's line manager and recorded accordingly.
- 11.1.2. Extended periods of unpaid leave (over 1 week or more) will need to be discussed with the line manager, but also approved by a member of the Senior Management Team. In addition, if the employee is in a pension, a discussion will need to take place with HR Advisory Team as to how to proceed, as there are possible options with regards to

continuity of pension payments (see Section 11.2 of this policy). However, this must be agreed prior to taking the extended period of unpaid leave.

11.1.3. The maximum period of unpaid leave/career break that can be authorised is up to 12 months.

11.1.4. Employees wishing to undertake a career break of 3 months or longer must meet the following eligibility criteria:

- The employee must have been employed for a minimum of 2 years' service and not be on notice at the time of applying for leave;
- During the period of any career break, the employee will be required to keep in touch with the Council at regular intervals, as agreed with their Manager, prior to starting leave;
- The employee will not be permitted to take up any other paid employment during a career break;
- The granting of a career break and the length of the break will be entirely at the Councils discretion and will depend on the needs of the business at the time in question; and
- All pension contributions and implications for the duration of the career break must be agreed in advance.

11.1.5. Please note that during unpaid leave, annual leave is not accrued, but continuous service is maintained.

11.2. Local Government Pension Scheme

11.2.1. For pension purposes any period of unpaid special leave will be classed as a period of 'authorised unpaid leave of absence'. Therefore, pension contributions by both the employee and Council will not automatically be paid.

11.2.2. Employees can elect to buy these pension contributions back and if the employee chooses to cover the period of absence for pension purposes, this will be by paying an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the period of authorised unpaid leave of absence.

11.2.3. If the employee elects to pay APCs to cover the lost pension, the Council will be liable to pay two thirds of the costs, if the election is made within 30 days of the application being approved.

11.2.4. If the employee elects to cover the period of absence for pension purposes after 30 days of the application being approved, the Council is not obliged to pay employer pension contribution costs and the employee will be liable for the full amount.

11.2.5. The employee will receive a letter confirming the amount that would have to be paid and an Election Form to complete.

12. Time off for Job Interviews

12.1.1. Any reasonable request for leave to attend an interview leading to possible appointments within Carlisle City Council will be allowed with pay and will not count against TOIL, flexitime or annual leave.

- 12.1.2. Any reasonable request for leave to attend an interview outside Carlisle City Council will be granted without pay, but this time off may be taken against annual leave, flexitime or TOIL.
- 12.1.3. If the employee has been placed on the redeployment register, at risk of redundancy or their pay is protected they will be granted paid time off for any job interview.

13. Other Types of Leave

13.1. Religious Holidays

- 13.1.1. The Council is committed to equality of opportunity, promotes an inclusive culture and values diversity. Flexibility will be provided, whenever possible, to enable employees to take annual leave, flexitime, TOIL, unpaid leave or purchase of additional annual leave at a particular time so that they may celebrate and/or comply with their religious or belief related obligations.

13.2. Non-Union Representation at Work

- 13.2.1. Reasonable paid leave is to be granted to those non-union employees providing representation at work in accordance with the ACAS Code of Practice. Chief Officers should contact HR Advisory Team for advice on individual cases.
- 13.2.2. ACAS booklet Non-Union Representation in the Workplace can be found in Reference list.

13.3. Time off for Special Constables

- 13.3.1. As agreed by the Personnel and Training Sub Committee (25/06/1998) employees of the Council who are also Special Constables will receive an additional working week's paid leave to enable them to undertake training with the Special Constabulary.
- 13.3.2. The additional working week will be added on to the normal annual leave year, and days linked to training will be recorded on the Flexitime system.

13.4. Unpaid Leave

- 13.4.1. If the principles of this policy do not apply, employees will be allowed to take annual leave, flexitime, TOIL, or unpaid leave. In the case of unpaid leave, employees are asked to contact the HR Advisory Team for further information on the implications of taking unpaid leave in relation to their pension.

14. Process and Procedure

14.1. Applying for Special Leave

- 14.1.1. Requests for Special Leave are made by the employee via the iTrent system. A copy of the guidance document on how to apply for Special Leave for employee's is available on the intranet.
- 14.1.2. In certain situations, an employee may not have access to make a request for special leave. In this situation, the employee's line manager can record the period of special leave for the employee. A copy of the guidance document on how to apply for Special Leave for Managers is available on the intranet.

14.2. Disputes

- 14.2.1. If the employee feels that the refusal is unwarranted, based on the reasons or mitigating circumstances presented, the matter should be referred to the HR Advisory Team. A review will then be undertaken by HR and the final decision will be conveyed to the employee.

14.3. Misuse of Special Leave

- 14.3.1. Should there be grounds for considering that any period of special leave has been misused, an investigation will be carried out under the Council's Disciplinary Procedure and may result in disciplinary action if founded.

15. Links to other Policies

Family Friendly - Maternity, Paternity, Adoption, Shared Parental and Parental Leave
Flexitime Scheme
TOIL Scheme
General Conditions
Qualification Study Policy
Attendance Management Policy
Flexible Working
Agile Working
Home Working
Annual Leave Purchase Scheme
Trade Union Facilities Agreement

16. References and Further Reading

- ACAS Advisory Booklet – Non-Union Representation in the Workplace : <https://archive.acas.org.uk/media/2308/Advisory-booklet---Non-union-representation-in-the-workplace/pdf/Non-union-representation-in-the-workplace-advisory-booklet.pdf>
- GOV.UK – Paid Parental Bereavement Leave: <https://www.gov.uk/government/news/uk-set-to-introduce-jacks-law-new-legal-right-to-paid-parental-bereavement-leave>
- GOV.UK – Time off for family and dependants: <https://www.gov.uk/time-off-for-dependants>
- GOV.UK – Time off work for public duties: <https://www.gov.uk/time-off-work-public-duties>

17. Policy review Schedule

Policy title	Special Leave
Policy Location	HR
Policy owner (Directorate)	Community Services
Policy lead contact	Antonette Cullen & Sophie Nixon (HR Advisers)
Approving body (SMT)	Employment Panel
Date of approval	
Date of implementation	
Version no. (amendment date)	V3
Review interval	24 months

18. Version Control

Revision date	Issue No.	Summary of Changes
November 2013	V1.0	New document, new format, combination of various statements and entitlements.
January 2018	V2.0	New document, new format, combination of various statements and entitlements.
September 2018	V2.1	With effect from 1 October 2018, the Time Off for Public Duties Order 2018 was extended, and these were added
October 2020	V3.0	Complete policy re-write.