

Report to Employment Panel

Agenda
Item:

A.2

Meeting Date: 31st January 2018
 Portfolio: Finance, Governance and Resources
 Key Decision: No
 Within Policy and Budget Framework YES
 Public / Private Public

Title: SPECIAL LEAVE POLICY
 Report of: Chief Finance Officer
 Report Number: RD41/17

Purpose / Summary:

HR policies are continually being reviewed in the light of legislative changes, best practice, management roles and contacts within the Council.

The Special Leave Policy has been reviewed as part of this process and a draft replacement policy is appended to this report for consideration by the Panel.

Recommendations:

Further to the Employment Panel meeting on 31st October 2017 and following consultation the Employment Panel is asked to approve the Special Leave Policy, as set out in the Appendix of the report.

Tracking

| | |
|------------------------|-----------------------|
| Executive: | Not applicable |
| Overview and Scrutiny: | Not applicable |
| Council: | Not applicable |

1. BACKGROUND

- 1.1 Following the Employment Panel decision on 31st October 2017 to consult on the Special Leave Policy, consultation has taken place with all staff and union representatives, providing details of the new policy proposed for implementation, the effect on staff and inviting comments.
- 1.2 The consultation document incorporated the suggestions made by the Employment Panel at the meeting on 31st October 2017.
- 1.3 Consultation ended on 18th December 2017 with 7 responses being received from members of staff. Highlighted changes have been made to the policy in response to the consultation feedback within Appendix1.

2. FEEDBACK AND PROPOSALS

- 2.1 The changes to the policy have been well received by managers with regard to the built-in flexibility that should make the new policy workable in the vast majority of circumstances, including for operational staff.
- 2.2 The 'Stuck not sick days' was also received favourably, **with a staff suggestion made to the wording which has been taken on board and is highlighted in 1.4.1.**
- 2.3 The main area of concern was regarding wording, such as, 'critical illness'. Many queries came via our flexi administrator due to staff querying what is 'critical illness' and therefore **suggested additional wording has been added to 3.0.1 of the policy for further clarification.**
- 2.4 Other comments requested that a list of volunteer/charities be identified, either some key charities or project work for the volunteering, or at least named sectors. The employees concerns relate to volunteering/charity work that may not contribute to local or civic aims. However it is felt that the policy currently allows for the scope to ensure communities within Carlisle benefit and assist with building relationships, whilst safeguarding against those that may not meet Councils standard, aims and objectives.
- 2.5 One employee suggested with regard to 'Time off for job interviews' that it would be reasonable to allow some paid time off to attend interviews within the public sector, as it is good to support progression within our own sector.
- 2.6 **Changes have not been made in relation to paragraphs 2.4 and 2.5 above, however views of the Employment Panel are requested.**
- 2.7 The revised policy (**Appendix 1**) ensures that the Council complies with its statutory duties and that its employees benefit from modern and flexible working practices, which underpin diversity and equality of opportunity, whilst affording the opportunity to delegate decisions down to Service Managers from the Senior Management Team.

- 2.8 The addition of a form, which can be completed retrospectively in emergency cases, will be placed in personnel files to assist with consistency, and for this to be monitored by HR, therefore affording the ability to clarify consistency and cost. However, it is worth noting that this is a perquisite that many employees will never need to use and therefore cost should be minimal.
- 2.9 Having a clear Special Leave Policy in place that reflects current legislation and other relevant provision will help ensure employees have the information they need to deal with situations as they arise. Maintaining work/life balance has a positive and mutual benefit on employees allowing them to maintain work and meet the demands of modern life, whilst being able to offer good quality service to customers of the Council.
- 2.10 The revised policy demonstrates that the Council is a caring and supportive employer and should assist with improving employee recruitment, retention and experience. Employer branding is increasingly recognised as a key component in the efforts of UK employers to engage and retain their employees, and to ensure the continuing recruitment of the best employees for their organisation. An effective employer brand can also support further the reputation of a corporate brand and improve overall productivity and support a better return on the resource investment in recruiting and training employees.
- 2.11 The Council is committed to being a good employer and to developing people and family friendly employment policies. This approach not only allows employees to balance their personal and working lives, but also helps us to maintain employees' productivity, loyalty and motivation. In keeping with this, we recognise that from time to time, employees' lives outside of work may necessitate some form of support from the Council. Strong consideration will therefore be given to allow employees access, where appropriate, to Special Leave and depending on the nature of the request, this may be paid or unpaid.

2. Principles

- 2.1 The policy sets out the provisions relating to the paid and unpaid leave to which employees are entitled, or may be granted by the Council, for a variety of work/life balance or family-care purposes.
- 2.2 The principal aims of the policy are:-
- a) to assist employees of both sexes to combine their family-care responsibilities with their employment through the provision of appropriate leave facilities;
 - b) to encourage health and wellbeing;
 - c) to help realise the Councils commitment under the Equal Employment Opportunities Policy to develop and apply relevant supporting employment policies and procedures;
 - d) to improve the Councils ability to recruit and retain skilled and experienced employees, supporting a better return on the resource investment in recruiting and training employees;
 - e) to provide a model of best employment practice in terms of the employment of those with employees, whom, from time to time, may require special leave out with family care responsibilities; and

f) to comply with the requirements of the Employment Rights Act 1996; Employment Relations Act 1999; the National Joint Council for Local Government Services (Green Book); The Equality Act 2010; The Local Government and Housing Act 1989; relevant other regulations and guidance from authoritative bodies have been taken into consideration; and is in line with ACAS Code of Practice.

2.3 It is an overriding principle that, in considering applications for leave under these provisions, the needs of the service are given due priority, with particular emphasis on our commitment to the provision of operational cover and training courses.

3. CONSULTATION

3.1. Informal consultation with Unions took place as part of the 6th October CJC meeting and formal consultation took place with employees and union representatives during November/December 2017.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1. The Employment Panel is asked to approve adoption of the proposed new Special Leave Policy to ensure the Council remains within current legislation, relevant and meeting the needs of the Council and its employees.

4.2. Accepting the revised policy would offer clarity and consistency to employees making requests for special leave and managers responding to those requests, whilst making available a route for the extension of those provisions in exceptional circumstances.

4.3. If the revised policy was not agreed the Council could be at risk of potential liable of not fulfilling its statutory obligations and as a consequence could suffer reputational damage.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1. The Special Leave Policy exists to provide managers and employees with a clear framework in which to handle issues in a fair and consistent way. Secondly, the revised policy demonstrates that the Council is committed to being a good employer as this approach allows employees to balance their personal and working lives, whilst aiding the Council to maintain employee's productivity, loyalty and motivation.

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Appendices attached to report: Appendix 1 – Special Leave Policy

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

Corporate Support and Resources – Not applicable

Community Services – Not applicable

Economic Development – Not applicable

Governance and Regulatory Services – It is important that the Council maintains up to date employment policies. As this will be a change to staff terms and conditions it was subject to consultation.

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Special Leave Policy
Guidance Notes and Procedures

DRAFT

Index

| | |
|--|----|
| Introduction | 3 |
| Part 1 – Policy | 4 |
| 1 – Purpose | 4 |
| 2 – Aim | 4 |
| 3 – Scope and Application | 4 |
| 4 – Risks..... | 4 |
| 5 – Confidentiality | 4 |
| 6 – Individual Responsibilities | 4 |
| 7 – Links to other Policies..... | 5 |
| Part 2 – Guidance | 6 |
| 1.0 General Principles | 6 |
| 1.1 Time off for Dependants and Family Emergencies | 7 |
| 1.2 Compassionate Leave | 8 |
| 1.3 Bereavement Leave..... | 8 |
| 1.4 Stuck not Sick Days | 9 |
| 2.0 Foster Care | 9 |
| 3.0 Medical and Dental Appointments | 10 |
| 3.1 In Vitro Fertilisation (IVF) Treatment | 11 |
| 3.2 Blood Donors, Bone Marrow Donors | 11 |
| 3.3 Cosmetic and Elective Surgery | 11 |
| 4.0 Public Duties | 12 |
| 4.1 Jury Service or Attendance at Court as a Witness..... | 13 |
| 4.2 Employees that are also Elected Members of another Local Authority | 14 |
| 4.3 School Governors | 14 |
| 4.4 Election Duties | 14 |
| 4.5 Time off for Special Constables | 15 |
| 4.6 Time off for Reservists | 15 |
| 4.7 Trade Union Activities | 16 |
| 4.8 Non Union Representation at work | 16 |
| 4.9 Health and Safety Activities | 16 |
| 4.10 Voluntary Emergency Service..... | 16 |
| 4.11 Volunteering/Charity Work | 17 |
| 4.12 Parish Councillors | 17 |
| 5.0 Unpaid Leave / Career Break | 17 |
| 6.0 Bad Weather Conditions or Public Transport Problems | 18 |
| 7.0 Time off for Job Interviews | 18 |
| 8.0 Religious Holidays | 19 |
| Part 3 – Process and Procedure | 20 |
| 1.0 General Process and Procedure | 20 |
| 2.0 Where notice cannot be provided | 20 |
| 3.0 Local Government Pension Scheme | 20 |
| 4.0 Misuse of Special Leave..... | 21 |
| 5.0 Disputes | 21 |
| Policy review Schedule | 22 |
| Version Control:..... | 22 |

Introduction

This Special Leave Policy, Guidance and Procedures is a collection of the different types of leave that Carlisle City Council offers to its employees during certain life events, such as compassionate leave, bereavement leave, emergency care for dependant's time off and time off for public duty roles.

Whilst the use of annual leave may, in exceptional circumstances, be required to cover certain elements of this special leave policy; there is an expectation that this will be minimal thus encouraging employees to enjoy their annual leave entitlement to maintain a healthy work/life balance which improves their wellbeing.

Carlisle City Council operates an Annual Leave Purchase Policy as it is recognised that some employees may wish to take more than the normal contractual entitlement of leave enabling employees to better meet their personal commitments.

Part 1 – Policy

1 – Purpose

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.

2 – Aim

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

3 – Scope and Application

This policy and guidance covers all Carlisle City Council employees and members. Leave is 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 HR Advisory Service, where necessary.

4 – Risks

There are some legal responsibilities that the Council will have to adhere to that cover certain aspects of special leave such as Time off for Reservists. Additional risks are that the policy is not applied consistently across the organisation.

The alternative to a flexible approach to special leave is that the time will be taken as sickness absence, over which the manager has no control.

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).

6 – Individual Responsibilities

Employees

- 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 and members.
- 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 Service if any queries on the application of this policy.

Personnel and Payroll

- To provide advice and guidance on the options of leave available.
- To monitor the amount of special leave taken by employees and members and to raise any discrepancies with the relevant manager.
- To monitor additional 2 working days afforded as an option of time and, if appropriate, liaise with managers and employees for repayment of hours through payroll.

HR Advisory Service

- To provide advice and guidance on the consistent application of the policy.
- To monitor and update the policy and procedure.

7 – Links to other Policies

Family Friendly - Maternity, Paternity, Adoption, Shared Parental and Parental Leave

Flexitime Scheme

TOIL Scheme

ACAS Code of Practice – Time off for trade union duties and activities can be found [here](#).

ACAS booklet Non-Union Representation in the Workplace can be found [here](#).

General Conditions

Qualification Study Policy

Attendance Absence Management Policy

Flexible Working

Agile Working

Home Working

Annual Leave Purchase Scheme

Part 2 – Guidance

1.0 General Principles

- 1.0.1 All employees, regardless of their length of service, have the right not to be unreasonably refused a reasonable amount of unpaid time off during working hours to deal with emergencies involving their dependants. This right is given by the Employment Rights Act 1996.
- 1.0.2 It must be emphasised that an employee has the right to time off only **to take the action that is necessary to deal with the unexpected emergency.**
- 1.0.3 The right is to reasonable time off and this amount of time is not fixed, it should simply allow the employee to deal with the immediate problem and put any other necessary arrangements in place.
- 1.0.4 The Government suggests that, while the amount of time off that is reasonable will vary according to the circumstances of the emergency, one or two days' leave should be sufficient in most cases.
- 1.0.5 Therefore, the Council has afforded the option of time, limited to 2 working days per employee on an annual basis, which can be applied for employees on whole time contractual arrangements, where flexi arrangements would not meet the requirement. Managers and employees will agree ways in which hours taken will be 'repaid' on the employees return. Longer periods of time off can be dealt with using other leave procedures.
- 1.0.6 Employees will only be paid their normal contractual hours for that day i.e. not any additional hours scheduled. If the hours would normally attract a sessional payment i.e. nights, Sunday or Bank Holiday they will not be paid as they have not actually attended work. When they repay the hours they have already been paid however, if they work at a time that would attract a sessional payment then this will be paid.
- 1.0.7 The method of repaying hours is at the discretion of line managers and subject to operational needs, in consultation with the employee. Options on how to repay hours include:
- Working extra hours to repay hours;
 - Working additional shifts to repay hours;
 - Use of annual leave;
 - Flexitime, flexi bank and TOIL credit hours;
 - Unpaid leave; or
 - A combination of all of the above.
- 1.0.8 For those employees who work fixed hours or shifts, or where the opening times of establishments restricts the ability to work additional hours, alternative arrangements for repayment of hours may be considered by agreement between the manager and the employee.

1.0.9 For some there might be the opportunity for cross-service working to repay hours. For instance an administrative assistant in one service area could work in another Directorate or a Loader could work within Street Cleaning, etc.

Please note that an employee cannot be afforded the option of time of more than 2 working days on an annual basis. For example an employee will not be entitled to this under compassionate and then again under Stuck not Sick Days.

1.1 Time off for Dependants and Family Emergencies

1.1.1 A dependant is quite narrowly 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.*

1.1.3 These guidelines are intended to help employees and managers apply the policy. They are not exhaustive; neither do they imply there is right to time off if a particular incident occurs. Additional guidance on interpretation can be obtained from the HR Advisory Service.

1.1.4 Reasonable time off during working hours may be taken in connection with one or more of the following:

- when a dependant falls ill;
- when a dependant is injured or assaulted;
- when a dependant gives birth;
- to make longer-term arrangements for a dependant who is ill or injured;
- the death of a dependant (in addition to any Bereavement Leave);
- an unexpected incident involving a child of the employee when the child is at an educational establishment; and/or
- when there is an unexpected disruption or breakdown in care arrangements for a dependant.

Please note that illness for these purposes includes mental illness.

1.1.5 The Council has afforded the option of time, limited to 2 working days per employee on an annual basis, which can be applied for employees on whole time contractual arrangements, where flexi arrangements would not meet the requirement. Managers and employees will agree ways in which hours taken will be 'repaid' on the employees return. Longer periods of time off can be dealt with using other leave procedures. For further details for short term crisis only see 1.0.5 to 1.0.9 above.

1.1.6 Carers who are required to undertake training as part of their caring role can be awarded up to 5 days paid leave annually to undertake the training required.

1.2 Compassionate Leave

1.2.1 In exceptional circumstances Compassionate Leave may be available. For example, it may be used in cases of a serious illness of a dependant (definition as set out in 1.1.1 above).

1.2.2 Authorities shall give particular consideration to granting reasonable paid time off for dependants as defined under the Employment Relations Act 1999. The maximum amount of Compassionate Leave that may be granted is 5 working days leave with pay.

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

1.2.4 Additionally, the Council has afforded the option of time, limited to 2 working days per employee on an annual basis, which can be applied for employees on whole time contractual arrangements, where flexi arrangements would not meet the requirement. Managers and employees will agree ways in which hours taken will be 'repaid' on the employees return. Longer periods of time off can be dealt with using other leave procedures. For further details for short term crisis only see 1.0.5 to 1.0.9 above.

1.3 Bereavement Leave

1.3.1 In the event of a death of a close relative (for example a husband, wife, civil partner, partner, parent, sibling or child) paid leave up to a maximum of 5 working days will be granted. In the event of a grandparent or parental in-laws, if appropriate, paid leave of 1 working day to attend the funeral will be granted. Please note that modern family dynamics should be taken into consideration and each case dealt with on an individual basis and therefore consideration should be taken of all options under 1.3 and, if necessary, the manager is to discuss with HR Advisory Services.

1.3.2 This maximum may be extended in, exceptional cases, to include Compassionate Leave (see 1.2 above) when other options, such as, annual, flexitime, TOIL, unpaid leave or purchase of additional annual leave have all been explored. This time awarded under either Bereavement or Compassionate Leave does not need to be taken in one block as employees may wish to work between arranging the funeral and, for example, house clearance.

1.3.3 Where an employee wishes to attend a funeral other than for the relations mentioned above annual leave, flexitime, TOIL or unpaid leave must be taken.

1.3.4 Additionally, the Council has afforded the option of time, limited to 2 working days per employee on an annual basis, which can be applied for employees on whole time contractual arrangements, where flexi arrangements would not meet the requirement. Managers and employees will agree ways in which hours taken will be 'repaid' on the employees return. Longer periods of time off can be dealt with using other leave procedures. For further details for short term crisis only see 1.0.5 to 1.0.9 above.

1.3.5 The Equality Act 2010 encompasses the Employment Equality (Religion or Belief) Regulations, which prohibit discrimination in the workplace on the basis of religion or similar belief. Some religious customs may require arrangements above and beyond normal bereavement leave. To comply with the requirements of The Equality Act 2010 managers should, where reasonably practicable, accommodate the leave needs of the employee observing their religious beliefs. This may include unpaid leave where other options are not available.

1.3.6 The manager should try to accommodate all reasonable requests to attend a funeral and must consider all options to cover the needs of the service. If the two are in conflict the manager must contact HR Advisory Services for advice.

1.4 Stuck not Sick Days

1.4.1 The Stuck Not Sick 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:**

- The car won't start;
- A child minder doesn't arrive;
- 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.

1.4.2 For these and many other problems, employees need time off from work. This Stuck Not Sick enables an employee to take the time off they need to deal with the crisis, **however there is a contractual requirement to 'repay' these hours at a later date.**

1.4.3 The Council has afforded the option of time, limited to 2 working days per employee on an annual basis, which can be applied for employees on whole time contractual arrangements, where flexi arrangements would not meet the requirement. Managers and employees will agree ways in which hours taken will be 'repaid' on the employees return. Longer periods of time off can be dealt with using other leave procedures. For further details for short term crisis only see 1.0.5 to 1.0.9 above.

2.0 Foster Care

2.0.1 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. The Council has a commitment to the promotion of foster parents and the valuable role they play supporting vulnerable children.

- 2.0.2 Foster Care Leave is available for 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.
- 2.0.3 To support staff make the necessary arrangements to receive a child being fostered, to attend relevant meetings, to undertake training and any emergency circumstances pertinent to their role as a foster parent, a maximum of 5 working days paid leave per year will be allowed. This can be taken as single days, a block or in hours.
- 2.0.4 To be eligible for Foster Care Leave staff must have been continuously employed by the Council for at least 6 months.
- 2.0.5 In addition to this, during the fostering period employees will be provided access to the same level of emergency leave available to parents detailed above Part 2 Section 1 Leave for urgent and other domestic crisis, which detail further rights to take time off work in certain circumstances. If the principles of this policy do not apply, employees will be allowed to take annual leave, flexitime, TOIL, or unpaid leave.
- 2.0.6 Additionally, the Council has afforded the option of time, limited to 2 working days per employee on an annual basis, which can be applied for employees on whole time contractual arrangements, where flexi arrangements would not meet the requirement. Managers and employees will agree ways in which hours taken will be 'repaid' on the employees return. Longer periods of time off can be dealt with using other leave procedures. For further details for short term crisis only see 1.0.5 to 1.0.9 above.

3.0 Medical and Dental Appointments

- 3.0.1 The Council recognises that to maintain a healthy workforce employees may from time to time be required to attend hospital 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. Please note 3.0.5 covers those appointments when dealing with critical illness, **chronic conditions and disabilities as defined in the Equality Act 2010.**
- 3.0.2 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.
- 3.0.3 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.
- 3.0.4 Alternatively, employees may choose to take annual leave, flexitime, TOIL or unpaid leave.
- 3.0.5 In cases of critical illness (e.g. cancer) employees will be allowed paid time off to attend any medical appointments or follow up procedures. The same principle will apply for chronic conditions and disabilities as defined in the Equality Act 2010. Paid time off will also be granted for the purpose of cancer screening e.g. mammograms and smear tests.

- 3.0.6 Where an employee is pregnant or needs to accompany a dependant to an appointment, employees should refer to the Council's Family Friendly Policy - Maternity, Paternity, Adoption, Shared Parental and Parental Leave and above Part 2 Section 1 Leave for urgent and other domestic crisis, which detail further rights to take time off work in certain circumstances. If the principles of these policies do not apply, employees will be allowed to take annual leave, flexitime, TOIL, or unpaid leave.
- 3.0.7 Additionally, the Council has afforded the option of time, limited to 2 working days per employee on an annual basis, which can be applied for employees on whole time contractual arrangements, where flexi arrangements would not meet the requirement. Managers and employees will agree ways in which hours taken will be 'repaid' on the employees return. Longer periods of time off can be dealt with using other leave procedures. For further details for short term crisis only see 1.0.5 to 1.0.9 above.

3.1 In Vitro Fertilisation (IVF) Treatment

- 3.1.1 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. Managers have discretion over using additional special leave and/or flexi for IVF treatment.
- 3.1.2 Once pregnancy has been successful the parents will be covered by the Council's Family Friendly Policy - Maternity, Paternity, Adoption, Shared Parental and Parental Leave.

3.2 Blood Donors, Bone Marrow Donors

- 3.2.1 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.
- 3.2.2 Employees who wish to attend Bone Marrow appointments will normally be allowed paid time off.

3.3 Cosmetic and Elective Surgery

- 3.3.1 There is no automatic right to be paid during periods of time off work to undergo cosmetic or elective surgery. Any unpaid leave, flexi or annual leave granted will be subject to the availability of staff to cover the employee's period of absence. This does not include surgery that must be done to preserve an employee's life, but does not need to be performed immediately (semi-elective surgery). Examples of cosmetic and elective surgery are, but are not exclusive to:
- Cosmetic surgery, such as a face lift, also known as *rhytidectomy* or the placement of breast implants, tummy tuck (*abdominoplasty*), nose surgery (*rhinoplasty*) are usually done to individually enhance a patient's physical appearance; and
 - Laser surgery for vision correction.

- 3.3.2 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.
- 3.3.3 Where the outcome of the surgery is unexpected and the employee suffers an injury, the Councils Attendance Management Policy will apply, following receipt of the relevant sickness certificate.
- 3.3.4 Where the employee returns to work following an unexpected outcome of elective surgery, the Council, in line with our Attendance Management Policy, will conduct a return-to-work interview with the employee. The meeting will be private and confidential. The purpose of the meeting will be to offer support and ensure the employee's ability to return to work.

4.0 Public Duties

4.0.1 An employee is entitled to a reasonable amount of paid and unpaid time off if they are a:

- Magistrate (or justice of the peace);
- Local councillor (for a council other than your employer such as a parish council);
- School governor;
- Member of any statutory tribunal (for example employment tribunal);
- Member of the managing or governing body of an educational establishment;
- Member of a health authority;
- Member of a school council or board in Scotland;
- Member of the General Teaching Councils for England and Wales;
- Member of the Environment Agency or the Scottish Environment Protection agency;
- Member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland);
- Member of Scottish Water or a Water Customer Consultation Panel; and/or
- Trade union member (for trade union duties).

4.0.2 Qualifying employees will be allowed reasonable time off to go to 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.

4.0.3 What may be classed as reasonable will depend on:

- What duties are carried out;
- The time that is needed to carry out the duties;
- The impact on the business; and
- How much time the employee has already taken for public duties.

4.0.4 Detailed below is the Council's 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.

4.1 Jury Service or Attendance at Court as a Witness

4.1.1 An employee may be asked to provide jury service or give evidence in court as a witness. Although the employee has no contractual right to be released for such a purpose, managers must release the employee if the employee has been served with a witness summons/subpoena requiring them to attend court as a witness.

4.1.2 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 Personnel&Payroll@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.

4.1.3 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 Personnel&Payroll@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.
- c) The employee will not suffer any loss as they will be paid their normal gross pay less the payment received.
- d) Courts can pay for:
 - Loss of earnings;
 - Travelling costs;
 - A subsistence allowance; and
 - An allowance for other financial loss incurred solely because of jury service, up to a maximum daily rate.

4.1.4 Jury service usually lasts for up to 10 working days, but may last longer depending on the case. The nature of criminal cases varies greatly so if a trial is likely to last longer, the court will ask jurors if this will be difficult. While most cases can be successfully completed within 10 working days, there will be some, possibly more complicated cases that cannot. If jurors are empanelled to sit on such a case, the judge will usually advise of this before jurors are sworn in. If a juror is unable to sit for longer than two weeks, they should explain the reasons to the judge who will decide whether or not that person will serve on that trial. The judge's decision is final. If jury service is due to go on longer than expected employees should notify their manager.

4.1.5 There will be occasions where an employee is not required by the Court and is discharged. The employee must inform their manager to discuss returning to work. Failure to do so will render the employee absent without permission and disciplinary action may be taken.

4.2 Employees that are also Elected Members of another Local Authority

4.2.1 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.

4.2.2 Please note that Under Section 1 of the Local Government and Housing Act, 1989, certain employees are disqualified from becoming or remaining a Member of any authority to which the provisions apply (e.g. County and District Councils, London Boroughs), other than a Parish or Town Council. The employees are also disqualified from membership of the House of Commons and of the European Parliament. The relevant employee's job description will state that it is a politically restricted post. Applications for exemption may be made to the Council's Standards Committee.

4.3 School Governors

4.3.1 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 5 half days (18.5 hours). Thereafter unpaid leave or flexi may be granted, if service provision allows.

4.4 Election Duties

4.4.1 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.

4.4.2 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.

4.4.3 In relation to 4.4.1 and 4.4.2 election duties the employee can retain the fee received.

4.4.4 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.

4.5 Time off for Special Constables

4.5.1 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.

4.5.2 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.

4.6 Time off for Reservists

4.6.1 Volunteer Reservists are a vital part of the UK's Armed Forces and make valuable contributions as civilian employees. Reservists offer benefits to employers such as transferable skills, training and high levels of motivation.

4.6.2 Reservists are committed to undergoing military training throughout the year, so may need time off from work to carry out this training.

4.6.3 There are several categories of Volunteer Reservist, each subject to different mobilisation rules, depending on their experience and skills.

4.6.4 The Army, Navy and Royal Air Force (RAF) each have their own Reserve Force:

- the Territorial Army (TA) is the Reserve Force for the Army;
- the Royal Naval Reserve and the Royal Marines Reserve is the Reserve Force for the Maritime Reserve; and
- Reserve Air Forces, including the RAF Reserves and Royal Auxiliary Air Force, is the Reserve Force for the RAF.

4.6.5 The TA is the largest Reserve Force and the one that we are most likely to encounter. Annual training is a 2 week continuous training course referred to as annual camp. This may take place at a training establishment, as an attachment to a Regular Unit, a training exercise or a combination of any of these. Training normally takes place within the UK, although each year some Reservists train overseas.

4.6.6 The Council will grant members of the TA paid leave of absence to attend annual camp, which is no more than 2 weeks.

4.6.7 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.

4.6.8 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.

4.7 Trade Union Activities

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

ACAS Code of Practice – Time off for trade union duties and activities can be found [here](#).

4.8 Non Union Representation at work

4.8.1 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 the Financial Services and HR Advisory Services for advice on individual cases

ACAS booklet Non-Union Representation in the Workplace can be found [here](#).

4.9 Health and Safety Activities

4.9.1 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 Services 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.

4.10 Voluntary Emergency Service

4.10.1 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, but 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.

4.10.2 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.

4.11 Volunteering/Charity Work

- 4.11.1 Volunteering/charity work can deliver benefits by giving employees the chance to build new skills and capabilities that are transferable. It can also benefit the local communities and the Council through relationship development. The amount of paid leave to undertake these activities is up to three days per year, which can be taken in days and/or hours.
- 4.11.2 Any uptake of volunteering/charity work must not constitute a conflict of interest with the Council and should be of no benefit or personal gain to the employee.
- 4.11.3 Prior to any paid time being awarded the Council will take into consideration the type of volunteer/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.
- 4.11.4 In this instance, the type of volunteer/charity work that the Council see as most beneficial to the community would take priority. If there is conflict between the uptake, impact on service provision and/or affordability the manager must contact HR Advisory Services for advice.

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.

4.12 Parish Councillors

- 4.12.1 Most Parish Council meetings are held outside normal office hours and therefore would not require a request for time off to attend or infringe on service requirements. If an employee is required to undertake Parish Councillor duties during normal office hours unpaid leave or flexi may be granted, if service provision allows.

5.0 Unpaid Leave / Career Break

- 5.0.1 Short periods of unpaid leave can be agreed after discussions with the employee's line manager and recorded accordingly as unpaid leave.
- 5.0.2 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 Personnel and Payroll as to how to proceed, as there are possible options with regards to continuity of pension payments (see Part 3 Section 3 of this policy). However, this must be agreed prior to taking the extended period of unpaid leave.
- 5.0.3 The maximum period of unpaid leave/career break that can be authorised is up to 12 months.
- 5.0.4 Employees wishing to undertake a career break of 3 months or longer, there are some eligibility criteria that must be met:

- 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.

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

6.0 Bad Weather Conditions or Public Transport Problems

6.0.1 Employees who are unable to get to work due to poor weather conditions or public transport problems, for example, due to roads blocked by snow, should take that time as annual leave, flexitime or TOIL. If that is not possible, then it would count as unpaid leave of absence. Some employees may be able to work from home if they are not able to get to their usual place of work due to bad weather, but that will depend on their role and needs to be approved by their line manager. The Home Working Guidelines on the intranet will provide guidance on working from home.

6.0.2 Employees leaving work early due to bad weather conditions should clock out and will not be credited with extra hours.

6.0.3 An agreed core hours violation is permissible in these circumstances, if the service allows employees may be allowed to work the time taken back. The manager should agree a reasonable timescale within which the deficit should be reduced.

6.0.4 Prior to travelling in adverse weather conditions it is advised that employees visit the Cumbria Police, and relevant rail and bus service websites for updated information, *before* starting your journey.

6.0.5 It is appreciated that both these conditions are out of an employee's control. However, where possible, keeping in contact with your line manager ensuring they are regularly informed, even if you are just going to be late for work, would be both beneficial to the service and your safety.

7.0 Time off for Job Interviews

7.0.1 Any applications for reasonable 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.

7.0.2 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.

7.0.3 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.

8.0 Religious Holidays

8.0.1 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.

8.0.2 Additionally, the Council has afforded the option of time, limited to 2 working days per employee on an annual basis, which can be applied for employees on whole time contractual arrangements, where flexi arrangements would not meet the requirement. Managers and employees will agree ways in which hours taken will be 'repaid' on the employees return. Longer periods of time off can be dealt with using other leave procedures. For further details for short term crisis only see 1.0.5 to 1.0.9 above.

Part 3 – Process and Procedure

1.0 General Process and Procedure

- 1.0.1 The procedure for requesting any type of special leave is for the employee to discuss with their line manager, in the first instance. However, if there are any queries around the request then either the employee or the line manager should contact HR Advisory Services.
- 1.0.2 The manager should then consult this policy to see whether it expressly provides for this type of absence. If so, managers should discuss the length of leave to take.
- 1.0.3 If the leave is not provided for within this policy, the manager and employee should discuss whether annual, flexitime, TOIL or unpaid leave may be more appropriate.
- 1.0.4 After the initial discussion between the employee and their line manager, applications for special leave should be made on the form at Appendix A and, once completed and authorised, forwarded to Personnel&Payroll@carlisle.gov.uk . Once authorised managers should record the leave as normal (either on iTrent under other absence, or by the normal way).

2.0 Where notice cannot be provided

- 2.0.1 There may be circumstances where Special Leave cannot be planned in advance, i.e. where bereavement occurs or something will occur which may prevent an employee from attending work that day. In these cases employees should:
 - Telephone their line manager at or before their normal working time; and
 - Explain the situation and how long the absence is likely to last.

3.0 Local Government Pension Scheme

- 3.0.1 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.
- 3.0.2 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.
- 3.0.3 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.
- 3.0.4 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.
- 3.0.5 The employee will receive a letter confirming the amount that would have to be paid and an Election Form to complete.

4.0 Misuse of Special Leave

4.0.1 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, which could result in disciplinary action.

5.0 Disputes

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

Please note:

Any request for special leave will be based on the individual circumstances and should be discussed with your direct line manager and/or HR Advisory Services.

Policy review Schedule

| POLICY SCHEDULE | |
|--|--|
| Policy title | |
| Policy Location | |
| Policy owner (Directorate) | |
| Policy lead contact | |
| Approving body (SMT) | |
| Date of approval | |
| Date of implementation | |
| Version no. (amendment date) | |
| Related Guidelines, Procedures, Codes of Practice etc. | |
| Review interval | |

Version Control:

| Revision date | Issue No. | Summary of Changes |
|---------------|-----------|--------------------|
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