

NORTH LINCOLNSHIRE COUNCIL

THE LEADER OF THE COUNCIL

SPECIAL LEAVE POLICY

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To outline and seek approval for the council's updated Special Leave policy.

2. BACKGROUND INFORMATION

- 2.1 The council has in place a Special Leave policy. This policy exists to provide clarity around time off work for reasons other than sickness or annual leave. Such time off may be a statutory provision or part of national/local terms and conditions.
- 2.2 Currently the council provides up to six days of paid leave for employees who are foster carers for the council.
- 2.3 Foster carers form part of the council's Corporate Parenting Pledge and as such the council is seeking to increase the numbers of foster carers and to make the role as accessible to individuals as possible. The council wants to be, and promote itself as, a 'foster friendly employer'.
- 2.4 The concept of a 'foster friendly employer' was part of a series of reforms the previous coalition government made to improve outcomes for foster families.
- 2.5 Following a model policy used by the Department for Education (the Government's first 'foster friendly employer'), the introduction of an increased provision of paid leave is being proposed as follows:
- Up to 5 days (37 hours) paid leave during their assessment for approval in becoming a foster carer.

- An additional 5 days (37 hours) paid leave during the approval process or when they are caring for a foster child, e.g. for meetings, training or unforeseen emergencies relating to their fostering role, e.g. to accommodate an emergency placement.
- Up to 10 days (74 hours) paid leave at the start or end of a planned permanent placement.
- Employees may take up to a maximum of 20 days (148 hours) paid leave in a leave year. The maximum entitlement will be granted only in circumstances, where an employee has, applied to be a foster carer, received training and had a child permanently placed with them, all within 12 months. (This will only happen in the first year of an employee becoming a foster carer).
- Normally, it is expected that employees may take up to 10 days (74 hours) paid leave in a leave year when a child is placed with them.

3. OPTIONS FOR CONSIDERATION

3.1 To approve the revised policy.

3.2 To reject the proposed changes.

3.3 To recommend amendments to the policy.

4. ANALYSIS OF OPTIONS

4.1 Accepting the revised policy will better enable the council to fulfil its Corporate Parenting Pledge and contribute to ensuring better outcomes for foster children and foster families.

4.2 Rejecting the revised policy would not assist the council in seeking to increase the numbers of foster carers and in turn improve outcomes for foster children and foster families.

4.3 Recommending further changes to the policy would require further consultation and delay implementation.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 The introduction of increased paid leave for employees who are foster carers for the council will be an unknown cost as this depends on employee take up of the revised policy.

5.2 However, of the 16 employees who are foster carers for the council (11 within the council and five within schools) only one has recorded paid special leave for 2014/2015. This was for three days at a cost of £342.45.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 An initial screening of potential impacts has considered the equality implications of these changes.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

7.1 The trade unions have been consulted on the changes and are happy with the proposals.

8. RECOMMENDATIONS

8.1 That the revised policy be approved and implemented.

DIRECTOR OF POLICY AND RESOURCES

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Date: 4 June 2015

Background Papers used in the preparation of this report: None

1.0 Introduction

1.1 North Lincolnshire Council recognises that enabling its employees to achieve an effective work life balance benefits employees, the organisation and the community it serves.

1.2 This procedure describes the steps to be taken by which employees may apply for special leave, which covers periods of absence from work, which are not covered by any other policy.

Note 1: Separate guidance on annual, maternity, adoption, paternity, maternity support and parental leave can be found in section B of the council's Human Resources (HR) manual.

1.3 Entitlement to certain types of leave are covered by statutory obligations, whilst other forms of leave are discretionary and may be granted by the appropriate manager. In all circumstances, requests will be considered sympathetically but are subject to individual circumstances and the needs of the service.

1.4 This procedure applies to all employees of the council other than those employed in schools with delegated powers.

1.5 Employees must wherever possible schedule non-work commitments outside of normal working hours. Where this is not possible, but the time can still be selected, commitments should be scheduled as near to the start or finish time of the working day to minimise disruption. There is an expectation that employees will attend work before and after appointments wherever appropriate.

1.6 Where amounts of leave are specified these are based on a standard 37 hour (5 day) week. Part time employees and those working irregular working patterns shall have applied to them the same provisions pro-rata to comparable full time 37 hour (5 day) week employees in the council.

1.7 With the exception of those provisions contained in Appendix 1, jury service, witnesses, election duties and leave for carers at sections 12.0, 13.0 and 14.0, the total time off with pay that can be claimed in any leave year shall not exceed 10 days.

Pro-rata for part-time employees.

1.8 In very exceptional circumstances the maximum amount of time off with or without pay, can be increased. This will only occur following consultation with the employee's Director and the appropriate head of HR.

2.0 Requests for leave

2.1 Requests for leave should in the first instance be made to the immediate manager by means of completing a special leave application form. In an emergency situation, this form may be completed retrospectively.

2.2 Employees requesting time off for unexpected or sudden problems must inform their manager as soon as possible on the first day of their absence, the reason for it, any work commitments that need to be rearranged and how long they expect to be away from work. Employees must also inform their manager if the duration of the absence extends beyond the original estimate.

2.3 Where the provisions of this policy are insufficient to cover longer term situations, careful consideration will be given to varying or adapting existing work arrangements to enable such needs to be met. Other working arrangements such as the use of annual leave, flexi-leave, taking work home or making up time off may be considered.

2.4 Sympathetic consideration will also be given to requests for unpaid leave. Employees may be granted up to 148 hours (four weeks) of unpaid leave in any leave year, across all policies. *Pro-rata for part-time employees.*

2.5 Periods of unpaid leave in excess of 148 hours (four weeks) should be requested in accordance with the council's Career Break scheme B.3.7.

Note 2: Members of the Local Government Pension Scheme (LGPS) or the Teachers' Pension Scheme should be advised of the implications of taking a period of unpaid leave. Deductions to maintain LGPS pension contributions will automatically be made from the next available pay period for unpaid leave of less than 30 days. This may be before or after the period of unpaid leave.

2.6 Where employees have particular cultural and religious needs which may conflict with existing work requirements, careful consideration will be given to varying or adapting requirements to enable such needs to be met.

Note 3: *In addition to discussing the request with the individual employee, further advice and guidance on matters of religious observance can be obtained by contacting the council's Diversity, Inclusion and Wellbeing Adviser.*

3.0 Compassionate leave

3.1 A maximum of 37 hours paid leave may be granted in any leave year to cover:

- time off for dependants (emergencies);
- bereavement; or
- domestic emergencies.

3.2 Since the amount of time off required will vary with the differing circumstances of each case, employees should always discuss their situation with their manager.

Time off for dependants (Emergencies)

3.3 Employees are able to take a reasonable period of paid leave to deal with personal emergencies involving dependants, subject to the constraints at 1.7 and 3.1. This enables employees to deal with unexpected or sudden problems and make any necessary longer term arrangements.

3.4 Examples of the circumstances, which may apply are:

- illness, involvement in an accident or assault, including where the victim is hurt or distressed and cannot care for themselves
- to make longer term care arrangements for someone who is ill or injured
- to deal with an unexpected disruption or breakdown in care arrangements for a dependant; (e.g. a child may have chicken pox and would not be allowed in crèche therefore time may be needed to make suitable arrangements/visit a doctor)
- to deal with an incident involving your child during school hours

This list is not exhaustive and managers will deal fairly and consistently with employees when requests for leave arise.

3.5 For most unexpected or sudden problems, one or two days should be sufficient to deal with the initial crisis. For example, if a child falls ill with chickenpox, the leave provided should be enough to help the employee cope with the situation; to deal with

the immediate care of the child, visiting the doctor if necessary and to make longer term care arrangements where possible. If the child remains sick employees should use annual leave, flexi-leave or unpaid leave.

Note 4: A dependant is the husband, wife or partner, child or parent of the employee. This includes step parents and those fostering young people. It also includes someone who lives with the employee as part of his or her family. In cases of illness, injury or where care arrangements break down, a dependant may be a close relative or someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency. It will not normally include tenants or boarders living in the family home.

Bereavement

3.6 Employees are able to take a reasonable amount of paid leave to make funeral arrangements for a dependant, attend the funeral and deal with the registration of the death where appropriate, subject to the constraints at 1.7 and 3.1.

3.7 The employee may choose to take leave on non-consecutive days to deal with the various stages of bereavement, e.g. if the employee is the executor of the will etc.

3.8 Employees may also take paid leave to attend the funeral of a close relative. This will usually be up to a day but managers should take account of the fact that the nature of relationships and the required observances of different religions will vary.

Note 5: A close relative is defined as a parent in-law, sister, brother, (in-laws), grandchild, grandparent, auntie, uncle, niece or nephew of the employee. Half-blood relatives are also included, as are adoptive relationships and relationships which would have existed but for an adoption, i.e. an employee's natural relatives.

Domestic emergencies

3.9 In domestic emergencies employees will be expected to cover any time off required through the use of annual leave or flexi-leave prior to applying for special leave.

3.10 Employees are able to take a reasonable amount of paid leave with domestic incidents involving their property, which have immediate or unavoidable consequences, subject to the constraints at 1.7, 3.1 and 3.9. Examples of the circumstances that may apply are:

- burglary

- flood
- fire.

This list is not exhaustive and managers will deal fairly and consistently with employees when requests for leave arise.

Time off for dependants (Planned events)

3.11 All requests for leave for dependants (planned events) will be unpaid. Examples of the circumstances that may apply are:

- to attend ante-natal clinics with your pregnant partner
- to attend a hospital appointment or planned operation with a child/partner

3.12 For planned events the amount of time off granted should only be sufficient to cover the appointment and any necessary travelling time. There is an expectation that employees will attend work before and after appointments wherever appropriate.

3.13 Reasonably foreseen disruptions to normal child care arrangements, such as school closure as a result of nationally proposed strike action, should be covered by the use of annual leave, flexi-leave or unpaid leave.

3.14 Following any period of absence it is good practice for the appropriate manager to discuss with the employee whether any further support or assistance can be provided.

4.0 Medical consultation and treatment

4.1 Employees should wherever possible request and/or schedule medical appointments outside of normal working hours.

4.2 For all routine medical or dental appointments, where employees have the ability to make an appointment, annual leave and/or flexi-leave should be used.

4.3 Employees who are required to attend outpatients appointments (supported by evidence of the appointment) will be granted paid leave for this purpose if the length of absence required is less than 50% of their normal working day. Where a longer absence is required, either this should be recorded as sickness absence or annual leave, flexi-leave or unpaid leave should be requested.

- 4.4 For any outpatient appointments where the time can be selected, they should be scheduled as near to the start or finish time of the working day to minimise disruption. There is an expectation that employees will attend work before and after appointments wherever appropriate.
- 4.5 If an employee is admitted to hospital as a day patient or in-patient, or attends for emergency treatment this should be recorded as sickness absence in accordance with the council's Sickness Absence procedure D.2.
- 4.6 For time off for elective surgery (not prescribed by a doctor) or consultation associated with such procedures, employees must use annual leave or flexi-leave, but may be granted unpaid leave if the other two options are not available to them.

Fertility treatment

- 4.7 Employees undergoing a cycle of fertility treatment will be granted a maximum of 37 hours paid leave in any leave year.
- 4.8 An employee whose partner is receiving fertility treatment will be granted a maximum of 7.5 hours paid leave in any leave year.

Medical donors

- 4.9 Attendance at blood donor sessions should be scheduled outside of normal working hours wherever possible. Otherwise they should be planned as near to the start or finish time of the working day to minimise disruption and employees should use annual leave or flexi-leave.
- 4.10 For all other medical donations including, bone marrow, tissue and organ, employees will be granted a maximum of 15 hours paid leave in any leave year.
- 4.11 With reference to 4.3, 4.6, 4.7 and 4.10 above, if the employee subsequently remains absent because of sickness, normal reporting arrangements in accordance with the council's Sickness Absence procedure must apply and ensuing days will be recorded as sickness absence.

5.0 Jury service

- 5.1 Leave will be granted to employees required to serve as jurors. Employees who serve as jurors must seek compensation for loss of earnings from the court.
- 5.2 Courts issue jurors with a loss of earnings certificate which employees should submit to the council's payroll section to complete. Once employees have received reimbursement for loss of earnings from the court they should present the statement provided to payroll, so a deduction of an equal amount (excluding any travel and subsistence payments) can be made from their next pay period.

6.0 Witnesses

- 6.1 Unpaid leave will be given to employees attending court on subpoena or witness summons. Pay lost in this way may be recovered from the party requiring the attendance or from the court authorities where witnesses are paid out of public funds. This provision does not apply to employees who are plaintiffs, defendants, petitioners or respondents, when annual leave, flexi-leave or unpaid leave should be used.
- 6.2 Employees who are called as a witness as part of their job role, or on behalf of the council will be considered to be at work.

7.0 Election duties

- 7.1 Employees will be granted, subject to service needs, paid leave to undertake election duties within North Lincolnshire.

8.0 Attending job interviews

- 8.1 Employees who are invited to an interview for another post within North Lincolnshire Council only, will be allowed paid leave to attend.
- 8.2 Employees who have been given notice of dismissal by reason of redundancy are entitled during their period of notice to reasonable time off with pay to look for other employment or to arrange for training for future employment.

9.0 Study leave

9.1 A maximum of 22.5 hours paid leave may be granted in any leave year to an employee participating in an 'approved course', for the purpose of:

- final revision for examinations;
- assignments; and
- dissertations.

Note 6: An 'approved course' is a course of study which is normally work related, for which an employee is being released to attend and/or is receiving financial assistance from the council.

9.2 In addition employees are entitled to paid leave for the purpose of sitting approved examinations.

9.3 The responsible manager will approve paid leave for final revision for examinations relating to approved courses on the basis of half a day for each examination paper to be taken, subject to sufficient notice being given and the constraints at 1.7 and 9.1. This leave must be taken within the two weeks prior to the examination and will not be granted for subsequent attempts at the same examination.

9.4 Employees will be granted paid leave for the purpose of the completion of assignments and dissertations relating to approved courses. Leave will be provided on the basis of half a day for each assignment and two days for dissertations, subject to sufficient notice being given and the constraints at 1.7 and 9.1.

Note 7: The provisions of 9.3 and 9.4 are subject to a maximum of 22.5 hours not being exceeded in any leave year.

9.5 Employees approved by their Director to study on a correspondence basis e.g. through the Open University or other college courses may be offered paid leave. This will be granted at the discretion of the Director, up to a maximum of 15 working days for each stage or year of the course, including time off for examinations. This does not apply to second or subsequent attempts at the same examination. The Director may stipulate where the employee will study during such leave. Leave for residential

study periods, including Open University/college summer schools, must be included in the maximum of 15 days.

10.0 Apprenticeships/National Vocational Qualifications (NVQ)

- 10.1 Managers should approve paid leave within working hours to prepare portfolios of evidence at work relating to approved apprenticeships/NVQ qualifications on the basis of half a day per week (this may also include meeting with assessors).
- 10.2 This time should be agreed with candidates who are actively working towards their qualification. Candidates will be encouraged through their learning plan to complete their qualification in a reasonable timescale in agreement with their manager. Managers are expected to review candidates regularly to ensure progress is being made. A timescale of up to 18 months should normally be negotiated with the candidate for completion of their award

11.0 NVQ Assessors and verifiers

- 11.1 Assessors and verifiers who are actively working with candidates and have received prior line management approval to utilise their qualifications should be allowed paid leave on the basis of half a day per week. These employees will also require access to continual professional development for their qualifications (e.g. attending standardisation meetings and training) and paid leave will be allowed for this purpose.

12.0 Foster carers/Connected persons

- 12.1 Employees who are currently or plan to become foster carers/connected persons are entitled to:
- Up to 5 days (37 hours) paid leave during their assessment for approval in becoming a foster carer.
 - An additional 5 days (37 hours) paid leave during the approval process or when they are caring for a foster child, e.g. for meetings, training or unforeseen emergencies relating to their fostering role, e.g. to accommodate an emergency placement.

- Up to 10 days (74 hours) paid leave at the start or end of a planned permanent placement.

Note 8: Connected Person fostering is a legal arrangement where a child who cannot be cared for by their parents, is looked after by a relative, family friend or any other person with a connection to the child in a personal or professional capacity.

Note 9: As appropriate, these provisions will extend to prospective parents in the 'fostering for adoption' system, and intended parents in a surrogacy arrangement that are eligible, and intend to apply for a parental order.

12.2 Employees may take up to a maximum of 20 days (148 hours) paid leave in a leave year. The maximum entitlement will be granted only in circumstances, where an employee has, applied to be a foster carer, received training and had a child permanently placed with them, all within 12 months. (This will only happen in the first year of an employee becoming a foster carer.)

12.3 Normally, it is expected that employees may take up to 10 days (74 hours) paid leave in a leave year when a child is placed with them.

12.4 Leave may or may not be planned in advance and will be granted at the discretion of managers, who will take into account the nature of the request and the needs of the service.

12.5 Employees may wish to consider a temporary change to their standard working arrangements and should discuss this with their manager, who will decide if the request for the change meets the needs of the service. Employee requests to permanently change standard working arrangements should be made in accordance with the council's [Flexible Working policy B.3.6](#).

13.0 Supported lodging providers/Adult carers

Employees who are currently or plan to become supported lodging providers for North Lincolnshire Council or adult carers within North Lincolnshire will be allowed up to six days paid leave to attend training, planning meetings, reviews and any other relevant meeting as agreed by the responsible placement officer.

14.0 Parent/carers of disabled children/adults

14.1 Paid leave of up to three hours per month (pro-rata) will be granted to employees who are parent/carers of disabled children/adults to attend formal consultation and/or participation events in support of the council's overall function and responsibility to disabled people and their carers.

14.2 Employees may choose to bank the hours provided over a maximum of three months if they wish to attend a whole day event.

15.0 Extraneous duties

15.1 In granting leave for extraneous duties, the needs of the service will be considered first. Detailed guidance can be found in Appendix 1.

16.0 Volunteering leave

16.1 The council will actively encourage employees to become involved in voluntary activities within North Lincolnshire Council or those that directly assist the community, are relevant to the work of this council and are consistent with its priorities.

16.2 A maximum of three days (22.5 hours) paid leave in any leave year will be available subject to the needs of the service and the constraint at paragraph 1.7. Requests for leave will be granted subject to a commitment from the employee to volunteer for an equivalent amount of time using his or her own annual leave or flexi-leave.

16.3 In addition employees who have confirmed their retirement may request a maximum of one day (7.5 hours) paid leave a month in their last three months of service.

16.4 Volunteering leave will only be provided for activities that take place during the normal working hours of the employee and will be granted on a pro-rata basis for part time employees.

16.5 A maximum of six days (44.5 hours) paid leave will be permitted for voluntary work in the following areas:

- young witness support scheme
- special constable

The provision of six days will not be subject to the conditions at paragraph 16.2 and may be provided for activities performed outside of the North Lincolnshire area.

16.6 Volunteering leave will not normally be granted in addition to time off for the performance of other extraneous duties.

*The total amount of paid leave that can be claimed in any leave year is 10 days (pro-rata) for the types of leave listed below:

Leave	Paid/unpaid	Limit in a leave year	Paragraph
Compassionate leave including:			
Time off for dependants (emergencies)	Paid	37 hours	3.3
Bereavement	Paid		3.6
Domestic emergencies	Annual/flexi leave to be used first		3.9
Time off for dependants (planned events)	Unpaid		3.11
Medical consultation and treatment including:			
Routine medical/dental treatment	Annual/flexi leave to be used	N/A	4.2
Appointments for medical consultation	Paid - up to 50% of working day	N	4.3
Elective surgery (not prescribed by a doctor)	Annual/flexi leave to be used then unpaid	N	4.6
Fertility treatment	Paid	37 hours (employee undergoing cycle of treatment)	4.7
		7.5 hours (partner)	4.8
Medical donors including:			
Blood	Annual/flexi leave to be used	N/A	4.9
Bone marrow, tissue and organ	Paid	15 hours	4.10
Job interviews (within NLC)	Paid	N	8.1
Redundancy job/training search	Paid	Reasonable	8.2
Study leave including:			
Assignments	Paid - not exceeding a total of 22.5 hours in a leave year.	1/2 day per assignment	9.4
Dissertations		15 hours	9.4
Exam revision		1/2 day per exam	9.3
Exam leave	Paid	As required for sitting examinations	9.2
Correspondence courses	Paid	111 hours per stage/year (inc. exams)	9.5
Apprenticeships/NVQs including:			
Apprenticeship/NVQ assessment/portfolios	Paid	1/2 day per week	10.1
NVQ assessors/verifiers	Paid	1/2 day per week plus time for CPD	11.1

*Amounts are based on a 37 hour week. The same provisions apply on a pro-rata basis for part time employees and those working irregular working patterns.

Leave	Paid/unpaid	Limit in a leave year	Paragraph
Volunteering including:			
Volunteering leave	Paid	Up to 22.5 hours to be matched with an equivalent amount of the employee's own time	16.2
Volunteering (retirees)	Paid	Up to 22.5 hours, 7.5 hours per month in the last 3 months before retirement	16.3
Childrens' witness support scheme	Paid	Up to 44.5 hours	16.5
Special constabulary	Paid	Up to 44.5 hours	16.5

****The types of leave listed below are available in addition to the 10 days maximum detailed above:**

Jury service	Loss of earnings claimed from the court	N	5.1
Witnesses	Loss of earnings claimed from the court	N	6.1
Election duties	Paid	N	7.1
Foster carers/Connected persons	Paid	Up to 74 hours***	12.1
Supported lodging providers/Adult carers	Paid	Up to 44.5 hours	13.1
Parents/carers of disabled children/adults	Paid	3 hours per month, can be accrued over a 3 month period	14.1
Magistrates	Paid	Minimum of 97.5 hours, up to a maximum of 135 hours	App. 1, 2.1
Political activities including:			
candidate for election to parliament	Paid - between nomination and results	N	App. 1, 4.1
election to parliament	Unpaid	N	App. 1, 5.1
full time agent for parliamentary election	Paid - between nomination and results	N	App. 1, 6.1
election to other local authorities	Paid - on election day and results day	N	App. 1, 7.1
appointment to civic office	Paid	Time in order to fulfil civic duties and obligations	App. 1, 8.1
Public body activities	Paid	Reasonable	App. 1, 9.1
Non regular forces	Paid - any payment received for the service will be offset against normal pay	Up to 74 hours	App.1, 10.1

**** Amounts are based on a 37 hour week. The same provisions apply on a pro-rata basis for part time employees and those working irregular working patterns.**

***** May be up to 148 hours in the first year of becoming a foster carer.**