
SPECIAL LEAVE

Section: Working Hours and Time Off
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Introduction

There may be occasions when an employee needs time away from work which falls outside of the provisions specified in the Annual Leave Policy. This includes the rights of employees, as set out in the Employment Rights Act 1999, the Parental Bereavement Leave Regulations 2020 and the Statutory Parental Bereavement Pay (General) Regulations 2020, to have reasonable time off from work when it is necessary for them to deal with unexpected emergencies which occur in relation to their dependants. The Authority also allows specified time off to carry out public duties.

The policy sets out the procedure by which employees apply for special leave and guidelines for Heads of Service when authorising requests for special leave. Employees may also take paid time off to volunteer within Sefton. Further information can be found within the [Volunteering Scheme](#).

A. PROCEDURE

Employees wishing to apply for Special Leave should complete application form (SL1) prior to the leave being taken and give a reasonable amount of notice having regard to the circumstances. In cases of religious holidays, a minimum of **4 weeks** notice should be given.

It is recognised that in exceptional circumstances, it may not be possible to complete the application form prior to the absence from work, e.g. bereavement/domestic crisis. Under such circumstances this form should be completed immediately on return to work.

Written evidence of the need for Special Leave should be provided wherever possible.

The application form should be submitted to the Assistant Director via the employee's manager/supervisor. The Assistant Director has the discretion irrespective of whether leave has been taken or not, to grant Special Leave. The form will be returned to the employee stating the Assistant Director's decision as soon as possible. This should be copied to the employee's manager/supervisor who should record Special Leave on the Absence Feeder system.

If an application for paid leave is refused, after the leave has been taken, flexi, annual or unpaid leave will be counted against the absence.

The Assistant Director will need to have regard to the following guidelines and to the circumstances of each case and ensure that employees who submit an application are given a decision in advance of the event.

B. DOMESTIC/PERSONAL REASONS

The Employment Relations Act 1999 gives employees the **right** to have reasonable time off from work when it is necessary for them to deal with unexpected or sudden emergencies which occur in relation to their dependants. The Parental Bereavement Leave and Pay Regulations 2020 gives all employed bereaved parents who lose a child under the age of 18 or suffer a stillbirth (from 24 weeks of pregnancy), the right to leave and pay to be absent from work. This is a day one entitlement. The Special Leave provisions comply with the regulations.

The granting of Special Leave is at the discretion of the Assistant Director, and may be **with or without pay**, in accordance with the guidelines set out below. Further guidance can be found in appendix 1.

(1) Definition of Dependant and Partner

For the purpose of the Special Leave provisions:

- a *dependant* is defined as: -
 - (i) anybody living in the household of the employee who is directly dependent on the employee for financial or domestic support;
 - (ii) any person who lives separately from the employee but who at times of illness requires domestic support from the employee. This may include a close relative, e.g. child, parent, brother or sister of the employee;
- A partner is defined as one of the parties in an ongoing and stable relationship

(2) Bereavement (excluding the loss of a child)

It is not proposed to define immediate relative as it is recognised that personal relationships in families will vary, for example, the employee may have been brought up by his/her grandparents rather than his/her natural parents. Further guidance is provided in Annex 1.

Each case should be considered in accordance with the individual circumstances.

Within the existing provisions for Special Leave, Heads of Service are recommended to grant up to **5 days paid leave** to employees who require time off on the death of a partner, dependant or immediate relative to make funeral arrangements, attendance at the funeral and to attend to probate matters.

Where an employee wishes or is required to attend the funeral of a relative, i.e., aunt, uncle, cousin, Heads of Service are recommended to grant up to **1 day** Special Leave **with pay**. A relative should be a person with whom the employee has some connection.

(2.1) Parental Bereavement Leave and Pay (the loss of a child)

On the death of a child under the age of 18, or a stillbirth after 24 weeks of pregnancy, a bereaved parent is entitled to **two weeks** of Special Leave with pay.

For the purposes of this policy, a 'bereaved parent' means any person who has a statutory entitlement to parental bereavement leave in respect of a child and includes:

- (i) a child's parent, including natural, adoptive and those who have become a parent(s) under statutory provisions on surrogacy and fertility treatment;
- (ii) a child's natural parent where the child has been adopted but there is a court order for the child to have contact with the natural parent;
- (iii) a person with whom a child has been placed for adoption as long as that placement has not been terminated;
- (iv) a person who is living with a child who has entered the UK for the purpose of being adopted by that person, and that person has received official notification from the relevant authorities that they are eligible to adopt;
- (v) an "intended parent" under a surrogacy arrangement where it was expected that the court would make a parental order under the Human Fertilisation and Embryology Act 2008;
- (vi) a person who for a continuous period of at least four weeks before the child's death lived with the child in the person's home, and had day to day responsibility for the child's care (provided they are not paid for that role, foster payments excepted and the child's parent or anyone with legal parental responsibility is not also living in the home with the child); and
- (vii) the partner of any of the above bereaved parent who lives with the bereaved parent and the child in an enduring family relationship.

The two weeks' leave can be taken either in one block of two weeks, or as two separate blocks of one week each.

Leave can be taken at any time within 56 weeks of the child's death.

(3) Care for Seriously Ill Dependant/Partner

It is recognised that situations may arise when employees are required to care for a seriously or terminally ill dependant/partner. As the guidance states this is about unplanned or sudden need.

It is not proposed to lay down a minimum or maximum amount of Special Leave for the care of a seriously ill dependant/partner, but to make recommendations as to what would be fair and reasonable in individual circumstances.

A period of **3-5 days paid leave** may be granted on production of evidence in line with the policy if required. This period of paid leave may be extended at the discretion of the Assistant Director if warranted by the individual circumstances.

If the period of dependency is to be lengthy, leave can be extended by the use of annual leave or if this is exhausted or fully accounted for, unpaid leave.

(4) Family Responsibilities

The following situations are included in these guidelines in recognition that there will be time when employees will need to be absent from work due to exceptional circumstances.

Various options are available at the discretion of Heads of Service, to enable a flexible approach to be taken in such situations and the granting of Special Leave is one of these options.

(i) Family/Domestic Crisis

In the event of unforeseen family or domestic problems arising, employees may sometimes require an immediate and short-term absence from work to make alternative child care arrangements, provide care themselves or make other domestic arrangements.

The Assistant Director has discretion to decide how many days should be granted for such emergencies, and it is suggested that in most circumstances up to a maximum of **2 days** would be adequate.

The absence may be counted against annual leave or flexitime; should the employee prefer not to use his/her leave for this purpose, or where leave is exhausted, unpaid leave would apply.

Due to the unforeseen nature of such occurrences, annual leave is sometimes exhausted or fully accounted for. The flexitime scheme may not provide sufficient flexibility and Heads of Service may wish to consider granting employees time off, to be repaid over an agreed extended settlement period, to cope with the unexpected.

(ii) Religious Holidays

It is recognised that some employees may wish to be absent from work to celebrate a religious holiday which does not coincide with Bank Holidays currently granted.

Whenever possible, annual leave or flexitime should be taken in these circumstances.

Assistant Directors may wish to consider allowing an employee to work on a Bank Holiday and take a day in lieu to celebrate their religious holiday if this is operationally feasible.

In exceptional circumstances, up to **1 day unpaid leave** may be granted at the Assistant Director's discretion.

(iii) Cancer Screening

Necessary paid time off shall be granted to officers for the purpose of cancer screening.

(iv) Foster Carers

Foster carers are entitled to up to **5 days paid** leave per annum to attend necessary meetings and/or training provided by the Fostering Agency.

(v) Premature Births

Employees who give birth to premature babies (before 37 weeks) are entitled to paid special leave for the number of days a baby was born prior to their due date. Fathers/partners of the mother of the premature baby will be entitled to **2 weeks paid** special leave, in addition to paternity leave.

C. PUBLIC/OTHER DUTIES

(1) Attendance at Meetings of Outside Bodies

Leave with pay will be granted where an employee is required to attend meetings of outside bodies (e.g. school governors, professional bodies excluding Trade Unions). Governors working within Sefton Schools can take time off under the [Volunteering Scheme](#). Further guidance can be found in appendix 1. Volunteering is about taking part in volunteering activities.

(2) Trade Union Duties

Leave with pay will be granted for an employee to attend meetings for Trade Union duties at the discretion of the appropriate Assistant Director in consultation with the Chief Personnel Officer. Leave with pay will be granted for annual conferences subject to a limitation on numbers.

(3) Magisterial

Leave will be granted with pay for magisterial duties.

(4) Jury Service

An employee receiving a summons to serve on a jury must report the fact to his/her Assistant Director, who shall grant leave of absence unless exemption is secured.

An employee serving as a juror shall claim the allowance for loss of earnings to which he/she is entitled under the Jurors' Allowance Regulations currently in force. The employing authority shall then deduct from the employee's full pay an amount equal to the allowance received. Jury service is classed as authorised leave of absence therefore pension is not affected.

(5) Joint Negotiating Bodies

Leave will be granted with pay for attendance at other Joint Negotiating bodies e.g. Youth and Community Workers.

(6) Service with Non-Regular Forces

Employees who are members of the Non-Regular Forces may be granted a maximum of two weeks' leave with pay to attend annual camp per annum. Requests may be subject to restriction if multiple applications are received within the same section/area of service, who apply for the same period of time off in order to meet the operational needs of the department.

(7) Serving as a Member on Another Local Authority

Leave will be granted with pay (subject to statutory limits).

(8) Court Appearances

Leave to attend court as a witness in a criminal action should be treated the same as Jury Service attendance. Any instances involving civil actions should be referred to the Chief Personnel Officer.

(9) Election Duties

Leave will be granted with pay to any employee who works on a Polling Station or as a Visiting Presiding Officer.

D. OTHER

(1) Examinations/Study Leave

Leave for the purposes of sitting examinations applicable to a local government service is to be granted with pay.

Leave with pay for the purpose of study immediately prior to an examination (as outlined above) may be granted at the discretion of the Assistant Director with a recommendation of **half a day** leave for **1** examination (pro rata).

For further information regarding granting of leave for study please refer to the Post Entry Training Policy.

(2) Granting of Leave for Attendance at Job and Course Interviews

Paid leave will be granted for attendance at interviews leading to acceptance on recognised training courses or enrolment on training courses with relevance to the Authority.

Where an employee is placed “at risk” of redundancy, reasonable paid time off is allowed to seek alternative employment.

Apprentices who are nearing the end of their apprenticeship will be given reasonable paid time off to secure a role.

Note:

- Special Leave in any of the circumstances described above will only be granted on the submission of a completed request form (in the case of 'Family/Domestic Crisis' this may be completed after the event). If it is discovered that a false reason has been given for the purpose of obtaining Special Leave, this will be considered as a matter of potential disciplinary action.
- Any queries relating to Special Leave should be directed to the Corporate Personnel Team.

E. PENSION CONTRIBUTIONS

Employees taking authorised unpaid leave under this policy can chose whether to pay contributions to cover the pension “lost” during the period of authorised unpaid leave by paying an age related Additional Pension Contribution (APC) contract. The lost amount will be calculated as 1/49th of the assumed pensionable pay (APP) for the period of the unpaid leave if the member was in the main section during the period or 1/98th of APP for the period if they were in the 50/50 section.

The employee will not build up pension benefits for any period of unpaid leave if they do not buy back the pension which is “lost”.

If the employee does elect to purchase the pension “lost” during any period of unpaid leave within 30 days of returning to work the cost is shared, known as a Shared Cost Additional Pension Contribution (SCAPC) contract, at the rate of 1/3rd to the employee and 2/ 3^{rds} to the employer. If an election is made after the 30 day period the “lost” pension can still be purchased but at the whole cost to the employee.

Annex 1

Special Leave Guidance

The examples below are intended to provide guidance on the granting of special leave in situations involving dependants.

Further advice can be obtained from the Corporate Personnel Department.

A. Bereavement

(i) – Death of an immediate relative

An immediate relative can be defined as, for example, a parent, spouse or child (over the age of 18). Employees may also have close relationships with, for example, a Grandparent if they have bought them up. Each case is different so requests for paid special leave for death of an immediate relative should be looked at on an individual basis.

The employee will be entitled to take up to **5 days paid** special leave. This can be taken all together or over a number of weeks to grieve, but also to organise the funeral or to deal with probate issues. The employee may want to extend this time off by taking annual leave. In certain circumstances the Assistant Director may allow further special leave to support the employee, however this should be offered after consultation with Corporate Personnel.

(ii) – Loss of a child

The Council recognises that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face. This policy sets out our commitment to supporting bereaved parents through their grief by ensuring they can take parental bereavement leave. This is a day one entitlement.

The policy applies to employees who suffer the loss of a child under the age of 18 on or after 6 April 2020. This includes parents who suffer a stillbirth after 24 weeks of pregnancy. The employee will be entitled to **two weeks paid** special leave. The leave can be taken as a single block of two weeks or two separate blocks of one week at different times. It cannot be taken as individual days.

The physical and emotional impact of grief may mean that some bereaved employees become unwell and are unable to be at work for a period after a bereavement. As a result, they may take time off sick. Some bereaved employees may need additional time away from work to cope with their grief, make practical arrangements, or to support a bereaved child. In cases where the employee feels they need time away from work but do not take time off sick, it may be appropriate to offer an alternative such as adjusting working patterns for a fixed period.

Further information on how to support an employee who is dealing with a bereavement can be obtained from Occupational Health and in the [ACAS Guide to Managing Bereavement in the Workplace](#).

(ii) – Death of a relative

When an employee loses a relative, such as an aunt, uncle, or cousin, they are entitled to **up to 1 day paid** special leave to attend the funeral. It is advised that in most circumstances an

employee is given **half a day paid** special leave however this may be increased dependent on the closeness of the relative, the timing of the funeral and travel time.

B. – Care of a seriously ill dependant

Situations may arise where employees are required to care for a seriously or terminally ill partner/dependant. In these circumstances, a guideline of **3-5 days paid** special leave is given, however this will vary dependent on the circumstances. The employee may wish to extend this period by using annual leave but may request further special leave. This will be at the discretion of the Assistant Director in consultation with Corporate Personnel.

This provision is not meant for cases where dependents require care after release from hospital or, for example, for a planned operation such as a knee replacement. It is for cases where a dependant is terminally ill or has a life threatening/changing condition.

C. Family/Domestic Crisis

Time of for a family/domestic crisis is to deal with unexpected situations involving dependants. For example, special leave could be used to deal with:

- a breakdown in the care arrangements of a dependant i.e. childminder is sick or a carer contracted to look after an elderly parent doesn't show up.
- a child who is unable to attend school due to illness and the employee needs to provide care for a day until they can put other arrangements in place.
- an elderly dependant who has a fall and needs to be taken to the GP/hospital.

The right to time off for family crisis does **not** give the automatic right to special leave in a domestic emergency such as a boiler breaking down or for the care of pets. It would also not cover a situation that an employee knows about in advance, for example taking a child/relative to a hospital appointment.

D. Public Duties – School Governors

Employees who are governors within Sefton schools are able to take time off to carry out their duties in accordance with the [Volunteer Scheme](#). Employees who are governors within other Boroughs (e.g. Liverpool, Wirral) are not cover by the Volunteer Scheme so would need to apply for leave under the special leave policy.

Under the special leave policy, paid leave would only be granted when a governor is **required** to attend a meeting. This is not regular attendance at scheduled committees or to attend training, but maybe part of an investigation or an Ofsted inspection.