



## **Personnel Committee**

Date: Wednesday, 16 February 2022  
Time: 2.10 pm (or at the rise of the Executive, if later)  
Venue: Council Chamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

### **Access to the Council Chamber**

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. **There is no public access from the Lloyd Street entrances of the Extension.**

### **Face Masks / Track and Trace**

Anyone attending the meeting is encouraged to wear a face mask for the duration of your time in the building and to provide contact details for track and trace purposes.

## **Membership of the Personnel Committee**

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**Councillors** - Bridges, Craig, Midgley, Rahman, Rawlins, Sheikh and White

## Agenda

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- 1. Urgent Business**  
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**  
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**  
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes of the previous meeting** 5 - 6  
To approve as a correct record the minutes of the meeting held on 15 December 2021.
- 5. Creation of a new post - Director of Neighbourhood Delivery and the redesignation of the existing post of Director of Policy, Performance and Reform to Assistant Chief Executive** 7 - 12  
The report of the Director of Human Resources and Organisational Development is attached.
- 6. New and revised HROD policies (Annual Leave, Domestic Abuse, Special Leave)** 13 - 70  
The report of the Director of Human Resources and Organisational Development is attached.

## Information about the Committee

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The Personnel Committee is made up of the Leader of the Council, the other nine Members of the Executive, the Assistant Executive Member (Finance and Human Resources), and the Leader of the Opposition.

Amongst its responsibilities, the Personnel Committee considers department staffing and organisational reviews; determines collective and corporate terms and conditions of staff and 'market rate' supplements. The Committee also determines the assignment and re-grading of certain posts and policies relating to local government pensions.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

The Council welcomes the filming, recording, public broadcast and use of social media to report on the Committee's meetings by members of the public. Agenda, reports and minutes of all Council Committees can be found on the Council's website [www.manchester.gov.uk](http://www.manchester.gov.uk).

Smoking is not allowed in Council buildings.

Joanne Roney OBE  
Chief Executive  
Level 3, Town Hall Extension,  
Albert Square,  
Manchester, M60 2LA

## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:

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This agenda was issued on **Tuesday, 8 February 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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## **Personnel Committee**

### **Minutes of the meeting held on Wednesday, 15 December 2021**

**Present:** Councillor Craig (Chair) – in the Chair

**Councillors:** Midgley, Rawlins and White

**Apologies:** Councillor Bridges, Rahman and Sheikh

#### **PE/21/12 Appointment of a Chair for the meeting**

In the absence of the Chair the committee appointed a member to chair the meeting.

#### **Decision**

To appoint Councillor Craig as Chair for the meeting.

#### **PE/20/13 Minutes**

#### **Decision**

To approve the minutes of the meeting held on 20 October 2021 as a correct record.

#### **PE/20/14 New and Revised Policies: Staff Travel and Revised Expenses Policy**

The Committee considered the report of the Director of Human Resources and Organisational Development that outlined the new Staff Travel Policy and proposed revisions to the Employee Expenses Policy.

The Staff Travel Policy had been written following a recommendation in the Manchester City Council Climate Action Plan for the Council to reduce its emissions through staff travel by 100 tCO<sub>2</sub> annually. The policy introduced a travel hierarchy based on the carbon emissions of each mode. At the top of the hierarchy was not travelling, with grey fleet miles and air travel at the bottom of the hierarchy.

The work had included a proposal in relation to the expenses element of the policy to bring in a mileage rate for electric vehicles to encourage the transition to a more sustainable grey fleet. Taxi contracts, the Car Club contract and the travel booking tool contract were all being re-tendered in the first half of 2022 which presented additional opportunities.

The Deputy Chief Executive and City Treasurer also explained that the travel policy would be supported by more detailed guidance.

Significant engagement had taken place to ensure that the policy (and the guidance and training that would follow), met the needs of staff, and services.

#### **Decision**

The Committee approve the new Staff Travel Policy and proposed revisions to the Employee Expenses Policy.

**Manchester City Council  
Report for Resolution**

**Report to:** Personnel Committee – 16 February 2022

**Subject:** Creation of a new post – Director of Neighbourhood Delivery and the redesignation of the existing post of Director of Policy, Performance and Reform to Assistant Chief Executive

**Report of:** Director of Human Resources and Organisation Development

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### **Summary**

The current Neighbourhoods Directorate plays a key role in supporting the delivery of the Our Manchester Strategy. This includes the creation of sustainable, safe, resilient, and cohesive neighbourhoods, with good quality green spaces, and accessible culture and sporting facilities. The recent addition of Housing and Homelessness has made the directorate the largest within the organisation with over 1800 staff and with the broadest span of activity. It is therefore proposed the number of direct reports into the Strategic Director Neighbourhoods is reviewed and streamlined by creating a new post Director of Neighbourhoods Delivery at senior salary grade SS4. This would bring Neighbourhood teams, Libraries, Galleries and Culture, and Parks, Leisure, Youth and Events, together with Compliance and Community Safety into a single division and would reduce current direct.

It is also proposed that the existing post of Director of Policy, Performance and Reform is redesignated to Assistant Chief Executive on existing senior salary grade (SS4) to reflect the support, policy work and insight this function provides to the Chief Executive and based on the observations of the recent peer review, which in summary asked the Council to consider the strengthening the policy and performance capability directly available to the Chief Executive and Senior Management Team

### **Recommendations:**

The Committee is requested to

1. Recommend to Council the creation of new post, Director of Neighbourhood Delivery at senior salary grade SS4 Grade (£89,615 - £108,852).
  2. Note the redesignation of the existing post Director of Policy, Performance and Reform to Assistant Chief Executive on existing senior salary grade SS4 Grade (£89,615 - £108,852) and the change in line management arrangements for this post.
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**Wards affected:** All

**Environmental Impact Assessment** - the impact of the issues addressed in this report on achieving the zero-carbon target for the city

<b>Manchester Strategy outcomes</b>	<b>Summary of how this report aligns to the OMS</b>
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	
A highly skilled city: world class and home grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	
A liveable and low carbon city: a destination of choice to live, visit, work	
A connected city: world class infrastructure and connectivity to drive growth	

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**Background reports and policies (available for public inspection)**

None



## 1. Background

- 1.1 The Neighbourhood's directorate has long had an extremely broad and varied set of services and is the biggest of all the directorates in the organisation. Over the last 12 months there have been significant changes within the directorate; including the transfer in of Northwards Housing bringing the management of 13,000 council owned social homes in North Manchester back under the direct management of the Council and with it a workforce of over 300 staff.
- 1.2 At the time of the transfer it was decided to align the housing operations services with our homelessness teams within the Neighbourhoods Directorate to provide a more joined up offer to individuals and families who find themselves homeless to secure new permanent homes and better outcomes.
- 1.3 The current Strategic Director for Neighbourhoods has declared her intention to flexibly retire in early 2022. Whilst she will remain with the organisation on a part time basis until September 2022 and we of course would like to take this opportunity to thank her for her hard work and commitment to the City over her remarkable 33 year career with Manchester.
- 1.4 The impending departure of the current Strategic Director provides an opportunity to review the remit of the directorate, ensure services are appropriately aligned and spans of control and breadth of responsibility are manageable.
- 1.5 Recruitment to the post of Strategic Director for Neighbourhoods is underway and an external and national search for diverse and talented candidates is being commissioned.

## 2.0 Proposals

- 2.1 In determining what is needed for the future, consideration has been given to the following principles;
- Rebalancing spans of control within the Neighbourhoods Directorate and ensuring services are appropriately aligned
  - Using the structure as far as possible to support the Our Manchester behaviours
  - Creating clear pathways for talent development
  - Responding to the preliminary findings of the recent Peer Review
- 2.2 **Review of Senior Leadership arrangements in the Neighbourhood Directorate**
- 2.3 The current Neighbourhoods Directorate plays a key role in supporting the delivery of the Our Manchester Strategy. This includes the creation of sustainable, safe, resilient, and cohesive neighbourhoods, with good quality green spaces, and accessible culture and sporting facilities. The recent addition of Housing and Homelessness has made the directorate the largest

within the organisation with over 1800 staff and with the broadest span of activity.

- 2.4 It is therefore proposed the number of direct reports into the Strategic Director Neighbourhoods is reviewed and streamlined by creating a new post Director of Neighbourhoods Delivery at senior salary grade SS4 (£89,615 - £108,852).
- 2.5 This would bring Neighbourhood teams, Libraries, Galleries and Culture, and Parks, Leisure, Youth and Events, together with Compliance and Community Safety into a single division, and would reduce current direct reports from 7 to 4 for the Strategic Director.
- 2.6 As this post will be graded on a range which takes it above £100k it must be approved by full Council.

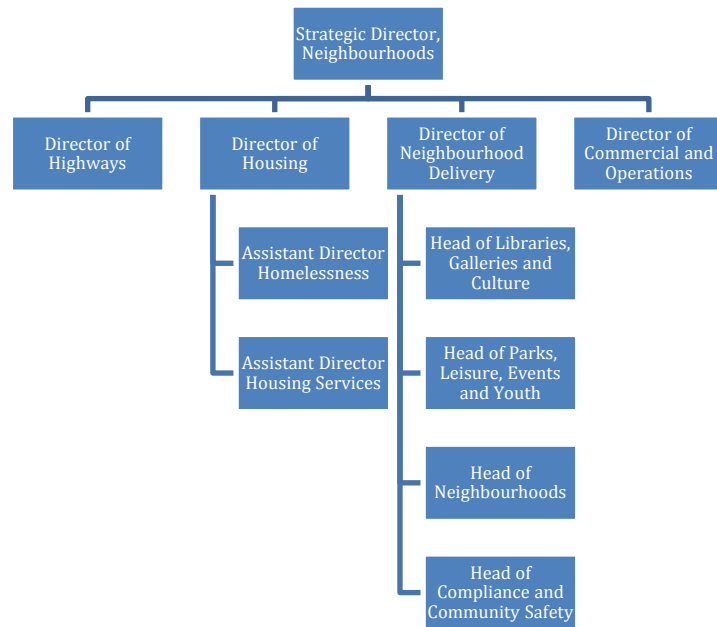
### **3.0 Redesignation of Director of Policy, Performance and Reform post:**

- 3.1 Committee is asked to note the redesignation of the existing post of Director of Policy, Performance and Reform to Assistant Chief Executive on existing senior salary grade (£89,615 - £108,852). Line management of this post will move to the Chief Executive to reflect the support, policy work and insight this function provides to the Chief Executive and is based on the observations of the recent peer review, which in summary asked the Council to consider the strengthening the policy and performance capability directly available to the Chief Executive and Senior Management Team.

## **4. Conclusion**

- 4.1 Personnel Committee are requested to:-
- Recommend the creation of the post of Director for Neighbourhood Delivery to full Council at senior salary grade SS4 (£89,615 - £108,852).
  - Note the redesignation of the existing post of Director of Policy, Performance and Reform to Assistant Chief Executive on existing senior salary grade SS4 (£89,615 - £108,852) with line management of this post moving to the Chief Executive

## Appendix 1 – Neighbourhoods Directorate Proposed Structure



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**Manchester City Council  
Report for Information**

**Report to:** Personnel Committee – 16 February 2022

**Subject:** New and revised HROD policies (Annual Leave, Domestic Abuse and Special Leave)

**Report of:** Director of Human Resources and Organisational Development

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**Summary**

To outline new and revised employment policies for the Committee's consideration: the new Annual Leave Policy and the revised Domestic Abuse and Special Leave Policies.

**Recommendations**

The Committee is requested to approve the new and revised policies attached to this report.

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**Wards Affected: All**

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**Background documents (available for public inspection):**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Appendix A	New Draft Annual Leave Policy
Appendix B	Revised Draft Domestic Abuse Policy
Appendix C	Revised Draft Special Leave Policy
Appendix D	Domestic Abuse Policy

Appendix E	Special Leave Policy
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## 1.0 Summary

- 1.1 The new Annual Leave Policy and revised Domestic Abuse and Special Leave Policies have been developed to fill a policy gap where there is no MCC policy on Annual Leave, updated in line with legislation (revised Domestic Abuse Policy) and new contractual entitlements introduced for Safe Leave and Fostering Leave (revised Special Leave Policy). Feedback from the 2019 Race Equality Review has also been incorporated in the revised Special Leave Policy.

## 2. New Policy: Context

### 2.1 Annual Leave Policy

There are several imperatives for the Council to develop this policy at this time. These include:

- Manchester City Council has a gap in its policy framework as there is currently no Annual Leave policy in place. Details about annual leave entitlements are contained in the statement of particulars, the Green Book, the Part 3 Framework Agreement and on intranet pages.
- The absence of a policy has led to increased queries to HR Business Partners and the employee life cycle team about annual leave, and some employees not taking all of their entitlement, then submitting requests to carry over significant amounts to the new annual leave year. The statement of particulars clearly notes that any annual leave not taken by 31 March in any leave year will be lost. The new policy introduces the flexibility to carry over up to one week of annual leave in exceptional circumstances to support operational requirements. The call for staff to volunteer in MCC's Covid vaccination centres is a current example of a critical situation where staff would be authorised to carry forward one week's leave to help roll out the vaccines.
- Introducing the Annual Leave policy will result in more consistent and equitable practice across Directorates in agreeing annual leave requests and authorising annual leave carryover. This also links to the Health and Wellbeing Strategy by encouraging employees to take regular breaks from work and to use their entitlement to annual leave within the annual leave year. The Working Time Regulations 1998 stipulate that employees must take four weeks of their annual leave in the year to which it relates.

### Policy engagement

- Given that this is a new policy based on contractual annual leave, it was important to encapsulate all elements that are included in the statement of particulars, , the Green Book, on the intranet and legacy arrangements.
- Directorates where there can be particular operational pressures in March/April (eg Revenues and Benefits) were approached to understand how they manage annual leave and requests to carry it over.

- Discussions took place with the HROD Business Partners to understand the queries they receive to ensure these were covered in the policy and also what the understanding of annual leave carryover is in directorates to establish if there were instances of custom and practice.
- The HROD Pay and Grading team provided data on how many employees had protected annual leave entitlements.
- Data was analysed on untaken annual leave at year-end to understand how well annual leave is managed by employees and managers; HROD Business Partners worked with their allocated Directorates to encourage employees to use their annual leave allowance within the annual leave year.
- There has been Trade Union consultation throughout the different stages of the policy development process.

Feedback from all these groups has been fed into the policy.

### **Policy Content**

- The policy defines statutory and contractual annual leave entitlements, covering legacy arrangements for those employees with protected entitlements.
- The policy highlights the need for employees and managers to actively manage annual leave so that it is taken regularly throughout the annual leave year to allow for breaks from work.
- It covers arrangements for booking annual leave, ensuring this is authorised before arrangements for using the leave are made.
- The policy stipulates that carrying over annual leave is capped at a maximum of one week's leave in exceptional circumstances and subject to Head of Service approval. Any other untaken annual leave is lost.
- The policy explains what happens when periods of sickness interrupt booked and authorised annual leave.
- It notes how periods of long-term sickness and maternity support leave, adoption or shared parental leave interact with annual leave.
- The policy is accompanied by a set of frequently asked questions to support employees and managers. These will be published on the intranet along with the policy and updated content.

### **Annual Leave Policy: Approach to Implementation**

- There is an opportunity to raise awareness of the policy as it will be launched before the end of the leave year and is a timely reminder for employees and managers to book their annual leave or it will be lost.
- Information on the policy and updated content will be communicated on the intranet.
- HROD Business Partners have been reminding their Directorates that annual leave needs to be booked before the end of the annual leave year.
- Monitoring of untaken annual leave will continue quarterly to enable a regular review of the impact of the policy.



### **3. Existing Policies: Review approach**

#### **3.1 Domestic Abuse Policy Context**

The drivers for the review of the Domestic Abuse Policy are:

- to include reference to new legislation, namely the Domestic Abuse Bill 2021.
- to introduce a contractual entitlement to safe leave, a category of paid Special Leave.
- for Manchester City Council to commit to GMB's Work to Stop Domestic Abuse Charter.

#### **Policy Content**

This is a summary of the notable changes in the policy:

- The policy references GMB's Work to Stop Domestic Abuse campaign.
- It highlights the Domestic Abuse Act 2021.
- The policy now highlights the new Third Party Abuse and Harassment Policy and the Abuse and Harassment Report Form for reporting incidents of harassment and unwanted contact at work.
- It introduces a contractual right to ten days' paid safe leave in a 12 month period for those fleeing abusive relationships.
- The policy clarifies the referral process to the Community Safety team.
- The guidance includes the impact of lockdown and the pandemic on domestic abuse.

#### **Policy Guidance and Training**

The accompanying, detailed guidance has also been updated and describes how to operationalise the policy. There is also an up-to-date list of relevant services and a managers' checklist to support employees and managers. These will be published on the intranet along with the policy and updated content.

The Community Safety Team has been engaged in updating these documents. The policy was initially launched in 2019, but the pandemic prevented it from being fully embedded. Now that it has been refreshed, there is a further opportunity to raise awareness of the policy.

HROD will work with the Community Safety Team on training and awareness raising programmes, focusing on managers (to whom most staff would report instances of domestic abuse) and HROD (in their capacity of advising managers). The domestic abuse elearning available on MiLearning for all staff will also be updated and relaunched.

#### **3.2 Special Leave Policy**

## Context

The drivers for the review of the Special Leave Policy are:

- The Racial Equality Report (2019) recommended that the policy be reviewed to ensure that the definitions of family were inclusive and that where staff may need to travel abroad following a bereavement, managers were sympathetic in dealing with requests for special leave.
- The Council is working towards the Fostering Network's Foster Friendly Employer status, and the Special Leave policy has been amended to meet that standard and to introduce a new entitlement to ten days' paid special leave in a 12 month period for those with fostering responsibilities for MCC.
- The Council is also working towards GMB's Work to Stop Domestic Abuse charter, and the policy introduces a new entitlement to ten days' paid special leave in a 12 month period for those fleeing abusive relationships. 'Safe leave' is a recommendation of the Domestic Abuse Commissioner, the CIPD, the EHRC and Women's Aid. The Domestic Abuse (Safe Leave) Bill is progressing through parliament in Northern Ireland and in Scotland, South Ayrshire Council provides for ten days' paid safe leave. The provision of paid special leave is included in the draft GMCA Gender-Based Abuse Strategy.
- The modernisation of the policy to ensure accessibility through condensing and simplifying the language.

## Policy Content

This is a summary of the notable changes to the policy:

- The policy has been updated to widen the definitions of family to take account of different family and cultural obligations.
- The policy now notes that some protected groups may need more special leave if travelling outside the UK when bereaved.
- The circumstances where foster carers may request paid special leave of up to ten days in a 12 month period have been defined. This is to support the Council becoming one of the Fostering Network's Foster Friendly Employers. Previously, paid special leave for fostering duties was discretionary, but it now becomes an entitlement of ten paid days in a 12 month period for specific duties outlined in the policy for those who foster for MCC.
- The policy introduces an entitlement to ten days' paid safe leave in a 12 month period for those fleeing domestic abuse. As referenced in the refreshed Domestic Abuse Policy, MCC is working towards GMB's Work to Stop Domestic Abuse Charter and this section of the Special Leave policy has been amended to introduce the new entitlement for circumstances outlined in the policy.

## Policy Guidance

There will be new and clearer content on the intranet to accompany the policy, which covers all circumstances that are defined as special leave in a more logical order.

- Paid and unpaid special leave.
- Disability related special leave.
- Safe leave.
- Fostering leave.
- Time off for caring responsibilities.
- Bereavement and visits abroad.
- Parental bereavement leave.
- Divorce, separation proceedings and child custody court case.

#### **4. Comments from Trade Unions**

##### 4.1 Unison:

It has been useful to work together to allow Trade Union expertise to improve the policies, we welcome this inclusive way of working going forward. The changes to the Domestic Abuse Policy are important not just because of the change of the law, but in order to ensure that the Council provides leading support to its employees. It will be critical that the training that we have discussed is rolled out in a timely manner and reviewed as to its value. We expect to be involved in this review and we will come back to personnel committee with any concerns. With both the Annual Leave and Special Leave policies it is clear that it is their application by services and individual managers that will be important, again we will work with officers to monitor and review this.

4.2 Unite: No further comments.

4.3 GMB: No further comments.

#### **5. Conclusion**

5.1 Personnel Committee are requested to approve the new Annual Leave Policy and the changes to the Domestic Abuse and Special Leave Policies.

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## Appendix A

**DRAFT FOR CONSULTATION**

# Annual Leave Policy

<b>AUTHOR</b>	Human Resources and Organisational Development
<b>SCOPE</b>	<p>This policy applies to:</p> <ul style="list-style-type: none"> <li>• employees of Manchester City Council</li> <li>• staff deployed to the Manchester Local Care Organisation (MLCO)</li> <li>• Employees on secondment outside of the council but who remain on Manchester City Council terms</li> </ul> <p>This policy does not apply to:</p> <ul style="list-style-type: none"> <li>• employees of Manchester City Council who are term time only</li> <li>• school employees</li> </ul>
<b>PURPOSE</b>	The purpose of this policy is to set out the Council's rules in relation to annual leave
<b>APPROVAL</b>	N/A - document in consultation only
<b>REVIEW</b>	The policy will usually be reviewed every 3 years, but may be reviewed sooner if there are changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

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## 1. Policy Aims

The Council is committed to maximising the health, safety and wellbeing of all employees. The aim of this policy is to explain how the entitlement to paid annual leave works so that employees can enjoy a good work life balance. Time off work using the annual leave entitlement allows employees to manage their personal commitments and enjoy complete breaks from work.

All employees are encouraged to take their full entitlement and to spread out their holiday throughout the year. This policy explains that carry forward of annual leave into the next annual leave year will only be permitted in specific circumstances.

This policy sits alongside other options for requesting time off to help to achieve an appropriate balance between meeting the needs of employees and maintaining service provision. These include the [Flexible Working Policy](#), the [Special Leave Policy](#), the [Career Break Policy](#), the [Military Reservist Policy](#) and [time off for volunteering responsibilities](#).

## 2. Equality

Manchester City Council is committed to becoming a fair and inclusive employer with a workforce that is representative of the communities we serve.

The aim of this policy is to ensure that there are fair and objective arrangements in place to manage all requests for taking annual leave.

## 3. Roles and Responsibilities

### Manager Responsibilities

- Track annual leave taken in their team using MiSelf or the agreed method where their team does not have access to MiSelf.
- Remind their employees to take their annual leave regularly throughout the leave year.
- Consider annual leave requests promptly, fairly and consistently.
- Make every effort to agree annual leave requests, subject to reasonable notice and operational need.
- Remind their staff in October of each year to take their remaining annual leave entitlement for that year by the end of March.
- Apply the policy in line with the Council's equality and diversity commitments to provide equality of opportunity for all employees.

### Employee Responsibilities

- Be expected to take their full leave entitlement each year to ensure they have regular breaks from work.
- Give reasonable notice of their intention to take annual leave.
- Use the agreed methods for booking annual leave, either using the MiSelf portal or, for those with no access to MiSelf, the local arrangement for recording and taking leave.
- Only take leave that is authorised by their manager.

#### **4. Annual Leave**

##### **Definitions**

Statutory leave entitlement means 5.6 calendar weeks i.e. 28 days (pro rata for part-time employees). This is the equivalent to 5.6 weeks and includes paid leave taken on any bank/public holidays in line with the Working Time Regulations 1998. This is the legal minimum entitlement for full-time employees.

Contractual leave entitlement means any annual leave above the statutory leave entitlement that the employer chooses to offer its employees. The employer does not have to apply all the rules that apply to statutory leave to contractual leave. For example, a worker might need to be employed for a certain amount of time before they become entitled to it.

##### **Entitlements**

The annual leave year runs from 1st April to 31st March. The number of days' annual leave employees are entitled to take each year depends on their role and length of service. Annual leave entitlement can be found on MiSelf where it is shown in hours, or for those who do not have access to MiSelf, the manager can advise their employees of their individual entitlement.

Employees who start with the Council on or after April 1 2010 receive 25 days' annual leave and eight days for bank/public holidays or a pro rata equivalent if they work part-time. The eight days' bank/public holidays and 20 of the annual leave days make up the statutory entitlement; the remaining 5 of the annual leave days are the contractual entitlement. These are both pro rated for part-time employees.

Employees who joined the Council before April 1 2010, may have a different entitlement to annual leave which is 'protected', except where they have voluntarily accepted a new contract of employment or agreed to a variation in their contract of employment.

For employees that are craft workers, or have transferred from the NHS or another employer, their entitlement may be different.

These employees should consult their contract of employment for details and speak to their manager if they have any queries.



### Five years' service leave entitlement

Leave entitlement varies according to continuous service. After five years of working for the Council, employees will receive an extra five days' contractual annual leave (pro rata) on the anniversary of their appointment. If employees have protected continuous service with a former employer, this will count towards the five years' service and employees should consult their contract of employment for details. On the five year anniversary, employees will get a proportion of their new entitlement as follows for the rest of the year:

Date of 5th anniversary of appointment	Number of additional days' annual leave entitlement
1 April to 11 June	5
12 June to 8 August	4
9 August to 26 November	3
27 November to 15 January	2
16 January to 31 March	1

Following the 1st April after the 5th year anniversary, employees' annual leave entitlement will increase to 30 days (210 hours). This will be calculated proportionally for those who work part time or job share.

### Starters and Leavers

If employees start with the Council part-way through the leave year, their annual leave entitlement for the remainder of the leave year will be calculated on the number of completed months' service during the year. For the first 12 months of their employment, paid holiday entitlement will accrue at the monthly rate of one twelfth of the full year entitlement. Any part days will be rounded up to the nearest half day.

If employees leave the Council part-way through the leave year, they must take all their leave entitlement before their last day of service. Their annual leave entitlement will be calculated on the number of completed months' service during the year. If employees have taken more leave than they have accrued by their last day, they will be required to repay the cash value of the excess leave taken. This will be deducted from their final pay. They will only be paid for any outstanding leave that, for operational reasons, they were not allowed to take.

### Calculating annual leave entitlement

Employees can use the [annual leave calculator](#) to work out their entitlement - but must remember to use only whole months to calculate annual leave. If employees join or leave the Council part way through a month, it won't count towards their entitlement.

### Accruing annual leave

Employees accrue entitlement to annual leave in whole months as they accrue continuous service. Entitlement to annual leave continues to accrue even during some periods when employees are not receiving pay, for example during the unpaid period of maternity leave,

adoption or parental leave, or when entitlement to occupational sick pay has been exhausted. These examples are illustrative only and should not be regarded as exclusive or exhaustive.

However, where employees have been granted unpaid leave to enable a career break, undertake a sabbatical etc, they will not accrue annual leave. These examples are illustrative only and should not be regarded as exclusive or exhaustive.

#### **Payment during annual leave**

Employees will be paid at their full basic rate for all authorised absence on annual leave.

For those employees whose salary includes regular additional payments, for example, overtime payments, stand-by and call-out payments and flexibility payments, these will be included in the calculation for their statutory entitlement to annual leave (ie for the first 20 days). The calculation for authorised annual leave in these circumstances is based on their average weekly pay for the previous 52 weeks worked.

#### **5. Bank / Public Holidays**

Entitlement to leave on bank/public holidays is in addition to the annual leave entitlements referred to above.

There are normally 8 bank/public holidays in each year. These are:

- New Year's Day
- Good Friday
- Easter Monday
- May Bank Holiday
- Spring Bank Holiday
- Late Summer Bank Holiday
- Christmas Day
- Boxing Day

For permanent, full-time employees, during each leave year, they are entitled to paid leave for each of the 8 bank/public holidays referred to above as they occur.

For permanent, part-time employees, they are entitled to this leave awarded on a pro rata basis according to the number of contractual hours that they work in a normal week compared with a comparable full-time employee. All adjustments for bank/public holiday entitlements for part-time employees are taken into account in MiSelf.

For temporary, full-time employees, including those employed on a fixed-term contract, they are entitled to paid leave equivalent to that of a comparable permanent employee but only for those bank/public holidays which occur during their period of employment with the Council.

For temporary, part-time employees, their entitlement to bank/public holiday leave will also be as a proportion of the number of hours that they work in a normal week compared with a comparable full-time employee. All adjustments for bank/public holiday entitlements for part-time employees are taken into account in MiSelf.

If employees fall sick during a period of planned annual leave which includes a bank/public holiday and they were not scheduled to work, they will not be entitled to take that bank/public holiday leave at another time. If employees fall sick during a period of planned annual leave which includes a bank/public holiday and they were scheduled to work, they will be entitled to take one day's leave at another time provided that they notify their manager and follow the steps described in Section 8.

### **Religious holidays**

There is no automatic right to time off to observe religious holidays, but as an inclusive employer, wherever possible, managers will make every effort to accommodate annual leave requests that are for religious reasons while having regard to the operational needs of the Council. All employees, whatever their religion or belief, will be treated equally in this respect.

If employees wish to take time off during a religious festival or for religious observance, they must book annual leave using MiSelf. Employees are encouraged to discuss annual leave requirements associated with religion/a particular festival in advance (even if specific dates are not yet known). The Council is aware that some religious festivals are aligned with lunar phases and dates change from year to year. Therefore, in some cases, we acknowledge that staff will not be able to give as much notice (in terms of specific date) as others and managers will be more receptive to annual leave requests at short notice in these circumstances.

## **6. Booking Leave**

Holidays must be taken in agreement with line managers within the annual leave year, giving reasonable notice. Employees must not make any personal arrangements until their leave request has been approved. If an employee transfers from one Directorate to another and has already had their annual leave authorised on MiSelf, this approval will be honoured. If an employee is new to the Council and has pre-existing annual leave commitments, these will be honoured provided that this is declared on appointment.

Leave is booked using the MiSelf portal, or for those who do not have access to MiSelf, using the agreed method that is in place in their Service. Annual leave total is calculated by an employee's annual leave entitlement (eg 30 days per year) multiplied by their normal working day (eg 7 hours) = 210 hours leave. Annual leave entitlements for part time employees are allocated on a pro-rata basis.

Annual leave can be booked in full or half days. If employees' remaining leave is not equal to a full or even a half day, they will need to book it to start later or finish earlier one day.

Employees can only take a part working day off under these circumstances. To book this partial leave, employees must agree their start or finish time for that day with their manager.

To cancel or amend a leave request, this can be done on MiSelf (or if employees do not have access to MiSelf, the alternative, agreed arrangement for cancelling or amending leave) and the request will go to the line manager for approval.

Every effort will be made to meet a holiday request. However, there may be circumstances where line managers may turn down a holiday request due to operational needs or where there is not enough capacity within the Council to accommodate high levels of leave. Managers will make every effort to accommodate annual leave fairly and transparently and as far in advance as practicable.

The maximum annual leave normally granted for any one period of leave is 3 weeks, though managers will consider requests for longer periods of annual leave on an individual basis taking account of employees' personal circumstances and operational needs.

Where an employee requests that annual leave for that year be taken in one block, managers should refer the request to the Head of Service for authorisation. Such requests will normally be agreed provided that it is operationally feasible and that the employee states clearly in writing the date on which they will return to work.

If managers receive a large number of requests for annual leave at the same time, they will work with the team to find an equitable solution, taking account of operational requirements.

If employees take annual leave without prior authorisation from their manager, they could be liable to disciplinary action including the possibility of dismissal. Such unauthorised absence could result in employees losing pay for the period in question.

## **7. Annual Leave Carryover**

To help to maximise employees' health, safety and wellbeing, the Council encourage employees to use all of their entitlement to paid annual leave in each leave year. Managers will work with their teams throughout the annual leave year to ensure that they are using their annual leave, and in October of each year will remind employees that they will need to book and use any remaining annual leave entitlement before 31 March.

However, where employees have not taken the full amount and in exceptional circumstances, they may request the carry forward up to a maximum of one week's worth of contractual annual leave to the next leave year. The number of days in the one week carry forward will depend on the employee's working pattern. The statutory element of an employee's leave entitlement (i.e. 28 days for a full-time employee; pro rata for a part-time employee) cannot be carried forward to the following leave year.

The carry forward of contractual annual leave must be authorised by the Service Director when, for example, employees have been required to be in work due to operational pressures within their service or they have worked on a particular piece of work or project with strict timelines that prevented them from taking time off.

Employees will need to put this request in writing to their Service Director; if authorised, the Service Director will forward the authorised request to [employeelifecycle@manchester.gov.uk](mailto:employeelifecycle@manchester.gov.uk) so that the annual leave balance is adjusted on Mi Self for the following leave year.

Any annual leave carried over in these circumstances must be used by 30 April and will be automatically lost after that date.

Employees are not entitled to pay in lieu of annual leave not taken, except in some cases when they leave their employment with the Council.

Employees are entitled to carry forward more than one week's annual leave if:

- They have been on maternity, adoption or shared parental leave and were unable to take their statutory and contractual leave entitlement before the end of the leave year.
- They have been off sick for the majority or all of the leave year and have been unable to take their statutory annual leave entitlement within that leave year.

The entitlement to carry forward accrued, untaken annual leave as a result of sickness absence is limited to an employee's statutory entitlement under EU legislation of four weeks' annual leave (pro-rated for part-time employees). Once authorised, carried over leave must be taken within 18 months of the end of the annual leave year in which it was accrued. It can't be carried forward further. Any accrued, untaken, contractual leave entitlement cannot be carried forward.

If employees use all their annual leave entitlement and wish to book more annual leave for the same leave year, they should be referred to the [Annual Leave Purchase Scheme](#). Employees can't exceed their annual leave entitlement by using their entitlement for the next leave year in the current one.

## **8. Sickness Before or During Annual Leave**

Employees who are sick during planned annual leave have the right to request that the relevant days are recorded as sickness absence and to take those days as annual leave at another time when they are well. In these circumstances:

- The total period of sickness must be fully certificated by a self-certification form if for 7 calendar days or less and if more than 7 calendar days, by a qualified medical practitioner.

- Employees must contact their manager by telephone as soon as they know that there will be a period of sickness during their holiday.
- Employees can use MiSelf (or the agreed method where there is no access to MiSelf) to cancel or amend the part of their leave request that was affected by sickness and this will go to their manager for approval.
- Any holiday leave that is adjusted to sick leave will be treated in accordance with the Council's [Managing Attendance Policy](#).

#### **9. Annual Leave During Suspension Pending Disciplinary Proceedings**

If an employee has been suspended as part of a disciplinary investigation, the normal rules for booking and taking annual leave apply.

## Appendix B

### DRAFT FOR CONSULTATION

# Domestic Abuse Policy

<b>AUTHOR</b>	Human Resources and Organisational Development
<b>SCOPE</b>	<p>This policy applies to:</p> <ul style="list-style-type: none"> <li>• all employees of Manchester City Council, casual agency workers and consultants</li> <li>• staff deployed to the Manchester Local Care Organisation (MLCO)</li> <li>• employees on secondment outside of the council but who remain on Manchester City Council terms</li> </ul> <p>This policy does not apply to:</p> <ul style="list-style-type: none"> <li>• school employees</li> </ul>
<b>PURPOSE</b>	The purpose of this policy is to set out the Council's position to all employees in relation to employees experiencing domestic abuse
<b>APPROVAL</b>	In Consultation
<b>REVIEW</b>	The policy will usually be reviewed every 3 years, but may be reviewed sooner if there are changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

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## 1. Introduction

The Council is committed to ensuring the health, wellbeing and safety of its employees and workers. Any employee or worker who experiences domestic abuse should be able to raise the issue at work, without fear of stigmatisation or victimisation. Employees and workers should be appropriately supported within the workplace and guided to access any advice and specialist services they may need.

The Council recognises that domestic abuse occurs in every social class and across all age groups, regardless of gender, sexuality, disability, race or religion.

The Council's commitment here extends to assisting employees and workers who may need to provide support to a family member or close friend who is experiencing such abuse.

The Council believes that all forms of domestic abuse are unacceptable and is committed to providing a safe and secure working environment.

- This policy adopts the same principles as Manchester's Domestic Abuse Strategy, which aims to prevent abuse and promote healthy relationships, identify abuse and intervene as early as possible and support victims/ survivors' recovery.

The Council is committed to ensuring that all employees and workers, not just those experiencing domestic abuse, are aware of its position in this area, including the implications for employees and workers who are perpetrators of domestic abuse. The Council takes a zero-tolerance approach to discrimination of any kind and is committed to raising awareness of domestic abuse and providing training to employees.

As an organisation, the Council is committed to the Work to Stop Domestic Abuse campaign<sup>1</sup>. We fully recognise that for many people, the workplace is not just a vital source of independent income but can also be a source of support, which enables staff to be safe at home and at work. Everyone has a responsibility to end domestic abuse and as an organisation, we will commit to the following actions:

- Train managers how to best support staff members experiencing domestic abuse
- Ensure that all staff have access to the domestic abuse in the workplace guidance
- Every staff member will have access to our Domestic Abuse Policy and we will actively take steps to ensure it is adhered to
- Commit to reviewing and monitoring this policy on a regular basis
- Display domestic abuse national and local support/advice in workplaces across the organisation
- Sign up to GMB Union's 'Work to Stop Domestic Abuse' Charter

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<sup>1</sup> <https://www.gmb.org.uk/campaign/domestic-abuse-charter>

This policy is supported by detailed guidance and is rooted in the nationally accredited 'four Rs' approach, namely:

- Recognise – recognize the problem and enable managers and employees to understand that domestic abuse is a workplace issue everyone can play a part in tackling
- Respond – put policies and processes in place that enable a supportive workplace that will respond positively to disclosure
- Refer – provide access to confidential internal support and signpost appropriately to external organisations that can help employees who disclose abuse
- Record – capture the detail of what is said and record as accurately as possible. This may help the employee should the abuse become subject to criminal proceedings

## **2. Policy Aims**

Through the application of this policy and the associated supporting guidance the Council aims to:

- Ensure that all employees and workers who ask for help in addressing domestic abuse issues are able to access appropriate advice and support.
- Ensure that all managers can access guidance on how to support and assist employees and workers asking for help in relation to domestic abuse and are aware of how to support and advise employees and workers who may be perpetrators of domestic abuse.
- Provide confidence to employees and workers seeking assistance that their situation will be handled sympathetically and confidentially.
- Reduce absence from work resulting from domestic abuse and have a positive impact on employees' mental and physical health and wellbeing. This includes staff who are supporting family members with domestic abuse.

## **3. Legal Obligations**

The Council understands that all of its employees and workers have the right to feel safe within their working environment. The Council recognises its legal responsibilities in promoting the health, safety and well-being of its employees and workers in line with the:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1992
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- Health and Safety (Consultation with Employees) Regulations 1996
- Serious Crime Act 2015
- Human Rights Act 1998
- Local Government Act 2000
- Crime and Disorder Act 1998
- Domestic Violence, Crime and Victims Act 2004

- Protection from Harassment Act 1997
- Domestic Abuse Act 2021.

#### **4. Definition of Domestic Abuse**

The Council adopts the definition of domestic abuse outlined in the Domestic Abuse Act 2021, which makes clear that behaviour towards another person is domestic abuse if each of those persons are aged 16 or above and if they are personally connected and consists of any of the following.

- Physical or sexual abuse
- Violent or threatening behaviour
- Controlling or coercive behaviour
- Psychological, emotional or other abuse
- Economic abuse (defined as any behaviour that has a substantial adverse effect on the victim's ability to i) acquire, use or maintain money or other property, or ii) obtain goods or services

Behaviour of the perpetrator may be considered to be abusive towards the victim despite it consisting of conduct directed at another person, for example the victim's child.

This definition includes honour-based abuse, female genital mutilation and forced marriage, and is clear that victims are not limited to one protected group as outlined in the Equalities Act 2010. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, faith or belief, sex, and sexual orientation.

What constitutes domestic abuse is commonly misunderstood, and it is important to remember that no single act defines it; there are a wide range of activities and behaviours that amount to domestic abuse which are often dangerous and can be life-threatening.

Some examples of these are:

##### **Controlling behaviour**

This is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour

**Coercive behaviour**

This is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

**Harassment**

This is a crime involving behaviour that takes place more than once, and the perpetrator's actions must have an unwanted effect on the victim. Under the Protection from Harassment Act 1997, it is an offence for a person to pursue a course of conduct that amounts to harassment of another person, and that they know (or ought to know) amounts to harassment. The Act defines harassment and states: "References to harassing a person include alarming the person or causing the person distress." A 'course of conduct' in the case of harassment of a single person must involve conduct on at least two occasions.

**Stalking**

There is no specific legal definition of stalking. However, it is helpful to know that in cases of stalking there is a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress.

Any incidents of abuse experienced by Council staff from those who they interact with in their role but are not personally connected should be dealt with through the [Third Party Abuse and Harassment Policy](#).

**5. Support for Individuals who are Experiencing Domestic Abuse**

The Council will provide support to employees and workers who are or have experienced domestic abuse or who are supporting a friend or family member who has experienced domestic abuse. Those providing support should address the issue sympathetically, ensuring that the employee or worker is aware that support and assistance is available where requested.

The Council will work to create an environment which supports disclosure and reassures employees and workers that they will be listened to and supported. Those supporting employees and workers should also be aware that, typically, an individual who is experiencing domestic abuse will experience abuse for a considerable time before feeling able to disclose this to someone.

Managers are expected to signpost and encourage employees and workers to access the sources of support available to them. These may include: access to the Employee Assistance Programme, access to counselling, referral to appropriate domestic abuse services and discussing any safeguarding concerns. Incidents of domestic abuse that result in harassment or unwanted contacts at work can be reported using the [Abuse and Harassment Form](#).

Other support options that will be considered on a case by case basis are:

- Temporary or permanent changes to working times and patterns.
- Changes to specific duties, for example to avoid potential contact with an abuser.
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls.
- Using other existing policies, including [Flexible Working](#).
- Access to ten days' Safe Leave in accordance with our [Special Leave Policy](#).

The Council recognises that employees may need to take time off from work to make arrangements or attend relevant appointments, including attending medical appointments and counselling; attending legal proceedings and arranging housing or childcare. Where appropriate, managers should support the use of paid safe leave in line with the Council's Special Leave Policy.

Employees and workers should be provided time during work to contact any support service they require. Please see the [Managers' Checklist](#) for further information.

All advice, information and support will remain confidential. No information or documentation will be disclosed without the express consent of the employee or worker unless there is an immediate child protection or vulnerable adult safeguarding concern, in which case a referral to the appropriate child or adult safeguarding hub of the relevant borough may be necessary.

In cases where the employee or worker has expressed a safeguarding concern or where the incident may impact their job role or responsibilities, the HR Casework team must be informed.

If you are concerned that the employee is at risk of significant harm from Domestic Abuse and they are a resident of Manchester, then the Manchester Domestic Abuse Advice and Referral Form should be completed and sent to [communitysafety@manchester.gov.uk](mailto:communitysafety@manchester.gov.uk). This will be screened and uploaded and depending on the level of risk, the referral may either be directed to local support services for attention or forwarded for consideration at the Multi Agency Risk Assessment Conference (MARAC). The employee should be made aware that there is a duty to disclose the information to relevant services because of the risk of significant harm.

For colleagues who reside in other areas, please contact the Community Safety Team via email: [communitysafety@manchester.gov.uk](mailto:communitysafety@manchester.gov.uk). Officers will be able to assist with referrals to neighboring authorities and the relevant processes.

In cases where a safeguarding concern has been identified or an incident of Domestic Abuse with the employee may conflict with their job role or responsibilities, the HR Casework team must be informed.

For further information on the support available, please see the [Domestic Abuse Guidance](#) and the [services available to victims of domestic abuse](#).

## 6. Perpetrators of Domestic Abuse

The Council will treat all employees and workers who disclose committing domestic abuse sensitively and fairly. Advice should be sought from the HR Casework Team in all circumstances. Incidents of domestic abuse that result in harassment or unwanted contacts at work can be reported using the [Abuse and Harassment Form](#).

Domestic abuse is in contravention of the [Employee Code of Conduct](#) and may be subject to disciplinary action, which if proved may lead to dismissal. Where a perpetrator makes a disclosure of committing domestic abuse, a risk assessment must be completed, taking into account:

- The nature of the disclosure;
- Job role –the impact of the employee’s actions on their duties and responsibilities;
- Any safeguarding issues that arise;
- The employee’s work location;
- The impact on the victim or his/her dependents; and
- Whether the employee has voluntarily sought help to deal with the issue.

Employees and workers who disclose having committed domestic abuse will be offered advice and support regarding [appropriate services for victims of domestic abuse available](#).

All employees and workers should be aware that domestic abuse is a serious matter that could also lead to criminal convictions.

In cases where both the victim and the perpetrator of domestic abuse work in the organisation, advice should be sought from the HR Casework team immediately and the appropriate action will be taken. Proven harassment and intimidation of Council employees by their partner or ex-partner or family member who also works for the Council will be viewed seriously and may lead to disciplinary action being taken. This includes improper use of email to receive or transmit material that is designed to or is likely to cause inconvenience or distress, or to create, receive or transmit any defamatory material. If any of the circumstances detailed above are brought to a manager’s attention, advice should be sought from the HR Casework team.

All advice, information and support provided by managers and the HR Casework team will remain confidential. No information or documentation will be disclosed without the express consent of the employee unless there is an immediate child protection or vulnerable adult safeguarding concern, in which case a referral to the appropriate child or adult safeguarding hub of the

relevant borough may be necessary or unless a disciplinary process has been initiated, in which information will be shared in line with the disciplinary policy.

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## Appendix C

### DRAFT FOR CONSULTATION

# Special Leave Policy

<b>AUTHOR</b>	Human Resources and Organisational Development
<b>SCOPE</b>	<p>This policy applies to:</p> <ul style="list-style-type: none"> <li>employees of Manchester City Council</li> <li>staff deployed to the Manchester Local Care Organisation (MLCO)</li> <li>employees on secondment outside of the council but who remain on Manchester City Council terms</li> </ul> <p>This policy does not apply to:</p> <ul style="list-style-type: none"> <li>school employees</li> </ul>
<b>PURPOSE</b>	The purpose of this policy is to set out the Council's rules in relation to special leave
<b>APPROVAL</b>	<p>N/A - this document in consultation only</p> <p>Previous version approved by Personnel Committee 25 March 2020</p>
<b>REVIEW</b>	The policy will usually be reviewed every 3 years, but may be reviewed sooner if there are changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

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## 1. Policy Aims

The Council recognises that on occasion employees may need access to short term leave outside of standard leave arrangements (e.g. annual leave/flexi leave) to support them when balancing work and personal responsibilities. The aim of this policy is to explain the circumstance in which employees can apply for paid and unpaid special leave and sets out the principles for special leave to be approved.

Special leave is time off work, which may be paid or unpaid, and is granted to employees for urgent personal or domestic reasons in circumstances that are not covered by any other policy.

This policy does not cover public duties such as jury service and school governor duties. These provisions are covered separately under [public duties and other leave](#).

This policy does not cover [Unpaid Parental Leave](#) which can be used if an employee needs time off work to look after children, arrange new childcare, or accompany children to appointments. The Council allows employees to take Unpaid Parental Leave on short notice in an urgent situation.

This policy sits alongside other options for requesting time off to assist in achieving an appropriate balance between meeting the needs of employees and maintaining service provision. These include the [Flexible Working Policy](#), the [Annual Leave Policy](#), the [Career Break Policy](#), the [Military Reservist Policy](#) and [time off for volunteering responsibilities](#).

## 2. Equality

Manchester City Council is committed to becoming a fair and inclusive employer with a workforce that is representative of the communities we serve.

The aim of this policy is to ensure that there are fair and objective arrangements in place to manage all requests for paid and unpaid special leave. The Council takes a zero tolerance approach to discrimination of any kind and is committed to monitoring special leave requests to understand the equality impact and to make sure all are being dealt with in a consistent way.

## 3. Roles and Responsibilities

### Manager Responsibilities

Managers will:

- consider requests for special leave promptly, fairly and consistently.
- be empathetic to requests for special leave taking account of individual circumstances.
- record all applications for special leave, whether approved or declined.
- where requests are for paid special leave or unpaid leave over 6 days, declare on SAP that they have agreement from the Head of Service or Nominated Approving Senior Manager when approving

- apply the policy in line with the Council's equality and diversity commitments to provide equality of opportunity for all employees.

### **Employee Responsibilities**

Employees will:

- inform their manager as soon as reasonably practicable that they intend to apply for special leave.
- consider other methods of taking time off work before applying for special leave.
- use MiSelf to book all requests for Special Leave. Offline staff should use the [Special Leave Form on the intranet](#).
- tell their manager if they've taken special leave for reasons other than in the original request, or their circumstances change during the leave period.

## **4 Definitions**

For the purposes of the Special Leave provisions, the following definitions shall be used:

### **Dependant**

Acas defines a dependant as:

- someone who depends on the employee for care.
- a dependant could be a spouse, partner, civil partner, child, parent, a person who lives in their household (not tenants, lodgers or employees) or
- someone else who depends on the employee, for example an elderly neighbour.

### **Partner**

- For the purpose of Special Leave Policy this is any partner in marriage, or within a common law relationship, who relies on the employee for domestic support during times of crisis.

### **Relative**

- For the purpose of Special Leave Policy this is a blood relative as well as a step relative, and anyone related through marriage, civil partnership, adoption, or fostering.

### **Carer**

The Carers Trust defines a carer as:

- Anyone who cares, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support.

The Council acknowledges that different cultural and family obligations may impact on the amount of time off that employees request under this policy. The Council will be sympathetic to individual circumstances if employees request time off for personal or family reasons and obligations which fall outside the definitions above.

## **5 Authorisation**

Employees are not automatically entitled to special leave, rather it is granted at the discretion of individual authorised managers up to a maximum of six days paid or unpaid special leave in any twelve month period. Where more than six days special leave are sought, the level of authorisation required for special leave is as follows:

- 6 days or less in 12 months (unpaid) – Line manager
- 6 days or less in 12 months (paid) - Head of Service or Nominated Approving Senior Manager
- More than 6 days in 12 months (unpaid or paid) - Head of Service or Nominated Approving Senior manager

## **6 Consideration of Request**

Special Leave will normally be unpaid, however there are circumstances where paid special leave can be granted as described below.

Each application will be considered on a case by case basis, taking into account all of the individual employee's circumstances.

Normally documentary evidence should be provided in support of every application except where, in the judgement of the manager, this would be inappropriate or insensitive. Documentary evidence should not be requested in circumstances where it is impractical for the employee to provide it, such as for urgent caring responsibilities.

Any charges made to the employee in order to provide medical documentation will be fully reimbursed.

## **7 Circumstances Where Special Leave may be Granted**

### **Leave to attend medical appointments**

It is acknowledged that it is not always possible to arrange medical appointments at specific times, and the manager should be sympathetic to individual circumstances, allowing reasonable time off from work when staff have medical appointments in work time. Where possible, all prearranged hospital, doctor, dental and other similar appointments should be attended in the employee's own time, or arranged at such a time that it will cause the minimum amount of absence from work, e.g. at the start or end of the day. Time off to attend an appointment will normally require:

1. the production of a relevant appointment card or other documentary evidence, and
2. attendance at work prior to and/or after the appointment if practical.

An agreement should be reached in advance with the employee as to how the time off will be accounted for. The line manager must be reasonable and flexible, whilst also ensuring that service delivery is not compromised.

The employee should be given the option of using flexitime, TOIL, or working from home where appropriate. If the appointment is equivalent to taking half a day or more then flex leave, annual leave or unpaid special leave should be considered.

N.B. Paid special leave may be authorised for the following:

- appointments in relation to a pregnancy-related illness;
- appointments for a disability related reason; or
- appointments where the employee can demonstrate that the appointment cannot be arranged outside of normal working hours.

These arrangements and criteria also apply to situations where the employee needs to accompany a sick dependant on visits to the hospital, dentist, doctor, or other similar appointment.

### **Carers**

Managers should recognise and be sympathetic to the position of employees who need time off to care for dependants.

Examples of situations where a carer could be entitled to take time off include:

- a dependant falling ill
- a dependant being injured or assaulted
- a dependant having a baby
- issues around a dependant's care arrangements
- supporting a dependant during a medical appointment

When a carer urgently requires time off work to support a dependant in a situation that is beyond their control, and normal caring arrangements are insufficient, then paid special leave may be granted.

For other caring situations, such as pre-arranged appointments, special leave will normally be unpaid (see criteria above).

In cases where a dependant is looked after by more than one carer who works for Manchester City Council, only one employee will be granted leave except in circumstances of a serious operation, terminal illness or death of a dependant.

Where an employee needs to take time off to care for a sick dependant it is not acceptable for the employee to take sick leave, they must in the first instance consider using annual, flex-leave or toil before applying for special leave.

### **Foster Carers**

The Council is supportive of Looked After Children and the foster carers who look after them. The Council understands that foster carers who work in addition to fostering for the Council need some flexibility in their working arrangements in order to meet the needs of their fostered child and to maintain their own well-being. We want to encourage staff to consider fostering for the Council and when they do, to provide appropriate support. We will do this, wherever possible, by creating a fostering friendly organisation that offers flexible working arrangements which respond to the needs of all MCC foster carers or approved kinship carer employees.

Up to ten days' paid special leave in any 12 month period will be authorised to support employees who are:

- going through the application process to become a foster carer, as part of the fostering assessment process.
- foster carers in order to attend training related to their position as foster carers, or during the process to become a foster carer
- called to attend to an emergency regarding a looked after child in their care and/or
- called to attend meetings, panels, hearings, support groups or any other key events or activities in support of foster children and young people in their care.

Any reasonable request for unpaid special leave from foster carers and prospective foster carers in relation to their care of a looked after child, or during the process to become foster carers, should normally be authorised.

The Council also recognizes that when employees are going through the fostering approval process or fostering, they may need additional flexibility, especially when a child is initially placed and when issues arise. We have lots of ways of supporting and the following can be considered as appropriate:

- Flexi-Time Scheme
- Flexible Working.
- Remote Working.
- Career Break.
- Annual Leave Purchase Scheme.

### **Bereavement**

Managers should grant paid special leave to employees who require time off on the death of a close family member, partner or dependant to make funeral arrangements, including attendance at the funeral and to attend to probate matters. The number of days approved will depend on the context, for example, the location of the funeral, particularly if it is outside the UK, and the extent to which the employee is responsible for funeral arrangements.

### 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 paid Special Leave.

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:

- a child's parent, including natural, adoptive and those who have become a parent(s) under statutory provisions on surrogacy and fertility treatment;
- 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;
- a person with whom a child has been placed for adoption as long as that placement has not been terminated;

- 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;
- 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;
- 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
- 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 within a period of 56 weeks from the child’s death. No notice will be required for leave taken within two weeks after the date of the death. If leave is taken after this initial period, at least one week’s notice should normally be given.

#### **Disability Related Special Leave (DRSL)**

Managers must recognise the need to support disabled employees who are not sick, but need to be absent during working hours for rehabilitation, assessment or treatment. DRSL is a reasonable adjustment under the provisions of the Equality Act 2010, and is aimed at enabling disabled employees to attend work and sustain long term employment.

DRSL is paid leave. As with any paid special leave, it must be authorised by Head of Service or a nominated approver. However, if DRSL is required as a supportive measure, then any reasonable request should not be refused.

A manager receiving an application for DRSL will pay due regard to confidentiality and sensitivity in relation to the employee’s self-declaration of a disability or impairment. Where appropriate, the manager can request evidence of an appointment or treatment as part of the application process.

Wherever possible, agreement will be reached in advance in respect of the amount of DRSL to be granted, for example to attend future planned appointments. However, there will be circumstances where DRSL can be retrospectively awarded when it should have been used instead of sick or annual leave absences.

Where practical, managers should minimise the number of DRSL applications that need to be submitted. For example, where an employee needs to attend a number of appointments over time, an ‘allowance’ of DRSL may be mutually agreed in advance by the employee and the manager. This can then be drawn upon as and when is required, as an alternative to individually applying for DRSL for each appointment.



DRSL, unlike standard special leave, includes the provision where it can be granted in hours as well as half days and full days. This also applies to allowances of DRSL that are agreed in advance.

Some examples of reasons for granting DRSL include (but are not limited to):

- Hospital or doctor appointments.
- Hospital treatment as an outpatient.
- Assessment (i.e. a professional assessment by a medical practitioner or recognised body, to determine an appropriate course of action, equipment or other appropriate aids).
- Counselling.
- Therapeutic treatment.
- Physiotherapy.
- Rehabilitation.
- Adjustment to new medication.

Decisions on approving DRSL should be based on careful consideration of the individual's circumstances, any medical advice received, legal duties under the Equality Act 2010, and the impact of the absence on operational requirements and service delivery. In making decisions about DRSL managers should also consider what approach would be most likely to enable an individual to sustain their employment and attendance.

### **Safe Leave**

If you are experiencing domestic abuse, the Council recognises that you may need to take time off from work to flee the abusive relationship, make arrangements or attend relevant appointments, including attending medical appointments and counselling; attending legal proceedings and arranging housing or childcare. Where appropriate, your manager should support and authorise the use of up to ten days' paid special leave in any 12 month period. Further information is available in the Council's [Domestic Abuse Policy](#).

### **Visits Abroad – Extended Leave**

Employees may be granted up to three months' unpaid special leave in order to visit relatives or friends in other countries in special circumstances, such as a pilgrimage or to attend a funeral, but not to undertake paid work. Approval is subject to maintaining service provision without need for a temporary replacement.

Managers should be sensitive to the perspectives of different cultures, and be mindful that in some cases a funeral may involve a visit abroad.

If the employee's request is to visit family outside the UK for reasons of ill health or death, managers will be compassionate towards their staff member's individual situation while taking into account the needs of the service. Where an employee submits a request for special leave for the purposes of visiting relatives or friends abroad, services should agree to such requests where operational needs permit. This is subject to the service not incurring an additional cost in requiring a temporary replacement. The employee must state clearly in writing the date on which they will return to work and an appropriate means of contact must be agreed in advance between the employee and their manager.

If more than three months leave is required then the Council's Career Break Policy, which normally allows for breaks between 6 months and 2 years in duration, may be applicable.

Subject to review

### **In Vitro Fertilisation (IVF) treatment**

Whilst undertaking IVF treatment, employees and their partners will need to attend consultation with medical professionals and attend the hospital and clinic at various stages. They may also have counselling during and after the process. Unpaid special leave can be granted for IVF related appointments, which should be treated in the same way as any other medical appointment, with consideration given to use of annual leave, flex leave and time off in lieu in the first instance.

If an employee requires time off to support their partner for a planned IVF appointment that is known about in advance, then unpaid special leave will be considered.

### **Gender Reassignment**

In the UK a person is allowed to change their personal details and to live as the opposite sex to that recorded at birth. The Gender Reassignment process is commonly referred to as 'transitioning.' Transgender people may also undergo medical treatment, which can include hormone therapy and surgery. This is only provided following careful assessment by medical professionals, and the process may take some time.

Unpaid special leave may be granted for medical appointments and counselling before and/or after medical treatment. Applications should be treated in line with any other reason for special leave i.e. with consideration of annual leave, unpaid leave, flexitime etc. In keeping with special leave criteria all pre-arranged hospital and doctor's appointments should, wherever possible, be attended in the employee's own time.

Each case will be considered on an individual basis and will clearly demonstrate to all involved the Council's support for employees undergoing gender reassignment. Managers must seek to support the wishes of the employee so far as is reasonably practicable. In the event that an employee makes their manager aware that they are contemplating gender reassignment the manager must deal with the issue in a confidential and sensitive manner.

Managers are advised to have a conversation with the employee in order to establish a potential timetable of events, this will help determine the amount of time off the employee may need. Occupational Health and the Employee Assistance Programme are available to provide confidential advice to both the employee and manager to support the process.

## **8 Applications for Special Leave**

Special Leave must be authorised in line with Section 5.

It is recognised that in many cases the completion of documentation often follows the absence. In such circumstances the absence should initially be recorded as annual or flex leave and subsequently amended as appropriate. Where there is concern about veracity of a request the manager should ask for documentary evidence, but act with due sensitivity according to the employee's circumstances.

Where Special Leave is taken for purposes other than those stated within the application, or circumstances relating to the application change during the period of Special Leave and are not notified to the line manager immediately, disciplinary action may be taken which, dependent upon the circumstances, could result in summary dismissal.

Records should be kept detailing requests for special leave in order for the Council to process these requests in line with the Data Protection Act 1998 which allows the release of data held about individuals on their request ([subject access requests](#)).

All relevant correspondence should be retained and kept confidential in accordance with GDPR (General Data Protection Regulation) requirements and the Council's [retention schedule](#).

## **9 Monitoring**

It is essential that special leave is accurately recorded in all situations where paid or unpaid leave is granted or refused. Heads of Service should work to be aware of the circumstances of how special leave is taken within the service for monitoring purposes.

## **10 Impact on Pension When Taking Special Leave**

When employees take authorized special leave under this policy, their continuous service is not affected and contractual entitlements, for example, annual leave, will accrue as normal.

Whilst employees are taking authorized, 'paid' special leave, the Council will continue to deduct pension contributions should the employees be members of the pension scheme.

Whilst on any type of authorized, 'unpaid' special leave, contributions to the pension schemes will cease. This means that employees will lose membership for this period unless they repay contributions in accordance with their pension scheme's rules. Contact [employeelifecycle@manchester.gov.uk](mailto:employeelifecycle@manchester.gov.uk) for more details.

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# APPENDIX D

# Domestic Abuse Policy

HR PolicyHROD

October 2019



MANCHESTER  
CITY COUNCIL

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[www.manchester.gov.uk](http://www.manchester.gov.uk)



MANCHESTER  
CITY COUNCIL

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Document Control			
Date effective from	October 2019	Owner	HR Policy, HROD
Approval Date	16 October 2019	Approval By	Personnel Committee
Review date	Three years from the date of approval (or earlier where there is a change in the applicable law)		

## Introduction

- 1.1 The Council is committed to ensuring the health, wellbeing and safety of its employees and workers. Any employee or worker who experiences domestic abuse should be able to raise the issue at work, without fear of stigmatisation or victimisation. Employees and workers should be appropriately supported within the workplace and guided to access any advice and specialist services they may need.
- 1.2 The Council recognises that domestic abuse occurs in every social class and across all age groups, regardless of gender, sexuality, disability, race or religion.
- 1.3 The Council's commitment here extends to assisting employees and workers who may need to provide support to a family member or close friend who is experiencing such abuse.
- 1.4 The Council believes that all forms of domestic abuse are unacceptable and is committed to providing a safe and secure working environment.
- 1.5 This policy adopts the same principles as Manchester's 'Delivering Differently' Domestic Violence and Abuse Strategy, which aims to reduce the number of incidents of domestic abuse in Manchester by 2020 and increase the safety of those experiencing domestic abuse.
- 1.6 The Council is committed to ensuring that all employees and workers, not just those experiencing domestic abuse, are aware of its position in this area, including the implications for employees and workers who are perpetrators of domestic abuse.
- 1.7 This policy is supported by detailed [guidance](#).

## Scope

- 2.1 This policy covers Manchester City Council employees, casual and agency workers and consultants, but excludes staff directly employed by schools.

## Aims

- 3.1 Through the application of this policy and the associated supporting guidance the Council aims to:
- Ensure that all employees and workers who ask for help in addressing domestic abuse issues are able to access appropriate advice and support.
  - Ensure that all managers can access guidance on how to support and assist employees and workers asking for help in relation to domestic abuse and are aware of how to support and advise employees and workers who may be perpetrators of domestic abuse.
  - Provide confidence to employees and workers seeking assistance that their situation will be handled sympathetically and confidentially.
  - Reduce absence from work resulting from domestic abuse and have a positive impact on employees' mental and physical health and wellbeing. This includes staff who are supporting family members with domestic abuse.

### Legal Obligations

- 4.1 The Council understands that all of its employees and workers have the right to feel safe within their working environment. The Council recognises its legal responsibilities in promoting the health, safety and well-being of its employees and workers in line with the:

- Health and Safety at Work Act 1974
- Serious Crime Act 2015
- Human Rights Act 1998
- Local Government Act 2000
- Crime and Disorder Act 1998
- Domestic Violence, Crime and Victims Act 2004.

## Definition of Domestic Abuse

- 5.1 The Council adopts the definition of domestic abuse outlined by the Home Office which makes clear that domestic abuse relates to any incident or pattern of incidents of some or all of the following: controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- physical
- emotional
- psychological



- sexual
- financial

This definition includes honour-based abuse, female genital mutilation and forced marriage, and is clear that victims are not confined to one gender, religion or ethnic group.

What constitutes domestic abuse is commonly misunderstood, and it is important to remember that no single act defines it; there are a wide range of activities and behaviours that amount to domestic abuse which are often dangerous and can be life-threatening.

Some examples of these are:

### 5.2 Controlling behaviour

This is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

### 5.3 Coercive behaviour

This is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

### 5.4 Harassment

This is a crime involving behaviour that takes place more than once, and the perpetrator's actions must have an unwanted effect on the victim.

Under the Protection from Harassment Act 1997, it is an offence for a person to pursue a course of conduct that amounts to harassment of another person, and that they know (or ought to know) amounts to harassment. The Act defines harassment and states: "References to harassing a person include alarming the person or causing the person distress." A 'course of conduct' in the case of harassment of a single person must involve conduct on at least two occasions.

### 5.5 Stalking

There is no specific legal definition of stalking. However, it is helpful to know that in cases of stalking there is a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress.

## Support for Individuals who are Experiencing Domestic Abuse

- 6.1 The Council will provide support to employees and workers who are or have experienced domestic abuse or who are supporting a friend or family member who has experienced domestic abuse. Those providing support should address the issue sympathetically ensuring that the employee or worker is aware that support and assistance is available where requested.

6.2 The Council will endeavour to create an environment which supports disclosure and reassures employees and workers that they will be listened to and supported. Those supporting employees and workers should also be aware that, typically, an individual who is experiencing domestic abuse will experience abuse for a considerable time before feeling able to disclose this to someone.

6.3 Managers are expected to signpost and encourage employees and workers to access the sources of support available to them. These may include: access to the Employee Assistance Programme, access to counselling, referral to appropriate domestic abuse services and discussing any safeguarding concerns.

Other support options that will be considered on a case by case basis are:

- Temporary or permanent changes to working times and patterns.
- Changes to specific duties, for example to avoid potential contact with an abuser.
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls.
- Using other existing policies, including Flexible Working.

6.4 The Council recognises that employees may need to take time off from work to make arrangements or attend relevant appointments, including attending medical appointments and counselling; attending legal proceedings and arranging housing or childcare. Where appropriate, managers should support the use of paid special leave in line with the Council's Special Leave Policy.

6.5 Employees and workers should be provided time during work to contact any support service they require. Please see the [Managers Checklist](#) for further information.

6.6 All advice, information and support will remain confidential. No information or documentation will be disclosed without the express consent of the employee or worker unless there is an immediate child protection or vulnerable adult safeguarding concern, in which case a referral to the appropriate child or adult safeguarding hub of the relevant borough may be necessary.

6.7 In cases where the employee or worker has expressed a safeguarding concern or where the incident may impact their job role or responsibilities, the HR Casework team must be informed.

6.8 If you are concerned that the employee is at risk of significant harm from Domestic Abuse, then the [Manchester Domestic Abuse Advice and Referral Form](#) should be completed and sent to [communitysafety@manchester.gov.uk](mailto:communitysafety@manchester.gov.uk). This will be screened and uploaded for consideration at the Multi Agency Risk Assessment Conference (MARAC).

6.9 In cases where a safeguarding concern has been identified or an incident of Domestic abuse with the employee may conflict with their job role or responsibilities, the [HR Casework team](#) must be informed.

6.10 For further information on the support available, please see the [Domestic Abuse Guidance](#) and the [contact information sheet](#).

## Perpetrators of Domestic Abuse

7.1 The Council will treat all employees and workers who disclose committing domestic abuse sensitively and fairly. Advice should be sought from the [HR Casework Team](#) in all circumstances.

- 7.2 Domestic abuse is in contravention of the Employee Code of Conduct and may be subject to disciplinary action, which if proved may lead to dismissal. Where a perpetrator makes a disclosure of committing domestic abuse, a risk assessment must be completed, taking into account:
- The nature of the disclosure;
  - Job role – the impact of the employee’s actions on their duties and responsibilities;
  - Any safeguarding issues that arise;
  - The employee’s work location;
  - The impact on the victim or his/her dependents; and
  - Whether the employee has voluntarily sought help to deal with the issue.
- 7.3 Employees and workers who disclose having committed domestic abuse will be offered advice and support regarding appropriate services available. Please see the [contact information](#) for full details.
- 7.4 All employees and workers should be aware that domestic abuse is a serious matter that could also lead to criminal convictions.
- 7.5 In cases where both the victim and the perpetrator of domestic abuse work in the organisation, advice should be sought from the [HR Casework team](#) immediately and the appropriate action will be taken.
- 7.6 All advice, information and support provided by managers and the HR Casework team will remain confidential. No information or documentation will be disclosed without the express consent of the employee unless there is an immediate child protection or vulnerable adult safeguarding concern, in which case a referral to the appropriate child or adult safeguarding hub of the relevant borough may be necessary or unless a disciplinary process has been initiated, in which information will be shared in line with the disciplinary policy.

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## APPENDIX E

# Special Leave Policy

HROD Policy Team

HROD

Revised April 2020



**MANCHESTER**  
**CITY COUNCIL**

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## Document Control

<b>Date effective from</b>	1 April 2020	<b>Owner</b>	HROD Policy Team
<b>Approval Date</b>	25 March 2020	<b>Approval By</b>	Personnel Committee
<b>Review date</b>	Three years from the date of approval (or earlier where there is a change in the applicable law)		

## Introduction

- 1.1 The Council recognises that on occasion employees may need access to short term leave outside of standard leave arrangements (e.g. annual leave/flexi leave) to support them when balancing work and personal responsibilities.
- 1.2 Special leave is time off work, which may be paid or unpaid, and is granted to employees for urgent personal or domestic reasons in circumstances that are not covered by any other policy.

## Purposes

- 2.1 This policy covers the circumstances where special leave would normally be used by employees, and sets out the principles for special leave to be approved.
- 2.2 This policy aims to ensure that special leave, alongside the other flexible working options set out in Flexible Working Policy, assists in achieving an appropriate balance between meeting the needs of employees' individual circumstances and maintaining service provision.

## Scope

- 3.1 These arrangements cover employees of Manchester City Council, excluding staff directly employed by schools, who make a request for Special Leave.
- 3.2 This policy does not cover public duties such as jury service and school governor duties. These provisions are covered separately under [public duties and other leave](#).
- 3.3 This policy does not cover [Unpaid Parental Leave](#) which can be used if an employee needs time off work to look after children, arrange new childcare, or accompany children to appointments. The Council allows employees to take Unpaid Parental Leave on short notice in an urgent situation.

## Definitions

- 4.1 For the purposes of the Special Leave provisions, the following definitions shall be used:

### 4.1.1 Dependant

Acas defines a dependant as:

- Someone who depends on the employee for care.
- A dependant could be a spouse, partner, child, parent, or someone else who depends on the employee, for example an elderly neighbour.

#### 4.1.2 Partner

- For the purpose of Special Leave Policy this is any partner in marriage, or within a common law relationship, who relies on the employee for domestic support during times of crisis.

#### 4.1.3 Relative

- For the purpose of Special Leave Policy this is a blood relative as well as a step relative, and anyone related through marriage, civil partnership, adoption, or fostering.

#### 4.1.4 Carer

The Carers Trust defines a carer as:

- Anyone who cares, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support.

## Authorisation

### 5.1 The level of authorisation required for special leave is as follows:

- 6 days or less in 12 months (unpaid) – Line manager
- 6 days or less in 12 months (paid) - Head of Service or Nominated Approving Senior Manager
- More than 6 days in 12 months (unpaid or paid) - Head of Service or Nominated Approving Senior manager

## Consideration of request

- 6.1 Special Leave will normally be unpaid, however there are circumstances where paid special leave can be granted as described below.
- 6.2 Each application will be considered on a case by case basis, taking into account all of the individual employee's circumstances.
- 6.3 Normally documentary evidence should be provided in support of every application except where, in the judgement of the manager, this would be inappropriate or insensitive. Documentary evidence should not be requested in circumstances where it is impractical for the employee to provide it, such as for urgent caring responsibilities.
- 6.4 Any charges made to the employee in order to provide medical documentation will be fully reimbursed.



## Circumstances where Special Leave may be granted

### 7.1 Leave to attend medical appointments

**7.1.1** All prearranged hospital, doctor, dental and other similar appointments should be attended in the employee's own time, or arranged at such a time that it will cause the minimum amount of absence from work, e.g. at the start or end of the day. It is acknowledged that it is not always possible to arrange appointments at specific times, and the manager may allow reasonable time off from work if this is the case. Time off to attend an appointment will normally require:

1. The production of a relevant appointment card or other documentary evidence, and
2. attendance at work prior to and/or after the appointment if practical.

**7.1.2** An agreement should be reached in advance with the employee as to how the time off will be accounted for. The line manager must be reasonable and flexible, whilst also ensuring that service delivery is not compromised.

**7.1.3** The employee should be given the option of using flexitime, TOIL, or working from home where appropriate. If the appointment is equivalent to taking half a day or more then flex leave, annual leave or unpaid special leave should be considered.

N.B. Paid special leave may be authorised for the following:

- appointments in relation to a pregnancy-related illness;
- appointments for a disability related reason; or
- appointments where the employee can demonstrate that the appointment cannot be arranged outside of normal working hours.

**7.1.4** These arrangements and criteria also apply to situations where the employee needs to accompany a sick dependant on visits to the hospital, dentist, doctor, or other similar appointment.

### 7.2 Carers

**7.2.1** Managers should recognise and be sympathetic to the position of employees who need time off to care for dependants.

**7.2.2** Examples of situations where a carer could be entitled to take time off include:

- a dependant falling ill
- a dependant being injured or assaulted
- a dependant having a baby
- issues around a dependant's care arrangements
- supporting a dependant during a medical appointment

- 7.2.3 When a carer urgently requires time off work to support a dependant in a situation that is beyond their control, and normal caring arrangements are insufficient, then paid special leave may be granted.
- 7.2.4 For other caring situations, such as pre-arranged appointments, special leave will normally be unpaid (see criteria in 7.1).
- 7.2.5 In cases where a dependant is looked after by more than one carer who works for Manchester City Council, only one employee will be granted leave except in circumstances of a serious operation, terminal illness or death of a dependant.
- 7.2.6 Where an employee needs to take time off to care for a sick dependant it is not acceptable for the employee to take sick leave, they must in the first instance consider using annual, flex-leave or toil before applying for special leave.

### 7.3 Foster Carers

- 7.3.1 The Council is supportive of Looked After Children and the foster carers who look after them.
- 7.3.2 Paid special leave may be authorised to support employees who are going through the application process to become a foster carer, as part of the fostering assessment process.
- 7.3.3 Paid special leave may be authorised to support employees who are foster carers in order to attend training related to their position as foster carers and/or to attend meetings, panels, hearings or any other key events or activities in support of foster children and young people in their care.
- 7.3.4 Any reasonable request for unpaid special leave from foster carers and prospective foster carers in relation to their care of a looked after child, or during the process to become foster carers, should normally be authorised.

### 7.4 Bereavement

- 7.4.1 Managers should grant paid special leave to employees who require time off on the death of a close family member, partner or dependant to make funeral arrangements, including attendance at the funeral and to attend to probate matters. The number of days approved will depend on the context, for example, the location of the funeral and the extent to which the employee is responsible for funeral arrangements.

#### **The Loss of a Child**

- 7.4.2 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 paid Special Leave.

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:

- a child's parent, including natural, adoptive and those who have become a parent(s) under statutory provisions on surrogacy and fertility treatment;
- 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;
- a person with whom a child has been placed for adoption as long as that placement has not been terminated;
- 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;
- 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;
- 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
- the partner of any of the above bereaved parent who lives with the bereaved parent and the child in an enduring family relationship.

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

7.4.4 Leave can be taken within a period of 56 weeks from the child's death. No notice will be required for leave taken within two weeks after the date of the death. If leave is taken after this initial period, at least one week's notice should normally be given.

## 7.5 Disability Related Special Leave (DRSL)

7.5.1 Managers must recognise the need to support disabled employees who are not sick, but need to be absent during working hours for rehabilitation, assessment or treatment. DRSL is a reasonable adjustment under the provisions of the Equality Act 2010, and is aimed at enabling disabled employees to attend work and sustain long term employment.

7.5.2 DRSL is paid leave. As with any paid special leave, it must be authorised by head of service or a nominated approver. However, if DRSL is required as a supportive measure in line with the circumstances outlined in 11.1, then any reasonable request should not be refused.

7.5.3 A manager receiving an application for DRSL will pay due regard to confidentiality and sensitivity in relation to the employee's self-declaration of a disability or impairment. Where appropriate, the manager can request evidence of an appointment or treatment as part of the application process.

7.5.4 Wherever possible, agreement will be reached in advance in respect of the amount of DRSL to be granted, for example to attend future planned appointments. However, there will be circumstances where DRSL can be retrospectively awarded when it should have been used instead of sick or annual leave absences.

**7.5.5** Where practical, managers should minimise the number of DRSL applications that need to be submitted. For example, where an employee needs to attend a number of appointments over time, an 'allowance' of DRSL may be mutually agreed in advance by the employee and the manager. This can then be drawn upon as and when is required, as an alternative to individually applying for DRSL for each appointment.

**7.5.6** DRSL, unlike standard special leave, includes the provision where it can be granted in hours as well as half days and full days. This also applies to allowances of DRSL that are agreed in advance, as in 11.5.

**7.5.7** Some examples of reasons for granting DRSL include (but are not limited to):

- Hospital or doctor appointments.
- Hospital treatment as an outpatient.
- Assessment (i.e. a professional assessment by a medical practitioner or recognised body, to determine an appropriate course of action, equipment or other appropriate aids).
- Counselling.
- Therapeutic treatment.
- Physiotherapy.
- Rehabilitation.
- Adjustment to new medication.

**7.5.8** Decisions on approving DRSL should be based on careful consideration of the individual's circumstances, any medical advice received, legal duties under the Equality Act 2010, and the impact of the absence on operational requirements and service delivery. In making decisions about DRSL managers should also consider what approach would be most likely to enable an individual to sustain their employment and attendance.

## **7.6 Visits Abroad – Extended Leave**

**7.6.1** Employees may be granted up to three months unpaid special leave in order to visit relatives or friends in other countries, but not to undertake paid work. Approval is subject to maintaining service provision without need for a temporary replacement.

**7.6.2** Where an employee submits a request for special leave for the purposes of visiting relatives or friends abroad, services should agree to such requests where operational needs permit. This is subject to the service not incurring an additional cost in requiring a temporary replacement. The employee must state clearly in writing the date on which they will return to work.

**7.6.3** If more than three months leave is required then the Council's Career Break Policy, which normally allows for breaks between 6 months and 2 years in duration, may be applicable.

**Subject to review****7.7 In Vitro Fertilisation (IVF) treatment**

- 7.7.1** Whilst undertaking IVF treatment, employees and their partners will need to attend consultation with medical professionals and attend the hospital and clinic at various stages. They may also have counselling during and after the process. Unpaid special leave can be granted for IVF related appointments, which should be treated in the same way as any other medical appointment, with consideration given to use of annual leave, flex leave and time off in lieu in the first instance.
- 7.7.2** If an employee requires time off to support their partner for a planned IVF appointment that is known about in advance, then unpaid special leave will be considered.

**7.8 Gender Reassignment**

- 7.8.1** In the UK a person is allowed to change their personal details and to live as the opposite sex to that recorded at birth. The Gender Reassignment process is commonly referred to as 'transitioning.' Transgender people may also undergo medical treatment, which can include hormone therapy and surgery. This is only provided following careful assessment by medical professionals, and the process may take some time.
- 7.8.2** Unpaid special leave may be granted for medical appointments and counselling before and/or after medical treatment. Applications should be treated in line with any other reason for special leave i.e. with consideration of annual leave, unpaid leave, flexitime etc. In keeping with special leave criteria all pre-arranged hospital and doctor's appointments should, wherever possible, be attended in the employee's own time.
- 7.8.3** Each case will be considered on an individual basis and will clearly demonstrate to all involved the Council's support for employees undergoing gender reassignment. Managers must seek to support the wishes of the employee so far as is reasonably practicable. In the event that an employee makes their manager aware that they are contemplating gender reassignment the manager must deal with the issue in a confidential and sensitive manner.
- 7.8.4** Managers are advised to have a conversation with the employee in order to establish a potential timetable of events, this will help determine the amount of time off the employee may need. Occupational Health and the Employee Assistance Programme are available to provide confidential advice to both the employee and manager to support the process.

## Applications for Special Leave

- 8.1** Special Leave must be authorised in line with 5.1 and 5.2.
- 8.2** It is recognised that in many cases the completion of documentation often follows the absence. In such circumstances the absence should initially be recorded as annual or flex leave and subsequently amended as appropriate. Where there is concern about veracity of a request the manager should ask for documentary evidence, but act with due sensitivity according to the employee's circumstances.
- 8.3** Where Special Leave is taken for purposes other than those stated within the application, or circumstances relating to the application change during the period of Special Leave and are not notified to the line manager immediately, disciplinary action may be taken which, dependent upon the circumstances, could result in summary dismissal.
- 8.4** The information requested as part of the special leave policy is required in order for the Council to process a request for special leave. This information is not used for any other purpose. Any personal data provided will be stored securely in line with data protection legislation, the Council's data protection policy and the Council's retention schedule.

## Monitoring

- 9.1** It is essential that special leave is accurately recorded in all situations where paid or unpaid leave is granted. Heads of Service should work to be aware of the circumstances of how special leave taken within the service for monitoring purposes.