

## 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.