

# APPENDIX E

# Special Leave Policy

HROD Policy Team

HROD

Revised April 2020



**MANCHESTER**  
**CITY COUNCIL**

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## Document Control

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## 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.