



SPECIAL AND ADDITIONAL LEAVE POLICY

1 INTRODUCTION

- 1.1 Special leave may be granted to support employees to manage unexpected events.
- 1.2 Reasonable time off with or without pay may be granted to employees to enable them to deal with certain unexpected or sudden emergencies. This policy highlights the types of special leave that may be requested. Each request will be dealt with on its own merits.
- 1.3 It is important that all special leave requests are treated properly fairly and consistently within the Council and will ensure that the correct entitlement of special leave is given, together with administration of wages or salaries.

2 SPECIAL LEAVE

2.1 Bereavement Leave

- 2.1.1 In the event of a death of an immediate relation such as a husband, wife, civil partner, child, parent or sibling, the Council recognises the traumatic nature of such an experience and will do everything it can to support the employee through their bereavement. Employees will be able to access the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days bereavement leave for attending to the practical arrangements following the death such as organising the funeral. Any additional leave required as a result of the emotional impact of the bereavement will be recorded as sickness absence.
- 2.1.2 In the event of a death or a relative not covered by paragraph 2.1.1 above, such as a grandparent, father-in-law or mother-in-law, and when the employee is not involved in the funeral arrangements, up to 1 day's paid leave will be granted to attend the funeral. Any additional leave required as a result of the emotional impact of the bereavement will be recorded as sickness absence.
- 2.1.3 Where an employee wishes to attend a funeral other than for the relations mentioned in the above paragraphs, annual leave, flexi leave or unpaid leave must be taken.

2.1.4 The Line Manager should try to accommodate all reasonable request to attend a funeral and must consider all options to cover the needs of the service. If the two are in conflict, the Line Manager must speak to the Clerk.

2.1.5 In the event that an employee is absence from work as a result of bereavement, the Line Manager must ensure that the employee is supported during their absence. Regular contact must be maintained with the employee.

2.2 Compassionate Leave

2.2.1 In exceptional circumstances compassionate leave may be granted in addition to bereavement leave in cases where an acute illness/circumstance could not be foreseen and which required the employee's continued absence.

2.2.2 It may also be used in cases of a serious illness of a dependent (husband, wife, partner, spouse, parent, own child, sibling, grandparent including `in-laws) and such relatives by adoption). Employees must provide information as to the nature of the illness and a doctor's certificate may be required.

2.2.3 The maximum amount of compassionate leave that may be granted is up to 3 days paid leave per annum.

2.2.4 There may on occasion be exceptional circumstances where an extended period of leave is required, and some discretion applied. In these circumstances the employee will be recorded as on sick leave to ensure that all the appropriate support mechanisms are made available to the individual.

3 **ADDITIONAL LEAVE**

3.1 Under the Employment Rights Act 1996, the Council has a legal obligations to allow an employee involved in certain public duties or services to take time off during working hours. The purpose of this time off from work must be to attend a meeting of a public body or the doing of any other thing approved by that public body. Under the Act the amount of time an employee is allowed to take off to carry out these duties must be `reasonable'. The right is to have unpaid time off.

3.2 There is an expectation that employees will discuss an intention to seek appointment to a public body with their Line Manager out of courtesy prior to applying.

3.3 This policy sets out the types of leave employees make take off and the permitted length of time if they are eligible.

3.4 Who is Eligible

3.4.1 An employee will be permitted to take time off during the employee's working hours if they are:

- a Justice of the Peace (Magistrate) for the purpose of performing any of the duties of office
- a member of a community council
- a member of outside body(ies)

3.4.2 This guidance also provides details of time off work allowed for employees who are:

- candidates at election
- members of outside bodies
- a volunteer reservist

3.5 Undertaking Public Duties for Several Bodies

3.5.1 Where an employee represents more than one public body (for example a governor and a local authority member), a maximum of 28 days unpaid leave per year will be granted.

3.5.2 If an employee requires further leave, the Clerk and Line Manager must decide whether to grant an extension.

3.6 Membership of Outside Bodies

3.6.1 If an employee is a nominated member of an outside body representing the Council and forms part of an employee's normal duties they will receive paid leave.

3.6.2 If an employee is a nominated member of an outside body which does not represent your employment with the Council and does not form part of the employee's normal duties reasonable unpaid leave will be granted.

3.7 Membership of School Governing Bodies

3.7.1 Employees who are members of a school governing body are entitled to up to 4 full days or 8 half days paid leave per annum when attending meetings during normal office hours.

3.7.2 Where an employee is a Chair or Vice-Chair of the governing body, or one of its sub-committees, it is recognised that this may require extra time to carry out such duties. In these circumstances unpaid leave will not be unreasonably withheld.

3.7.3 Employees must be aware that the agreement of the Clerk and Line Manager is required before their name is put forward for election.

3.8 Community Council Members

3.8.1 An employee who is a member of a community council is entitled to up to 4 full days and 8 half days unpaid leave per annum. A separate allowance is payable from the Community Council.

3.9 Candidates at Election

3.9.1 Employees who are appointed as a candidate at Parliamentary, European Parliamentary elections will be allowed reasonable unpaid leave to perform their duties as a Councillor. The amount of time given will depend on their responsibilities and the effect of their absence on service delivery. An employee should discuss this with the Clerk and their Line Manager before making the commitment to stand for election and approval should be sought from them well in advance.

3.9.2 Employees who are appointed as a candidate at a Local Authority election that is situated outside Torfaen will be allowed reasonable unpaid leave to perform their duties as a councillor. The amount of time given will depend on their responsibilities and the effect of their absence on service delivery. An employee should discuss this with the Clerk and Line Manager before making the commitment to stand for election and approval should be sought from them well in advance.

3.9.3 Employees are prevented from standing for election within Torfaen. The rationale is that it prevents potential conflicts of interest from arising between an employee's duty to the Council and their political affiliation. In these circumstances an employee will be required to resign from their post before standing for election.

3.9.4 Employees engaged in the election process should ensure that their post is not identified as a 'politically restricted post'. In these circumstances an employee is automatically disqualified from standing for election and is prevented from having any active political role either in or outside the workplace.

3.10 Justice of the Peace (Magistrate)

3.10.1 An employee who is appointed as a Justice of the Peace is entitled to paid leave for a period of up to 13 full days or 26 half day court sittings per annum.

3.10.2 Magistrates can be required, or volunteer, to attend more frequently. The amount of time off is not unlimited, but should be deemed as whatever is considered reasonable in all circumstances, taking into account:

- how much time off the magistrate requires to perform his/her duties
- how much time off the magistrate requires to perform the particular duty in question
- how much time off the employer has already permitted the magistrate to take to carry out public duties or trade union duties and activities
- the circumstances of the employer's business
- the effect of the magistrate's absence on the running of the Council's business

3.10.3 Magistrates who are employed and suffer a loss of earnings as a result of their duties can claim a loss allowance from the Magistrates Association (a set rate of £46.63 for a half day court sitting (up to 4 hours) and £93.27 for a full day court sitting (over 4 hours)).

3.11 Volunteer Reservists and Cadet Force Adult Volunteers (CFAV)

3.11.1 Volunteer Reservists and CFAV are a vital part of the UK's Armed Forces and make valuable contributions as civilian employees. Reservists and CFAV offer benefits to employers such as transferable skills, training and high levels of motivation.

3.11.2 Reservists and CFAV are committed to undergoing and supporting training throughout the year, so may need time off from work for this purpose.

3.11.3 Employees who act as Reservists or CFAV will be granted up to 10 days paid leave per year to help them to meet their volunteer requirements.

3.11.4 All other requirements for attendance beyond the allocated 10 days should be taken as annual leave or flexible leave.

3.11.5 Employees on active service will be granted unpaid leave as necessary. They will not accrue holidays during this period.

4 CONSIDERATION OF REQUESTS

- 4.1 Employees must consult their Line Manager in the first instance to discuss the nature and reason for their request for special/additional leave.
- 4.2 Where special/additional leave is granted within the remit of this policy, the employee must request the period of special/additional leave for recording and monitoring purposes.
- 4.3 The Line Manager will approve/refuse the request as soon as reasonably practicable . The Line Manager may need to discuss the request with the Clerk before making a decision. The employee will be notified of the decision.
- 4.4 Any special/additional leave requested cannot be applied for retrospectively except in exceptional circumstances.

5 WHERE NOTICE CANNOT BE PROVIDED

- 5.1 There may be circumstances where special leave cannot be planned in advance, for example where bereavement occurs or something will occur which may prevent an employee from attending work that day. In these cases, employees should:
 - telephone their Line Manager at or before their normal working time
 - explain the situation and how long the absence is likely to last
- 5.2 The Line Manager will consult this policy to see whether it expressly provides for this type of absence. If so, the Line Manager and employee should discuss the length of leave to take.
- 5.3 Where leave is provided for within the remit of the policy, the employee must retrospectively request the period of special/additional leave taken immediately following their return to work.
- 5.4 The absence reason for special/additional leave requested cannot be amended retrospectively from that agreed with the Line Manager except in exceptional circumstances.
- 5.5 Where special leave is not provided within this policy the Line Manager and employee should discuss whether annual, flexible or unpaid leave may be more appropriate.

6 REFUSAL OF REQUESTS FOR SPECIAL/ADDITIONAL LEAVE

6.1 Where a request for special leave covered within this policy is refused there will be no right to invoke an appeal.

6.2 However, if the employee feels that the refusal is unwarranted, based on the reasons or mitigating circumstances presented, the matter should be referred to the Clerk. A review will then be undertaken by the Clerk and the final decision will be conveyed to the employee.

6.3 The Council has other policies and guidance of types of leave which may assist in special circumstances, these include:

- annual leave
- flexible leave
- maternity leave
- adoption leave
- parental leave
- paternity leave
- time off for dependents
- shared parental leave
- career break scheme

7 OTHER CIRCUMSTANCES

7.1 For anything not described in this policy, annual, flexible or unpaid leave may be requested.

7.2 There is no automatic entitlement to unpaid leave and it is only granted at the discretion of the Line Manager, in conjunction with the Clerk.

7.3 Should employees request unpaid leave, Line Managers should give consideration to the request on the following grounds:

- reasons for request
- effect on service provision
- the amount of time requested
- ability to treat all employees consistently

7.4 If unpaid leave is required for a period of time, it must not result in additional cost to the Council.

8 JURY SERVICE

8.1 Any employee summoned for Jury Service is under a legal obligation to participate in the criminal justice process as a juror, and likewise the Council is legally obliged to allow time off for this.

8.2 An employee will not lose any pay for participating in Jury Service and no employee should be treated unfairly as a result of being summoned to attend Jury Service.

8.3 This policy applies to all employees of the Council.

8.4 How long does Jury Service last?

8.4.1 Jury Service usually lasts for up to 10 working days but may last longer depending on the case.

8.4.2 The nature of criminal cases varies greatly so if a trial is likely to last longer, the Court will ask jurors if this will be difficult.

8.4.3 While most cases can be successfully completed within 10 working days, there will be some, possibly more complicated cases that cannot. If jurors are empanelled to sit on such a case, the Judge will usually advise of this before jurors are sworn in.

8.4.4 If a juror is unable to sit for longer than two weeks, they should explain the reasons to the Judge who will decide whether or not that person will serve on that trial. The Judge's decision is final.

8.4.5 If jury service is due to go on longer than expected employees should notify their Line Manager.

8.5 Pay during Jury Service

8.5.1 Courts can pay for:

- loss of earnings
- travelling costs
- a subsistence allowance
- an allowance for other financial loss incurred solely because of jury service up to a maximum daily rate

8.5.2 No payment is made to third parties such as employers. For the current rates payable to jurors, this information is available on His Majesty's Court Service website – <https://www.gov.uk/jury-service/what-you-can-claim>

9 ABUSE OF THIS POLICY

- 9.1 Any abuse or breach of the conditions set out within the policy may result in disciplinary action being taken against the employee or the Line Manager dependent on circumstances.

10 MONITORING

- 10.1 The Clerk will monitor the application of this policy and has the discretion to review it at any time through the appropriate mechanisms.
- 10.2 Responsibility for the implementation, monitoring and development of this policy lies with the Clerk. Day to day operation of this policy is the responsibility of Line Managers who will ensure that this policy is adhered to.