

# Special Leave

## 1. Who does this policy apply to?

1.1 All employees of Lancaster City Council, (LCC) except casual workers.

## 2. What is the purpose of this policy?

2.1 The Special Leave policy covers a combination of different types of “emergency” leave. It includes:

- **Emergency Dependants Leave;**
- **Compassionate Leave;**
- **Bereavement Leave;**
- **Parental Bereavement Leave;**
- **Carer’s Leave; and**
- **Unpaid Leave**

## 3. Definitions

**Dependant:** A “Dependant” is anybody who relies on an employee for their care, domestic or financial support like a spouse/partner, child, sibling, mother, father, close relative, close friend, grandparent or someone who shares the same household.

**Immediate Family:** an employee’s spouse, partner, child, mother, father, guardian or sibling.

**Critical Illness:** refers to an emergency, life threatening illness.

## 4. Roles and Responsibilities

### Employee Responsibilities

- Where possible, to communicate the need for the special leave as soon as it arises. If this is not feasible in the circumstances, to let their manager know and to schedule a time to speak when it is more appropriate.

### Manager Responsibilities

- Line managers are responsible for approving each of these types of special leave and for ensuring that the correct leave type is submitted on MyView to ensure employees’ employment records are up to date.
- To contact HR with cases of Compassionate or Bereavement Leave.

### Council Responsibilities

- To ensure that this policy is revisited if any statutory changes are introduced which impact any of the leave types included within this policy.

- ❑ To empower managers to be supportive and compassionate in response to emergencies and unforeseen situations.

## Emergency Dependants Leave

All employees (excluding casual workers) will be entitled to up to **two paid days off** per year to deal with an urgent situation of an emergency or unforeseen nature concerning a dependant. This must be taken as a half or full day, and if the emergency situation is resolved on the first day, the expectation is that the employee will return to work thereafter.

Typically, emergency dependants leave might be used to:

- Provide emergency care for unwell dependants;
- Accompany a dependant to an emergency or unplanned medical appointment;
- Temporarily respond to childcare emergencies, where normal arrangements have broken down; or
- Attend an urgent court hearing in child custody cases.

LCC recognises that advance notice from the employee is not likely to be possible in cases of Emergency Dependants Leave, but it is important that the employee contact their line manager as soon as possible to let them know. It is permissible to contact the line manager by telephone, text, email or Instant Messenger, and the line manager may follow this up over the telephone. The line manager is responsible for approving Emergency Dependants Leave and they must ensure that it is correctly recorded on the MyView system to ensure that the employee's employment record is accurate. A line manager will only be able to approve 2 days' Emergency Dependants Leave in a rolling 12-month period. Any further time off will need to be unpaid (see below).

## Compassionate Leave

In the unfortunate event of the critical illness of an employee's Immediate Family, employees may be granted compassionate leave of up to one working week with pay. Compassionate leave is available for critical illness, so if during that working week, the illness is no longer critical, it is the expectation that the employee will either return to work or request a different type of leave.

LCC acknowledges that it may not always be possible to seek prior approval in emergency situations, so employees are encouraged to speak to their line manager as soon as possible. It is permissible to contact the line manager by telephone, text, email or Instant Messenger, and the line manager may follow this up over the telephone. A line manager may request supporting evidence, but this will always be done as sensitively as possible and will not be prioritised prior to accommodating the absence. Once approved, the line manager is responsible for ensuring that the absence is correctly recorded on the MyView System.

## Bereavement Leave

We hope that none of our employees suffer the bereavement of any of their loved ones during the course of their employment. But in the event that they do, LCC provide for the following paid absence:

In the event of the death of a member of Immediate Family – up to one working weeks' paid leave (to include the funeral); and

For the funeral of a close family member or close friend (who do not meet the "Immediate Family" definition – 1 days' paid leave.

For anybody bereaved of their child (including stillbirths from the 24<sup>th</sup> week of pregnancy), in addition to the bereavement leave clarified above, a further working week of *leave* is provided for all impacted employees (up to 10 working days pro-rata in total), and for those employees with at least 26 weeks' continuous service and

weekly earnings over the lower earnings limit will also be entitled to statutory parental bereavement pay (SPBP) (paid at the statutory rate of SPBP).

Employees are entitled to choose when they take Parental Bereavement Leave up to 56 weeks after the bereavement. For the first seven weeks following the bereavement, an employee only needs to inform their line manager before they start work on the first day of absence. After this you will be required to provide your line manager with at least one week's notice. It may be taken in a single block of two weeks, or two blocks of one week taken at different times within the 56 weeks.

## Carer's Leave

Carer's Leave is provided in addition to the above types of paid leave. All employees are entitled to one working week of unpaid Carer's Leave if they require it to look after a Dependant.

The statutory minimum period of notice for a half day or one day of carer's leave is 3 working days. If the request is for longer than one day, then twice the amount of notice is required i.e. if 2 days carer's leave is requested, then 4 days' advance notice is required. The request need not be in writing and there is no need to evidence your caring requirements either. It is acknowledged that it may not always be possible to comply with these statutory notice periods, and where that is the case, the expectation is that the employee contact their line manager as soon as possible. It is permissible to contact the line manager by telephone, text, email or Instant Messenger, and the line manager may follow this up over the telephone.

LCC is not permitted to refuse a request but may ask that you delay it in exceptional circumstances. This would only be in cases of serious disruption to the service and if a request must be delayed, the line manager will write to the employee within 7 days of the original request to explain the reason for the delay and a new date will be agreed within 1 month of the original request.

## Unpaid Leave

Unpaid leave of up to 12 weeks can be requested for *any* reason, although LCC will not normally consider more than one period of unpaid leave of more than 4 weeks in a three-year period. Any period of unpaid leave lasting longer than 12 weeks would be considered a career break.

It is expected that all requests for unpaid leave are submitted once an employee's annual leave entitlement has been exhausted and that if travel abroad has prompted the request, then it is expected that an employee will not commit to travel plans until approved.

For unpaid leave of up to three weeks– a written request must be made to the employee's line manager 2 weeks prior to the requested date and the line manager is authorised to approve, deny or delay the request. For unpaid leave lasting longer than three weeks, Chief Officer approval is necessary, and the request must be made (first to the line manager who will refer the request to the relevant Chief Officer) at least 2 months prior to the requested date. In emergency situations, it is expected that other types of Special Leave are explored first, but LCC managers are empowered to respond appropriately to emergency requests where these notice requirements cannot be met (this will largely be driven by what the request is for).

Where approval for short term unpaid leave has already been granted, employees are able to submit a request for that to be extended (subject always to the maximum unpaid leave of 12 weeks).

The relevant manager should consider the request considering some or all of the following factors:

- The operational needs of the service.
- The employee's reason for the request.
- The employee's attendance record.
- The likely effect of the employee's absence.

- Any failure on the part of the employee to return promptly from earlier periods of leave.
- Any other relevant factors.

If a request for any classification of unpaid leave is approved, it is the responsibility of the relevant manager to write to the employee as confirmation of the approval within 10 working days of receiving the request.

The discretion as to whether to approve a request for any classification of unpaid leave rests with the relevant manager and Chief Officer, and there is no right of appeal should a request be rejected.

Upon receiving a request for unpaid leave, if the relevant manager considers that the request for unpaid leave cannot be accommodated at the time requested by the employee, then the request will be either postponed or rejected. It is good practice for the relevant manager to discuss this with the employee. HR should also be advised.

If the relevant manager postpones or rejects the request, there must be a clear business reason. For example, if taking the unpaid leave at the time requested by the employee would cause the business to be particularly disrupted.

Should the employee agree, it would be good practice for the relevant manager to initially consider postponing the request, instead of rejecting it. If the employee does not wish to postpone the timing of the leave, then the manager may reject the request if there is a clear business reason to do so.

Regardless of whether the request is to be postponed or rejected, the relevant manager must write to the employee within 10 working days of receiving a request, setting out their position and providing details as to why the request is to be postponed or rejected.

An employee will not automatically be entitled to Occupational Sick Pay where they submit a medical certificate, after being advised that their request for any classification of unpaid leave has been rejected.

If approved, the line manager must ensure the unpaid leave is correctly recorded onto the MyView system to ensure that the employee's pay ceases for the unpaid leave period.

During periods of unpaid leave the employee may elect to pay pension contributions. Employees wishing to explore this option should contact payroll@lancaster.gov.uk at the earliest opportunity, as certain time limits apply. Further advice on pension contributions during periods of unpaid leave can be sought from Your Pension Service.

An employee absent on unpaid leave remains employed, although pay and most contractual benefits will be suspended. Save for in the case of a redundancy situation, the employee will be entitled to return to their existing post provided that they return to work on or before the agreed date.

Failure to return on the agreed date after a period of unpaid leave will result in pay being suspended and will be treated as an unauthorised absence which will be dealt with through the Disciplinary Policy and Procedure.

For periods of unpaid leave taken exceeding three weeks, the employee will have no right to accrual of statutory or contractual annual leave entitlement. HR will make the necessary amendments to the employee's annual leave balance on MyView.

## When will this policy be reviewed?

This policy will be reviewed every year or earlier in the event of changes in legislation.

**Document Control:**

Version no.	Effective Date	Reason	Review due
1.0		Combining all types of "Special Leave" including:  Emergency Dependants Leave (Policy last reviewed in 2016)  Bereavement and Compassionate Leave (Policy last reviewed in 2023)  Unpaid Leave (Policy last reviewed in 2023)  Introduction of statutory Carer's Leave	