

Draft Special Leave Policy

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1. Special Leave Policy

This policy sets out the special leave arrangements that are in addition to annual leave arrangements. Some special leave is paid according to provisions put in place by the County Council, e.g. to undertake certain public duties such as attending court as a magistrate; other special leave may be paid or unpaid according to management discretion depending on the circumstances of individual cases e.g. on compassionate or other grounds.

Before any leave is granted under the Special Leave arrangements, the use of flexible working arrangements should be explored for the employee to fulfil their duties/activities. Where this is not possible the Special Leave Arrangements may be used.

Any special leave, paid or unpaid, is subject to approval from the relevant line manager, who will take into account operational requirements. The occasions where Special Leave may be granted with pay are detailed in the table at [Appendix A](#). On other occasions the line manager has the discretion to decide whether Special Leave may be paid or unpaid. Compassionate leave is subject to approval by the Assistant Director or their nominee. Family bereavement leave may be granted by a line manager.

Special leave should be recorded on SAP. The exception to this is concessionary leave which is recorded locally.

To record special leave is not a self-service option and is recorded by a manager or a time administrator. The SAP record will note in each case whether the leave is paid or unpaid. In addition if unpaid special leave is granted then the manager or time administrator should email the My HR Helpdesk with this information before the monthly payroll deadlines.

1.1. Support Leave for Maternity and Adoption

Managers may grant up to 5 days paid special leave for a member of staff who is the "registered carer" of a birth mother or an adoptive mother and/or father. The leave should be taken around the time of the birth or adoption and can be taken on separate days if preferred. Staff should let their manager know as soon as possible the exact dates.

1.2 Support leave for Foster Carers

Surrey County Council is keen to encourage its employees to become Foster Carers, including Friends and Family Carers, and Staying Put Carers, and to support those already providing these types of care by granting special leave where necessary.

Adopters, Dual Approved Prospective Adopters (Foster to adopt), Foster carers; Friends and family carers, Special guardians, Supported Lodgings providers, and "Staying Put" carers may be granted time off work to attend meetings, home visits and training during assessment and placement periods. The time off may be taken as half or whole days. It is in addition to any leave granted under the adoption leave policy.

1.3 Accompanying colleagues at Disciplinary and Grievance Hearings

Employees have the right to be accompanied at a disciplinary or grievance hearing. Employees and workers are permitted to take a reasonable amount of paid time off to act as a companion to a colleague. While this obviously covers time off for the hearing itself, it may also be appropriate to permit time off for the companion to familiarise themselves with the case and talk to the colleague they are accompanying both before and after the hearing. Trade Union representatives accompanying staff at such hearings is covered by the Facilities Time guidance published on SCC Info.

1.4 Reservist Leave

Part of the commitment for Members of the Reserve Forces (RNR, RMR, AR, RAFVR) is to attend annual training lasting two weeks. This can be taken as special leave. This leave is paid (maximum 10 days) as referred to in the above table.

Members of the Reserve Forces (RNR, RMR, AR, RAFVR) can be called up for active duty. This leave is unpaid as the relevant Reserve Force will pay the employee for periods of active duty.

1.5 Public Duties Leave

The County Council has specific provisions relating to paid time off for public duties detailed in the table at [appendix A](#).

In addition to these, statutory provisions exist for time off to undertake certain other public duties as set out on the [directgov website](#).

The law does not set the amount of time off permitted. Your manager will need to consider whether requests for time off for these duties are reasonable. To help decide whether a request is reasonable the manager will consider:

- how long the duties might take
- the amount of time the employee has already had off for public duties
- how the time off will affect the service

The law does not require the time off to fulfil such duties to be paid. Your line manager has the discretion to decide whether such time off should be paid or unpaid.

1.6 Jury Service Leave

An employee will receive full paid leave if they are called for jury service. However, the employee must claim the allowance for loss of earnings from the Court for the period, and this amount will be deducted from the employee's pay.

1.7 Compassionate Leave

Compassionate leave is for circumstances not covered by bereavement leave. The Assistant Director or their nominee may grant compassionate leave, with or without pay. Their decision is likely to take into account - the reason for the request, the likely duration, the length of service with SCC, the effect of refusal on continued employment and any cover arrangements which might be made. Compassionate leave of up to 5 days' paid leave and up to 5 days' unpaid leave may be granted.

When the Assistant Director has authorised compassionate leave, details of the absence and whether it is to be paid or unpaid should be recorded on SAP by the line manager or the team's time administrator.

1.8 Family bereavement leave

Time off with pay will be granted at time of family bereavement on the death of a partner, parent, dependant or sibling.

Employees are entitled to up to two weeks' paid leave. Additional bereavement leave, whether paid or unpaid, is granted at the discretion of the line manager.

Paid bereavement leave may also be granted on the death of other relatives, such as in laws, depending on the circumstances of the matter. Employees may feel the need for a longer period to grieve. In these circumstances they should speak to their line manager and discuss:

- Using part of their annual leave
- Taking unpaid leave

1.9 Parental bereavement leave

Time off with pay will be granted at time of parental bereavement for primary carers following the death of a child under the age of 18, or a stillbirth after 24 weeks of pregnancy. This includes adopters, foster parents and guardians, as well as close relatives or family friends who have taken responsibility for the child's care in the absence of parents.

Employees are entitled to up to two weeks' paid leave which includes the statutory entitlement. Leave should be taken in blocks of a week within 56 weeks of the child's death.

Additional bereavement leave, whether paid or unpaid is granted at the discretion of the line manager.

2. Time Off for Dependants

2.1 Definition

Time off for Dependants is reasonable time off work to deal with unexpected or sudden emergencies and to make any necessary longer-term arrangements. The 'emergency' must involve a 'dependant' of the employee.

A 'dependant' is the husband, wife, child or parent of the employee. It also includes someone who lives in the same household as the employee e.g. a partner, a relative or the recipient of supported lodging. In cases of illness or injury, or where care arrangements break down, a dependant may also be someone who 'reasonably relies on the employee for assistance' and 'arrangements for the provision of care'.

This may be where the employee is the primary carer, or is the only person who can help in an emergency. A carer who has longer term caring responsibilities will need to discuss with their manager the most appropriate way to accommodate their caring responsibilities whilst ensuring service delivery is maintained.

See the Supporting Carers guidance on SCC Info

2.2 Circumstances for Time off for Dependants

The circumstances under which an employee can take time off are:

- If a dependant falls ill.
- If a dependant has been injured, in an accident or assaulted;
- To make longer-term care arrangements for a dependant.
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant;
- To deal with an unexpected incident involving the employee's child during school hours.
- If a dependant goes into labour.

2.3 Qualifying Conditions for Time off for Dependants

Every employee is entitled to take time off for dependants, regardless of hours worked. Employees are entitled to this right from their first day of work

2.4 Time off for Dependants Leave

The amount of time, which is reasonable, will vary but it is likely that one or two days will be sufficient. The provision is intended to help the employee to cope with a crisis – to deal with the immediate care of the child, visit the doctor if necessary, and to make longer-term care arrangements.

There is no limit on the number of times an employee can be absent from work under this entitlement, as long as it is reasonable.

2.5 Pay during Time off for Dependants

There is no statutory right to be paid for time off for dependants. Managers have the discretion for the time off to be paid if it is considered appropriate in the circumstances.

2.6 Notifying the need for time off for Dependants

The employee must tell their manager, as soon as practicable, the reason for their absence and how long they expect to be away from work. It is not necessary to give notice in writing.

There may be exceptional circumstances where the employee either has to leave work or return before it has been possible to notify their manager. In these circumstances the employee must still tell their manager as soon as practicable, advising the reason for absence and if they have not yet returned, how long they expect to be away from work.

2.7 Abuse of Time Off

Abuse of the right to time off for dependants will be dealt with in accordance with the Disciplinary Procedure.

2.8 Legal Position

Employees are legally protected from suffering any detriment or disadvantage because they are taking or seeking to take time off for dependants.

3. Concessionary Time

Concessionary time is paid leave. It is recorded locally, not on SAP.

3.1 Adverse Weather and Travel Conditions

As a general principle, employees are expected to take all practicable steps to reach their place of employment on time, and to maintain their normal hours of work and working practice, during adverse weather or travel conditions.

During adverse conditions, managers have the discretion to approve alternative working arrangements, e.g. to work in an agile way, from home or hot desk closer to home.

Employees may be granted concessionary time to make up their daily standard hours if conditions mean that they arrive late, or are sent home early.

3.2 Visits to the Hospital, Doctor or Dentist

Routine visits to the doctor or dentist should, where possible, be made outside normal working hours. Where this is impossible, reasonable concessionary time may be granted by managers, depending upon the needs of the service. Additionally, concessionary time may be granted to an employee who necessarily and urgently requires time off to visit the doctor, dentist or hospital or where they need to make a series of hospital visits for treatment and these visits cannot be arranged outside normal working hours.

If it is necessary for an employee to accompany a dependant to visit a doctor, dentist, or hospital, managers have discretion to allow absence from work, but the time should be made up at a later stage.

Concessionary time may be granted to employees wishing to attend a National Health Service Well-Women or Well-Men Clinic where they are unable to arrange an appointment outside normal working hours.

A manager may ask to see an appointment letter or card to support a request for time off to attend a medical appointment

3.3 Interviews with Local Authorities

Managers may grant reasonable concessionary time off for employees to attend job interviews with other local authorities.

3.4 Professional Bodies

At the manager's discretion, concessionary time may be given where it is considered necessary for an officer to attend an approved meeting of a professional body during the day.

4. Discretionary Unpaid Leave

Employees may wish to apply for a long unpaid leave for a number of reasons to travel, to study, to attend a religious festival etc. Permanent employees with more than two years' service may apply to their line manager for unpaid leave of up to 6 months. It is not an automatic entitlement and the needs of the service will have to be balanced with those of the employee. It may be granted but only after all possible measures to avoid taking such as unpaid leave – e.g. use of annual leave, flexible working etc.

Employees do not have to resign from the council whilst on unpaid leave and they will return to their substantive post at the end of the unpaid leave period, if the post still exists. All pay, allowances, sickness entitlements etc will cease during the period of unpaid absence. However their continuity of service will be protected for the duration of the unpaid leave. Employees may not take up any paid employment during the period of unpaid absence.

In exceptional circumstances an individual may apply for up to 12 months unpaid leave. Applications for such sabbaticals would need to be authorised by the Assistant Director. For such sabbaticals of between 6 and 12 months in duration, there is no guarantee of returning to the same post. However, the service will make best endeavours to find a suitable and equivalent post for the returner.

It is important to remember that pension arrangements require that the employee and employer pay contributions for the first 30 days of the unpaid leave. If the employee wishes to pay contributions for the total period of absence, this must be done within 30 days of returning to work. In this case, the council will also pay the employer contributions for the period of absence. A letter will be sent to confirm the amount and options for repaying.

Further information is in the Unpaid Leave guidance on SCC info

Appendix A Paid Special leave

Purpose of leave	Maximum paid days in any one year
Compassionate leave	5
Family Bereavement leave	10
Parental Bereavement leave	10
To attend court as a magistrate	18
To undertake duties as a member of another local authority	18 (this is a statutory limit)
To be a candidate at a Parliamentary Election	15 (during the campaign)
To be a candidate at a local council election	1 (during the campaign)
To attend annual training as a member of the reserve forces	10
To attend a meeting (as a member of the Staff Side) of an appropriate national, provincial or local negotiating or consultative committee	18
Time off for recognised Trade Union representatives to undertake employee relations functions.	As necessary
To undertake official polling station duties at County Council elections	Ordinary & Bi-Elections as required
To sit an approved examination	As necessary
A member of the managing or governing body of an educational establishment maintained by a local authority, a foundation school or a higher education corporation	5
To attend compulsory summer school as part of the Open University Degree	As necessary
To attend a Youth Offender Panel as a Panellist	18
To work with a voluntary sector organisation on schemes or projects that will contribute to achieving the County's aims and objectives (excludes school based staff, Firefighters and Commercial Services staff).	2
Support leave for maternity and adoption for the "registered carer" of the birth mother or adoptive mother and/or father	5
To accompany a colleague at a disciplinary or grievance hearing	As necessary
Leave during assessment For prospective foster carers, friends and family carers, dual approved prospective adopters, adopters, supported lodgings providers and special guardians (e.g. for attending meetings, home visits and training)	5 - can be taken in whole or half days.

Leave during matching, introductions and at the commencement of a foster care placement and/or friends and family care placement. For prospective foster carers, friends and family carers, dual approved prospective adopters, adopters and supported lodgings providers. (e.g. for meetings, training).	5 - can be taken in whole or half days.
Leave at the start of a foster care placement and/or friends and family care placement.	10 (If both carers are Surrey employees one may be granted up to 10 days the other may be granted up to 5 days)
Leave to attend meetings or other activities related to caring for the foster child and young person in a "Staying Put" arrangement (e.g. for meetings, training).	5 - can be taken in whole or half days.

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