
Management guidance on special leave

Purpose

1. This is a summary of our approach to supporting staff during times of crisis, change and bereavement through the use of Special leave. It is not a contractual document, as Special leave is discretionary.
2. It is important that the management team, as well as HR, has a solid understanding of these principles to ensure that we maintain a flexible yet consistent approach to the support that we give, in terms of time off, when the need arises.

Overview

3. Special leave is discretionary and each application is considered on its own merits. Special leave is not without limit. Under legislation, employees have a right to ask for reasonable time off to cope with caring and emergencies but this is as unpaid leave. At SFC we go beyond this and offer a comprehensive range of support including Special leave, Flexible working requests and Career breaks which can help to address the differing circumstances and durations of demands outside work. This is over and above the annual and if applicable flexi leave that staff can request through the normal approvals process.

Applying for special leave

4. All requests for Special leave are considered through Human Resources to ensure consistency. When applying, staff are encouraged to discuss it with their line manager and send the request to Human Resources.

Categories of special leave

5. There are five types of Special leave, four are with pay where approved (I-IV below) and the fifth is unpaid:
 - I. **Special leave for care of dependents** is the most widely requested and granted category. This is primarily to deal with an emergency situation – collapse of childcare arrangements, having to take dependent to hospital, to help dependent whilst recovering from surgery/illness whilst they are incapacitated etc. A dependent could be a spouse, partner, child, grandchild, parent, or someone living at the same address as you who depends on you for care. This type of special leave is not a long term solution to a situation: for example, if you know several weeks in advance that you need to organise alternative childcare you will be expected to do so as it was a foreseen occurrence. If your nursery is closed at short notice when

you are about to drop off your child, we would class that as an emergency. We operate with guidelines of up to 10 days in a rolling 12 month period for care of dependants special leave with pay.

II. **Special - other reasons.** The policy notes that there may also be reasons other than those relating to family or dependents for granting special leave, including voluntary public service, jury attendance, and trade union business. For such reasons a suitable amount of time will be agreed with you by Human Resources and your line management.

- For serious domestic emergencies – e.g. flooding, break-ins. These are limited to emergencies which would result in serious damage to property if not attended to straight away. It would not be expected that an employee would require more than a day off for these emergencies.
- These would be reckoned within the same 10 days in a rolling 12 month period noted above.

III. **Special leave bereavement.** This is provided to help staff where they have a bereavement of a close dependent or close relative. We will consider all applications based on the circumstances. This generally has an upper threshold of up to 10 days with pay per instance (and is a separate category from the above three categories and is not added to them for reckoning purposes). However this upper limit is only where staff are directly involved in making all the arrangements or it is a partner, child¹ or parents. In the case of grandparents we would generally as a guideline permit up to 3 days and 1 day for an aunt/uncle or niece/nephew. If requests for this type of leave in a 12 month period seem unduly high we may limit what is offered – but we have not, to date, been in that situation.

¹ Statutory bereavement leave is available for parents who lose a child (aged under 18 or by stillbirth after 24 weeks of pregnancy) and have 26 weeks service. It is to be taken in a single two week block or two periods of one week in and can be taken within 56 weeks of the date of death. Statutory leave is paid at a statutory rate set by the government. Staff should complete a claim form to apply for this. Note SFC's special leave for bereavement is available as an alternative and it offers leave on full pay and sets no service limit.

For reference, a close relative is generally taken as meaning a spouse/partner, children (including stepchildren, adopted and current foster children), parents, siblings, grandparents, grandchildren, parents-in-law and son/ daughter-in-law. This does not include friends or neighbours.

Everyone reacts differently to bereavement and it is important to recognise this. Where staff need longer to adjust or are finding it difficult to cope with a particular bereavement it may be advisable that they speak with their GP and get signed off from work to allow more time for this. When ready to think about returning to work we will always consider phased returns taking account of the circumstances and any medical advice provided through Fit notes. Counselling can be provided via our employee assistance service.

IV. Special leave Foster and Kinship care. As an employer SFC recognises and values the contribution to the community made by foster parents and the commitment of staff who provide foster care for children. In addition to Special leave care of dependents, which may routinely apply to caring situations for dependants, SFC offers staff a maximum of two days paid special leave following a formal fostering arrangement. This is to support staff make the necessary arrangements to receive the child being fostered, and to settle them into the family home. This is subject to a maximum of 5 days paid leave in a 12 month period and is only applicable to long term fostering, which would not normally be less than 6 months. This leave is also available to members of staff where children of close relatives would otherwise have to be fostered or go into local authority care for a period not normally less than 6 months (Kinship care).

Applications are to be made to Human Resources with appropriate confirmatory evidence of the arrangements.

V. Special leave without pay. Staff can request unpaid special leave at any time for anything (for example: no holidays left, exceeding above categories of special leave). However as it is unpaid the time is also not pensionable.

The decision-making process

6. In considering each request we need:
 - I. the reason for the request
 - II. the specific circumstances

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- III. input from line management (e.g. operational consequences if approved –say all other staff will be out of office that day).
7. In considering the request HR will take into account the individual's past record of requests for special leave as well as similar cases across SFC
 8. The decision on Special leave is taken by the Head of Human Resources. In their absence, or if the applicant has reason to query the decision, the Assistant Director of Human Resources and Organisational Development will deal with the request. Their decision is final.
 9. Whilst Special leave is discretionary, the reasons for a decision will be explained. Staff are free to request annual or flexi leave or consider whether another leave/break procedure may be more relevant.
 10. Requests for Special Leave should be submitted to Human Resources via your line manager and a decision as to whether special leave is approved made within 3 working days.

Sources of information and advice

11. Information and advice on other support including flexible working, career breaks is available from Human Resources.
12. All members of staff have access to the Help Employee Assistance Service - this provides an independent and confidential advice and guidance on a wide range of issues including bereavement, stress, work life balance and personal traumas. A package of counselling sessions by phone or face to face meetings is available through this service. This is open 24 hours per day, 7 days per week phone 0800 032 9849.

Document history

This Policy and Procedure does not form part of SFC's terms and conditions of employment.

Owner: Human Resources

Version number	Changes	Date approved
1.1	Updated via PPWG and JNCF to include clarity on bereavement leave and for Foster/Kinship care.	07/05/2021 Ratified by JNCF

Review cycle: where there is a change in elements of the policy or periodically every two years.