



Dudley Mind Special Leave Policy & Procedure

1) Policy

1.1 This policy provides guidelines for clarification of special leave, ie. paid or unpaid leave for domestic or other out-of-work commitments. For details of sickness absence, please refer to Dudley Mind Sickness Absence Policy and Procedure.

1.2 Where requests for special leave are made consideration should be given to whether or not it is appropriate to use other types of leave such as annual leave or time off in lieu.

1.3 Where paid leave is granted employees will be paid at full basic rate for the number of hours lost unless otherwise specified.

1.4 In considering requests account will be given to the amount of special leave the employee has had during the previous rolling 12 month period.

1.5 Any abuse of this policy may result in absence being recorded as unauthorised unpaid and/or disciplinary action in accordance with Dudley Mind's Disciplinary Policy and Procedure.

1.6 It should be noted that there is no 'entitlement' to special leave and therefore individuals do not have the right to take any number of days' special leave in a year. Rather, employees may require time away from work to deal with domestic or other out-of-work commitments and this policy sets out standards detailing how managers should deal with requests for such leave and how individuals may expect to be treated when requests are made. These guidelines are not meant to be prescriptive and leave will not automatically be granted.

2) Scope

This policy relates to all Dudley Mind employees who have a contract of employment.

In implementing this policy, managers must ensure that staff are treated fairly and within the provisions and spirit of the Dudley Mind Equal Opportunities Policy.

3) Types of Special Leave

3.1 Parental Leave

3.1.1 Employees have statutory rights to take unpaid time off from work to care for their child or make arrangements for the child's welfare. Parents can use it to spend more time with their children and strike a better balance between their work and family commitments. Please refer to Dudley Mind Parental Leave Policy.

3.1.2 However there may be circumstances where those provisions prove inadequate to deal with a particular situation in which case this policy may apply.

3.2 Time off for Dependant Care Leave

3.2.1 Employees are entitled to a reasonable period of time off to deal with their caring responsibilities. Please refer to Dudley Mind Time off for Dependant Care Policy for definition of dependant and eligible circumstances.

3.2.2 There is no statutory requirement for Time off for Dependant care leave to be paid.

5.2 However, in certain circumstances management may use their discretion to pay at an employee's normal rate of pay for up to 2 short episodes of leave, normally 1 to 2 days in a 12 month period.

3.3 Non-emergency dependant care leave

3.3.1 There may be times when an employee needs to take time off to deal with non-emergency caring responsibilities for example, accompanying a dependant* to a hospital appointment.

3.3.2 It is expected that these situations would not arise more than one or two days in a 12 month period, and employees should give their manager as much advance notice as possible if they plan to take time off in these circumstances.

3.3.3 Non-emergency carer's leave will normally be unpaid. However, management may, at their discretion in certain circumstances, pay up to 2 days at half an employee's normal pay rate in any 12 month period. Any additional time granted will be unpaid.

*Dependants in this instance are defined as those who the employee has a caring responsibility for and are also one of the following to the employee:

- child(ren)
- next of kin or nominated next-of-kin
- partners
- parents/parents of partners

3.4 Compassionate Leave

i) Bereavement/critical illness/life endangering accident

3.4.1 Compassionate leave allows employees to request leave to deal with the bereavement, critical illness or life endangering accident of a partner or close relative.

3.4.2 The amount of leave granted is at the discretion of the line manager and each case should be considered individually and a reasonable amount of leave granted to deal with a particular situation. In many situations the employee may have statutory rights to take unpaid leave. However there may be situations where those provisions prove inadequate to deal with a particular situation in which case this policy may apply.

3.4.3 The amount of leave and whether paid or unpaid (including any leave taken under the statutory provisions) should be agreed when the employee notifies head office of the absence but the following guidelines should be followed:

Line managers have the discretion to grant up to 5 days paid compassionate leave to employees who need to care for a close relative who is critically ill or who has suffered a life-endangering accident, or following the bereavement of a close relative. In addition to the 5 days leave employees may be allowed one day paid leave to attend the funeral. Where leave is expected to go beyond 5 days, the leave may be extended by a reasonable amount subject to approval by the Chief Executive but will normally be unpaid.

In the event of the death of a near relative/close friend management may grant up to 2 days unpaid leave at their discretion to include time off to attend a funeral.

ii) Personal Difficulties

3.4.4 At times, employees may experience personal difficulties which can be extremely stressful, e.g. relationship breakup, re-possession of home, bankruptcy, redundancy of a partner etc.

3.4.5 Managers should deal with requests for such compassionate leave with discretion as each case will need to be judged on the individual circumstances. In cases where staff have experienced domestic violence or where a manager suspects that a member of staff has experienced domestic violence, it is imperative that managers deal with the issues in a sympathetic and confidential manner so that staff feel able to request leave in line with this policy. Payment for leave under such circumstances is at management discretion.

3.5 Unforeseen Circumstances

i) Domestic emergencies

3.5.1 This is leave to deal with serious domestic problems or other unforeseeable events not related to care arrangements where it is not

practicable to consider annual leave for example theft, fire or flooding at home.

3.5.2 Dudley Mind expects that requests for emergency leave would be made only in exceptional circumstances. Payment is at management discretion.

ii) Other unforeseen circumstances

3.5.3 There will be occasions when bad weather, failure of transport etc results in staff being unable to attend work.

Staff must contact Head Office or the person on call as soon as possible to explain the circumstances. They will be expected to use alternative methods of getting to work including walking where conditions allow. Staff may be expected to work from another location if necessary. In such circumstances, consideration will need to be given to the safety and mobility of staff.

Staff are expected to make reasonable effort to attend work. Where a manager is not satisfied this is the case, the leave will be unpaid.

3.6 Court Attendance

3.6.1 Employees who are called to attend Court for jury service or as a witness during a trial will be granted leave as required by the court. Loss of earnings must be claimed via the court and Dudley Mind will make up any difference between payment by the court and normal pay during the period of attendance.

3.6.2 Any employee who is called for Jury Service should forward their written notification to their line manager as soon as it is received.

3.6.3 An employee should receive an expenses claim form from the Court where they can normally claim loss of earnings, subsistence and travelling expenses. Details of the amount the employee claims for loss of earnings must be forwarded to the Finance Officer to enable the appropriate adjustments to be made to the employee's salary.

3.7 Trade Union Duties

3.7.1 It is recognised that provision should be made for requests for reasonable time off work for trade union representatives. Typical activities include:

- Trade Union duties
- Trade Union activities
- Trade Union training
- Trade Union official

3.7.2 Requests for time off should be made to the line manager as far in advance as possible and approval is subject to operational requirements.

3.7.3 Where time off is granted for trade union duties and training this will be with pay. Where time off is granted for trade union activities this will be unpaid.

3.8 Public Duties and Voluntary Activities

3.8.1 Employees who hold certain public positions may be required to be absent from work in order to perform the duties associated with them. This section makes provisions for such leave to be taken.

3.8.2 Those that are entitled to take time off for public duties are:

- Justice of Peace
- Member of a police authority
- Member of any statutory tribunal
- Member of a relevant health body
- Member of the managing or governing body of an educational establishment
- Member of the governing body of a further or higher education corporation
- Member of the Environment Agency
- Prison independent monitoring boards
- Member of a Water Customer Consultation Panel
- Members of Local Authority

3.8.3 Employees should discuss their proposals to take up public duties with their manager before making such commitments in order to establish the likely time required for the employee to fulfil them and to identify appropriate methods of accommodating requests for special leave in these circumstances.

3.8.4 Employees must seek authorisation to take leave for any forthcoming commitments as far in advance as possible and in any case at least 1 week before the event. If adequate notice is not given, this may result in leave not being granted. The employee must also provide proof of attendance.

3.8.5 The amount of time which an employee should be permitted to take off to perform these public duties, is defined as that which is reasonable in all the circumstances having particular regard to:

- how much time off is required overall to perform the duties and how much time off is required to perform the particular duty in question
- how much time off the employee has already been permitted for this purpose or for trade union duties and/or activities
- the effect that the employee's absence will have on the operation of Dudley Mind

3.8.6 For duties associated with Justice of the Peace, members of a statutory tribunal or members of the Board of Prison Visitors employees may be

granted up to 10 days paid leave per annum at the discretion of the line manager.

3.8.7 For all other public duties line managers may use their discretion to grant up to 5 days paid leave per annum.

3.8.8 Time off for public duties with pay is less any contribution of loss of earnings or attendance allowances claimed from the statutory body.

3.8.9 Time off for voluntary activities is without pay unless it is considered by the Chief Executive that the activity is of direct benefit to the organisation. In the event of the employee receiving a payment for a voluntary activity then time off will be without pay.

3.9 Training with Reservist & Cadet forces

3.9.1 Employees must discuss any proposal to join the Reserve Forces with their line manager in advance of making any decision in order to establish the likely time commitment required for the employee to undertake Reserve forces duties and to identify appropriate methods of accommodating requests.

3.9.2 Where employees are 'called up' on active service this will be unpaid leave. Employment will continue without pay, unless specified otherwise by the employee.

i) Annual Camp

3.9.3 This generally occurs once a year for up to 2 weeks. Employees who attend annual camp may be granted the following leave in any rolling 12 month period.

First week of camp	The employee can choose to take either 1 week paid Special Leave and to pay any remuneration received from the Reserve Forces to Dudley Mind, or to take unpaid leave or annual leave and to retain remuneration received from the Reserve Forces.
Second week of camp	The employee can choose to take either annual leave or Special leave without pay.

Any additional leave agreed at the discretion of the line manager will be unpaid.

3.9.4 Employees who are required to undergo short periods of training additional to annual camp should arrange to attend either outside work time or use annual leave.

4) Procedure

4.1 Notification

Every effort should be made to give as much advance notice as possible to head office of the intention to take leave but at least ONE HOUR before the start of shift. When advance notice is not possible, employees must advise their Line Manager as soon as possible about their absence, the reason for it and how long they expect to be away from work.

4.2 Payment / Non-Payment

Payment for all special leave is at management discretion.

4.3 Recording leave

All requests for leave (whether approved, postponed or rejected) should be recorded on the Dudley Mind special leave record held by the HR Officer to ensure fairness and consistency throughout the organisation.

4.4 Combination of Leave for different reasons

4.4.1 Where an employee undertakes a range of duties of different kinds eg. is a trade union shop steward but also a JP, the total amount of time off under this policy will be considered with Dudley Mind exercising a judgement as to what amount of leave is reasonable over the course of a year. It would not normally be expected for the total amount of time off to exceed 18 days.

4.4.2 This may mean that the employee has to choose between options and utilise other leave options such as annual leave if s/he wishes to take off more time than Dudley Mind will permit under this policy.

5) Related Documents

Dudley Mind Parental Leave Policy
Dudley Mind Time off for Dependant Care Policy
Dudley Mind Maternity and Paternity Policy
Work and Families Act 2006.

6) Changes

Dudley Mind reserves the right to change the provision of the Special Leave Policy and Procedure by amendment, addition or deletion or substitution of new procedures from time to time at its discretion. Employees will be consulted and notified of any changes by appropriate means.