

Special Leave Additional Guidance

What is special leave?

1. Special leave is a form of leave that managers may grant when other types of leave are not wholly suitable. In some cases, an employee may take a mixture of special leave and other types of leave such as annual or flexi leave.
2. This form of leave is often discretionary, but there are also specific situations where employees may have a statutory right to time off work in. For example, to deal with an emergency involving a dependant, or to carry out certain public duties. In some situations, a request for special leave should be automatically agreed, for example Jury Service.
3. Special leave can be planned in some circumstances, however we recognise that it may also be requested on an unplanned basis depending on the reason e.g., for an unforeseen event. Whether it is paid or unpaid will also depend on circumstances.
4. Employees must adhere to the Civil Service Code and departmental standards of behaviour whilst on special leave. They should not undertake any activities which could cause a conflict of interest with their employment or bring their employer into disrepute. Employees will also need to adhere to policies and procedures in relation to their employment whilst on special leave.

Should special leave be paid, unpaid or a combination?

5. Sometimes specific entitlements to special leave will determine whether it is paid or unpaid. The decision on whether special leave should be paid will also depend on the circumstances and activity for which the leave is requested.
6. The decision may also depend on the amount of special leave already granted. As an example, in the past a manager may have granted an employee paid special leave several times to deal with unexpected domestic emergencies. The manager may consider granting unpaid special leave for further requests.
7. Managers should also consider how allowing paid leave could be perceived externally and whether it is an appropriate use of public funds. Paid leave is usually allowed for volunteering or public duties. However, where an employee receives payment for activities from the other organisation it would be unpaid special leave that is approved.

When are other forms of leave more appropriate?

8. Special leave may not always be appropriate, even if it has been granted before in a similar situation.
9. Unless there is a statutory right to time off, there is no automatic entitlement to special leave. Managers should not simply grant it because the employee has exhausted other forms of leave. It should be considered whether other forms of leave may be more appropriate.

10. Taking into account the following questions will help assess whether another type of leave may be more appropriate:
- Is there is a statutory right to time off?
 - Is the time off requested for an emergency situation where annual or flexi leave cannot reasonably have been taken?
 - Could the employee have scheduled the reason for the leave around work hours?

When special leave is not appropriate

11. Some examples of when special leave is not usually allowed are:
- To take a dependant to a pre-planned medical appointment. Annual or flexi leave is more appropriate in this case.
 - To take time off for sporting activities where the employee has already reached the limit for this type of leave in the past 12 months.

Receiving a request/ Role of Line Manager

12. Line Mangers have total responsibility to authorise paid or unpaid special leave, If Line Managers need further advice, please log a service desk call.

Considerations when agreeing a request.

13. As a manager when you receive a request for special leave you should always consider:
- The employee's circumstances.
 - The urgency of the problem
 - How much leave the employee has taken in the past (this will not usually be appropriate in cases of bereavement)
 - Consistency of decision making.
14. You may need to ask your employee for more information before making your decision.
15. Whilst we want to support employees wherever possible, at the same time we would expect employees at times to contribute some of their own time to their activities, for instance using annual and/or flexi leave. Being fair and consistent when considering requests is important, along with considering what the work requirements of the business are and the wider team impact.
16. The opportunity to work part-time, or an agreed rearrangement of working hours, may be granted as an alternative to special leave without pay if that is preferable both to line management and the employee concerned.
17. Managers can authorise excess debits on the FlexiPi, with an agreed time limit for making the time up if it is considered that this is more appropriate than allowing special paid or unpaid leave.

18. Managers should satisfy themselves any activity that the special leave is requested for will not conflict with the Civil Service Code of conduct.
19. If there are any reasonable grounds for suspecting special leave has been misused, or an abuse of policy has occurred, this will be investigated and may result in disciplinary action including the financial recovery of any pay granted whilst on special leave.
20. In some cases, authorisation may be done retrospectively for example bereavement leave, please refer to the Leave Framework.
21. When considering granting special leave managers should ensure enough annual leave is left for rest and recuperation and that employees who are careful with their annual leave are not penalised in favour of those who use their leave early in the year.
22. You should handle applications for special leave confidentially, although in some cases approval from a higher authority within the line management chain will be required and this should be explained during your discussion.
23. You should keep records such as emails or note of discussions of any special leave requests you do not grant, including the reason for your decision. This will assist you in ensuring your decisions are consistent and fair and provide information should an employee wish to escalate the matter.

Abatement

24. It is important to know that annual leave is abated if more than 4 weeks unpaid special leave is taken. The following example explains how this works:

Chris has experienced some severe flooding. Chris is given 3 days paid special leave to deal with the emergency. As the situation is going to require some time to sort Chris requested a month of unpaid leave as they did not want to use their annual leave. Chris's Manager agreed this request. By taking unpaid annual leave, Chris needs to be aware that it would reduce their annual leave entitlement and it would be recalculated based on working 11 months rather than 12 months. As they have over 5 years' service, they were originally entitled to 30 days leave but now would be entitled to $30 \text{ days} / 12 \text{ months} \times 11 \text{ months} = 27.5 \text{ days}$.

25. In general, unpaid leave does not count as service towards an employee's pension. A stop the Clock principle is operated such that although unpaid leave does not, in general accrue benefits those accumulated are preserved and built upon when the employee returns to work.

Fusion Guidance

26. You must record any special leave (with the exception of DSL*) agreed with your employee on Fusion, guidance on this is available on the [Yammer videos](#)

** Disability Special Leave (DSL) will now be recorded on FlexiPi (except for Field Force where it is still recorded on Fusion) and can be inputted in hours or days.*

Employees can enter the details of DSL themselves but should include the date and name of manager agreement.

27. The special leave categories in the [Leave Framework](#) are listed below with the equivalent field on Fusion that you need to complete. We will be working to update Fusion so that the categories match in the future.

Special Leave	Fusion Category
Study Leave	Day Release/Course
Care of sick relatives or dependants	Nursing
Domestic Crisis	Domestic Reasons
Domestic Abuse	Domestic Reasons
Sporting Events	Social Activities and Duties
Inability to attend Work.	Disruption (please refer to guidance)
Bereavement/Parental Bereavement	Bereavement
Public Duties	Official Duties
Volunteering	Please refer to separate policy
Gender Identity and Transitioning at Work	Other
Cadet Force	Official Duties.
Jury Service	Attendance at Court
Compulsory Transfer	Relocation Visit
Infectious Diseases	Refrain from work
Parliamentary Candidates	Official Duties
Trade Union Activities	Union Training
Health & Safety Duties	Official Duties
Reservists	Reservists

Types of Special Leave

