



Special Leave Policy and Procedure

Policy No. 34

OFFICIAL – March 2024

Title:	Special Leave Policy and Procedure
Authored by:	Senior Head of People (SHP)
ELT Approved:	28th March 2024
FBU Consultation:	
Unison Consultation:	
Executive Committee Approved under Scheme of Delegation:	
CFA Approved:	
Policy Register Review Date:	
Implementing Officer:	Head of Human Resources (HHR)

1. POLICY

1.1 Policy Statement

Cleveland Fire Authority is committed to supporting staff throughout the course of their employment and recognises that on occasions individuals need to have access to leave arrangements, which supports them balancing their work responsibilities with personal commitments.

The Authority will adopt a fair, transparent, and consistent approach ensuring that where appropriate all staff will have access to special leave as appropriate to the circumstances.

1.2 Policy Aim

The aim of this policy is to incorporate the principles of the relevant employment legislation, harmonise the range of local agreements developed through the Local Government and National Joint Council terms and conditions regarding special leave. This Special Leave Policy and Procedure aims to provide a fair and consistent framework for staff and line managers to follow when additional time off may be required.

To support the achievement of this aim the Authority will ensure:

- Equality of opportunity for all staff, regardless of individual circumstances and personal commitments
- Consistency of the application of the policy and procedure for all employees
- The procedure is managed in accordance with the process set out within this document
- The collation and reporting of management information to the Brigade's Executive Leadership Team (ELT) as required

1.3 Scope

This policy and its procedure applies to all employees who are directly employed by Cleveland Fire Brigade.

For leave associated with maternity, paternity and adoption leave please refer to the **Family Friendly Policy and Procedure**.

For annualised hours leave please refer to the **Annualised Hours Duty System Procedure**.

For Trade Union Leave please refer to the **Time Off and Facilities Local Agreement**.

1.4 Definition and General Principles

The term 'special leave' may be defined as leave, either paid or unpaid, given in addition to annual leave, to help staff balance the demands of domestic and work responsibilities at times either urgent, unforeseen and/or with reference to personal, carer or public responsibilities.

1.5 Policy Category

This policy is categorised as '**Corporate Authority**' within the Key Document Framework.

2 Organising

Cleveland Fire Authority (CFA) is responsible for:

- approving the Authority's Special Leave Policy and Procedure

Chief Fire Officer (CFO) is responsible for:

- reviewing monitoring reports relating to special leave provision
- overseeing all aspects of this policy and procedure

Assistant Chief Fire Officer Strategic Planning & Resources (ACFOSPR) is responsible for:

- maintaining the framework for the practical application of the policy and procedure in line with the Authority's Scheme of Delegation.

Senior Head of People (SHoP) is responsible for:

- monitoring the application of special leave through the Policy and Procedure
- monitoring arrangements within their functional area with reference to special leave

Head of Human Resources (HHR) is responsible for:

- providing advice and guidance to those involved in the application of this policy and procedure
- ensuring that the policy and procedure meets and continues to meet the requirements of the organisation and employment legislation
- effectively communicating this policy and procedure to all staff
- maintaining management information with reference to the usage of special leave and producing relevant reports to ELT

Heads of Department/ Line Managers are responsible for:

- ensuring awareness of the policy and procedure and the fair and consistent application
- maintaining full and accurate records related to provision of special leave
- seeking advice for consistency purposes from the HR Department on the application of special leave

Individuals are responsible for:

- adhering to the requirements of this policy and procedure
- adhering to and fully cooperating in the application of the procedure

Trade Unions are responsible for:

- supporting the implementation of, and adherence to, this policy and procedure

3 Planning and Implementing

This policy is underpinned and implemented through the Authority's Special Leave Procedure Appendix 1.

All new staff will be made aware of this policy and procedure during their induction and all documents will be available on Cleveland Fire Brigade's intranet. Existing staff will be informed of this policy and procedure as per the accepted Policy Framework Procedure.

4 Resource Implications

There are potential financial resources required where special leave granted in support of staff who are away from work due to circumstances covered by this policy. People resources are also required to coordinate the procedure; most of this work is regarded as a combination of core work of the Human Resource Team and the day-to-day duties of staff with line management responsibility.

5 Equality Impact Assessment (EqIA)

This policy has been assessed in accordance with the Brigade's Equality Impact Assessment Procedure and findings are detailed in Appendix 4.

6 Monitoring

The Senior Head of People (SHoP) will monitor activities under this policy and procedure.

7 Audit

This policy will be audited in accordance with the procedure detailed within the Authority's Policy Framework.

8 Review

The ACFOSPR will undertake a review of this policy in 2027 to ensure it is taking account of any new or emerging political, social, technological, legislative, environmental, competitive, citizen or reputational factors.

Procedure

1. Introduction

- 1.1 This is the procedure that underpins and implements Cleveland Fire Authority's Special Leave Policy.
- 1.2 This procedure is designed to outline the circumstances where various special leave provisions apply. In addition, to outline the process for accessing/ applying for special leave.
- 1.3 The procedure sets out the following specifically:
 - The special leave categories
 - The purpose of each category of leave
 - Guidance for employees and managers on the amount of special leave that may be granted
 - What a manager would consider when dealing with special leave request
 - The documentation to support the process
 - The appeal process

2. Background

- 2.1 **Employment Law and Best Practice**
Consideration will be given to all aspects of employment law to ensure that the Authority is compliant throughout any element of the application of this policy and procedure.
- 2.2 **Employment Rights Act 1996 (section 80F – 80I) and Employment Act 2002**
The above legislation relates to the general principles afforded to individuals with employed status in an organisation.
- 2.3 **Data Protection Act 2018 and EU General Data Protection Regulations**
The Authority's records relating to special leave will be kept confidential and in accordance with the above Act and its principles, regulations, and associated guidance. Any documentation related to special leave will be placed on the individual's personal record file and retained for the duration of employment and updated on the relevant systems.

2.4 Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (PTW)

The PTW state that employers cannot treat part-time workers less favourably than their full-time equivalents and cannot subject them to any disadvantage (or detriment) because of their part-time status, unless objectively justified.

2.5 The Equality Act 2010

The Equality Act 2010 legally protects people from discrimination in the workplace. It is unlawful to discriminate against people because of any, or all, of the protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, sex, and sexual orientation).

The Authority will ensure that direct or indirect discrimination does not occur when applying the procedure for the request and application of special leave. Direct discrimination is treating someone with a protected characteristic less favourably than others, whilst indirect discrimination involves the application of rules and/or arrangements in place that apply to everyone but may put someone with a protected characteristic at an unfair advantage.

Under the Disability provisions of the Equality Act the Authority may have to make reasonable adjustments to accommodate an employee who has a disability. HR and Occupational Health, in partnership with departments, will work with managers and individuals in this regard.

3 Procedure

- 3.1 Appendix 2 details the type of leave to be considered, guidance around the purpose of the leave and guidance on entitlement and conditions.
- 3.2 An application for special leave should be made on the 'Application for Special Leave' and the outcome documented by the line manager. Please refer to Appendix 3.
- 3.3 It is acknowledged that there are circumstances where an application for special leave may be requested by the individual over the telephone to their manager. The request and outcome should be documented in retrospect.
- 3.4 If the decision is to decline the request for special leave the rationale should be clearly documented on the form.
- 3.5 The granting of some special leave is discretionary, and managers are encouraged to seek guidance from the Human Resources Department if in any doubt regarding the request and application of the policy and procedure.
- 3.6 The form should be forwarded to the HR Department to upload on the digitally held personnel file.

- 3.7 On receipt of the form the HR Department will notify the Payroll Department if there is any impact on pay.
- 3.8 The line manager is responsible for updating Softworks and Fire Service Rota where applicable.
- 3.9 If an individual is not satisfied with the outcome of a request for special leave an appeal can be made via stage 3 of the Grievance Procedure, however an informal resolution between the individual and line manager is preferable.

Special Leave – Criteria and Provision

Special Leave	Criteria	Provision
Special Leave for Urgent, Domestic, Personal and Family Reasons		
Emergency Dependant's Leave	<p>Provision of a compassionate response to immediate needs of a member of staff with a sudden or unexpected emergency involving someone for whom they have a caring responsibility i.e. a dependent</p> <p>Dependants include: spouse, partner, child, parent, someone living with them as part of their family, a person who relies solely upon the employee for help in an emergency</p> <p>Situations that may be regarded as an emergency may include:</p> <ul style="list-style-type: none"> • Dependant is ill and need the employee's help • Dependant has been involved in an accident or assaulted • Dependant needs the employee to arrange their longer term care, including: <ul style="list-style-type: none"> • Employing a temporary carer • Placing a sick child with relatives • Organising care with health and/or social services, voluntary organisations, or the private sector • Liaising with friends and family 	<p>In circumstances where a short amount of leave is required to care for a dependant and is not covered by parental leave (please see section below), employees are entitled to take unpaid leave.</p> <p>To request time off to care for a dependant a request must be made to the line manager at the earliest opportunity and must include the reason for the request and the expected duration.</p> <p>There is no statutory provision for paid leave in this circumstance</p>

	<ul style="list-style-type: none"> • Dependant relies on the employee to deal with an unexpected disruption or breakdown in care, such as a childminder or nurse failing to turn up <p>Note: An employee should be encouraged to ask for special leave if a child is ill and not book as sick</p>	
<p>Carer's Leave (From 6th April 2024 in legislation)</p>	<p>Provision for employees who will be entitled to unpaid leave to give or arrange care for a 'dependant' who has:</p> <ul style="list-style-type: none"> • a physical or mental illness or injury that means they are expected to need care for more than 3 months • a disability (as defined in the Equality Act 2010) • care needs because of their old age <p>The dependant does not have to be a family member. It can be anyone who relies on them for care. There is no qualifying period, employees are entitled to carer's leave from their first day of work for their employer.</p>	<p>Employee's can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave. They can either take a whole week off or take individual days or half days throughout the year.</p> <p>If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.</p> <p>If an employee is a parent, they can take up to 18 weeks' leave to look after their child. This is separate to carer's leave detailed below under parental leave. Employees need to give their employer notice before they want their leave to start. If the request is for half a day or a day, the notice period must be at least 3 days. If the request is for more than one day, the notice period must be at least twice as long as the requested leave.</p>

		<p>For example, if the request is for 2 days, the notice period must be at least 4 days. The notice period needs to be in full days, even if the request includes half day amounts.</p> <p>The request does not have to be in writing. Employees do not need to give evidence of their dependant's care needs.</p> <p>Employers cannot refuse a carer's leave request but can ask the employee to take it at a different time. They can only do this if the employee's absence would cause serious disruption to the organisation.</p> <p>If they delay it, the employer must:</p> <ul style="list-style-type: none"> • agree another date within one month of the requested date for the leave • put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave <p>If you need to look after someone in an emergency, you can take time off for this without giving a notice period. Please see time off for emergency dependants leave as above.</p>
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<p>Parental Leave</p>	<p>Parental leave gives parents the right to take time off work (unpaid) to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments.</p> <p>Reasons could be:</p> <ul style="list-style-type: none"> • spend more time with their children • look at new schools • settle children into new childcare arrangements • spend more time with family, such as visiting grandparents <p>Parental leave should not be confused with shared parental leave which allows two partners to share the leave immediately after a child is born.</p> <p>Please refer to the Maternity, Paternity And Adoption Policy.</p>	<p>Unpaid parental leave should be applicable to any employee who has nominated caring responsibility for a child under age 18, up to their 18th birthday. The entitlement is up to 18 weeks of unpaid leave for each child under the age of 18 years.</p> <p>The limit to be taken per year is 4 weeks for each child.</p> <p>The leave must be taken in whole weeks for example 1 week or 2 weeks, rather than individual days, unless your child is disabled where the Brigade has some discretion. A week equals the length of time an employee normally works over 7 days.</p> <p>Notice periods should not be unnecessarily lengthy and may reflect the period of leave required.-Where the notice period is not long enough to ensure service needs can be covered, the manager may refuse the leave, stating the length of notice as the reason.</p> <p>Parental leave can be added to period of maternity (paternity) leave, maternity leave, adoption leave and shared parental leave.</p> <p>Periods of parental leave are regarded as continuous service. During a period of parental leave the employee retains all of his/her contractual rights, except</p>
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		<p>remuneration and should return to the same job after it. Pension advice should be sought with reference to any unpaid leave and potential impact on pension.</p> <p>Managers can ask to see evidence to confirm the employee is the parent or the person who is legally responsible for the child.</p> <p>Applications should be made in writing using the Application for Special Leave request form as in Appendix 3 to the employee's line manager. The number of days and weeks previously taken by the employee should be recorded on the application for special leave form.</p> <p>Employers should only postpone leave in exceptional circumstances and give written reasons. Employees may also postpone or cancel leave that has been booked with line manager agreement.</p> <p>It is good practice for employers to maintain contact (within agreed protocols) with employees while they are on parental leave.</p>
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Bereavement Leave	<p>To provide an appropriate and sympathetic response to an employee who has suffered bereavement, usually of a close family member.</p> <p>Can be extended to include close friends and colleagues depending on the particular individual circumstances</p> <p>Where an employee is bereaved of a dependant they have a statutory right to time off. Please see Parental Bereavement leave below.</p> <p>Time off is intended to cover some or all of the following depending on the circumstances:</p> <ul style="list-style-type: none"> • to deal with the emotional consequences of the bereavement, particularly where it occurs suddenly or unexpectedly • to comfort and /or support surviving relatives or dependants • to organise funeral arrangements • to attend the funeral 	<p>Up to 3 working days paid leave may be granted for each bereavement depending on the circumstances (this will be pro rata for part time staff), and up to 5 in exceptional circumstances. This includes 1 day to attend the funeral. The amount of time given will be assessed on a case-by-case basis by the line manager. Additional unpaid leave may be granted at the discretion of the manager.</p> <p>Managers must decide how much leave is reasonable to grant in the circumstances. This should include consideration of: -</p> <ul style="list-style-type: none"> • the relation of the deceased to the employee • Responsibility/ involvement in funeral arrangements • the geographical location of the deceased • where and when the funeral will be held <p>There is no maximum number of instances of funeral attendance permitted per year. However, it is the responsibility of an employee to provide evidence of the funeral arrangements if requested by the line manager.</p> <p>There is no statutory provision for paid leave in this circumstance, The Brigade has improved on this provision.</p>
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<p>Parental Bereavement Leave</p>	<p>To provide an appropriate and sympathetic response to an employee who has suffered the bereavement of a child, under the age of 18 or a still birth after 24 weeks of pregnancy.</p> <p>Time off is intended to cover some or all of the following depending on the circumstances:</p> <ul style="list-style-type: none"> • to deal with the emotional consequences of the bereavement, particularly where it occurs suddenly or unexpectedly • to comfort and /or support surviving relatives or dependants • to organise funeral arrangements • to attend the funeral 	<p>Two weeks paid leave.</p> <p>This leave can be taken as follows:</p> <ul style="list-style-type: none"> • 2 weeks together • 2 separate weeks of leave • 1 week of leave <p>A weeks leave is based on the same number of days that an employee would usually work in a week, for example a week of parental bereavement leave would be 2 days if you usually worked Mondays and Tuesdays.</p> <p>The leave</p> <ul style="list-style-type: none"> • can start on or after the date of the death or still born • must finish within 56 weeks of the date of the death or stillbirth <p>No notice will be required for leave taken very soon after the date of the death. This will apply for the first 8 weeks after the child's death, in recognition that in this early stage employees are likely to need to take leave at little or no notice.</p> <p>Employees will, however, be required to notify their Line Manager that they are absent from work because they are exercising their entitlement to Parental Bereavement Leave. Informal notification will be acceptable.</p>
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		<p>If leave is not taken straight away, after the initial period (8-weeks) following the death, a notice requirement will apply. Employees are expected to give at least one week's notice before taking Parental Bereavement Leave. The leave must be taken in units of 1 week (it cannot be taken as individual days) so it can be taken as a single block of 2 weeks, or 2 separate blocks of 1 week at different times.</p> <p>Employees are unable to cancel any week of bereavement leave that they have already started, but they can change the date of a subsequent week by giving notice.</p> <p>In circumstances when more than one child dies the employee has an entitlement to receive pay and leave for each child on a consecutive basis i.e. 2-weeks leave for each child.</p> <p>Employees are not required to provide a copy of the child's death certificate.</p>
Special Leave for Public Duties		
Attendance at Court as a Witness/Jury	To support their employee to fulfil their civic duty or those that have a legal requirement to attend Court as a witness in circumstances other than those arising out of their employment in the Fire Service.	Paid time off as required and reimbursement should be sought by the individual through the courts.

Appendix 3

Application for Special Leave

Personal Information

Forename		Surname	
Post Title		Station/ Department	
Line Manager		Line Manager's Post Title	

Leave Requested

Dates Requested		Number of Days or Part Days	
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Reason Leave Requested	Please Tick	Brief Explanation of Circumstances
Carer /Dependant's Leave		
Parental Leave		Amount of Parental Leave previously takenWeeks.....Days
Bereavement Leave		
Parental Bereavement Leave		
Emergency Domestic Leave		
Time Off for Religious Festivals and Spiritual Observance Days		
Health Screening		
Disability Leave		
Attendance at Court as a Witness/ Jury Member		

Signed..... Date.....

To be submitted to your Line Manager as soon as possible

Response (To be completed by Line Manager)

I authorise the above-mentioned Special Leave from: - to

OR

I am unable to authorise Special Leave for the following reasons: -

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Alternative Solution (e.g. Annual Leave):

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Signed.....

Date.....

The employee must retain a copy and the original forwarded to the Human Resources Department to be kept on the digital personal file.

Email: HR@clevelandfire.gov.uk

The HR Department will inform the Payroll Department on receipt of this form where there is any adjustment to pay required.

EQUALITY IMPACT ASSESSMENT – INITIAL SCREENING

EQIAs enable us to consider all the information about a service, policy, practice, or activity from an equalities perspective and then put an action plan in place to achieve the best outcome for our employees and service users. EQIAs analyse how the work that we undertake can impact different groups. This will help us to make better decisions and evidence how we have reached these decisions.

SECTION 1 – INITIAL SCREENING

Directorate:	Strategic Planning & Resources
Department/Section:	Human Resources
Title of EQIA – Name of Service or Policy Conducted on:	Special Leave Policy and Procedure
Date Of Assessment:	14 th March 2024
Assessment carried out by:	Emma Doubooni

Is this Policy/Service/Project:

Existing ☒

New/Proposed ☐

Changing ☒

Other ☐

Applicable to: Our staff ☒

Our Communities ☐

Other ☐

PURPOSE AND OBJECTIVES	
What are the aims of the service / policy?	This Special Leave Policy and Procedure aims to provide a fair and consistent framework for staff and line managers to follow when additional time off may be required
Who is responsible for the service / policy? Who is responsible for the assessment?	Policy – ACO SPR Assessment – HR
Who implements the policy? Are external contractors involved?	Head of Human Resources
Are there any related policies or processes that will need to be changed associated to this one?	Family Friendly Policy and Procedure
To what extent does the service / policy have an impact on people? Who is affected by it and how?	This policy and procedure is available for all employees to access if required and endeavours to support employees with additional leave in circumstances when required
What analysis has been done to identify if the service / policy is meeting the needs of all of these groups of people?	Review of absences and advice given to managers and individuals with reference to leave required. Benchmarking against other FRS's/ NHS/ LGA's

ESTABLISHING RELEVANCE

In this section you should review the data and evidence above and consider the actual and potential impact of the policy, service, activity or practice on employees, residents, groups, and other service users. Findings should be noted in the table below. You should also consider whether the decision will, or is likely to, influence CFB's ability to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act and other relevant legislation.
- Advance equality of opportunity between different groups of people
- Foster good relations between people who share a protected characteristic and those who do not.

Using the information available, identify the impact of this service / policy in relation to people across the Protected Characteristics:

Protected characteristics groups from the Equality Act 2010	Negative Impact	Neutral Impact	Positive Impact	Explain your answer
Age		X		This policy is applied equally to all staff regardless of age
Disability			X	This policy is applied equally to all staff regardless of disability There is specific leave contained in the policy that is above the statutory requirement
Gender Reassignment		X		The policy is applied equally to all staff regardless of gender reassignment
Pregnancy and Maternity			X	The policy is applied equally to all staff regardless of pregnancy and maternity. There is specific leave contained in the policy that is above the statutory requirement
Race		X		The policy is applied equally to all staff regardless of race
Religion and Belief		X		The policy is applied equally to all staff regardless of religion or belief.
Gender		X		The policy is applied equally to all staff regardless of gender.
Sexual Orientation		X		The policy is applied equally to all staff regardless of sexual orientation.
Marriage and civil Partnerships		X		The policy is applied equally to all staff regardless of marriage and civil partnership
Is a full People Impact Assessment required? Yes or No If not why?	No – There are neutral and positive impacts on specific characteristics, as some special leave offered may positively impact on an individual with a protected characteristic for example disability.			

MONITORING AND REVIEW	
What procedures are in place to monitor the impacts outlined in the analysis?	Human Resources will monitor the application of this policy, monitor the equality data, and will have responsibility to ensure issues outlined in the policy are met and that any issues identified with the equality of application are addressed.
How often will this take place?	Annually
Date of next planned review?	March 2025

Proceed to Full PIA Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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SIGNATURE OF PERSON COMPLETING THIS SCREENING	
Name:	Emma Doubooni
Job Title:	Head of HR
Date:	14/3/2024

SIGNATURE OF LINE MANAGER – MINIMUM HEAD OF DEPARTMENT	
Name:	Chris Chisholm
Job Title:	Senior Head of People
Date:	14/3/2024

SIGNATURE OF EQUALITY AND DIVERSITY OFFICER – HR DEPARTMENT	
Name:	14/3/2024
Date published to internet	
Date published to The Bridge	