



Comhairle Ceantair  
**an Iúir, Mhúrn  
agus an Dúin**  
**Newry, Mourne  
and Down**  
District Council

# Special Leave Provisions



**July 2022**

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# 1.0) Title

Special Leave Provisions

# 2.0) Introduction

The Council recognises that some employees may request or be required to take time off work due to care for a dependent, deal with a serious issue affecting their home, fulfil statutory obligations, serve on public bodies and so on. The Council wishes to provide reasonable support to employees who need time off from work. The Special Leave Provisions details the time off, both paid and unpaid, that may be given for various purposes. These arrangements are separate from annual leave and other time off provisions contained in other Council policies and procedures.

# 3.0) Scope

The special leave provisions apply all Council employees. The provisions do not apply to Elected Members, casual or agency workers, consultants, contractors or volunteers.

# 4.0) Related Policies and Procedures

The Special Leave Provisions should be read in conjunction with the following:

- Planned Leave Policy (09-19)
- TOIL Procedure (04-20)
- Annual Leave Procedure (04-20)
- Managing Attendance Procedure (02-20)
- Employee Learning and Development Policy (02-17)
- Employee Qualification Assistance Scheme (02-16)
- Career Break Scheme (12-20)

# 5.0) Special Leave Provisions – Quick Reference Guide

Table 1 summarises the contents of the Special Leave Provisions; it does not negate the need to be aware of and to adhere to the further detail provided in this document.

Key Area:	Section:	Summary:
<b>Dependents Leave</b>	Section 7	Dependents leave will be <b>unpaid</b> . Up to <b>Two days</b> will be given to make the necessary arrangements to deal with disruption to normal care arrangements. An employee's line manager may approve additional unpaid time off if required.
<b>*Bereavement Leave</b>	Section 8	<b>One working week of paid leave</b> will be given (incl. day of funeral) where the employee is: ❖ an immediate family member of the deceased i.e. mother/father (natural/step/foster); brother, sister, child (natural/step/foster); civil partner or spouse; <b><u>A maximum of one working week of paid leave</u></b> will be given (incl. day of funeral) where the employee is:

		<ul style="list-style-type: none"> <li>❖ a relative who is a member of the employee's immediate household/two unrelated individuals who reside together</li> </ul> <p><b>A maximum of three days paid leave</b> will be given (incl. day of funeral) where the employee is:</p> <ul style="list-style-type: none"> <li>❖ responsible for making arrangements in connection with a death, this leave may run concurrently with other leave provisions.</li> </ul>
<b>Jury Service</b>	Section 9	Paid leave will be granted for employees undertaking jury service.
<b>Public Duties</b>	Section 10	An employee may request paid time off to undertake certain public duties. The amount of time off granted will depend on the specific requirements of the public office.
<b>Reserve Forces</b>	Section 11	A <b>maximum of two working week's</b> leave with pay to attend Annual Camp/Training may be granted. Any leave required for Annual Camp/Training in excess of two working weeks must be covered by an employee's annual leave entitlement or taken as unpaid leave.
<b>Retained Firefighters</b>	Section 12	Time off is available for employees who are retained firefighters. An employees' pay will be reduced where they receive payment for attending a call out. Attending a call out is subject to the needs of the service.
<b>Voluntary Rescue Services</b>	Section 13	Employees will receive paid leave to attend call outs if they occur during working time, attending a call out is subject to the needs of the service.
<b>*Marriage/Civil Partnership</b>	Section 14	A maximum of <b>three days paid leave</b> will be given for marriage/civil partnership leave to employees with a <b>minimum of one year's continuous service</b> at the time of the marriage/civil partnership. Employees must provide at least <b>one month's advance</b> notice prior to date of marriage/civil partnership ceremony.
<b>*Emergency Leave</b>	Section 15	A <b>maximum of one working week of paid leave</b> in a rolling 12-month period may be granted to employees for a short-term need arising from exceptional and serious unplanned emergency circumstances which are connected to an employee's family or household. E.g. an accident, severe damage or disruption to an employee's property i.e. housefire, flooding etc.
<b>*National/International Sporting Events</b>	Section 16	A <b>maximum of one working week of paid leave</b> in a 12-month period may be granted to employees to participate in a Major Sports or Meritorious Award Event.
<b>Meritorious Awards and Investitures</b>	Section 17	Paid time off is available for employees to attend such events.
<b>Unpaid Special Leave</b>	Section 19	<b>One day to six months unpaid special leave in a 12-month period</b> may be granted in exceptional circumstances.

Table 1: Special Leave Quick Reference Guide

\* Pro rata for part time posts.

## 6.0) Roles and Responsibilities

### 6.1) Line Manager

Line Managers must:

- ensure that special leave is processed and approved according to the Special Leave Provisions,
- must ensure special leave is recorded accurately on the appropriate time and attendance system,
- advise both HR and Payroll teams as appropriate of all special leave granted whether paid or unpaid, to enable monitoring of its fair and consistent application across NMDDC and to ensure correct pay and pensions contributions are made.

### 6.2) Employees

Employees must:

- make their line manager aware of the need for special leave at the earliest opportunity,
- provide regular updates, as appropriate, to their line manager while absent from work on special leave,
- not apply for special leave to which they are not entitled,
- ensure periods of special leave are recorded accurately on time and attendance systems ie timesheets etc

## 7.0) Time off for Dependents

Employees have a right to request time off from work to deal with disruption to normal care arrangements involving a dependant.

The Council will provide unpaid leave to allow employees time off work to make the necessary alternative care arrangements, to enable them to return to work. As this leave is intended for short term emergencies, an employee may request one or two days of unpaid leave to deal with the situation.

A dependant could be a:

- Child,
- Spouse,
- Parent,
- Or anyone living in the employee's household as a member of the family,

Time off for dependants, provides for up to two days of unpaid leave during working hours to deal disruptions involving a dependant and/or to make any necessary longer-term arrangements, for example:

### 7.1) Family Emergency - Assisting when a dependant:

- falls ill
- gives birth
- is injured or assaulted

### 7.2) Specific Caring Responsibilities:

- to attend to the care of a dependant where no other care is immediately available,
- to make arrangements for alternative care,
- where arrangements for the care of a dependant have become unexpectedly disrupted or terminated,
- to deal with an unexpected incident involving an employee's child, whilst they are in the care of an educational establishment.

An employee's line manager may approve additional unpaid time off depending on the individual circumstances.

If time off for dependents becomes regular or excessive, line managers should discuss with their employee, the use of:

- use of unclaimed overtime or lieu leave to support time away from work
- using annual leave
- explore how a flexible working request may help

## 8.0) Bereavement Leave

The Council recognises the difficulties and challenges that may face an employee following a bereavement. Paid time off work is available for employees who are bereaved. Bereavement leave must be taken in one block at the time of the bereavement with the exception of (e) where leave can be taken up to six months following the bereavement.

	Relationship	Duration of Leave Entitlement
a	Mother, Father (Step/Foster), Spouse/Civil Partner, Brother, Sister, Child (Step/Foster) or Legal Guardian	One working week (to include day of funeral)
b	A relative who was a member of the employee's immediate household or where a stable relationship exists, especially between two unrelated individuals who reside together.	One working week (to include day of funeral)
c	Where (a) and (b) don't apply and an employee is solely responsible for making funeral arrangements in connection with a death.	Three days, pro-rata, (to include day of funeral), may run concurrently with other forms of bereavement leave
d	In-law i.e. father in law, mother in law, brother in law, sister in law, daughter in law, son in law and grandchild/grandparent.	Three days, pro-rata, (to include day of funeral)
e	Where an employee is required to conduct business in connection with a death for example as executor of a will, dealing with legal or financial matters etc leave as necessary will be allowed subject to service needs	Three days* (pro-rata)
f	Uncle, Aunt, Niece, Nephew, First Cousin	One day to attend funeral
g	Other relatives, friend or work colleague	Time off to attend the funeral up to a maximum of 4 hours

Table 2: Bereavement Leave Provisions

\*Leave may be taken in separate blocks of one day up to six months from the bereavement.

Note: A 'working week' equals the length of time an employee normally works over seven calendar days.

If a bereavement occurs during a period of pre-booked annual leave, annual leave days will be substituted for bereavement leave, allowing for the annual leave to be taken at a future date.

Any sickness absence following a period of bereavement leave will be supported under the Managing Attendance Procedure.

## 9.0) Jury Service

Paid leave will be granted for employees summoned to undertake jury service. An employee who is required to undertake jury service or public duties will be required to provide supporting evidence in requesting time off.

Where an allowance is payable for loss of earnings and the employee chooses to claim this payment, the employee should pay the allowance to the Council.

Claims made to the Northern Ireland Courts Service for daily travel or meal allowances whilst engaged on jury service do not need to be declared to the Council and will not be deducted from an employees' pay.

### 9.1) Jury Service Summons

A jury service summons is sent about 10 days before a juror is required to attend court. Employees who have received a summons should:

- tell their line manager how long they need to be off work,
- discuss arrangements to cover their absence,
- show their line manager the Jury Summons and any other important information provided with their summons.

Employees attending for jury service should keep in regular contact with their line manager as there may be occasions when they are not required to attend court and could therefore temporarily return to work before their period jury service ends. If an employee attends court on a particular day and is not required to stay, they should return to work if it is practical to do so.

Employees will receive their normal pay on days they are unable to attend work due to attendance at court.

### 9.2) Attending Court as a Witness

An employee who is summoned to attend court to give evidence as a witness will receive paid time off to attend. Employees will be asked to provide evidence of the summons to their line manager and should provide this at their earliest opportunity to ensure arrangements to support the time off can be facilitated.

Employees attending court as a witness on behalf of the council will automatically be given paid leave.

Paid leave will not be granted to employees who bring court proceedings against the Council.

## 10.0) Public Duties

An employee may request paid time off to undertake certain public duties, examples of public duties include being:

- a magistrate (justice of the peace)
- a member of a PCSP, local education authority, educational governing body, health authority or health care trust
- a member of any statutory tribunal or of the boards of prison visitors

The amount of time off granted will depend on the specific requirements of the public office. Where an employee undertaking public duties is entitled to receive, and claims, an allowance or other payment (other than travel or subsistence expenses), the amount of this allowance/payment will be deducted from an employee's normal contractual pay.

If an employee does not receive any money for carrying out the public duties at a time when they should otherwise be at work they will receive their normal pay for the time away.

An employee who needs time off work to undertake public duties should speak to their line manager in the first instance. The amount of paid time off is at a line manager's discretion, and will take into account the following:

- How much time is required to perform the duties
- How much time the employee has already been permitted for this purpose
- The effect the absence may have on service provision.

All leave needs to be approved in advance by an employee's line manager and must be reasonable in relation to the public duties being undertaken and the employee's role within the council. All leave granted should be recorded on the appropriate time and attendance system and both HR and Payroll teams should be advised of the leave granted.

## **11.0) Reserve Forces**

Employees in Reserve Forces may request two working paid weeks leave in any rolling 12 month period to attend annual training camp.

An employee wishing to apply for leave to attend annual training will be required to provide evidence to their line manager. Employees should give as much notice as possible to allow for arrangements to be put into place to cover the absence

In exceptional circumstances, it may not be possible to grant the leave requested due to the impact on service delivery in which alternative dates should be discussed between the employee and their line manager to ensure the employee can attend at a later date.

If a period of leave in excess of two weeks per rolling 12 months is required, this must be taken from an employee's annual leave allowance or a period unpaid leave can be requested.

Where an employee attending annual training camp is entitled to receive, and claims, an allowance or other payment, the amount of this allowance/payment will be deducted from an employee's normal contractual pay.

## **12.0) Retained Firefighters**

The Council recognises the important role played by retained fire fighters in protecting local communities within the district and will support employees who are or become retained fire fighters.

An employee who receives payment for undertaking activities connected to a 'call out' which occurs during their normal working day will have a deduction made to their pay. This deduction will be the lower of either their normal Council pay, or the amount paid to them for attending the call out.

It would be unusual to be available for call out when attending for work but where an employee has stated they are available for call out duty during their normal working hours they must ensure their line manager is aware of this. Attending a call out during an employee's working hours must not detrimentally affect the health and safety of other Council employees', customers using Council facilities or the delivery of Council services. An employee must have their line manager's agreement before leaving their place of work to attend a call out.



## 13.0) Voluntary Rescue Services

A Council employee who is a member of a voluntary rescue service, for example the RLNI or Mourne Mountain Rescue etc, who is called out to attend an emergency situation during their normal working hours, will continue to receive their normal pay for the rest of working day on which they are called out.

It would be unusual to be available for call out when attending for work but where an employee has stated they are available for call out duty during their normal working hours they must ensure their line manager is aware of this. Attending a call out must not detrimentally affect the health and safety of other Council employees', customers using Council facilities or the delivery of Council services. An employee must have their line manager's agreement before leaving their place of work to attend a call out.

## 14.0) Marriage/Civil Partnership

A maximum of three days paid, pro-rata, paid leave will be granted for marriage/civil partnership leave to employees with a minimum of one year's continuous service at the time of marriage/civil partnership.

Employees must provide at least one month's notice prior to date of marriage/civil partnership ceremony.

An employee may ask to provide evidence to support their request for marriage/civil partnership leave.

Retrospective applications will not be approved.

## 15.0) Emergency Leave

A maximum of five days (pro-rata for part time employees) paid leave in a rolling 12-month period may be granted to employees for a short-term need arising from exceptional and serious unplanned emergency circumstances which are connected to an employee's family or household:

For example

- a serious accident,
- an emergency hospital admission for an immediate family member,
- severe damage or disruption to an employee's home i.e. housefire, flooding,
- as a result of domestic abuse

Due to the reason connected to the absence an employee who needs to take emergency leave should initially request this via their line manager. A decision on whether the leave can be paid should be made by the relevant Assistant Director either during the absence or when the employee returns to work.

## 16.0) Participation in National or International Sporting Events

The Council recognises that, through active involvement in sport, employees may be invited to attend national or international sporting events as a participant. The Council wishes to support the achievement of excellence in sport as part of its general commitment to promoting employee health and wellbeing.

An employee requesting time off work to participate in a national or international sporting event may be granted special leave with pay, subject to service requirements.

Applications for paid leave should be made to the Council's Senior Management Team for consideration. A maximum of five days, pro-rata, paid leave in any rolling 12- month period may be awarded. The granting

of leave to participate in sporting events is at the discretion of the Council and each application will be considered on a case by case basis.

An employee requesting time off must provide written confirmation from the relevant sporting organisation of their selection to compete and details of their involvement in the event as far in advance as possible to enable alternative arrangements to be put in place to cover the period of leave.

## **17.0) Meritorious Awards/Investitures**

Special leave with pay will be allowed to the recipient of an honour to cover the time necessarily spent in attending the award ceremony/investiture.

Applications for special leave should be made to the Council's Senior Management Team for consideration.

An employee requesting time off must provide written confirmation of the meritorious award or the investiture and they must give as much notice as possible of their leave request to enable alternative arrangements to be put in place to cover the period of leave.

## **18.0) Time off for Training/Employee Qualification Assistance**

Employees will be granted time off with pay for attendance at approved learning and development events, for more information about time off for training please refer to section 11.4 of the Council's Learning and Development Policy.

Employees who have received approval to undertake training under the Council's Employee Qualification Assistance Scheme may be entitled to time off to support their learning. Section 8.2 of the Council's Employee Qualification Assistance Scheme provides more information about time off assistance.

## **19.0) Unpaid Special Leave**

There may be occasions during an employee's time at work where an extended period leave may be useful in dealing with life events for example:

- a) to help an employee cope with parental responsibilities,
- b) to accompany partner on transfer of employment to a new area,
- c) to provide longer term care for elderly or infirm relatives or dependants,
- d) to provide a break after long service when heavy domestic responsibilities have been borne for a long period,
- e) to further assist employee dealing with domestic crisis,
- f) for other personal reasons not covered above.

In these circumstances an employee may wish to apply for unpaid special leave. One day to six months unpaid special leave may be granted at the discretion of the appropriate Assistant Director.

Unpaid special leave can only be given when an employee has exhausted their annual leave entitlement and other forms of special leave as appropriate to the individual circumstances.

Should the maximum period of special leave of six months be insufficient an employee may apply for a longer period of leave through a career break. An employee who has been absent from work for six

months on unpaid special leave does not need to give the requisite notice of three months if applying for a career break.

During an extended period of unpaid special leave an employee should remain in regular contact with their line manager and should inform their line manager of any changes to their contact details and address.

## **20.0) Pension Scheme**

During periods of unpaid special leave, pension contributions will not be paid by the Council and benefits will not accrue, this could affect an employees' final pension and or lump sum entitlements.

Following a period of unpaid special leave an employee should make appropriate enquiries with both the Council's Payroll Section and their pension provider as to the effect the break in contributions has had on their pension benefit.

Following a period of unpaid special leave, employees will have the option to 'make up' pension contributions through an arrangement with their pension provider. An employee wishing to do this should contact the Council's payroll section as follows:

### **NILGOSC Pension Scheme Members:**

This should be set up within 30 days of returning to work from the unpaid special leave. Repayments can be made up as a lump sum or as an additional pension deduction. Any repayment plan cannot exceed the duration of the unpaid leave. For more information, contact NILGOSC on 028 9076 8025

### **NICS Pension Scheme Members**

Missed contributions can be made up by buying 'Added Pension'. For more information contact NICS Pensions on 028 7131 9000.

## **21.0) Monitoring, Review and Evaluation**

This Special Leave Provisions will be reviewed every four years in consultation with Senior Management and Trade Unions. However, the Special Leave Provisions will be reviewed sooner in the event of any one or more of the following:

- a) Failure or weakness in the policy is highlighted
- b) Changes in legislative requirements
- c) Changes in Government/Council or other directives and requirements.

## **22.0) Equality Assessment**

This Special Leave Provisions has been "screened out" for Equality Impact Assessment. A copy of the equality screening is available from Human Resources.

## **23.0) Rural Needs Impact Assessment**

Due regard to rural needs has been considered and the Special Leave Provisions has been subject to a rural needs impact assessment.

## **24.0) Document Owner**

Human Resources

This Special Leave Provisions supersedes all previous Special Leave procedures in operation within Newry, Mourne and Down District Council with effect from July 2022 and is applicable to all employees.

**Special Leave Provisions Agreement:**

- **LCNF : 08 June 2022**
- **SPRC : 16 June 2022**
- **Council : 04 July 2022**

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For further information regarding Special Leave Provisions please contact HR on **0330 137 4025**