



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

Special leave policy and procedures

Information sheet

Information box

For further advice contact: Human Resources

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Version control

Document version	Author	Date of issue	Changes made
1.0	Jenny Wagner	May 2013	Original
1.1	Bethan Rees	November 2014	Clarity on special leave for sports events
2.0	Vicky Price	August 2016	Review of Policy – adding of the guidance document which draws attention to the different types of special leave and the associated rules.

Equality Impact Assessment

A business rationale assessment has been carried out and this policy contributes to Estyn's strategic objectives and delivery principles.

An equality impact assessment has been carried out and this policy is not deemed to adversely impact on any people on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, language, religion or belief, sex, sexual orientation and the Welsh language.

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Introduction

Policy principles

- 1 Estyn is committed to being an exemplary employer. This special leave policy has been developed to enable employees to request special leave to help them achieve a satisfactory work-life balance whilst still recognising that the business needs of Estyn are paramount. This policy is based on the right to apply for special leave enshrined in employment law and sets out Estyn's approach to special leave. Its provisions exceed the statutory minimum requirement for considering requests for time off.
- 2 The following principles underpin the special leave policy:
 - special leave is a discretionary benefit
 - applications should generally include consideration of using annual and/or flexi leave for at least part of the leave period
 - all requests for special leave will be considered in line with business needs which means that all requests will not necessarily be granted
 - there are limits to the amount of special leave allowed within a 12 month rolling period and employees may be expected to make a contribution of their own time

Scope of policy

- 3 The policy applies to all employees; including those on probation and fixed term appointments and those on loan. Those on secondment should discuss with the HR team. The policy does not apply to agency workers or contractors.

Policy summary

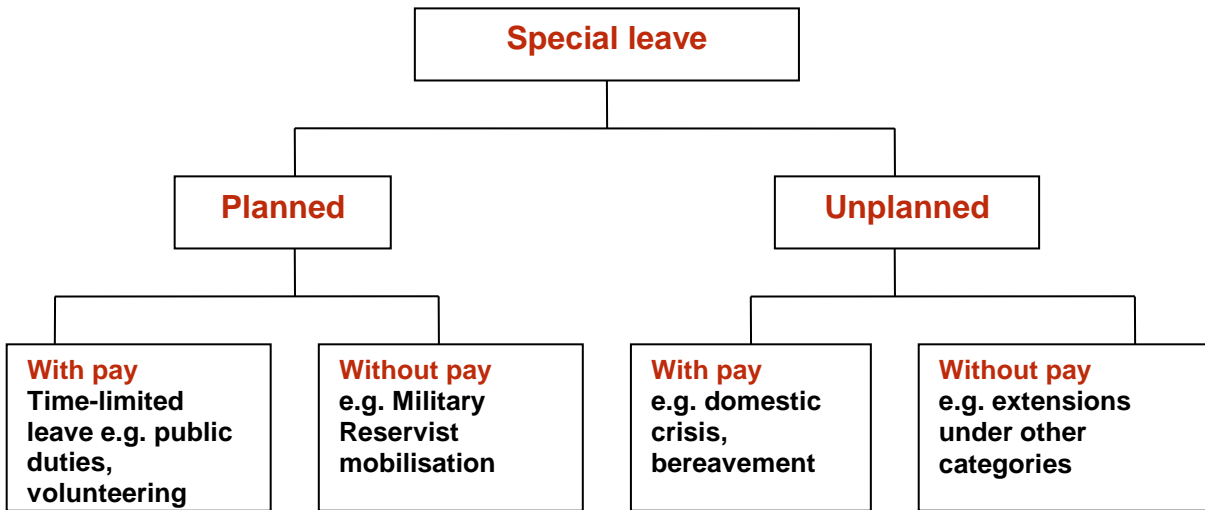
- 4 This policy provides a framework for dealing with special leave requests. Key areas covered by this policy include:
 - Attending court
 - Bereavement
 - Career breaks
 - Disability leave
 - Domestic emergencies
 - Emergency leave
 - Honour ceremonies and Civil Service societies
 - Jury service
 - Major disruption to travel
 - Public duties
 - Reservist training and mobilisation
 - Sports events
 - Study leave
 - Volunteering

Procedures

What is special leave?

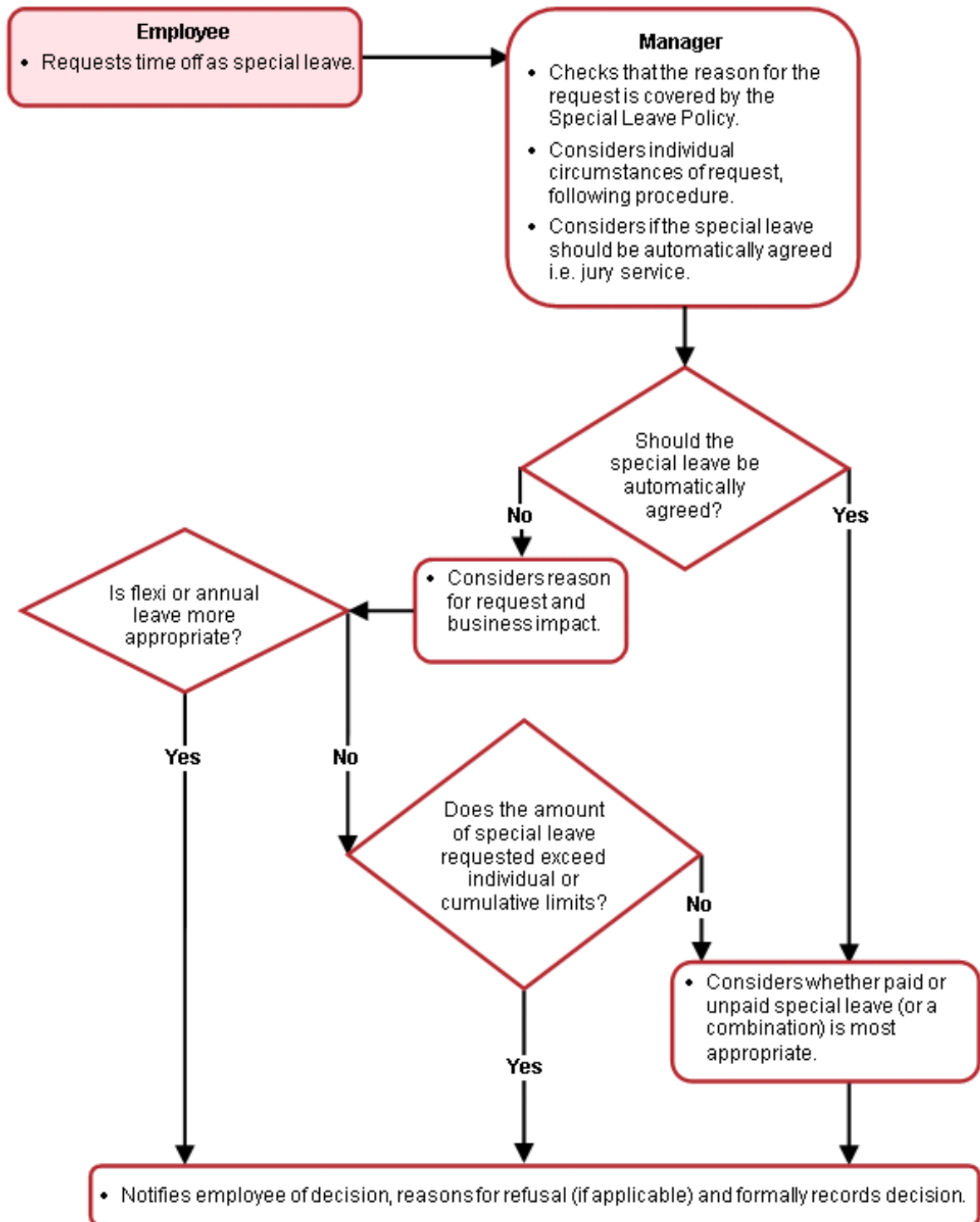
- 5 Special leave is time off work which may be granted where the use of other forms of leave is not appropriate. It is limited and may be available where using other forms of leave is not appropriate. Special leave may be authorised to enable employees to participate in certain activities, such as; participating in public duties, volunteering, or to deal with unexpected emergencies.
- 6 In some circumstances there is a statutory right to unpaid time off, for instance to carry out certain public duties or for emergencies involving dependants. In these cases a reasonable amount of time off must be granted, subject to specified limits. In Estyn, depending on the reason for the leave, the time off may be paid.
- 7 However, in most circumstances, there is no automatic entitlement to special leave either with or without pay. In these cases time off is discretionary and subject to business need.
- 8 Information on types of special leave, employee and line manager roles and what to consider before applying for special leave are set out in the Special Leave guide. It is important to read through this carefully before applying for special leave. A detailed list of categories and the relevant maximum limits is also available at Annex A.
- 9 In exercising discretion, managers will consider the nature of the request, any statutory requirement and the needs of the business. Consideration will also be given to the circumstances and how much special leave an employee has already had in the previous rolling 12 month period.
- 10 Estyn wishes to support employees wherever possible, but at the same time expects employees to contribute some of their own time to their activities, for instance through the use of annual and/or flexi leave.
- 11 Special leave with or without pay may be granted for planned or unplanned reasons. A chart showing common types of special leave is shown below. Managers are entitled to refuse requests for special leave and will consider all requests against the needs of the business and what is reasonable in the circumstances.

Special leave policy and procedures



Special leave flowchart

This flowchart provides a high-level overview of the special leave decision-making process.



- 12 Special leave with pay counts as reckonable service, whereas, special leave without pay does not, except in the case of mobilised military reservists who transfer to the Ministry of Defence payroll for the duration of their mobilisation. This will affect an employee's pension and their accrual of annual leave. No benefits, including annual leave or pensionable service are accrued during the period of unpaid leave, but benefits accumulated prior to the period of unpaid leave are preserved, and entitlements resume upon return to work.
- 13 Further information on the impact of special leave on your pension is available from: www.civilservice.gov.uk/pensions/publications
- 14 An employee will not be entitled to any other type of leave (such as annual or sick leave) whilst on unpaid leave.
- 15 Employees taking more than nine months unpaid leave within a reporting year will not receive a performance review or incremental pay increases.

Cumulative limit for special leave

- 16 Employees are expected to spend the majority of their contracted hours carrying out the role for which they are employed. However Estyn recognises that there may be situations where the granting of special leave may be appropriate.
- 17 Within any 12 month rolling period an employee should not be granted more than 20% of their annual contracted hours as special leave (the Civil Service standard limit). In reality very few employees will encounter the variety of circumstances to request this level of special leave. Employees requesting this level of special leave may not have the full amount granted for business reasons, or because it is more appropriate to use annual and/or flexi leave. Further information and support for managers about decision making can be found in the Special Leave guide.
- 18 The limits for special leave should not normally be exceeded. However, Strategic Directors and the Assistant Director (Corporate Services) in consultation with Human Resources, have discretion to grant special leave in excess of the limits in exceptional circumstances.
- 19 Certain categories of special leave e.g. for reservist mobilisation or jury service, will not count towards the cumulative limit.

Employee's and manager's responsibilities

Employee's responsibilities

- 20 Employees can apply for any category of special leave but should first consider whether annual and/or flexi leave are more appropriate in the circumstances. Employees must give as much notice as possible when requesting any form of special leave. Whenever possible a request should be submitted in advance but in all instances must be submitted to their manager within 5 working days of the employees return to work using the Special Leave Application Form. Where a request is urgent and the manager is unavailable, the request may be submitted to Human Resources for consideration.

- 21 When considering making an application, employees should:
- Ensure their activities do not conflict with the Civil Service Code or Estyn's standards of conduct, values and behaviours.
 - Consider other types of leave available to them, previous special leave requests they have made and be aware that requests for paid or unpaid time off will not always be granted.
 - Provide their manager with appropriate evidence to support the request, demonstrating that they have also considered Estyn's business needs; for instance, when applying for special leave for studying, volunteering or engaging in public duties. This may include details about dates, as well as information about an outside organisation and/or role, and any skills or knowledge that will be gained that would be beneficial to Estyn.
- 22 Employees must not take up any paid employment outside Estyn whilst on special leave except with the explicit agreement of their Strategic Director or the Assistant Director (Corporate Services).
- 23 Employees must not do anything that may cause a conflict of interest with their Estyn employment when on special leave. Any changes to your register of Interest should be noted on your register of interest form as soon as possible.

Manager's responsibilities

- 24 There are specific statutory rights to time off; for instance to participate in public duties or deal with emergencies involving dependants (see Special Leave guide for information).
- 25 Managers must ensure they understand when they can or cannot refuse a request and if unsure should seek advice from the HR team. If an individual is considering applying for special leave they should seek advice from their line manager in the first instance, and where possible before the leave is taken. Where the manager considers it appropriate for the individual to apply for special leave, the manager should speak to the individual about completing the Special Leave Application Form. Further advice and guidance is also available from the HR team, in addition to the Special Leave guide.
- 26 Managers should consider whether it is possible and appropriate to agree annual and/or flexi leave for some or all of a request for special leave.
- 27 Decisions should be made on the basis of what is reasonable in the circumstances, taking into account business needs, the needs of the individual, the impact on others and the amount of special leave taken by the employee in the previous rolling 12 month period.
- 28 Managers should recognise that employees undertaking external activities such as volunteering and public duties can develop valuable and transferable skills and experience. Managers should work collaboratively with their employees to identify how new skills and experiences can be used back in the workplace to benefit the business.

29 Managers should:

- Be fair and consistent in making their decisions
- Consider whether Estyn can accommodate the leave e.g. to take part in volunteering activities. To ensure the activities will benefit the business and/or the community as well as the individual
- Understand when an employee has a statutory right to time off
- Satisfy themselves the activity will not conflict with the work of Estyn, the Civil Service Code or departmental standards of conduct as set out in Estyn's Staff Handbook
- Ensure employees are only granted time off within the limits allowed. Individual limits for specific activities and overall cumulative limits are provided at Annex A
- Inform Human Resources of all special leave requests using the Special Leave form to enable Human Resources to maintain a record of all requests

30 Further support for managers can be found in the Special Leave guide.

Types of special leave

31 Further information on types of special leave can be found in the Special Leave Guide.

Annex A: Paid special leave limits

Overall Annual Limits: **No employee should be authorised to take more than 20% of their annual work time as special leave during a 12 month rolling period.**

It will be rare that an individual's circumstances are such that they reach the limit and highly unlikely that this could happen in more than one 12 month period.

The following types of special leave will not count towards the rolling 12 month cumulative limit:

- jury service
- compulsory attendance at court as a witness in a non-work-related matter
- reservist mobilisation
- career breaks
- some types of disability leave

Unplanned special leave without pay will count toward the cumulative annual limit.

Managers should consider carefully the amount of special leave of this type it is reasonable to grant in any given set of circumstances.

Annex B and shows the maximum limits which may be granted for individual categories of paid special leave. Limits should be pro-rated for employees working alternative work-patterns.

Annex B: Special leave limits

Category	Maximum Time Off - Rolling 12 Month Period
Attending Court	Paid for period of attendance, see Special Leave Guide for further detail
Bereavement	Up to 5 days (where an individual has responsibility for the funeral arrangements)
Career Breaks	2 years
Disability Leave	The amount of disability leave granted should be agreed between line manager and employee
Domestic Emergency Leave	Up to 5 days (in exceptional circumstances)
Honours and other events resulting from departmental nomination	1 day
Civil Service Societies	1 day
Jury Service	Paid for period of attendance
Major Disruption (Travel)	Refer to Major Disruption to Travel policy
Public Duties	Magistrates and local councillors - Up to 18 days (24 days for Mayoral duties) All others – 6 days
Reservists' training	15 days paid special leave per year for the continuous period of military training
Reservists' mobilisation	Usually not less than 3 and no more than 12 months in a 5 year period
Sports Leave (Participation in international sports events)	5 days for international events
Studying	Postgraduate degree courses and equivalent – up to 20 days (not more than 10 days in the final year) A 'level and equivalent – up to 10 days Lower qualification level – up to 5 days
Volunteering	Up to 6 days