

1197

SPECIAL LEAVE POLICY

Cheshire Fire and Rescue Service is committed to assisting employees balance the demands of work and domestic responsibilities and recognises that from time to time its employees may require to be absent from work on account of domestic, personal or family reasons or for civil and public duties. The granting of special leave is one way in which this balance can be maintained.

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CROSS REFERENCES:

[Attendance Management Policy](#); [Adoption Leave Policy](#); [Maternity Scheme – Guidance for New, Expectant Mothers](#); [Parental Leave Policy](#); [Shared Parental Leave](#); [Paternity Scheme Policy](#); [Flexible Working Policy](#); [Day Crewing Duty Agreement](#); [Optimum Crewing Duty Agreement](#); [DC1 Duty Agreement](#); [Flexible Working Hours Scheme \(Green Book\)](#); [Driving Procedure and Guidance](#); [Secondary/Other Employment Policy](#); [Trans Policy](#); [Armed Forces Reserve Policy](#)

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PART 1 – POLICY

1. Introduction

1.1 The term 'special leave' within the provision of this policy means all leave other than that provided for under normal conditions of service. Special leave requests can be made in the following instances:

- Personal Reasons
- Time off to care for a dependant* in an emergency situation or where the dependant is terminally ill;
- The death of a person/unique cases in relation to death;
- Medical reasons (i.e. cancer screening, fertility treatment);
- Time off for foster carers.

*'Dependant' in this context could include chosen family members, close support networks and loved ones.

- Role-Related Requests
- Leave to perform public duties (i.e. magisterial duties);
- Attendance at functions/events relating to voluntary work and other Fire Service-related awards;
- Leave to partake in reservist training.
- External Commitments Requests
- Attendance at court or an inquest (not arising from Fire Service duty);
- Jury Service.

1.2 Special leave does not include: annual leave, flexi leave, long service leave, floating leave; public holiday leave, adoption leave, maternity leave, paternity leave, parental leave, shared parental leave and trade union leave. Consideration of these categories of leave will be in accordance with the relevant Service Policy and contractual entitlements.

1.3 From time to time, employees may need to take time off urgently with limited notice. Special leave is not an automatic entitlement and nor is it an additional leave entitlement. It provides the facility for such leave requests to be considered through a fair and reasonable interpretation of these guidelines in accordance with the genuine need of the employee.

1.4 Whilst Cheshire Fire and Rescue Service (CFRS) understands that there may be more than one of the categories identified in the special leave policy which may affect any one individual, authorised paid or unpaid leave will be at the discretion of the Service and will take into account previous applications by the employee in the preceding 12 month period.

- 1.5 Some circumstances may require taking time off for dependants. **Appendix 1** provides further information regarding various situations that an employee might encounter which would require the approval of special leave for dependants.
- 1.6 The Human Resources department will provide quarterly reports to the Senior Management Team regarding the number and category of special leave requests that have been both approved and declined in order to monitor the leave granted and to ensure consistency in the application of the policy.
- 1.7 Where this policy refers to spouse, partner or parent this is regardless of gender and includes same sex spouses, partners and parents.

2. Time off for Personal Reasons

2.1. Time off for Dependents

- 2.1.1 For circumstances such as illness or injury of a dependant or the unexpected termination or disruption to care arrangements refer to **Appendix 1** for details.

2.2. Terminally Ill Relative

- 2.2.2 To enable staff to care for a dependant whose death, on medical advice, is felt to be imminent. The Head of Department will have the discretion to grant up to a maximum of 3 working days paid leave and, if necessary, additional unpaid leave up to a combined total of 5 working days, dependent on the particular need and individual circumstances. The leave may be taken in one block or over a period of weeks, whichever is felt to be the most appropriate.

2.3 Death

- 2.3.1 Death of a spouse or partner with whom the employee maintains or shares a home, child; parent or parent-in-law; grandparent or grandchild; sibling or son/daughter-in-law; or person standing in loco parentis to or to whom the employee stands in relation to.
- 2.3.2 An employee attending a death or funeral will normally be granted 1 days paid leave. Where the employee is involved with the funeral arrangements up to 3 working days paid leave may be allowed (including 1 day for the funeral). Time can be taken in separate weeks if there is a need to be taken on a staggered basis. Requests for time off that do not relate to the employee's immediate family or dependant may be required to provide further information regarding the relationship, locality of the place of death/funeral and/or having regard to availability of other relatives.
- 2.3.4 Time off will be considered for unique cases whereby the death may result in 2 separate leave requests eg; a bereavement leave request at the time of death (but the person passing is not yet released for a funeral) and a request for the actual funeral.

2.3.5 Employees whose child dies under the age of 18 or is stillborn after 24 weeks' pregnancy are entitled to take Statutory Parental Bereavement Leave, providing they have been employed by the Service for at least 26 weeks, on the Saturday before the child's death. This leave can be taken in the 56 weeks following their child's death. If more than 1 child dies, the employee is entitled to 2 weeks' Statutory Parental Bereavement Leave for each child.

2.4 Medical Reasons

2.4.1 Employees should refer to the Service Attendance Management Policy and relevant condition of employment in the first instance, as there are various reasons why employees require time off for health related issues. There are however circumstances that may require the support of special leave and time off.

2.4.2 Employees undertaking screening for cancer will be granted the necessary paid time off.

2.4.3 Employees undertaking fertility treatment, should inform their line manager as soon as plans are in place to undergo treatment have been confirmed (further information can also be found in the Maternity and Paternity Policies).

2.4.4 Appointments should be arranged, where possible, at times which will cause the Service the least amount of disruption and with sufficient notice. Paid leave will be considered and granted subject to a maximum of 5 days per year.

2.5 Foster Carers

2.5.1 The Service recognises that employees undertaking the care of a child/children under a foster-care arrangement with a local authority may need to take time off work. Time off may include: to help settle a child/children into the new environment; to attend training courses; to attend meetings with professionals or appointments with the child/children which can be made in advance.

2.5.2 Employees who intend to foster should inform their manager as soon as possible (not less than four weeks notice, where possible) so the necessary help/support can be provided. Up to a maximum of 5 days paid leave (per year) will be considered.

3. Role-Related Requests

3.1 Leave for Meetings for Public Duties

3.1.1 The general policy is to grant limited special leave to enable employees to perform public duties. Reasonable time off will be granted to employees to hold certain public positions to perform duties associated with them.

3.1.2 What is determined as 'reasonable time off' is covered under Section 3 of the policy - Guidance Section.

3.2 School or college governor, Civic Office (Mayor or Mayoress), also a member of: health body, police authority, statutory tribunal, prison visitors board or committee, education body or Environment Agency

3.2.1 Subject to the exigencies of the service, leave for public duties may be granted subject to application as specified in Section 2 (Procedures Section). Leave for public duties will be restricted to a maximum of 5 paid days in a calendar year. Unpaid leave may be requested when paid leave has expired.

3.2.2 Where possible these duties should be arranged on rota days/days off so as not to interfere with working days. As operational employees may be conditioned to shift and rota systems it will be reasonable to expect that whenever possible, meetings and attendance should be arranged for any off-duty periods or using any time owing. Non-uniformed support staff should use flexi leave before any request for public leave is submitted. Alternatively, employees can request to work on different days in order to fulfil their normal contractual hours, thus enabling the needs of the Service to be met.

3.3 Member of Local Authority

3.3.1 Employees who are members of another local authority will be granted up to a maximum of 9 days paid leave in a calendar year (up to a maximum of 18 days in the case of day duty uniform employees and support staff). This is in order to attend properly convened meetings of that authority with details of those meetings supplied by the authorities' Chief Executive or Members department. Alternatively, employees can request to work on different days in order to fulfil their normal contractual hours thus enabling the needs of the Service to be met.

3.3.2 In the case of membership of another local authority, the employee is to claim from that authority any attendance allowance payable and must pay to Cheshire Fire Authority 75% of any attendance allowance claimed provided that the amount paid does not exceed the salary equivalent of the leave taken.

3.4 Magisterial Duties

3.4.1 Employees who are Magistrates (Justice of the Peace) may be granted up to a 13 days leave per calendar year. Leave can be granted up to a maximum of 5 days paid leave in a calendar year, the remainder will be unpaid. Alternatively, employees can request to work on different days in order to fulfil their normal contractual hours thus enabling the needs of the Service to be met.

3.4.2 The scheduling of leave for the purpose of magisterial duty must be agreed between the employee and their line manager and be subject to the needs of the Service and the occasions when the employee is required to sit in court.

3.5 Attendance at functions/events relating to Voluntary work and other Fire Service-related awards

- 3.5.1 Subject to the exigencies of the Service, special leave may be granted in order that employees can attend functions/events for organisations which contribute to and enhance the Authority's work within the community (i.e. Prince's Trust, Cadets).
- 3.5.2 Leave for attending functions/events relating to voluntary work and other Fire Service-related awards may be paid or unpaid for all or part of the period and in consideration to previous leave granted, requests received from other employees, and subject to the exigencies of the Service.

3.6 Armed Forces Reserves

- 3.6.1 Both uniformed employees and non-uniformed support staff are entitled to special leave to enable them to be members of the Volunteer Forces (i.e. the Royal Naval Reserves, Royal Marine Reserves, Territorial Army, and Royal Auxiliary Air Forces). Full details are within the
- 3.6.2 CFRS may grant up to an additional **10 days of paid** leave per annum, on a case-by-case basis, to employees who are Reservists under the Special Leave Policy to accommodate this training. These days can be taken as one continuous block or as singular days where required, considering the individual reservists branch needs. Employees should request the leave through their line manager with documentary evidence (e.g. a letter of confirmation) of their involvement in the training.
- 3.6.3 Where employees are beginning their Reservist career and notify their manager that more than one continuous block of training is required to take place in the same leave year, special consideration can be given for this up to a maximum of **15 days per year (10 paid, 5 unpaid)**. Evidence of this training requirement will be required by the employee's manager and consultation with the CFRS Reservist Service Point of Contact in the AFN.
- 3.6.4 The definition of a week is a period of 7 consecutive calendar days.
- 3.6.5 Please refer to the [Armed Forces Reserve Policy](#) and [Secondary/Other Employment Policy](#) for further information.

4. External Commitments Request

4.1 Attendance at Court or an Inquest (Not arising from Fire Service Duty)

- 4.1.1 There is a legal requirement to attend court if a subpoena is issued, or if requested, to attend court as a witness by the police, or at an inquest as a witness. For circumstances other than those arising directly out of Fire Service

duty the request must be submitted giving brief details of the case and the subpoena or other relevant document must be attached.

4.1.2 If a driver or a witness is required to attend a court of law regarding a driving related issue, the driver's line manager must be informed immediately in writing, stating all relevant information including date, time, place of attendance, and nature of attendance and full details of the incident. Attendance at court as a witness will be at the individuals own expense and in their own time. Details regarding requests for time off for driving related circumstance can be found in the Services [Driving Procedure and Guidance](#) document.

4.2 Jury Service

4.2.1 Employees of the Service are not exempt from Jury Service. Any member of the Service who receives a Jury Summons should inform the HR Department in writing (see Procedure 4 in Section 2).

4.2.2 Jury Service at Crown Court is normally required for a maximum of two weeks (involvement in a particular case may exceed this period) but jurors are not normally required to attend court on each day.

4.2.3 Uniformed employee's request for special leave will be considered according to individual circumstances having regard to normal rota days proceeding and following the period of jury service and the incidence of weekend leave. If the uniformed employee is rostered to be on night shift immediately prior to the first day of attendance this will be included in the leave granted. After a period of extended jury service, a period not more than 24 hours paid leave free of duty may be granted. If, on a normal dayshift/working day, the employee is not required to attend court, then the Station/Line Manager or Head of Department must be informed and the employee should attend for day duty as directed. Where the involvement extends into two calendar weeks, the member will not be required to attend for rostered duty during the intervening weekend.

PART 2 – PROCEDURE

5. Approval of Special Leave

- 5.1 Special leave whether paid or unpaid, may be approved subject to the exigencies of the Service. Employees on part time contracts where special leave is granted (either paid or unpaid) will be on a pro-rata basis.
- 5.2 All special leave requests should be made in writing by the employee to the Station/Line Manager using the "[Special Leave Form](#)" (shown in Appendix 2). The form should list the employee's outstanding annual leave entitlement, long service and public holiday leave or any hours accrued under the flexible hour's scheme (Green Book). Details of any special leave approved in the previous 12 months should also be noted on the form. The request should be submitted to the relevant Line Manager as soon as the requirement for leave is known (where possible).

6. Granting of Leave

- 6.1 The Head of Department (or nominee) will be responsible for granting leave and will ensure that careful consideration is given to all requests received. Leave will be dependent upon the individual request and circumstances.

Procedure 1 - Requesting a Period of Special Leave

Please follow this procedure when requesting a period of Special Leave.

	Process/Action	Responsibility
1.	Employee discusses leave request with Station/Line Manager in the first instance to consider the impacts on individual's work commitments, cover arrangements and any other issues applicable.	Employee / Line Manager
2.	Employee requests a period of special leave using the Special Leave Form (Appendix 2) and forwards to Station/Line Manager. To ensure that all leave requests are considered fully the request <u>must</u> provide a supporting statement that identifies some or all of the following as appropriate – the reason for the application, relationships involved and geographical location(s).	Employee / Line Manager
3.	Station/Line Manager forwards employee's request to the appropriate Head of Department (or designated nominee) for consideration.	Line Manager / Head of Department
4.	Head of Department forwards copy of leave request confirming outcome to HRA for processing.	Head of Department

5.	HRA updates information on HR Pro and forwards email trail to OPA Admin Hub (grey book) to update details on Gartan system.	HRA
6.	If period of leave is <u>unpaid</u> HRA to forward email trail to the "Payroll & Pensions" email address for processing. Please note that special leave <u>without pay</u> may affect an employee's pensionable pay contributions.	HRA
7.	Medical reasons – employees booking leave requests for undergoing IVF treatment are required to provide a statement from a qualified medical practitioner confirming that the treatment has been recommended and approved.	Employee / Medical Practitioner
8	All IVF appointments will be treated as special leave up to a maximum of 5 days and paid leave will be authorised.	Line Manager/ Head of Department

Procedure 2 – In Exceptional or Urgent Circumstances

	Process/Action	Responsibility
1.	Where it is not practicable for a written request to be submitted and considered prior to leave being taken, a verbal request should be made to the Station/Line Manager who will seek the approval of the Duty Station Manager.	Employee / Line Manager / Duty Station Manager
2.	Absence taken in exceptional or urgent circumstances should be recorded as Public Holidays or Long Service Leave for uniformed employees or annual leave/flexi leave (subject to sufficient credit) for support staff. The Station/Line Manager should notify the OPA Admin Hub as soon as possible to update the Gartan system for uniformed employees.	Employee / Line Manager
3.	When the employee returns to work they should submit a special leave request using the Special Leave Form (Appendix 2) and submit to their Line Manager. It should be noted that no guarantee can be made as to whether the whole or any part of the leave will subsequently be approved as special leave, with or without pay. Requests for special leave that extend the options detailed in this policy should be submitted to the Head of Department for consideration.	Employee / Line Manager / Head of Department
4.	Line Manager forwards leave request to appropriate Head of Department (or designated nominee) for consideration.	Line Manager / Head of Department
5.	Head of Department forwards copy of leave request confirming outcome to HRA for processing.	Head of Department
6.	HRA updates information on HR Pro and forwards email trail to OPA Admin hub (grey book) to update details on Gartan system.	HRA
7.	If period of leave is <u>unpaid</u> HRA to forward email trail to "Payroll	

	<p>& Pensions" email address for processing. Please note that special leave without pay may affect an employee's pensionable pay contributions.</p>	HRA
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Procedure 3 - Attendance at Court or an Inquest

	Process/Action	Responsibility
1.	Employee follows Process 1 and submits a request using the Special Leave Form. Employee must also include brief details of the case and submit the subpoena or other relevant documents with the request.	Employee
2.	If the employee is a driver or a witness and is required to attend a court of law regarding a driving related issue, the employee must inform the Line Manager immediately in writing, stating all the relevant information including date, time, place of attendance and nature of attendance including full details of the incident.	Employee / Line Manager
3.	Line Manager forwards the request to the Head of Department (or nominee) for consideration. Attendance at court following a subpoena 'may be granted' as <u>paid</u> leave.	Head of Department
4.	Where an employee is required to attend court as a witness this will be at their own time and expense. Further details regarding requests for time off for driving related circumstances can be found in the Service's Driving Procedure and Guidance document.	Employee
5.	Head of Department forwards copy of request confirming outcome to HRA for processing.	Head of Department
6.	Employee may wish to claim for travelling expenses and subsistence allowance which should be made through the court or to the relevant parties of the case.	Employee

Procedure 4 – Jury Service

	Process/Action	Responsibility
1.	Employee to follow Process 1 in regards to submitting request for Jury leave, ensuring that the jury summons is submitted with the application. (Employees should keep a copy for their own reference).	Employee / Line Manager
2.	Head of Department (or their nominee) to consider applications for uniformed employees according to their individual circumstances with regards to normal rota days proceeding and following the period of jury service and the incidence of weekend leave.	Head of Department
3.	An employee is able to claim for loss of earnings, travel costs	Employee / Court

	<p>and subsistence under the juror's allowance regulations. Public transport costs may also be claimed back from the court. Employees wishing to claim mileage/parking costs or the use of a taxi must obtain permission from the court prior to doing so.</p> <p>Employees will receive payment through the court for loss of earnings and will be provided with a statement at the end of the leave. The employee is required to forward the statement to the Payroll and Pensions team where a deduction equal to the allowance received will be made from the employee's full pay.</p> <p>Where no statement is provided to the employee, the Payroll Team will contact the court to request a statement for loss of earnings. This will then be deducted from the employee's full pay.</p>	Employee / Payroll
4.	<p>Where an employee is not required to attend for jury service on what is deemed to be a normal working day, the Station/Line Manager or Head of Department must be informed and the employee should report to work as normal (day duty for operational employees).</p>	Payroll
		Employee

PART 3 - GUIDANCE

Q: How much special leave will be granted?		
A:	<p>This will be dependant upon the reason the leave has been requested. Each case will be considered fully and the following guidelines for time off will be adhered. The Head of Department (or their nominee) has the discretion to increase the leave and determine whether leave is to be paid or unpaid.</p>	
Leave Request Time off Paid/Unpaid		
Time off for Dependents	Normally 2 days	HOD determines
Terminally Ill Relative	Max 3 working days 2 further days (if necessary)	Paid Unpaid
Death	1 day	Paid
Funeral - If involved in funeral arrangements/travel	1 day 3 days in total (including 1 day for the funeral)	Paid Paid
Parental Bereavement	Two weeks (can be taken within 56 weeks of the child's death)	Statutory payment only.
Medical Reasons – Cancer Fertility Treatment	Necessary time off Up to a maximum of 5 days per year	Paid Paid
Foster Carer	5 days per year	Paid
Leave for Meetings for Public Duties	Reasonable time off (see Q&A below)	HOD determines
School or College Governor/Civic Office (Mayor(ess)) Member of health body/police authority/statutory tribunal/prison visitors board or committee/education body or Environment Agency	5 days per year (Unpaid leave when paid leave has been exhausted)	Paid Unpaid
Member of Local Authority	9 days per calendar year (Up to a maximum of 18 days in the case of day duty uniform employees and support staff).	Paid
Magisterial Duties	13 days leave per calendar year	5 days paid leave [the remainder unpaid]
Attendance at functions/events relating to Voluntary work and other Fire		HOD determines whether leave will be paid or unpaid for all or

Service-related awards		part of the period, taking into consideration any previous leave granted, requests received from other employees, and subject to the exigencies of the service.
Armed Forces Reserve		See Armed Forces Reserve Policy for further info.
Attendance at Court or an Inquest (not arising from Fire Service Duty)	Legal requirement Employee (voluntarily) wish to attend court or an inquest as a witness (not Fire Service related) – special leave may be granted for all or part of the period.	Paid – HOD discretion Unpaid
Jury Service	2 weeks (unless in extreme cases may be more) <i>Please see below for further details regarding Jury Service</i>	Paid – employee to provide documentation for loss of earnings, claims through the court.
Q: What is deemed Reasonable Time off for Public Duties?		
A:	<p>Reasonable time off is determined with regard to:</p> <ul style="list-style-type: none"> • How much time off is required to perform the particular duty in question and the duties overall; • How much time off the employee has previously been granted; • Consideration of the impact of the employee's absence on the workplace and the Service. 	
Q: Are there any special circumstances for Uniformed employees returning from Jury Leave?		
A:	<p>Applications for special leave will be considered according to the employees (Uniformed) circumstances in regards to normal rota days preceding and following the period of jury service and the incidence of weekend leave. If the Uniformed employee is rostered to be on night shift immediately prior to the first day of attendance this will be included in the leave granted. Following a period of extended jury service, a period of not more than 24 hours paid leave free of duty may be granted</p> <p>Where the involvement extends into two calendar weeks, the employee will not be required to attend for rostered duty during the intervening weekend.</p>	

APPENDIX 1

7. Time off for Dependents

7.1 The Employment Rights Act 1999 (ERA) gives a right to every employee, regardless of length of Service, to take a reasonable amount of unpaid time off work “to take action which is necessary” to help when a dependant gives birth, falls ill or is injured or assaulted.

7.2 For the purpose of this section “dependant” means, in relation to the employee:-

- Spouse (regardless of gender);
- Civil partner;
- Child or step child;
- Parent (regardless of gender);
- Chosen family members, close support networks or loved ones;
- Person who lives in the same household as the employee, excluding their employee, tenant, lodger or boarder;
- In the case of illness or injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the member for assistance, e.g. where the employee is the primary carer or the only person who can help in an emergency.

7.3 An employee is entitled to take a reasonable amount of time off during their working hours, this will vary depending upon the circumstances but will not normally be for more than two days per occasion, in order to take action which is necessary:-

- To provide assistance on an occasion when a dependant falls ill, gives birth (this does not include taking time off after the birth to care for the child) or is injured or assaulted;
- To make arrangements for the provision of care for a dependant who is ill or injured including any that relates to mental illness or injury;
- To deal with an incident which involves a child or dependant and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for them;
- To deal with unexpected termination or disruption of care arrangements.

Granting of Leave

7.4 Where time off is taken in any of the above circumstances, the employee is required to inform the Service of the reason for and anticipated length of their absence as soon as is reasonably practicable. There may be exceptional circumstances where an employee returns to work before it was possible to contact the Service. In such cases, the Service should be advised of the reason for absence on returning.

7.5 It shall be for the Head of Department (or nominee) to determine whether such leave is to be with or without pay.

Appendix 2



SPECIAL LEAVE REQUEST FORM

To Line Manager:	From:	Payroll No:
Station/Location:	Watch:	Date:

I request to take leave from:	To:	Total no. of days requested:
Special leave approved in the previous calendar year:		
Outstanding Annual Leave:	Flexi Leave:	Floating Leave remaining:
		LSL/PH:

Please provide a written statement in support of your request and any relevant documents to assist the decision making process. Your Line Manager must also provide a statement that considers the impact of the absence on work commitments, what the implications are and how and if they are to be addressed.

Line Manager Statement:

For Station based staff only. If approved, the crewing will be:

Date(s):	Watch	Service	Watch	Service	Watch	Service	Watch	Service
WM								
CM								
FF								
Out crewing Required:								
Total								

Line Manager:	Signed:	Date:
Station Manager/ HOD (or nominee):	Signed:	Date:
Comments:		

