

South Kirkby and Moorthorpe Town Council



Special Leave Procedure

Special Leave

At certain times in an employee's life, time off may be required often at short notice. These schemes have been developed to assist managers and employees in determining what time off an employee needs and the scheme which can be used.

Applications for Special Leave should be submitted on form 'Special Leave of Absence Form', but in exceptional circumstances can be done verbally by contacting your line manager.

1. General

PAID LEAVE - Up to 15 days per annum. Applicants for paid special leave in excess of 15 days must be referred to the Employment Sub Committee.

UNPAID LEAVE – All unpaid leave requests to be submitted to the Town Clerk for determination and approval in accordance with above.

For all types of special leave, with the exception of bereavement leave, staff should make best use of annual leave before applying for special leave. It is expected that, with the exception of family bereavements and serious family illness (which should be treated in much the same way as bereavement leave in terms of the amount of time-off granted) most other applications, if approved, should be without pay.

For employees who experience unexpected difficulties due to children's illness or a breakdown in caring arrangements for children, elderly or disabled dependents, requests for special leave with pay should also be treated in much the same way as bereavement leave in terms of the amount of time off granted. Again the amount of leave to be granted should be based on each individual circumstance.

2. Bereavement Leave

A maximum period of up to 5 days be established for all staff for the death of a close relative. Staff should not be granted the full 5 days off as a matter of course – instead the amount should be based on individual circumstances such as travelling

time or necessary time to attend to funeral and associated matters. The definition of 'close relative' should be restricted to parents, spouses, children, brothers, sisters, grandparents, grandchildren and similar relations-in-law. Special leave with pay should not be granted for aunts, uncles, nephews or nieces unless there are exceptional circumstances e.g. the person had been brought up by the aunt/uncle or was living with the relative.

3. Leave of Absence for Public Duties

Section 50 (1) – (3) of the Employment Rights Act 1996 allows an employer to permit an employee who is a justice of the Peace, or a member of:

- a local authority
- a statutory tribunal or court
- a police and crime commissioner
- a board of prison visitors or a prison visiting committee
- a relevant health body
- a relevant education body or
- the Environment Agency or the Scottish Environment Protection Agency

To take time off during working hours for the purpose of:

- attendance at a meeting of the body or any of its committees, and
- the doing of any other thing approved by the body for the purpose of the discharge of the functions of the body or any of its committees or sub-committees.

The amount of time off is that which is reasonable in all the circumstances having regard, in particular, to the following:

- how much time off is required for the performance of the duties;
- how much time off the employee has already been permitted, either under this section or for trade union duties or activities; and
- the circumstances of the employer's business and the effect of the employee's absence on the running of the business.

Time off for Council Employees who are School Governors

Leave of absence arrangements for employees who are school governors are:

- governors to be allowed up to 6 half-days per year (or equivalent in hours) to carry out their normal responsibilities as a governor, such as visiting the school whilst it is in session or attending committee meetings, all such time off to be agreed with their line manager;
- governors to be allowed, at the discretion of the line manager, up to a further two days (or equivalent in half-days or hours) to assist in the appointment of staff or in the performance review of the headteacher or similar additional responsibilities as a governor; factors to be considered are:
- how much time is needed to carry out a governor's duties

- whether the employee is also being given time off from work for other activities
- the particular circumstances of the employer's business and the likely effect which the employee's absence may have on it:
- all such time off to be with pay

4. Time-off For Trade Union Duties and Activities

4.1 Introduction

This document details Council time-off arrangements for an employee who is an official of a recognised trade union and is in accordance with the provisions of:

- The ACAS Code of Practice
- The Trade Union and Labour Relations (Consolidation) Act 1992
- The Health and Safety (Consultation with Employees) Regulation 1996
- The Management of Health and Safety at Work Regulations 1992
- The Health and Safety at Work etc., Act 1974 (Section 18(8))

These provisions apply to all those union members covered by the National Joint Council for Local Government Services and the Joint Negotiating Committee.

4.2 Trade Union Officials

An official is an employee who has been elected or appointed in accordance with the rules of the union to be a representative of all (full-time) or some (part-time – Shop Steward) of the unions' members in the Council. Trade Unions must inform the town clerk of the names of all officials and any changes which occur. The Trade Union will ensure that officials receive appropriate credentials promptly for identification, security and control purposes.

4.3 Full-Time Representative

An employee who has been elected or appointed in accordance with the rules of the Union to represent all of the Union members in all related issues, including health and safety matters.

4.4 Shop Steward (Part-Time Representative)

An employee who has been elected or appointed in accordance with the rules of the union to represent all or some of the union members in appropriate related issues as and when required, including where nominated by a full-time representative, health and safety matters.

4.5 Health and Safety Representatives

A Safety Representative is an employee who has been elected or appointed in accordance with the rules of the union to represent all or some of the members in matters concerning their health and safety at work.

Unions must inform the town clerk of the names of all nominated Health and Safety representatives.

The Council will provide such facilities and assistance as the safety representative may reasonable require (including facilities for independent investigation by them and private discussion with the employees) for the purpose of carrying out an inspection under this Regulation; but this does not preclude a representative of the Council from being present in the workplace during this inspection.

INSPECTION OF DOCUMENTS

Where reasonable notice had been given, the Safety Representative may inspect and take copies of any relevant documents concerning the health and safety of employees he/she represents. Management will refuse access to documents in accordance

Hazards

When an apparent hazard has been recognised by the town clerk, he/she will at first inform the person in charge of the Section orally.

The Safety Officer will reply to the Safety Representative within one week , giving details of the action to be taken or reasons why no action to taken. If the matter is not resolved to the satisfaction of the Safety Representative, it will be referred to the Employment Sub Committee.

4.6 Consideration for Time-Off Arrangements

Generally trade unions should be aware of the wide variety of circumstances and different operational requirements which will have to be taken into account in any arrangements for dealing with any time-off. Proper regard will therefore have to be paid to particular operational requirements and obligations of the service. It is therefore necessary for Shop Stewards (non full-time) to inform their respective line manager, giving adequate notice of when, why and for how long the duties/activities will last. This will allow management adequate time to arrange for cover, where necessary, and to inform the Shop Steward that they will not be able to attend where good reason is given.

Time-off arrangements fall into two categories – with pay and without pay. In addition, there will be appropriate time allocated for training and Health and Safety matters.

4.7 Time-Off For Trade Union Duties, Activities and Training – WITH PAY

Reasonable time-off with pay for Trade Union Officials will be permitted by the Council only in respect of:

- a) Collective Bargaining with the appropriate level of management, e.g.:
 - attendance at any employment sub-committee meeting, including preparation for it and dissemination of information following it;
 - agreed attendance by invitation at any committee meeting of Council.

- b) Informing members about negotiations/consultations with management.
- c) Represent members at the appropriate forums e.g.:
- attendance at any Local, Provincial, National, Statutory or other appeals hearing to which the Council is party to;
 - attendance at any Local, Provincial, National, Statutory or other disputes hearing to which the Council is party to;
 - attendance at any disciplinary hearing within the Council, or statutory body or any other machinery to which the Council is party to, as a “fellow worker or Trade Union Official”.
- d) Meeting with other Trade Union representatives or with full-time Trade Union Officials on matters which are concerned with the Council and associated bodies/agencies employee relations issues e.g.:
- attendance at any meetings of the Provincial Council or National Council, its Committees and side meetings as a member of that Council, its Committees and side meetings which is appropriate for the Council;
 - attendance at Trade Union Annual Conference;
 - attendance at Trade Union Local Committees concerned with such issues as conditions of service and related matters.
- e) Interviews with and on behalf of members on any problem concerning them and the Council.
- f) Appearing on behalf of members before an outside official body, such as an Employment Tribunal, this is dealing with an employee relations matter concerning the Council.
- g) Explanations to new employees, whom he/she will represent, of the role of the Union in the workplace employee relations structure.
- h) Attendance at recognised or agreed training activities for Trade Union Officials. These should be approved by the town clerk and include special responsibilities, refresher courses, Safety Representative and Learning Representative training courses.
- l) Enabling officials to carry out Safety Representatives responsibilities, where recognised as an approved Safety Representative, as follows:
- to investigate potential hazards and dangerous occurrences at the workplace (under the Council’s control) and to examine the causes of accidents at the said workplace;
 - to investigate complaints by any employee he/she represents relating to that employee’s health, safety or welfare at work;
 - to make representations to the management on any matters arising out of the above;
 - to make representations to the management on general matters affecting the health safety or welfare at work of the employees at the workplace;

- to carry out formal inspections of the workplace (under the control of the Council) jointly with management as follows:
- three monthly on dates agreed with management – 10 working days notice required,
- after a change in conditions of work or the publication of new information by the Health and Safety Commission or Executive relevant to the workplace,
- after an accident or dangerous occurrence
- to represent the employees he/she is appointed to represent in consultations at the workplace with Inspectors of the Health and Safety Executive and of any other enforcing authority;
- to receive information from Inspectors of the Health and Safety Executive in accordance with the Safety Representatives Regulations – Section 28(8) of the Health and Safety at Work Act 1974.

j) Enabling officials to carry out Union Learning Representative responsibilities

4.8 Time-Off For Trade Union Duties, Activities And Training – WITHOUT PAY

Reasonable time-off without pay for trade union officials will form the following:

- a) any time off arrangements dealing solely with the activities of the union;
- b) taking part in industrial action or any form of related activity.

4.9 Consultative Procedures

Formal consultation will be through the existing relevant committees.

4.10 Domestic Arrangements

Where time-off arrangements are agreed with pay, the official will receive the rate of pay that they would have earned had they worked during the time-off taken or, where earnings vary with the work done, an amount calculated by using the average hourly earnings for the work they are employed to do over the last 8 weeks.

No payment will be made or time-off in lieu granted where the duty is carried out at a time when the official would not otherwise have been at work (i.e. outside normal working hours).

Reasonable cost of travel expenses will be paid to Shop Stewards (part-time Officials) when on agreed time-off with pay duties within the parish.

Subsistence expenses will not be paid for by the Council to Shop Stewards (part-time Officials).

4.11 Monitoring of Time-Off Arrangements

In accordance with paragraph 29 of the ACAS Code of practice 3 “the Trade Union Officials and members requesting time-off to pursue their industrial relations duties or activities should provide management with as much notice as possible and give details of:

- the purpose of such time-off
- the intended location;
- the timing and duration or time-off

In addition, officials who request paid time off to undergo relevant training should:

- give at least a few weeks (3 weeks) notice to management of nominations for training courses
- if asked to do so, provide a copy of the syllabus or prospectus indicating the contents of the training course

Management and the Union will need to agree arrangements for other employees to cover all work of Officials or members taking time-off. The Trade Union Officials and union members should not unduly or unnecessarily prolong the time they are absent from work on union duties or activities. All services covering ALL groups of employees should meet the requirements of the ACAS Code in full and, record information about time off for trade union duties and activities in the recording time off form. This form will enable the Council legitimately to establish the overall amount of time-off granted and also highlight an individual's time-off. In certain circumstance, the aggregate of all time-off to any individual on the variety of Trade Union functions may be seen as incompatible with that individual's employment by the Council. This is reinforced also by paragraph 25 of the ACAS Code which states "trade unions should be aware of the wide variety of difficulties and operational requirements to be taken into account when seeking or agreeing arrangements for time-off" Any requests for time-off made by Trade Union Officials/Safety Representatives, should be made initially to the town clerk who will determine whether or not it is feasible for the person concerned to be released from the duty bearing in mind the exigencies of the service.

4.12 Facilities Available To Officials

The Council will make the following facilities available to officials.

- a) lists of new starters and leavers;
- b) use of notice board facilities;
- c) free use of the internal telephone system
- d) use of desk facilities for officials
- e) reasonable (adjudicated by Council) typing and reprographic service (where not reasonably provided directly by the relevant Trade Union);
- f) use of interview, meeting and committee rooms subject to availability;
- g) use of fax and electronic mailing systems where available for the use of transmitting urgent items or correspondence involving Council related matters.

5. Leave of Absence for Interviews

Special leave with pay should be granted for interviews with other Local Authorities and those associated bodies covered by the Redundancy Payments Modification Order 1983. (Redundancy Payments Modification Order 1983).