



# SPECIAL LEAVE ABSENCE POLICY FOR EMPLOYEES

## Document history

Notes of changes	Version No.	Date of approval and adoption
Special Leave Policy	1	14 <sup>th</sup> February 2024
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Revised to add Neonatal care leave and pay.	2	11 <sup>th</sup> April 2026

**THIS SPECIAL LEAVE POLICY FOR EMPLOYEES IS PUBLISHED AS APPROVED BY  
CUMBRIA ASSOCIATION OF LOCAL COUNCILS IN APRIL 2026**



## **SCOPE**

The policy applies to all employees of Cumbria Association of Local Councils (CALC).

## **PURPOSE**

The primary purpose of this policy is to demonstrate CALC's commitment to being a supportive and caring employer.

This policy seeks to do this by providing a mechanism by which staff may request time away from work to cope with periods of domestic crisis or emergency, and to engage in activities which are beneficial to the wider community.

The policy informs staff of the arrangements for special leave, including bereavement leave, compassionate leave, carer leave, time off for public duties, and other forms of leave that are not covered by annual leave arrangements.

The policy is designed to ensure that CALC is compliant with legislation in relation to time off for dependants, and provide information about arrangements for time away from work for public duties or certain types of voluntary work.

The policy will help to ensure that special leave is granted in a fair and consistent manner, and that equality, diversity and inclusion matters are given consideration when dealing with special leave requests.

The policy incorporates the procedures to be followed when requesting special leave.

## **INTRODUCTION**

'Special leave' is a general term used to describe paid or unpaid time off work which is available in addition to annual leave to help staff to manage their lives outside work in the circumstances outlined later in this document.

Special leave is not a contractual right. The granting of special leave requests is discretionary on the part of CALC, unless otherwise required by law. There are several categories of special leave described in this policy.

It is vital that the provisions in this policy are applied fairly and consistently, and take due regard of equality and diversity considerations.

You should note that you might not be granted special leave if the total amount of special leave that you have requested or previously been granted is considered to be excessive (e.g. multiple domestic crisis special leave requests over a short period of time).



Therefore you should not expect to be granted numerous occasions of special leave even if each request falls into separate categories.

You will be required to provide evidence of the reason for a request for special leave where possible. Such evidence might not always be available, and so you are expected to act honestly and in good faith when making a request.

This policy describes the maximum number of days of special leave that may be granted in various situations. In truly extraordinary circumstances the maximums may be waived. This can only be done with the approval of the Chief Officer.

## **ROLES AND RESPONSIBILITIES**

As a member of staff you will:

- Make your request for special leave in writing to the Chief Officer, in the case of the Chief Officer the request should be submitted to the Chair;
- be reasonable and, wherever possible, timely with your request;
- give reasons for your request;
- if an emergency special leave request is made, contact the Chief Officer as soon as possible stating the reason for the request;
- provide evidence if required; and

The Chief Officer will

- Be responsible for reviewing and approving all special leave requests;
- discuss your application with you if required;
- be reasonable and consistent when considering your request;

The Chair will

- Be responsible for reviewing and approving all special leave requests from the Chief Officer;

If requests are declined the rationale for the decision will be given to the member of staff.

## **PROCEDURE**

The circumstances in which special leave might be requested are varied.

The following sections describe how you should apply for special leave.

### **1. Requests made in advance for special leave**

If you know in advance that you would like to request a period of special leave, you should submit your request for special leave in writing providing a brief summary of the circumstances and reasons for the leave request.



Special leave requests will be duly considered to ensure they are reasonable and consistent with this policy. It may be that you need to combine special leave with annual leave, TOIL or unpaid leave to cover the time that you are away from work.

If special leave has been authorised you will be informed in writing.

## **2. Requests for special leave made retrospectively:**

It is often not possible to apply for special leave in advance, for example if you experience bereavement or an unexpected hospitalisation of a dependant.

In this kind of situation, you should adhere to the following procedure:

Contact the Chief Officer on the first day that you will not be in work and explain the situation to them. It may be helpful if you can try to estimate how long you will be off work, though it is recognised that this is not always possible.

If you are away from work for longer than you initially expected, you should contact the Chief Officer to keep them up to date with the situation.

Upon your return to work you should submit a special leave request detailing why you wish to apply for special leave for the time that you were off work, and confirm the dates on which you wish the special leave to be granted.

The Chief Officer may discuss your application with you and can provide comment upon your request if they have further information about the background to the request. (For example, if you have already taken a considerable amount of leave/TOIL to provide emergency childcare and you have taken another day off to look after your child).

Following your request for special leave, the Chief Officer will let you know if your request has been granted. It may be that you need to combine special leave with annual leave, TOIL or unpaid leave to cover the time that you are away from the office and this will be discussed with you.

## **3. Paid Special Leave: Bereavement**

This section describes the maximum amount of special paid leave which may be granted in the event that you suffer bereavement. The maximum amount of special leave described under each section is pro-rated for part time staff.

If you feel unfit to return to work following the special leave which has been granted, you will need to take sick leave and either self-certify or obtain a doctor's note for your absence.

If you are fit to return to work, but would like some further time off work, you should speak with the Chief Officer about the possibility of booking some annual leave.



**The definitions in this section of guidance are as follows:**

**Child:** this is your own child, or a child for whom you have parental responsibility.

**Close relative:** someone who is related by blood, for example, mother, father, brother, sister, grandparents etc. Or someone with whom you have a close emotional relationship, for example partner's parents/in-laws, partner's siblings, stepchildren, adoptive parents etc.

**Partner:** someone with whom you have a close and stable relationship. This includes, married couples, civil partners, couples who are not cohabiting, individuals who are living together as a couple but not related by blood or marriage, including same sex couples.

**Dependant:** defined as a spouse or partner, child or parent, or someone who lives with you as part of your family. For example this could include an elderly relative who lives in the household. A dependant could also be someone who doesn't live in the same household but reasonably relies upon you for assistance. You may be the primary carer or the only person available to help in the event of an emergency.

**Amount of leave**

**Bereavement: child**

Amount of leave: up to two weeks, extendable to four in exceptional circumstances

Under the provisions of the Parental Bereavement Leave Regulations 2020 parents, those who have parental responsibility of a child under the age of 18 are entitled to two weeks leave of absence with pay, following the death of a child. These provisions also apply where a child is stillborn after 24 weeks of pregnancy.

**Bereavement: close relative, partner, or dependant**

Amount of leave: up to five days paid leave.

The amount of leave to be granted should take into account your relationship with the deceased (to be described on your special leave request), your involvement in making funeral arrangements and any other extenuating circumstances etc.

**Bereavement: other relatives (aunts; uncles; cousins etc.)**

Amount of leave: up to one day paid leave.

One day of special leave may be granted to attend the funeral of the person who has died.



If return to work, but would like some further time off work, you should speak with the chief Officer about the possibility of booking some annual

### **Bereavement: Close friends**

Amount of leave: up to one day paid leave

One day of special leave may be granted to attend the funeral of a close friend who has died.

Additional days, up to a maximum of five days, may be granted in exceptional circumstances in the event of the death of an 'other relative' or 'close friend'. For example, if you were raised by your aunt or if your close friend has passed away in particularly distressing circumstances.

You will need to explain the circumstances of your situation if you wish to request more than the standard number of days special leave for your situation.

Other factors to be taken into consideration include travelling to and from a funeral, especially where the journey involved is long or difficult; and also whether the employee is required to attend other formal cultural or religious ceremonies in connection with the bereavement.

If you feel unfit to return to work following the special leave which has been granted, you will need to take sick leave and either self-certify or obtain a doctor's note for your absence.

If you are fit to return to work, but would like some further time off work, you should speak with the chief Officer about the possibility of booking some annual leave.

## **4. Paid Special Leave: Domestic and family circumstances.**

This section describes the maximum amount of special leave which may be granted in certain domestic and family circumstances. The maximum amount of special leave described under each section is pro-rated for part time staff.

### **Breakdown of care arrangements**

Amount: up to five days in any twelve month period

Leave may be granted if normal arrangements for the care of a child, elderly relative, or dependant, unexpectedly breakdown. The leave is permitted to allow you to make alternative care arrangements, for example, if the person normally responsible for providing the care falls ill or fails to turn up.



This form of special leave is not intended to allow you to provide longer term care. You may be required to combine this leave with annual leave, or TOIL.

### **Care of children, elderly relatives or dependants**

Amount: up to five days in any twelve-month period

This leave may be granted to allow you to care for a sick child, elderly relative or dependant provided that no other alternative arrangements can be made and they are unable to care for themselves. The maximum allowance of five days in a year is per employee, not per dependant.

The amount of paid leave allowed will not normally exceed five days in any one year, however additional leave (both paid and unpaid) may be allowed in exceptional circumstances (see Frequently Asked Questions).

You may be required to take annual leave, TOIL or unpaid leave to contribute to an extended period of care.

The maximum amount of special leave in any twelve month period to cover the breakdown of care arrangements **or** care of children, elderly relatives or dependants is five days in total (pro-rated for part time staff).

You will not be able to request five days special leave because of breakdowns of care plus another five days for caring for sick dependants.

Though these limits should generally be regarded as maxima, the Chief Officer may authorise additional leave in exceptional circumstances.

### **Accompanying a child or dependant to medical appointments**

If you need to attend a medical appointment with a child or dependant, you will be required to use annual leave, TOIL or may apply for unpaid leave.

### **Carer's leave to attend appointments**

Amount: up to 3 paid days in any 12 month period (this can be split into part days)

For the purpose of this provision, a carer is defined as a person who has responsibility to assist in the care of a dependant, who may be an adult or a child, and who has a serious illness, disability or is terminally ill (see Frequently Asked Questions for further details).

This form of leave does not include the provision of general care.

Leave may be granted to allow you to accompany the person to medical appointments or at home assessments required because of the nature of your dependant's condition.

If it is likely that you will need to accompany the person to frequent appointments throughout the year, you may be required to take annual leave, TOIL or unpaid leave to attend subsequent appointments.



You will be required to describe the nature of your dependant's condition when making your special leave request.

### **Domestic Crisis**

Amount: up to 3 paid days

This form of special leave is to provide support in situations of domestic crisis or hardship, where time off is needed to help resolve an unforeseen situation that requires immediate resolution. Examples of this might include a fire, flood, or a burglary. In your request for special leave you will need to explain the nature of the hardship that would arise if special leave were not provided.

This form of leave will not be granted for situations where you are waiting for a tradesperson to visit your home to undertake work (e.g. waiting for a locksmith because you need to replace your locks having lost your keys, waiting for a mechanic to help start your car or waiting in for a heating engineer to call to your home).

Neither will this form of leave be granted for seeking a replacement domestic appliance (e.g. if your boiler has unexpectedly stopped working) or a replacement car if yours has been damaged or stolen. You will need to take annual leave, TOIL or unpaid leave in these situations.

### **Family Crisis**

Amount: up to 5 days

This form of special leave is to provide support in the event of an unforeseen family emergency to help you respond to and deal with the issue or put in place longer term arrangements.

Circumstances will differ from person to person, but examples may include:

- A dependant or family member is involved in an accident or is assaulted.
- A child is involved in an incident at school or on a school trip.
- The imminent death of a child, partner, close relative or dependant.
- The miscarriage of a wife's or partner's child.
- Unforeseen arrangements that need to be made as a result of a personal crisis.

This form of leave is different to carer leave, and is available to help you deal with the immediate aftermath of the crisis.

### **Disability Leave**

This section describes the maximum amount of leave which may be granted when an employee is taking planned leave from work for a disability-related



reason, even if that is with little or no notice. The maximum amount of special leave available is 5 days paid leave and this is pro-rated for part time staff.

If you feel unfit to return to work following the special leave, you may need to take sick leave and either self-certify or obtain a doctor's note for your absence. Adjustments to the CALC Managing Sickness Absence Policy will be made for sickness absence related to a health condition which causes a person to be disabled.

If an employee does not believe they are disabled then they cannot request disability leave

If you regard yourself to be disabled as defined by the Equality Act 2010, you may be able to access Disability Leave. Disability leave is a form of 'reasonable adjustment' which can help to support staff who are disabled.

Disability leave is distinct from sick leave. A period of prolonged unplanned leave due to illness or injury for a disability related reason will be recorded as sickness absence. Disability leave should not be used as a replacement for sick leave.

Examples of disability leave for reasons which are directly related to a disability or impairment include (but are not limited to);

- Hospital appointments, hospital treatment as an outpatient or specialist check-ups including monitoring of related equipment or treatment.
- Attendance at specialist centers which support treatment, rehabilitation training and recovery.
- Assessment for conditions such as dyspraxia.
- Training for example with guide or hearing dog or in the use of specialist equipment.
- Counselling/therapeutic treatment.
- Recovery time after treatment related to a disability or impairment such as blood transfusion, dialysis, chemotherapy or radiotherapy.
- Physiotherapy.
- To allow time for adjustments or adaptations to be made.

If an employee does not believe they are disabled then they cannot request disability leave

## **5. Neonatal care leave**

Neonatal leave is a type of leave that allows parents to take time off to care for a baby who is receiving neonatal care.



It is available to parents of babies admitted to neonatal care within 28 days of birth for a continuous period of 7 days or longer and is a day one right meaning it is accessible to employees from their first day of employment.

Eligible parents can take up to 12 weeks of neonatal leave.

However, parents must have 26 weeks of continuous service to be eligible for neonatal care pay. The standard rate for neonatal care pay is £194.32 per week.

## **6. Paid Special Leave: Non-Domestic Reasons and Public Duties**

This section describes the maximum amount of special leave which may be granted for public duties and other non-domestic circumstances. The maximum special leave allowed is pro-rated for part time staff.

**Jury service:** If you are required for jury service you will be asked to claim loss of earnings from the courts. If there is a difference between the loss of earnings and your salary CALC will then pay you the difference so that you will not lose any pay as a result of attending court as a juror. If you are released early from jury service you must inform the Chief Officer immediately and return to work, or report to your normal place of work at the earliest opportunity.

**Appearing in court as a witness:** If you are required to attend as a witness in a private capacity in a criminal or coroner's court you may be granted 1 day special leave with pay.

If you are to appear as a witness in a private capacity in civil proceedings you may be granted special leave without pay or the time can be taken as annual leave

If you are called to give evidence in criminal or civil proceedings, in a coroner's court or any other outside body as a witness in your official capacity this will be regarded as being on official duty and you will be paid.

## **7. Unpaid Special Leave**

This section provides details of leave that may be granted on an unpaid basis. Staff may wish to use annual leave to undertake these duties, TOIL as well as unpaid leave to undertake these duties:

**Civil defence courses;**

**Magisterial duties;**

**Elected members of local authorities/Mayoral duties;**

**Membership of the governing body of an educational establishment;**

**Youth movements;**

**Reserve forces and Army Reserve training;**



### **Cadet forces training;**

**Mobilisation of reserve forces;** If you are called for active service, or expect to be mobilised, you must inform the Chief Officer as soon as possible.

You will be granted unpaid special leave for the duration of your active service, including any accrued active service leave. During the period of active service, the MOD will pay you a military salary, the Reservist Standard Award. If there are differences between ICO pay and the military pay you should make a claim to the MOD to recover the difference. Your call up letter will detail how to do this.

CALC will be sensitive to requests for reasonable time off before and after the expected tour of duty, for example one week of annual leave prior to the tour of duty, special leave for the duration of the tour, and one week of annual leave immediately after the tour of duty.

**Elective surgery;** This is defined as a non-essential surgical procedure that you have chosen to undertake for personal reasons such as optional cosmetic surgery and laser eye treatment. It does not include non-essential surgery which has been medically advised or prescribed by your doctor or consultant. An example of this would be reconstructive surgery following a mastectomy (recovery from which would be treated as sick leave).

You may be allowed unpaid time off for elective surgery, though you may be required to cover some or all of the absence with annual leave/TOIL. This will depend on how much time you will need to be away from work.

If you are unfit to return to work at the end of the agreed period of unpaid special leave, for example due to unforeseen complications, you should contact the Chief Officer as soon as possible. The usual reporting procedures, related to sickness absence should be followed. If you need to take further time off work, then this additional absence will be recorded as sick absence and, where appropriate, must be covered by a medical certificate.

**Gender reassignment surgery;** If you are to undergo gender reassignment surgery, you will be allowed a combination of paid and unpaid special leave, dependant on your individual needs.

**Unpaid leave for other reasons:** Unpaid leave may be granted to supplement time off work when paid special leave has been granted.



## **Appendix 1 – Frequently asked questions**

### **What type of condition is classed as a long-term illness' for which special leave may be allowed to attend medical appointments with a dependant?**

It is not possible to provide a comprehensive list of the various types of condition this could refer to, but the type of situation envisaged is one where the dependant's condition has a severe and continual impact on their daily health.

An example would be receiving special leave to accompany a partner to a hospital appointment related to the diagnosis or treatment of cancer, or taking a child to appointments to treat severe renal problems.

This form of special leave is not intended to cover attending appointments with a dependant who has a condition that is long term but is under control. You would need to take annual leave, or TOIL in these circumstances.

### **Will I be granted time off to take my child to the dentist?**

No. Accompanying your child to dental appointments should be done using annual leave, or TOIL. Alternatively you should arrange the appointment to take place outside core hours.

### **My uncle, who raised me with my aunt from childhood, has died. Will I only be able to have special leave for the funeral?**

No. If you have a close bond, such as you describe, you will be entitled to request up to five days special leave. You will need to describe your circumstances in your application for special leave.

### **My child is due to have injections at the health centre and the appointment is during my working hours. Obviously, she can't take herself, so will I be given special leave or a flexi credit for the time off?**

No. You will need to take annual leave, or TOIL to attend the appointment or try to arrange for it to take place outside core hours. The policy is intended to provide support in times of domestic emergency or crises and does not provide for time to be granted to take dependants to non-emergency appointments.

### **Can I have special leave for a meeting with my child's teacher or head teacher?**

No. Meetings with a teacher or head teacher do not attract special leave. Special leave may be given if you are called to school in an emergency to take your child home due to injury or illness.

### **My mother died, and I have already had five days of special leave, but don't feel like I can return to work. What happens now?**



If you are not well enough to return to work after your special leave, you should call the Chief Officer to inform them of this. The time that you are off work will be sick leave and you will either need to complete a self-certification upon your return to work or obtain a note from your doctor to cover the time off. Any time longer than seven calendar days will require the submission of a note from your doctor.

This provision applies even if the funeral has not been held by the time you have used up the special leave granted to you.

If you are well enough to return to work, but feel that you would like some more time off before returning then you may speak with the Chief Officer about booking some annual leave.

**My father has been diagnosed with terminal cancer and has an appointment for radiotherapy and needs to be accompanied. Will I be able to request special leave for this?**

Yes, you will be able to get special leave for the time required to accompany him to the appointment and ensuring that he is settled safely back at home. It is likely that this will be an on-going course of therapy, and so you may need to use annual leave, or TOIL for some future appointments. Unpaid leave may also be available.

**What records of special leave requests will be held?**

Details relating to special leave requests will be held by the Chief Officer in order to establish precedents and provide for greater consistency in the application of the policy.

**Can I request special leave to take my child to a speech therapy appointment?**

No. You will need to take annual leave, or TOIL for this or you may request unpaid leave. Alternatively you could try to arrange the appointment to be outside core hours.

**I was due to have the day off on annual leave, but my child was ill and could not go into school, so I had to look after him. Can I take carer's leave and claim back my day of annual leave?**

The purpose of carers leave is to help an employee cope with an unexpected situation by allowing them time off to care for a dependant when they were otherwise expected to be at work. As you were on leave that day and did not expect to be at work this would not apply.

**What happens if the Chief Officer is off for a couple of weeks after I wish to request special leave? Can I refer my request to someone else?**



If the Chief Officer is going to be absent for some time, you may submit your request to the Deputy Chief Officer or if they are not available escalate your request to the Chair of CALC.