



## LEAVE POLICY AND PROCEDURE

Annual Leave and Bank Holiday Policy and Procedure  
Sabbatical Leave Scheme  
Purchasing Additional Leave Policy and Procedure  
Special Leave Policy

Mae'r ddogfen hon ar gael yn Gymraeg.  
This document is available in Welsh.

DATE DOCUMENT PUBLISHED	1 <sup>st</sup> June 2023
APPROVED BY	SMT
APPROVAL DATE	April 2022
DOCUMENT OWNER	Employee Relations Team

*If you have any feedback on how we might improve our HR policies and guidance please email [ERTeam@cardiff.gov.uk](mailto:ERTeam@cardiff.gov.uk) with your suggestion*

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Version	Effective Date	
Version 20	June 2022-May 2023	
Version 21	June 2023	Fostering Leave Added and annual leave days updated
Version 22	April 2024	Dependent care arrangements updated and carer's leave added.

## SECTION 1 - INTRODUCTION, ROLES and RESPONSIBILITIES

1.1 Cardiff Council is committed to helping its employees to achieve a balance between their work and outside lives. The Council supports the ethos that Work-Life Balance is an opportunity for all employees and not just those with family or caring responsibilities or in particular grades or occupations.

1.2 This policy and its procedures are part of a suite of benefit policies developed to support employees in achieving a Work Life Balance. As with all Work Life Balance policies there will be benefits for the Council in implementing such practices, including; improving employee morale and positively impacting upon sickness absence levels, aiding recruitment and improving retention. This policy may also contribute to budget savings for the Council.

### 1.3 ROLES AND RESPONSIBILITIES

It is important that everyone clearly understands their roles and responsibilities within these processes.

### 1.4 EMPLOYEE RESPONSIBILITIES

It is the employee's responsibility to:

- Provide contact details, which may be used by management in exceptional circumstances, such as reorganisations.
- Ensure applications for leave which impact on pay, e.g. Sabbatical Leave, Purchase of Leave, are made in a timely way so that there is sufficient time for the application to be processed and for payroll adjustments to be made on time.

#### **Annual Leave**

- Take the holidays to which they are entitled, across the leave year, to ensure a healthy Work Life balance.

#### **Sabbatical Leave**

- Advise their manager of any change in circumstances e.g. address and contact details.
- Keep-up to date with their profession where one exists by maintaining membership of the relevant professional bodies, undertaking any relevant Continuous Professional Development training required to maintain professional membership.
- Ensure all accrued annual leave entitlement is taken before commencing Sabbatical Leave. (Leave taken in excess of the accrued entitlement must be repaid prior to the commencement of the break.)
- Establish impact on their pay deductions and on the terms and conditions of any employee benefit and salary sacrifice schemes, e.g. including Car Loans, Cycle to Work Scheme by contacting the relevant officers

- Make arrangements to protect their state pension entitlement by making good any shortfall in National Insurance contributions.

### **Purchase of Additional Leave**

- Understand that there is no automatic entitlement to purchase additional leave.
- Understand that the Council will be unable to agree any new requests for the purchase of additional leave until the previous additional leave has been paid for.
- With regard to the Purchase of Additional Leave, sign a declaration to confirm:
  - (i) that the amount will be deducted from salary as a salary sacrifice scheme;
  - and (ii) that in the event of the employee leaving employment, the Council will recover any outstanding balance from the final salary or wage payments.
- Book 'additional' leave in line with the annual leave procedures.

## 15 **MANAGER RESPONSIBILITIES** (In addition to their responsibilities as an employee):

- Support the Council's commitment to help employees achieve a Work-Life balance.
- Take into account operational needs and any potential negative impact on of the Work Life balance of other team members.
- Ensure applications for leave which impact on pay, e.g. Sabbatical Leave, Purchase of Leave, are approved in a timely way so that there is sufficient time for the application to be approved, processed and for payroll adjustments to be made on time.
- Seek advice from HR People Services when required.

### **Annual Leave**

- Monitor the take up of annual leave of their team members, ensuring that leave is taken across the leave year.
- Ensure that annual leave is recorded on DigiGOV for employees who are not PC Users.
- Ensure all annual leave is updated in DigiGOV prior to approving an employee's exit/termination. Or, in the case of employees not recording annual leave on DigiGOV to calculate the under/overpayment and inform payroll in time for the final salary payment.

### **Sabbatical Leave/Purchase of Annual Leave**

- If refusing a Sabbatical Leave or Purchase of Additional request, provide business case reasons in writing within 14 calendar days and work with the employee to explore other options.
- Consider requests for Sabbatical Leave or Purchasing Additional Leave on a business case basis, taking into account operational needs.

### **Sabbatical Leave**

- Arrange a meeting within 14 calendar days with the employee to discuss the request
- Inform HR People Services of the employee's intended return from Sabbatical Leave in time for pay to be reinstated.

- Ensure that employees on Sabbatical Leave receive all correspondence relating to directorate reorganisations which may have implications for their employment.

**Purchase of Additional Leave**

- Monitor all purchased additional leave and ensure that annual leave in excess of 37 hours (pro rata) is not carried over into the next leave yearperiod.

**16 HR PEOPLE SERVICES RESPONSIBILITIES**

- Advise and support managers and employees in the application of this policy and procedure as required.
- In relation to the Purchasing of Additional Leave, update the employee’s annual leave record within DigiGOV.
- Issue Sabbatical Leave agreement for signing.

**17 PAYROLL RESPONSIBILITIES (Purchasing Additional Leave Only)**

- Scan and send a copy of the request form to HR People Services for DigiGOV record update.
- Input the necessary wage type and complete payroll action.
- Confirm in writing to the employee (via email where possible) the repayment schedule confirming the commencement date of deductions, the amount and date of deductions.
- Recover payments whenrequired.
- Retain records for auditpurposes.

18 The purpose and key principles related to Annual Leave, Special Leave, Sabbatical Leave and the Purchase of Additional Leave are set out in the relevant sections.

**SECTION 2 - ANNUAL LEAVE and PUBLIC HOLIDAY POLICY**

**PURPOSE**

2.1 This section of the policy provides details of annual leave and Public Holiday entitlements, procedures for requesting and approving leave, and other miscellaneous leave provisions.

**WHO IS COVERED**

2.2 This policy applies to all permanent and temporary employees of the Council who are entitled to annual leave, irrespective of status and/or grade age, disability,

gender identity/reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation (including same sex couples) and the Welsh language. It will not apply to teaching and other schools based employees who have a separate policy. Part time employees will be entitled to pro-rata allowances.

## KEY PRINCIPLES

- 2.3 When booking annual leave, employees should give as much notice as possible in order to ensure that managers can make appropriate arrangements.
- 2.4 All annual leave should be taken and there will be no payment in lieu of annual leave except in the case of termination of employment – see paragraph 3.29.
- 2.5 Annual leave should be taken in the form of full/part days or equivalent hours for all employees.
- 2.6 All employees should take the holidays to which they are entitled, and managers and employees should organise workloads to enable this.
- 2.7 It is the responsibility of managers to ensure that there is adequate provision for the needs of service users and therefore the taking of annual leave is subject to the exigencies of the directorate and management approval. In this policy a reference to 'designated manager' or 'designated managers' shall mean the person or persons designated from time to time by the relevant Director to approve leave requests for the employee in question.

## SECTION 3 - PROCEDURE AND ENTITLEMENT FOR ANNUAL LEAVE

### PROCEDURE FOR ANNUAL LEAVE APPROVAL

- 3.1 Wherever practicable and possible, leave requests in excess of 5 days should be received no later than 4 weeks prior to the start date, and for leave of less than 5 days, at least 3 days' notice is required. Where the required notice is not given, especially in emergency situations not covered by the Special Leave Policy, managers should approve the leave provided it will not have a detrimental effect on the service.
- 3.2 Employees **must not** take annual leave or commit themselves to any holidays until they have received the appropriate approval either through DigiGOV or in line with the Directorate's working practice. If the employee has not received a response to their request they must follow this up with the manager. Any employee taking unauthorised leave may be subject to disciplinary action in line with the [Disciplinary Policy](#).
- 3.3 Managers must clearly communicate to their employees the process for requesting leave. It is recommended that the process is included in induction training and confirmed to employees at the beginning of each leave year.

### **Work Based PC Users**

3.4 All requests for annual leave should be discussed with the designated manager, who may either verbally or via e-mail confirm or reject the request. Requests should then be recorded on [DigiGOV](#). PC users will receive a notification as soon as possible on [DigiGOV](#) confirming whether their request for leave has been approved or not. Leave should not be taken until this approval has been received.

### **Employees without access to a work based PC but with access to their own internet enabled device e.g. mobile phone, i pad etc**

3.5 DigiGOV is available on the web by clicking [here](#).

3.6 Where managers have agreed the process, employees who are not able to access a work place PC but have their own mobile phone, PC, iPad etc. which has access to the internet may log in and apply for leave on [DigiGOV](#). Managers can provide employees with copies of the quick reference guides to accessing [DigiGOV](#) via the intranet.

3.7 The instructions for work based PC Users as above, should then be followed.

### **Employees without access to a work based PC and with no access to the intranet**

3.8 Employees who are unable to access the internet via work or their own device should request annual leave in line with the working practice in that Directorate and will receive confirmation from their line manager advising whether their request for leave has been approved or not. This notification will be in line with working practices and it is recommended that Directorates confirm the practice is in writing to employees.

3.9 In approving requests for annual leave, managers must consider the needs of the directorate, taking into account any relevant factors such as any seasonal fluctuations in the volume of work, other employees on leave etc. Leave must not be refused unreasonably.

3.10 Where there are conflicting annual leave requests, priority will be given to the employee whose request was received first. However, at times when it is popular to take leave such as Christmas, Easter and during school holiday periods, approval may be alternated on a rota basis.

3.11 Once approval for annual leave has been given, it will not normally be withdrawn. However, there may be occasions where exceptional and or emergency situations occur (e.g. Civil Defence) which necessitate leave being cancelled and the Council reserves the right to withdraw approval in such exceptional situations. Any decision to withdraw approval must be in consultation with the Chief HR Officer. Where approval is withdrawn, the employee must be fully compensated for any actual financial losses incurred as a result of any cancellation. This cost must be borne by the Directorate. Where this happens, the annual leave will not be lost.

3.12 On two occasions per annual leave year (i.e. 2 working days for full time or part time / job share employees), the usual timescales for requesting annual leave may be relaxed. This will mean that twice a year, employees who wish to take one of their working days as annual leave at short notice can do so. This may include ringing in on the day to request leave. However, employees who wish to use this facility must contact their manager to request approval for the leave, which will normally be

approved unless there are exceptional reasons why it is not possible to do so. Please note that approval cannot be requested retrospectively and employees who fail to contact managers beforehand will be deemed to be absent without leave.

## ANNUAL LEAVE ENTITLEMENTS (excluding Public Holidays)

CATEGORY	LESS THAN 5 YEARS SERVICE Days	5 YEARS SERVICE Days
Chief Executive, Directors, Assistant Directors, Chief Officers	28	33
Operational Managers	28	33
Grades 1 - 10	28	33
Soulbury Employees ###	25	30
JNC Employees ###	30	35

### These employee groups still currently have 4 extra statutory days leave in addition to their annual leave entitlement

See calculator for calculating holiday entitlement for part-time employees and new employees in their first year at the end of this policy.

- 3.13 The annual leave entitlement is calculated on the basis of a number of days (see paragraph 3.12) and the expectation is that employees will generally take their annual leave in whole or half days, or several days, as this will ensure that employees have appropriate rest periods away from the workplace. However, there may be circumstances where employees wish to take a shorter period of leave, in the form of hours/minutes, and this can be especially helpful for employees who do not have access to the Flexible Working Hours Scheme.
- 3.14 Employees wishing to take annual leave for a period of hours/minutes should seek approval in the usual way from their Manager and submit their request via the usual process.

## PUBLIC HOLIDAY ENTITLEMENTS

- 3.15 There are normally **8** Public Holidays in an annual leave year as follows:

**Good Friday**  
**Easter Monday**  
**May Day**  
**Whitsun Monday**  
**August Bank (Public) Holiday Monday**  
**Christmas Day**  
**Boxing Day**

## New Years' Day

There may be years when Easter falls in the same annual leave year and Public Holidays will be allocated accordingly.

## PUBLIC HOLIDAYS FOR PART TIME EMPLOYEES

- 3.16 Under the provisions of the Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, part time employees have the right not to be treated by their employers less favourably than comparable full time workers and are entitled to a pro rata entitlement for Public Holidays irrespective of whether their working day falls on a Public Holiday. It should be noted that job sharers are part time workers.
- 3.17 There are normally 8 Public Holidays in a leave year and part time employees entitlement should be calculated in hours as follows. ([Refer to calculator](#)).

### **Contracted Hours / 37 x 8 Bank (Public) Holidays x 7.4 hrs = Annual Entitlement**

e.g. someone who works 18 ½ per week:  $\frac{18\frac{1}{2}}{37} \times 8 \times 7.4 = 29.6$  hours.

- 3.18 The total hours / days should be banked at the beginning of the leave year. Where a Public Holiday day occurs on a part timer's normal working day then the hours normally worked for that day should be debited against the banked hours.
- 3.19 As most Public Holidays days fall on Monday those employees who normally work on these days will have more time off than their Public Holiday entitlement. They will be required to make up any debits by working extra hours, or using their annual leave entitlement. Those employees who do not normally work on Public Holidays days will probably have more credit hours than they need to cover these days and should be allowed to take these credits on other days.

## ANNUAL LEAVE CARRY OVER

- 3.20 The annual leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March and employees must aim to take their full leave entitlement during this period. However, the Council allows employees to carry over a **maximum** of 5 days' annual leave (pro rata for job share or part time employees) from one year to the next.
- 3.21 No carry over in excess of 5 days will be allowed (pro rata for job share / part time employees). This includes any hours part time employees are credited for Public Holidays. In the case of maternity leave which spans two leave years, all annual leave accrued should be carried over. Please see paragraph 3.23 in respect of long term sickness.
- 3.22 Employees transferring within the Council will take their remaining annual leave entitlement with them.
- 3.23 The European Working Time Regulations permit employees to carry forward any

annual leave, which, cannot be taken due to long-term sickness absence. In this instance, the calculation of outstanding leave will be based on the Statutory Entitlement to annual leave and Public Holidays stated within the European Working Time Regulations and not Cardiff Council's entitlements. Any annual /Public Holiday leave already taken will be deducted from the above to determine the amount of leave to be carried forward. The leave must be taken within a period of 18 months of the end of the leave year in which the annual leave originally accrued.

## **ANNUAL LEAVE AND SICKNESS**

- 3.24 Employees who are taken ill whilst on annual leave and wish to reclaim their leave must follow the normal sickness notification procedure including the requirement to make contact with their Line Manager on the first day of absence. In addition, a Statement of Fitness for Work must be provided from their General Practitioner which covers the entire period of absence.

## **RELIGIOUS HOLIDAYS**

- 3.25 Employees who wish to observe religious holidays, which do not coincide with public holidays, may take annual leave or request unpaid leave. It is recognised that in some cases employees may only be able to provide short notification of the request. Every effort will be made to support such requests subject to Directorate needs.

## **LATE RETURN FROM ANNUAL LEAVE**

- 3.26 If for any reason, employees know that they will be late returning from annual leave they must notify their line manager of the late return as soon as possible and discuss and agree revised arrangements i.e. additional annual leave, unpaid leave or other arrangements. Failure to do so will render the employee liable to disciplinary action for unauthorised absence.

## **SUSPENDED EMPLOYEE – ANNUAL LEAVE**

- 3.27 An employee may take leave whilst suspended from work. If the annual leave year concludes during the period of suspension, any outstanding leave beyond the normal 5-day carryover cannot be carried forward. The employee must request the leave from the manager who is their nominated contact during the suspension.

## **ANNUAL LEAVE AND OVERTIME**

- 3.28 Where employees are on annual leave, they cannot be asked or volunteer to come in to work to undertake duties for overtime. The reason for this is because the purpose of annual leave is to ensure that employees have adequate rest periods away from the workplace.

## NEW EMPLOYEES

- 3.29 New employees will be entitled to a pro rata allowance of their annual leave entitlement calculated for the period between the date of appointment and the 31<sup>st</sup> March. ([Employees Annual Leave Calculator](#))
- 3.30 When calculating the leave entitlements of new employees continuous service will include continuous previous service with any public authority to which the Redundancy Payments (Local Government) (Modification) Order 1983 as amended applies.

## TERMINATION OF EMPLOYMENT

- 3.31 On termination of the contract of employment, employees will be entitled to an accrued allowance for their final leave year (excluding public holidays) based on the following calculation (A x B)-C. Where:

A = period of leave to which the employee is entitled.

B = the proportion of the employee's leave year which expired before the effective date of termination.

C = the period of leave taken by the employee between the start of the leave period and the effective date of termination.

- 3.32 Where appropriate, employees should be encouraged to take their leave entitlement before the termination of their contract of employment. Where outstanding number of hours leave is to be paid, the payment is subject to normal statutory deductions.
- 3.33 Where the annual leave taken at the date of termination has exceeded the number of hours accrued, the Council will deduct the appropriate sum from the employee's final salary or invoice the employee accordingly.
- 3.34 The calculation of outstanding hours to be paid or reclaimed will be completed on approval of an exit in DigiGOV. It is therefore essential that all annual leave is recorded accurately in DigiGOV before manager's approval of an exit. Where annual leave is not recorded in DigiGOV managers must manually calculate any outstanding /overtaken leave and inform payroll in order to ensure that the final salary is calculated accurately.

## SECTION 4 – SPECIAL LEAVE PROVISIONS

### PURPOSE

- 4.1 One of the Council's key commitments is to support the Work life Balance Strategy and in support of this, a range of flexible working policies and arrangements exist. These, in addition to the Council's annual leave arrangements, should provide sufficient time off to deal with the personal needs of most employees. However, the Council recognises that there are times when employees will need short periods of time off work to deal with family and domestic situations.
- 4.2 The Council recognises that many areas of public service can only function through

the good will of employers who agree to their employees having time off to attend to such duties. The Council wishes to encourage its employees to enter into public service but must balance this with the needs of service users.

43 These provisions outline the reasons where special leave may be granted (over and above annual leave entitlements), and the number of days allowable.

## KEY PRINCIPLES

44 Managers are responsible for ensuring that there is adequate provision for the needs of service users and therefore any of the provisions in this policy are subject to management approval. **They are not an automatic entitlement and any request will be subject to the needs of the Service.** To ensure a fair and consistent approach Managers must consult HR People Services prior to giving approval for other than routine special leave requests.

45 Employees requesting special leave must apply for approval through DigiGov (or the Special Leave application form for those without DigiGov access), as far in advance as possible taking into account the circumstances of the request.

46 These provisions are to deal with genuine requests for special leave. Any abuse of the provisions will be dealt with under the Council's Disciplinary Policy. Where applications for special leave are frequent then managers should discuss this with the employee.

47 Where special leave is granted and the employee is entitled to claim an allowance for loss of earnings, the employee should claim and pay the allowance to the Council e.g. Jury Service. In such cases, advice should be taken from HR People Services.

48 Where special leave with pay is approved, the daily amount payable will be the amount normally payable when an employee is taking annual leave. Where special leave is for periods of less than a day then pro rata payments will apply. Unless stated otherwise special leave is with pay.

49 Where any of these special leave provisions could also be approved under other provisions such as the Parental Leave and Time Off for Dependents (both of which are unpaid) then the provisions of special leave would normally apply.

4.10 Frequently Asked Questions regarding Special Leave are available in Section 5.

## SPECIAL LEAVE PROVISIONS

Leave description	Days Allowable (Paid unless otherwise specified)	Authority to approve
<b>1. Bereavement</b>		
a: Child/step child	15 working days**	Line Manager
b. Spouse/Partner, regardless of gender	15 working days**	Line Manager
c. Parent/Step Parent/ Guardian/	15 working days**	Line Manager

d. Sibling	10 working days**	Line Manager
<p><b>In the case of a, b, c &amp; d</b>, in extenuating circumstances, the number of days special leave may be extended to take account of the exceptional circumstances of the bereavement, and has to be agreed by the Chief Officer, Assistant Director or Director, following discussion with HR People Services.</p> <p><b>In the case of a, b and c</b>, the manager may agree phased return period with the employee. The period of time will be consistent with the provision for phased returns set out in the Attendance &amp; Wellbeing Policy – i.e. up to 4 weeks, which may be extended by up to a further 4 weeks in exceptional circumstances.</p> <p>** Pro rata for part time employees</p>		
e. Parent/Step Parent/guardian of spouse/long term partner parent in law; step parent in law; guardian of spouse; parent; step parent; guardian of long term partner of employee.	5 working days	Line Manager
f. Other relative	Appropriate time off on the day of the funeral, to travel to and attend the funeral, if a working day.	Line Manager
g. Death of an employee	Leave to attend funeral at the discretion of the manager taking account of operational needs.	Line Manager
h. Other	Annual leave /Flexi/Unpaid	Line Manager
<p>Bereavement leave is provided to support staff to grieve or carry out activities related to a death. Therefore, bereavement leave will need to be taken within a short period of the death and if any other leave is currently taking place, it would be expected that the special leave is taken instead of the leave currently being undertaken. Special leave cannot be 'banked' for future use.</p>		
<p><b>2. Compassionate Leave</b></p>		
<p><b>a. Domestic / Personal Emergencies</b></p> <p>Leave to deal with certain unexpected or sudden emergencies that are immediate, severe and/or tragic and to make necessary long-term arrangements.</p>	<p>Depending on the circumstances of the case, up to a maximum of 2 days leave for each circumstances.</p>	Line Manager

<p>Some examples are: critical illness of family/ fire/ theft/ flood</p> <p>This can also apply to supporting victims of Violence against women, domestic violence or sexual abuse where individuals may require urgent leave or for attending appointments which are safer to do during working time.</p>	<p>Where appropriate, for ongoing situations arising from Domestic/Personal Emergencies, on compassionate grounds the manager may agree to flexible working/adjusted working hours, with pay, for an employee who has to support a dependant in circumstances that are not covered elsewhere in the special leave provisions. This may include</p> <ul style="list-style-type: none"> <li>• shortened working days,</li> <li>• breaks during the day to attend home</li> <li>• working from home</li> </ul> <p>The maximum period for such arrangements is 4 weeks. If a longer period is required, the employee will need to use annual leave (in the form of hours) or, where appropriate, make up the time lost through a working pattern agreed with the manager, or take a period of unpaid leave.</p>	
<p><b>b. Dependent Care Arrangements</b> To make arrangements for care (not actually caring for) of dependents</p>	<p>Up to 1 day paid per instance. This will be monitored and where instances are excessive, limits over a period of time will be set. Guidance on this is available in the Section 5.</p> <p>In addition, up to one week of unpaid carer's leave in any 12-month period. Requests can be in consecutive, or non-consecutive, half-days or full days.</p>	Line Manager
<p><b>c. Carer's Leave</b></p> <p>Leave available to employees who have a dependent with a long-term care need. The definition of long-term care need*, as per legislation is below.</p>	<p>Up to one week of unpaid carer's leave in any 12-month period. Requests can be in consecutive, or non-consecutive, half-days or full days.</p>	Line Manager

### 3. Personal Medical Appointments

<p>Authorised absence for medical reasons to attend e.g. GP, dentist, optician, etc.</p> <p>GP's, dentists and opticians often have extended hours and so employees should make every effort to make appointments outside of their normal working hours. Where this is not possible the appointment must be made for the start/ end of working hours</p>	<p>Time allowed for appointment and reasonable travel time. This will usually be 2 hours, although there may be circumstances where it is necessary for this time to be extended beyond 2 hours.</p> <p>Factors that need to be taken into account include but not limited to:</p> <ul style="list-style-type: none"> <li>• the travel distance from the work base to the hospital;</li> <li>• whether the employee needs to go home to shower or change from work clothing;</li> <li>• the waiting time or length of appointment at the hospital; and/or,</li> </ul>	<p>Line Manager</p>
<p>Hospital appointments/ OH appointments/ Employee Counselling Service</p>	<ul style="list-style-type: none"> <li>• the necessity to undertake some form of preparation in advance of the appointment time.</li> </ul> <p>Time allowed may be extended to a maximum of 1 day in exceptional circumstances e.g. IVF treatment/ day surgery/ medical procedure. This will be monitored and where instances are excessive, limits over a period of time will be set. Guidance on this is available in Section 5.</p>	<p>Line Manager</p>

**4. Dependent's Medical Appointments**

<p>Accompanying dependents to attend a medical appointment at a hospital or GP which cannot be made outside normal working hours. (i.e. for circumstances where the relative cannot attend on their own).</p> <p>This provision also applies to employees who fulfil caring responsibilities, which they have discussed with their manager.</p>	<p>Time allowed for appointment and reasonable travel time, this would usually be up to 2 hours, although this ere may be extended circumstances where it is necessary for this time to be extended beyond 2 hours.</p> <p>Factors that need to be taken into account include but are not limited to:</p> <ul style="list-style-type: none"> <li>• whether the employee needs to collect their dependent from home/school before the appointment and return after the appointment;</li> <li>• the travel distance from the work base to the home/school and/or hospital; and/or,</li> <li>• the waiting time or length of appointment at the hospital.</li> </ul> <p>This will be monitored and instances are excessive, limits over a period of time will be set. Guidance on this is available in Section 5.</p>	<p>Line Manager</p>
<p>Accompanying dependents to non medical appointments e.g. social worker, care professionals which cannot be made outside normal working hours (i.e. for circumstances where the dependent cannot attend on their own). Where 2 employees working for the Council have the same dependent usually only 1 of them may claim this unless there are exceptional circumstances.</p>	<p>Time allowed for appointment, this would usually be up to 2 hours, although may be extended reasonable time may be agreed where it is necessary.</p> <p>This will be monitored and where instances are excessive, limits over a period of time will be set.</p> <p>Guidance on this is in Section 5.</p>	<p>Line Manager</p>

<b>5. Fostering</b>		
<p>An employee who is applying to become an approved foster carer as part of the preparation and assessment process to attend:</p> <ul style="list-style-type: none"> <li>• Pre-approval training</li> <li>• Home assessment visits</li> <li>• Foster panel</li> </ul> <p>Where a couple (including same sex) are applying to become foster carers, and both are employees of the Council, the leave entitlement will apply to each partner individually.</p>	Up to 5 days paid leave per annum (pro rata for part time employees)	Line Manager
<p>An employee who is already an approved foster carer leave to:</p> <ul style="list-style-type: none"> <li>• Attend meetings</li> <li>• Participate in training</li> <li>• Deal with an unexpected/emergency situation in respect of any child or young person in their care.</li> </ul>	Up to 3 days paid leave per annum (pro rata for part time staff)	Line Manager
<b>6. Sporting /Cultural Events</b>		
<p>Employees who are selected to participate in representative sporting or cultural events at National/ International levels.</p>	<p>Participants in representative events to be allowed to stay for the duration that they are actively participating in the event, up to a maximum of 5 days. Annual Leave/Flexi Leave/Unpaid Leave will need to be taken.</p> <p>Requests in excess of above may be considered in exceptional circumstances.</p>	<p>Operational Manager</p> <p>OM in consultation with HRPS</p>
<b>7. Training/Graduation</b>		
<p>Leave to sit approved examinations relevant to job plus examinations approved through post entry training scheme.</p>	<p>Time required to sit exam plus up to 3 days revision leave, maximum ½ day per examination.</p>	Line Manager.
<p>Leave to attend personal graduation.</p>	<p>Up to ½ day.</p>	Line Manager

<b>8. Job Interviews</b>		
For jobs within Cardiff Council.	Time required to attend interview.	Line Manager
Any other job interview.	<p>Annual leave / flexi leave.</p> <p>For roles which do not have the ability to take ad hoc annual leave (e.g. term time working) nor have access to flexi time – special leave will be permitted as long as evidence of the interview is provided. This will be restricted to no more than 3 days per annum to attend interviews in other Local Authorities / public bodies.</p> <p>(Paid special leave will be given for the time required to attend any interviews for employees under notice of redeployment/ redundancy)</p>	Line manager
<b>9. Public Duties</b>		
<p>Leave to attend official meetings/ mandatory training during working hours for employees who are</p> <ul style="list-style-type: none"> <li>• members of Local Authorities;</li> <li>• appointed by a Govt. ministry, assoc. of local authorities or a local authority to serve on a Committee, Tribunal or panel;</li> <li>• Justices of the Peace;</li> <li>• School Governors;</li> <li>• Official Prison Visitors;</li> <li>• Any other body in accordance with Sect 50 of the Employment Rights Act 1996.</li> <li>• Special Constabulary</li> </ul>	<p>Up to a maximum of 18 days p.a. for all categories (up to a total of 18 days per year aggregated over all categories listed).</p> <p>This will be applied on a pro rata basis for part time employees.</p>	<p>Initial approval by Operational Manager. Subsequent requests for time off approved by Line Manager</p>
Military Service (Non Regular Forces).	Up to a maximum of 2 weeks per annum for annual camp.	Operational Manager
<b>10. Cardiff Council run Elections</b>		
Candidate in Local Authority, Parliamentary, Welsh Assembly or European Election.	1 day 's leave on polling day	Line Manager

<p>Employees involved with election duties i.e. Senior Election Staff, Presiding Officers, Poll Clerks, Count Assistants and Assistants for the issue and opening of postal ballot papers.</p>	<p>1 day off with pay per election, subject to business requirements and approval of manager</p> <p>Where the election runs over more than one day, i.e. polling on one day and count on the following day(s), paid leave will also apply.</p>	<p>Line Manager.</p>
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Postal Voting	Paid leave for the time required. When employees are released from postal voting duties during their normal working hours they must return to work.	Line Manager
<b>11. Volunteer Activities</b>		
Employees undertaking approved volunteering activities in accordance with Volunteer Cardiff <a href="http://www.volunteercardiff.co.uk">www.volunteercardiff.co.uk</a> or with other organisations as approved by their operational manager.	Up to a maximum of 5 days (pro rata) per year.	Operational Manager
<b>12. Attendance at Court as a witness or a juror (not in connection with work)</b>		
Time required to attend court. (Employee must claim and pay to the Council any "loss of earnings" payable).	Time required attending court.	Operational Manager
<b>13. Attendance at Court as a Defendant</b>		
Employees are required to attend court either by the Council or where this is a requirement of their job  If charged with an offence.	This is considered as working time and there is no requirement to record as special leave.  Annual/Flexi/Unpaid leave	Operational Manager

<b>14. Unpaid Leave</b>		
Requests to take unpaid leave will normally be considered after the employee's annual leave allowance has been exhausted, and in appropriate circumstances (Employees in the Pension scheme should seek advice from the Pensions section). Each case to be dealt with on its own merits, with requests to be managed by Service Areas and advice sought from HR People Services.	Unpaid leave (Requests beyond 5 days to be approved by Chief Officer and HRPS Officer, in consultation with Line Manager).	Operational Manager
<b>15. Severe Weather</b>		
Non attendance due to adverse weather e.g. snow (See Severe Weather Conditions Guidance)	Annual leave, flexi, unpaid leave or making up of hours, in accordance with the terms set out in the Severe Weather Guidance	Line Manager

**NOTE:**

- Special leave provisions cannot cover all eventualities, and there will undoubtedly be exceptional circumstances where it would be appropriate to grant special leave. Where this is the case, managers should consult HR People Services to ensure consistency.
- Where leave is to be unpaid this must be confirmed in writing to the employee before any deduction from their wages takes place.
- Where special leave refers to family members or dependents, it is recognised that an employee may be estranged from their family and may instead have a chosen family/loved ones or close support networks where there is no legal or biological connection. In such circumstances the provisions of this policy apply as appropriate.
- For the purposes of this policy 'Dependent' is defined as: a spouse/partner (regardless of gender), a child/step child of the employee, a parent/step parent of the employee, a person who lives in the same household as the employee (excluding tenants, lodgers, live in employees e.g. nanny) or a person that reasonably relies on the employee for assistance.

\* The definition of long-term care need, as per legislation is as follows:

a dependant of an employee has a long-term care need if:

- (ii) they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months,
- (iii) they have a disability for the purposes of the Equality Act 2010, or
- (iv) they require care for a reason connected with their old age.

[Employment Rights Act 1996 \(legislation.gov.uk\)](http://legislation.gov.uk)

## UNPAID PARENTAL LEAVE

- 4.11 Under the Maternity and Parental Leave etc. Regulations there is an individual right for a parent to take unpaid time off work to look after a child or make arrangements for a child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments.
- 4.12 For an employee to be eligible all of the following must apply:
- they have one year's service with the Council
  - they are named on the child's birth or adoption certificate
  - they have or expect to have parental responsibility
  - they are not be a foster parent to the child (unless they've secured parental responsibility through the courts
  - the child is under 18
- 4.13 The entitlement is for each child and is for 18 weeks unpaid leave up to their 18<sup>th</sup> birthday.
- 4.14 There is a limit of 4 weeks per year that can be taken and the leave must be taken as full weeks rather than days. However, where a child qualifies for Personal Independence Payments, it may be taken as days.
- 4.15 A 'week' is defined as the time worked over a 7 day period, e.g. and employee who works 2.5 days a week will have 2.5 days unpaid leave and a week will come off their entitlement.
- 4.16 Unpaid parental leave can carry over from previous employment. However, an employee needs to have one year's service to apply for the leave. Previous employers should be asked for information about the amount of parental leave taken where a new employee requests unpaid parental leave.
- 4.17 Employees should provide 21 days' notice of their request to take unpaid parental leave, where they or their partner are having a baby or adopting a child notice should be given 21 days before the week the baby or child is expected.
- 4.18 Leave can be postponed if the relevant notice is not given. It can also be postponed where there is a significant business reason to do so. Within 7 days of the request, if it is to be postponed, a written explanation for the postponement must be provided and a new date suggested. Leave should not be postponed where it's being taken by the employee's partner immediately after the birth or adoption of a child.
- 4.19 Unpaid parental leave is requested via DigiGov and it will ask managers to confirm they have seen relevant documents to confirm eligibility. For non pc users there is a form in the Attendance and Wellbeing Toolkit for employees to make requests and their managers should then enter it onto DigiGov.

## CARERS LEAVE

Carer's leave is available to employees who have a dependent with a long-term care need. The definition of long-term care need\*as per legislation is below.

The right to take carer's leave is available from the first day of employment and applies to full-time and part-time employees.

Employees can take up to one week of unpaid carer's leave in any 12-month period. Requests can be in consecutive, or non-consecutive, half days or full days.

### REQUESTING CARER'S LEAVE

This leave is intended for planned and foreseen caring commitments. If the situation is urgent, employees have the legal right to take a reasonable amount of time off work to deal with an emergency involving someone who relies on them for help (as a dependant).

Employees should confirm to their manager:

- that they are requesting carer's leave (to provide or arrange care for a dependant with a long-term care need) and
- the specific days (or half days) required for the leave. (An employee's notice does not have to be in writing, but they will need to provide this information to their manager).

Under the new Act, employees should give their manager notice of carer's leave:

- at least three days in advance if employees are requesting a half day, or single day, of leave.
- at least twice as many days as employees requested leave period - if an employee is applying for two or more consecutive days' leave. (For example, if an employees' request is for two days leave, they will need to give four days' notice).

Managers can **postpone** an employee's request for carer's leave (to provide or arrange care for a dependant with a long-term care need) but **cannot reject** it.

Managers can only postpone an employee's requested period of leave if they 'reasonably consider that the operation of their business would be unduly disrupted' if the leave was approved. If managers believe this is the case, then they must:

- agree to permit an employee to take a period of carer's leave of the same duration.
- consult the employee and confirm a new date on which the leave can be taken within one month of the original date requested.
- give an employee notice in writing of the postponement with the reasons for this and the agreed date when an employee can take the leave. This notice must be given to the employee within seven days of their original request (and before the requested start date of the leave if an employee made their request with less than seven days' notice).

\* The definition of long-term care need, as per legislation is as follows:

a dependant of an employee has a long-term care need if:

- (i) they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months,
- (ii) they have a disability for the purposes of the Equality Act 2010, or

(iii) they require care for a reason connected with their old age. Employment Rights Act 1996 (legislation.gov.uk)

## **SECTION 5 – SPECIAL LEAVE FREQUENTLY ASKED QUESTIONS**

Provisions within the Special Leave Scheme are not an automatic entitlement. All requests for time off under this Scheme require managerial approval and must be subject to the needs of the service. Each case should be dealt with on its own merits as circumstances can differ significantly between employees. These Frequently Asked Questions provide some examples as a guide only – they are neither exhaustive nor exclusive. Advice on these all matters to do with application of the Scheme is available from HR People Services.

### **Bereavement**

**Q1. Where a close relative who has raised an employee has died how much paid leave would they get?**

The Special leave scheme gives details of what time off is allowed in the case of bereavement and normally for relatives such as aunts and uncles only one day's paid leave for the day of the funeral is allowed.

However, it is recognised that an employee may be estranged from their family and may instead have a chosen family/loved ones or close support networks where there is no legal or biological connection. In such circumstances the provisions of this policy apply as appropriate.

**Q2. A team member has unfortunately passed away and the whole team wish to attend the funeral. Can they all attend?**

The Council would like a sympathetic approach to be taken to such requests and allow employees to attend. However before granting approval you should discuss this with the Manager and take steps to reduce any possible service disruption to a minimum. If it is not possible to ensure alternative service delivery cover it may be necessary to inform the Director, where necessary.

**Q3. An employee has had 15 working days special leave for the death of a partner but the funeral is not due to take place until after the 15 working day period, should they also get special leave for the day of the funeral?**

Yes, in situation where the funeral falls outside of the special leave period then the day of the funeral would also be classified as paid special leave.

### **Domestic/Dependant Support/Compassionate Leave**

**Q4. My child is unwell and has to be picked up from school would I get special leave?**

Yes, to collect the child from school and to arrange care for the following day where necessary.

**Q5. Is there a limit to the number of times employees are allowed to take Special Leave to make child care arrangements?**

This will depend on the circumstances of each case and therefore it is not possible to put a limit on the number of occasions. However, managers should note that the

time is allowed to make alternative child care arrangements, not to look after the child. If the employee cannot make alternative arrangements and has to look after the child, then annual/ unpaid leave should be requested.

**Q6. Is special leave allowed to look after children when schools are closed due to bad weather?**

No, there is no provision in the Special Leave Scheme for this. There is a Severe Weather Conditions – Guidance Note available on the HR A to Z

**Q7. With regard to Special Leave for domestic emergencies, is there an entitlement of 2 days for each occasion?**

There is no automatic entitlement to Special Leave, and 2 days is the maximum amount that Managers may allow for an emergency. Managers should obtain details of each request and only allow time off appropriate to the occasion, e.g. some incidents may only require an hour to deal with the problem. Where appropriate the manager may agree to flexible working arrangements to assist the employee in dealing with the issue.

**Q8. Some employees seem to be requesting excessive amounts of Special Leave. What can Managers do about this?**

Managers are responsible for communicating that special Leave is not an entitlement and will therefore not automatically be approved. Managers should review and monitor all requests they receive for Special Leave to ensure there is consistency of scheme application. Where employees are found to be abusing the scheme this may be dealt with under the Discipline Policy and Procedure.

**Q9 My partner has had surgery and is immobile and at home. Support from family is in place but there are occasions where the family members are unable to assist. Is there anything that can assist me manage my working time and this situation?**

Subject to operational needs it may be possible for your manager to agree for the employee to reduce their working day in order to be at home in the morning to assist with morning routine and breakfast, and to visit home during the day to provide lunch and attend to personal needs.

**Q10 One of my team is abroad on annual leave and their child has been taken ill whilst abroad and will remain in hospital after the duration of the holiday period. Is the employee able to have special leave?**

These circumstances are beyond the control of the employee so the manager is able to agree paid compassionate leave, up to the maximum period of 4 weeks if required. Anything beyond this would be subject to annual/flexi/unpaidleave.

**Q11 One of my team has to undertake a share of caring for an elderly relative who has increased care needs and they are awaiting the commencement of a care package. Can I agree some flexibility around their work?**

The manager is able to agree flexibility such as working from the home of the relative, or changing shifts to accommodate timings, or allow for a reduction in working hours, with pay, for a limited period, of up to 4 weeks. The arrangements would need to be kept under review and it is important that the likely timescale for the care plan to be in place is known by the manager.

**Q12. I have an elderly parent who has reached the end of life phase of their**

**illness and is requiring enhanced support which we are sharing as siblings. Can I discuss this with my manager to see if I can have some flexibility around my work.**

Your manager is able to agree working/adjusted working hours, with pay, so that you could perhaps work shortened working days. The maximum period for such arrangements is 4 weeks.

## **Medical appointments**

**Q13. In the case of a close relative requiring serious emergency medical attention would I get special leave?**

Yes, this would be considered under domestic/personal emergency and in line with the policy, depending on the circumstances.

**Q14. Is special leave allowed for hospital appointments on a rota'd day to work?**

Hospital appointments should be booked wherever possible outside normal working hours, but where this is not possible you may apply for special leave.

**Q15. In what circumstances should Special Leave be granted to allow staff to accompany immediate relatives to medical appointments?**

Special Leave is available for dependents rather than immediate relatives. It should only be approved where the dependent needs the support of the person accompanying them. For example, in the case of young children, seriously ill adults, or where the appointment is likely to result in high anxiety. Routine medical appointments where support is not necessary should not attract special leave. In addition, wherever possible appointments should be made outside working hours. The usual time that is allowed for this purpose ranges between 2-4 hours, although extended reasonable time may be agreed to take account of travel time if you have to collect your dependent from their home and return them after the appointment. In addition only one employee of the Council should be granted special leave for a particular appointment.

**Q16. What special leave is allowed for IVF/ fertility treatment?**

Special leave may be approved for the day of treatment. Time off for recovery from the treatment would be regarded as sick leave.

**Q17. What special leave is allowed for medical treatment at a day centre of the hospital?**

The first day may be approved as special leave. Subsequent days required for recovery from the treatment would be treated as sickness absence.

**Q18. Do the special leave arrangements for medical appointments apply to an employee who is transitioning?**

Yes, the special leave provisions set out in the scheme apply to an employee who is transitioning. Equally, employees who are providing support to someone who is transitioning.

## **Other**

**Q19. Do I get special leave when I get married?**

No, time off for weddings is not included in the Special Leave Scheme.

**Q20. Do I get special leave when I move house?**

No, there is no provision for this in the Special Leave Scheme

**Q21. When a pet requires emergency treatment would I get special leave?**

No, this is not covered by the Scheme.

**Q22. Is special leave allowed for occasions where employees have to take time off to sort out repairs to cars or domestic problems, such as plumbing, electrical, washing machines etc.?**

No there is no provision in the Special Leave Scheme for these types of situations.

**Q23. Is special leave allowed for attending the graduation ceremonies of children or relatives?**

No, there is no provision in the special leave scheme for this.

**Q24. Is special leave allowed for attending personal graduation ceremonies?**

Yes, a half a day may be approved for this purpose.

**Q25. Is special leave allowed for working on elections run by other Local Authorities?**

No, Special Leave only applies to Cardiff Council run elections.

**Q26. Where count assistants for elections have to work from 10pm on Election Day until the early hours of the following morning – are they eligible for Special Leave the following day?**

No, not normally - if employees apply to work on the count they are aware that they will be required to work late at night and often into the early hours of the morning. If, however, the count is not conclusive and they are required to attend a re-count during the next working day, Special Leave would be granted. With regard to shift workers who would normally be working on the evening the count takes place, Managers may approve Special Leave for the time they are away during their normal working hours.

**Q27. Is special leave allowed for employees to attend court, for example in a custody hearing, or to support a relative?**

No, with regard to attendance at court Special leave may only be granted for staff attending as jurors, and depending on the circumstances as witnesses.

**Q28. What arrangements should be made when employees are called for Jury Service?**

There is a guidance note on HR A-Z which provides information on Jury Service

**Q30. I will be appearing on a reality TV show and would like to know if I could take the time off as unpaid leave.**

It is possible to apply for unpaid leave for a variety of reasons, but it is normally approved only in exceptional circumstances.

**Q31. An employee has an interview with another authority, are they entitled to paid special leave?**

No this should be covered by annual or unpaid leave. The **exception** to this would

be employees on the redeployment register who would be granted paid leave to attend any interview upon providing documentation to confirm the interview.

**Q.32 I am a military cadet – does the provision for summer camp apply to me?**

Yes, you can access have paid leave for the summer camp if you are attending as a cadet.

**Q.33 The special leave scheme states that certain types of special leave will be monitored and limits may be set. What are these limits?**

It is not possible to be prescriptive as individual circumstances will vary and change over time. Managers with concerns about the level of special leave requests from an employee should discuss this with the employee after seeking advice from HR People Services.

The Special Leave Scheme cannot cover all eventualities and there will undoubtedly be exceptional circumstances where it would be appropriate to grant special leave. Where this is the case, Managers (or their nominated representatives) should consult with HR People Services to ensure consistency.

## **SECTION 6 – SABBATICAL LEAVE**

### **PURPOSE**

- 6.1 This section of the policy and procedure outlines the option and process for requesting Sabbatical Leave and details the terms of subsequent Sabbatical Leave agreements/variation of contracts. It has been developed with the dual purpose of assisting the Council in achieving cost savings and further assisting employees achieve a Work Life Balance.
- 6.2 The purpose of Sabbatical Leave is to enable the Council to retain an employee who requires an extended period of leave from the Council and who might otherwise need to terminate their employment. It also benefits the employee in allowing them to preserve their current employment status at the time of taking the break and return on the same terms and conditions.
- 6.3 Sabbatical Leave may be taken for care of dependants or other domestic circumstances, or to undertake education or study. However, eligibility will not be confined to such criteria. Each request will be assessed by the manager on a business case basis taking into account operational needs.

### **WHO IS COVERED?**

- 6.4 This policy applies to all employees of the Council (except school based employees) irrespective of status and/or grade age, disability, gender identity/reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation (including same sex couples) and the Welsh language. It includes those in permanent or temporary positions whether in full time, part time or post share positions.
- 6.5 Requests for Sabbatical Leave must be in writing and will be accepted from any employee with at least 26 weeks' continuous service with the Council.

## KEY PRINCIPLES

- 6.6 As with all flexible working arrangements there is no automatic entitlement for employees to be granted Sabbatical Leave. All requests will be considered by managers on a business case basis and whilst the presumption is to allow employees as much flexibility as possible, the need to maintain a quality service is paramount. Where requests cannot be supported, the manager will provide business case reasons to explain why that is the case and explore other options with the employee.
- 6.7 Sabbaticals will be approved on the basis that the employee will return to the same post or a similar post in the Council, with no detriment in terms of grade, pay, benefits or conditions of service. The employee will retain continuity of service. However, the length of service will be paused.
- 6.8 The key elements of Sabbatical agreements include the following:
- The Directorate must not incur additional costs and still be able to deliver an effective service.
  - The employee's continuity of service and employment rights will pause whilst off.
  - The employee and manager sign up to a written agreement.
- 6.9 Employees who wish to undertake paid work whilst on Sabbatical Leave must consult their manager to ensure no conflict of interest exists. Employees to wish to take up another post within the Council should refer to the [Secondment Policy and Procedure](#).
- 6.10 Employees on sickness leave will not normally be eligible for Sabbatical Leave. In general, an employee should have satisfactory health, (which also takes into consideration the [Equality Act 2010](#)), attendance and conduct records.
- 6.11 The decision to approve or not approve an employee's application for sabbatical leave rests with the employee's Director (or nominated officer) in consultation with the Chief HR Officer (or nominated officer).

## MONITORING AND REVIEW

- 6.12 The scheme will be monitored to provide the following information:
- the numbers of those applying for Sabbatical Leave
  - the reasons for wishing to take Sabbatical Leave
  - the number of applications accepted / rejected.

## DEFINITIONS

- 6.13 Sabbatical Leave: A period of unpaid leave for absences of a minimum of 3 months to a maximum of 2 years. It is 'reason neutral' in that employees are not limited to applying for reasons associated with childcare/ caring responsibilities or time off for travel or training etc.
- 6.14 The employee's contract of employment is maintained throughout the period of leave. Employees should however be aware that due to the pace of change and

the current economic challenges faced by the Council a return to the same post may not always be feasible. Employees who wish to be contacted during their period of leave regarding any department reorganisations must provide their manager with suitable contact details. It will be the employee's responsibility to respond to any correspondence. If it is not possible for the Council to return the employee to the same post at the end of the Sabbatical Leave period, the Council will use its best endeavours to redeploy the employee to a similar post in the Council in line with its [Redeployment Policy](#).

## **ANNUAL LEAVE**

- 6.15 There will be no entitlement to Annual Leave during the Sabbatical Leave period. Employees must ensure all accrued annual leave entitlement is taken before commencing Sabbatical Leave.

## **SICK PAY**

- 6.16 There will be no entitlement to Occupational sick pay during the Sabbatical leave period.

## **MATERNITY, ADOPTION, AND MATERNITY & ADOPTION SUPPORT LEAVE**

- 6.17 There will be no entitlement to occupational maternity / adoption pay or support pay or during the Sabbatical leave period.

## **STATUTORY MATERNITY / ADOPTION / SICK PAY:**

- 6.18 Whilst eligibility for statutory pay remains, the above earnings are based on pay received over specified periods. In the majority of occasions, the Council will not be required to pay the statutory element as the employee will not have been earning in the weeks prior. Employees are however advised to contact payroll for advice if necessary.

## **SPECIAL LEAVE**

- 6.19 There will be no entitlement to Special Leave during the period of Sabbatical Leave.

## **ENDING THE SABBATICAL LEAVE AGREEMENT**

- 6.20 The Council may terminate the agreement if any of the obligations of the employee under the terms and conditions of the scheme are breached. This includes instances where the employees conduct or activity brings the Council into disrepute; or failure or inability of the employee to return to the Council on the agreed date. Where such instances occur the matter will be considered under the Councils [Disciplinary Policy and Procedure](#).

621 The employee may terminate their contract of employment with the Council at any time by notifying the manager in writing and giving appropriate notice.

## PENSIONS CONTRIBUTIONS

622 Pension contributions will cease whilst on Sabbatical leave. If the employee is a member of the Local Government Pension Scheme, within 30 days of returning to work the employee has the option to buy back lost pension. Further information can be obtained from [www.lgpsmember.org](http://www.lgpsmember.org). If the employee pays into the Teachers' Pensions Scheme they should seek further information from [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

## DISCIPLINARY WARNINGS

623 Any period of a disciplinary warning which is unspent at the time of the Sabbatical Leave will restart on the employees return to work.

## PROFESSIONAL FEES

624 Where membership of a professional body is a mandatory requirement of the employee's profession; reimbursement of fees will be made in line with the [Procedure for Reimbursement of Professional Fees](#).

## SECTION 7 – PROCEDURE FOR SABBATICAL LEAVE

7.1 Employees can apply on [DigiGOV](#) (for those with no access they must apply in writing to their manager on the [Sabbatical Leave Request Form](#)). Applications should be made at least three months in advance of their proposed start, however, where the post is not backfilled a date can be mutually agreed, and (except in exceptional circumstances) the request will:

- Confirm the employee meets the criteria.
- Specify the reason for the Sabbatical, the proposed commencement date and duration.
- State the reason for requesting Sabbatical leave; explain how the employee thinks the request could be accommodated by the Council; include any potential benefits for the employee and / or the Council.

72 Requests for Sabbatical Leave will be considered on a business case basis. Reasons for requesting Sabbatical Leave may include but are not limited to the following:

- Personal and / or professional development.
- Domestic reasons; e.g. Childcare or caring responsibilities.
- Travel.
- Training / Development.
- To follow a full time course of education.

- To take up public or voluntary services.
- Following the birth or adoption of a child.
- Other purposes providing they will comply with the terms and conditions of the scheme.

73 The manager will arrange a meeting within 14 calendar days with the employee to discuss the request and ensure the employee is fully aware of the conditions of the scheme.

74 The employee's line manager, in consultation with the Director/Chief Officer of the relevant Directorate and taking advice where appropriate from HR People Services, will consider the request.

75 The manager will respond on DigiGOV (or write to the employee if they are a non PC user) within 14 calendar days of the meeting giving a decision on whether the request can be accommodated. In providing the decision made with regard to the request, the manager will either:

- a) Accept the request in full and detail in the letter the arrangements that will be made, including the start date, duration and return date, **or**
- b) Reject the request as it was made but confirm a mutually agreed alternative, which will be detailed, including start date, duration and return date. The manager will outline the reasons why the original request could not be accommodated and will also outline the appeals procedure in this letter, **or**
- c) Reject the request in full. The manager will detail for the employee the business reasons why the request could not be accommodated. The manager will also outline the appeals procedure in this letter.

76 Where the application is approved the employee will be required to sign a Sabbatical Leave Agreement.

## **APPEALS**

77 The employee can appeal against the decision made by writing to the Chief HR Officer, outlining the reason for the appeal. The appeal must be made within 14 calendar days of the date of the letter giving the decision.

78 The Chief HR Officer (or nominated representative) will meet with the employee and their representative within 14 calendar days of receipt of the appeal.

79 A decision regarding the appeal will then be given to the employee, in writing, within 14 calendar days of the appeal meeting. The decision shall be deemed be final. If the appeal is unsuccessful the reasons for that decision will be given.

## **CONTACT WITH THE COUNCIL**

7.10 Both the manager and the employee are obliged to maintain contact during the

period of Sabbatical Leave. Both parties are entitled to make 'reasonable contact' with each other during the leave period. For example, the manager may contact the employee to discuss whether or not the planned date of return to work has changed or is likely to do so or to keep the employee up to date with work place developments. Equally the employee may request to maintain contact for similar purposes. The means for 'Reasonable Contact' will be discussed and agreed before leave commences.

- 7.11 In line with the principles of Keeping in Touch Days the manager and employee can agree for the individual to undertake work activities up to 10 days per year. This may include attendance on training courses, meetings etc. This will be arranged by mutual agreement and where practicable. Whether the employee works for one hour or a whole day this will be counted as one Keeping in Touch day. The employee will receive pro rata remuneration for hours worked.
- 7.12 Employees on Sabbatical Leave will be eligible to apply for posts advertised during their period of leave. It is the responsibility of the employee to undertake to find out about suitable vacancies.

## **RETURNING TO WORK**

### **Post**

- 7.13 Employees will be entitled to return to work in the same or similar post (within the relevant Department, with the same conditions and benefits, (taking into account any relevant pay rises or agreed changes), . However, where a directorate proposes to make changes to the role/restructure the employee must be fully consulted.

### **Pay**

- 7.14 Salaries of employees will be paused and when returning from Sabbatical Leave will be placed on the same incremental point as when they left.

### **Continuity of Service**

- 7.15 The employee's length of service will be paused. Service related terms of employment including annual leave entitlement and sickness benefits will not accrue throughout the leave period.

## **REQUESTING TO CHANGE RETURN DATE**

- 7.16 Employees who wish to request to return early must put their request in writing to their manager at the earliest opportunity. Whilst there can be no guarantee of an early return; requests will be given sympathetic consideration, taking into account operational needs and reasons for the request.
- 7.17 Employees who wish to seek to extend their leave period should apply in writing to their manager at the earliest opportunity and no later than 3 months before the agreed return date. The extension will be subject to the approval of the Director. The maximum period of Sabbatical Leave must not exceed 2 years.

## **APPROPRIATE CHECKS**

- 7.18 If necessary the Council may need to renew the employee's Disclosure and Barring Service (DBS) clearance and / or attain a satisfactory medical assessment. Therefore, the Council reserves the right to obtain such clearances before the employee returns to work.

## **TRAINING AND / OR INDUCTION**

- 7.19 Where appropriate, the manager will determine the training and / or induction the employee is required to undertake to ensure an efficient smooth return to work. This will reflect the duration of the break and the extent of any changes to the employee's role and / or work environment.

## **SECTION 8 - PURCHASING ADDITIONAL LEAVE**

### **PURPOSE**

- 8.1 This section outlines the process for purchasing additional leave up to a maximum of 74 hours/10 days (pro rata) per leave year. It is intended to assist employees in achieving a balance between work and outside work commitments by alleviating the financial hardship of taking unpaid leave.

### **WHO IS COVERED?**

- 8.2 This policy applies to all employees who have successfully completed their probationary period and have at least 26 weeks' continuous service with the Council (except school based employees) irrespective of status and/or grade age, disability, gender identity/reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation (including same sex couples) and the Welsh language. It includes those in permanent or temporary positions and full time or part time employees. A part time employee's entitlement will be calculated on a pro-rata basis.

### **KEY PRINCIPLES**

- 8.3 The Council aims to assist employees to balance their work and outside work commitments by providing them with the opportunity to request to purchase up to an additional 74 hours/10 days leave (pro rata for part time employees). The policy allows for flexibility as to how the 74 hours/10 days may be taken (i.e. in blocks or separate days) however they must be taken as full or half days.
- 8.4 As with all flexible working arrangements, there is no automatic entitlement for employees to purchase additional leave. All requests will be considered by managers on a business case basis and whilst the presumption is to allow employees as much flexibility as possible, the need to maintain a quality service is paramount. Where requests cannot be supported, the manager will provide written business case reasons to explain why that is the case and explore other options with the employee.
- 8.5 This policy does not allow employees to sell any leave, whether normal or additional. The Council has a duty of care to its employees and as such expects employees to

take appropriate rest breaks and take the annual leave afforded to them in accordance with the Working Time Directive.

- 86 Applications from employees to purchase additional leave may be made at any time throughout the annual leave year. However, employees must submit any requests to purchase additional leave at least six weeks in advance of the leave being taken. Deductions from pay for additional leave will be spread over the remaining annual leave year. The application and authorisation of requests are treated individually and will only be valid for one leave year.
- 87 As with all requests for leave, management approval must be obtained before additional leave can be taken. The current arrangements for the carryover of annual leave as outlined in the annual leave section will apply.
- 88 Should an employee leave the Council's employment; the Council will have written authority to recoup the full amount owing from their final salary payment.

## **SECTION 9 - PROCEDURE FOR PURCHASING ADDITIONAL LEAVE**

- 9.1 Employees who wish to submit a request to purchase additional leave must submit the form at Appendix A to their manager. Employees must submit any requests to purchase additional leave at least six weeks in advance of leave been taken.
- 9.2 Once the request has been received, the manager will consider the request and confirm to the employee their decision using the form submitted within 10 days of the request being received.
- 9.3 Where approval has been given, the Payroll team will calculate a repayment schedule and confirm this in writing to the employee (via email where possible) and will include details of the total amount of the deduction and the date and amount of each monthly deduction.
- 9.4 Should a request be refused, the reasons for this must be outlined to the employee in the response from their manager.

### **ADDITIONAL CONSIDERATIONS**

#### **SALARY SACRIFICE ARRANGEMENTS**

- 9.5 A salary sacrifice arrangement varies an employee's terms and conditions of employment for the duration of the agreement. It does so by reducing the employee's gross pay by the value of the additional annual leave days purchased and in turn increases their annual leave entitlement.
- 9.6 Once the additional annual leave purchased is paid for in full, the employee's terms and conditions of employment (i.e. salary) will revert back to those prior to the salary sacrifice arrangement.

## PAY IMPLICATIONS

- 9.7 Where an employee requests to purchase additional leave, this will result in a reduction to their net pay either for the whole leave year (when the request was processed before the end of the previous leave year) or for part of the leave year under a salary sacrifice scheme. Where less than a half day of leave is purchased this would normally be deducted as a one off payment.
- 9.8 Employees whose sick pay entitlement is exhausted will not have any pay to cover deductions. As a result of this, where an employee has exhausted all sick pay and Statutory Sick Pay, the deductions would cease and would continue when the employee returns to work and receives salary, or recovered as an overpayment should they leave employment.
- 9.9 Deductions from salary will commence in the first available pay period after approval.
- 9.10 Deductions for the annual leave year will be based on salary as at the point the additional leave request is agreed by the manager (unless there is a subsequent backdated pay award).

## OPTION TO WITHDRAW FROM THE SCHEME

- 9.11 Once an application has been agreed, the scheme will run for the rest of the leave year. However, in **exceptional circumstances** this can be cancelled in the following way:
- An employee must meet with their manager and provide reasons for requesting to withdraw. If accepted, the line manager will notify HR People Services so that DigiGOV can be amended and the Payroll Section notified.
  - Payroll will make the necessary calculations and determine, dependent on amount of additional leave purchased and taken, whether money is owed to the employee or there is an outstanding balance to be paid. The employee will be notified of the calculation and this amount will be adjusted in the next available payroll and the employee will be notified of this amount in writing (via email where possible).

## EFFECT ON PENSION

- 9.12 Employees who purchase additional leave and therefore receive a reduced salary will pay reduced pension contributions. Employees can request to purchase the “lost” pension by electing to pay Additional Pension Contributions.
- 9.13 If the employee elects to purchase the “lost” pension it must be done within 30 days of the date of request to purchase additional leave. The cost will be split 1/3 employee and 2/3 employer. The cost and an application to buy lost pension may be obtained on line at [www.lgps2014.org](http://www.lgps2014.org) which will be paid back in one instalment.

## EFFECT ON STATUTORY PAYMENTS AND BENEFITS

- 9.14 Employees need to be aware that taking part in a salary sacrifice scheme may affect their eligibility for statutory payments and benefits (e.g. Working Tax Credit, Child Credit, State Pension and others such as Statutory Maternity/ Paternity/ Adoption Pay) could be affected. This is because National Insurance Contributions (NIC) are not paid on the salary sacrifice deduction and some benefits are based on the amount of NICs made.
- 9.15 Employees who are in receipt of these benefits and who are thinking of purchasing additional annual leave should contact their benefits provider to understand how the scheme could affect them.

## SECTION 10 – PURCHASING ADDITIONAL LEAVE FREQUENTLY ASKED QUESTIONS

- 1. What is the additional leave purchase scheme?**

The purchasing of additional leave allows employees to apply for and purchase additional leave with costs being deducted from salary over an agreed period within the leave year.
- 2. Why has it been introduced?**

It has been introduced as part of the Partnership for Change agreement to better support employees achieve a healthy work life balance. It will also help the Council reduce costs which will help contribute to budget savings required.
- 3. Can anyone purchase additional leave under the policy?**

Yes, an additional 74 hours/10 days (pro rata for part time employees) can be purchased by any employee, except school based employees.
- 4. What happens if an employee purchases additional leave, but at the end of the leave period they have failed to take all their entitlement?**

Any untaken leave (purchased additional plus ordinary annual leave) can be carried over into the next leave year but this is subject to a limit of 37 hours/5 days (pro rata for part time employees) for both types of leave combined. You will not be reimbursed for any purchased additional leave that has not been taken.
- 5. What is the cost of purchasing additional leave?**

The cost of purchasing additional leave will be based on the employee's contractual salary and the amount will be deducted from the employee's salary monthly over the leave year from the employee's pay. Employees should obtain an estimate from using the calculator - [Annual Leave Purchase Calculator](#) prior to submitting a request to purchase additional leave to their manager **so that they are clear of the impact on their monthly pay**. Employees without access to the calculator should ask their manager to do this on their behalf. Please attached a copy of the Annual Leave Purchase Calculator to your request form once it has been approved.
- 6. Can an employee be refused their application for additional leave?**

There is no automatic entitlement for requests to be agreed. Your manager will need to consider your request alongside any others within the team in order to evaluate the overall operational impact on service delivery within your area. If your request is not agreed, your manager will provide reasons for the decision in writing.

- 7. How does an employee make a request to purchase additional leave?**  
Employees will currently need to complete the Purchasing Additional Leave request form and submit it to their line manager. However, in the future PC Users will need to apply on [DigiGOV](#).
- 8. Will an employee be notified as to the amount to be deducted from their salary in advance?**  
Employees should obtain an estimate using the [Annual Leave Purchase Calculator](#). Please attach a copy of the Annual Leave Purchase Calculator to your request form once it has been approved. The payroll section will provide exact figures for the deductions once a request has been approved and notify the employee prior to deductions commencing (on email where possible).
- 9. Will the purchase of additional leave have an impact on an employee's pension?**  
Yes. Employees purchasing additional leave are required to pay pension contributions on their reduced salary. Employees can request to purchase the "lost" pension by electing to pay Additional Pension Contributions.

If the employee elects to purchase the "lost" pension it must be done within 30 days of the date of request to purchase additional leave. The cost will be split 1/3 employee and 2/3 employer. The cost and an application to buy lost pension may be obtained online at [www.lgpsmember.org](http://www.lgpsmember.org) which will be paid back in one instalment.
- 10. If approved, do I have to take all the additional leave in one go?**  
No you do not need to take it all in one go. You can request to take it in a block or separate days. However, it can only be taken as full or half days.
- 11. When can I apply to purchase additional leave?**  
The scheme is open all the time but requests must be made up to 6 weeks before the additional leave is required and repayment will be made over the remaining leave year.
- 12. What are the implications of a salary sacrifice scheme?**  
A salary sacrifice arrangement varies your terms and conditions of employment for the duration of the agreement. It does so by reducing your gross pay by the value of the additional leave purchased and in turn increases your leave entitlement. Once the additional leave purchased is paid for in full, your terms and conditions of employment will revert to those prior to the salary sacrifice.
- 13. What happens if I leave?**  
The terms of the agreement which are set out on the application form that you are required to sign will give the Council written authority to recover any outstanding repayment in relation to the additional leave purchased. This will be deducted from your final salary payment.

**14. Why do I have to indicate on the request form the period when I wish to take the additional leave?**

This is to enable your manager to plan the work within your team around this.

**15. Do I have to use my “normal” annual leave before I use my “additional” leave?**

No. One does not take priority over the other.

**16. What if I change jobs/ get promoted/ take a salary reduction after my request has been approved.**

The calculation will be based on your contractual salary as at the point the purchase of additional leave is agreed by your manager (unless there is a subsequent backdated pay award).

**17. The policy says that additional leave can only be taken in full or half days but can I buy less than a half day to top up my leave balance to a full day?**

Yes, you can. However, we would expect that where an employee is buying less than a half day of additional leave that this would normally be paid for as a one off lump sum rather than over a period of months.

## **SECTION 11 – RELEVANT DOCUMENTS**

- [Sabbatical Leave Application Form](#)
- [Sabbatical Leave Agreement](#)
- [Annual Leave Calculator](#)
- [Term Time Calculator](#)

**REQUEST FORM TO PURCHASE ADDITIONAL ANNUAL LEAVE**

**Employees must read and agree to the following terms before submitting this form:**

- I understand that if my application to purchase additional leave is approved, my salary will be reduced through a salary sacrifice scheme with monthly deductions that will run until 31 March in any leave year as a maximum period.
- I understand that the decision to allow me to purchase additional leave is entirely at the discretion of the Council.
- I am aware that by taking part in this scheme my eligibility for statutory payments and benefits (including occupational pension benefits) could be affected.
- I accept that all additional leave purchased must be used by 31 March in the relevant leave year.

<p><b>PART 1 – EMPLOYEE REQUEST</b></p> <p>I have read and understand the terms and procedure regarding the purchase of additional leave. I make the following request to purchase additional leave under the terms of the policy.</p> <p><b>Name:</b> _____ <b>Employee No.</b> _____</p> <p><b>Email:</b> _____</p> <p><b>Job Title:</b> _____</p> <p><b>I wish to purchase:</b> _____ <b>additional leave Hours</b>  <i>Maximum 74 hours (pro rata for part time employees)</i></p> <p><b>I plan to take this leave as follows:-</b> (provide dates)</p>
<p><b>I would like to pay for this leave as follows:-</b></p> <p><b>*A one-off lump sum in (enter paymonth)</b> _____</p> <p style="text-align: center;"><b>OR</b></p> <p><b>*In equal instalments over a period of</b> _____ <b>months commencing</b> _____</p> <p><i>Must be repaid by the end of the relevant annual leave year</i></p> <p><i>* Delete as required</i></p> <p><b>Signed:</b> _____ <b>Date:</b> _____</p> <p><b>email address:</b></p>
<p><b>PART 2 – LINE MANAGER OBSERVATION (WHERE BELOW OPERATIONAL MANAGER LEVEL)</b></p>

The line manager should provide a brief observation on how the additional leave will impact on the needs of the service during the relevant period and confirm that temporary or agency cover will not be used to cover the absent employee.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

PRINT NAME \_\_\_\_\_

**PART 3 – OPERATIONAL MANAGER AUTHORISATION**

**Either:**

\*I approve this request for the purchase of additional leave and can confirm that temporary or agency cover will not be used to cover the absence:-

**OR**

\*I do not support this request for the purchase of additional leave on the following grounds:-

*\* Delete as required*

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

PRINT NAME \_\_\_\_\_

**Please return completed form to payroll@cardiff.gov.uk**