

Section: Working Hours and Time Off

Source: Policy & Resources (Personnel) Sub-Committee - 3rd November 1992,

Issue Date: 8th February 1993

Amended: March 2000, May 2010, February 2011, February 2014, March 2014, July 2014, May 2016, June 2019, October 2019, September 2020, June 2022, 6 April 2024, 19 April 2024, October 2024, March 2025, December 2025

Appendices: (1) [Special Leave Guidance](#), (2) [Application Form \(SL1\)](#)

Introduction

There may be occasions when an employee needs time away from work which falls outside of the provisions specified in the Annual Leave Policy. The Special Leave Policy outlines provisions for special leave available to support employees when they require time off work to deal with issues in their life outside of work.

The policy sets out the procedure by which employees apply for special leave and guidelines for Assistant Directors when authorising requests for special leave.

Scope

- (i) The policy applies to all employees, regardless of length of service.
- (ii) This policy includes statutory entitlements, as well as Council enhancements on special leave and indicates where leave will be granted with or without pay.
- (iii) The policy includes other forms of leave including time off to carry out public duties.
- (iv) Employees may also take paid time off to volunteer within Sefton. Further information can be found within the [Volunteering Scheme](#).

A. Procedure

- (i) Employees wishing to apply for special leave should complete application form (SL1) prior to the leave being taken and give a reasonable amount of notice having regard to the circumstances. In cases of religious holidays, a minimum of **4 weeks'** notice should be given.
- (ii) It is recognised that in exceptional circumstances, it may not be possible to complete the application form prior to the absence from work, e.g. bereavement/domestic crisis. Under such circumstances this form should be completed immediately on return to work.
- (iii) Where appropriate, written evidence of the need for special leave should be provided wherever possible.
- (iv) The application form should be submitted to the Assistant Director via the employee's manager/supervisor. The Assistant Director has the discretion irrespective of whether leave has been taken or not, to grant special leave. The form will be returned to the employee stating the Assistant Director's decision as soon as possible. This should be

copied to the employee's manager/supervisor who should record special leave on the Absence Feeder system.

- (v) If an application for paid leave is refused, after the leave has been taken, flexi, annual or unpaid leave will be counted against the absence.
- (vi) The Assistant Director will need to have regard to the following guidelines and to the circumstances of each case and ensure that employees who submit an application are given a decision in advance of the event.

B. Family / Personal Reasons

The Employment Relations Act 1996 gives employees the **right** to have reasonable time off from work when it is necessary to deal with unexpected or sudden emergencies which occur in relation to their dependants.

The granting of special leave is at the discretion of the Assistant Director, and may be **with or without pay**, in accordance with the guidelines set out below. Further guidance can be found in [Appendix 1](#).

Definition of Dependant and Partner

For the purpose of the Special Leave provisions:

- a dependant is defined as:
 - (i) anybody living in the household of the employee who is directly dependent on the employee for financial or domestic support.
 - (ii) any person who lives separately from the employee but who at times of illness requires domestic support from the employee. This may include a close relative, e.g. child, parent, brother or sister of the employee.
- A partner is defined as one of the parties in an ongoing and stable relationship

(1) Family/Domestic Crisis – Time off for Dependants

In the event of unforeseen family or domestic problems arising, employees may sometimes require an immediate and short-term absence from work to make alternative childcare arrangements, provide care themselves or make other domestic arrangements.

The Assistant Director has discretion to decide how many days should be granted for such emergencies, and it is suggested that in most circumstances up to a maximum of **2 days** would be adequate.

The absence may be counted against annual leave or flexitime; should the employee prefer not to use their leave for this purpose, or where leave is exhausted, unpaid leave would apply.

Due to the unforeseen nature of such occurrences, annual leave is sometimes exhausted or fully accounted for. The flexitime scheme may not provide sufficient flexibility, and Assistant Directors may wish to consider granting employees time off, to be repaid over an agreed extended settlement period, to cope with the unexpected.

(2) Bereavement (excluding the loss of a child)

It is not proposed to define immediate relatives as it is recognised that personal relationships in families will vary, for example, the employee may have been brought up by their grandparents rather than their natural parents. Further guidance is provided in [Appendix 1](#).

Each case should be considered in accordance with the individual circumstances.

Within the existing provisions for special leave, Assistant Directors are recommended to grant up to **5 days paid leave** to employees who require time off on the death of a partner, dependant or immediate relative to make funeral arrangements, attendance at the funeral and to attend to probate matters.

Where an employee wishes or is required to attend the funeral of a relative, i.e., aunt, uncle, cousin, Assistant Directors are recommended to grant up to **1 day** special leave with pay. A relative should be a person with whom the employee has some connection.

(2.1) Parental Bereavement Leave and Pay (the loss of a child)

The Parental Bereavement Leave and Pay Regulations 2020 gives all employed bereaved parents who lose a child under the age of 18 or suffer a stillbirth (from 24 weeks of pregnancy), the right to leave and pay to be absent from work. The special leave provisions comply with the regulations.

On the death of a child under the age of 18, or a stillbirth after 24 weeks of pregnancy, a bereaved parent is entitled to **two weeks** of special leave with pay.

For the purposes of this policy, a 'bereaved parent' means any person who has a statutory entitlement to parental bereavement leave in respect of a child and includes:

- (i) a child's parent, including natural, adoptive and those who have become a parent(s) under statutory provisions on surrogacy and fertility treatment;
- (ii) a child's natural parent where the child has been adopted but there is a court order for the child to have contact with the natural parent;
- (iii) a person with whom a child has been placed for adoption as long as that placement has not been terminated;
- (iv) a person who is living with a child who has entered the UK for the purpose of being adopted by that person, and that person has received official notification from the relevant authorities that they are eligible to adopt;
- (v) an "intended parent" under a surrogacy arrangement where it was expected that the court would make a parental order under the Human Fertilisation and Embryology Act 2008;
- (vi) a person who for a continuous period of at least four weeks before the child's death lived with the child in the person's home, and had day to day responsibility for the child's care (provided they are not paid for that role, foster payments excepted and the child's parent or anyone with legal parental responsibility is not also living in the home with the child); and
- (vii) the partner of any of the above bereaved parent who lives with the bereaved parent and the child in an enduring family relationship.

The two weeks' leave can be taken either in one block of two weeks, or as two separate blocks of one week each.

Leave can be taken at any time within 56 weeks of the child's death.

(3) Care for Seriously Ill Dependant/Partner

It is recognised that situations may arise when employees are required to care for a seriously or terminally ill dependant/partner. As the guidance states this is about unplanned or sudden need.

It is not proposed to lay down a minimum or maximum amount of special leave for the care of a seriously ill dependant/partner, but to make recommendations as to what would be fair and reasonable in individual circumstances.

A period of **3-5 days paid leave** may be granted on production of evidence in line with the policy if required. This period of paid leave may be extended at the discretion of the Assistant Director if warranted by the individual circumstances.

If the period of dependency is to be lengthy, leave can be extended by the use of annual leave or if this is exhausted or fully accounted for, unpaid leave.

(4) Carers' Leave

The Carer's Leave Regulations 2024 introduces the right to take at least one week of unpaid carer's leave per year to provide or arrange care for a dependant with a long-term care need. This carers' leave entitlement aims to support caregivers who balance work commitments with caring responsibilities.

Employees are entitled to unpaid leave to give or arrange care for a dependant who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as [defined in the Equality Act 2010](#))
- care needs because of their old age

The dependant does not have to be a family member. It can be anyone who relies on them for care.

Employees can take up to **one week** of unpaid leave every 12 months. A 'week' means the length of time an employee usually works over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave. The leave can be taken flexibly in a block or in individual or half days to suit your caring responsibilities throughout the year.

This leave is per employee and not per dependant. Employees are required to provide notice prior to when they want their leave to start. If the request is for half a day or a day, the notice period must be at least 3 days. If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days. The notice period needs to be in full days, even if the request includes half day amounts.

Employees are not required to give evidence of their dependant's care needs.

This leave type is separate to the care for seriously ill dependant/partner and family/domestic crisis - time off for dependants, it is important that everyone is aware of the distinctions between the types of leave therefore **please refer to [Appendix 1](#)** at the end of this policy to ensure you meet the criteria.

(5) Family Responsibilities

The following situations are included in these guidelines in recognition that there will be time when employees will need to be absent from work due to exceptional circumstances. Various options are available at the discretion of Assistant Directors; to enable a flexible approach to be taken in such situations and the granting of special leave is one of these options.

(i) Religious Holidays

It is recognised that some employees may wish to be absent from work to celebrate a religious holiday which does not coincide with Bank Holidays currently granted.

Whenever possible, annual leave or flexitime should be taken in these circumstances.

Assistant Directors may wish to consider allowing an employee to work on a Bank Holiday and take a day in lieu to celebrate their religious holiday if this is operationally feasible.

In exceptional circumstances, up to **1 day unpaid leave** may be granted at the Assistant Director's discretion.

(ii) Cancer Screening

Necessary paid time off shall be granted to officers for the purpose of cancer screening.

(iii) Foster Carers

Sefton Council is a Fostering Friendly Employer. We support our employees to offer the best to children in our care. We will support foster carers by giving paid time off per leave year as follows:

Up to **3 days paid leave** per year (pro rata for part time employees) is available to employees who are prospective foster carers to cover the assessment and initial training process prior to approval. Up to **1 day paid leave** per year (pro rata for part time employees) is available for attendance at panel to become approved foster carers. Where both partners are employees of the Council, the leave entitlement will apply to each partner.

Employees who become approved foster carers are entitled to up to **5 days paid leave** per year (pro rata for part time employees) to attend necessary meetings and/or training provided by the Fostering Agency. Where both partners are employees, the leave entitlement will apply to each partner. Additional unpaid leave can also be requested. Employees can take the leave as half days when appropriate.

These leave provisions apply where employees are applying to become a foster carer or are approved foster carers with Sefton Council or any Ofsted Registered Fostering Agency.

(iv) Premature Births

Employees who give birth to premature babies (before 37 weeks) are entitled to paid special leave for the number of days a baby was born prior to their due date. Fathers/partners of the mother of the premature baby will be entitled to **2 weeks paid** special leave, in addition to paternity leave.

C. Public / Other Duties

(1) Attendance at Meetings of Outside Bodies

Leave with pay will be granted where an employee is required to attend meetings of outside bodies (e.g. school governors, professional bodies excluding Trade Unions). Governors working within Sefton Schools can take time off under the [Volunteering Scheme](#). Further guidance can be found in [Appendix 1](#). Volunteering is about taking part in volunteering activities.

(2) Trade Union Duties

Leave with pay will be granted for an employee to attend meetings for Trade Union duties at the discretion of the appropriate Assistant Director in consultation with the Head of HR and Workforce. Leave with pay will be granted for annual conferences subject to a limitation on numbers.

(3) Magisterial

Leave will be granted with pay for magisterial duties.

(4) Jury Service

An employee receiving a summons to serve on a jury must report the fact to their Assistant Director, who shall grant leave of absence unless exemption is secured.

An employee serving as a juror shall claim the allowance for loss of earnings to which they are entitled under the Jurors' Allowance Regulations currently in force. The employing authority shall then deduct from the employee's full pay an amount equal to the allowance received. Jury service is classed as authorised leave of absence therefore pension is not affected.

(5) Joint Negotiating Bodies

Leave will be granted with pay for attendance at other Joint Negotiating bodies e.g. Youth and Community Workers.

(6) Service with Non-Regular Forces

Employees who are members of the Non-Regular Forces may be granted a maximum of two weeks' leave with pay to attend annual camp per annum. Requests may be subject to restriction if multiple applications are received within the same section/area of service, who apply for the same period of time off in order to meet the operational needs of the department.

(7) Serving as a Member on Another Local Authority

Leave will be granted with pay (subject to statutory limits).

(8) Court Appearances

Leave to attend court as a witness in a criminal action should be treated the same as Jury Service attendance. Any instances involving civil actions should be referred to the Head of HR and Workforce.

(9) Election Duties

Leave will be granted with pay to any employee who works on a Polling Station or as a Visiting Presiding Officer.

D. Other

(1) Examinations/Study Leave

Leave for the purposes of sitting examinations applicable to a local government service is to be granted with pay.

Leave with pay for the purpose of study immediately prior to an examination (as outlined above) may be granted at the discretion of the Assistant Director with a recommendation of **half a day** leave for 1 examination (pro rata).

For further information regarding granting of leave for study please refer to the [Post Entry Qualification Policy](#).

(2) Granting of Leave for Attendance at Job and Course Interviews

Paid leave will be granted for attendance at interviews leading to acceptance on recognised training courses or enrolment on training courses with relevance to the Authority.

Where an employee is placed “at risk” of redundancy, reasonable paid time off is allowed to seek alternative employment.

Apprentices who are nearing the end of their apprenticeship will be given reasonable paid time off to secure a role.

Note:

- Special leave in any of the circumstances described above will only be granted on the submission of a completed request form (in the case of 'Family/Domestic Crisis – Time Off for Dependants' this may be completed after the event). If it is discovered that a false reason has been given for the purpose of obtaining special leave, this will be considered as a matter of potential disciplinary action.
- Any queries relating to special leave should be directed to the [Corporate HR Team](#).

E. Pension Contributions

Employees taking authorised unpaid leave under this policy can chose whether to pay contributions to cover the pension “lost” during the period of authorised unpaid leave via an Additional Pension Contribution (APC) based on age and gender.

Pay will be deducted relative to the number of hours worked on each day special leave is granted and will not build up pension benefits. You can elect to cover the period of pension “lost” by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract.

If you wish to purchase any “lost pension” please refer to the link below where you can calculate the cost to purchase using the deduction figure for unpaid leave on your payslip. [Buy lost pension calculator :: LGPS \(lqpsmember.org\)](#) If you wish to purchase, please print and send a copy to centralpensions@sefton.gov.uk within 30 days of the absence to ensure a shared cost between you and employer. Any requests after the 30 days are at a whole cost to the employee. You can contact the team on 0151 934 3550, 3509 or 4126 for further information.

Related Policies

[Agile Working](#)

[Annual Leave Policy](#)

[Working Hours Standard and Flexible](#)

[Flexible Retirement Policy](#)

[Right to request flexible working arrangements](#)

[Parental Leave Policy](#)

[Volunteer Scheme](#)

[Post Entry Qualification Policy](#)

[Trade Union Time Off](#)

Next review date:	December 2028 The policy will usually be reviewed every 3 years, but may be reviewed sooner if there are changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.
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Appendix 1

Special Leave Guidance

The examples below are intended to provide guidance on the granting of special leave in situations involving dependants.

Further advice can be obtained from the [Corporate HR Department](#).

A. Bereavement

(i) – Death of an immediate relative

An immediate relative can be defined as, for example, a parent, spouse or child (over the age of 18). Employees may also have close relationships with, for example, a Grandparent if they have bought them up. Each case is different so requests for paid special leave for death of an immediate relative should be looked at on an individual basis.

The employee will be entitled to take up to **5 days paid** special leave. This can be taken all together or over a number of weeks to grieve, but also to organise the funeral or to deal with probate issues. The employee may want to extend this time off by taking annual leave. In certain circumstances the Assistant Director may allow further special leave to support the employee, however this should be offered after consultation with Corporate HR.

(ii) – Loss of a child

The Council recognises that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that an employee can ever face. This policy sets out our commitment to supporting bereaved parents through their grief by ensuring they can take parental bereavement leave.

The policy applies to employees who suffer the loss of a child under the age of 18. This includes parents who suffer a stillbirth after 24 weeks of pregnancy.

The employee will be entitled to **two weeks paid** special leave. The leave can be taken as a single block of two weeks or two separate blocks of one week at different times. It cannot be taken as individual days.

The physical and emotional impact of grief may mean that some bereaved employees become unwell and are unable to be at work for a period after a bereavement. As a result, they may take time off sick. Some bereaved employees may need additional time away from work to cope with their grief, make practical arrangements, or to support a bereaved child. In cases where the employee feels they need time away from work but do not take time off sick, it may be appropriate to offer an alternative such as adjusting working patterns for a fixed period.

Further information on how to support an employee who is dealing with a bereavement can be obtained from Occupational Health and in the [ACAS Guide to Managing Bereavement in the Workplace](#).

(iii) – Death of a relative

When an employee loses a relative, such as an aunt, uncle, or cousin, they are entitled to **up to 1 day paid** special leave to attend the funeral. It is advised that in most circumstances an employee is given **half a day paid** special leave however this may be increased dependent on the closeness of the relative, the timing of the funeral and travel time.

B. Care of a Seriously Ill Dependant/Partner

Situations may arise where employees are required to care for a seriously or terminally ill partner/dependant. In these circumstances, a guideline of **3-5 days paid** special leave is given, however this will vary dependent on the circumstances. The employee may wish to extend this period by using annual leave but may request further special leave. This will be at the discretion of the Assistant Director in consultation with Corporate HR.

This provision is not meant for cases where dependents require care after release from hospital or, for example, for a planned operation such as a knee replacement. It is for cases where a dependant is terminally ill or has a life threatening/changing condition.

C. Carers' Leave

Carer's leave is to be used by employees to provide care or make care arrangements for a dependant who has a long-term care need.

It covers dependants that require care for an illness or injury that means they are likely to need care for more than three months, or for a disability, or those who require care because of old age.

Carer's leave entitles employees to take planned leave to provide care, or to make arrangements for it, when there is not an emergency.

Note that, whilst the definition of dependant is the same for family/domestic crisis - time off for dependants and carer's leave, carer's leave can only be taken when that dependant meets the criteria of 'long-term care need'. This means, therefore, that carer's leave is not simply an extension of the family/domestic crisis - time off for dependants nor does it give employees an extra type of time off to use for childcare, unless the child is disabled. This leave type is also separate to the leave for care for seriously ill dependant/partner.

Also note that if an employee is a parent, they can take up to 18 weeks' [leave to look after their child](#). This is separate to carer's leave. Eligible employees can take unpaid parental leave to look after their child's welfare. See the [Parental Leave Policy](#) for more information.

Employees who need to support dependants for a short period of time would not be eligible to take carer's leave due to the 'more than three months' element to the definition of 'long-term care need'.

Carer's leave can be used for a wide variety of caring activities, such as the following:

- providing personal support, such as keeping an eye out for someone, keeping them company, and staying in touch.
- providing practical support, such as making meals, going shopping for them, laundry, cleaning, gardening, maintenance, and other help around the house.

- helping with official or financial matters, such as helping with paperwork, dealing with 'officials', paying bills/rents/rates, collecting pensions/benefits.
- providing personal and/or medical care, such as collecting prescriptions, giving medications, changing dressings, helping them to move around the home, getting dressed, feeding, washing, bathing, using the toilet.
- making arrangements, such as dealing with social services or the voluntary sector, moving someone into a care home, making home adjustments or adaptations.

Further information on unpaid carer's leave is available on both [the Government](#) and ACAS (Advisory, Conciliation and Arbitration Service) websites. The [ACAS guidance](#) provides some useful practical information.

D. Family/Domestic Crisis – Time off for Dependants

Time off for a family/domestic crisis is to deal with unexpected situations involving dependants. For example, special leave could be used to deal with:

- a breakdown in the care arrangements of a dependant i.e. childminder is sick or a carer contracted to look after an elderly parent doesn't show up.
- a child who is unable to attend school due to illness and the employee needs to provide care for a day until they can put other arrangements in place.
- your child has been involved in an incident during school time, i.e. injured on a school trip or has been involved in a fight.
- an elderly dependant who has a fall and needs to be taken to the GP/hospital.

The right to time off for family crisis does **not** give the automatic right to special leave in a domestic emergency such as a boiler breaking down or for the care of pets. It would also not cover a situation that an employee knows about in advance, for example taking a child/relative to a hospital appointment.

E. Public Duties – School Governors

Employees who are governors within Sefton schools are able to take time off to carry out their duties in accordance with the [Volunteer Scheme](#). Employees who are governors within other Boroughs (e.g. Liverpool, Wirral) are not covered by the Volunteer Scheme so would need to apply for leave under the special leave policy.

Under the special leave policy, paid leave would only be granted when a governor is **required** to attend a meeting. This is not regular attendance at scheduled committees or to attend training, but maybe part of an investigation or an Ofsted inspection.

6 April 2024

Appendix 2

APPLICATION FOR SPECIAL LEAVE (SL1)

Please read the guidance notes overleaf before completing this form

DETAILS

NAME _____ EMPLOYEE NO. _____
 DEPARTMENT _____ SECTION _____
 GRADE _____ JOB TITLE _____

I wish to apply for Special Leave as follows:

Period of Absence

From	To	Please indicate with or without pay
Number of hours of special leave requested in period:		

(Note. Unpaid special leave - pay will be deducted relative to the number of hours worked on each day special leave is granted) and will not build up pension benefits. You can elect to cover the period of pension "lost" by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract. See guidance notes below.)

Reason for Special Leave _____

(Please provide brief details of circumstances)

Employee Signature: _____ **Date:** _____

Managers Signature: _____ **Date:** _____

Managers Comments:

FOR COMPLETION BY ASSISTANT DIRECTOR

Application for Special Leave Approved*/Not Approved

*If Approved.

_____ Day(s) paid leave granted.

_____ Day(s) unpaid leave granted.

Signed: _____ **Date:** _____

Original to: Employee concerned.

Copy to: Supervisor/Manager for input to Absence Feeder System.

Guidance Notes

1. Please complete the Application for Special Leave form (SL1) to apply for Special Leave.
2. The form should normally be completed prior to the leave being taken and a reasonable amount of notice given, having regard to the circumstances.
3. It is recognised that in exceptional circumstances it may not be possible to complete this form prior to the absence from work (e.g. bereavement/domestic crisis). Under such circumstances the form should be completed immediately on return to work.
4. Managers must check the number hours worked per day on the dates on which special leave is requested and provide the total number of hours for which special leave is required. For unpaid special leave, pay will be deducted relative to the amount of hours the employee was due to work on the days special leave is granted.
5. Special Leave is granted at Assistant Director's discretion, irrespective of whether leave has been taken or not. Please note, if an application for paid special leave is refused (*see note below), after the leave has been taken, flexi, annual or unpaid leave will be counted against the absence. There is an entitlement to take a reasonable amount of (unpaid) time off, in order to take necessary action, in respect of "Care for a Dependant". For further details, please refer to the paragraph headed "Family/Personal Reasons" contained within the Policy document.
6. Written evidence of the need for special leave should be provided in line with the policy.
7. Applications for special leave will be returned to the employee, with a decision, as soon as possible.
8. All special leave must be entered into the Absence Feeder System.
9. **Important Pension Information.** Any authorised unpaid leave will not build up any pension benefits. If you wish to purchase any "lost pension" please refer to the following link where you can calculate the cost to purchase using the deduction figure for unpaid leave on your payslip. [Buy lost pension calculator :: LGPS \(lgpsmember.org\)](http://lgpsmember.org) If you wish to purchase, please print and send a copy to centralpensions@sefton.gov.uk within 30 days of the absence to ensure a shared cost between you and employer. Any requests after the 30 days are at a whole cost to the employee. You can contact the team on 0151 934 3550, 3509 or 4126 for further information.

The Assistant Director will need to have regard to the circumstances of each case and ensure that employees who submit an application are given a decision in advance of the event.

