



Onchan District Commissioners

Aim: To help employees balance the demands of work with the demands of domestic responsibilities.

Special Leave Policy and Procedure

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Policy Review - History:-

Please be aware that a hard copy of this document may not be the latest available version, which is available in the Authority's document management system, and which supersedes all previous versions.

Those to whom this Policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

Effective from:	Replaces:	Originator:	Page X of Y
August 2019	New	Chief Executive/Clerk	1 of 7
Management Team Approval:			
Board Ratification:			

History or Most Recent Policy Changes – MUST BE COMPLETED		
Version:	Date:	Change:
Version 2	06/06/2022	Reviewed and updated

1. Scope

This Policy applies to all employees who are employed by Onchan District Commissioners ("the Authority") including full time, part time and temporary employees.

It applies to requests for time off work (paid or unpaid) which are not covered by other policies or terms and conditions of employment e.g. Annual Leave, Maternity/Paternity Leave, or leave for which statutory provisions are in place (see Statutory Rights).

2. Policy

The Authority recognises that there may be occasions when employees need to take time off work for reasons that do not necessarily fall under normal leave provisions and the need for other leave options to help employees achieve an appropriate balance between their work and personal commitments.

Any Special Leave granted is always on the provision that it is subject to the operational needs of the Authority and requires prior permission.

The Public Service Commissions – Special Leave Policy 2021 provides guidance relating to the provision of leave for compassionate or urgent reasons which can accessed by the link below.

<https://hr.gov.im/media/2287/psc-special-leave-policy.pdf>

National Joint Council – National Agreement on Pay and Services

3. Purpose

The purpose of this Policy and Procedure is to ensure that Line Managers and employees understand the statutory, contractual and management authority underpinning the entitlements to and procedures for managing Special Leave. Procedures that are in place ensure that services are maintained, there is consistency and fairness in the management of Special Leave and accurate records are maintained.

4. Statutory Rights

The Employment Act 2006 ("the Act") and associated subordinate legislation provide the right for an employee to:

- reasonable time off with pay for trade union duties;
- reasonable time off without pay for trade union activities; and
- time off without pay for jury service during working hours.

Reasonable time off without pay to undertake other specified public duties, namely as:-

- a justice of the peace;
- a member of a local authority;
- a member of a statutory tribunal;
- a governor of a school maintained by the Department of Education, Sport and Culture;
- a member of the Isle of Man Prison Independent Monitoring Board or a member of the Parole Committee.; and
- Time off with pay for pension scheme trustees

This Policy does not remove any current provisions afforded to employees under their contracts of employment, under existing legislation, or other provisions within relevant collective agreements.

Requests for time off falling under any of the categories above should be made in writing to the Line Manager as soon as possible.

5. Compassionate Leave

Compassionate Leave is to offer immediate paid time off to employees to support them at the time of the death or serious illness of a close relative. A close relative is a parent, child, sibling, grandparent or spouse/partner. This may also apply to relatives 'in law'.

Requests for Compassionate Leave will take into account the individual needs of the employee and will include:-

- the relationship and caring responsibilities between the individual and the employee;
- the nature and extent of any illness or treatment required;
- whether the employee is involved in making funeral arrangements;
- whether there may be a requirement to travel or attend a funeral or ceremony; and
- the operational needs and demands of the Authority at that time and the capacity to make alternative arrangements to cover duties.

6. Emergency Leave

Emergency Leave is intended to cover genuine and unforeseen emergencies involving Dependents, or unexpected domestic emergencies. If however, an employee knows in advance that they are going to need time off, they should speak to their Line Manager about the possibility of taking such time as part of their annual leave entitlement.

a) For reasons connected with Dependants

Unpaid Emergency Leave is available for unexpected emergencies connected with dependants as listed below. Under certain circumstances this may be combined with compassionate leave:-

- to deal with an unexpected disruption or breakdown in care arrangements for a Dependant, for example, when a childminder is unavailable; or when a nursery or school is unexpectedly closed;
- if a Dependant falls ill, gives birth or has been involved in an accident or suffers some form of assault or harm;

- to make appropriate care arrangements for a Dependant who is ill, injured or in need of other forms of significant emergency care;
- to deal with an incident or emergency involving an employee's child while they are at nursery, school or college

Under this Policy the term Dependant is defined as an employee's spouse, civil partner, child (biological, adopted or fostered or for whom the employee has a legitimate responsibility), parent or someone who lives with the employee as part of their family (but is not a lodger or boarder).

A Dependant may also be someone who does not necessarily live at the same address as the employee but reasonably relies on the employee for assistance or to arrange provision of care if they fall ill, give birth, are injured or assaulted, or where care arrangements break down unexpectedly. This may be where the employee is the primary carer or the only person who can help in an emergency, for example where an employee is a registered carer.

b) Unexpected domestic and other emergencies

An employee may request up to 1 day of unpaid leave (or annual leave) if they experience a severe and unexpected domestic emergency (unrelated to children or Dependents) necessitating the employee's presence at home. Any additional time off should be taken as annual leave.

Examples of an emergency include but are not limited to:-

- fire or flood at the employee's home;
- a burglary at the employee's home;
- a road accident or other similar accident involving the employee (excluding time off for illness or injury where the sickness absence policy will apply);
- the breakdown or theft of the employee's car;
- in determining whether a request for emergency leave should be granted the following factors should be taken into consideration;
- the nature and extent of the emergency;
- the availability of others to deal with the emergency; and
- the likely impact of the emergency on the employee.

c) Procedure

An application for Special Leave, whether paid or unpaid, should be submitted to the Line Manager as far in advance as possible of the date of the first day of leave requested and the reason for the leave should be clearly stated using the form at Appendix 1.

Where the circumstances are such that it is not possible to apply in advance, the employee should contact their Line Manager to request verbal agreement as soon as reasonably practicable. The Line Manager will complete the form at Appendix 1 on behalf of the employee.

The Line Manager will discuss with the employee their need for leave either by arranging a meeting with the employee in advance of the start date of the requested leave or by telephone. The discussion may include:-

- the reason for the request;
- the anticipated number of days away from work;
- any additional flexible working pattern arrangements that will be required/appropriate e.g. half day working, late start/early finish;
- any additional leave i.e. annual leave that might be required;
- any implications for the Authority e.g. work commitments to be delegated elsewhere;
- Special Leave requests which fall within the guidance above may be approved by the Line Manager and the employee advised accordingly; and
- additional leave over and above the guidance, with or without pay may be authorised at the discretion of the Chief Executive/Clerk.

If the request for Special Leave does not fall within the scope of this Policy, the Line Manager will advise the employee accordingly, and discuss with the employee options available to enable the employee to have time off work e.g. use of annual leave or refuse the request.

7. Medical Dental and Health Appointments

It is expected that employees make appointments outside of working hours or at the beginning or end of the working day to minimise operational disruption. Approval to attend such appointments must be approved by the Line Manager.

Time off for Off Island Medical Appointments will be treated as paid special leave and not recorded as sick leave, unless the employee is already on sick leave in which case the sick leave provisions will continue to apply.

8. Personal Appointments

Personal appointments should be arranged outside of work hours.

Where this is not possible then the employee must obtain authorisation from the Line Manager to be absent during work time and agree with the Line Manager when the time will be made up. Alternatively, time off in lieu may be authorised where the employee has worked approved additional hours.



Appendix 1

Application Form for Special Leave

Please complete this form to request paid or unpaid Special Leave in accordance with the Authority's Special Leave Policy.

Full Name:	
Post:	

I wish to apply for the following period of paid/unpaid (delete as appropriate) Special Leave: -

Date from: - (first day of absence)	Date to: - (last day of absence)
Number of working days/weeks* absent (*delete as appropriate)	

Reason for application: -

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Applicants signature: _____ Date: _____

Approved by:-

Line Manager's Name: _____

Line Manager's Signature: _____

Authorised by:-

Chief Executive/Clerk's Name: _____

Signature: _____