









## Special leave policy and guidance

**December 2012**

Amended to reflect changes  
to reservist special leave

## Contents

	01 Policy statement	03
	02 Special leave policy	04
	03 Process and procedures	06
	04 Manager's guidance	08
	05 Employee's guidance	11
	06 Special leave framework: paid leave	14
	07 Special leave framework: unpaid leave	29
	08 Key intranet and access information	32

## 01 Policy statement

- 02 Special leave policy
- 03 Process and procedures
- 04 Manager's guidance
- 05 Employee's guidance
- 06 Special leave framework: paid leave
- 07 Special leave framework: unpaid leave
- 08 Key intranet and access information

## Policy statement

Ministry of Justice is committed to being a good employer, and to developing people and family friendly employment policies. This approach allows employees to balance their personal and working lives, and helps MoJ to maintain employees' performance, loyalty, and motivation.

Ministry of Justice:

- Recognises that life is uncertain, and that from time to time, employees' lives outside of work may necessitate the need for some form of support
- Is supportive of employees who are active participants in the communities in which they live through voluntary/public duties
- Allows for voluntary service with fee paying public bodies, providing that employees do not claim fees other than travel and subsistence.

- 01 Policy statement
- 02 Special leave policy**
- 03 Process and procedures
- 04 Manager's guidance
- 05 Employee's guidance
- 06 Special leave framework: paid leave
- 07 Special leave framework: unpaid leave
- 08 Key intranet and access information

## Special leave policy

### PURPOSE

The purpose of this policy is to:

- Support compliance with relevant employment legislation and to make managers and employees aware of what arrangements are available for them to take time off in special circumstances.
- Highlight where there is a statutory duty to consider requests for specific types of leave, and the consequences of not doing so.
- Recognise that effective practices to promote work life balance will have benefits for employees and for MoJ, and support the Government's commitment to work-life balance. Special leave can be used by employees to strike a balance between their work and outside commitments.
- Support MoJ's commitment to equality and diversity. Managers will ensure equality and diversity practices are upheld in administering this policy, and ensure fairness and objectivity in any decisions made.

### WHAT IS SPECIAL LEAVE?

Special leave is a general term used to describe time off given by managers for a range of circumstances, described below. It is a request for time off work, either paid or unpaid, and in addition to annual leave.

### WHO DOES IT APPLY TO?

This policy applies to all employees with the exception of agency staff, casual workers, and those employees in the NOMS business group.

This policy does not form a part of your contract of employment. However, you are bound by the provisions of this policy which may be amended from time to time.

## ROLES AND RESPONSIBILITIES

### All employees will:

- Make a formal application to request special leave
- Be reasonable and, wherever possible, timely in their requests
- Give reasons for their request
- If an emergency special leave request is made, contact their manager stating the reason for their request
- Provide evidence if required
- Keep their line manager informed of any developments.

### Managers will:

- Be reasonable and consistent when considering requests, obtaining advice from the HR Contact Centre when necessary
- Satisfy themselves as to whether the request is justified, requesting evidence if necessary
- Record paid special leave authorised on Phoenix via Manager Self Service
- Notify Shared Services of any unpaid leave via UPL1a form

- 01 Policy statement
- 02 Special leave policy
- 03 Process and procedures**
- 04 Manager's guidance
- 05 Employee's guidance
- 06 Special leave framework: paid leave
- 07 Special leave framework: unpaid leave
- 08 Key intranet and access information

## Process and procedures

### HOW TO APPLY FOR SPECIAL LEAVE

Whilst there is no absolute right to special leave, managers will make every effort to accommodate reasonable requests. All requests will be treated sympathetically and in relation to the specific circumstances surrounding the request.

All requests for special leave must be made in writing using the *Special leave application form*. Employees should apply for special leave as soon as practicably possible. However, in emergencies an employee can make an application retrospectively.

In an emergency situation, a manager should be notified of an employee's absence as part of the normal managing attendance reporting procedures. Emergency applications must be completed on the first day when an employee returns to their place of work.

It is essential that employees keep their manager informed of any developments while on special leave to allow appropriate cover to be provided. Employees must notify their manager immediately if they are unable to return to work on the agreed date, stating the reason(s) why. Failure to do this may result in disciplinary action being taken, which, in turn could result in dismissal. Please refer to the *Discipline policy* for details.

### TYPES OF SPECIAL LEAVE:

Paid leave	Unpaid leave
Family/domestic reasons (distress and emergencies)	Other types of leave, eg, elective surgery, accompanying a partner on a move required by their employment
Non-domestic reasons (including public duties, reserve forces, etc)	
Other types of leave, eg, jury service	

The special leave frameworks for paid and unpaid leave explain further the details of the criteria under each of these special leave categories. See section 6 and section 7 respectively.

## MONITORING SPECIAL LEAVE

Managers will keep a record of all special leave granted, for each individual employee, on Phoenix. This is to ensure that levels of leave are within acceptable limits and to help managers when considering future requests for special leave.

## REDUCED HOURS

Employees working reduced hours are allowed paid special leave proportionate to the number of days/hours they work (eg, an employee who works three days a week will be allowed three fifths of the full time equivalent).

## WEEKENDS AND PUBLIC/PRIVILEGE DAYS

Saturdays and Sundays, and public and privilege holidays occurring within a period of special leave will be treated as follows:

- There is no entitlement to a day in lieu on return to work after special leave with pay
- No pay will be issued for these days when they fall within a period of special leave without pay.

## EFFECT OF SPECIAL LEAVE ON OTHER CONDITIONS OF SERVICE

Paid special leave will not normally have any effect on other conditions of service. In general, unpaid special leave does not count as effective service for the purposes of performance pay, pensions, probation, sick absences or annual leave. Although unpaid leave does not accrue benefits, those already accumulated are preserved and built upon when employees return to paid employment. Other terms and conditions continue to apply to employees on special leave (eg, the conditions on outside employment and political activities).

## BUYING AND SELLING ANNUAL LEAVE

Employees who are on The Deal terms and conditions and meet certain criteria have the option of buying and selling annual leave. If there is an ongoing need for time off work and current annual leave provision and paid special leave cannot adequately cover this, those on The Deal may wish to buy extra leave as an alternative to seeking to take the leave unpaid. See *The Deal* section of MoJ's intranet.

## LONG TERM LEAVE/ALTERNATIVE WORK ARRANGEMENTS

Special leave is designed to accommodate leave provisions as stated in the *Paid leave* and *Unpaid leave* frameworks.

Longer term unpaid leave provisions or alternative working arrangements can be found in the *Career break policy* and *Flexible working policy*, respectively.

## MISUSES OF SPECIAL LEAVE

A fact-finding investigation will be carried out, as set out in the *Discipline policy*, if there are any reasonable grounds for suspecting special leave has been misused, or an abuse of the policy has occurred. This may result in disciplinary action, including the financial recovery of any pay granted while on special leave.

- 01 Policy statement
- 02 Special leave policy
- 03 Process and procedures
- 04 Manager's guidance**
- 05 Employee's guidance
- 06 Special leave framework: paid leave
- 07 Special leave framework: unpaid leave
- 08 Key intranet and access information

## Manager's guidance

This guidance has been produced to help you manage requests for special leave. It will give you an understanding of paid and unpaid special leave and when they might or might not be appropriate.

You will deal with requests for special leave sensitively. And take account of individual circumstances and respond with a timely, reasonable and fair decision.

### WHAT WILL I DO WHEN I GET A REQUEST FOR SPECIAL LEAVE?

As a general guide, a team member will normally give you notice that is twice as long as the period of special leave requested.

Treat the request sympathetically and view it in relation to the specific circumstances to which it has been requested. Although there is no absolute right to paid special leave, employees do have a right to unpaid time off for sudden or unexpected emergencies. You will need to make every effort to accommodate a reasonable request.

A team member will make a request for special leave in writing using the *Special leave application form*. This would normally be done, in advance, to enable you to plan for their absence and take account of business needs.

Forward notice may not always be possible in the event of emergency special leave.

### Emergency special leave request

In an emergency a team member can make an application retrospectively. If this happens you should be first notified of a team member's absence as part of the normal managing attendance reporting procedures. The team member should make an emergency application on the first day when they return to work.

### Top Tip

You will assess each application for special leave on its own merits and be flexible wherever possible. In all cases, the limits stated in the special leave framework cover a 12-month period.



## WHAT ELSE WILL I THINK ABOUT WHEN I GET A REQUEST FOR SPECIAL LEAVE?

When considering applications for special leave you should take into account the following:

- The reason for the application and the individual circumstances of the request
- The reasonableness of the request
- The provisions set out in employment legislation
- The length of time required
- The operational requirements of the office and the impact of the team member's absence upon the business area/unit
- What alternative arrangements can be made
- Whether special leave has been taken on previous occasions
- Remaining annual leave entitlements or flexi-leave
- The team member's attendance, performance and disciplinary record, where appropriate.

A team member may request a period of special leave in days or hours.

### Top Tip

Before agreeing to unpaid special leave for some domestic or personal situations, see whether a team member might reasonably use part of their annual leave entitlement (or flexi-leave). This will enable them to still be paid when they are absent from work.

**Action – Let the team member know your decision as soon as possible and follow this up by completing the decision section on the application form. Sign and date the form accordingly, take a copy for your records, and return the original to the team member within 5 working days.**

Managers should monitor special leave via Managers Self Service and raise any concerns that they may have with the team member at an early stage. Examples of concerns include the amount of special leave already taken or where there may be alternatives to taking excessive unpaid leave.

## WHAT WILL I DO IF MORE SPECIAL LEAVE IS REQUIRED?

There may be circumstances where it would be appropriate to extend the amount of special leave allowed (both paid and unpaid). You must obtain advice from the HR Contact Centre before authorising additional special leave in these circumstances. You must notify Shared Services of any unpaid special leave taken by submitting UPL1a - Unpaid absence notification form.

## IS THERE ANYTHING I SHOULD KNOW ABOUT VOLUNTARY PUBLIC SERVICE?

As a manager, you should be informed through the normal process of any voluntary public service involvement a team member is involved in or enters into. Any requests should be treated in the normal way as for other applications for special leave.

However, whilst all requests will be looked at on a case-by-case basis, the following points should be considered when deciding whether to approve a request for time off for voluntary public service. Whether:

- The public body is aware of the team members employment with MoJ
- There is no potential conflict of interest with their day-to-day duties
- Such activity is in the public interest.

## Top Tip

If you are at all concerned with the arrangement being suggested for Voluntary Public Service you should contact the HR Contact Centre to discuss the issue.

## WHAT HAPPENS WHERE A PUBLIC SERVICE ACTIVITY IS OFFERING TO PAY FOR THE TEAM MEMBER'S SERVICES?

Staff who are granted special leave with pay may not claim or accept attendance fees or any other compensation other than travel or subsistence for any duties performed. If a fee is paid the team member must inform you immediately, and you will then need to liaise with the HR Contact Centre. Failure to declare a fee being paid could result in disciplinary action being taken.

## IS THERE ANYTHING ELSE I NEED TO CONSIDER WHEN AGREEING UNPAID SPECIAL LEAVE?

You will let the HR Contact Centre know that you have agreed to the unpaid leave and send them a copy of the *Special leave application form* which records your decision. They will take the appropriate action to ensure the team member's pay is stopped.

## WHAT HAPPENS IF I CAN'T AGREE TO THE REQUEST FOR SPECIAL LEAVE?

All requests will be considered reasonably, taking into account the needs of the team member and needs of the business.

## Top Tip

It is important that you give a team member an opportunity to talk with you about their application for special leave, and help to clarify any concerns they may have regarding the application.

If you decline the request and you are satisfied that you have given it due consideration, you must inform the team member as soon as possible. Where possible the team member should be given notice of your decision. If possible, that notice should be at least as long as period of the special leave they requested.

**Action – Add your decision to the relevant section on the application form and sign and date accordingly. Take a copy for your records and return the original to the team member within 5 working days. Inform the team member verbally as soon as possible.**

A team member, who believes that their request for special leave has not been reasonably considered, or they have been treated unfairly, can either:

- arrange for an informal discussion with you;
- arrange for an informal discussion with your manager;
- discuss the issue with a third party, such as their trade union representative, a member of one of the corporate staff networks, or Workplace Support; or
- consider making use of mediation.

If they remain dissatisfied, they may appeal using the grievance procedure.

- 01 Policy statement
- 02 Special leave policy
- 03 Process and procedures
- 04 Manager's guidance
- 05 Employee's guidance**
- 06 Special leave framework: paid leave
- 07 Special leave framework: unpaid leave
- 08 Key intranet and access information

## Employee's guidance

This guidance is aimed at helping team members understand the policy and process for requesting special leave.

The objective is to help you balance the demands of your domestic and work responsibilities at times of **urgent and unforeseen** need and to support you to undertake voluntary or public duties.

Special leave can be granted for:

- Domestic reasons
- Personal and family matters
- Voluntary/public duties.

## WHY DOES MY MANAGER SAY I SHOULD USE MY ANNUAL/FLEXI-LEAVE?

For some domestic or personal situations, it may be in your best interest to use part of your annual leave entitlement (or flexi-leave), as it will ensure payment when absent from work.

## I AM GOING TO UNDERTAKE VOLUNTARY PUBLIC SERVICE WORK. WHAT SHOULD I DO?

You must declare your employment with Ministry of Justice to the public service body and any knowledge that could affect your ability to perform the voluntary public duties with impartiality.

### Top Tip

If you are at all concerned or unsure about any issues you may have regarding impartiality talk to your manager. Your manager will be able to help clarify the position.

You will need to obtain your manager's permission if:

- there is a potential conflict of interest with your day-to-day duties; or
- such activity is not in the public interest.

If you do not comply, your manager may take action under the disciplinary procedure.

## I THOUGHT EMPLOYMENT LEGISLATION GAVE ME A RIGHT TO TAKE SPECIAL LEAVE?

Employment legislation allows you the right to take reasonable, unpaid, time off work to deal with certain unexpected or sudden emergencies/ domestic crises. However, in certain circumstances, if you meet the criteria set out in the paid special leave framework table MoJ will allow you paid special leave. For instance if your situation meets the criteria for special leave with pay for an unforeseeable domestic emergency, your manager may authorise up to 5 days paid leave. This is to enable you to deal with or make satisfactory long term arrangements for dealing with the situation.

## HOW DO I MAKE AN APPLICATION FOR SPECIAL LEAVE?

All requests for special leave, whether paid or unpaid, must be made in writing to your manager using the *Special leave application form*. This should normally be done, in advance, to enable your manager to plan for your absence and account for the impact on the business.

You may request a period of special leave in days or hours.

**Although there is no absolute right to special leave, your manager will make every effort to accommodate reasonable requests. All requests will be treated sympathetically and in relation to the specific circumstances surrounding the request.**

As general guidance, you should normally give notice to your manager that is twice as long as the period of special leave requested.

If your manager is unable to honour a request for special leave, if possible you will be given notice that is at least as long as the special leave requested.

## WHAT HAPPENS IN AN EMERGENCY WHEN I CAN'T GIVE ADVANCED NOTICE?

In emergencies you can make an application retrospectively on the first day you are back at your work place. You will however ensure your manager is aware of your absence as soon as possible, following the normal managing attendance reporting procedures.

## I AM ON REDUCED HOURS. HOW DOES THIS AFFECT MY SPECIAL LEAVE REQUEST?

Reduced hours workers are equally entitled to paid special leave proportionate to the number of days/hours they work.

## WHAT HAPPEN IF THINGS CHANGE WHEN I AM ON SPECIAL LEAVE?

It is essential that you keep your manager informed of any developments while on special leave to allow appropriate cover to be provided.

**Action – You must notify your manager immediately if you are unable to return to work on the agreed date, stating the reasons why. Failure to do this may result in disciplinary action being taken, which could result in dismissal. Please refer to the *Discipline policy* for details.**

## **WHAT HAPPENS IF MY MANAGER DECLINES MY SPECIAL LEAVE REQUEST?**

Your manager will consider your request for special leave reasonably, taking into account your needs and the needs of the business. You will be given an opportunity to talk through your application for special leave with your manager, who will clarify any concerns they may have regarding the application. If your manager is unable to approve a request for special leave, you will be given notice which will normally be at least as long as the period of the special leave requested.

If you believe that your request has not been given reasonable consideration or that the decision is unfair you can:

- arrange for an informal discussion with your manager;
- arrange for an informal discussion with your manager's manager;
- discuss the issue with a third party, such as your trade union representative, a member of one of the corporate staff networks, or Workplace Adviser; or
- consider making use of mediation.

If you remain dissatisfied you may access MoJ's grievance procedure.

Formal complaints to an Employment Tribunal can only be made after MoJ's internal grievance procedure has been full exhausted.

- 01 Policy statement
- 02 Special leave policy
- 03 Process and procedures
- 04 Manager's guidance
- 05 Employee's guidance
- 06 Special leave framework: paid leave**
- 07 Special leave framework: unpaid leave
- 08 Key intranet and access information

## **Special leave framework: paid leave**

### **FAMILY/DOMESTIC REASONS (DISTRESS AND EMERGENCIES)**

#### **Definitions**

The definitions of the following phrases used in this guidance are:

- **Close relative** – someone who is related by blood, for example, mother, father, brother, sister, children, grandparents, etc. Or, someone who you have a close emotional relationship, eg, partner's siblings, partner's parents, stepchildren, adoptive parents, etc.
- **Partner** – someone whom you have a close and stable (ie, long-term) relationship with. This includes married couples, civil partners, individuals who are living together though they are not related by blood or marriage, including those in same sex relationships.
- **Dependant** – defined as a spouse or partner, child or parent or someone who lives with you as part of your family. For example, this could include an elderly relative who lives in the household. A dependant may also be someone who reasonably relies on you for assistance. You may be the primary carer or you may be the only person available to help in an emergency.

## Examples of each type of leave for family/domestic reasons

Leave	Limit	Who/How
A) Bereavement (close relative, partner or dependant)	Up to 5 days leave with pay – includes 1 day to attend funeral (6 days for employees who normally work Saturdays – includes 1 day to attend funeral)	<p>In all other circumstances, when flexi- or annual leave is considered inappropriate, one day's special leave with pay may be granted to attend funerals of non-blood relatives, close friends, or in-laws.</p> <p>Managers are also required to consider other factors, such as travelling to and from a funeral, especially where the journey involved is long or difficult; also, whether the employee is required to attend other formal cultural or religious ceremonies in connection with the bereavement.</p> <p>Paid leave cannot be authorised for clearing the estate of the deceased.</p>
B) Breakdown of care arrangements	Up to 5 days special leave with pay	<p>For employees where normal arrangements for the care of a child, elderly relative, or dependant, unexpectedly breakdown. To allow employees to make alternative care arrangements.</p> <p>For example, the person normally responsible for providing the care falls ill or fails to turn up.</p>
C) Care of children, elderly relative or dependants	Up to 5 days special leave with pay	<p>Employment legislation allows all employees the right to take reasonable, unpaid, time off from work to deal with certain unexpected or sudden emergencies/domestic crises.</p> <p>The amount of paid leave allowed will not normally exceed 5 days in any one year. To allow an employee to care for a sick child, elderly relative or dependant provided that no other alternative arrangements can be made.</p> <p>Managers have the discretion to allow additional leave (both paid and unpaid) in response to an employee's family circumstances. For instance, the number of children and the nature of the illness, viral infections may affect children in quick succession.</p> <p>Employees required to attend a medical appointment, for example medical or dental appointments for their children, will be required to take annual or unpaid leave, or where available, flexi-leave. You can also make use of the informal arrangements contained within the <i>Flexible working policy</i>.</p>

## Examples of each type of leave for family/domestic reasons

Leave	Limit	Who/How
D) Carers Leave	1 day's leave with pay	<p>For the purpose of these provisions a carer is defined as a person who has responsibility to assist in the care of a dependant, that is an adult or child who has a serious long term illness, a disability or is terminally ill. This definition does not include general childcare.</p> <p>Leave is granted, as required, to enable employee to accompany the person cared for to medical appointments or at home assessments required by the nature of their condition. If it is likely that the employee has to accompany the person to a number of frequent appointments throughout the year, employee may be required to take unpaid or annual leave/flexi-leave for some of the appointments.</p>
E) Compassionate grounds	Up to 3 days leave with pay (up to 5 days in exceptional circumstances)	<p>If an employee has adequate compassionate grounds or where hardship would otherwise occur, in order for them to make suitable arrangements to resolve the issue. Grounds could include, for example, where there has been a fire or flood at the family home or a burglary has taken place.</p> <p>An employee's application should include a full explanation of the hardship that would arise if special leave were not allowed.</p>
F) Domestic reasons/crisis	Up to 5 days leave with pay	<p>A manager may authorise up to 5 days special leave with pay if an unforeseeable domestic emergency arises, to enable an employee to deal with the problem or to make satisfactory long term arrangements for dealing with the problem.</p> <p>As circumstances will vary employees, must give full details of the emergency or crisis in their application</p> <p>Applications could be made due to any of the following examples:</p> <ul style="list-style-type: none"> <li>• a dependant is involved in an accident or is assaulted;</li> <li>• a child is involved in an incident at school or during a school trip; or</li> <li>• unforeseen arrangements that need to be made as the result of a personal crisis.</li> </ul> <p>These provisions do not apply to circumstances such as domestic appliance breakdowns.</p>



Examples of each type of leave for non-domestic reasons (including public duties, reserve forces, etc): voluntary

Leave	Limit	Who/How
A) Civil Defence Courses	Up to 15 days leave with pay	<p>For voluntary members of the United Kingdom Warning and Monitoring Organisation or employees nominated by local authorities as Scientific Intelligence Officers.</p> <p>Employees who work reduced hours are equally entitled to special leave with pay, however any Civil Service pay received during the period of training should not exceed the pay they would be due for an equivalent period of reduced hours employment.</p> <p>Where special leave with pay does not cover the whole duration of the course, employees must use annual leave to cover the balance.</p> <p>Special leave for this purpose is not available if you have less than 6 months service.</p>
B) Civil Service Societies	Various	<p>For employees who are members of one of the Civil Service societies. They can apply for special leave with pay to attend official meetings.</p> <p>Managers may grant up to 3 days special leave with pay to allow employees, who are members of one of the Civil Service societies, to attend official meetings of the following:</p> <ul style="list-style-type: none"> <li>• the Civil Service Council for Further Education;</li> <li>• the Council and Committee of Management of the Civil Service Benevolent Fund;</li> <li>• the Council and Committee of Management of the Benenden Healthcare Society;</li> <li>• the Management Committee of the Civil Service Sports Council; or</li> <li>• the Civil Service Medical Aid association.</li> </ul> <p>Managers may grant up to 2 days special leave with pay for attendance at:</p> <ul style="list-style-type: none"> <li>• conferences of the Benenden Healthcare Society; or</li> <li>• conferences of the Civil Service Sports Council.</li> </ul> <p>Employees may be granted an additional day special leave with pay if the travelling time to or from these conferences results in them being absent from work for an additional day.</p>

Examples of each type of leave for non-domestic reasons (including public duties, reserve forces, etc): voluntary

Leave	Limit	Who/How
B) Civil Service Societies (continued)	Various	Managers may grant special leave with pay to allow employees to attend: <ul style="list-style-type: none"> <li>• Quarterly meetings of local committees of the Civil Service Benevolent Fund or the Civil Service Retirement Fellowship</li> <li>• Regional councils and regional executive committees of the Civil Service Sports Council</li> <li>• Departmental committees of the Post Office or the Benenden Healthcare Society.</li> </ul>
C) MoJ organised activities	1 day's leave with pay	Provided it does not conflict with business requirements, for employees who have official responsibility for the organisation of a MoJ activity or event. Such as refereeing at the annual MoJ's football tournament.  All other participants will be required to take the time as annual or unpaid leave, or where applicable, as flexi-leave.
D) Duke of Edinburgh's Gold Award	1 day's leave with pay (exceptionally 2 days)	Winners of the Duke of Edinburgh's Gold Award may be granted leave, so that they may receive the award.
E) Outward bound or similar schools	Various	If it is judged that the proposed study is of benefit to MoJ and supports employee's personal development, managers may authorise the following: <ul style="list-style-type: none"> <li>• Half the period will be authorised as special leave with pay, the remainder is to be taken as annual leave (subject to attendance at the school being no more than 4 weeks in duration)</li> <li>• Half the fees and travelling expenses incurred will be met by MoJ.</li> </ul>

Examples of each type of leave for non-domestic reasons (including public duties, reserve forces, etc): voluntary

Leave	Limit	Who/How
F) Royal National Lifeboat Institution and Auxiliary Coastguard	Various	Managers may grant up to 5 days leave with pay for initial training. An additional 6 days leave with pay may be granted to allow employees to carry out their official duties, per annum.
G) Special Constabulary	Various	Managers may grant up to 5 days leave with pay for initial training. An additional 6 days leave with pay may be granted to allow employees to carry out their official duties.
H) Sports events	Various	<p>Provided that it does not conflict with business requirements, special leave with pay may be granted if employees:</p> <ul style="list-style-type: none"> <li>• qualify for the final of an individual Civil Service sports championship by winning a preliminary zone competition;</li> <li>• are selected to represent the Civil Service in team events; or</li> <li>• are selected to participate in international events including the Olympic and Commonwealth Games.</li> </ul> <p>Special leave with pay cannot be granted for sporting events other than those specified in this paragraph. Granted leave can include time required to travel to and from the sporting event as well as for competing.</p> <p>Managers may wish to contact the Secretary of the Civil Service Sports Council, Minster House, 272/274 Vauxhall Bridge Road London SW1V 1BW, who will be able to advise whether the amount of leave requested is justified.</p>

## Voluntary public service

The Civil Service Code of Conduct allows for voluntary service with fee paying public bodies providing that employees do not claim any fees other than travel and subsistence. For further information, please refer to the *Civil Service Code of Conduct*.

Managers may authorise special leave with pay, subject to the specified limits, to enable employees to undertake voluntary public service in any of the posts, including unspecified general voluntary work listed.

## Examples of each type of leave for non-domestic reasons (including public duties, reserve forces, etc): voluntary public service

Leave	Limit	Who/How
I) Attendance at meetings and other essential business of Independent Monitoring Boards (IMB)	24 days	Managers may authorise special leave with pay to enable employees who are appointed IMB members to attend monthly board meetings, carry out rota duties throughout the year and attend training courses.
J) Magisterial duties/Justice of the Peace	21 days	If employees work in the criminal justice system they will not normally be eligible to be a magistrate in the same criminal justice area in which they work. This is to avoid any actual or appearance of conflict of interest. However, the extent to which a conflict of interest arises will depend on the type of work they do.  Plus reasonable time for travelling to permit up to 26 half day attendances.
K) Official attendance at fee-paying bodies, such as Employment Tribunals panels, Deputy District Judges, Immigration Appeals panels, etc	21 days	Provided an undertaking is given not to claim or accept any compensation (fees) other than for travel and subsistence. <b>Judicial appointments / duties</b> For employees applying for a judicial appointment, managers should allow the required time, within the working day, for employees to attend appointments in accordance with the judicial appointment application process. Managers may authorise special leave with pay to enable employees to undertake their judicial appointment and on-going judicial training for a maximum period of 21 days each year. With an exception that if a case runs over the allocated court hearing time a further period of paid special leave should be authorised to enable the judicial duties to be fulfilled.

Examples of each type of leave for non-domestic reasons (including public duties, reserve forces, etc): voluntary public service

Leave	Limit	Who/How
L) Local Government work: Elected members of a Local Authority Mayors (in their Mayoral year) Chairpersons of Councils	18 days	May be increased to 24 days if duties equate to those of Lord Mayor.

Examples of each type of leave for non-domestic reasons (including public duties, reserve forces, etc): voluntary public service

Leave	Limit	Who/How
<p>M) Attendance at meetings and other essential business of:</p> <ul style="list-style-type: none"> <li>• National Health Service</li> <li>• Regional Health Authorities</li> <li>• District/Area Health Authorities</li> <li>• Health Boards</li> <li>• Board of Governors of postgraduate teaching hospitals</li> <li>• Family Practitioner Committees</li> <li>• Local Health Councils</li> <li>• Prescription Pricing Authorities</li> <li>• Area Manpower Boards</li> <li>• Local Review Committee (Parole)</li> <li>• Local Valuation Panels</li> <li>• Parish Councils (in England)</li> <li>• Community Councils (in Wales)</li> <li>• River Purification Boards</li> <li>• Committees of Local Authorities</li> <li>• Social Security Appeal Tribunals</li> <li>• War Pensions Committees</li> <li>• Professional Body Committees</li> <li>• School Governor</li> </ul>	6 days	Managers may authorise special leave with pay to enable employee to undertake duties related to attending meetings and other essential business for listed bodies.

**Examples of each type of leave for non-domestic reasons (including public duties, reserve forces, etc): voluntary public service**

Leave	Limit	Who/How
N) Managing or governing body of education establishment	4 days	Managers may authorise special leave with pay to enable employees to undertake duties related to bodies specified.

**Examples of each type of leave for non-domestic reasons (including public duties, reserve forces, etc): voluntary public service**

Leave	Limit	Who/How
O) Internal Drainage Boards, Community Health Councils	3 days	Managers may authorise special leave with pay to enable employees to undertake duties related to bodies specified.
P) Unspecified general voluntary work.	5 days	For example – helping at an old people’s home, running play schemes for under-privileged children, etc.
Q) Official attendance at fee-paying bodies, such as Employment Tribunals panels, Deputy District Judges, Immigration Appeals panels, etc.	3 days	Provided an undertaking is given not to claim or accept any compensation (fees) other than for travel and subsistence.

## Examples of each type of leave for non-domestic reasons (including public duties, reserve forces, etc): Youth movements

Leave	Limit	Who/How
R) Youth movements	Up to 5 days leave with pay	<p>Employees who are part time youth leaders or assistant youth leaders. Leave can be used as either a complete week or as separate days to attend training courses in youth leadership organised by one of the bodies listed below.</p> <p>Special leave for this purpose will not normally be granted more than once in 3 years. In exceptional circumstances, managers may authorise special leave with pay after 2 years.</p> <p>Special leave with pay cannot be granted to members of youth movements or similar organisations other than those specified below.</p>

### Youth movements

- Army Cadet Force Association
- Association for Jewish Youth
- Baptist Union of Great Britain and Ireland
- Boys' Brigade
- British Council of Churches (Youth Unit)
- British Red Cross Society
- Campaigners Ministries
- Catholic Youth Services
- Church Army
- Churches' Youth Service Council (Northern Ireland)
- Church Lads' and Church Girls' Brigade
- Church of England Board of Education
- Church of Scotland Youth Council
- Duke of Edinburgh's Award Scheme
- Education and Library Boards (NI)
- Endeavour Training
- Episcopal Church of Scotland Youth Committee
- Girls' Brigade
- Girls' Friendly Society
- Girl Guides Association
- Girls Venture Corps
- Habonim
- Inter Action Centre Limited
- Jewish Lads' and Girls' Brigade
- Methodist Association of Youth Clubs
- National Association of Boys' Clubs
- National Association of Muslim Youth
- National Association of Youth Clubs
- National Federation of Gateway Clubs
- National Federation of Young Farmers Clubs
- National PHAB
- Nautical Training Corps
- Outward Bound Trust
- Quakers' Home Service
- Reform Synagogues of Great Britain
- St John Ambulance Brigade
- Salvation Army (Youth Department)
- Scottish Schoolboys' Club
- Scout Association
- Scripture Union (Frontier Youth Trust)
- Sea Cadet Association
- Union of Maccabi Associations
- United Reformed Church
- Young Christian Workers
- Young Men's' Christian Association
- Young Women's Christian Association
- Youth Hostels Association.

## Membership of reserve forces

Examples of each type of leave for non-domestic reasons (including public duties, reserve forces etc): membership of reserve forces

Leave	Limit	Who/How
S) Reserve forces training	Various	<p>Employees are granted special leave with pay for periods of mandatory reserve forces training up to a limit of 10 days in a training year. This may be taken in one period of 10 days (for example where the mandatory training lasts 10 or more days) or in a number of shorter periods during the training year.</p> <p><i>Please note:</i> a training year for reserve forces usually runs from 1 April through to 31 March, with all annual training requiring completion before the end of the following April.</p> <p>Employees with a full time equivalent annual leave allowance of less than 30 days and, in addition to normal annual training, attend special courses or exercises, may be allowed up to a further 5 days special leave with pay. Providing that the total of the following does not exceed 7 weeks:</p> <ul style="list-style-type: none"> <li>• annual leave;</li> <li>• special leave with pay of 10 days within a normal training year;</li> <li>• special leave with pay under this paragraph;</li> <li>• special leave with pay for Cadet Forces training; (please see Cadet Forces Training below) and/or</li> <li>• special leave with pay for special occasions, such as Royal visits, in which members of the reserve forces participate.</li> </ul> <p>For information on membership of reserve forces that does and does not involve training liabilities. Please see table on page 26.</p>



## Examples of each type of leave for non-domestic reasons (including public duties, reserve forces etc): membership of reserve forces

Leave	Limit	Who/How
T) Cadet Forces Training	Various	<p>An employee may be granted up to 5 days special leave with pay in any leave year. If they are a member of, instructor, or officer in the Cadet Forces (eg, Air Training Corps, Sea Cadet Corps). To attend camps or special instructional courses, provided they are held under naval, military or air force auspices. Employees who work reduced hours are equally entitled to special leave with pay, however any Civil Service pay received during the period of training should not exceed the pay they would be due for an equivalent period of reduced hours employment.</p> <p>Commissioned officers of the Cadet Forces may also be granted special leave if they are required to undergo a course in addition to attending annual Cadet Camp. Additional special leave must not exceed the limits of the permitted allowances for reserve forces. Please refer to page 26.</p> <p>Employees who have an annual leave allowance of less than 30 days, required to attend special courses and exercises in addition to training, may be allowed up to a further 5 days special leave with pay provided that the total allowances do not exceed 7 weeks in any leave year.</p>
U) Mobilisation of reserve forces	Various	<p>If an employee is called for active service, or expect to be mobilised, they must inform their manager as soon as possible. Managers should also be informed of any changes in arrangements as soon as possible.</p> <p>Employees will be granted unpaid special leave for the duration of their active service, including any accrued active service leave. During the period of active service, the MOD will pay the employee a military salary, the Reservist Standard Award. If there are differences between MoJ pay and the military pay an employee should make a claim to the MOD to recover the difference. An employee's call up letter will detail how to do this.</p> <p>Managers need to be sensitive to requests for reasonable time off before and after the expected tour of duty. For example: one weeks annual leave prior to the tour of duty, special leave for the duration of the tour and one weeks annual leave immediately after the tour of duty.</p> <p>When an employee is confirmed or is expected to be mobilised, managers may need to make arrangements to cover the absence.</p> <p>MoJ supports the good practice set out by SaBRE (Supporting Britain's Reservists &amp; Employers). Further information regarding the employment of reservists, can be found on SaBRE's internet site <a href="http://www.sabre.mod.uk">www.sabre.mod.uk</a>.</p>

## **Membership of the following reserve forces normally involves training liabilities**

### **Royal Navy:**

- Royal Marine Reserve
- Royal Navy Reserve
- Voluntary Aid Detachment (Naval Reserves) – 1 week's annual training at a Naval Hospital
- Women's Royal Naval Reserves
- Royal Naval Auxiliary Service.

### **Army:**

- Territorial Army (applies to men and women).

### **Royal Air Force:**

- Royal Air Force Reserve, Class 'E' Category, Sections A and B: compulsory membership
- Royal Air Force Reserve of Officers
- Royal Air Force Volunteer Reserves
- Royal Air Force Volunteer Reserve (Training Branch)
- Royal Auxiliary Air Force
- Royal Observer Corps
- Women's Royal Auxiliary Air Force
- Women's Royal Air Force Volunteer Reserve: voluntary membership.

## **Membership of the following reserve forces does not normally involve training liabilities**

### **Royal Navy:**

- Emergency List of Officers Pensioners
- Queen Alexandra's Royal Naval Nursing
- Service Reserve Retired List Officers.

### **Army:**

- Regular Army Reserve Officers (men and women)
- Army Officers Emergency Reserve (men and women)
- Pensioners (men and women)
- Regular Service: Sections A, B and D (men)
- Regular Reserve: Sections F and G (women)
- Army General Reserve
- Long Term Reserve.

### **Royal Air Force:**

- Pensions
- Princess Mary's Royal Air Force Nursing Service Reserve
- Retired list of –
  - Royal Air Force
  - Women's Royal Air Force
  - Princess Mary's Royal Air Force Nursing Service
- Royal Air Force Reserve, Class 'E' Category 2
- Royal Auxiliary Air Force Reserve
- Women's Royal Auxiliary Air Force Reserve.

## Other types of special leave with pay

Leave	Limit	Who/How
A) Appearing in a court as a witness	Various	<p>Employees called to give evidence in criminal or civil proceedings, in a coroner's court or any other outside body as a witness in their official capacity should be regarded as being on official duty.</p> <p>Employees appearing as a witness in a private capacity in a criminal or coroner's court you may be granted special leave with pay.</p> <p>Employees appearing as a witness in a private capacity in civil proceedings may be granted special leave without pay or the time can be taken as annual leave.</p>
B) Candidates for Parliament	Up to 1 month leave with pay	<p>Leave may be granted to an employee at the time of an election, provided they are free to stand for Parliament. The period of special leave will not continue beyond the date at which employee's resignation, if tendered, takes effect.</p>
C) Jury service	Various	<p>All employees are eligible to serve on juries. As a juror, an employee is required to notify the court immediately if they know someone on the trial to which they are assigned. Additionally, employees would need to notify the court if they have any other connection with the trial, which might, or could appear to, threaten its fairness, if they were to sit as a juror. Employees need to apply to the Jury Central Summoning Bureau for their jury service to be transferred to another court, if they think there is a reason they should not serve.</p> <p>Employees required for jury service will be allowed special leave with pay for the entire period they attend court.</p> <p>Employees released early from jury service must inform their manager immediately, or report to your normal place of work at the earliest opportunity. Failure to do so may lead to the financial recovery of pay granted to them.</p> <p>You must not claim for loss of earnings while on special leave with pay for jury service, as MoJ will still pay you. Employees can, however, claim other financial loss incurred as a direct result of jury service (such as additional childcare costs) up to a daily maximum, and for travel and subsistence.</p>

## Other types of special leave with pay

Leave	Limit	Who/How
D) Permanent Transfer	Various	On permanent transfer, when the transfer is treated as being in the public interest or on welfare grounds, employees may be granted, at their manager's discretion, a period of special leave with pay in order to ease any hardship which may arise from the transfer.
E) Special Royal Events	Various	Attendance at Investitures, Royal Garden Parties and special Royal events, such as Buckingham Palace lunches, employees may be granted special leave with pay, irrespective of whether employees were nominated by MoJ. Travel and subsistence is only payable, within the normal limits, if MoJ originally nominated the employee.
F) Travel difficulties after detached duty	Up to 5 days leave with pay	For employees who are experiencing transport difficulties, when they return to their main duty, after a period of detached duty.  If it is anticipated that the transport difficulties will be prolonged, a manager should consider whether to extend the period of detached duty.

- 01 Policy statement
- 02 Special leave policy
- 03 Process and procedures
- 04 Manager's guidance
- 05 Employee's guidance
- 06 Special leave framework: paid leave
- 07 Special leave framework: unpaid leave**
- 08 Key intranet and access information

## **Special leave framework: unpaid special leave**

It is essential that any special leave without pay is specifically defined at the outset and employees reminded that they are responsible for keeping their manager informed of any developments while they are on special leave without pay.

Employees on unpaid special leave remain employed by MoJ.

## Examples of types of unpaid leave

Leave	Limit	Who/How
A) Accompanying a partner on a move required by their employment	Up to 3 months without pay	<p>Employees who accompany their partner on a move required by their partner's employment, managers may grant special leave without pay if:</p> <ul style="list-style-type: none"> <li>• We wish to retain their services</li> <li>• We are unable to find a vacancy in a suitable location</li> <li>• There is a reasonable assumption the their employment will resume.</li> </ul> <p>Employees may apply for their name to be placed on a waiting list for employment in the new area when a suitable vacancy arises.</p> <p>If it is anticipated that a longer period is required or, for personal reasons, employees do not wish to seek employment in the new area, the provisions set out in the <i>Career break policy</i> should be applied.</p>
B) Elective surgery	Various	<p>'Elective surgery' is defined as a non-essential surgical procedure that the individual has chosen to undertake for personal reasons. This includes cosmetic surgery and laser eye treatment. It does not include medically advised non-essential surgery such as mammoplasty or reconstructive surgery.</p> <p>Managers may allow employees unpaid time off for elective surgery. Employees may be required to cover some of the absence with annual leave. This will depend on how much time an employee will need to be away from work.</p> <p>Employees who are unfit to return to work at the end of the agreed period of special leave, for example due to unforeseen complications, should contact their manager as soon as possible. The usual reporting procedures, related to sickness absence should be followed. If an employee needs to take further time off work, then this additional absence will be recorded as sick absence and, where appropriate, must be covered by a medical certificate.</p>
C) Gender reassignment surgery	Various	<p>Employees undertaking gender reassignment surgery will be allowed a mix of paid and unpaid special leave, dependant on their individual needs. Employees should contact HR or Workplace Support Services for further details.</p>

## Examples of types of unpaid leave

Leave	Limit	Who/How
D) Political agents	Up to 6 weeks leave without pay	Employees who are free from any restriction on political activity or who have permission to take part in national political activities. Leave is to serve as an agent to a candidate or to a bona fide prospective candidate in a Parliamentary election.
E) School holidays	Various	<p>Managers should consider applications for unpaid special leave from employees who cannot make other arrangements for the care of their school age children (including step, adopted and foster children).</p> <p>Any unpaid special leave granted will be subject to local operational needs and the holiday arrangements of the office or court. Eligible employees may be able to make use of parental leave provisions.</p> <p>The option to work on a part year basis may be considered as an alternative to special leave without pay if that is preferable to both local business requirements and the employee concerned. Please refer to the <i>Flexible working policy</i> for further details.</p>
F) Other purposes	Various	At the discretion of a senior manager, special leave without pay may be granted for other personal reasons not mentioned above

- 01 Policy statement
- 02 Special leave policy
- 03 Process and procedures
- 04 Manager's guidance
- 05 Employee's guidance
- 06 Special leave framework: paid leave
- 07 Special leave framework: unpaid leave
- 08 Key intranet and access information**

## Key intranet and access information

You can get an electronic version of this document plus any template letters, forms and related information from My Services at <http://intranet.justice.gsi.gov.uk/guidance-support/my-services/leave/special-leave.htm>

## ALTERNATIVE FORMATS

If you cannot easily get access to the intranet, your manager can give you a hard copy of the policy or guidance. For other formats including Braille or large print, contact the HR Contact Centre:

Email: [MoJ-HR-xxxxxxxx@xxx.xxx.xxv.uk](mailto:MoJ-HR-xxxxxxxx@xxx.xxx.xxv.uk)

Phone: 0845 010 3510

## FURTHER INFORMATION

For further information or advice on this policy please contact the HR Contact Centre.



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