

Department of Health & Social Security

PROCEDURE FOR APPLICATION FOR SPECIAL LEAVE

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Department of Health & Social Security

SPECIAL LEAVE – POLICY AND PROCEDURES

1. Statement of Policy

The Isle of Man Government attaches considerable importance to a clear policy for the consideration and approval of special leave for domestic, personal and family matters; civil and public duties; and trade union duties.

The Department's objective is to provide a policy which provides appropriate time off for these purposes whilst maintaining a high level of service to the public. In particular it wishes to help employees balance the demands of work with the demands of domestic responsibilities at times of urgent and unforeseen need by the provision of special leave, paid or unpaid according to circumstances.

2. Policies Replaced

This policy and procedures updates and replaces existing DHSS policies:-

- Policy on Time off for Civic and Public Duties - 1 September 1998
- Special Leave Policy and Procedure – undated
- Interim Guidelines on Parental leave – 10 December 1999

3. Effective Date

The DHSS policy in this document is effective from **17 October 2005**.

The special leave provisions within employees terms and conditions of service are effective from the date provided for in the terms and conditions of service.

4. Eligibility to Special Leave

Special leave shall normally be granted in accordance with the employee's terms and conditions of service.

The Department has also determined its policy on special leave, which should be applied where:-

- the employees terms and conditions of service make no provision for the granting of special leave; or

- the terms and conditions of service provide that the employer should agree a policy in respect of eligibility to some type of special leave.

5. Interpretation

Where the eligibility to special leave is limited to a specific number of days per year the year will be based on the same year used for the granting of annual leave. Where employees start or finish employment during the year the eligibility may be reduced pro-rata to the period of the leave year worked.

All requests for special leave must be submitted to the employee's line manager. Applications should be made in writing using the form at **Appendix 1**.

Employees should give as much notice as possible of any request for special leave. In some cases there is a minimum notice period that must be given under the policy/terms and conditions of service.

Where it is not possible to submit a written request prior to the leave being taken the employee should contact his/her manager as soon as possible to request verbal agreement and/or notify of non-attendance if it is an urgent and unexpected matter. The written request should then be made as soon as practical.

The form should be forwarded to the designated manager with authority to sanction the leave. The employee will be notified of the outcome of the application. Where special leave is granted the manager will ensure that this is noted on the employee's leave records.

Review of requests for special leave which are not granted

Where the line manager does not grant the employee an application for special leave the employee may request a review of the decision by a senior manager. The senior managers who will review the decisions are identified in the table at **Appendix 2**.

Requests for Special Leave not covered by this policy

Employees may request special leave in circumstances not provided for by this policy, or for a longer period of leave (normally unpaid) than is provided for in the this policy.

Such requests should be made to the employee's line manager who will arrange for the request to be considered by a senior manager. The senior managers who will have the authority to grant special leave in such circumstances are identified in the table at **Appendix 2**.

6. **Employees in Receipt of Payment for Special Leave Activities**

In some cases an employee is entitled to payment for an activity for which special leave can be granted (eg for jury service; attendance at certain civic and public duties etc).

In such cases where **paid** special leave has been granted the employee must arrange to pay any allowance fee etc to the Department via his/her line manager. However, the employee may retain any money paid towards expenses in carrying out the duties (eg travel costs, parking, meal allowances).

Where unpaid leave has been granted or the employee undertakes the duties in their own time all payment may be retained.

7. **Categories of Special Leave**

The main categories of special leave are set out below together with:-

- The general DHSS policy on each category
- Details of where information on this category of leave can be obtained in respect of the main terms and conditions of service for DHSS employees. The guidance below only covers the terms and conditions of service applying to the majority of employees. There are other terms and these should be referred to as applicable.

Managers should always consult the appropriate terms and conditions of service when considering any request for special leave.

7.1 **Time off for Civic and Public Duties**

DHSS policy

Reasonable time off shall be granted at the discretion of management having due regard to the Employment Act 1991. There is not an automatic entitlement to leave of absence, either paid or unpaid. However, reasonable time off will be given in accordance with the policy and the legislation. Leave granted under these circumstances is not intended for any other purpose.

Paid special leave of up to 18 days per year may be granted for Civil and Public duties as defined by the Employment Act 1991.

Any leave in excess of 18 days will be unpaid (other than in exceptional circumstances) and must be agreed by a senior manager.

General Whitley Council Handbook: Section 3 – no specific provision – DHSS policy applies

IoM Civil Service Regulations: Section F – no specific provision. Unpaid leave may be granted.

Manual Workers Memorandum of Agreement: Article 19 – Leave of absence.

7.2 Time off for Trade Union Duties and Training to Trade Union Representatives

DHSS policy

Reasonable time off shall be granted as provided for by the terms and conditions of service for the representative.

General Whitley Council Handbook: Section 3 – Part 5 – no specific provision.

IoM Civil Service Regulations: Section H – Facilities for Government Officer's Association activities.

Manual Workers Memorandum of Agreement: Article 19 – Leave of absence.

7.3 Paternity Leave

DHSS Policy

Such leave may be made available at the time of birth, or if more helpful to the family after the birth. However any leave granted whether paid or unpaid must be taken within the eight weeks following the birth.

***NOTE** where there are no time scales in the terms and conditions of service the paternity leave should be taken within 8 weeks*

Where there are no provisions within the terms and conditions of service to paternity leave the department will grant paid leave of absence for a maximum of two days. In these circumstances any leave or absence requested in excess of two days should be taken as unpaid leave or annual leave.

General Whitley Council Handbook: Section 7 – Part 5 – Paternity Leave and Pay

IoM Civil Service Regulations: Section F – Compassionate, Paternity and Childcare.

Manual Workers Memorandum of Agreement: no provision. DHSS provisions apply.

7.4 Parental Leave

DHSS Policy

Employees who have parental responsibility for a child with a disability are entitled to 18 weeks unpaid special leave which may be taken up to the date of the child's 18th birthday. There is no limit on the number of weeks, which may be taken in any year subject to the overall limit of 18 weeks for each child.

General Whitley Council Handbook: Section 7 – Part 5 – Parental Leave. For clarity the following DHSS policy will apply on areas not covered by Section 7:-

- Employees are entitled to take up to 13 weeks' unpaid leave in respect of each child for whom the employee has parental responsibility. The entitlement is available until the child's 14th birthday.
- The leave can be for any purpose connected with the care of the child
- Normally no more than 4 weeks parental leave can be taken in any one year. Leave shall normally be taken in blocks of one week or multiples of a week but the period taken may be varied at management discretion.
- 21 days notice should normally be given of the intention to take leave together with the start and end date. The notice period may be reduced at management discretion if the reasons for the leave being sought preclude giving 21 days notice.

IoM Civil Service Regulations: Section F – no specific provision. Application for unpaid leave outside the specific provisions may be submitted.

Manual Workers Memorandum of Agreement: no provision. DHSS provisions apply.

7.5 Adoption Leave

An employee who is accepted to be an adoptive parent shall be entitled to rights that would mirror those for working parents.

If the DHSS employs both parents, the period of leave and pay may be shared. If one parent is identified as the primary carer then she/he should be entitled to the majority of the leave.

Where there are no provisions for adoption leave within the terms and conditions the allowance will be based on the maternity leave provisions in the employee's terms and conditions of service.

General Whitley Council Handbook: Section 7 – Part 5 – Adoption Leave

IoM Civil Service Regulations: Section F – Maternity and Adoption

Manual Workers Memorandum of Agreement: no provision. DHSS provisions apply.

7.6 Compassionate and Carer Leave

DHSS Policy

The aim of such leave is to provide a compassionate response to immediate needs. The leave will be essentially short term and normally with pay. The policy is designed to cover a wide range of needs which include bereavement of a close

relative; serious illness of a child, close relative or dependant; breakdown of normal carer arrangements; making arrangements for longer term care; coping with a care problem; and divorce proceedings.

For permanent or established employees the allowances are:-

Paid Leave:- up to three days' paid leave of absence may be granted and in cases of special hardship this may be extended to a maximum of one working week. Paid special leave granted for caring purposes will normally be limited to a maximum of 5 days per year. The allowance will apply to each case of bereavement.

Unpaid leave:- unpaid leave may be granted if a longer period of absence is needed. Normally this will not exceed 13 weeks. In addition alternative arrangements may be considered (eg a reduction in conditioned hours, flexible working etc), subject to operational needs being met.

Notes:

Examples of special hardship could be a bereavement or serious illness of a child necessitating off-Island travel.

For the purposes of this leave close relatives are:- Husband, wife, partner, mother, father, son, daughter, brother, sister, grandparents.

General Whitley Council Handbook: Section 7 – Part 5 – Leave/Time off for Domestic reasons.

IoM Civil Service Regulations: Section F – compassionate, paternity and childcare.

Manual Workers Memorandum of Agreement: Article 19 – Leave of absence: and Article 46 Compassionate leave.

7.7 **Appointments with a Doctor, Dentist or Optician**

DHSS Policy

Appointments Off Island – Where an employee has been referred by the Isle of Man Health Services for assessment off the Island on a day on which they would normally be scheduled to work they will be granted paid time off for the period of absence from work.

Appointments On Island – Where possible appointments to visit a doctor, dentist, hospital, optician etc. should be made in the employee's own time. Where this is not possible, paid time off will be allowed for occasional visits. For frequent absences (eg a weekly course of physiotherapy) paid time off is subject to management agreement.

General Whitley Council Handbook: no provision. DHSS provisions apply.

IoM Civil Service Regulations: Flexible working hours scheme. For clarification paid time off will be obtained by a credit under the flexi time system subject to the rules of the DHSS flexitime system.

Manual Workers Memorandum of Agreement: no provision. DHSS provisions apply.

7.8 **Island, Commonwealth and Olympic Games**

DHSS Policy

An employee who is selected to compete in the Island, Commonwealth or Olympic Games will be entitled to 5 days paid special leave.

Paid special leave will not be made available for competitors in other national or international sporting events

General Whitley Council Handbook: Section 3 – Part 5 – no specific provision - DHSS policy applies

IoM Civil Service Regulations: Section F – Participation in Sporting Events

Manual Workers Memorandum of Agreement: Article 19 – Leave of absence.

7.9 **Territorial and Auxiliary Forces**

DHSS Policy

Volunteer members of the Non Regular Forces who attend the 2 week Summer Camp shall be granted the 10 days' leave required as paid special leave where their normal annual leave allowance is 25 days or less. Where their annual leave allowance exceeds 25 days, the amount of special leave granted should be reduced by 1 day for each day the annual leave allowance exceeds 25 days;

Subject to the note below, leave with pay shall also be granted to members of the Non-Regular forces who are required to undertake training additional to attendance at Summer Camps and who are unable to arrange for such training to be on days when they are not normally working.

Under the Reserve Forces Act 1980 (an Act of Parliament) as it has effect in the Isle of Man, volunteers may be required to undertake training up to 16 days per annum (usually on Saturdays and Sundays). Territorial Army Units should be in a position to offer alternative dates and the onus is therefore on the employee to try to arrange for the training to be undertaken in off-duty time. If this is not possible, the employee should furnish alternative dates so that mutually acceptable dates may be found.

NOTE: an employee whose occupation means that they have a key civilian role in war (eg ambulance service) will need permission for management before joining the reserve forces. Any employee who wishes to join the reserve forces should advise their line manager before applying to check whether permission is required.

General Whitley Council Handbook: Section 3 – no specific provision - DHSS policy applies

IoM Civil Service Regulations: Section F – Territorial and auxiliary forces

Manual Workers Memorandum of Agreement: Article 19 – Leave of absence - no specific provision - DHSS policy applies.

7.10 **Lifeboat Crew, Civil Defence and Auxiliary Coastguards**

DHSS Policy

An employee may be a member of the RNLI, Civil Defence or Auxiliary Coastguards. However, the employee's availability for attendance during working hours may be restricted if this would reduce the service provided to the public by the Department. Any employee who wishes to join one of these services should first discuss this with their line manager to establish what the work time commitment may be and any limitations there will be on the grant of special leave.

Paid time off will not normally be given for absences from work to undertake duties or training in respect of the above organisations.

However, payment for up to 2 working days a year may be granted in exceptional circumstances at the discretion of senior management.

General Whitley Council Handbook: Section 3 – no specific provision - DHSS policy applies

IoM Civil Service Regulations: Section F – Lifeboat Crew, Civil Defense and Auxiliary Coastguards

Manual Workers Memorandum of Agreement: Article 19 – Leave of absence - no specific provision - DHSS policy applies.

7.11 **Retained Fire Fighters**

DHSS Policy

An employee may become a Retained Fire Fighter. However, the employee's availability for attendance during working hours may be restricted if this would reduce the service provided to the public by the Department. Any employee who wishes to join this service should first discuss this with their line manager to establish what the work time commitment may be and any limitations there will be on the grant of special leave.

Paid time off will not be given for absences from work to undertake duties as a Retained Fire Fighter.

General Whitley Council Handbook: Section 3 – no specific provision - DHSS policy applies

IoM Civil Service Regulations: Section F – Retained Fire Fighters

Manual Workers Memorandum of Agreement: Article 19 – Leave of absence - no specific provision - DHSS policy applies.

7.12 Jury Service

DHSS Policy

Any employee summoned for jury service shall be granted special leave with pay (any allowance paid to the employee as compensation for loss of earnings must be paid in full to the Department). Any allowance paid for travelling expenses and parking fees may be retained by the employee.

An employee receiving a summons to serve on a jury should inform his/her line manager immediately and complete a special leave request form

General Whitley Council Handbook: Section 3 – no specific provision - DHSS policy applies

IoM Civil Service Regulations: Section F – Jury service

Manual Workers Memorandum of Agreement: Article 19 – Leave of absence - no specific provision - DHSS policy applies.

7.13 Special Leave for Other Reasons

Employees may apply for special leave (normally unpaid) for reasons other than provided for in their terms and conditions of service. The decision on whether unpaid special leave will be granted rests with the postholders in the Table at Appendix 2. Any requests for paid special leave for reasons not covered by this policy are subject to agreement by the Chief Executive.

Such applications will be considered on an individual basis taking into account the reasons for the request, the impact of granting the request on the services provided by the Department etc.

General Whitley Council Handbook: Section 3 – no specific provision - DHSS policy applies

IoM Civil Service Regulations: Section F – Applying for Special Leave.

Manual Workers Memorandum of Agreement: Article 19 – Leave of absence - no specific provision - DHSS policy applies.

Appendix 1

**DEPARTMENT OF HEALTH AND SOCIAL SECURITY
APPLICATION FOR SPECIAL LEAVE**

Please complete this form to request paid or unpaid special leave under your terms and conditions of service and the DHSS policy on special leave. Further information on entitlement to special leave and submitting requests is given in the DHSS Special Leave Policy.

NAME	
POST	
DIVISION/SECTION/UNIT	

I wish to apply for the following period of **PAID / UNPAID (delete as appropriate)** special leave:-

DATE FROM : ____/____/_____
(first day of leave)

DATE TO: ____/____/_____
(last day of leave)

Number of working days/weeks (as appropriate) ____ days **or** ____ weeks

PLEASE IDENTIFY THE REASON FOR THE REQUEST BY TICKING THE APPROPRIATE BOX BELOW.

REASON FOR LEAVE	Tick	DETAILS OF INFORMATION REQUIRED (You must provide the relevant information in support of your request overleaf)
Civic and Public Duties		Type of duty. Date and times of attendance. Whether you will receive any payment for attending.
Trade Union duties Training		Reason for the request (training, Whitley meeting etc). Dates and times of attendance.
Paternity Leave		Date of child's birth and name.
Parental Leave		Reason for the request. The name and age of the child for which you have parental responsibility. Whether the application is in respect of a disabled child.
Adoption Leave		All documentation and information required by the terms and conditions of service.
Carer/Compassionate leave		Reasons for requesting the leave.
Other reason		Please specify the reason and provide the relevant information.

INFORMATION IN SUPPORT OF THE REQUEST

You must complete this box.

Please ensure that the information provided is accurate. The submission of false information for the purposes of obtaining special leave is a disciplinary offence.

Applicant's signature: _____ Date: _____

Agreed by:-

Manager's name: _____

Please identify the Employee's Terms and Conditions of service:-

NHS Whitley; IoM Whitley Manual Workers; Civil Service; NJC (ring appropriate terms)

Other (please specify) _____

Manager's signature: _____ Date: _____

Authorised by (if required under the policy)

Manager's name: _____

Manager's signature: _____ Date: _____

Once approval has been granted this form with copies of any other relevant documentation must be sent to the HR Directorate, Reayrt Carnane, Westmoreland Road, Douglas.

For HR use only: Tick as appropriate

Written confirmation issued	<input type="checkbox"/>	Date _____	Copied to Personal file	<input type="checkbox"/>	Date _____
Copy to Finance	<input type="checkbox"/>	Date _____	Copied to Superannuation	<input type="checkbox"/>	Date _____
Check Absence entered on Oracle	<input type="checkbox"/>	Date _____			

Appendix 2

Department of Health & Social Security

PROCEDURE FOR APPLICATION FOR SPECIAL LEAVE

TABLE

COLUMN A

COLUMN B

Post holder with authority to determine applications

Employees in respect of whom such authority is exercisable.

1. Chief Executive	1. All Directors and staff within the Chief Executive's Support Office
2. Director of Social Security	2. All employees whose salary votes form part of the Social Security Budget
3. Director of Health Strategy and Performance	3. All employees whose salary votes form part of the Health Service Budget
4. Hospital Manager, Deputy Hospital Manager	4. All employees whose salaries are provided for within the Hospital and Specialist Services Budget.
5. Primary Care Manager	5. All employees whose salaries are provided for within the Primary Health Care Budget.
6. Director or Deputy Director of Social Services	6. All employees whose salary votes form part of the Social Services Budget.
7. Director of Information Services	7. All employees whose salary votes form part of the Information Services Budget
8. Director of Human Resources	8. All employees whose salary votes form part of the Human Resources Budget
9. Director of Finance	9. All employees whose salary votes form part of the Finance Budget.
10. Director of Estates	10. All employees whose salary votes form part of the Estates Budget.