

# **SPECIAL LEAVE POLICY**

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# **Manx Care**

## **Special Leave Policy**

### **Policy Statement**

- 1.1. Manx Care recognises there may be occasions when employees need to take time off work for reasons that do not fall under normal leave provisions, such as annual leave or sick leave and that employees should have the confidence that special leave, with or without pay, may be granted at the discretion of management and in accordance with the operational needs of the service.
- 1.2. The purpose of special leave is to help an employee to balance the demands of their work, personal responsibilities and wellbeing.
- 1.3. The aim of this policy is to provide a framework that enables employees to request reasonable time off and for managers to consider such requests. Every application should be treated sympathetically and on its own merits.
- 1.4. This policy will be reviewed every 3 years, subject to changes prompting an interim review.

### **2. Scope**

This policy applies to all employees of Manx Care (permanent and temporary), excluding Civil Servants and Manual and Craft Workers whose terms and conditions are determined by the Public Services Commission (PSC).

### **3. Applying for Special Leave**

- 3.1. An application for special leave, whether paid or unpaid, should be submitted via PiP as far in advance as possible of the date of the first day of leave requested. If it is not possible to give advanced notice an employee must notify their manager/supervisor as soon as is reasonable practicable. This should normally be done within one hour of their work start time. The reason for the leave should be clearly stated.
- 3.2. To log on to PiP to apply for special leave click on this link – [https://pipforme.gov.im/tlive\\_ess/](https://pipforme.gov.im/tlive_ess/)
- 3.3. Records should be kept of all special leave taken, whether paid or unpaid on PiP
- 3.4. In determining whether special leave without pay should be granted,

managers should mainly have regard to the effect of such leave on the discharge of Manx Care services.

- 3.5 Accounting Officers, or their delegate, have discretion to approve additional periods of special leave in excess of the maximum allowances included in this policy in extenuating circumstances.

#### **4. Non-Working Days During Special Leave**

- 4.1 Any non-working day such as bank, public and privilege holidays, Saturdays and Sundays or rostered rest days occurring within a period of special leave should be treated as follows:

- a) **Special Leave with Pay** – any non-working day need not be reckoned towards any prescribed limit to the number of days which may be taken as special leave, therefore there is no entitlement to a day in lieu on return to duty.
- b) **Special Leave without Pay** – any non-working day need not be reckoned towards any prescribed limit to the number of days which may be taken as unpaid special leave, but no pay should be issued for such days.

#### **5. Reasons for Special Leave**

- 5.1 Urgent Personal Circumstances/Bereavement** – Periods of special leave with Pay will be granted up to a maximum of 10 days in any period of 12 months to deal with an emergency including urgent personal circumstances such as a bereavement or care of dependents to allow alternative care arrangements to be put in place.

- 5.1.1 To make arrangements for and attend the funeral of an immediate Family member up to a maximum of 3 days paid leave will be granted. For the purposes of this leave, a close relative is, husband, wife, partner, mother, father, son, daughter, brother or sister but there may be exceptions to this list.
- 5.1.2 To attend the funeral of another relative up to half a day of paid leave will be granted.
- 5.1.3 The amount of time to be granted will depend on individual circumstances e.g. the death of a close relative involving off-Island Travel may require a longer period of absence and may be extended up to 5 days. The allowance will apply to each case of bereavement up to the maximum of 10 days in any 12 month period.

#### **5.2 Parental Bereavement Leave**

- 5.2.1 Parental bereavement leave is time off to deal with the death of a child, If they die under the age of 18 or are stillborn after 24 weeks' pregnancy. Eligible parents may take up to 10 days paid leave in the 56 weeks following the child's death.

- 5.2.2 Those who are eligible for parental bereavement leave are:
- Biological parent
  - Adoptive parent, if the child was living with them
  - Person who lived with the child and had responsibility for them, for at least 4 weeks before they died.
  - Intended parent – due to become their legal parent through surrogacy
  - Partner of the child’s parent, if they live with the child and the child’s parent in an enduring family relationship.

### **5.3 On-Island Medical Appointments**

- 5.3.1 Appointments to visit a doctor, dentist or hospital should be made in Employee’s own time. An employee who is not subject to flexi-time and who wishes to be released from work during their normal working day for a routine appointment can request such time off. Appointments should be made as close as possible to the start or end of the working day. A manager should endeavour to meet the request and come to an agreement with the employee about making up the necessary hours.
- 5.3.2 Where there is no alternative and appointments are not available in an Employee’s own time, paid special leave of up to 5 hours in any 12 month period may be allowed for occasional visits. For frequent absences, such as a weekly course of physiotherapy, paid special leave will be subject to management agreement.<sup>1</sup>

### **5.4 Off-Island Medical Appointments**

- 5.4.1 Time off to attend off-Island medical appointments should be treated as paid special leave and not be recorded as sick leave, unless the employee is already on sick leave in which case the sick leave provisions will continue to apply.
- 5.4.2 This provision does not apply to time off for non-NHS elective surgery  
- See 5.6 below.
- 5.4.3 Employees who accompany dependents<sup>2</sup> to off-Island medical appointments will be granted paid special leave.
- 5.4.4 Periods of special leave with pay for off-Island medical appointments, for an employee to attend or for an employee to accompany a dependent, will be granted up to a maximum of 10 days paid special leave in any 12 month period. Alternatively, an employee may take the time as annual leave, flexi leave or time off in lieu.

### **5.5 Parental Leave**

Details of MPTC parental leave allowances can be found at <https://hr.gov.im/terms-conditions-for-employees/mptc/part-5-equal-opportunities/special-leave/>

1 Managers must be mindful of the rights of employees who are, or may be, classed as disabled under the Equality Act 2017 and the duty to make reasonable adjustments.

2 A dependent could be a spouse, partner, child, grandchild, parent, or someone who depends on an employee for care but is not an escort.

## **5.6 Bone Marrow Donors**

- 5.6.1 Employees who donate bone marrow should be supported to do so with a Period of special leave with pay.
- 5.6.2 An employee may be reimbursed for loss of earning up to a reasonable Level by the organisation which arranges bone marrow donations. In such cases the granting of paid special leave is subject to the employee undertaking to repay Government any reimbursement for loss of earnings in the same way that compensation is received for jury service is repayable under 5.12 below.
- 5.6.3 The time off work would be expected to be 3 to 5 days. Some form of Medical certificate for any absence in excess of 5 working days would be required. If the absence is for more than 10 days, the absence should be reviewed to determine whether it should be treated as sick leave as this would be well in excess of the expected normal recovery time from the procedure.

## **5.7 Non-NHS Elective Surgery**

- 5.7.1 Consideration has been given to the status of absences from work when Employees have chosen to undergo surgery of their own accord, for example vasectomy, female sterilisation, various types of cosmetic surgery etc.
- 5.7.2 The length of the absence will depend on the nature of the surgery and the circumstances of the employee. Therefore, management discretion will need to be exercised paying regard to the individual circumstances. But in the interests of consistency the following guidance may assist:
  - Where an employee produces a medical certificate advising that they should refrain from work; a statement from their doctor confirming the surgery is being carried out on medical advice or a certificate of hospitalisation, such absences should be treated as normal sick leave with pay.
  - Where the absence is of a short duration, e.g. less than 5 days, consideration should be given to the appropriateness of annual leave or special leave (either paid or unpaid) subject to any overall limits which may apply.
  - In the event that queries arise in regard to the status of absences, advice should be sought from the Office of Human Resources.

## **5.8 Fertility Treatment**

- 5.8.1 Employees who are following a course of fertility treatment are eligible for up to 5 days paid leave for fertility treatment in any period of 12 months.
- 5.8.2 If an employee requires additional time off they may take a period of

Annual leave, flexi leave or unpaid leave by agreement with their manager. Should an employee become ill as a result of or during fertility treatment, any absence should be treated as normal sick leave.

## **5.9 Contacting Welfare Officers**

personal Employees who are experiencing difficulties either at work or in their life may wish to contact one of the staff welfare officers. Where possible, this should be arranged in the employees work time and will be paid.

## **5.10 Time off for Public Duties**

5.10.1 Time off will be granted for public duties as provided by Section 39 of the Employment Act 2006 (previously Section 28 of the Employment Act 1991) to an employee who is:

- a Justice of the Peace
- a member of a local authority
- a member of any statutory tribunal
- a member of a hospital administration committee or
- a member of the managing or governing body of a school maintained by the Department of Education and Children

5.10.2 In addition, time off will be granted to an employee who is a member off:

- an RNLi lifeboat crew
- the Civil Defence
- the Auxiliary Coastguard

5.10.3 The maximum amount of paid time off in any period of 12 months will be 18 days and any such time will be subject to the reimbursement to Government of any fees received in respect of these Public Duties. There after any additional paid special leave will be at the discretion of the stationed employer based on operational need.

5.10.4 If approval is given for an employee to be a lay member of any public Body (as defined within [Payment of Members' Expenses \(Specified Bodies\) Order 2017](#) ) the above provisions in respect of time off and the reimbursement of fees will apply.

## **5.11 Retained Firefighters**

Paid time off will not be granted for any absences due to employment as a Retained Fire-fighter.

## **5.12 Jury Service**

5.12.1 An employee summoned for jury service under the Jury Act 1980 or Section 8 of the Coroners of Inquests Act 1987 shall be granted special leave with pay.



- 5.12.2 In these circumstances any allowance paid to the employee as compensation for loss of earnings that have not in fact been lost shall, on their return to work, be paid in full to Manx Care.
- 5.12.3 Where an employee is required to perform jury service on a day on which they were not scheduled to work (i.e. a weekend, rest day or during a period of leave) they shall be permitted to receive the juror's allowance paid to them in respect of that day.
- 5.12.4 Any allowance paid to an employee for travelling expenses and parking fees may be retained by them.
- 5.12.5 An employee receiving a summons to serve on a jury should inform their Manager immediately unless they are clearly ineligible or disqualified and have notified the Coroner (or his Lockman).
- 5.12.6 An employee called to any court or tribunal as a witness shall be granted paid special leave. An employee summons to court or tribunal should inform their manager immediately upon notification from the court or tribunal.

### **5.13 Trade Union Duties**

In the interests of good industrial relations, employees may apply for reasonable facilities time to undertake trade union duties and activities in accordance with individual agreements. A copy of the MPTC Facilities Agreement can be found [here](#).

### **5.14 Territorial and Auxiliary Forces**

- 5.14.1 Volunteer members of the Non-Regular Forces who:
- Attend the 2 week Summer Camp shall be granted 10 day's leave required as special leave
  - Subject to the note below, leave with pay shall also be granted to members of the Non-Regular forces who are required to undertake 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.
- 5.14.2 Under the Reserve Forces Act 1996 (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 and arrange for the training to be undertaken in off-duty time. If this is not possible, the employee should provide alternative dates so that mutually acceptable dates may be found.
- 5.14.3 Employees who are Cadets, Cadet Force Adult Volunteers and Instructors of non-regular forces personnel shall be granted 10 days of paid special leave in order to attend the non-regular forces Annual Camp.

### **5.15 Sporting Events**

- 5.15.1 An employee, who is selected to compete in the Olympic, Commonwealth or Island Games, should be granted 5 day's special leave, with pay to enable them to do so.
- 5.15.2 An employee who is both coach and carer to athletes who are selected to compete in the Paralympics, Special Olympics Winter and Summer will be granted up to 5 days paid special leave.
- 5.15.3 For clarity, this is in instances where the athlete would be unable to participate without the attendance of their coach, as the coach undertakes the role of carer in addition to that of coach.
- 5.15.4 These provisions are not extended to coaches of athletes who do not require such arrangements. These coaches are required to use annual, flexi or unpaid special leave if they wish to attend sporting events.
- 5.15.5 Special leave should not be made available in respect of other national or international sporting events, it being left to the employee concerned to make provision out of their annual leave.

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