

Compassionate and special leave procedure

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Document history

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1. Introduction

- 1.1 We recognise and value the welfare, skills and experience of employees and is committed to supporting employees with compassionate and special leave arrangements including approved absence for religious observance.
- 1.2 Managers have a responsibility to consider and respond reasonably and sensitively to all requests from an employee for compassionate and special leave or time off for religious observance. However, it must be appreciated that a manager's priority must always be to ensure effective service delivery.
- 1.3 This procedure sets out guidance surrounding granting time off for those employees who wish to undertake public duties (as defined within section 50 of the Employment Relations Act 1996).
- 1.4 The council acknowledges the valuable contribution that many employees make to enhance the community by performing volunteering activities (other than those public duties defined within section 50 of the Employment Relations Act 1996 and the Time off for Public Duties Order 2018). The council has a [volunteering scheme](#) which provides up to 2 days of paid time off for volunteering activities within the local community. If seeking additional time off for volunteering activities employees would need to use flexitime, time off in lieu, unpaid leave or annual leave. When considering requests for time off to carry out these extra duties managers must consider the impact on colleagues and service provision.
- 1.5 Employees may make more than one type of special leave request in any one leave year; however a manager has the right to refuse requests if services are adversely affected.
- 1.6 All types of leave referred to in this procedure can be booked by employees online on iTrent self-service by clicking on 'Other absence'. Requests get automatically forwarded to the line manager for approval. For employees who do not have easy access to iTrent, manual request forms are available via intranet download from managers.

2. Purpose

- 2.1 The purpose of this document is to outline the procedure to be followed and to ensure that all employees are treated fairly and equitably by the council.
- 2.2 It is not the intention that part-time staff should have more favourable leave, paid or unpaid entitlement than full-time staff. Periods of leave are granted on a pro rata basis; determined by the number of hours or days worked in relation to the normal working week.
- 2.3 The entitlements in this procedure include the statutory right to request reasonable time off.

3. Scope

- 3.1 This procedure applies to all employees other than staff in schools with delegated budgets. The position held by an employee within the council does not affect their right to access this procedure.
- 3.2 Employees who hold specified public positions have a statutory right under the Employment Rights Act 1996 to reasonable time off work to carry out their duties. This statutory right is not for paid time off. Where the council offers paid time off this will be clearly stated.
- 3.3 This procedure does not cover annual leave or flex leave that are contained in separate procedures.

- 3.4 This procedure does not cover maternity leave, paternity leave, neonatal care leave, adoption leave or shared parental leave as this is covered in the Maternity and Neonatal Care scheme, the Paternity scheme, the Adoption scheme and Shared Parental Leave scheme.
- 3.5 Paid time off for any other reasons will only be granted in exceptional circumstances and with the approval of the service director who oversees HR
- 3.6 Where qualifying service is required before accessing certain leave this will be stated, otherwise employees are entitled to access these provisions from the commencement of employment.
- 3.7 Where eligible leave amounts are quoted they, unless stated otherwise, relate to the maximum amount that may be taken in any single leave year. A leave year runs from 1 April until the 31 March.

4. Responsibility of employees

- 4.1 It is the responsibility of every employee wishing to apply for leave covered by this procedure to apply for and where possible obtain authorisation for that leave in advance.
- 4.2 Before making a request for special leave employees must consider the impact of the request on their colleagues and the council's ability to deliver its service priorities.
- 4.3 In all cases where unpaid leave is granted the employee has equal responsibility with Luton Council to ensure that the appropriate deductions are made from salary.
- 4.4 Any employee making false or inaccurate claims for leave or time off under this procedure may be subject to disciplinary action.

5. Extended annual leave

- 5.1 The scheme for extended leave would only apply to employees with at least one year's continuous service at the time of the request.
- 5.2 Extended leave applies where an employee wishes to take more than three working weeks away from the workplace on one occasion.
- 5.3 Extended leave should only be taken by prior agreement with the service manager; and except in cases of emergency or in exceptional circumstances, requests for extended leave should be made in writing at least six months prior to the date of commencement of such leave.
- 5.4 The employee should take at least three weeks from their annual leave entitlement (it should be noted that some employees will have annual leave entitlement in excess of four weeks) and the remainder may be given as unpaid leave. Carry over from one annual leave year to the next remains at a maximum five days (pro rata). However, if an employee wishes to 'bank' annual leave in excess of this, or time-off in lieu from the preceding months for this purpose only they may be able to, with the prior written agreement of their service manager.
- 5.5 Extended leave should only be allowed once in every three year period.
- 5.6 Extended leave should wherever possible be taken outside the main holiday periods for example July, August and Christmas.
- 5.7 The maximum period allowed for extended leave is six weeks.

- 5.8 If an employee who has taken extended leave is delayed in the country they have visited for any reason e.g. strikes (in either country), natural disasters, mechanical faults in transport, sickness etc they are required to maintain regular communication with their manager.
- 5.9 If an employee fails to return to work on the expected date due to sickness please refer to the council's sickness absence procedure.
- 5.10 The employee should be advised in advance that failure to return to work on the expected date will be considered a serious matter and may affect consideration being given to any future requests.

6. Bereavement leave

6.1 Family bereavement leave

6.1.1 Line managers are authorised to grant up to seven days paid leave of absence on the grounds of family bereavement in line with the following formula: (please see paragraph 6.2 for leave in relation to the death of a child).

- three days paid leave on the death of a member of the **immediate family** e.g. spouse, partner, parent, brother, sister or legal guardian. This is not an exhaustive list and sympathy and discretion should be used where other members of the family have a relationship that could be considered as immediate with the employee. For example where an employee has been brought up with or by other members of the family (grandparents/cousins)
- one days paid leave for other members of the **family** (e.g. grandparent, grandchild, aunt, uncle, cousin, niece, nephew, mother-in-law, father-in-law, brother-in-law, sister-in-law and partner's immediate family) to attend the funeral
- a further two days paid leave for any employee who as **next of kin** is required to make arrangements for the funeral, estate, etc (this does not need to be taken consecutively or in full days)
- when attending a funeral where there is **significant** travelling time sympathetic consideration should be given to granting a maximum of two additional days paid leave

6.1.2 Employees wishing to attend family funerals abroad must ensure that they have been granted compassionate leave before leaving this country otherwise the time will be considered as annual leave or unpaid leave.

6.2 Parental bereavement leave

6.2.1 Line managers are authorised to grant two weeks paid parental leave on the death of a child under the age of 18 or to parents who have suffered a stillbirth 24 weeks or more into pregnancy.

6.2.2 This entitlement will also be available to adults with parental responsibilities for children, who are not their birth parents, for example for adoptive parents, those who are fostering to adopt, legal guardians and most foster parents (except those in short-term fostering arrangements).

6.2.3 The leave must be taken in units of one week (it cannot be taken as individual days) – so it can be taken as a single block of two weeks, or two separate blocks of one week at different times.

6.2.4 The leave can be taken at any time up to 56 weeks from the date of the death of the child. (This timescale is deliberate as, for example, it would allow an employee to take leave at

the first anniversary of the child's death; and the bereavement leave can be added onto to the end of a 52 week maternity leave).

- 6.2.5 Bereavement leave can be taken straight away after the death of the child, and parents will not have to give notice to take the leave, within the first eight weeks. However an employee will need to tell us the reason for their absence, when their child died, and when they want the leave to start, and how much time they wish to take off (one of two weeks).
- 6.2.6 If this leave is not taken straight away, within the first eight weeks, (or all of it is not taken straight away), then an employee will be required to give one week's notice that they will be taking this leave.

6.3 Bereaved partner's paternity leave

- 6.3.1 Employees who suffer the bereavement of their child's primary carer (the child's mother, primary adopter, or primary carer in a surrogacy arrangement) will have a statutory right to Bereaved Partner's Paternity Leave (BPPL). This is a day-one right to take up to 52 weeks of unpaid leave to care for their child. Further details can be found in the Paternity scheme

7. Leave to care for sick dependants who are chronically sick or terminally ill

- 7.1 Service Managers are authorised to grant up to four weeks paid leave of absence to an employee needing to care for a chronically sick or terminally ill member of their immediate family (i.e. spouse, partner, child or parent). Consideration will be given to the effect on the family of not granting the leave and the difficulties this would create for the individual.
- 7.2. A chronic disease is a long-lasting condition that can be controlled but not cured.
- 7.3. The following points should be considered when determining the best way to support the employee
- the level of caring responsibilities required
 - the likely duration of the caring responsibilities
 - the prognosis of the chronically sick or terminally ill person
 - whether the family member is receiving hospice care
 - the geographical location of the person requiring care in relation to the employee
 - the level of support that can be offered by other family members.
- 7.4 Managers may seek such evidence as is reasonable to ascertain the full circumstances.
- 7.5 Consideration should be given to the use of any outstanding annual leave entitlement. Flexible working arrangements such as part-time working, working at home etc, which may assist continued employment, should also be considered where possible.
- 7.6 The Service Director with overall responsibility for HR will consider granting a further period of 3 months at half-pay following an examination of the circumstances.
- 7.7 A request should be made either using the 'Family related leave form' or via iTrent self-service.

8. Leave to care for dependant who is unexpectedly sick

- 8.1 It is not the intention of this procedure to grant leave under this heading for routine doctor's appointments, clinic appointments or routine childhood vaccinations or illnesses e.g.

chickenpox - these should be accommodated either by flexible working arrangements or by the taking of annual leave, flex leave or unpaid leave. This section of the procedure is for example intended to assist parents whose children are unexpectedly admitted to hospital (not a pre-planned admittance).

- 8.2 Line Managers are authorised to grant up to one week's leave of absence on full pay and one week's leave of absence on half-pay, following a full examination of the circumstances. A request should be made either using the 'Family related leave form' or via iTrent self-service.
- 8.3 Managers may seek such evidence as is reasonable to ascertain the full circumstances. Consideration may need to be given to the use of any outstanding annual leave entitlement.
- 8.4 Flexible working arrangements will also be considered where possible.

9. Urgent family leave

- 9.1 This is a provision allowing employees to take reasonable time off work (**unpaid**) to deal with certain unexpected or sudden emergencies and to make necessary longer-term arrangements relating to a **dependant** of the employee. Any employee wishing to access this part of the procedure should first check that the circumstances are not covered elsewhere in this document.
- 9.2 A dependant for the purposes of this procedure is defined as the husband, wife, partner, child (including child in foster care) or parent of the employee. It also includes someone who lives in the same household as a member of the family. In the case of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the person for assistance e.g. elderly relative or elderly neighbour.
- 9.3 Reasonable unpaid time off will be granted to help the employee cope with the initial crisis and to make longer term care arrangements.
- 9.4 This provision is for **unforeseen** matters. If an employee knows in advance that they require time off, they should ask for annual leave or flex leave in the normal way. It cannot be used to provide ongoing regular care for a dependant.
- 9.5 Employees are expected to contact their manager as soon as is reasonably possible and advise them of the reason for their absence and how long they will be off work. For all periods of absence a request should be made via iTrent Self Service, alternatively the 'Family related leave form' should be completed and passed for approval.
- 9.6 Even in emergency situations employees should not leave their place of work without advising someone with managerial responsibility for that service and without ensuring that their workplace is safe.

10. Carer's leave

- 10.1 Carer's leave is intended to be used for planned and foreseen caring commitments.
- 10.2 Employees can take up to one week of **unpaid** carer's leave in any 12 month period (1 April to 31 March) to care for, or arrange care for dependants with long term care needs. The amount of leave is determined by the employee's working pattern. For instance: If an employee usually works three days a week, they can take three days of carer's leave.
- 10.3 Employees can take the entire week off or use individual days or half days throughout the year.

- 10.4 If an employee needs to care for more than one person, they can only take one week of carer's leave, however, they can use this week for multiple dependants.
- 10.5 Dependants are defined as:
- a spouse, civil partner, child or parent of an employee
 - someone who lives in the same household as the employee (other than boarders, lodgers or tenants)
 - someone who reasonably relies on the employee to provide or arrange care
- 10.6 A dependant has a long term care need if any of the following apply:
- they have an illness or injury (physical or mental) that requires or is likely to require care for more than three months
 - they have a disability as defined in the Equalities Act 2010
 - they require care for a reason connected with their old age
- 10.7 Urgent family leave (section 9) should be used to cover general childcare responsibilities, unless the child has a long term care need in which case carer's leave can be used.
- 10.8 Requests for carer's leave can be made either via iTrent self service (the request is automatically forwarded to the employees line manager for authorisation), or where access to iTrent is limited, the 'Family related leave form' is available.
- 10.9 Managers should work on the basis that carers leave where requested will be approved. As long as the entitlement has not been exceeded managers cannot refuse a carer's leave request, however leave can be postponed where the manager considers that service delivery would be unduly disrupted. To postpone the leave period, the manager must provide a written notice within seven days of the request, explaining the reason for the postponement and the revised dates on which employee can take leave. The employee must be allowed to take the requested leave within one month of their original request.
- 10.10 Employees are encouraged to discuss with their line manager any known leave needs relating to their caring commitments to help them plan work and other leave arrangements. We recognise that employees may need a longer period of time off work that goes beyond the statutory entitlement. There are a number of other ways that carers can be supported in the workplace. Options that may be considered include temporary reduced hours, homeworking, part time working, term time working, shift swapping, compressed hours, utilising annual leave, flexi, TOIL, or buying additional annual leave.

11. Fertility treatment

- 11.1 The council will allow female employees, with advance permission, up to a maximum of 10 days paid leave and up to five days paid leave for partners. Additional unpaid leave may also be requested.
- 11.2. All requests for leave for fertility treatment/investigation should be made either via iTrent self-service or by completing the 'Family related leave form'. If any appointment cards are available, copies should be attached to this form.
- 11.3 Any sickness incurred because of fertility treatment will be recorded as normal sickness absence and will be recorded in accordance with the council's sickness absence procedure. Women who become sick during pregnancy should refer to the council's sickness absence procedure.

12. Maternity support leave

- 12.1 Line managers are authorised to grant up to five days (one working week) paid maternity support leave to employees who are the nominated carer of an expectant mother at or around the time of the birth. (This amount to be pro-rated for part time employees.)
- 12.2 A request should be made either using the 'Family related leave form' or iTrent self-service.
- 12.3 A nominated carer is the person nominated by the mother as their **primary** provider of support at or around the time of the birth; this could be the baby's father, a relative or someone who has a caring relationship with the mother and/or the child. Before any leave is granted a copy of the mother's certificate of expected childbirth - Form MAT B1 will be required as will a letter from the mother outlining the reasons and circumstances why the employee is going to be the primary carer.

13. Leave for attending antenatal appointments

- 13.1 The right to unpaid time off to attend two antenatal appointments exists for the child's father or the partner of a pregnant woman. The unpaid time off is limited to six and a half hours for each appointment. A request should be made either using the 'Family related leave form' or iTrent self-service.
- 13.2 Employees making this request must confirm that they are either
- the expectant mother's spouse, civil partner or partner
 - the child's father
 - a surrogate parent of the child

They must also confirm

- that the purpose for the time off is to accompany the expectant mother to an antenatal appointment
 - that the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered nurse the date, time and location of the appointment
- 13.3 Reasonable requests for unpaid time off should not be refused, however, the needs of the service must come first.
- 13.4 Pregnant women have the right to reasonable paid time off to attend antenatal care and this is covered in the Maternity scheme.

14. Parental leave

- 14.1 Employees are entitled to parental leave from their first day of employment with Luton Council.
- 14.2 The parents (or adoptive parents) of children who are under 18 years old have a statutory right to apply for parental leave.
- 14.3 All requests must be made either via iTrent Self Service or by completing the 'Family related leave form'.
- 14.4 Both mothers and fathers can apply for parental leave providing they are named on the child's birth certificate or have parental or guardian responsibility under the law (as defined by Section 3 of the Children's Act 1989). The parents of a child do not have to be living with the child to qualify.

- 14.5 Parental leave can only be taken to care for the child or to make arrangements for the good of the child.
- 14.6 The entitlement to parental leave is 18 weeks (in total) **unpaid** leave for **each** child.
- 14.6.1 A maximum entitlement of four weeks unpaid leave per year minus any paid entitlement that may have been obtained for a similar purpose under other sections of this procedure (a year is a twelve-month period commencing when an employee first becomes entitled to take parental leave in respect of an individual child). Managers will also consider requests from employees who may wish to extend their maternity leave for a period not exceeding four weeks. However, the granting of such requests will be dependent on the exigency of the service. If parental leave is granted following a period of maternity leave, this period will not count towards the required return to work period of three months for occupational maternity pay purposes.
- 14.6.2 To be normally taken in one-week blocks at any one time (one week's parental leave is the equivalent to the length of time that an employee is normally required to work in a week. Where working patterns vary, the average working week will be calculated as a fraction for the period he/she is required to work in a year) with the exception for parents of disabled children who can take leave in days. However, in exceptional circumstances, and subject to managerial approval, consideration will be given to grant parental leave to be taken in half days at a time or in a pattern providing a reduced working week for a set period.
- 14.6.3 To be taken after the employee has given a minimum of seven calendar days' notice unless the employee is in an emergency, and it can be justified to the Service Manager. Even in these circumstances the employee should not commence a period of parental leave before obtaining consent, and ensuring that their workstation/place is as safe as reasonably possible before leaving it.

Wherever possible requests for parental leave will be facilitated. However in exceptional circumstances and for operational reasons, the council may need to postpone approval for parental leave for a period not exceeding six calendar months. A postponement of parental leave may not happen where parental leave has been requested immediately after childbirth or immediately after placement for adoption.

15. Neonatal care leave and pay

- 15.1 Neonatal care leave and pay is designed to support new parents of babies who are admitted into neonatal care.
- 15.2 Neonatal care leave: Parents can take up to 12 weeks of leave if their baby needs neonatal care for at least seven consecutive days within 28 days of birth. This leave is in addition to other family leave entitlements like maternity or paternity leave and is applicable from day one of employment with the council.
- 15.3 Neonatal care pay: Eligible employees can receive statutory pay during their neonatal care leave. To qualify you must have at least 26 weeks of continuous employment and meet minimum earnings requirements.
- 15.4 For detailed information on eligibility and how to apply refer to the 'Maternity scheme and neonatal care scheme' on the intranet.

16. Disability leave

- 16.1 The council will allow a reasonable amount of disability leave **both paid and unpaid** to employees who have a disability as defined under the Equality Act 2010.

- 16.2 Where the requirements of this policy are met the council will consider up to 20 instances of disability leave within a leave year (April to March) as reasonable. An instance may be for a short period, for example an hour to enable an employee to attend a local appointment, up to one day maximum. Employees are required to specify the duration when requesting leave.
- 16.3 The ability to take disability leave follows a diagnosis of a condition that has been identified as a disability under the Equality Act 2010. Investigatory medical appointments are not covered.
- 16.4 All applications for disability leave should be booked and agreed in advance using either iTrent Self Service or the 'Health related leave form'. Requests for more than 20 instances of disability leave in a single leave year must be referred to the service director for decision. In exceptional circumstances, disability leave may be granted retrospectively.
- 16.5 Employees can only take disability leave **when they are well**. Disability leave is not a substitute for sick leave.
- 16.6 When considering what is reasonable the manager will take into account the needs of the service, the individual employee needs, the proposed duration of the treatment, the consequences to the employee of leave not being granted, the location of the appointment or treatment and the frequency of the appointment or treatment.
- 16.7 Disability leave is available for rehabilitation, ongoing assessment or treatment.
- 16.8 The following predictable absences would qualify
- Physiotherapy
 - Hydrotherapy
 - occupational therapy
 - hospital appointments with consultants
 - medical investigative procedures such as colonoscopy, endoscopy, x-ray, scans, MRIs
 - radiology
 - chemotherapy
 - cardiac and other rehabilitation
 - guide dog training
 - sign language training
 - individual counselling
 - group therapy sessions
 - cognitive behavioural therapy
- 16.9 Wherever possible, the employee should try to make appointments either early or late in the day or at the start or end of a shift to minimise disruption to the working day.
- 16.10 Some examples of disability leave are as follows – appointments with psychiatrist, cognitive behavioural therapy, group or individual counselling, art therapy. These types of sessions may be for one - two hours duration over a 12 week period. Regular assessments could be covered by disability leave e.g. someone who has been diagnosed with cancer may be expected to have regular six monthly or annual checks. Time off to attend the appointment could be granted. Types of treatment that may be suitable for disability leave could be a course of chemotherapy or radiotherapy treatment. The time for the treatment could be recorded as disability leave.

- 16.11 Any sickness taken as a result of an individual's disability (or as a result of treatment) will be recorded as sickness absence and will be recorded in accordance with the council's sickness absence procedure in most cases as "sickness (disability related)".
- 16.12 As with all reasonable adjustments disability leave should be regularly reviewed to ensure it is appropriate and relevant.

17. Cancer screening

- 17.1 Paid time off will be granted for the purpose of cancer screening. Requests for paid time off have to be made in advance via iTrent self-service or the 'Health related leave form'.

18. Blood, stem cell and bone marrow donation

- 18.1 Paid special leave will be granted to volunteer bone marrow donors when they are called into hospital, for a period of up to one week in any one year.
- 18.2 Paid special leave will be granted to volunteer stem cell donors once matched and called to donate. Donation will be collected in one of two ways for which paid time will be given. If through bone marrow donation 16.1 will apply. Alternatively if donation is through peripheral blood stem cell collection paid time of up to three days will be granted in any one year.
- 18.3 Employees who are blood donors will be granted reasonable paid time off during their normal working hours to attend a local donor centre, such as that located in St Georges Square, Luton. However, before attending, employees must check the time of their intended visit with their managers. Employees are expected to time their visits to cause minimum disruption to their working hours
- 18.4 For plasma and platelet donation, where possible managers will facilitate employees' attendance in their own time e.g. lunchtime or flex time.
- 18.5 A request should be made either using the 'Health related leave form' or iTrent self-service.

19. Religious observance

- 19.1 Managers have a responsibility to respond reasonably and sensitively to any requests from an employee regarding their cultural or religious needs in accordance with the Equality Act 2010.
- 19.2 It is the policy of the council that managers will whenever possible enable employees to participate in their religious festivals and their regular religious observance including attending prayers. Managers should use the discretion available within the rules for granting annual leave, time off in lieu, flex time and unpaid leave to facilitate these requests. However, it must be appreciated that managers must always ensure the effective delivery of service.
- 19.3 Managers should as a matter of practice speak to their employees at the commencement of the leave year, or when an individual joins the department, to ascertain their religious leave requests, if any, for the coming year.
- 19.4 When employees seek approval for absence for a religious festival, the following must apply
- managers should give serious consideration to these requests
 - managers must consider the flexible use of time off in lieu, e.g. by either allowing employees to build up time off for a religious festival by accruing and taking flex time - this to be in accordance with the flex time scheme

- where flex time arrangements are not available to employees, managers should ensure that employees are able to take their normal days off wherever possible in order to celebrate religious festivals through the adjustments of rotas
- a further option is for the employee to be granted unpaid leave at the manager's discretion

19.5 When employees seek approval for regular unpaid time off for religious observance e.g. attending prayers, managers should give serious consideration to the request. The following will apply

- where an employee requests time off at a particularly busy time or at a time when the employee's absence would otherwise cause difficulties for the business or their department, or where the amount of time off requested is unreasonable or excessive (taking into account the needs of the business), the council reserves the right to refuse to grant some or all of any of the time off requested
- if the flexi system is in operation, the employee can flex in and out - they do not need to record the time as time off to pray and they do not need to document how this time will be made up; however, the rules of the flexi scheme will need to be complied with
- where flex time arrangements are not available to employees, managers should consider whether it is possible to adjust working patterns so that breaks can be granted at times that coincide with an employees need for religious observance or rotas could be adjusted
- employees may make an arrangement to take time off for religious observance and agree with their manager the arrangement for making up the lost time
- it is the council's policy to endeavour to grant employees reasonable time off during working hours for religious observance insofar as this is possible and practicable, taking into account the needs of the business and whether or not such arrangements might cause disturbance or disruption to other members of staff and/or their work or work patterns

20. Fasting

20.1 Management and colleagues should recognise the importance of fasting for the individual.

20.2 Managers should consider the following in order to support colleagues

- flexibility in relation to starting and or finishing time
- the opportunity to work reduced lunch hours in order to facilitate an amended start or finish time above (a minimum break of 20 minutes has to be taken if the employee works for more than six hours.)

21. Study leave

21.1 Employees undertaking approved qualification programmes, are expected to be given reasonable paid time off to attend workshops, lectures and/or seminars, and to sit examination. Additionally, up to 3 days' study leave per learning year may be granted to prepare for exams, complete assignments or portfolios, or for other course work. Further details are in the corporate learning and development procedure.

22. Time off for interviews

- 22.1 Internal candidates will be given paid time off to attend interviews within the council. The time off allowed will include reasonable travelling time, the interview itself and any tests as prescribed by the interview process.
- 22.2 The employee must inform their line manager and request this time off before attending any interview or test so that the line manager can give permission and arrange cover as appropriate. The employee should also bear in mind that the demands of the service must be paramount. Time off is not allowed in retrospect.
- 22.3 Interviews with another local authority – the council will permit employees on two occasions a maximum of two days paid leave for each selection process. The maximum is four working days per annum. Any further days will have to be taken as annual leave, time off in lieu or flex leave where applicable. Proof of interview will be required before time off is granted.
- 22.4 Interviews with any other employer - Time off to attend interviews with any other employer including other public sector employers (e.g. the Civil Service, NHS, will have to be taken as annual leave, time off in lieu (TOIL) or flex leave (if applicable). If the employee has insufficient leave left as set out above, then they can request unpaid leave to attend the interview. The line manager may agree to this if the demands of the service permit it and on condition that the employee provides evidence of interview.

23. Time off for public duties (member of a local authority, governors, magistrates)

- 23.1 The definition of public duties is contained in the Employment Rights Act 1996 Section (50) (1). It covers a number of duties including; member of a local authority, member of a statutory tribunal, monitoring board of a prison, member of a managing or governing body of an educational establishment maintained by a local authority, or of an academy within the council's boundaries, and magistrates.
- 23.2 The council will allow an employee, with their line manager's advance permission, to take paid leave, to carry out public duties according to the rules detailed below.
- 23.3 Member of a local authority - up to five days paid leave will be granted to carry out the duties of a member of a local authority. Any time requested over five days must be taken as flexi, annual leave, TOIL or unpaid leave.
- 23.4 Employees who are a member of a managing or governing body of an educational establishment maintained by a local authority (as defined in section 579(1) of the Education Act 1996) are able to take up to three days paid leave as time off for public duties. This is to undertake duties during the normal working day, e.g. panels, school visits, interviews etc. Any time requested over three days must be taken as flexi, annual leave, TOIL or unpaid leave.
- 23.5 Employees who are magistrates (Justices of the Peace) will be granted up to 13 days paid leave. Any additional time that is required will need to be taken as flexi leave, annual leave, TOIL or unpaid leave.
- 23.6 For any other public duty not specifically mentioned above (member of a local authority, governor or magistrate) a maximum of five days paid leave will be granted.
- 23.7 As with any request for time off from work the request for time off to undertake public duties should be made in advance and agreed by the line manager subject to the impact on

service delivery. A request should be made either using the 'Public duties leave form' or via iTrent self-service.

- 23.8 When considering requests the council should take into account whether the attendance is vital to the decision making ability of that authority or body.
- 23.9 Note: Individuals may through their own choice undertake more than one public duty; however, the council will allow a maximum of five days paid leave to undertake all public duties with the exception of magistrates who may have 13 days paid leave. For example an employee who is a governor and a member of a statutory tribunal may take three days to undertake governor duties and a further two days paid leave to carry out other additional public duties. Magistrates may take 13 days paid leave to perform their magistrate duties and are not allowed any further time off if they carry out additional public duties e.g. being a governor. Any requests for time off in excess of the allowed time has to be taken as flexi leave, annual leave, TOIL or unpaid leave.

24. Probation boards, court boards, youth offending panels, board members of registered social landlords and tenant management organisations

- 24.1 Employees who undertake or wish to undertake one of the above activities or similar are able to take unpaid leave. This is to undertake duties during the normal working day, i.e. panels, interviews etc.

25. Attendance at statutory tribunals

- 25.1 If attending a statutory tribunal on behalf of the council this will be in normal working time and therefore paid.

26. Volunteers in the criminal justice system who monitor conditions of those in custody

- 26.1 Employees undertaking these duties during their normal working day are covered by the Time Off for Public Duties Order 2018 which grants unpaid time off.
- 26.2 A request can be made either using the 'Public duties leave form' or via iTrent self-service.

27. Election duties

- 27.1 Paid leave will be granted to allow employees to undertake official duties at Luton Council elections or referenda subject to service requirements. (Unpaid leave will be granted where employees undertake this role for other councils.)
- 27.2 A request can be made either using the 'Public duties leave form' or via iTrent self-service.

28. Jury service

- 28.1 Employees must inform their manager of the summons to serve on a jury as soon as they receive their notification. They will be granted paid leave to attend. The employee must claim the allowance payable under the Jurors Allowance Regulations and this amount will be deducted from pay.
- 28.2 A request can be made either using the 'Public duties leave form' or via iTrent self-service.

29. Attendance at court as a witness

- 29.1 Employees attending magistrates or crown court, on behalf of the council, or who are cited as a witness on behalf of the council will attend court in working time. Witness fees paid to the employee (less travel and subsistence expenses) must be paid to the council.
- 29.2 Employees attending under other circumstances (including a familiarisation visit) will be granted unpaid leave. Employees can claim the relevant amount in respect of any loss in earnings from the person citing them. In these circumstances, this amount does not have to be paid to the council.

30. Special constables

- 30.1 Employees wishing to undertake duties as a special constable and/or attend agreed training can take reasonable unpaid time off, annual leave or flex leave, as agreed with their line manager and subject to service requirements. It is anticipated that this will be kept to a minimum as training and shifts are generally conducted at weekends and evenings.

31. Community emergency services

- 31.1 Retained fire fighters will be granted unpaid leave to attend emergencies during working hours.
- 31.2 A request should be made either using the 'Public duties leave form' or via the iTrent self-service form.

32. Reservists

- 32.1 There are two different types of reservists; regular and volunteer.
- 32.2 Regular reservists are former full-time members of the armed forces. They may still be liable for call out for a number of years after their military service has ended, depending on their age, length of original service and the skills they have.
- 32.3 Volunteer reservists are called out to supplement the regular forces whenever operational demands require it. If they are mobilised, they'll carry out the same roles as their regular counterparts. They also receive the same training and develop the same skills.
- 32.4 There are three reserve forces consisting of
- the Maritime Reserve, made up of the Royal Naval Reserve (RNR) and the Royal Marines Reserve (RMR);
 - the Royal Air Force Reserves and
 - the largest of the Reserve Forces the Territorial Army (TA).
- 32.5 All volunteer reservists are required to commit to training. For the majority of them, this is around 30 days a year, made up of some midweek evenings, some weekends and one 15 day continuous training period (annual camp). They receive payment from the MOD for all time spent training and on exercise.
- 32.6 Subject to the needs of the service, unpaid leave will be allowed to attend the annual 15 continuous days training camp. Time off to attend other training or duties must be requested in the normal way using annual leave, flex leave or unpaid leave. A request should be made either using the 'Public duties leave form' or via iTrent self-service.

- 32.7 In the event that employees, who are reservists (either regular or volunteer reservists), are called up (mobilised) for a period of full time service, please contact HR for further advice and guidance.

33. Annual camps, youth activities and sporting events

- 33.1 An employee who wishes to attend an annual camp for organisations such as Guides, Scouts, Sea Scouts, and Army Cadets etc or to participate in a national or international sporting event may request and may be granted unpaid leave. Employees may choose to use their annual leave, flexi leave or TOIL to take part in any of the above activities.
- 33.2 A request should be made either using the 'Public duties leave form' or via iTrent self-service.

34. Grievances and appeals

- 34.1 Where an employee feels that he/she has been unfairly treated in respect of this procedure, he/she will have a right of appeal under the grievance resolution procedure.

35. Forms

- 35.1 Some compassionate and special leave forms cover more than one type of leave. Below is what is contained in these forms. All forms are available on iTrent self-service. Where iTrent self-service is not available then a manual form is available off the intranet.

Family related Leave form

- Leave to care for dependant who is chronically or terminally ill
- Leave to care for dependant who is unexpectedly sick
- Urgent family leave
- Carers leave
- Fertility treatment
- Maternity support leave
- Leave for attending antenatal appointments
- Parental leave

Health Related Leave form

- Disability leave
- Cancer screening
- Blood, stem cell and bone marrow donation

Public Duties Leave form

- Member of local authority
- Governor duties
- Magistrate
- Volunteers in criminal justice system
- Election duties
- Jury service
- Special constables
- Community emergency services
- Reservists
- Annual camp, youth activities and sporting events