

Time Off & Special Leave Policy

We will provide this policy on request at no cost, in large print, in Braille, on tape or in another non written format.

Time Off and Special Leave Policy

POLICY PURPOSE AND APPLICABILITY

This policy provides advice and guidance to managers and employees of CUBE on the various rights and entitlements to time off from their work duties in particular circumstances (either paid or unpaid). This policy incorporates the statutory requirements and also sets out situations where enhanced (occupational) provisions apply.

This policy applies in respect of all CUBE employees. It does not apply to agency workers or the self-employed.

CUBE seeks to promote equality and diversity. The Group acknowledges that there will be occasions when employees will need to request official leave for domestic and personal matters, or are required to be absent from their work duties for essential civil and public duties. There will also be occasions where it will be in the interest of CUBE to grant time off, for example to enable employees to attend training courses. However, from a work perspective, the Group will also consider the business needs; primarily the provision of services to customers.

Therefore, CUBE aims to strike a reasonable balance between customers' service delivery and the genuine needs of employees to be absent from their work duties.

This policy applies to requests for leave and covers:

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Time off and the leave provisions outlined above are in addition to those contained within [CUBE – Family Friendly Policy](#). For example, Maternity Leave (including Time off for Fertility Treatment) and Adoption; Surrogacy, Paternity Leave and Parental Leave. The Family Friendly Policy also covers Time Off for Dependants.

Where possible, employees are encouraged to discuss annual leave and special leave requests with their line manager. When considering special leave requests,

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managers will be mindful that each individual circumstance will vary and this will be reflected when a decision is made.

Note: Out of all of the above leave provisions only Annual Leave forms part of the employees' contract of employment. All applications for leave will be considered sensitively and with the appropriate levels of confidentiality. However, in deciding whether or not to grant requests, line managers will take operational circumstances into account, and while every effort will be made to accommodate leave requests wherever possible, there may be occasions when requests will be declined.

Annual Leave and Special Leave is available to all employees, however, where an employee's duties are less than full-time hours (35 hours) or compressed hours, they will have their leave calculated on a pro-rata basis based on the actual weekly hours of work.

Employees are reminded that if they conduct any work activities out-with any of the organisations within the Wheatley Group, while on special leave or during time off for a specific purpose; or if they submit applications for special leave or time off for a specific purpose which are made on a false basis, this may constitute a breach of their contract of employment. Should this be the case, the employee may be subject to CUBE disciplinary procedures, up to and including a final written warning.

For additional policies relating to time off please see the [CUBE - Policy on Hours of Work, Overtime, Related Allowances and Flexible Working Arrangements](#).

In addition to the above time off provisions, CUBE is committed to the principle of the right balance between work and family commitments. CUBE recognises that there are mutual benefits to flexible working arrangements implemented. With this in mind Wheatley Group has launched W.E benefit which provides employees the option to purchase additional leave. The key principles of this scheme are detailed in [Section B – W.E Benefit - Purchased Leave Scheme](#).

All annual / special leave requests which have been granted and authorised by the employee's line manager will be recorded accordingly on CUBE systems.

SECTION A – ANNUAL LEAVE AND PUBLIC HOLIDAYS

Annual leave is an important part of work-life balance and therefore CUBE seeks to ensure employees are able to take the paid leave to which they are entitled.

The aim of this section of the policy is to provide employees with their annual leave and public holiday entitlement during their employment with CUBE.

This section of the policy applies to all CUBE employees. Employees qualify for paid annual leave from the first day of their employment with CUBE. However, special rules are in place with regard to annual leave during the employees first year of employment which is explained in detailed below.

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Holiday Leave Year

The annual leave year runs from 01 January to 31 December.

Annual Leave Entitlements

The annual leave provisions for full-time (Mon-Fri) employees are provided in the table below:

Per year of employment	Annual leave	Public Holidays
	28 days	13 days

The annual leave provisions for those on a 4on / 4off shift pattern is provided in the table below:

Per year of employment	Annual leave	Public Holidays
	19.5 days	13 days

All annual leave and public holiday entitlements for part time, role-share, condensed hours will be calculated on pro-rata basis, based on the number of hours agreed in the individuals' contract of employment.

Alternatively, an employee can contact Employee Relations for a calculation of their annual leave entitlement.

Employees with Protected Annual Leave Entitlement

Employees who have been allocated with an annual leave entitlement, which is more than that detailed in the table above, will be entitled to have their annual leave entitlement protected.

CUBE will seek written confirmation from the previous employer validating their employee's annual leave entitlement.

New starts

For employees who commence employment part way through CUBE holiday year (such as after 01 January), their annual leave entitlement will be calculated on a pro rata basis for that holiday year and confirmed to them in writing in their contract of employment.

There are a number of provisions that CUBE stipulate in respect of when and how employees use their annual leave entitlement further information can be found on the Group's Intranet.

Full time hours reduced to part-time / role-share or condensed hours

A full time employee is entitled to 28 days' annual leave plus 13 public holidays. Should an employee during the holiday year change their working hours from full time hours (35 hours per week) to a job-share position of 17.5 hours per week or

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condenses their work duties from a 5-day week to a 4-day week still carrying out their work duties in 35 hours, will have their annual leave entitlement calculated on a pro rata basis.

Carryover of leave / holiday

In very exceptional circumstances, where due to business circumstances an employee is unable to take their full annual leave entitlement in a holiday year, an appropriate authorising manager may agree to carry any outstanding leave into the next holiday year or, in exceptional circumstances, may make a payment for untaken leave. It is normally expected that if there is an agreement to carryover outstanding annual leave that this must be taken before 31 March.

This is different for employees who fall sick just before or during the leave year (details are provided later in this section of the policy).

Payment in lieu of annual leave

Managers cannot buy out employees' annual leave entitlement during a current leave year, such as giving the employee a cash substitute (except on termination of employment - see below for details).

Applying for annual leave

Agreement to take annual leave should be obtained from the employee's line manager prior to booking a holiday. Where possible, an employee should inform their line manager of any planned holidays at the start of the holiday leave year in order that preferred dates may be accommodated.

CUBE is committed to ensuring that, providing that requests are applied for in time, all employees will be allowed to take 2 consecutive weeks between May and September.

The Working Time Regulations (WTR) states that there are special provisions in place relating to the timing of annual leave. The provisions essentially give CUBE certain options as to the scheduling of employees leave, which are as follows: -

The line manager is entitled to require employees to give adequate notice in advance of requesting annual leave. CUBE takes a more flexible approach and recognises that employees may need to take annual leave at short notice. CUBE feel that it is important to promote a healthy life balance and therefore where the service delivery / line manager can accommodate an annual leave request it will normally be granted.

Refusing an annual leave request

Where an employee has given notice to their line manager requesting annual leave on specific dates, the line manager may refuse the dates requested for the following reasons: -

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- The requested time off would cause serious inconvenience to CUBE and / or the line manager's department.
- A lack of resources within the department, as other employees may have already requested annual leave for the same period. The requested time off would result in inefficiency and reduced customer service.
- The employee has requested the time off at short notice not allowing the line manager adequate time to arrange alternative cover.
- The employee has repeatedly requested short notice annual leave which is now having a detrimental impact on the team.

The line manager should always explain the reasons to their employees why an annual leave request has not been granted in a considerate way. The line manager out of courtesy should agree with the employee a suitable alternative date when an annual leave request can be accommodated.

Holiday pay

When an employee is on holiday they are entitled to be paid, this is calculated on the employees' normal rate of pay. An employee will not see any difference to their salary statements.

Accrual of annual leave during periods of absence

When an employee is absent from their work, for example on maternity or paternity leave, their annual leave entitlement continues to accrue.

Accrual of annual leave during periods of sickness absence

When an employee is absent from their work on account of sickness, their contract of employment with their employing organisation remains in force irrespective of whether the employee is receiving statutory or enhanced sick pay. Therefore, it follows that an employees' annual leave entitlement continues to accrue as normal, during all periods of sickness absence, whatever the employees' length of service. Line managers are encouraged to do one of two things when an employee is off sick for all or a substantial part, of the holiday year: -

1. The employee may commute a period of their sickness absence into paid annual leave. The employee must agree to this and cannot be required to take their annual leave during a period of sickness absence.
2. Grant the employee time to take the annual leave entitlement that they have accrued on return to work, whether it is in the current holiday year or the following one.

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Accrual of annual leave / public holidays during periods of long term sickness absence

Where *long term sickness prevents an employee taking the minimum 28 days of combined annual leave / public holidays (as stipulated in the Working Time Regulations) then the balance of this (28 days minus the number of days taken) will be automatically carried forward to the next holiday year. This balance will be pro rata for CUBE employees who carry out duties on part time, a role-share or condensed hour's basis. This is dependent on employees complying with [CUBE – Sickness and Absence Management Policy](#).

***Note:** CUBE classifies long term sickness as 20 days or more.
Employees who fall sick just before or during annual leave

If an employee falls sick before or during a period of pre-arranged annual leave then, in accordance with legislation, the period covered will be treated as sick leave, allowing the employee to take the annual leave at another time; provided that the reporting and certification requirements have been met. Employees must report sickness absence in accordance with [CUBE – Sickness Absence Reporting Procedures](#).

Employees **will** be entitled to an additional day off, if they have reported in sick on a public holiday.

If a period of sickness occurs during annual leave, employees will receive their normal basic pay, which would include any normal allowances as if they had been present carrying out their work duties.

Annual leave entitlement in relation to family friendly leave provisions

During maternity leave (to which, all pregnant employees are entitled, regardless of length of service), the employees' contract of employment with their employing organisation remains in force for all purposes except remuneration. Therefore, annual leave entitlement continues to accrue throughout the entire period of maternity leave (which is up to 52 weeks).

Employees who take adoption leave or additional paternity leave are also entitled to the benefits stipulated in their contract of employment (except for normal salary). Line managers should apply the same principles when managing their annual leave.

Holiday entitlement on termination of employment with their employing organisation

When an employee terminates their employment part-way through the holiday year (for any reason), they will be entitled to be paid for any annual leave accrued but not taken as at the date of termination of employment with their employing organisation. This will be the case even if the employee has been dismissed for gross misconduct.

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Where annual leave has been taken in excess of the entitlement outlined in this section, then outstanding monies will be deducted from the employees' final salary on termination of employment.

Taking holiday during the notice period

When an employee gives notice to terminate their employment (normally by a resignation) or if an employee is dismissed there will be a notice period which will depend on the employees' continuous service, unless for gross misconduct (see table below).

Continuous Service	Period of Notice
Up to 4 years	4 weeks
4 years and over	1 week for each complete year of continuous service, up to a maximum of 12 weeks

CUBE prefer employees to carry out their work duties during their notice period, however, recognise that it may be convenient to pay the employee in lieu of notice, resulting in the employees' effective date of termination of employment being brought forward. Where pay in lieu of notice is given, the line manager will bear in mind that holiday entitlement will accrue up to the date that the notice period (had it been concluded) would have expired.

There are a number of options that line managers can choose to implement to handle untaken annual leave during the notice period: -

Option 1:

An employee may on request, take some or all of their outstanding holiday entitlement during the notice period, subject to their line manager approving.

Option 2:

The line manager has the right to require the employee to use up outstanding annual leave entitlement during the notice period.

Option 3:

Any pre-arranged (and approved) annual leave dates will be honoured but no further holiday will be permitted during the notice period due to operational demands.

Option 4:

Employees may not be able to take annual leave during their notice period as their presence at their work will be needed to ensure an effective handover to another employee and / or to find suitable cover.

Option 5:

The line manager will consider requests for annual leave during the notice period, however there is no guarantee that such requests will be granted.

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Holiday entitlement on conclusion of employment

The contract of employment may naturally conclude and the remainder of the employee's annual leave / public holiday entitlement will be confirmed to the employee.

Payment of outstanding annual leave

When an employee leaves CUBE (either through resignation or termination), CUBE will make a payment in lieu of notice of any annual leave and public holidays that the employee has accrued during the current holiday year (January to December), that the employee has not taken.

The untaken annual leave entitlement will be calculated pro rata, based on the number of days that the employee has carried out work duties, as a proportion of the total number working days (not calendar days) in the leave year.

For example, CUBE holiday year runs from January to December, a full time employee is entitled to 28 days' annual leave who resigns from CUBE at the end of September having taken 11 days' annual leave out of the current years' entitlement, will have at the date of termination, 10 days' outstanding holiday due.

Recovering holiday pay

Where the total leave taken exceeds the total entitlement at the time of leaving, a deduction for the balance will be made in the employees' final salary payment.

In the unforeseen and unfortunate event, where an employee dies during their employment with CUBE and where the annual leave entitlement already taken exceeds the outstanding entitlement, no action will be taken to recover monies owed.

SECTION B – W.E BENEFIT – PURCHASED LEAVE SCHEME

The additional annual leave salary sacrifice scheme ("the scheme") allows you to take additional holidays under a salary sacrifice arrangement. Under the terms of the scheme you can opt to take up to 5 additional days leave by sacrificing some of your basic salary.

The number of additional days you wish to purchase divided by the number of days worked in a year multiplied by your gross annual salary.

You will save tax and National Insurance Contributions (NIC) on the salary you sacrifice, as additional leave days do not attract income tax or NIC.

If you wish to take part in the scheme, you will need to complete and sign the [W.E Benefit – Purchased Leave Application Form](#), stating how many additional days' leave you wish to take (maximum of 5 days, pro-rata for part-time, job-share or condensed hours). This form will have to be approved by your line manager before the salary sacrifice arrangements can commence. Your manager will inform payroll if your application to take advantage of the scheme is approved.

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Important note: Please read the Group's intranet pages under W.E Benefit for the procedures on how this scheme operates before applying ([W.E Benefit – Purchased Leave Scheme Factsheet / FAQs](#)).

SECTION C - TIME OFF FOR MEDICAL, OPTICAL AND DENTAL APPOINTMENTS

Medical / dentist appointments

To minimise the working time required, employees should make every effort to arrange medical, optical and dental appointments out-with working hours. However appropriate time off with pay will be granted for such treatment.

The employee must get permission from their line manager on each occasion if they are unable to get an appointment outside of their normal working hours. The employee must ask the manager as soon as the appointment is made and the line manager may ask to the appointment card / letter, confirming the procedure. Should an employee fail to comply with this, the time off may be unpaid, treated as unauthorised absence and possibly a misconduct issue, in accordance with [CUBE's – Disciplinary Policy](#).

Medical treatment / preventative medical assessment

Employees are entitled to take a reasonable amount of paid time off for attending necessary medical treatment and preventative medical assessment.

The employee must get permission from their line manager on each occasion. The employee must ask the manager as soon as the treatment / assessment is made and the line manager may ask for the appointment card / letter, confirming the procedure. Should an employee fail to comply with this, the time off may be unpaid, treated as unauthorised absence and possibly a misconduct issue, in accordance with [CUBE's – Disciplinary Policy](#).

If an employee has to attend regular appointments for continuing treatment they should talk to your line manager and outline the circumstances. If necessary, contact Employee Relations for advice.

Occupational Health

Occupational Health appointments will be accommodated with normal pay during work time, wherever possible.

Employees who have a disability covered under the Equality Act may have the right to paid time off for health/medical/treatment appointments, if agreed and confirmed as a “reasonable adjustments” by our Occupational Health professionals.

For information on antenatal appointments please see the [CUBE's – Family Friendly Policy](#).

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SECTION D – TIME OFF FOR DOMESTIC EMERGENCIES

CUBE recognises that employees from time to time experience unforeseen emergencies at home, such as a flood, boiler break down, fire or burglary. This section of the policy, which applies to all employees, is intended to allow those who experience genuine domestic emergencies to take a reasonable amount of time off from their work duties to deal with the emergency. This policy does not apply to planned events such as domestic repairs, refurbishment, building or trades work, installation of appliances, home deliveries etc. (which could be as a result of the initial emergency situation).

In the event of a domestic emergency arising during normal working hours, the employee should notify their line manager as soon as it is reasonably practicable (either face to face if the employee is present at their work or otherwise by telephone), explaining the nature of the emergency and how much time off the employee thinks they will need. The line manager will usually authorise paid (normal pay) time off.

Once the immediate emergency has been taken care of, the employee is expected to return to their work. The line manager may also use their discretion and authorise time off, which may be as annual leave, flexi-time, time off in lieu or time to be made up later. This will be at the line manager's discretion and the employee will be expected to make any time up within a reasonable and agreed time scale. Whilst doing so, the employee will not be eligible to claim overtime.

However, the management of such requests will be at the discretion of the line manager who has the empowerment to make a decision using their professional judgement, on a case by case basis. Therefore, each case will be treated individually and can be influenced by elements like the amount of authorised leave previously granted or personal circumstances. This will not normally exceed 2/3 days' absence.

Alternatively, the absence may be unpaid.

Employees must complete and submit a CUBE – Special Leave Form, available to download from the intranet and is subject to the agreement and authorisation of the line manager.

Should an employee fail to comply with this, the time off may be unpaid, treated as unauthorised absence and possibly a misconduct issue, in accordance with CUBE's – Disciplinary Policy.

For time off for dependants please refer to the CUBE's – Family Friendly Policy.

DOMESTIC VIOLENCE AND ABUSE

CUBE condemns domestic violence and recognises it is both unacceptable and a criminal offence. CUBE is committed to the welfare of its employees and seeks to support and assist any employee who is experiencing problems related to domestic violence and abuse. It also aims to raise awareness of domestic violence and develop a culture where domestic violence is recognised as intolerable.

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Definition

For the purposes of this policy the term domestic violence refers to:

“any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender sexuality” (Home Office 2004)

Compared with men, women are more likely to experience domestic violence at some point in their lives, more likely to experience repeated victimisation, more likely to be injured and need to seek medical help. Research has also highlighted that women are also more likely to experience frightening threats and more likely to be frightened (Home Office and Women’s Aid). However, CUBE understands that violence and abuse is also experienced within same sex relationships, by men and woman partners and by parents from children. This section is therefore applicable whatever the nature of the relationship.

CUBE also recognises that domestic violence exists in all social classes, racial ethnic, religious and cultural; groups and that it can be experienced at any age and irrespective of factors such as sexuality, marital status and disability. However, CUBE appreciates that all these factors can affect a person’s experience of seeking help and success in protecting themselves and their children from domestic violence.

It may appear that domestic violence is a personal matter and nothing to do with CUBE. However, for those experiencing domestic violence will affect their whole lives, including their work duties and overall performance.

In the event of domestic violence and abuse

If an employee is being abused by someone, there are provisions for emotional support, both inside and outside of their working hours. For advice and guidance an employee can talk to their **line manager**, or to one or more of the contacts listed below:

- <http://www.scottishwomensaid.org.uk/>
- **Free phone 24-hour National Domestic Violence Helpline - 0808 2000 247**
- **Scottish Woman’s Aid - 0800 027 1234**

An employee can contact Women’s Aid Advice Centre any time of the day and night, whether an employee just wants to talk things over or needs specific help and advice. They can access emergency accommodation or outreach support services and provide emotional support or practical advice and information about any issue related to domestic violence (including legal, housing, and financial and child contact issues).

- <http://www.broken-rainbow.org.uk> – support for lesbian, gay, bisexual and transgender (LGBT) people experiencing domestic violence
- <http://www.southblacksisters.org.uk> – provides advice and information on domestic abuse, racial harassment, welfare and immigration, primarily for Asian, African and African-Caribbean women

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- <http://www.mankind.org.uk> – the Men’s Kind Initiative is a national charity that provides help and support for male victims of domestic abuse
- <http://www.mensadvice.org.uk> – the Men’s Advice Line offer practice advice, information and support to male victims of domestic abuse as well concerned friends and families
- <http://www.bawso.org.uk> – Black Association of Women Step Out are a specialist agency which can provide culturally sensitive and appropriate information and services to black and other minority ethnic groups
- <http://www.refuge.org.uk> – Refuge is one of the largest single providers of specialist accommodation and services to women and children escaping domestic violence

Wheatley Group Domestic Abuse Policy

The Group Domestic Abuse Policy explains the definition of domestic abuse and details our approach in tackling this issue. The policy can be found on the Group’s Intranet; the link to the policy is [here](#).

Trade Unions

An employee can also contact their trade union for support and advice.

Counselling and Support from Occupational Health

CUBE is concerned about their employees’ health, safety and welfare and will therefore respond in an effective, confidential and sympathetic manner to any employee disclosing they are experiencing domestic violence. CUBE appreciate that domestic violence and abuse can be a difficult time for employees and that they may like to speak to someone in confidence.

All CUBE employees have access to Counselling and Support via our Employee Assistance Programme. Details of our current provider can be found on the Group’s intranet or by contacting the Employee Relations team.

In the event that emergency leave is granted as a result of an employee experiencing domestic abuse or violence or the line manager suspects that the employee has experienced domestic violence, the employee must be referred to Occupational Health and/or CUBE assistance programme.

Time off for domestic violence and abuse

An employee may need to take time off to attend counseling sessions or court hearings or to make alternative living arrangements as a result of domestic violence and / or abuse. CUBE will usually authorise leave with normal pay, for one day. This may be extended on a paid or unpaid according to the circumstances agreed by your line manager.

The amount of leave will be based on what is reasonable and necessary with the information that the line manager has available to them at that particular time. This is not expected to normally exceed two or three days.

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The line manager may also use their discretion and authorise additional time off, which may be as annual leave, flexi-time, time off in lieu or time to be made up later. This will be at the line manager's discretion and the employee will be expected to make any time up within a reasonable and agreed time scale. Whilst doing so, the employee will not be eligible to claim overtime.

However, the management of such requests will be at the discretion of the line manager who has the empowerment to make a decision using their professional judgement, on a case by case basis. Therefore, each case will be treated individually and can be influenced by elements like the amount of authorised leave previously granted or personal circumstances.

Alternatively, time off may be unpaid.

Line managers will be expected to treat the matter with sensitivity and with the appropriate level of confidentiality, to support employees throughout this difficult situation

Contact during emergency time off for domestic violence and abuse

The employee should keep their line manager updated as to the likely duration of their absence, unless it is agreed otherwise. If an employee would like to take more time off than originally advised, they must contact their line manager as soon as practicably possible.

Refusing a request for emergency time off for domestic violence and abuse

We will not unreasonably refuse a request for emergency time off for domestic violence and abuse. If you think your request has been unreasonably refused, you should discuss this with your line manager, in the first instance.

SECTION E – COMPASSIONATE / BEREAVEMENT LEAVE

Compassionate / bereavement leave is an additional benefit offered by CUBE.

Line managers may grant up to 5 days paid compassionate / bereavement leave at their discretion. This entitlement will be pro-rata for part-time / role-share / shift employees and for any individuals on fixed term contracts.

W.E Benefit update September 2013

From September 2013 managers have the discretion to grant up to a further 5-days bereavement / compassionate leave, this would allow the employee additional time to organise personal matters. This however is not a given entitlement and will depend on each situation.

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However, the management of such sensitive matters will be at the discretion of the line manager who has the empowerment to make a decision using their professional judgement, considering exceptional personal circumstances and sensitivity. Therefore, each case will be treated individually and will not be judged on a previous precedent.

Compassionate leave may be taken in full days or part days and there is no qualifying service for this benefit.

Compassionate leave may be granted during a life threatening illness such as a heart attack or stroke, the final stages of a terminal illness or after the death of a family member. It can be used to support an employee some time for grieving or adjust to a situation arising from an immediate relative or to allow an employee time off to make funeral arrangements, as well as to attend a funeral of a close relative or as a representative of Wheatley Group. Compassionate leave may also be granted if an employee is the executor of a will.

An employee may request compassionate / bereavement leave to make the arrangement for, and to attend the funeral of a close relative. The length of time granted would depend on the circumstances, such as distance that needs to be travelled and the involvement the employee has in making any necessary arrangements, including those who are executors of wills.

Please note: the updated W.E Benefit Scheme (September 2013) provides a full days' bereavement leave to attend a funeral for close family members.

CUBE defines:

- Immediate relatives as spouse, partner, civil partner, child (including step child if living at the same address as the employee), grandchildren and parents.
- Close relatives as stepchildren (if living at a different address), grandparents, brother or sister. Close relatives in this context also include aunts, uncles or cousins (*Updated W.E Benefit Scheme - September 2013*).

A CUBE - Request for Special Leave Form must be completed and submitted to the employees' line manager, if reasonable giving as much notice as practicably possible and stating the reason for the request.

The line manager will treat the request with the appropriate confidence and sympathetically whilst balancing the needs of CUBE service delivery and customer excellence commitment, when considering the application.

In all cases of compassionate / bereavement other options at short notice may be considered and discussed sympathetically with the employee such as annual leave (including flexi leave) or unpaid leave.

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SECTION F – PUBLIC DUTIES

CUBE recognises that under the Employment Rights Act 1996 individuals who hold certain public positions have a statutory right to reasonable unpaid leave during working hours to carry out certain public duties.

Although, CUBE is under no obligation to grant paid leave for public duties, CUBE is committed “*Making homes and lives better*” and believes that their employees matter. CUBE recognises the valuable skills gained by employees holding such positions and will grant paid time off (normal basic pay) during normal working hours for employees wishing to carry out such duties.

Eligibility

Employees who are members of the following bodies are eligible for special leave:

- Magistrates
- Members of the local authority
- Members of a police authority
- Members of any statutory tribunal
- Members of a health body*
- In England and Wales, members of the managing or governing body of an educational establishment maintained by a local education authority and members of the governing body of a further or higher education corporation;
- Members of a school council or board, a college of further education or the governing body of a central institution or a designated institution (Scotland).
- Members of the General Teaching Councils for England and Wales
- Members of the Environmental Agency or the Scottish Environmental Protection Agency;
- In England and Wales, members of the boards of prison visitors, and in Scotland, prison visiting committees;
- Members of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad.
- Members of Scottish Water or a Water Customer Consultative Panel.

*A relevant health body is:

- ↑ A National Health Service Trust established under Part 1 of the National Health Service and Community Care Act 1990 or the National Health Service (Scotland) Act 1978;
- ↑ A NHS Foundation Trust;
- ↑ A Strategic Health Authority or Health Authority established under section 8 of the National Health Service Act 1977, a Special Health Authority established under section 11 of that Act, or a Primary Care Trust established under 16a of that Act.

Notification of membership of a relevant body / public duty

New starts with any of the organisations within the Wheatley Group who already hold a position within a relevant public body, or employees’ who take up such a position

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should provide written notification to their line manager. The employee must also notify their line manager in advance of any public duties for which they may wish to take leave.

Time off for “Relevant” Public Duties

The Employment Rights Act 1996 provides reasonable time off for employees’ undertaking the following “relevant” duties:

- ↑ Attendance of meetings of the body or any of its committees or sub-committees
- ↑ Performance of duties approved by the body for the purpose of discharging its functions or those of any of its committees or sub-committees

In the case of local authorities operating executive arrangements:

- ↑ Attendance at meetings of the executive or its committees
- ↑ Performance by a member of the executive of duties for the purpose of discharging the functions of an executive

Pay arrangements for Public Duties

Under the Employment Rights Act 1996 there is no entitlement to pay whilst an employee takes time off for Public Duties. However, CUBE acknowledges the benefits that relevant public bodies have on the community and supports employees who hold a position with a relevant public body. Therefore, an additional benefit is offered by CUBE to undertake these duties as provided below:

Type of duty	Time off	Paid / unpaid
↑ Position of responsibility (e.g. Magistrate / Justice of Peace or Children’s Panel)	13 days or 26 half days per annum (pro-rata for part time staff)	Paid with the option to extend or agree alternative

Note: It is acknowledged that an employee who is allocated Magistrate / Justice of Peace duties will have to be in court at least 13 days, or 26 half-days a year per year. Further information can be found in link below.

<https://www.gov.uk/giving-staff-time-off-for-magistrate-duty>

Any reasonable leave requested in excess of the above allocated benefit will be subject to the line manager’s authorisation, who has the discretion and empowerment to make a decision using their professional judgement, on a case by case basis. Therefore, each case will be treated individually and can be influenced by elements like the amount of authorised leave previously granted or the nature / reason of the request.

The line manager may use their discretion and authorise time off, which may be to extend paid time off or as annual leave, flexi-time, time off in lieu or time to be made

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up later. This will be at the line manager's discretion and the employee will be expected to make any time up within a reasonable and agreed time scale. Whilst doing so, the employee will not be eligible to claim overtime.

Alternatively, the absence may be unpaid.

An employee may claim a loss of earnings allowance at a set rate from the Court for Magistrates duty. For further information, please click on the link below:

<http://www.magistrates-association.org.uk/allowances>

Applying for Special Leave – Public Duties

Employees should give their line manager at the very least a ***minimum of 1 weeks' notice*** of any duties for they wish to take leave. Where this is not possible leave granted will be at the discretion of the line manager.

Employees must complete and submit a CUBE – Special Leave Form, available to download from the intranet and is subject to the agreement and authorisation of the line manager.

Should an employee fail to comply with this, the time off may be unpaid, treated as unauthorised absence and possibly a misconduct issue, in accordance with CUBE's – Discipline Policy.

Reasonable leave will be assessed by the line manager who will utilise the following criteria:

- ↑ How much time off is required overall to perform the duties and how much time off is required to perform the particular duty in question?
- ↑ How much time off the employee has already been granted for such activities?
- ↑ The operational requirements of the department and business as a whole
- ↑ Impact of the employees' absence

Note: when deciding whether or not to grant requests, line managers will take all of the above into account, and while every effort will be made to accommodate leave requests wherever possible, there may be occasions when requests will be declined.

SECTION G – JURY SERVICE

CUBE will grant paid time off (at normal basic pay) for employees who receive a summons for jury service to attend court unless they are granted exemption from attendance.

As soon as the employee receives notification that they are required to attend court they should inform their line manager. This will also ensure that, where necessary, arrangements can be made to cover their absence.

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Pay arrangements during Jury Service

The Jurors' Allowance Regulations provide for individuals serving as jurors to claim an allowance for loss of earnings, up to a maximum daily amount. Prior to commencing Jury Service, the Court Service will provide the employee with a "Loss of Earnings" form. The employee should pass this form to CUBE - Payroll who will confirm the daily pay of the employee and complete the "Loss of Earnings" form for the appropriate amount. Payroll will attach the CUBE claim form to be submitted together with the loss of earnings form to the court. This form is sent to the Payroll for deduction of loss of earnings only.

When the employee has completed their jury service, the court will supply the employee with a cheque for loss of earnings and expenses. The court will forward to Payroll the CUBE Claim Form for deduction of loss of earnings only and the appropriate monies will be deducted from the employees' salary.

This ensures that neither the "Group" nor the employee benefit or suffer a loss as a result of Jury Service. Should an employee fail to comply with this, and subsequently claims for loss of earnings and benefits during this period of leave, this issue may be treated as receiving fraudulent wages and possibly a gross misconduct matter, in accordance with [CUBE's – Discipline Policy](#).

Attending work during Jury Service

During the period in which an employee is attending court as a juror, they will be expected to attend their work on any full day when they are not required in court.

Where an employee is not required in court for part of the day, they will be expected to attend their work if it is reasonably practicable for them to do so (for example, taking into account travel from the court to their work or vice versa).

Keeping in touch during Jury Service

An employee who is required to attend court for Jury Service must keep their line manager informed on a daily basis and advise how long they may be required for.

Additional information is available from the link provided below to the government website:

[Jury service - GOV.UK](#)

Should an employee or line manager have any queries not covered in the above they should contact Employee Relations.

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SECTION H - WITNESS DUTY OR COURT APPEARANCE

There are four occasions when an employee may be required to attend court and be absent from their secondment, namely;

1. A call to Jury / Court Service (detailed in [Section H – Jury Service](#))
2. Appointment as a Magistrate / Justice of the Peace (detailed in [Section G – Public Duties](#))
3. A request to attend court for witness duty or as a representative for any of the organisations within the Wheatley Group or as a result of a personal matter
4. On their own behalf

CUBE will grant paid time off (at normal basic pay) for employees who receive a summons to attend court unless they are granted exemption from attendance.

As soon as the employee receives notification that they are required to attend court they should inform their line manager. This will also ensure that, where necessary, arrangements can be made to cover their absence.

Pay arrangements during witness duty or court appearance

Prior to attendance, the Court Service will provide the employee with a “*Loss of Earnings*” form. The employee should pass this form to CUBE - Payroll who will confirm the daily pay of the employee and complete the “*Loss of Earnings*” form for the appropriate amount. Payroll will attach the CUBE claim form to be submitted together with the loss of earnings form to the court. This form is sent to the Payroll for deduction of loss of earnings only.

When the employee has completed their witness service, the court will supply the employee with a cheque for loss of earnings and expenses. The court will forward to Payroll the CUBE Claim Form for deduction of loss of earnings only and the appropriate monies will be deducted from the employees’ salary.

This ensures that neither the “Group” nor the employee benefit or suffer a loss as a result of witness duty. Should an employee fail to comply with this, and subsequently claims for loss of earnings and benefits during this period of leave, this issue may be treated as receiving fraudulent wages and possibly a gross misconduct matter, in accordance with [CUBE – Discipline Policy](#).

Note: *Court appearance on own behalf*

An employee appearing in court on their own behalf is required to use their annual leave, flexi-time, time off in lieu or time to be made up later. This will be at the line manager’s discretion and the employee will be expected to make any time up within a reasonable and agreed time scale. Whilst doing so, the employee will not be eligible to claim overtime.

Alternatively, the absence may be unpaid.

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Attending work during witness duty or court appearance

During the period in which an employee is attending court, they will be expected to attend their work on any full day when they are not required in court.

Where an employee is not required in court for part of the day, they will be expected to attend their work if it is reasonable practicable for them to do so (for example, taking into account travel from the court to their work or vice versa).

Additional information is available from the link provided below to the government website:

<https://www.gov.uk/going-to-court-victim-witness/print>

Should an employee or line manager have any queries not covered in the above they should contact Employee Relations.

Employment Tribunals

Employees who are required to attend an Employment Tribunal relating to their duties with any organisations within the Wheatley Group may be given reasonable time off with pay (at normal basic pay) to attend the Employment Tribunal. This covers employees who are called as witnesses, including those who are required to attend in relation to submissions on behalf of any of the organisations within the Wheatley Group.

SECTION I - TIME OFF FOR VOLUNTEER RESERVISTS

Volunteer Reservists cover members of the Royal Naval Reserves, the Royal Marine Reserves, the Territorial Army and the Royal Auxiliary Air Force.

There are two main pieces of legislation which CUBE is obliged to comply with:

1. The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85) provides Reservists who have a liability to be mobilised with two types of protection:
 - *Protection of employment: The Act provides protection from unfair dismissal and makes it a criminal offence to terminate a Reservist's from their role without their consent solely or mainly because he or she has a liability to be mobilised; and*
 - *Rights to reinstatement: The Act provides a legal right to reinstate the Reservist to their former role, subject to certain conditions.*
2. The Reserve Forces Act 1996 (RFA 96), sets out the call-out powers under which Reservists can be mobilised for full-time service.

Time off for training

- In order to help employees who are also members of the Volunteer Reserve Forces (VRF) fulfill their training commitments, CUBE will grant 5 days' paid leave per leave year for attendance at VRF summer camps and training

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exercises. This paid leave is at normal basic pay and in addition to the member of staff's normal annual leave entitlement.

- Any additional time off required in relation to VRF training should be taken from the employees' normal holiday entitlement. Alternatively, unpaid leave may be granted.
- Employees should request time off for VRF training purposes by completing and submitted a CUBE – Special Leave Form to their line manager, to ensure that they give reasonable notice of any time off requested.

Mobilisation

Reserve Forces may be mobilised on a voluntary or compulsory basis. In instances of voluntary mobilisation, CUBE is required to give consent before employees can be released from their secondment. Where call up is compulsory, CUBE cannot refuse.

Notification of Voluntary / Compulsory Mobilisation

Employees who are called up for service should notify their manager as soon as possible irrespective of whether they are compulsorily mobilised or they volunteer. The Ministry of Defence stipulates that they should be able to give a minimum of 2 weeks' notice.

- On being called up for full-time military service, the employee should notify their line manager of this as soon as possible, and provide them with a copy of the 'Call-out for Mobilisation' notification letter. The line manager should then notify the Employee Relations of the required leave.
- Employees will be granted time off when they are called up for active duty, unless their absence would cause obvious or significant harm or seriously affect the service delivery to any of the organisations within the Wheatley Group. In which case, the Group may apply for an exemption or deferral of the mobilisation.
- Any time off granted in relation to full-time active military service will be without pay and all employment benefits will be suspended for that period*. The employee will be compensated for loss of earnings and secondment benefits by the Ministry of Defense (MoD).
- Employees should ensure, where possible, that any holiday entitlement accrued during the current leave year is taken prior to the mobilisation in order that this is not lost.
- Within 14 days of having been notified of the required leave of absence, CUBE will write to the employee confirming the arrangements and setting out the contractual implications.

***Mobilisation and pension contributions**

Where the employee is a member of a pension scheme, Mobilised Reservists are entitled to remain a member of their occupational pension scheme provided that they continue to pay their contributions to the scheme. In these circumstances the MoD

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will pay the employer contributions that would have been made by the employees' substantive employer.

Returning to work following mobilisation

Under the Reserve Forces (Safeguard of Employment) Act 1985 CUBE is obliged to re-engage employees within 6 months of the end of military service in the role in which they were previously employed and on a contract of employment that is no less favourable than those they would have been entitled too had the employee not undertaken the period of service. The right to re-instatement applies to reservists called up under a compulsory order and to reservists who resign in order to volunteer for military service.

The following conditions apply:

- Providing that the employee applies for reinstatement, they will be able to return to the same role if available and if this is not possible they will be able to return to a suitable alternative position with any of the organisations within the Wheatley Group on terms that are not less favourable as they were on when they were last seconded.
- In line with the Ministry of Defence guidelines, where an employee wishes to be reinstated they must notify CUBE in writing no later than the 3rd Monday after the last day of mobilisation, and must state the date they can return to their work, which should be no later than the 6th Monday after the end of mobilisation. The Group will then ensure that the individual is reinstated as soon as reasonably practicable from the date specified in the individuals' reinstatement letter.

Additional information

For more information on the process of mobilisation including claiming costs for recruiting a temporary replacement and applying for a deferral, please refer to the SABRE website: <http://www.sabre.mod.uk>

SECTION J – TIME OFF FOR STUDYING / TRAINING

Since the 1st September 1999, employees aged 16 or 17, who left full time secondary or further education without having attained a prescribed "standard of achievement" have a legal right to be permitted a reasonable amount of paid time off to enable them to pursue studies or training leading to "relevant academic or vocational qualification". That same right extends to 18-year old employees who began their studies or training before their 18th birthday.

The right to be granted a reasonable amount of paid time off for study or training extends to only those employees who left school without achieving Level 2 qualifications which are defined in detail in the Regulations and includes:

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- 5 GCSE A*-C
- Intermediate GNVQ
- NVQ Level 2
- Edexcel BTEC First Certificate/First Diploma
- City and Guilds Diploma of Vocational Education at Intermediate Level
- Scottish Equivalents

The awarding bodies which are recognised as national qualification awarding bodies are the only ones which are acceptable. In other words, by law 16/17 year olds have the right to study for qualifications which are recognised as having national standing.

The Regulations list the awarding bodies in greater detail but they include:

- GCSE and GNVQ awarding bodies
- NVQ awarding bodies
- National Entry Level Qualifications awarding bodies
- Scottish Qualifications Authority
- SVQ awarding bodies

Applying for Special Leave for training

Employees should inform their line manager that they wish to take leave for training. Leave granted will be at the discretion of the line manager.

Employees must complete and submit a CUBE – Special Leave Form, available to download from the intranet and is subject to the agreement and authorisation of the line manager.

Should an employee fail to comply with this, the time off may be unpaid, treated as unauthorised absence and possibly a misconduct issue, in accordance with CUBE – Discipline Policy.

Also, if the employee is absent from their work duties due to training or study leave but does not attend a college or other training establishment when expected they may be liable to disciplinary action in respect of any unauthorised absence.

Time off for Study and Exam leave

An employee seeking information regarding Study and Exam Leave should refer to the Group internet under Further Education.

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SECTION K – ATTENDANCE AT INTERVIEWS

If an employee applies for internal vacancies with any of the organisations within the Wheatley Group, they will be granted reasonable paid leave for attending the interview. Employees should inform their line manager that they wish to attend an interview and the leave granted will be at the discretion of the line manager.

Employees attending interviews outside any of the organisations within the Wheatley Group, including local authorities, must use their annual leave or flexi time in accordance with current policy. Employees should inform their line manager that they wish to attend an interview and the leave granted will be at the discretion of the line manager.

SECTION L – ADVERSE WEATHER AND DISRUPTIONS TO TRAVEL

This section of the policy summarises CUBE procedures and outlines employees' responsibilities for attendance at their place of secondment during severe weather conditions or when there are problems on public transport as a result of severe weather. This section of the policy has been developed as far as possible to ensure that individuals are treated fairly and consistently.

This section of the policy applies to all employees.

While we are committed to protecting the health and safety of all our employees, we must ensure that disruption caused to our business remains minimal. All employees are expected to use every effort to report for duty at their normal place of secondment at their recognised start time, which could entail having to make special arrangements to ensure that they can attend each day. However, it is not CUBE's intention that employees put themselves at unnecessary risk when trying to attend their secondment.

Adverse weather can be defined as snow, ice, fog, floods, resulting in extremely hazardous journeys by road, using public or private transport.

Extremely hazardous is defined as those conditions in which the police and / or appropriate motoring organisations advise people not to travel at all as a result of severe local weather conditions

What you should do if you are unable to reach your normal place of work?

If you expect to be late or cannot safely reach your place of work due to adverse weather or experience related problems on public transport, you must telephone your line manager as soon as possible. Unless your line manager tells you otherwise, you should telephone to notify them on each and every day that you are unable to get to your place of work as a result of adverse weather. Failure to notify your line manager, that you are unable to attend your place of work without a reasonable explanation will count as unauthorised absence and may be subject to disciplinary action under the [CUBE's – Disciplinary Policy](#).

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If you are unable to attend your normal place of work due to adverse weather conditions, your line manager may ask you to comply with temporary redeployment to an alternative place of work or conduct your work duties from home. If this is not possible, you will be required to either:

- to take annual leave
- to take flexi-time
- to take unpaid leave; or
- at your line manager's discretion, to make the time up within a reasonable and agreed time scale. Whilst doing so, you will not be eligible to claim overtime.

In certain circumstances, your line manager has the discretion and empowerment to make a decision using their professional judgement to grant authorised paid absence for adverse weather and travel disruption. This however is not a given entitlement and will depend on each situation. Therefore, each case will be treated individually and will not be judged on a previous precedent.

Wheatley Group has set up a phone number which you can call in these circumstances to hear a recorded message giving advice on what to do.

Call this number **0330 123 9168** if:

- you arrive at your office and it is unexpectedly closed
- severe weather has affected travel across Glasgow and you cannot reach your manager
- There has been an emergency which means that parts of Glasgow are inaccessible
- We have had to evacuate our offices and you need to find out if you can return safely

Deterioration of weather whilst at work

If you wish to leave your place of work early because the weather is becoming worse and you wish to get home before it possibly becomes too bad to travel, you must discuss this with your line manager. Line managers will decide on a case-by-case basis whether it is appropriate for employees in their department to leave their work early. When making this decision, they will take into account the employees' circumstances (e.g. distance from his/her home to work, mode of transport), the employees' views and the service delivery required.

In conditions of extreme adverse weather, your line manager may agree that you can leave your place of work early. In these situations, your line manager will use their professional judgement and authorise paid time off.

If CUBE decides to close your normal place of work when you are ready, willing and available to conduct your work duties, you will be paid for your normal working hours. Should this be the case, your line manager will advise appropriately.

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School/nursery closure impacting on your ability to carry out your work duties

If your child's school or nursery has closed due to bad weather and this impacts on your ability to come to your work, please refer to our [Family Friendly Policy for Time off for dependants](#).

Possible disciplinary action

Where it is suspected that an employee is using adverse weather conditions as an excuse not to attend their work or there is unauthorised absence on their part, CUBE may take action under our disciplinary procedure.

SECTION M – RELIGIOUS FESTIVALS AND BELIEFS

It is unlawful to discriminate against a person on the grounds of their religion or belief.

Specifically, the Equality Act 2010 protects and prohibits discrimination against an employee for their religion, religious belief or philosophical belief.

All religions have a variety and range of doctrine beliefs, which may have different values and customs. Fair treatment involves taking into account, not treating everyone the same.

CUBE therefore promotes a positive and supportive approach towards employees whose religious beliefs mean that they ask for time off work at a particular time of the year.

A calendar of dates of main religious festivals can be found on the link provided below:

<http://www.enei.org.uk/pages/religious-festivals-2013.html> or

<http://www.bbc.co.uk/religion/tools/calendar/>

There is no automatic right for paid time off for an employee to observe religious festivals and holy days. However, CUBE appreciates employees' religion and cultural traditions, and, where possible will accommodate reasonable adjustments to work duties as long as there is no undue disruption to service delivery and efficiency. Wherever possible employees will be expected to arrange to observe religious festivals and holy days in the employees own time, outside of their work duties. Where this is not possible due to specified dates and times, the line manager will make every effort to authorise time off. The employee will be required to either:

- to take annual leave
- to take flexi-time
- to take unpaid leave; or
- at the line manager's discretion, to make the time up within a reasonable and agreed time scale. Whilst doing so, you will not be eligible to claim overtime

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Alternatively, the employee can request to purchase additional leave through [W.E Benefit - Purchased Leave Scheme](#) (further details can be found on the Group's Intranet) or the absence may be unpaid.

However, the management of such requests will be at the discretion of the line manager who has the empowerment to make a decision using their professional judgement, on a case by case basis. Therefore, each case will be treated individually and can be influenced by elements like the amount of time off already taken or personal circumstances.

The employee must get permission from their line manager on each occasion to observe a religious festival and / or holy duty. The employee must inform their line manager as soon as the dates for their religious festivals / holy duty are made available.

Employees must complete and submit a [CUBE – Special Leave Form](#), available to download from the intranet. The employee may also be requested to provide documentary evidence, which is subject to the agreement and authorisation of the line manager.

Should an employee fail to comply with this, the time off may be unpaid, treated as unauthorised absence and possibly a misconduct issue, in accordance with [CUBE's – Discipline Policy](#).

Line managers will aim to accommodate the request for time off for religious holidays. However, line managers will take into account the business needs and balance this against the employees' genuine need for time off work at a particular time of the year. Therefore, employee should advise their line manager as soon as they know when a relevant religious holiday or festival falls.

Where it is known in advance that a number of employees of a particular religion are likely to want annual leave at the same time, the line manager will communicate with their employees (and / or their representatives) well in advance with a view to reaching a fair agreement on how to manage the situation.

Note: when deciding whether or not to grant requests, line managers will take all of the above into account, and while every effort will be made to accommodate leave requests wherever possible, there may be occasions when requests will be declined.

SECTION N – OTHER SPECIAL LEAVE

Employees may apply to their line manager for special leave (paid or unpaid) for other duties. These include:

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Visiting Committees

Employees, who are members of visiting committees to prisons, remand centres and young offenders' institutions shall be granted unpaid leave of absence as and when required to undertake such duties, which occur during their hours of work.

Election Duties

Subject to the exigencies of the service being met, leave with pay will be granted to allow employees to undertake official duties at Parliamentary Elections, Referenda, Council Elections, Assembly and EEC Elections.

Leave for Social Purposes

Leave may be granted with pay for such purposes as duties or services of an honorary, charitable or philanthropic character. Normally this leave will not exceed one day.

When considering leave requests, line managers will take all of the above into account, and while every effort will be made to accommodate leave requests wherever possible, there may be occasions when requests will be declined.

Note: other special leave (paid / unpaid) may be granted in exceptional circumstances at the discretion of the employees' line manager. This will normally be when the employees' annual leave has been exhausted and the employee does not have the appropriate flexi-time available.

Moving Home

One day's leave with pay will be granted to employees when moving to a new permanent home, regardless of whether the home is rented or purchased and at a maximum of one day per annum.
