



Northern Ireland
Assembly

SECTION 3.08

SPECIAL LEAVE

Introduction

1. The Assembly Commission recognises the value of supporting you in achieving balance between your work and personal responsibilities. The Special Leave Policy aims to ensure that a structured, consistent approach is taken in relation to special leave.

Purpose

2. Whilst you are expected to use your annual leave, credit/flexi/TOIL to manage your domestic responsibilities, this Policy provides short-term support through the provision of special leave to help you balance the demands of work and domestic responsibilities at times of unplanned and urgent need. Special leave may be paid or unpaid.
3. The most common reasons for which special (paid or unpaid) leave may be granted and the conditions under which it may be granted are set out in the following sections. These provisions do not affect the responsibility of the Human Resources Office to decide whether a particular period of special leave requested falls under a statutory entitlement or, if not, is necessary or justified.

Scope

4. This Policy applies to all permanent Assembly Commission staff.

Principles

5. Where no statutory entitlement to time off exists, special leave will not be regarded as a right. Even when a statutory entitlement to time off exists, it may not always be paid. While applications will be treated sympathetically, when considering requests, account will be taken of the effect such leave will have on the discharge of organisational business. In addition, in cases of special leave with pay, consideration will also be given to whether the circumstances justify such a concession. A record will be kept of all periods of special leave granted.
6. Special leave will be for a short period of time.

7. The amount of special leave defined in this Policy is based on a full time member of staff and will be pro-rata for part time members of staff or staff with flexible working arrangements in place.

Roles and Responsibilities

8. Line managers are required to consider whether applications meet with the provisions in this Policy, and to make a recommendation. You therefore need to provide sufficient information in your application form.
9. Approval of applications rests with the Human Resources Office to ensure fairness and consistency across the organisation. The decision of the Human Resources Office is final.
10. While on special leave, you should maintain appropriate contact with your line manager.

Effect of Special Leave

11. Taking special leave may have implications for other areas of your conditions of service. For the effects of special leave on, for example, pay, pensions, annual leave, sickness absence, you should refer to the relevant parts of the Staff Handbook, or contact the Human Resources Office for further advice.
12. Special leave without pay does not count towards the period of probation, nor is it reckonable for pension purposes (except where otherwise stated in this Policy). Special leave without pay may also impact on the calculation of entitlement to occupational sick pay.

Calculation of Special Leave

13. As in the case of annual leave, Saturdays, Sundays or bank, public and privilege holidays falling within a period of special leave with pay will be paid for, but they will not count towards the number of days authorised as special leave with pay.
14. Where special leave without pay is granted, Saturdays, Sundays or bank, public and privilege holidays occurring at the beginning or end of the period will not reckon towards the permitted limit and will therefore be paid for. However, such days (excluding non-working days for part-time staff) falling within the period of special leave without pay will count towards the number of days authorised as special leave without pay and will therefore not be paid for nor will time off in lieu be granted for these days.
15. If you work within a shift system which includes public and bank holidays, a day's special leave will relate to a working day i.e. the hours you were due to work that day.

Reasons for Special Leave

16. The main circumstances for which special leave (either with or without pay) may be granted are shown below and further details are provided within this Policy:

- Time Off for Dependants – Statutory Entitlement.
- Parental Bereavement Leave – Statutory Entitlement.
- Special Leave - Non Statutory Provision.
- Special Leave without Pay.
- Further Education.
- Training of Safety Representatives and meetings of Safety Committees.
- Other Bodies.
- Voluntary Public Service.
- Participation in National and International Events.
- Attendance in Court as a Witness or Juror.
- Attendance at Investitures.

17. As well as the circumstances covered in this section, leave for other specific domestic reasons can be applied for under the relevant policy. This includes *Maternity Leave, Paternity Leave, Adoption Leave, Shared Parental Leave* and *Parental Leave*.

Time Off for Dependants – Statutory Entitlement

18. The statutory right to time off for dependants was introduced by the Employment Relations (NI) Order 1999. The right allows you to take a reasonable amount of time off to deal with certain unexpected emergencies and to make any necessary longer term arrangements. The emergency must involve a dependant of yours. Although the entitlement is to unpaid time off, special leave with pay in the circumstances described below may be granted by the Human Resources Office.

Circumstances under which Time Off can be Taken

19. You have the right to take a reasonable amount of time off during working hours to:
- provide assistance if a dependant falls ill, gives birth or is injured or assaulted;
 - make longer term care arrangements for a dependant who is ill or injured;
 - deal with the death of a dependant;
 - deal with an unexpected disruption or breakdown of care arrangements for a dependant; or
 - deal with an unexpected incident involving your child during school hours.

Definition of a 'Dependant'

20. A dependant is defined as your:

- Spouse/partner.
- Child.

- Parent.
- A person who lives in the same household as a member of the family.
- Any person who reasonably relies on you to make arrangements for the provision of care in the event of their illness or injury.

Notifying your Line Manager

21. You must tell your line manager as soon as practicable, the reason for your absence and how long you expect to be absent from work.
22. There may be exceptional circumstances where you return to work before it is possible to contact your line manager, but you must still tell your line manager the reason for the absence on your return.

Amount of Time Off

23. Although there is no set limit on the amount of time off which can be taken under these arrangements, it is envisaged that one or two days should be sufficient to deal with most situations, but this will depend on individual circumstances. For example, if a child is ill, this would be sufficient to help you cope with the situation, visit the doctor if necessary, and organise alternative care arrangements. The right to take time off for dependants is intended to cover genuine emergencies involving an individual. It does not include accompanying dependants to pre-planned medical appointments etc. No limit on the number of times you can be absent from work under this right has been set. If you know in advance that you are going to need time off, you should arrange annual or credit time leave or parental leave.
24. In the event of the death of a dependant (as defined above), up to five days' paid special leave may be granted.

Parental Bereavement Leave – Statutory Entitlement

25. The Parental Bereavement (Leave and Pay) Regulations (Northern Ireland) 2022 provides two weeks' leave for working parents upon the death of a child aged under 18, or a stillbirth (from 24 weeks of pregnancy), irrespective of their length of service. Such leave can be taken at any time within a period of 56 weeks beginning with the date the child died. This allows for staff to take time off around difficult periods such as the child's birthday or the anniversary of their death.
26. If you meet the qualifying conditions for the parental bereavement leave, you will be paid full contractual rate of pay for the two weeks of leave.

Notifying your Line Manager

27. You must advise your line manager as soon as practicable, the reason for your absence and how long you expect to be absent from work. We recognise this may be difficult in certain circumstances but would ask that contact is made with your line manager so they are advised of why you are not in work.
28. There may be exceptional circumstances where you return to work before it is possible to contact your line manager, but you must still tell your line manager the reason for the absence on your return.

Special Leave - Non-Statutory Provisions

29. This section outlines the non-statutory provisions and the circumstances under which special leave may be applied for.

Domestic Responsibilities

30. Whilst you are expected to use your annual leave, credit/flexi/TOIL to manage your domestic responsibilities, this Policy provides short-term support through the provision of special leave to help you balance the demands of work and domestic responsibilities at times of unplanned and urgent need. The term “domestic responsibilities” covers a wide variety of circumstances which may be unplanned, for example severe damage or disruption to your property which requires you to be at home to make longer term plans. It can also cover known events such as the birth of a child when the presence of the father may be required at home in order to care for other children.

31. In such situations, one day’s special leave may be granted by the Human Resources Office taking account of your line manager’s recommendation. Exceptionally, additional special leave with pay may be granted at the Human Resources Office’s discretion, up to a maximum of five days in a 12-month period.

Death of a Close Relative

32. Up to two working days’ special leave with pay may be granted in the case of the death of a brother/sister, parent-in-law, grandparent, grandchild and son/daughter-in-law.

33. Up to two working days’ special leave with pay may also be considered in the case of a death of another close relative who is not a dependant, or a more remote relative where special circumstances exist. Consideration may also be given where a close relationship exists, especially between two unrelated individuals who reside together. The Human Resources Office will consider such requests taking into account the particular circumstances.

Hospital/Doctors’/Dentists’ Appointments etc.

34. Paid time off will be allowed for you to attend your own medical appointments. You should, where possible, arrange appointments for the beginning or end of the working day. It is anticipated that no more than two hours of paid time would be granted to attend medical appointments. In exceptional circumstances (for example, attending a hospital which is a considerable distance from home), a maximum of one day’s special leave with pay may be granted to enable you to attend appointments.

35. If you attend a medical appointment and are then unfit to attend work for the remainder of the day as a result of a medical procedure, your absence will be recorded as sickness absence. You are not entitled to apply for special leave with pay in this circumstance.

36. Special consideration will be given to staff covered by the Disability Discrimination Act 1995 when attending appointments.

Special Leave Without Pay

37. Special leave without pay may be granted by the Human Resources Office for domestic reasons. For example, to:

- help you cope with your parental responsibilities;

- provide care for elderly or infirm relatives or dependants; or
 - further assist you dealing with domestic crisis.
38. You can be granted special leave without pay in order to look after children during school holidays, but you may wish to consider parental leave or term time working for this purpose. Further information is contained in the *Flexible Working and Partial Retirement Procedures* within the Staff Handbook.
39. Special leave without pay may also be granted for other personal reasons not covered above. In addition, the opportunity to work reduced hours may be granted as an alternative to special leave without pay if that is preferable to both you and your line manager. Please refer to the *Flexible Working and Partial Retirement Procedures* within the Staff Handbook for further information.
40. The rules governing special leave without pay for career breaks is contained in the *Career Break Policy*.

Further Education

41. You may be eligible for time off to undertake further education. Please refer to the *Assistance to Study Policy* for details.

Training of Safety Representatives and Meetings of Safety Committee

42. Under the Safety Representative and Safety Committees Regulations (NI) 1979, employers are required to release safety representatives with pay to undergo appropriate training.
43. Guidance on the nature and duration of training for safety representatives will be subject to agreement between the Assembly Commission and Trade Union Side and will be compatible with any advice or guidance published by the Health and Safety Executive.
44. Basic training of safety representatives will be arranged by their respective unions. The 10-day training course organised by the Irish Congress of Trade Unions is recognised for this purpose. Direct costs of this training, including travelling and subsistence, will be met by the unions. The Assembly Commission will make available accommodation and so on, for training courses where possible.
45. Specialised training of safety representatives may be necessary in certain business areas for the effective and safe performance of the Assembly Commission's functions in particular establishments or premises will be provided by the Assembly Commission. In these circumstances the appropriate conditions of service in respect of attendance at internal or external training courses will apply.
46. Time off with pay as is necessary, and with prior agreement of management, will be granted to safety representatives to enable them to perform their functions properly and to attend training courses that are approved by the appropriate trade union. Time off with pay as is necessary for the attendance at meetings of safety committees will also be permitted.

Other Bodies

47. For staff who may wish to apply for special leave for the following reasons, should contact the Human Resources Office for advice:
- Reserve and Cadet Forces service.
 - Part-Time PSNI service.
 - Emergency and Voluntary Rescue services.
 - Training courses in Youth Leadership.
 - Duke of Edinburgh Gold Award.

Voluntary Public Service

48. Articles 78 and 79 of the Employment Rights (NI) Order 1996 provide rights to employees to time off for public duties. Within the Assembly Commission, special leave with pay may be granted for voluntary public service in the following bodies [Voluntary Public Service Bodies](#). It is for the Human Resources Office, in liaison with your Head of Business, to decide whether it is desirable for you to serve on any of the bodies listed. Consideration will be given to whether a perceived conflict of interest in the public view could exist between your official function and your unofficial activities. Special leave will not be granted for certain political activities where the terms of appointment restrict your right to participate in them.
49. The Human Resources Office will decide on the appropriate amount of leave to award. Where you are a member of more than one body, the Human Resources Office may allow an aggregate of the leave that applies to each. Special leave without pay may also be granted although the combination of leave with and without pay should, normally, be not more than 36 days in a leave year.
50. Special leave without pay for attendance at meetings of the body may be counted as reckonable service for pension purposes.
51. If payment, other than for reimbursement of expenses, is offered by the body, you should choose to either accept the payment and apply for special leave without pay to enable you to carry out the required duties or decline the payment and apply for special leave with pay.
52. Payment in this circumstance covers any payment made by the body, whether as a daily attendance fee, a retainer or any other form of compensation.
53. If a request is not approved, you will be advised of the reason for refusal. If business needs so require, previously approved special leave may be cancelled or postponed.
54. If you have been granted special leave you must, once you return to work, provide a letter from the relevant body which clearly identifies the location, nature and duration of the voluntary activity and confirm that you attended. Failure to provide these details may result in the withdrawal of approval.
55. For further information, please see the Employer Supported Volunteering Policy.

Overseas Voluntary Schemes

56. The Human Resources Office may grant special leave without pay for up to two years to enable you to work in voluntary service schemes in a developing country.

Participation in National and International Events

57. If you are selected to compete in national or international events as a competitor representing your country, you may be granted special leave as follows, providing that your line manager can release you from official duty:

- **Olympic Games and Commonwealth Games:** Special leave with pay to cover the entire period spent away from Northern Ireland, including travelling time.
- **International Events and World Championships:** Where you are representing a country or province, up to ten days' special leave with pay per annum will be granted with any balance being taken as annual leave or unpaid special leave. Such leave will require you to provide confirmation from the governing body concerned that you are participating at the event as a representative of a country or province.
- **UK sports events:** Where you qualify for the final of an individual UK sports championship by winning a preliminary NI competition, special leave with pay may be granted at the Human Resources Office's discretion. The leave may cover time spent travelling to and from the event and competing in it.
- **Tours:** Where you are representing your country in a tour abroad, special paid leave may be granted for three-quarters of the working days within the first tour and one-third of the working days within the second and subsequent tours with any balance to be taken as annual leave or special leave without pay.

58. If payment, other than for reimbursement of expenses, is offered for participating in these events, you should choose to either accept the payment and apply for special leave without pay or decline the payment and apply for special leave with pay. Payment in this circumstance covers any payment, whether as a daily attendance fee, a retainer or any other form of compensation.

Attendance in Court as a Witness or Juror

59. If you are called upon in your official capacity to:

- give evidence in criminal and civil proceedings and in coroners' courts; or
- attend other outside bodies as witness or in other capacities; you should be regarded as being on official duty. In addition to normal pay you are entitled to payment for travelling time and travelling and subsistence allowances, any sums recovered from the outside sources being handed over to the Assembly Commission.

60. For anyone who appears in court in a private capacity the following provisions apply:

- a. Special leave with pay may be granted to staff attending court:
 - as a witness for the prosecution or the defence in criminal proceedings;
 - as a witness in coroners' courts; and
 - as a juror. In these circumstances you may retain any travelling or subsistence allowance received from the court.

b. Special leave without pay or annual leave may be granted to you if you are appearing as a witness in civil proceedings. Special leave without pay taken in such circumstances may be reckonable as service for pension purposes. Travelling and subsistence allowances will not be paid by the Assembly Commission, but you may claim and retain any travelling and subsistence expenses and, where special leave without pay is given, any compensation for loss of earnings or other sums payable by the court or a party to the action. You should not claim from the court, or accept any compensation for loss of earnings that have not in fact been lost.

61. You must inform your line manager as soon as possible, if you have been summoned for jury service unless you are clearly ineligible or disqualified (as explained on the summons) and have notified the summoning officer. Where your partner is called for jury service, the Human Resources Office will consider paid special leave for the first day of your partner's service where they are satisfied that you are unable to make satisfactory arrangements for the care of young children.

Attendance at Investitures

62. Special leave with pay will be allowed to the recipient of an honour to cover the time necessarily spent in attending the investiture, for details refer to the *Travel and Subsistence Policy* in the Staff Handbook.

General Information

63. Enquiries relating to this Policy should be directed to the Human Resources Office Services Team on hrrservices@niassembly.gov.uk

Related Policies, Guidance and Forms

64. A number of documents are referenced in this Policy and can be found in the Staff Handbook or in the relevant area on AsslSt.