



**NOTTINGHAMSHIRE
POLICE**

PD 614 Discretionary Leave Procedure

Type of Document: Procedure

Version: 1.2

Registered Owner: Head of HR & OD

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Effective Date: 30 November 2012

Review Date: 30 November 2015

Replaces document (if applicable) PD 263 Discretionary Time Off Procedure

Linked Documents: PS 150 Discretionary Leave Policy
PD 039 Career Break Procedure
PD 613 Flexible Working Procedure
PD 008 Annual Leave – Police Officers and Police Staff

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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1.0	30 Nov 2012	Sue Peckham	Senior HR Business Partner	Major review – replaces PD 253 Discretionary Time Off Procedure
1.1	30 Nov 2012	Sue Peckham	Senior HR Business Partner	Inclusion of reference to form G895 at para 4.8.
1.2	March 2013	Sue Peckham	Senior HR Business Partner	Removal of wording “or local government premises” from para 4.6

SECTION 2 BACKGROUND

The Force is committed to the achievement of an effective work/life balance for all its individuals and will take all reasonable steps to support them in planning periods of annual and where appropriate, family leave as valued time away from work.

The Force recognises, however, that unforeseen events can occur in an individual's personal life for which they are unable to plan and for which they may unavoidably require time off from work with little or no notice.

SECTION 3 AIMS / OBJECTIVES

The Discretionary Leave Policy has been developed to provide support to Police Officers and Police Staff in dealing with these unforeseen situations and this procedure clarifies the circumstances under which a leave of absence may be requested and how the Force will deal with such requests.

SECTION 4 DETAILS**4.1 Circumstances for which discretionary leave may be requested**

All Individuals receive annual leave and where applicable, family leave and the Force expects these entitlements together with the effective utilisation of any accrued lieu; flexi or rest time, to enable individuals to achieve their personal work life balance and meet any commitments they may have.

The Force recognises, however, that unforeseen events and emergencies may occur in any individual's personal life, for which they are unable to plan and for which a period of discretionary leave may be required at short notice. A fundamental principle of discretionary leave is at the discretion of the manager/supervisor and not a right. It will, therefore, only be considered in circumstances and/or emergencies for which the individual could not be expected to plan or have prior knowledge.

The circumstances for which the Force will consider approval of a period of discretionary leave are as follows:

- Bereavement
- Unexpected loss / disruption to planned caring arrangements for a dependent
- Unexpected illness of and/or injury, accident to a dependent
- Domestic emergency

There may be other occasions, such as a call for Jury Service, which are not emergencies but will require the individual to take a leave of absence. These situations will be provided for in Public Duties Policy which is currently under development.

4.2 Bereavement

The Force recognises that bereavement can affect individuals in a number of ways, both emotionally and practically and that bereaved individuals will have differing needs and responsibilities dependent upon the nature of their relationship with the deceased person. To support individuals during this difficult time, differing periods of discretionary leave entitlement can be approved.

Mindful of, and sensitive to, the impact which an unexpected death of a loved one will have upon an individual, the manager will, immediately upon being notified of the death, take all reasonable steps to support the individual and confirm to them the initial period of discretionary leave arrangements

An initial period of up to 5 working days paid discretionary leave will be approved on the death of one of the following members of immediate family:

- Spouse
- Partner
- Civil Partner
- Parent
- Step Parent
- Partner/ Spouse/ Civil Partner's parent
- Sibling
- Birth Child
- Adopted Child
- Foster Child
- Step Child

An initial period of up to 1 working day paid discretionary leave will be approved on the death of one of the following members of extended family:

- Nephew / Niece/ Aunt / Uncle / Grandparent/grandchild

Discretionary leave in excess of 1 day may be taken over consecutive days or in two or more periods, dependent upon the funeral and any other post death arrangements.

4.3 Unexpected loss of or disruption to planned arrangements for a dependent

Individuals are expected to plan for any dependent care or support arrangements they need to make and to meet these commitments through the effective use of their annual and/or any relevant family leave entitlement. It is recognised that emergencies and /or unforeseen events can occur which result in an unexpected loss of, or disruption to plans for dependents, necessitating being unable to attend work at short notice.

Within the context of this policy and procedure, a dependent is defined as one or more of the following in relation to the individual:

- Spouse
- Partner or Civil Partner
- Parent
- Step Parent
- Spouse, Partner or Civil Partner's parent
- Birth Child
- Adopted Child
- Foster Child
- Step Child
- Other dependent relative or anyone who reasonably relies upon the individual for assistance or care on the occasion of illness or injury

Whilst individual circumstances will vary and requests will be considered on their own merit, in principle a period of discretionary leave may be requested to make a contingency arrangement for the care of a dependent in one or more of the following circumstances:

- Loss of planned care arrangements due to an accident / injury or emergency affecting the designated carer
- To deal with an incident which involves a child of a police officer or police staff and which occurs unexpectedly
- Dependent relative unable to attend day care provision or sent home from provision due to accident/ injury or emergency affecting the care home

An initial paid leave of absence of up to 1 day will be approved to enable individuals to put in place an appropriate contingency arrangement and ensure their dependent is not at risk.

Individuals are expected to make arrangements to resolve the emergency in the approved discretionary leave period.

The request will be considered on its own merits and at the manager's discretion up to a further 2 days unpaid leave of absence may be approved for a single incident.

If an individual requires more than the 1 paid day's leave of absence, they may elect to use annual leave and/or accrued flexi; toil or rest day time for all or part of that requirement and the manager will discuss this with them on their return to work.

4.4 Unexpected illness or accident/injury to a dependent

It is recognised that an individual's dependent may be unexpectedly taken ill or suffer an accident or injury for which they are hospitalised or with which the planned caring arrangements are unable to cope, necessitating a request for discretionary leave at short notice.

An initial paid leave of absence of 1 day will be approved to enable individuals to put in place an appropriate arrangement to safeguard the dependent.

Individuals are expected to make arrangements to resolve the emergency in the approved period of discretionary leave, but in the event that it is not possible to do so, for reasons outside of the individual's control, an extension to the leave of absence may be requested.

The request will be considered on its own merits and at the manager's discretion up to a further 2 days unpaid may be approved for a single incident.

If an individual requires more than the 1 paid day's discretionary leave, they may elect to use annual leave and/or accrued flexi; toil or rest day time for all or part of that requirement and the manager will discuss this with them on their return to work.

4.5 Domestic Emergency

It is recognised that emergencies and/or unforeseen events can occur which affect an individual's home and the individual needs to deal with these emergencies at short notice.

Whilst it is not practical to identify each and any such emergency as is possible to occur, the circumstances under which leave of absence may be approved are as follows:

- Damage to home due to flooding; fire; subsidence; adverse extreme weather
- Damage to or loss of property due to burglary or theft
- Utilities failure placing property and /or home contents and/or dependents at risk
- Accident /injury /theft of domestic or farm animals owned by the individual.

Each request for a period of discretionary leave to deal with a domestic emergency will be considered on its own merits, taking into consideration the

- nature and severity of the emergency;
- level of risk to property, persons and /or animals;
- time estimated to resolve the issue or to put in place a plan of resolution;
- impact upon the individual's wellbeing.

A period of paid discretionary leave of up to 1 day can be approved for a single domestic emergency.

Whilst it is expected that most domestic emergencies will be able to be resolved in 1 day, it is acknowledged that in exceptional circumstances more time may be needed. In this case, a further unpaid leave of absence of up to 2 days may be requested. Approval will be at the discretion of the manager.

If an individual requires more than the 1 days paid discretionary leave, they may elect to use annual leave and/or accrued flexi; toil or rest day time for all or part of that requirement and the manager will discuss this with them on their return to work.

4.6 Adverse weather conditions

In the event of extreme or adverse weather conditions, individuals are expected to take all reasonable steps to attend for work at their usual work base. It is recognised that not all individuals will be affected equally by such conditions and that some will manage to attend work, whilst others will not.

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The Force does not expect individuals to place themselves or others at risk by taking measures to travel, if it is unsafe for them to do so.

If it is not possible for an individual to attend work due to extreme or adverse weather conditions, they should contact their manager as soon as practically possible.

Individuals should be aware of their departmental Business Continuity Plans which may have alternative arrangements to facilitate being able to attend their work place.

If the individual, after receiving permission from their line manager, is able to carry out any of their work from home, then they will be expected to do so but if this is not possible, then they should take either annual leave or accrued flexi or toil time to cover the period of absence.

Individuals should, if practical, report to their nearest police station, an alternative Force building/office to carry out their work.

4.7 Requesting Discretionary Leave

It is acknowledged that due to the very nature of emergencies and/or unforeseen events for which discretionary leave may be required, individuals are unlikely to be able to give advance notice of their requirement, nor would it be fair or reasonable to delay a decision.

It is also possible that if the individual is at work, they will have to leave with little or no notice and will not return until the issue is resolved or completed. It may not, therefore, be practical for the individual to formalise their leave request at the time. In these circumstances the manager will have the discretion to approve a period of discretionary leave having assessed the situation following notification by one or more of the following methods:

- Individual meeting with the manager;
- Individual telephoning the manager;
- Individual contacting HR if the manager is not available;
- Individual contacting another manager or supervisor;
- A partner/family member/friend/work colleague (proxy) contacting the Force on the individual's behalf. This method should only be used in exceptional circumstances, if the individual is unable to make contact themselves.

In contacting the manager/supervisor or relevant department the individual or their proxy should provide the following information:

- The nature of the issue;
- When the issue was first noticed or occurred;
- Where the individual is at that time if not in the immediate vicinity.

The manager will assess the situation and make a decision on one or more of the following:

- If the individual needs to leave work immediately; return home if en route or remain at home if scheduled for duty later that day;
- If the individual is well enough to travel home alone, if applicable;
- How much immediate discretionary leave is required;
- Who else needs to be informed via next of kin details;
- What if any immediate welfare support/companionship is required.

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The manager will advise the individual or their proxy of the immediate decision and ensure that arrangements are made to maintain contact with the individual.

If welfare or other support is needed, the manager will liaise with HR to make the arrangements.

The manager will affect any interim arrangements as may be necessary to cover the individual's duties.

Any extension to the initially approved leave of absence should be requested by the individual using Form G895 available on the Intranet.

4.8 Recording Discretionary Leave

In the interests of fairness, equity and transparency, all periods of approved discretionary leave both paid and unpaid will be recorded on the individual's personnel record (Origin).

The individual should complete form G895 (available in NCforms under Personnel/Welfare/Finance) and, once signed by the line manager, should return the form to HR Operations.

The maximum amount of paid leave of absence which can be approved for any individual in any one year (leave/financial year) is 10 days(74 hours for police staff) and 80 hours for police officers per annum . This may be for one emergency or cumulatively. This is the maximum amount of discretionary paid leave which may be approved at the Force's discretion, but it is not an automatic entitlement.

In exceptional circumstances an extended period of unpaid leave may be granted subject to the agreement of the Head of HR and OD.

If the maximum amount of paid leave of absence has been approved and the unexpected incident or emergency is more complex or protracted and is likely to require a further leave of unpaid absence, or another emergency occurs, the individual may, with the manager's agreement, elect to take annual leave and/or accrued flexi; toil or rest day time, for part or all of the time off required.

If the individual does not have any remaining annual leave in the leave year, they may, with the agreement of the manager, take the time in advance from the new leave year, or agree to make up the time through flexi working arrangements if applicable.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention on Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing