



NOTTINGHAMSHIRE
POLICE & CRIME
COMMISSIONER



PS 150

Discretionary Leave Policy

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Registered Owner:

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PD 614 the Discretionary Leave Procedure
PD 039 Career Break Procedure
PD 613 Flexible Working Procedure
PD 008 Annual Leave – Police Officers and Police Staff

Functional owner

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Statement of legislative compliance

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; General Data Protection Regulations 2018, Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, Statutory Bereavement Leave 2020 and other legislation relevant to policing.

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Aims and Objectives of the Policy

Nottinghamshire Police and the Nottinghamshire Office of the Police and Crime Commissioner (OPCC) is committed to the achievement of an effective work/life balance has a positive impact upon our police officer and police staff wellbeing, motivation, attendance and performance, both individually and collectively.

The Force and OPCC recognises that whilst an individual's entitlement to periods of leave is expected to contribute significantly to their ability to balance their work and non-work commitments, unforeseen events may occur. Individuals may be unable to plan or allocate leave in advance for such eventualities.

This policy and its supporting procedure clarify the circumstances under which individuals may request discretionary leave and the framework against which the Force will deal with such requests with a transparent, equitable, fair and consistent approach. The policy also underpins our commitment to be an employer of choice.

This policy is applicable to:

- All police officers of Nottinghamshire Police, except those above the rank of Chief Superintendent and those who are yet to complete their probation.
- All police staff.
- All OPCC staff.

This policy should be read in conjunction with PD 614 the Discretionary Leave Procedure

The key principles underpinning the policy are as follows.

- Nottinghamshire Police and the OPCC is committed to developing and maintaining a culture of partnership and mutual trust in which individuals are supported in achieving an effective work life balance.
- The Policy seeks to provide a framework to enable managers to make fair and equitable decisions, which are managed locally on a case by case basis.
- Individuals are expected to take all reasonable steps to plan and utilise their annual leave, together with the effective utilisation of any accrued toil, flexi or rest time, to enable them to meet their personal non work commitments.
- The Force and OPCC recognises that unforeseen events and emergencies may occur within an individual's personal life for which they are unable to plan and for which they may require a brief period of discretionary leave from work at short notice.
- The Force's provision for discretionary leave for police officers and police staff is consistent with its aspiration to be an employer of choice.
- Excluding Statutory Bereavement Leave, discretionary leave is not a right and the Force and OPCC will only consider approval in circumstances and or emergencies for which the individual could not be expected to plan or have prior knowledge.
- Requests for discretionary leave will be considered on a case by case basis in a fair, transparent and equitable way reflective of recognised equality and diversity best practice. Advice can be sought from People Services.
- Individuals who require an extension to an approved period of paid discretionary leave may elect to utilise annual leave and/or any accrued flexi, toil or rest days for all or part of that extension rather than taking unpaid leave.
- All references to hours or days in the policy and procedure should be pro rata for police officers or police staff who work less than full time hours.
- Where both spouses, partners or civil partners work for Nottinghamshire Police or the OPCC the amount of time available as discretionary leave for each incident will be pro rata.

Policy Statement

It is expected that, with the exception of bereavement, discretionary leave would normally be requested no more than 3 times per annum. Circumstances for which discretionary leave of absence can be approved are as follows.

3.1 Bereavement

From 6th April 2020 Statutory Bereavement Leave can be applied for 2 weeks period of bereavement leave and then a further paid discretionary period of up to 5 days can be considered for approval. See criteria below:

Statutory Bereavement Leave (Jack's Law)

From 6th April 2020 parents who suffer stillbirth from 24 weeks of pregnancy or a loss of a child under the age of 18 years of age will have a legal right to two weeks statutory

bereavement leave. The right to Statutory Bereavement Leave is irrespective of service with the employer.

Parents can take the leave as either a single block of two weeks, or as two separate blocks of one week each taken at different times during 56 weeks after their child's death. This means the parents can match their leave to the times they need it most, including the first anniversary of the child's death.

| Relationship with the individual | Statutory leave for police staff | Statutory leave for police officers |
|---|----------------------------------|-------------------------------------|
| Parents who suffer stillbirth from 24 weeks of pregnancy or a loss of a child under the age of 18 | 2 Weeks Statutory Leave | 2 Weeks Statutory Leave |

Statutory Parental Bereavement Pay

Parents with at least 26 week's continuous service on the Saturday before the child's death and weekly average earnings over the lower earnings limit (£120 per week) will be entitled to statutory parental bereavement pay, paid at the rate of £151.20 per week, or 90% of average weekly earnings if this is lower.

Bereavement and Maternity Provisions

Maternity provisions and 'Jack's Law' will both apply if a parent/partner in force employment suffers a stillbirth from 24 weeks of pregnancy or a child's death during maternity.

Discretionary Support for Bereavement

A period of paid discretionary leave can be approved for individuals who are bereaved as follows:

| Relationship with the individual | Discretionary leave for police staff (pro rata for part time police staff) | Discretionary leave for police officers (pro rata for part time police officers) |
|--|--|--|
| Immediate Family: spouse, partner, civil partner, sibling, parent or spouse/partner/civil partner's parent; birth child, adopted child, foster or step child or other individual who is determined to have a parental style relationship | Up to 5 working days | Up to 5 working days |
| Other relatives: Nephew, niece, aunt, uncle, grandparent | Up to 1 day | Up to 1 day |

Extensions to unpaid discretionary leave may be considered for bereavements where post death arrangements may be more complex for geographical, cultural, religious, faith or other reasons. The additional period should be no more than 5 additional days.

3.2 Unexpected loss of, or disruption to, planned arrangements for a dependent

Discretionary leave may be requested to make contingency arrangements for the care of a dependent in one or more of the following circumstances.

- Loss of planned care due to accident/injury/emergency affecting the designated carer.
- To deal with an incident which involves a child of the police officer or police staff which occurs unexpectedly in a period during which the school/educational establishment is responsible for the child.
- A dependent is unable to attend day care provision or sent home from provision due to unexpected illness, accident/ injury or emergency affecting care facilities.

An initial paid discretionary leave period of up to 1 day for police officers and police staff may be approved.

Extensions will be at the Force's discretion and further leave of up to 2 days unpaid may be approved for a single incident.

3.3 Unexpected illness or accident/ injury to a dependent

Discretionary leave may be requested to enable arrangements to be put in place to safeguard the dependent.

An initial paid leave of absence of 1 day may be approved.

Extensions will be at the Force's and OPCC's discretion and further leave of up to 2 days unpaid may be approved for a single incident.

3.4 Domestic Emergency

Discretionary leave may be requested to deal with the following domestic emergencies.

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

Discretionary leave of up to 1 day may be approved for a single domestic emergency.

Extensions will be at the Force's and OPCC discretion and further leave of up to 2 days unpaid may be approved.

3.5 Requests for Discretionary Leave

With the exception of bereavement it is expected discretionary leave would not normally be granted more than 3 times per leave year. Line Managers are responsible for monitoring this.

3.6 Adverse Weather conditions

Individuals should, if practical, report to their nearest police station or an alternative Force premises if it is possible to carry out their work with their manager's permission. If an individual is unable to attend or remain at work due to extreme adverse weather conditions, they will be expected to take annual leave or accrued flexi, toil or rest day time to cover the period of absence.

3.7 Discretionary leave application process

The individual or exceptionally a proxy on their behalf will notify the manager as soon as reasonably and practically possible of the emergency or unforeseen event.

The initial discretionary leave decision will be made with minimal delay.

Any extension to the approved discretionary leave must be requested by the individual or a proxy on their behalf as early as possible and prior to leave being taken.

All discretionary leave both paid and unpaid will be recorded by the line manager / supervisor on the individual's personnel record DMS record.

Related documents and Appendices

- PD 614 Discretionary Leave Policy

Administration

| Registered Owner | |
|---|---|
| Owner | Author |
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| Monitoring and review | |
|-----------------------|-----------------------------------|
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| | |

| Version Control | |
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| Section changed | Details of change |
| V1.0 (Nov 2012) | New policy |
| V1.1 (March 2013) | Removal of wording "or local government premises", from para 3.6. |
| V1.2 (April 2015) | Update of in the recording of discretionary leave via Crown DMS, and removal of the reference to HRMS. |
| V1.3 (April 2020) | Inclusion of Statutory Bereavement Leave 'Jack's Law' |