

Special Leave Policy

Approved by Committee on [DATE]
2020 with an implementation date of [DATE] 2020



Document Control

Approval Date Calibri bold 12pt	- Calibri Regular12pt
Implementation Date	
Policy Number	
Policy Author(s) and Owner	
Approval Authority	
Scheduled Review	
Changes	

Table of Contents

	Section	Page
1	Purpose Statement	3
2	Application and Scope Statement	3
3	Core Principles	3-4
4	Responsibilities	4
5	Supporting Procedures & Documentation	4-5
6	Policy Statement/s	5
7	Definitions	5
8	Risk	5-6
9	Policy Performance	6
10	Design and Delivery	6
11	Housekeeping and Maintenance	7
12	Communication and Distribution	7
13	Information Management	7

Appendix 1 – Special Leave policy provisions

1. Purpose Statement

- 1.1 This policy provides details of the Council's special leave provisions which may be available to employees in order to assist with their other responsibilities and personal circumstances in some situations, details of which can be found in Appendix 1.
- 1.2 Special leave covers various scenarios where an employee requires time off from work other than for planned annual leave or due to sickness absence.
- 1.3 The Council recognises that employees have responsibilities and personal circumstances, outwith work, that may occasionally impact upon their normal working lives. It is acknowledged that maintaining a work/life balance for employees has mutual benefits for staff and the organisation.
- 1.4 Special leave will also be applicable to other situations such as voluntary public duties, attendance at court as a witness or juror or undertaking election duties and training.

2. Application and Scope Statement

- 2.1 This policy applies to all employees in the Council except teachers and those other employees under SNCT terms and conditions who have a separate local agreement covering special leave.
- 2.2 Its main aim is to provide supportive provisions to employees to help them balance the demands of domestic and work responsibilities through offering paid and unpaid leave according to the circumstances.

3. Core Principles

- 3.1 The provisions of this policy will only apply with the prior agreement of management, whether statutory or not.
- 3.2 Special leave may be granted as paid or unpaid leave, depending on the circumstances.
- 3.3 Line Managers can submit requests on behalf of employees should the employee not have access to the Council's HR/Payroll system.
- 3.4 Requests for leave can be made and the decision given verbally, however, requests and decisions on special leave should all be recorded through the Council's HR and Payroll system.
- 3.5 For any period of unpaid leave, a deduction will be made to pay which will be based on the total number of hours lost for that period.
- 3.6 For periods of unpaid leave which exceed 90 days, annual leave entitlement will be recalculated based on the number of days lost. This will not be less than the statutory minimum annual leave entitlement.
- 3.7 Where an employee is dissatisfied with a decision under the provisions of this policy, they have the right to raise a grievance under the Managing Grievances policy/procedure.

3.8 During meetings arising under the provisions of this policy, special allowance will be made for those employees whose first language is not English or who have difficulty expressing themselves. The same applies to employees with a disability.

3.9 Whilst on unpaid authorised leave, neither an employee nor the Council will pay pension contributions. As such an employee will not build up a pension during this period. Upon returning from unpaid leave, if they wish to buy the pension “lost” while on no pay they can do so through an Additional Pension Contribution (APC) contract.

3.10 Employees who have term time or part year contracts have set annual leave and cannot normally take leave on their contracted working days. If time off is required, the manager and employee will agree if this is to be on the basis of unpaid leave or the time being made up later.

4. Responsibilities

4.1 The Council will adhere to all its statutory responsibilities in relation to the provisions of this policy.

4.2 Chief Officers are responsible for the application of the policy and associated guidance within their service delivery remit

4.3 Line Managers have responsibility for applying this policy, its provisions and managing requests for leave from their employees. Line Managers should also:

- Make every effort to ensure fairness and consistency in decision-making in relation to the provisions of this policy
- Maintain confidentiality
- Commit to consider options to allow individuals time off to deal with situations detailed in this policy and also to maintain work
- Create an environment where employees are aware of this policy and can make requests for special leave

4.4 Employees have a responsibility to:

- Familiarise themselves with the contents of this policy
- Co-operate with management in providing information in relation to any requests for special leave
- Commit to consider options to allow them time off to deal with situations detailed in this policy and also to maintain work

4.5 A breach or misuse of this policy may result in the potential use of a corporate procedure e.g. disciplinary procedure.

4.6 Non-compliance with this policy should be reported to the employee’s line manager or People and Organisational Development.

4.7 Any feedback on the policy or suggestions for improvement can be communicated to the policy author or owner in the first instance.

5. Supporting Procedures & Documentation

5.1 There is various guidance in place to support adherence to this policy including the Maternity, Adoption, Paternity, Shared Parental Leave, Disability Leave, Supporting Carers, IVF, Bad Weather and Employing Reservists.

5.2 This policy also links to:

- Supporting Attendance and Wellbeing policy
- Family-Friendly policy
- Managing Diversity and Equality policy
- Managing Grievances policy and procedure
- Managing Discipline policy and procedure
- Gender-Based Violence policy
- Framework Agreement for Industrial Relations (FAIR)
- Career Break policy
- Authorised Unpaid Leave process
- Employee Development policy
- The Council's Guiding Principles

6. Policy Statement/s

6.1 The policy is not creating any specific regulations or requirements other than what is stated in the Council's special leave provisions under Appendix 1.

7. Definitions

7.1 Special leave is leave provided to an employee to cover various scenarios where an employee requires time off from work other than for planned annual leave or due to sickness absence.

7.2 Details and definitions of specific special leave provisions are provided in Appendix 1.

8. Risk

8.1 The policy is designed to reduce compliance, operational, financial and reputational risks. Compliance risk is the risk that may prevent the Council adhering with laws and regulations. Operational risk is concerned with the risk of disruption to Council services and service users. Financial risk is where unexpected costs could be incurred that have not been budgeted for. Reputational risk concerns the threat of adverse media coverage for the organisation which could affect its standing in the community.

8.2 By having a special leave policy in place this helps ensure that the Council is legally compliant, with many of the time off provisions being statutory related. Operational risks will be reduced, as if employees who have a need for time off in relation to their personal circumstances are supported in the workplace through this policy, this should assist with performance and attendance levels at work and meeting service requirements. Financial risks should be mitigated by this policy as it should contribute to employee wellbeing reducing the chance of stress related claims being made against the Council, which can be costly. The policy will also contribute towards reducing reputational risks, as providing a range of special

leave provisions should assist with enhancing the Council's reputation as an employer of choice and an organisation that applies good employment practices.

8.3 There have been no unintended effects, consequences and risks identified resulting from the introduction of the policy.

8.4 The risks identified will be managed and mitigated through application of the policy across the Council. This will be undertaken by ensuring the policy is readily available to managers and employees and that support is provided from People and Organisational Development in the interpretation of the policy, where required.

8.5 The policy will also support the organisation's 'PREVENT' obligations as part of the 'CONTEST' framework by helping to ensure that employees requiring time off in relation to their personal circumstances are supported in the workplace, which should help to maintain their health and wellbeing and reduce their vulnerability. This should in turn make employees less susceptible to radicalization and being drawn into terrorist organisations.

9. Policy Performance

9.1 The main factors determining the effectiveness of the policy and whether it adds the value intended is the usage of the policy by employees requiring time off related to personal circumstances and the consistency in its application by managers.

9.2 The effectiveness of the policy will be measured through gathering data on the requests and authorisations for special leave, through monitoring corporate absence levels, including stress related absence, and through collecting feedback from users of the policy.

9.3 The Chief Officer – People and Organisational Development will decide where and when data is reported on the effectiveness of the policy, ensuring that confidentiality is maintained.

10. Design and Delivery

10.1 The policy links to the 'Workforce Design' principle of the Target Operating Model (TOM) in that it is concerned with organisational culture and promotion of equality in the workplace. Special leave provisions contribute to a supportive culture in the Council and many of the provisions are related to family leave involving caring for children or vulnerable adults, relevant to the equality agenda. It also accords with the Council's Guiding Principles, particularly in relation to the commitment to valuing and supporting staff.

10.2 The policy also links to the 'Prosperous Place' theme in the Local Outcome Improvement Plan (LOIP) which indicates that all people in the City are entitled to live in a manner in which they feel safe and protected from harm and supported where necessary. All citizens are equally entitled to enjoy these aspirations, including employees of the Council. Having a wide range of special leave provisions in place for staff will help to contribute to this objective, giving supportive provisions to cover a variety of circumstances.

11. Housekeeping and Maintenance

11.1 The Policy will be reviewed annually, and any necessary updates made to it and the accompanying guidance document.

12. Communication and Distribution

12.1 The policy will be communicated through the Council's Intranets and Leadership Forum to ensure all relevant parties are aware of its content.

13. Information Management

13.1 Information generated by the application of this policy will be managed in accordance with the Council's Corporate Information Policy and Supporting Procedures.

Appendix 1

Special Leave policy provisions

SECTION 1: FAMILY LEAVE

Maternity Leave

The provisions for pregnant employees include statutory time off for antenatal care as well as for maternity leave itself. See separate **Maternity Guidance** for full details including time off and applicable payments. Forms can be found within the guidance to inform the Council of pregnancy, which is essential to ensure appropriate risk assessments are undertaken, and to ensure maternity leave and pay can be processed.

Adoption Leave

This is a provision for employees who are adopting a child from within the UK or having a child through a surrogacy arrangement. Please see separate **Adoption Guidance** for full details on the leave, applicable payments and the application process. If the child is being adopted from outwith the UK, there may be entitlement to adoption leave or pay, subject to certain qualifying criteria.

Paternity Leave

This is a leave provision for the father, partner or nominated carer of an expectant mother at or around the time of the birth, or in the case of adoptions the spouse or civil partner or partner (of either sex) of the primary adopter or for surrogacy arrangements, the spouse or partner of the parental order surrogacy parent. Paternity leave applies to all employees of the Council (except casual and relief workers), irrespective of hours of work and length of service. It can either be taken as one week or two consecutive weeks but can't be taken as odd days. See separate **Paternity Leave Guidance** for full details.

Shared Parental Leave

These provisions apply to employees with babies due or matched with a child for adoption (including surrogacy arrangements), who meet the qualifying criteria. They enable mothers/adopters to commit to ending their Maternity or Adoption Leave and Pay at a future date and to share the untaken balance of leave and pay as Shared Parental Leave and Pay with their partner, or to return to work early from Maternity Leave or Adoption Leave and opt in to Shared Parental Leave and Pay at a later date. The provisions allow employees the flexibility to choose how to share the care of their child with their partner during the first year of birth or adoption and enable them to be on leave at the same time or stop and start their leave, returning to work between periods of leave. See separate **Shared Parental Leave Guidance** for full details.

Parental Leave

This is a statutory entitlement for parents where they can take **unpaid** leave to look after their child's welfare e.g. this could include for spending time with the child, looking at new schools, settling a child into a new school or for spending time with family members i.e. grandparents.

An employee is entitled to take 18 weeks' leave for each child and adopted child, up to their 18th birthday.

Time off must be taken as a whole week (not individual days unless the child is disabled), with a maximum 4 weeks per child per year (unless agreed with the Council). A week is the equivalent to the employee's usual working week and pro-rated for part-time employees.

Parental leave applies to each child not to an individual's job. For instance, where someone joins the Council and they have used 10 weeks parental leave with a previous employer, they can use up to 8 weeks (the remaining balance of the 18-week entitlement) with the Council, if they're eligible.

To be eligible for Parental Leave the following criteria must be met –

- The person must be an employee (not a "worker") and have at least 1 year's service with the Council

- The child must be under 18 years' old
- The employee must be named on the child's birth/adoption certificate (proof can be requested prior to first period of leave)
- Have or expect to have parental responsibility

Note: Both foster carers and kinship carers qualify for Parental Leave provided they meet the first two bullet points above.

The employee must give at least **21 days'** notice of their intention to take Parental Leave and provide the intended start and end dates.

The Council can delay the start of the period of Parental Leave where granting the leave would cause significant disruption to the Service.

However, it can't be delayed by the Council -

- If there is no "significant reason"
- When it is requested by the child's father immediately after the birth/adoption of the child
- Where it impacts the employee's eligibility for Parental Leave i.e. after the child's 18th birthday

If the Parental Leave is postponed by the Council, the manager must write to the employee within **7 days** from the date that the original request is received explaining the reasons for the change and suggesting a more suitable start date – which must be within 6 months of the original requested start date and in agreement with the employee. The Council cannot change the amount of leave that has been requested by the employee.

Time off for dependants/family emergencies

This is a statutory right to **unpaid** reasonable time off to deal with **unforeseen** and **emergency** matters regarding a dependant. A dependant can be either a spouse, partner, child, parent or someone who depends on the employee for care. This time off can be granted in the following circumstances:

- To deal with a breakdown in a dependant's care arrangements.
- To put in place longer term care for a child or elderly relative.
- When a dependant falls ill or is taken to hospital.
- To make funeral arrangements. (See section on Compassionate Circumstances).

This provision does not include taking a dependant to hospital for planned appointments (see **Supporting Carers Guidance** for provision that may be applicable in this regard), and only applies in emergency situations that are unforeseen. Unpaid reasonable time off will be given to deal with the immediate emergency only. Where longer periods are required, this is no longer considered an emergency situation, therefore other leave provisions are more applicable, such as, annual leave or parental leave.

Employee Aide

This is a provision within the Supporting Attendance and Wellbeing policy which provides time off to deal with domestic emergencies (which is different to dealing with family emergencies as above). This covers time off at short notice, where it is not possible to apply in advance for flexi leave, or annual leave etc. This would include, for example, dealing with a burst pipe or flooding within the home. Please see relevant section within the **Supporting Attendance and Wellbeing policy** for further information.

IVF Treatment

This is unpaid time off provision for employees who decide to undertake IVF fertility treatment to try to become pregnant. The Council will be supportive where an employee wishes to go through IVF fertility treatment; however, there is no statutory right to time off to attend appointments or treatments before the stage at which the employee is pregnant. Options such as annual leave, flexi leave, unpaid leave, making the time up etc should be explored between the manager and employee to allow the employee to attend appointments and treatment. Please see **IVF Guidance** for further details.

SECTION 2: COMPASSIONATE CIRCUMSTANCES

Bereavement Leave

An employee will be granted bereavement leave on the death of a family member, relative, close friend/colleague. This includes time off for bereavement, making funeral arrangements and for attending the funeral.

The maximum amount of paid leave that can apply is as follows (pro-rated for part-time employees).

Immediate family member (e.g. spouse, partner, civil partner, child (18 or over), parent, resident relative living in employee's household)	Up to 5 days
Close family (e.g. brother, sister, son/daughter-in-law, parent-in-law) if not covered by the above	Up to 2 days
Other family members (e.g. grandparents, aunt, uncle, grandchild)	1 day
Others that are not specified above (e.g. neighbour, close friend)	½ day to attend funeral

The above is not intended to be fully prescriptive and circumstances will be assessed individually. The line manager may take into consideration special factors such as exceptional relationship to the bereaved, travelling time to attend the funeral etc.

Parental Bereavement

Parents are entitled to statutory leave of 2 weeks if they suffer the loss of a child under the age of 18 or suffer a still birth from 24 weeks of pregnancy. The leave can be taken as a single block of 2 weeks or discontinuously as 2 separate blocks of 1 week.

The Council offers employees contractual pay for the two weeks of Parental Bereavement Leave.

Full details of the provisions are contained in the Parental Bereavement Leave guidance.

Compassionate Leave

Paid time off may be granted where an employee is faced with a serious/critical family situation, for example where a close relative, partner or dependant has a serious illness, becomes critically ill or injured or is missing.

Service Managers may grant compassionate leave with pay following assessment of an employee's individual circumstances; this will not normally exceed 10 days (pro-rated for part-time employees). If a longer period of time off is required and deemed appropriate, the Service Manager and employee should discuss and agree other provisions that may be more suitable such as unpaid leave, temporary reduction in hours, use of TOIL /Flexi leave where appropriate etc.

This provision is not intended to include time off to look after children in the event of sickness due to difficulties in making childcare arrangements. These are covered by other provisions such as Time off for Dependants/family emergencies.

SECTION 3: APPOINTMENTS AND INTERVIEWS

Leave to attend Medical and Dental Appointments

Where possible, employees should arrange medical and dental appointments either on non-working days or outwith core hours to minimise disruption to the working day. Where this is not possible, either due to an emergency situation or lack of available appointments, reasonable paid time off will be given in order to attend the appointment. However, if appointments become frequent, employees may be asked to make up the hours or to take annual/flexi leave or they could choose to make use of a flexible working option.

Appointments include medical, dental, hospital, physiotherapy, occupational therapy and speech/language therapy.

In certain circumstances where the employee has a disability (which is covered under the Equality Act 2010) and requires to attend frequent outpatient appointments in relation to their disability, this may be covered by the provisions within the **Disability Leave Guidance**. Please refer section 4.

Paid time off will not be provided where an appointment is to carry out a medical for the purpose of assessing an insurance claim, nor for elective cosmetic procedures.

Leave to attend Interviews

Employees who request time off to attend an employment interview within Aberdeen City Council will be granted paid leave of absence. Travelling time to and from the interview location will be taken into consideration when granting time off.

Employees, who request time off to attend an employment interview which is outwith Aberdeen City Council, will not be entitled to paid leave of absence. The employee is expected to use other leave to cover this period of absence e.g. annual leave or flexi-leave.

SECTION 4: DISABILITY LEAVE

Disability Leave can be a form of reasonable adjustment in line with the requirements of the Equality Act 2010. It is provision offering reasonable paid special leave to disabled employees requiring time off for planned absences directly related to their disability, that prevent the employee from undertaking their usual working arrangements. The types of situation where Disability Leave would apply are e.g. where disability related equipment is being installed, dialysis treatment, planned therapy (including physiotherapy, occupational or speech and language therapy), hearing aid tests, receiving hospital treatment related to the disability as an outpatient. Full details, including eligibility and the application process, can be found in the separate **Disability Leave Guidance**.

SECTION 5: AUTHORISED UNPAID LEAVE OF ABSENCE

Career Break

This is a provision to allow an extended period of unpaid leave. To be entitled to a career break the employee must meet the qualifying criteria within the Career Break policy and the career break must be approved in advance by the Service based on the requirements of the Service at the time. Please see the separate **Career Break Policy** for further details.

Authorised Unpaid Leave

An employee may make a request through their Service Manager for unpaid leave of absence providing this period does not exceed **one** consecutive calendar month. If a longer period of unpaid leave is requested, a request must be submitted in writing and approved by the relevant Chief Officer. Where an unpaid leave period is extended beyond one consecutive calendar month, consideration should be given to any potential impact on pension, annual leave abatement and continuous service. Employees should discuss with their line manager whether any other provision would be more suitable to allow the extended period of leave. Please see the separate **Authorised Unpaid Leave Process** for further details.

SECTION 6: BAD WEATHER

There is normally **no** entitlement to paid time off when employees are unable to attend their usual work location due to adverse weather conditions. Other arrangements could be adopted such as working at another location, homeworking, or making use of annual leave, flexi leave or making up the time at a later date. If the above options are not possible, the time off can be recorded as authorised unpaid leave. Please refer to the separate guidance on **Failure to Attend Work Due to Bad Weather** for full details.

SECTION 7: DEVELOPMENTAL LEAVE

Study Leave

This provision allows an employee who is undertaking an approved course of study to take paid time off for study leave and to attend exams. The time off includes a half day per assignment and a maximum of one day per exam, with the total leave being a maximum of 5 days per academic year. Please see the **Employee Development Policy** for further details.

Weekend Courses

Where an employee is authorised to attend a weekend course which falls outwith their normal working days, one or two days will be granted in lieu for attending on a Saturday and/or a Sunday. If the course requires employees to travel on a Saturday or a Sunday and these are not part of their normal working days, time off in lieu will be granted. Depending on the amount of time lost, this can be granted as a half or full day. A day off in lieu will be granted when an employee attends an approved course which takes place on a public holiday.

Part-time employees who undertake work related training outwith their normal working hours should be paid on the same basis as full time employees and should receive compensation up to the full time equivalent hours of the post, where applicable, either as time off in lieu or payment for hours.

The above arrangement does not apply to employees, either full/part-time who are undertaking evening classes or open learning outwith their normal working hours. Such learning will be carried out in the employee's own time. Please see the **Employee Development Policy** for further details.

SECTION 8: SPORTING/ARTISTIC EVENTS

Leave for Employees to represent their country at National Sporting, Artistic or Related Event

This provision allows paid time off for employees to represent their country at a national sporting, artistic or related event. The employee should provide information in relation to the reason for the leave, including dates and times to be requested, at least one month in advance. The Service Manager may approve the leave request and grant paid time off, depending on operational requirements at the time of request.

Volunteering at a Multiple Sporting Event

This provision is for employees who wish to work in a volunteer role at an event involving multiple sporting disciplines e.g. at an Olympic or Commonwealth Games. This can be granted provided that it is subsequently approved by the Director in consultation with the Chief Officer – People and Organisational Development. The maximum entitlement is 10 days' leave, which includes any volunteer training. Of the total leave requested half can be paid special leave, with the remaining half being matched by the employee through other leave provisions.

E.g. If an employee requests 2 days in total, 1 day will be classed as paid special leave and the employee is expected to take 1 day as either unpaid leave, annual leave or flexi leave. Where 5 days in total are requested 2.5 days will be paid special leave and the employee is expected to take 2.5 days as above etc.

SECTION 9: PUBLIC/STATUTORY DUTIES

Leave when called as a Witness in Court/or to attend for Jury Service

Where an employee has been summoned to attend court either as a witness or to serve on a jury, they must inform their line manager as soon as possible and provide the relevant documentation which must be submitted to the HR Service Centre. Special leave will be granted to allow the employee to attend this duty which can be requested and approved through the HR/Payroll system.

When attending for jury service the employee is responsible for claiming any loss of earnings by sending the documentation provided by the court prior to attendance, to the Payroll Team through the HR Service Centre. Payroll will return the completed documentation to the employee for submission at the Court.

When attending as a witness in court, the employee will be granted paid time off. They can also retain any additional out of pocket witness expenses paid for by the court.

Leave for Trade Union Duties

Time off for Trade Union duties is provided for in the **Framework Agreement for Industrial Relations (FAIR)**.

Reservists

This provision covers those who are, or considering becoming a reservist within the Army Reserves, the Royal Navy Reserves, Royal Marines Reserves or Royal Air Force Reserves. Reservists must inform their Manager when they have been accepted on the Reservist list and the manager must pass the Notification Paperwork provided by the Reserve Force to the HR Service Centre.

Paid special leave up to a maximum of 15 days will be granted to volunteer reservists to attend their annual training event/camp (this covers the period in attendance at the event but does not include travel time). Payment will be subject to the deduction of service pay and allowances received from the forces.

Reservist employees who require time off for other Reservist activities are expected to use days from their normal annual leave entitlement (or to take unpaid or flexi leave or to agree with their Manager to make the lost time up at a later point).

Please see separate **Employing Reservists Guidance** for full details on employing reservists and for mobilisation of reservists.

Cadet Force Adult Volunteers (CFAV)

This provision covers those who are Cadet Force Adult Volunteers (CFAV).

Paid special leave up to a maximum of 5 days will be granted to CFAV to attend relevant / annual training and camps. Payment will be subject to the deduction of service pay and allowances received from the forces.

CFAV who require further time off are expected to use days from their normal annual leave entitlement (or to take unpaid or flexi leave or to agree with their Manager to make the lost time up at a later point).

Leave for Undertaking Election Duties and Training

Paid special leave can be granted for employees to undertake work in relation to election duties. If granted, time off will be given for employment at polling stations, at counts etc. and for associated elections training. Employees can also retain the fee received in respect

of election work. Time off will be granted by the employee's Service Manager in accordance with operational requirements.

Leave for Carrying out Public Duties

This applies to employees who hold certain public positions such as Justice of the Peace, being a member of a Children's Panel or being an elected member for another local authority, excluding Aberdeen City Council. Paid time off will be granted provided that the request satisfies the following conditions for it to be a reasonable request:

- The amount of time off required in general to perform the particular public duty and the amount of time off required on the particular occasion in question is reasonable.
- The amount of time the employee has been granted already for this purpose or any other activities has not been excessive.
- Conforms with section 10 of the Local Government Housing Act 1989 which states that paid leave of absence to serve as an elected member of some other Local Authority cannot exceed 208 hours within one financial year.
- It will have no significant impact on service delivery.

Leave for Special Police Constables and Volunteer Emergency Responders

Employees who are Special Police Constables or volunteering in what the Council considers to be an emergency service may be entitled to paid special leave to attend training or duties related to the role e.g. emergency call out situations. The maximum paid special leave entitlement is 10 days per year, and this will be granted in line with operational demand at the time of request.