

# Special Leave Policy

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## Document Control

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<b>Changes</b>	
<b>Sept 2023</b>	In line with the Carers Leave Act, this policy has been updated to reflect relevant entitlements for carers leave.
<b>June 2024</b>	Updated in line with the Paternity Leave (amendment) Regulations 2024.  Provisions for time off for IVF treatment updated in line with ACAS guidance.  Language reviewed to ensure inclusive.  Structure updated in line with current ACC Policy Template
<b>Feb 2026</b>	Removal of references to Family and Dependants Leave, now fully incorporated in the Family Leave Policy, to remove duplication.  Update to reservists leave payment and paid leave for Cadet Force Adult Volunteers in accordance with the Council's gold accreditation of the Defence Employer Recognition Scheme.

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Appendix 1 – Special Leave policy provisions

## 1. Why does the Council need this Policy?

- 1.1 This policy provides details of the Council's special leave provisions which may be available to employees 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, which may occasionally impact upon their normal working lives. It is supportive of the key benefits that maintaining employee work/life balance brings for employees and, therefore, the whole 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 of 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 balance the demands of personal and work responsibilities through offering paid and unpaid leave, according to the circumstances.
- 2.3 The provisions of this policy will only apply with the prior agreement of management, whether statutory or not.
- 2.4 Special leave may be granted as paid or unpaid leave, depending on the circumstances.
- 2.5 Line Managers can submit requests on behalf of employees should the employee not have access to the Council's HR/Payroll system.
- 2.6 Requests for leave can be made and the decision given verbally, however, requests and decisions on special leave require to all be recorded through the Council's HR/Payroll system.
- 2.7 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. If a period of absence is over several weeks/months, the deduction may be spread over more than one pay period.
- 2.8 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.

- 2.9 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](#).
- 2.10 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.
- 2.11 Whilst on unpaid authorised leave, neither an employee nor the Council will pay pension contributions. As such, an employee will not build up pension during this period. Upon returning from unpaid leave, if they wish to buy the pension “lost” while on unpaid leave they may do so by contacting the [Pensions](#) team and using an Additional Pension Contribution (APC) contract..
- 2.12 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 unpaid leave or the time being made up later.

### 3. Responsibilities

- 3.1 The **Council** will adhere to all its statutory responsibilities in relation to the provisions of this policy.
- 3.2 Chief **Officers** are responsible for the application of the policy and associated guidance within their service delivery remit.
- 3.3 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.
  - Effectively manage any operational impact as a result of employees taking special leave.
  - Create an environment where employees are aware of this policy and can make requests for special leave.
- 3.4 **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.

3.5 A breach or misuse of this policy may result in the potential use of a corporate policy e.g., [Managing Discipline](#).

3.6 Any feedback on the policy or suggestions for improvement should be shared with the policy author or owner in the first instance.

## 4. Supporting Procedures & Documentation

4.1 The following guidance documents are in place to support provisions in this policy:

- Disability Leave,
- Situations of Adverse Weather
- Employing Reservists

4.2 This policy also links to:

- Supporting Attendance and Wellbeing policy
- Family Leave policy
- Equality, Diversity & Inclusion policy
- Managing Grievances policy and guidance
- Managing Discipline policy and guidance
- Gender-Based Violence policy
- Framework Agreement for Industrial Relations (FAIR)
- Career Break policy
- Authorised Unpaid Leave process
- Employee Development policy
- Our Guiding Principles

## 5. About this Policy

5.1 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.

## 6. Risk

6.1 A function of ACC policies is to reduce risks around compliance, operational, financial and reputational. 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.

6.2 This special leave policy helps ensure that the Council follows best practice and is legally compliant; with many of the leave provisions being statutory related. Operational risks will be reduced as, if employees who have a need for leave in relation to their personal circumstances are supported in the workplace through this policy, this should assist with employee well-being, performance and attendance levels at work; as well as meeting service requirements. Financial risks should be mitigated by this policy as its contribution to employee wellbeing supports employees with leave to deal with arising circumstances which may potentially help alleviate stress and reduce the risk of related claims against the Council. The policy will also contribute towards reducing

reputational risks, as providing a range of special leave provisions should assist with enhancing the Council as an employer of choice and an organisation that applies good employment practices.

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

6.4 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 Citizen Services in the interpretation of the policy, wherever required.

6.5 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.

## 7. Environmental Implications

7.1 There are no environmental implications arising from this policy.

## 8. Policy Performance

8.1 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.

8.2 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.

8.3 The Chief Officer – People and Citizen Services will decide where and when data is reported on the effectiveness of the policy, in conjunction with 10.1, ensuring that confidentiality is maintained.

## 9. Design and Delivery

9.1 The policy links to the Council's 'Workforce Design' principle in that it relates to 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 our Equality, Diversity and Inclusion responsibilities. It also accords with the Council's Guiding Principles, particularly in relation to the commitment to valuing and supporting staff.

9.2 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 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.

## 10. Housekeeping and Maintenance

10.1 The Policy will be reviewed every 2 years, and any necessary updates made to it and the accompanying guidance documents.

## 11. Communication and Distribution

11.1 The policy will be communicated through the Council's Intranet and Leadership Forum, including networks for frontline staff, to ensure all relevant parties are aware of its content.

## 12. Information Management

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

## 13. Definitions and Understanding this Policy

13.1 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.

13.2 Worker – A worker e.g. a relief/casual worker is not an employee of the Council on set contracted hours, but can be asked to cover hours as required for planned or unplanned absence. Workers are classed as having 'no mutuality of obligation' status which means that they can be offered work but are not required to accept that work. As an employer, there is no obligation to offer work to any workers

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



# Appendix 1

## Special Leave policy provisions

### **SECTION 1: FAMILY AND DEPENDANTS LEAVE**

Family and dependants leave are covered under the Family Leave Policy and accompanying guidance documents.

This includes:

- Maternity Leave
- Paternity Leave
- Adoption Leave
- Neonatal Leave
- Shared Parental Leave
- IVF Treatment
- Parental Leave
- Carers Leave
- Time off for dependants/family emergencies
- Parental Bereavement Leave

Please see the Family Leave policy for more details.

## **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). 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.

### **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, child (18 or over), parent,	Up to 5 days
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resident relative living in employee's household	
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 line manager may take into consideration special factors such as exceptional relationship to the bereaved, travelling time to attend the funeral etc.

As family and personal circumstances vary, the above is not intended to be fully prescriptive and circumstances will be assessed individually. For example, it may be an aunt or another family member who has taken on the role of a parent and as such longer than one day leave is appropriate.

Details on Parental Bereavement leave can be found 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 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 Dependents/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 may choose to make use of a flexible working option.

Appointments include (but are not limited to) medical, dental, hospital, physiotherapy, occupational therapy and speech/language therapy. 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.

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

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## **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 a 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 situations where Disability Leave could apply include: 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**

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## **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

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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 as well as impact on service provision within that team. Employees should discuss with their line manager whether any other leave 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: ADVERSE WEATHER**

The Council's [Guidance for Situations of Adverse Weather](#) has details on special leave entitlements and how to manage non-working time in instances of adverse weather.

### **SECTION 7: DEVELOPMENTAL LEAVE**

#### **Study Leave**

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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**

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This provision allows an employee who undertakes approved work-related training on a day, or during hours, that falls outwith their normal working week, to take time off in lieu (TOIL). If the course requires the employee to travel during time that is not part of their normal working week, time off in lieu will be granted.

This provision applies equally to part-time employees who undertake work-related training outwith their normal working hours.

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**

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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**

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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 Cluster Chief Officer in consultation with the Chief Officer – People and Citizen Services. 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**

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

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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.

In all of these instances, the employee is required to maintain regular contact with their manager as to the status in terms of the leave required as the case progresses.

### **Leave for Trade Union Duties**

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Time off for Trade Union duties is provided for in the [Framework Agreement for Industrial Relations \(FAIR\)](#).

## Reservists

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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).

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)

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

Paid special leave up to a maximum of 10 days will be granted to CFAV to attend relevant annual training and camps.

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

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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 will at – the same time- receive the separate payment agreed with the Election Unit in respect of their election work). Time off will be granted by the employee's Service Manager in accordance with operational requirements.

## Leave for Carrying out Public Duties

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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 and 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.