

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance Committee
DATE	24 June 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Family Friendly Policies Project Update
REPORT NUMBER	CORS/24/185
EXECUTIVE DIRECTOR	Andy MacDonald, Director – Corporate Services
CHIEF OFFICER	Isla Newcombe Chief Officer
REPORT AUTHOR	Sharon Robb, Employee Casework Lead Linsey Blackhurst, Interim Organisational Change and Design Lead
TERMS OF REFERENCE	2.5

1. PURPOSE OF REPORT

- 1.1 This report has been prepared to update Committee on the progress in relation to the Family Friendly Project and seek approval for the Special Leave policy.

2 RECOMMENDATIONS

That the Committee:

- 2.1 notes the content of the report and the progress made to date within the Family Friendly Project;
- 2.2 approves changes to the Special Leave Policy to ensure compliance with the Carer's Leave Act 2023 and the Paternity Leave (amendment) Regulations 2024;
- 2.3 approves the project next steps as outlined in section 5 of the report; and
- 2.4 instructs the Chief Officer – People and Citizen Services to report back to Staff Governance Committee in one year's time with updated policies and documentation for approval.

3 CURRENT SITUATION

3.1 Background

- 3.1.1 Aberdeen City Council's vision is for Aberdeen as a place where all people can prosper. This means all people being able to access our services, regardless of their background and circumstances, so that we help all people, families, businesses and communities to do well, succeed and flourish in every aspect.

3.1.2 The Council's Workforce strategy and Delivery Plan aims to enable employees to thrive personally and professionally with a key strategic objective which states that Aberdeen City Council is a supportive, caring employer that provides a range of mental health and wellbeing interventions and support; supports staff through the cost of living crisis; recognizes and supports work/life balance and enables individuals to remain in work or return to work effectively. The family friendly policy review is directly linked as a component which seeks to enable this objective.

3.1.3 Currently, the Council's family friendly policies and guidance documents include:

- Family Friendly Policy Feb 2015
- Maternity Leave Guidance Feb 2020
- Paternity Leave Guidance July 2017
- Shared Parental Leave Guidance July 2017
- Adoption Leave Guidance July 2017
- Managing Employees Undergoing IVF Treatment Guidance Oct 2014
- Supporting Carers in the Workplace Guidance Dec 2015

3.1.4 In addition, the Council also has a Special Leave Policy which includes special leave and flexible working provisions that employees can use which includes:

- Parental Leave
- Time Off for Dependant / Family Emergencies
- Parental Bereavement Leave
- Time Off for IVF Treatment

3.1.5 A summary of the entitlements under the above mentioned policies is provided at appendix 1.

3.1.6 There are also a number of Flexible and Smarter Working options that employees may benefit from such as flexi-time, term-time working, part-time working, amongst others, and Guidance for Situations of Adverse Weather also covers time off for primary care givers in situations where there are school closures due to adverse weather.

3.1.7 It is worth noting that those on Scottish Negotiating Committee for Teachers (SNCT) terms and conditions, [under Part 2 Section 7 of the SNCT Handbook](#), have separate provisions for the following, which are agreed at a national level:

- Maternity Leave and Pay
- Adoption Leave and Pay
- Shared Parental Leave and Pay
- Surrogacy Leave
- Maternity and Adoption Support Leave and Pay (including Ordinary Paternity Leave and Pay)
- Parental Leave
- Leave of Absence

- Time Off for IVF Treatment
- Compassionate Leave
- Flexible Working

3.2 Links to Other Outcomes, Agreements and Pledges

3.2.1 The Council currently has two equality outcomes as an employer. These are:

Improve the diversity of our workforce and address any areas of underrepresentation, ensuring that there are equal opportunities for all protected groups (with consideration for both internal employees and external applicants), with a particular and prioritised focus on Age, Disability, Race and Sex.

Ensure that all of our employees who have protected characteristics feel fully valued, safe and included at work, with a particular and prioritised focus on Age, Disability, Gender reassignment, Race, Sex and Sexual orientation.

To align with these outcomes, each guidance document now includes an 'Inclusivity Statement'; and the language/terminology within each guidance document and the Special Leave Policy has also been reviewed and updated.

3.2.2 In November 2022, Aberdeen City Council committed to sign the [Pregnancy Loss Pledge](#) which was subsequently done in 2023. This committed Aberdeen City Council to:

- Encourage a supportive work environment where people feel able to discuss and disclose pregnancy and/or loss without fear of being disadvantaged or discriminated against
- Understand and implement the rules around pregnancy-related leave, ensuring staff feel able to take the time off they need.
- Show empathy and understanding towards people and their partners experiencing pregnancy loss.
- Implement a pregnancy loss policy or guidance, or ensure it is included in sickness, bereavement or other workplace policies – being mindful of the needs of partners, too.
- Support people back to work by being responsive to their needs and showing flexibility wherever possible.

3.2.3 Aberdeen City Council joined the [Equally Safe at Work Accreditation Programme](#) in January 2021. Equally Safe at Work is run by Close the Gap and is intended to provide a framework for employers to create an inclusive workplace culture for women which also prevents violence against women.

3.3 Outcomes

3.3.1 Based on the data trends, research, benchmarking and current engagement previously undertaken, a number of key outcomes were identified as part of this

project and these were reported in the [Previous September 2023 Committee Report](#).

3.3.2 In addition to the above, the family friendly 'suite' will link with updates relating to flexible and smarter working across the organisation which are currently being reviewed in line with the [Workforce Delivery Plan](#), and will take into consideration the legislative updates associated with the Employee Relations (Flexible Working) Act 2023.

3.3.3 Further recommendations and proposals may be brought into scope following ongoing engagement and as the project develops. These proposals will be reported back to Staff Governance Committee in line with section 5.

3.4 Data

3.4.1 Since September last year additional data has been gathered regarding Special Leave as follows:

- Paid special leave provisions in scope for this project were used 3110 times in the last 5 years with an average of 1.8 days being taken. Of those who took these provisions, 2567 were female (82.54%) and 543 were male (17.46%).
- Unpaid special leave provisions in scope for this project were used 2330 times in the last 5 years with an average of 2.2 days being taken. Of those who took these provisions, 2088 were female (89.61%) and 242 were male (10.39%).

4. Progress Update

4.1 Since approval for the Family Friendly approach in September 2023, and in line with findings from employee engagement undertaken, all Family Friendly guidance documents have been updated to:

- enhance inclusivity by ensuring shared language and terms used throughout to maximise accessibility.
- provide clarity for managers in applying the guidance to support employees accordingly.
- ensure they are reflective of ACAS guidelines and current legislative position.

This applies to the following guidance documents:

- [Maternity Leave Guidance](#)
- [Paternity Leave Guidance](#)
- [Shared Parental Leave Guidance](#)
- [Adoption Leave Guidance](#)
- [Supporting Employees Undergoing IVF Treatment Guidance](#)
- [Supporting Carers in the Workplace Guidance](#)

4.2 A [Family Friendly homepage](#) has been created on the intranet to introduce and raise awareness to the project. All in scope and available policies,

provisions and guidance documents are linked and will be further consolidated into a family friendly 'suite', to ensure they are readily available for those who need it at point of need, that employees make the most informed choices and managers are able to provide consistent and appropriate support and decisions.

The screenshot shows a webpage from PeopleAnytime, a public group for Aberdeen City Council. The page is titled "Family Friendly Workplace" and is categorized as "InternalComms". The main content area features a purple header with the Aberdeen City Council logo and the text: "Aberdeen City Council is committed to being a family-friendly employer that is inclusive of diverse family units. The council recognises the importance of balancing work and family commitments and aims to create a flexible working environment that supports employees in meeting both. Family-friendly policies can benefit both employees and the Council by increasing employee commitment and reducing staff turnover and absence. The council is currently reviewing its family-friendly policies to ensure they are meaningful and effective for its colleagues. It is hoped that by enhancing family-friendly policies it will enable more equal sharing of work and childcare responsibilities between men and women." To the right of this text is a call to action: "Tell us what is important to you! ☺" and "Complete the [Family Friendly Policies Survey](#)". Below the main text, there is a section titled "Policies, provisions and guidance documents within scope for the project include:" followed by a bulleted list of links: Family Friendly policy, Maternity Leave guidance, Paternity Leave guidance, Shared Parental Leave guidance, Adoption Leave guidance, Managing Employees Undergoing IVF Treatment guidance, Supporting Carers in the Workplace guidance (updated March 2024), Parental Leave (Special Leave), Time off for dependant / family emergencies (Special Leave), Parental Bereavement Leave, and Time off for IVF Treatment. On the right side of the page, there is a smaller section titled "What are our family friendly policies?" with an image of a person's legs and feet.

4.3 In addition, specific changes have been made to the following documents as a result of legislative changes:

4.4 Carer's Leave Act Changes

4.4.1 The Carer's Leave Act 2023 came into effect from 6 April 2024 and entitles employees up to one week's unpaid leave per year to care for a dependent with a long-term care need. This right applies from the first day of employment and can be used to provide or arrange care.

4.4.2 Changes have been made to the Supporting Carers in the Workplace Guidance and Special Leave Policy to ensure compliance with the legislation, as well as providing clear information to managers and employees.

4.4.3 The wording in both documents was changed with immediate effect following committee approval in September 2023 to:

“Employees who are caring for a dependent with a long-term care need are entitled to a week of unpaid flexible leave per year. Managers can also consider, where appropriate, granting special leave such as ‘compassionate leave’ or agreeing with the employee that any time off required is taken as annual or flexi leave or that hours lost are made up at a later point.”

4.5 Paternity Leave Changes

- 4.5.1 The Paternity Leave (Amendment) Regulations 2024 came into force on 8 March 2024. The changes apply to children who are due to be born or placed for adoption after 6 April 2024. The following statutory provisions will change:
- Instead of taking the entire two week entitlement in consecutive weeks, employees can now separate their leave into separate one week blocks.
 - Employees can take their paternity leave any time in the 52 weeks after the birth or adoption of their child.
 - The notice period required for each period of leave has been shortened to 28 days, or four weeks.
- 4.5.2 For parents of babies born before 6 April 2024, the statutory provision remains that leave can only be taken in one continuous block of one or two weeks within the first eight weeks after birth, and notification of the leave before the end of the 'qualifying week' (15 weeks before the expected week of childbirth).
- 4.5.3 Changes are proposed to the Paternity Leave Guidance and Special Leave Policy to ensure that Aberdeen City Council is compliant with the amended regulations.

5. Next Steps

- 5.1 All in scope policies, provisions and guidance documents are to be consolidated, streamlined, readily available, easy to understand and clear for those who need it at point of need, packaged within a family friendly 'suite'.
- 5.2 Continuous monitoring and improvement of all documents within the family friendly 'suite' to ensure the language remains inclusive and contemporary, reflecting the organisation's Guiding Principles as well as all family types and circumstances, such as LGBTQ+ couples and kinship carers.
- 5.3 The Neonatal Care (Leave and Pay) Act 2023, which provides parents with a right to 12 weeks leave and pay when their baby requires neonatal care, is due to come into effect in April 2025 and will be incorporated into the relevant policies and guidance to ensure compliance
- 5.4 A communications and engagement plan will be developed to increase awareness of family leave provisions and maximise uptake.
- 5.5 Improve communications and training for managers about family friendly employee entitlements so that managers are able to provide consistent and appropriate support and decisions.
- 5.6 Job Families are considered so that information is accessible in a way that suits the needs of different employee groups.
- 5.7 Ensure the family friendly 'suite' is well-connected to, and makes the most of, government websites and toolkits that are available for employees.

- 5.8 Support provisions, such as entitlements around pregnancy loss and counselling services, will be readily available at point of need so that employees will have easy access to support.
- 5.8 The family friendly 'suite' will link with updates relating to flexible and smarter working across the organisation which are currently being reviewed in line with the [Workforce Delivery Plan](#), and will take into consideration the legislative updates associated with the Employee Relations (Flexible Working) Act.
- 5.9 Further benchmarking and research will continue with other local authorities, partner organisations as well as with other private and third-sector organisations to identify further best-practice examples of family friendly policies and provisions.
- 5.10 Employee equality networks and working groups will continue to be engaged throughout so that they are co-designing improvements to our family friendly policy, guidance documents and provisions.
- 5.11 The Chief Officer – People and Citizen Services will report to Staff Governance Committee in 2025 with the revised family friendly policy, along with an update on any other changes and improvements to procedures and guidance documentation.
- 5.12 Any additional changes to provisions or documentation required in the meantime, will be brought to Staff Governance Committee within appropriate timescales and cycles.
- 5.13 Ongoing feedback and data analysis will be taken to measure impact of any improvements.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications resulting from the recommendations in this report, however failure to comply with legislation could result in claims being made against the Council.
- 6.2 Any other identified implications will accompany the Staff Governance Committee paper in summer 2025 alongside policy updates and any further proposals.

7. LEGAL IMPLICATIONS

- 7.1 The Family Friendly Policies Project will continue to ensure compliance with all employment provisions associated with maternity, paternity, shared parental and adoption leave as well as entitlements to parental leave.
- 7.2 The Family Friendly Policies Project will ensure compliance with the Council's duties under the Equality Act (2010), Employment Acts and associated regulations.

8. ENVIRONMENTAL IMPLICATIONS

8.1 There are no direct environmental implications arising from the recommendations of this report.

9. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Inability to deliver on Workforce Delivery Plan.	Ensuring that the Family Friendly policy review is delivered and implemented within relevant timescales	L	Yes
Compliance	Ability to meet our obligations under the Equality Act (2010) as well as the Employment Acts/Regulations and legislative provision around carers leave and neonatal care leave.	Ensuring that the legislative requirements are captured within the review and implemented within relevant timescales.	L	Yes
Operational	Inability to provide support for employees or not competing with other organisations and industries could result in poor staff morale or higher turnover.	Ensuring that benchmarking and research is undertaken so that what Aberdeen City Council is offering is best-practice and progressive.	L	Yes
Financial	Not complying with legislation may leave the Council open to claims. Many services will need to manage to redistribute work as required for the short-term period of paternity leave	Ensuring that the legislative requirements are captured within the review and implemented within relevant timescales.	L	Yes

	without backfill. In the instances where services will need a role fully covered during paternity leave then People and Citizen Services will work together with them to find flexible options within the confines of our Establishment Control Board	Guidance for managers on how to accommodate leave will be available. In addition, recruitment approval governance and support remains in place.		
Reputational	Risks of not providing an inclusive environment could impact on Council reputation and employer brand.	Ensuring that benchmarking and research is undertaken so that what Aberdeen City Council is offering is best-practice and progressive.	L	Yes
Environment / Climate	No significant risks identified			

10. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2024-2025</u>	
Impact of Report	
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous Economy Stretch Outcomes	This report supports: <ul style="list-style-type: none"> 400 unemployed Aberdeen City residents supported into Fair Work by 2026
Prosperous People Stretch Outcomes	This report supports: <ul style="list-style-type: none"> Supporting vulnerable and disadvantaged people, families and groups
Regional and City Strategies	This report links directly with the Council's Workforce Delivery Plan in ensuring that employees have the right support. This also supports the Council's Equality Outcomes and Equality, Diversity and Inclusion Action Plan .

11. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Integrated Impact Assessment has been completed.
Data Protection Impact Assessment	Not required

12. APPENDICES

12.1 Special Leave Policy

12.2 Summary of Current Provisions

13. BACKGROUND PAPERS

13.1 [Previous September 2023 Committee Report](#)

14. REPORT AUTHOR CONTACT DETAILS

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Special Leave Policy

Approved by Committee on 20 March 2020 and implemented on that date, interim updates approved and implemented 04 September 2023

Document Control

Approval Date	
Implementation Date	
Policy Number	POL-R-0002
Policy Author(s) and Owner	Sharon Robb – Policy author Isla Newcombe – Policy owner
Approval Authority	Staff Governance Committee
Scheduled Review	Annually
Changes – Sept 2023	In line with the Carers Leave Act, this policy has been updated to reflect relevant entitlements for carers leave.
Changes - June 2024	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

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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, out-with 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 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.
- 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 through an Additional Pension Contribution (APC) contract through liaison with the [Pensions](#) team.
- 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 There are various guidance documents in place to support the provisions in this policy, including guidance on Maternity, Adoption, Paternity, Shared Parental Leave, Disability Leave, Supporting Carers, IVF, Bad Weather and Employing Reservists.

4.2 This policy also links to:

- Supporting Attendance and Wellbeing policy
- Family-Friendly 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 Organisational Development Service 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 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 our responsibilities under Equalities. 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 annually, and any necessary updates made to it and the accompanying guidance document.

11. Communication and Distribution

11.1 The policy will be communicated through the Council's Intranets 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 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

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 that guidance to inform the Council of pregnancy, which is essential to ensure appropriate risk assessments are undertaken, and to ensure maternity leave and pay arrangements can be timeously 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 out with 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/birth partner at or around the time of the birth. In the case of adoptions this leave is for the spouse or civil partner or partner, 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, irrespective of hours of work and length of service, with the option to take up to 2 weeks leave. 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/ birth parents/adopters to commit to ending their Maternity or Adoption Leave and Pay at an agreed 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 up to 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 has a disability), with a maximum of 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 an individual 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 are 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 continuous 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 may 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, however, it cannot be delayed by the Council -

- If there is no 'significant reason' (e.g. where granting the leave would cause significant disruption to the Service)
- When it is requested by the child's father or partner or support person (meaning a person who lives with the mother/birth parent in an enduring family relationship but who is not their parent, grandparent, sibling uncle or aunt) 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 in the Workplace Guidance](#) and Carer's Leave below for provision that may be applicable in this regard), and applies only 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 should be explored, such as, annual leave or parental leave.

Carers' Leave

Employees who are caring for a dependent with a long-term care need are entitled to a week of unpaid flexible leave per year. Managers can also consider, where appropriate, granting special leave such as compassionate leave or agreeing with the employee that any time off required is taken as annual or flexi leave or that hours lost are made up at a later point.

Please see the [Supporting Carers in the Workplace Guidance](#) for full 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 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

There is currently no legal provision for time off work for IVF treatment or related sickness,

nonetheless and in line with the Special Leave Policy, any IVF appointments or sickness will be treated in the same as any other medical appointment or sickness.

The Council will work with employees undergoing an IVF process with respect and consideration, with requests for time off being considered sensitively by managers and with a supportive approach taken.

Depending on the frequency and length of appointments, as with medical appointment leave, it may be appropriate that alternative options (or a combination of these) be explored by the manager and employee with the appropriate option(s) selected to accommodate the request. The options include the following:

- Unpaid leave
- Annual leave
- Flexi leave (for those on flexi time)
- Making lost time up at a later date
- Altering hours on a temporary basis
- Making use of a Coreless Flexi day (for those on Flexi time)
- Consideration of other flexible working options (see the Council's Smarter Working guidance)

It is acknowledged that fertility challenges, investigations or appointments can be difficult and therefore any employee who is the partner or support person may also use the above options.

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, 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 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.

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 – and is in addition to maternity leave entitlement, where this also applies.

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 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 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.

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 out with 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

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 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

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

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. 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

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 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

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.

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

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.

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 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

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.

Appendix 2 – Summary of Current Provisions

Entitlement	Leave (maximum)	Pay
Maternity	52 weeks	<p>Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP) for a maximum period of 39 weeks as follows:</p> <ul style="list-style-type: none"> • For the first 6 weeks 90% of average weekly earnings. • For the following 12 weeks a sum equal to 50% of normal pay. • In addition, employees get the flat rate of SMP or 90% of average weekly earnings if this is less than the flat rate of SMP. • For the following 21 weeks flat rate of SMP (or 90% of average weekly earnings if this is less than the flat rate of SMP). • The remaining 13 weeks of maternity leave, if taken, is without pay. <p>Eligibility criteria applies.</p>
Maternity (SNCT)	52 weeks	<p>Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP) for a maximum period of 39 weeks as follows:</p> <ul style="list-style-type: none"> • For the first 13 weeks OMP and SMP to equal normal salary. • For the following 26 weeks the flat rate of SMP. • The remaining 13 weeks of maternity leave, if taken, would be without pay. <p>Eligibility criteria applies.</p>
Paternity	2 weeks	<p>Full pay</p> <p>Eligibility criteria applies.</p>
Maternity and Adoption Support Leave incl. Paternity (SNCT)	2 weeks	<p>One week full pay, one week at the Statutory Paternity Pay rate.</p> <p>Eligibility criteria applies.</p>

Adoption	52 weeks	<p>Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) for a maximum period of 39 weeks as follows:</p> <ul style="list-style-type: none"> • For the first 6 weeks 90% of average weekly earnings. • For the following 12 weeks a sum equal to 50% of normal pay. • In addition, employees get the flat rate of SAP or 90% of average weekly earnings if this is less than the flat rate of SAP. • For the following 21 weeks flat rate of SAP (or 90% of average weekly earnings if this is less than the flat rate of SAP). • The remaining 13 weeks of adoption leave, if taken, is without pay. <p>Eligibility criteria applies.</p>
Adoption (SNCT)	52 weeks	<p>Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) for a maximum period of 39 weeks as follows:</p> <ul style="list-style-type: none"> • For the first 13 weeks Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP) to equal normal salary. • For the following 26 weeks flat rate of SAP. • The remaining 13 weeks of adoption leave, if taken, is without pay. <p>Eligibility criteria applies.</p>
Shared Parental Leave and Shared Parental Leave (SNCT)	50 weeks can be shared between parents)	<p>As per Government guidance. Up to 37 weeks of pay between parents.</p> <p>The actual amount depends on how much maternity or adoption leave and pay (or Maternity Allowance) the employee and their partner take. If eligible can:</p>

		<ul style="list-style-type: none"> • take less than the 52 weeks of maternity or adoption leave and use the rest as Shared Parental Leave (SPL) • take less than the 39 weeks of maternity or adoption pay (or Maternity Allowance) and use the rest as Statutory Shared Parental Pay (ShPP) <p>Eligibility criteria applies.</p>
Parental Leave and Parental Leave (SNCT)	Up to 18 weeks' leave for each child and adopted child up to their 18th birthday.	Unpaid Eligibility criteria applies.
Time Off for Dependant / Family Emergencies	Reasonable time off granted.	Unpaid however can be discussed with management to make the time back or use of annual leave, flexi time.
Leave of Absence (SNCT)	Up to 2 days	Paid This may be used for a number of situations but for family purposes, this relates to illness of a child, attending family events, being a birthing partner, supporting dependents at national or international sporting events, as well as anything under discretion of a Head Teacher.
Surrogacy Leave (SNCT)	52 weeks	<ul style="list-style-type: none"> • 13 weeks at normal salary • 26 weeks at a sum equivalent to Statutory Adoption Pay. • The remaining 13 weeks of leave, if taken, is without pay.
Parental Bereavement Leave and Parental Bereavement Leave (SNCT)	2 weeks	Paid
Time Off for IVF Treatment	Reasonable time off granted.	Unpaid, however can be discussed with management to make the time back or use of annual leave, flexi time.
Time Off for IVF Treatment (SNCT)	Reasonable time off granted.	Paid leave will be granted for related absences during one cycle of treatment.

Adverse Weather	Up to 1 days' leave per weather situation.	Paid.
Compassionate Leave	Reasonable time off up to 10 days' (pro-rata)	<p>Paid.</p> <p>Note that this is not normally intended to be used for childcare purposes but is specified as an option within our Supporting Carers in the Workplace Guidance.</p>