

East Dunbartonshire Council

Special Leave Policy

**Chief Officers,
Craft & Local Government Employees**

Education, People & Business

October 2019



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East Dunbartonshire Council

www.eastdunbarton.gov.uk

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Special Leave Policy

1.0 POLICY STATEMENT

- 1.1 Special leave is available to all employees of the Council to cater for a wide range of circumstances and may be with or without pay. The policy is divided into three sections as follows:
- **Family Life & Domestic**
 - **National, Public and Community Service**
 - **Miscellaneous Situations, Study & Interviews**
- 1.2 Requests for special leave for employees of the Council are based on the principle that employees should not make personal arrangements which conflict with their contractual duties.

2.0 SCOPE

- 2.1 The Special Leave policy applies to Local Government Employees, Craft Employees and Chief Officers.
- 2.2 Teachers and those on SNCT Conditions of Service should refer to the Procedural Statement of written particulars for further guidance (Manual No. 2/11 Special Leave for Teachers and Employees on Scottish Negotiating Committee (SNCT) Conditions of Service).

3.0 REFERENCES & RELATED DOCUMENTS

- 3.1 This forms part of the Councils Policies and Procedure base surrounding employment and certain policies, procedures and toolkits may be referenced throughout this document. This policy has been developed to ensure compliance with relevant employment legislation.
- 3.2 This Policy should be applied with reference to the Charter of Roles & Responsibilities for Employment based Policies and Procedures.

4.0 POLICY OUTLINE

4.1 APPLYING FOR & GRANTING SPECIAL LEAVE

- 4.1.1 Applications for special leave should be submitted and discussed with the line manager and consideration should always be given to the circumstances surrounding the request including the operational requirements of the Service.
- 4.1.2 Where appointment cards or other similar forms of notification are available these should be shown and where possible the paperwork for the request for special leave will be completed and submitted before the leave is taken but it is appreciated that in a few circumstances, this may not be possible. Please refer to the **Special Leave Toolkit** for the required Special Leave Application Form in all circumstances.

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- 4.1.3 All leave, whether it is paid or unpaid should be recorded on iTrent along with the reason for the leave.
- 4.1.4 In all cases an employee may request to substitute or extend special leave by using annual leave where appropriate.
- 4.1.5 In cases of unpaid special leave, managers have the discretion to and should initially seek to agree with employees an amendment to a working pattern (where service delivery allows and meaningful work can be carried out) to make up the time by additional hours being worked. This is subject to operational and service needs and an appropriate record of the agreement should be kept for audit purposes.
- 4.1.6 Any employee who requests special leave without pay should be informed that such leave may constitute a break in service that can affect superannuation payments and pension and should seek advice from Strathclyde Pensions Fund regarding this. Such leave however, does not affect continuous service within the Council.
- 4.1.7 Employees and managers should be aware that where there is reason to believe that the policy is being abused, Disciplinary Procedures may be invoked.

4.2 Family & Domestic

4.2.1 Family & Domestic Emergencies

- 4.2.2. For the purposes of this policy where not specified, an employee's family will be defined as a parent, child, spouse, partner, grandchild or someone who depends on the employee for care, however sympathetic consideration can be given to requests involving relatives other than those listed above.
- 4.2.3. Family emergencies are situations which tend to happen when least expected. Examples of these might include (this list is not exhaustive):
- A family member being involved in a serious accident or becoming ill and being admitted to hospital.
 - A family member is ill at home.
 - There is an unexpected problem with the day care normally provided for a dependent
- 4.2.4 Employees who find it essential to be absent due to a family emergency, leave with pay for up to a maximum of one day will normally be granted. To receive payment, employees must be able to demonstrate and/or provide clear explanation of the nature of the emergency to their manager. Planned and routine medical treatment is not regarded as an emergency.
- 4.2.5 In the case of the emergency hospitalisation of a family member and an employee has been advised by medical staff to stay at the hospital, leave with pay for up to 5 days will normally be granted. Where an employee attends work in these circumstances but is advised to be contactable by medical staff the employee should inform their manager and arrangements be made for the employee to be able to leave at short notice should this be required.

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- 4.2.6 Where an employee requests time off work to allow them to care for a family member, special leave of absence without pay subject to monthly review may be granted.
- 4.2.7 If employees are required to be absent to deal with necessary arrangements arising from domestic emergencies due to natural or malicious events such as floods, storm damage, fire or burglary, reasonable leave with pay will normally be granted. To receive payment employees must be able to demonstrate and/or provide clear explanation the nature of the emergency to obtain authorisation for this leave by their manager.
- 4.2.8 If an employee has a family/domestic emergency and it does not appear that the council has a policy/procedure in place that will assist the particular case, advice can be obtained from HR Case Advisers. Contact details can be found in the Manager's Toolkit. Many of the policies and procedures allow a degree of flexibility for special arrangements to be made.

4.3 Victims of Domestic Abuse

- 4.3.1 Where an employee is required to be absent to make special arrangements arising from being a victim of domestic abuse, leave with pay for up to 5 days will normally be granted with managers having the discretion to extend this to up to 10 days. In such cases advice should be sought from your HR Case Adviser (contact details can be found in **Special Leave Toolkit**). Leave can be taken in blocks or individual days depending on the circumstances. Please refer to the **Domestic Abuse Policy** for further details.

4.4 Medical Treatment

- 4.4.1 Employees requiring non-emergency/routine medical should make arrangements to obtain such treatment outwith normal working hours. Where this is not possible appointments should be made for the beginning or the end of the employee's working day. In the event an employee is finding it difficult to arrange an appointment within these times this should be discussed with their Manager with a view to reaching an alternative agreement which may include making up lost working time at a later stage or the use of annual leave.
- 4.4.2 Employees requiring to attend hospital appointments will be granted reasonable time off with pay. A hospital appointment card or letter must be provided to their manager prior to the leave being taken. Consideration should be given to time required for any preparatory treatment and /or recovery period for hospital appointments as outlined in the hospital letter or written instructions provided to the employee by the hospital in advance of the appointment.
- 4.4.3 Employees requiring to attend physiotherapy appointments will receive necessary paid time off if the employee is referred by their GP or their GP provides a report in support of the treatment. Where possible these appointments should be made at the beginning or end of the working day to minimise disruption to service delivery.
- 4.4.4 Time off for plastic surgery will be treated in accordance with the Wellbeing at Work Policy as long as the employee is referred by their GP or their GP provides a report in support of the treatment. Paid special leave is not granted for elective surgery.
- 4.4.5 An employee shall be entitled to time off with pay for the purpose of attending appointments related to fertility treatment.

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- 4.4.6 Employees who have caring responsibility for family members who have a medical condition covered under the Equality Act may be granted time off with pay up to a maximum of 5 paid days per year, to accompany them to appointments as long as they must personally attend as they are a principal carer. This time off will be granted subject to the employee contributing up to 50% of the leave required by way of using annual leave or unpaid leave. In order to receive payment employees must be able to demonstrate the necessity to attend the treatment and that they are the principal carer.
- 4.4.7 Employees may wish to consider other alternatives for example Parental Leave and/or Career Break should the medical treatment be required over a prolonged period.

4.5 Bereavement

- 4.5.1 In dealing with cases of bereavement it is expected that managers will be sympathetic to the situation. If an employee is experiencing difficulties in coming to terms with the bereavement, confidential support can be accessed through the Employee Assistance Programme. Advice can be sought from your HR Case Adviser. Contact details can be found in the **Special Leave Toolkit**.
- 4.5.2 An employee will be given reasonable time off as necessary with pay, up to 5 working days, including the day of the funeral in cases where the funeral is of a family member Other relationships may be taken into account if the employee is required to make funeral arrangement or is required to travel. Any leave granted beyond 5 days will be dependent on the nature of the bereavement and should be discussed with your HR Case Adviser.
- 4.5.3 In all other cases, employees will be allowed to take the necessary paid time off to attend the funeral.
- 4.5.4 Employees can use annual leave to extend the above provisions.

4.6 National, Public and Community Service

4.6.1 Reserve Forces

The Council recognises the valuable contribution reservists make to the UK Armed Forces, their communities and civilian workplace.

- 4.6.2 The Council recognises their obligation towards all employees who are members or wishing to become members of the Reserve Forces and supports these employees with their commitment to train regularly when they are mobilised.

They are two types of Reservists:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marine Reserves, Territorial Army and Royal Auxiliary Air Force.
- Regular Reservists – ex-regular servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.

- 4.6.3 The Council will not disadvantage reservists who provide notification of their reserve status or those reservists who are made known to the Council directly by the Ministry of Defence (MoD).

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- 4.6.4 If an employee is a reservist, and is considering renewing their reservist commitment or is interested in joining the Reserve Forces, they must discuss this with their line manager prior to any action. Reservists must also seek approval if they intend to volunteer for High Readiness Reservist Status (they accept an increased liability for mobilisation making them liable to be deployed with minimal notice).
- 4.6.5 The Council recognises the importance of the training undertaken by reservists permitting the development of skills and abilities that are of mutual benefit to their respective Reserve Force, the individual and the Council.
- 4.6.6 Reservists should give as much notice as possible to allow appropriate absence planning and must provide evidence of training requirements. Once permission is given it will not be withdrawn unless there are exceptional circumstances.
- 4.6.7 Line managers should support the reservist employee and aim to facilitate training requests and longer periods of absence for mobilisation (please refer to the Manager's Checklist within the **Reserve Forces Toolkit**). However, it is the reservist employee's responsibility to manage these requests by providing adequate notice for training commitments to enable line managers to plan accordingly.
- 4.6.8 An employee who is a member of Reserve Forces and attends an annual training camp for a period of one week or more will be granted up to 15 days special leave with pay. The entitlement is only for the time they actually spend at the training camp. This will be subject to the deduction of service pay and allowances received in respect of the period of special leave (Application for Special Leave Form).
- 4.6.9 When a reservist is mobilised they should inform their line manager as early as possible. The line manager should receive a mobilisation pack from the MoD (please refer to the Reservist's Checklist within the **Reserve Forces Toolkit**).
- 4.6.10 A reservist who has been mobilised has the right to be re-employed in the type of job in which they were last employed on their return and on terms and conditions no less favourable to that previously.

4.7 Role & Responsibilities

- 4.7.1 Reservists are encouraged to maintain contact with their employer while mobilised and to notify their employer of their last day of permanent service and when they intend to return to work. The reservist must write to the Council by the third Monday after their last day of military service making their request to return to work and proposing a date which should fall within 6 weeks of their last day of full time service.
- 4.7.2 Reservists are also encouraged to informally contact the Council to discuss their return to work via a method agreed with their line manager. The formal application must be made in writing for it to be valid under SOE 85 and is available within the **Reserve Forces Toolkit**.
- 4.7.3 If a Reservist is not satisfied with the offer of alternative employment they must write to the Council stating where there is reasonable cause for them not to accept it. If a Reservist believes that the Council's response to their application denies their rights under the Safeguard of Employment Act 1985, an application can be made to a Reinstatement Committee for assessment.

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4.7.4 For reservists who are mobilised please refer to the mobilisation process within the **Special Leave Toolkit**. Please contact HR Case Advisers for further information. Contact details can be found in the Special Leave Toolkit.

4.8 Emergency Services

4.8.1 In the event an employee is a retained employee in any of the emergency services employees should not be on-call during their working hours with East Dunbartonshire Council. However, paid time off will be given in circumstances where there is no risk to the business continuity and client base should the services of retained employees be required where a national emergency or critical incident be declared and the emergency services request further resources from their retained employee base. Authorisation should be sought from their Line Manager or an alternative Manager prior to leaving.

4.9 Jury & Witness Service

4.9.1 An employee receiving a citation to serve on a jury must advise their line manager and will be granted special leave with pay to attend (unless exemption is secured), subject to the deduction of the allowances to which the employee is entitled under the Jurors Allowance Regulations. The employee should claim these allowances.

4.9.2 Where an employee is cited to attend as a witness leave of absence will be granted as follows:

- In the case of professional witnesses, leave with pay will be granted on the understanding that witness fees received (excluding travelling and subsistence expenses) are notified to the appropriate resource to allow the equivalent deduction from pay.
- When employees are called as a witness by persons other than the council leave without pay will be granted. The employee must claim an allowance to cover loss of remuneration from the person citing them.

4.9.3 Employees who are required to attend an Employment Tribunal either as a witness or an appellant in cases involving East Dunbartonshire Council may be given reasonable leave of absence with pay.

4.9.4 Any other expenses received (i.e. travelling and subsistence payments) should be retained by the individual.

4.9.5 When an employee is requested to attend court on a designated public holiday, appropriate time off in lieu will be given.

4.9.6 For employees who work non-standard hours appropriate time off should be given e.g. an employee requested to attend court on a day when they are rostered to work night shift, should be given time off for both the previous night and the same night as the court appearance.

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4.10 Public Duties

- 4.10.1 Leave without pay, as necessary, will be granted to employees to facilitate their attendance at meetings as members of Community Councils, Health Councils, Benefits Agency Appeals Tribunals, College Board of Management, Independent Monitoring Boards for Prisons, Young Offender Institutions or removal centres, or business arising there from.
- 4.10.2 Leave with pay, as necessary will be granted to all employees to attend meetings as members of School Boards and up to 10 days leave with pay to undertake duties associated with membership of the Children's Panel or to undertake duties as Justices of the Peace.

4.11 International Sporting/Cultural Events

- 4.11.1 An employee who is representing their country at an amateur international sporting event or an important international cultural event may be granted reasonable leave with pay on production of documentation depending on the nature and duration of the event as follows:
- Where individuals are representing their country at international events then a period of up to 10 working days paid leave in any annual leave year may be granted.
 - In the case of special events e.g. Commonwealth Games, Olympic Games, World and European Championships, employees may be entitled to up to a further 10 working days paid leave, which would mean that in a year where employees have a combination of Championships at a significant level they could receive up to a maximum of 4 weeks paid leave within an annual leave year.
 - Requests may relate to duties such as being a national coach and umpiring/refereeing at sporting events.
 - Leave without pay may be granted for playing sport in a national Championship or an unofficial sport.

4.12 Youth Organisations Holiday Camps

- 4.12.1 Leave of absence without pay may be granted to employees who are required to organise or assist at Youth Organisation Holiday Camps, etc., provided the needs of the service can be met.

4.13 Election Duties

- 4.13.1 Subject to the needs of the service being met, paid leave will be granted to allow employees to undertake official duties such as Presiding Officer, Polling Clerk or Enumerator at elections/referenda for which an Officer of the Council is returning Officer or Depute. Authorisation must be obtained from the line manager prior to applying for election duties.

4.14 Election Candidates & Agents

- 4.14.1 Leave of absence without pay for a period of no more than 4 weeks at the time of the election shall be granted to employees who are candidates or election agents for the Local, Scottish, Westminster or European Parliaments subject to the needs of the Service.

4.15 Councillor Duties

- 4.15.1 Employees undertaking duties in connection with being a Councillor with another Local Authority will be allowed reasonable time off subject to the needs of the service. An employee, who is elected as a Councillor with East Dunbartonshire Council, must resign from their post.
- 4.15.2 Under Section 10 of the Local Government and Housing Act 1989 the amount of leave with pay is discretionary and requires management consent. This leave is subject to the needs of the service and is limited to 208 hours in any financial year. Thereafter any further leave will be without pay. This limit does not apply to employees who are appointed as Chair of a Local Authority, for example, the Leader or Provost. Form PER/SPL/2/ should be used for record keeping purposes.

4.16 Voluntary Service

- 4.16.1 Employees who participate in improving the quality of life of others will be supported in their action where reasonably practicable. Leave without pay will be granted to allow an employee to undertake duties or services of an honorary, charitable, philanthropic and civic character to be undertaken. Normally this leave will not exceed five days in any one year.
- 4.16.2 Employees applying for voluntary service overseas with the Voluntary Service Overseas Organisation, shall be granted leave of absence without pay for a period of up to 2 years, provided they have at least 1 year's continuous service with the Council (please refer to the **Career Break Scheme**).

4.17 Miscellaneous Situations, Study & Interviews

4.17.1 Interviews

An employee seeking employment within local government and who is required to attend for interview will be granted reasonable time off with pay and subject to production of the interview letter. Employees may opt to use annual leave entitlement also.

An employee who is in a redundancy or redeployment situation will be entitled to paid time off to attend any job interviews (please refer to **Principles of Change Strategy**).

4.17.2 Study & Exam Leave

Study Leave - Leave of absences with pay will be granted by the Executive Officer or Depute Chief Executive, subject to operational conditions within the department, for the purpose of final revision prior to sitting a formal examination (not a class examination). This will be limited to one day's leave per examination and any additional time should be taken from the employee's annual leave entitlement.

Exam Leave - Leave of absence with pay will be granted to employees with approved sponsorship to enable them to sit authorised examinations during normal working hours.

No leave will be granted for re-sitting examinations and time will be required to be taken from the employee's annual leave entitlement.

4.17.3 Third Party Claims

Employees absent on sick leave due to a third party's negligence and who are successful in their claim against the third party's insurers for their injuries, must reimburse the Council for pay loaned to them during this period. They will then have their sick leave recorded retrospectively as special leave. Annual leave or public holidays will not accrue during this special leave and as such, this loss should form part of the claim against the negligent party's insurers.

4.17.4 Severe Weather/Adverse Conditions

In severe weather conditions where you cannot reach your normal workplace, if safe to do so, you should attempt to make your way to the nearest East Dunbartonshire Council work location for example, office, depot or Community HUB. If this cannot be achieved, you may not receive pay for that day, although individual cases will be considered on their own merit along with the circumstances of the severity of the weather conditions. You may however opt to use annual leave as appropriate. In all cases you should contact your line manager as soon as possible regarding your situation and intention.

4.17.5 Visiting Relatives Overseas

Employees visiting relatives overseas must use their annual leave entitlement. Where an extension of leave is necessary employees who have completed 1 years' continuous service at the date of the commencement of the proposed leave may be granted reasonable leave without pay as long as this does not have a detrimental effect on the service. In exceptional circumstances employees with less than 1 years' continuous service may be granted leave without pay.

4.17.6 Religious Festivals Or Holidays

Employees who celebrate festivals or holidays on days other than those allocated by the Council each year will be entitled to a maximum of 3 separate day's leave of absence without pay per year to participate in religious festivals or holidays. This includes 1 day allowance for the ordination or similar service of a near relative.

4.17.7 Other Special Leave

There may be occasions when special leave is appropriate but may not be covered by the special leave provisions. If appropriate, managers may grant leave in special circumstances, with or without pay, subject to the needs of the Service.

Where this is the case, this should be discussed with a HR Case Adviser. Contact details are available in the **Special Leave Toolkit**. The employee is required to get approval from the appropriate Executive Officer.

5.0 GDPR STATEMENT

- 5.1 East Dunbartonshire Council holds, uses and processes information in accordance with the General Data Protection Regulations and all other relevant national data protection laws. Further information detailing how East Dunbartonshire holds and uses personal information and copies of privacy notices used throughout the Council are available on our website: www.eastdunbarton.gov.uk/council/privacy-notice.

6.0 POLICY REVIEW STATEMENT

- 6.1 This policy will be reviewed in two years or in line with:
- Legislative Change.
 - Other external factors.
 - Evaluation of the effectiveness of the policy

Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages.

Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

Kirkintilloch G66 1TJ Tel: 0300 123 4510

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫੋਨ ਕਰੋ।

Gabhaidh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòn gu 0300 123 4510

अनुरोध करने पर यह दस्तावेज़ हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फोन कीजिए।