
Report to Partnership and Performance Committee

Date of Meeting: 12th March 2020

Subject: HR Policies

Report by: Strategic Director, Partnership & Performance

1.0 Purpose

- 1.1. This paper seeks Committee approval to update the recently agreed Special Leave Policy to take account of forthcoming employment law changes.

2.0 Recommendations

Committee is asked to:

- 2.1. Note and agree the amendments at paragraph 6.2 of the Special Leave Procedure (**Appendix 1**)

3.0 Considerations

- 3.1 The special leave policy and procedure was approved by Committee on 16th January 2020.
- 3.2 The Special Leave Policy provides a centralised policy within which all types of special leave, whether paid or unpaid, are covered.
- 3.3 The Parental Bereavement (Leave and Pay) Act 2018 comes into force on 6 April 2020, giving staff who suffer the loss of a child under the age of eighteen, or suffer a stillbirth after twenty-four weeks of pregnancy, a new entitlement to leave either in one two week block or two one week blocks.
- 3.4 Employees who are 'bereaved parents' will be entitled to the leave. The definition is wide ranging and will cover most parental and carer relationships.
- 3.5 The leave is a 'day one' right, meaning there is no minimum service required for an employee to be eligible, and can be taken at any time within the fifty six week period following the bereavement. The extension to fifty six weeks is to enable the parents to take a week off on the anniversary of the loss.
- 3.6 Unions have been consulted on the change.

4 Sustainability Implications

4.1 There are no sustainability implications arising from this report.

5 Resource Implications

Financial Details

5.1 There are no financial implications arising from the recommendations set out in the report

Staffing

5.2 There are no implications of additional staff resource arising from the recommendations set out in this report.

6 Exempt Reports

6.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No (See Appendices 7,8 and 9).

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1: Special Leave Procedure

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

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SPECIAL LEAVE PROCEDURE

(Including paid and unpaid leave)

Date: September 2018

Version: 0.4

DRAFT

DOCUMENT CONTROL SHEET:

Key Information:

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Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
0.1	September 2018	Draft	D.K.	N/A
0.2	September 2019	Amendments made following policy group	D.K.	N/A
0.3	September	Update to formatting	D.K.	N/A
0.4	October	Update following completion of EQIA	D.K.	N/A

SPECIAL LEAVE PROCEDURE

1. Introduction

- 1.1 Special Leave is available to all employees of the Council for a wide range of reasons which may be with or without pay.
- 1.2 Special leave arrangements in relation to teachers is covered by the Leave of absence for teachers and associated professionals document as agreed at LNCT.
- 1.3 Where an employee is term time the outlined leave procedures will also apply.
- 1.4 The Special Leave Policy and procedure is divided into 3 sections.
 - Section 1 covers matters relating to balancing work and family life.
 - Section 2 covers leave for National, Public and Community Emergency Service.
 - Section 3 covers other leave.
- 1.5 When approving requests for special leave, managers must consider the operational requirements of the Service as well as any requests that have been previously granted, outstanding annual leave and requests governed by legislation.
- 1.6 Managers are encouraged to consider flexible methods of supporting employees and should consider the need to treat all employees fairly whilst balancing the needs of employees with the needs of the service.

- 1.7 Applications for Special Leave must be submitted to line managers giving as much notice as possible.
- 1.8 Appointment cards or other notification should be shown where available.

2. SECTION 1 – BALANCING WORK AND FAMILY LIFE

- 2.1 The Council recognises that the effectiveness of the Council depends on the motivation and commitment of its workforce. The Council fully appreciates the difficulties that many employees have in balancing work requirements and family/caring commitments.
- 2.2 All employees have the right to a reasonable amount of unpaid time off to deal with an emergency involving a dependant. A dependant is the employee's spouse or civil partner, child or parent; or a person who lives in the same household as the employee (other than individuals who live there because they are the employee's tenants, lodgers, boarders or employees).
- 2.3 The right to reasonable time off without pay should simply allow the employee to deal with the immediate problem and put necessary arrangements in place.
- 2.4 A family emergency can be anything from having to cope with a child being ill and not being able to attend nursery/school, to a close family member being involved in a serious accident or becoming ill and being admitted to hospital.
- 2.5 Events such as those outlined above can be traumatic situations for anyone to deal with. The Council therefore recognises that when its employees have to cope with any of these situations they will need the support of a caring and supportive employer.

- 2.6 For the purpose of council procedures, a carer is defined as someone who provides unpaid support to a dependant who is affected by long term illness, disability or addiction who could not manage without this help. Examples may include a dependant who is ill, older and/or frail or disabled; or where there is a change in circumstances or health of a dependant who is ill, older and/or frail or disabled.
- 2.7 If an employee has a family emergency and it does not appear that the Council has a policy/procedure in place to assist in that particular case, advice can be obtained from HR. Many of the policies allow a degree of flexibility for special arrangements to be made in certain circumstances.

3. FAMILY EMERGENCIES

- 3.1 If employees are required to be absent from work to make alternative arrangements arising from family emergencies, up to 1 day's leave with pay will normally be granted for each incident (subject to a maximum of 3 days in a 12 month period). Family emergencies may include incidents such as the sudden or unexpected illness of a relative, partner or child, disruption to the care of a dependent or an incident involving children at school/childcare.
- 3.2 All such requests will be subject to review and will be considered on a case by case basis. In the case of the emergency hospitalisation of a child, to allow an employee to remain with their child while in hospital, leave with pay for up to 3 days will normally be granted in line with but not in addition to the Carers Procedure.
- 3.3 In the case of a critically ill or injured partner, an employee may be granted up to 3 days leave with pay in a 12 month period for these unplanned circumstances.

- 3.4 Where the illness of a dependant is of a serious nature and an employee wishes time off to care for that person, employees should refer to the Carers Procedure for more details on this.

4. URGENT DOMESTIC DISTRESS

- 4.1 Where an employee is required to be absent from work to make special domestic arrangements arising from experiencing domestic abuse, leave with pay for up to 1 day will normally be granted.
- 4.2 Where an employee as a result of domestic distress requires time off for example for such things as a serious house fire, break-in, burglary or a burst water pipe. Please note this is not an exhaustive list.
Leave with pay for up to 1 day will normally be granted for each incident.
- 4.3 Due consideration would need to be given to the circumstances arising.

5. MEDICAL TREATMENT

- 5.1 Staff will be granted such reasonable time off without loss of pay as is required for the purpose of preventative medical examination at hospital. Reasonable notice and service needs must be taken into consideration wherever possible when appointments are being made.
- 5.2 Employees requiring non-emergency medical treatment from opticians, dentists or GPs should arrange the appointment for the beginning or end of the working day or arranged on days off.
- 5.3 Employees should provide their line manager with reasonable notice of any appointment taking into consideration the needs of the service. Only where service needs will be impacted negatively will time off for appointments be

refused. Where line managers need to discuss further they should contact their service HR Business Partner.

- 5.4 Where an employee has to attend a hospital appointment, they should provide their line manager with as much advance notice as possible, no less than one week for non emergency hospital appointments.
- 5.5 A copy of the hospital appointment card will be required to be given to the line manager to ensure payment for attendance at the hospital appointment.
- 5.6 Where employees have to take a dependent to a pre planned doctors or hospital appointment then this should be made where possible out with working hours. Should this not be possible then unpaid leave may be agreed.
- 5.7 In emergency or other circumstances where a line manager is satisfied that an employee can't get an appointment outwith normal working hours they should allow reasonable time off with pay for the employee to attend an appointment with a dependant.
- 5.8 In such cases, employees should, wherever possible arrange appointments at a time which will minimise disruption to their working day and the time off required, e.g. early morning, lunch time or late afternoon.
- 5.9 Confirmation of medical appointments or notification for other medical treatment must be provided to support the request for time off.

6. BEREAVEMENT

- 6.1 Reasonable time off with pay will be granted in the case of the death of a near relative. Line Managers should be sympathetic to the situation faced by the employee. For relationships such as Parent(s), Sibling(s), Child/ren, Spouse or Partner the amount of time paid will be up to five days.

6.2 In addition to the provisions outlined in 6.1, under the Parental Bereavement (Leave and Pay) Act 2018, from April 2020, staff who suffer the loss of a child under the age of eighteen, or suffer a stillbirth after twenty-four weeks of pregnancy, will be granted 2 weeks paid leave. This can be taken either in one two week block or two weekly blocks. There is no minimum service requirement for a member of staff to be eligible and the leave can be taken at any time within 56 weeks following the bereavement.

6.3 Alternatively in other circumstances not covered by the above where an employee is conducting business in connection with the funeral the employee will be granted three working days with pay, this also includes time for attending the funeral.

6.4 In other cases, an agreement should be reached between the manager and the employee about time off to attend a funeral service. This will not normally be more than one day with pay, unless the employee has a significant distance to travel. In these circumstances the line manager has discretion to allow an additional day off with pay. In normal circumstances it is expected that the employee will attend work before and after the funeral service

7. LEAVE TO BE SET AGAINST ANNUAL LEAVE

7.1 The following requests for leave should normally be set against annual leave entitlement.

8. VISITING RELATIVES OVERSEAS

8.1 An employee visiting relatives overseas must use their annual leave entitlement. Employees may also wish to consider applying for additional leave under the Council's Additional Leave Scheme.

9. WEDDINGS AND CIVIL PARTNERSHIPS

- 9.1 Leave for weddings and civil partnerships, including an employee's own marriage or civil partnership, must be set against annual leave entitlement. For term time employees arrangements should be made outwith the school term for their own marriage. Only in very exceptional circumstances (e.g. where a husband/wife to be is in the armed forces and is only able to take leave at a specific time that coincides with the school term) a limited amount of unpaid leave without pay will be granted.

10. MOVING HOME

- 10.1 Leave required in connection with moving home will normally be set against an employee's annual leave entitlement. Where an employee has exhausted their full annual/flexi leave entitlement, they may be granted 1 day's leave without pay. For term time employees arrangements should if possible be made outwith the school term or a request should be made for 1 day's leave without pay.

11. TIME OFF FOR JOB INTERVIEWS

- 11.1 Should an employee be called to attend a job interview for a post outwith Clackmannanshire Council, the employee will be required to use annual leave or flexi time if appropriate.
- 11.2 Where an employees is called to attend a job interview for a post within Clackmannanshire Council they will be granted reasonable time to attend the interview.
- 11.3 Employees who are on the Council's redeployment register as a result of TVR will be allowed reasonable time to attend for interviews external to the Council.

12. SECTION 2 – NATIONAL, PUBLIC AND COMMUNITY EMERGENCY SERVICE

- 12.1 The Council is committed to providing support to employees who have chosen to support their country or community in any way, to accommodating those employees who are called on to carry out public duties. Accordingly the following leave arrangements will apply.

13. RESERVE FORCES

- 13.1 An employee of the Council who is a member of the reserve forces and attends an annual training camp for a period of one week or more will be granted up to 10 days special leave with pay. This will be subject to the deduction of service pay and allowances received in respect of the period of special leave. Employees who are members of the reserve forces and who are called up for national service will be granted unpaid special leave.

14. JURY AND WITNESS SERVICE

- 14.1 An employee who receives a summons to appear on a jury or as a witness should attend unless exemption is secured.
- 14.2 In every instance staff must obtain a form from the courts for expenses and loss of earnings which is completed by the Payroll Section detailing the level of pay of the member of staff.

14.3 Loss of earnings, equivalent to that received from the Court, will be deducted from salary following conclusion of jury attendance.

14.4 The jury citation letter will be required to be produced and verified by the line manager before authorisation of leave.

15. PUBLIC DUTIES

15.1 Where an employee undertakes one of the undernoted roles they must make their line manager aware to ensure there is no conflict of interest with their current role in the council.

- a school governor
- a member of any statutory tribunal (for example an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland
- a member of the Environment Agency or the Scottish Environment Protection agency
- a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- a member of Scottish Water or a Water Customer Consultation Panel

15.2 Request for time off should be made to their line manager.

15.3 Employees undertaking these roles will be granted a reasonable amount of unpaid time off.

- 15.4 Services will consider all requests in line with the individuals personal needs and those of the service.
- 15.5 A maximum of 5 days unpaid special leave days will be calculated in one leave year.

16. CHILDRENS PANEL/JUSTICE OF THE PEACE

- 16.1 Where individuals wish to apply for Volunteering for the Children's Panel they should submit a written request to their Strategic Director or equivalent for approval for this.
- 16.2 It should be noted that consideration will be given to the impact this will have on the service and any potential conflict of interest that may arise between the employees role in the Council and undertaking a role on the children's panel.
- 16.3 If appointed to Children's Panel then the employee must provide written documentation to confirm appointment.
- 16.4 An employee who serves on a Children's Panel or as a Justice of the Peace will be granted up to a maximum of 5 days unpaid leave per annum to attend hearings.

17. INTERNATIONAL AND SPORTING/CULTURAL EVENTS

- 17.1 An employee representing their country in an amateur international sporting event may be granted up to 5 days paid leave in any annual leave year.

- 17.2 Where an employee has an dependent under the age of 16 who they are required to accompany while participating in the sporting event they will have to apply for annual leave or alternative appropriate leave such as unpaid leave.

18. COMMUNITY VOLUNTEERING

- 18.1 The Council will support unpaid leave for employees who participate in community volunteering e.g. to assist at Youth Organisation Holiday Camps. This will be subject to the exigencies of the service.

19. COMMUNITY EMERGENCY SERVICES

- 19.1 Employees who are members of a community emergency service, for example retained fire fighters should make their line manager aware and provide appropriate documentation to confirm.
- 19.2 Employees will be granted paid leave to attend emergencies during working hours as part of their role within a community emergency

20. SECTION 3 – OTHER LEAVE

21. EXAMINATION LEAVE

- 21.1 Employees will be granted paid time off to sit examinations as part of a work related course of study. Employees who undertake a course of study, either self funded or sponsored by the Council will be required to use annual leave, flexi leave or unpaid leave for the purposes of study leave.

- 21.2 Please refer to the Continuing Further Education Policy regarding time off for studying and exams.

22. RELIGIOUS HOLIDAYS OR FESTIVALS

- 22.1 Employees who observe religious holidays or festivals on days other than those allocated by the council and who have fixed annual leave (term time) will be allowed, subject to the requirements of the service a maximum of two of their working days, with pay to observe such religious holidays or festivals.

23. CAREER BREAK

- 23.1 Please refer to separate HR procedure xxx for information on career breaks.

24. TIME OFF FOR FERTILITY TREATMENT

24.1 Please refer to the Family Friendly Procedure for more information on this.

25. TIME OFF FOR TRADE UNION DUTIES

25.1 Trade union representatives must ensure that they request time appropriately with discussion with their line manager. The time requested should also be recorded on itrent. For further guidance on time off for trade union duties please refer to HR.

26. PROCESS TO REQUEST TIME OFF

- 26.1 Employees must follow the guidelines outlined regarding requesting appropriate leave.
- 26.2 Each request will take into consideration the needs of the employee and the requirements of this service as to whether this request can be accommodated.
- 26.3 The outcome of the request will be communicated to the employee by their line manager.
- 26.4 It should be noted while individual circumstances will be looked on sympathetically service requirements have to be given appropriate regard.
- 26.5 Where employees fail to follow this process to request time off under this procedure then any time you take off work will be treated as unauthorised absence, and may be dealt with under the Councils disciplinary procedure.

- 26.6 Should concerns arise about abuse of this procedure then line manager should in the first instance discuss their concerns with the employee, following this where appropriate a disciplinary investigation may be instigated.
- 26.7 Employees should keep in mind that taking time off under this policy does not affect their right to request time under other leave policies.
- 26.8 Where employees need advice on which leave is appropriate they should speak to their line manager in the first instance.
- 26.9 Managers must ensure that they record the absence from work appropriately.
- 26.10 Where an employee has a concern that the procedure has not been followed they should discuss with their manager in the first instance, where appropriate this should be escalated to HR.

27. PENSION CONTRIBUTIONS

- 27.1 Employees should note that where they take unpaid leave there will be an impact on pensions. For more information on this and how to make up pension contributions then Falkirk Council Pension Fund should be contacted directly on 01324 506 329.

28. PROCESSING OF PERSONAL DATA

- 28.1 The council processes personal data collected as part of the Special Leave Procedure in accordance with its data protection policy. In particular, data collected as part of this process is held securely and accessed by, and disclosed to, individuals only for the purposes necessary to action and manage this procedure.

29. MONITORING & REVIEW

29.1 HR will monitor the effectiveness of the procedures on an ongoing basis. Revisions and updates will be implemented by the Council following, if appropriate, consultation with recognised Trade Unions.

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Policy Name	Special Leave Procedure
Department	HR
Policy Lead	HR
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes
Date Approved	
Review Date	

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