

Special Leave Scheme

Version 3
1 April 2003

1. Introduction

This statement represents the Council's policy on special leave during working hours but excludes maternity leave, sick leave, annual leave and general or public holiday leave. This policy applies to all staff (excluding Teachers for whom there are separate, but similar provisions). It encompasses statutory entitlements for special leave and indicates where special leave will be granted with or without pay. Generally a decision as to whether or not to grant special leave will be determined by the needs of the Council, the Service, the length of absence and having due regard to the particular circumstances of the employee though further specific criteria are given in the policy. Directors of Services may delegate to appropriate officers the power to grant special leave. Members of staff considering positions and appointments to offices which will require special leave must discuss such proposals with the Director who has responsibility for overall service delivery, who will refer the matter to the Chief Executive.

2. Public Duties

An employee should be allowed reasonable time off with pay during working hours to perform any of the duties of office, as:

- (a) a Justice of the Peace
- (b) a member of a Local Authority
- (c) a member of a statutory tribunal (e.g. member of Children's Panel, Industrial Tribunal)

- (d) a member of a Health Board
- (e) a member of an NHS Trust
- (f) a member of a Family Practitioners' Committee
- (g) a member of a College Board
- (h) a member of a School Board
- (i) a member of a Visiting Committee in Scotland to Prisons, Remand Centres and Young Offenders Institutions.

Leave for duties for items (b) to (i) includes attendance at Committees/ Sub-Committees, or doing any other thing, or anything of a class so approved for the purpose of discharge of the functions of the body, or any of its Committees or Sub-Committees.

It will be for the Director to determine what constitutes reasonable time off for public duties by examining:

- how much time off is required for the performance of the duties of the officer as a member of the body, and how much time off is required for the performance of a particular duty
- how much time off the employee has already had in respect of these duties
- the circumstances of the business of the Council, and the effect of the employee's absence on the running of the business

Where time off with pay is granted, it will be subject to the deduction from such pay of any fees or remuneration or like allowances for the exercise of duties of the position which the employee is entitled to claim from the appropriate body whether or not the member of staff makes a claim. Alternatively the employee can surrender such fees, remuneration or allowances to the Council.

Where an employee elects to use his/her annual leave or to take time off without pay he/she can retain any fees, remuneration or allowances.

When an employee is permitted time off to perform the duties as an elected member of a relevant local authority, and those duties do not include acting as Chairman/ Convener/ Provost (or other appropriate title) of a Council, no payment will be made for any time off for such duties in excess of 208 hours in any one financial year of the Highland Council.

3.

Jury Service

A member of staff receiving a summons to serve on a Jury must report such fact to the Service Director and must be granted special leave with pay to attend, unless exemption from serving is secured. From such pay will be deducted the Juror's allowance to which the officer is entitled, and for which the officer must make claim. Alternatively the employee can surrender the allowance to the Council.

4.

Election Day Duties

With the approval of the Service Director, employees who have been appointed to assist with polling or counting at Local, National or European Elections will be granted special leave with pay.

5.

Service in Non-Regular Forces

Employees who are members of the non-regular forces and attend an annual training camp for a period of not less than one week will be granted special leave with pay with the approval of the Director equal to the period of time which the officer actually attends the training camp, but not exceeding a period of 15 days, and subject to the deduction of service pay, remuneration and like allowances in respect of the period of special leave. Alternatively the employee can surrender such service pay, remuneration and like allowances to the Council. Where an employee elects to use his/her annual leave to attend a training camp he/she can retain service pay, remuneration or allowances.

6.

Voluntary Emergency Service

Employees who are members of an approved Voluntary Emergency Service Organisation will be granted special leave, with pay, to attend actual emergencies during working hours, but subject to the deduction of pay, remuneration and like allowances received from such bodies, and subject to approval from the Service Director who will be satisfied with arrangements for service delivery in the absence of the member of staff during a call-out.

Approved bodies are currently British Red Cross Society; St Andrew's Ambulance Association; St John's Ambulance Association; the Voluntary Fire Service and the Retained Fire Service; HM Coastguard; Royal National Lifeboat Institution; and Mountain Rescue Services as recognised by the relevant Police authority.

If an employee seeks special leave with pay in the event of death of a relative, it will be at the discretion of the Service Director to agree as follows:

- in the event of the death of a husband, wife, partner, son or daughter, father, mother, brother or sister, up to 5 days paid leave
- in the event of the death of a grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, up to 3 days paid leave
- in the event of death of other relatives, up to 1 complete day of paid leave

In exceptional circumstances it will be at the discretion of the Director, following consultation with the Director of Corporate Services, to grant up to a further 5 days of special leave with pay as extensions to the above periods.

In the event of funerals of non-relatives it is at the discretion of the Service Director to approve short periods of paid leave to attend local funerals. Otherwise time off will require to be taken from annual leave or flexible working hours balances.

7. Serious Illness

At the discretion of the Director of Service up to 5 days special leave with pay in a leave year will be permitted in the event of serious illness of a husband, wife, partner, child, father or mother. In special circumstances in the event of serious illness of other near blood relatives, or near relatives by marriage, up to 5 days leave with pay may be granted. Employees will be expected to use annual leave in the event of minor illnesses or ailments of immediate family and relatives, or to use flexi-credit or unpaid leave, subject to approval.

8. Hospital Treatment including Clinics

On the approval of the Service Director, special paid leave for attendance at Hospitals or Clinics for either out-patient treatment or examination will be granted on the production of evidence of an appointment.

If it is essential that a member of staff accompanies family and close relatives (husband, wife, partner, son or daughter, father, mother, brother or sister) to Hospitals or Clinics for either out-patient treatment or examination, then up to 5 days special leave with pay may be granted by the Service Director on receipt of a written recommendation from the General Practitioner that it is essential that the employee accompanies the relative to Hospital for treatment.

For incidental or routine appointments at Dentists, Doctors and other approved medical services, staff will be expected to attend such appointments before or after normal working or outwith core hours.

9. Paternity/Maternity Support Leave

On application to the Service Director, special leave with pay shall be granted to the child's father or other parenting partner of the mother. Full details are contained within the Flexible Working Policy.

10. Adoption Leave

This is leave for employees adopting a child. Full details are contained within the Flexible Working Policy.

11. Trade Union Duties

The Council will have due regard to the prevailing A.C.A.S. Code of Practice on time off for trade union duties and activities for employees who are members of trade unions recognised by the Council and employees who act as officials of such recognised trade unions. Generally, time off with pay will be granted only to officers exercising duties as officials of the recognised trade unions, and not for participation in trade union activities.

12. Exceptional Circumstances

In exceptional circumstances, the Director of the Service, in consultation with the Director of Corporate Services, will have power to grant up to 5 days additional paid leave, or up to 10 days additional unpaid leave. Any requests for leave, paid or unpaid, beyond those contained within the scheme, will be submitted to the Chairman and Vice Chairman of the Resources Committee, and the Chairman and Vice Chairman of the appropriate Service Committee.

Where there is any request for special leave not covered by the policy the Service Director will refer this to the Director of Corporate Services who will consult with the Chairman of the Resources Committee as to the appropriateness of the request and who may authorise up to 5 days paid or unpaid leave of absence.

13. Reference to the Director of Corporate Services

To assist in achieving consistency in application of the Scheme, or for purposes of interpretation, Service Directors and individual members of staff may refer to the Director of Corporate Services for guidance.

14. Monitoring and Review

The operation of this policy will be subject to periodic monitoring and review by the Resources Committee, to ensure continued relevance and consistency of application.