

Human Resources

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Special Leave

Document Control

Version	Date	Authority	Change
1	Dec 2015	Corporate Resources Committee	
2	Feb 2020	ELT & HR Sub-Group February 2020	<ul style="list-style-type: none"> • Legislative changes • Reservist pay • Support provision for Election duties • Changes to the level of decision making • Inclusion of Bereavement guidance • Update to reflect Senior Management's review/ monitoring role

Introduction

This statement represents the Council's policy on special leave during working hours. Please note that separate policies and procedures are available for maternity leave, adoption leave, paternity leave, parental leave, time off for the support of dependants, sick leave, annual leave and public holidays. 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 with further specific criteria being given in the policy.

Applications for special leave will be considered in the overall context of service delivery requirements.

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 Visiting Committee in Scotland to Prisons, Remand Centres and Young Offenders Institutions.

Leave for duties for items (b) to (g) includes attendance at Committees/Sub-Committees, or doing 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 Line Manager 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 their annual leave or to take time off without pay, the employee 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.

Jury Service

A member of staff receiving a summons to serve on a Jury must report such fact to their Line Manager 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. (Please liaise with Payroll Section directly for this.)

Election Duties

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

Count Role	Paid	Framework
Overnight Count Staff	Fixed fee	Morning off after count; may be extended by RO in exceptional circumstances. ECOs may restrict the number of counts which staff are available to undertake in a fixed period.
Overnight Postal Vote Team	Fixed fee	Morning off after count; may be extended by RO in exceptional circumstances. ECOs may restrict the number of counts which staff are available to work

Team to disassemble count centre	Hourly rate	Full day off after count.
Transport Drivers	Hourly rate	Morning off after count, may be extended by RO in exceptional circumstances.
Poll Staff	Fixed fee	Special leave on the day of the Poll.

Volunteer Reserve Forces

Employees who are members of the volunteer reserve 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 their Line Manager equal to the period of time which the officer actually attends the training camp, but not exceeding a period of 15 days.

Voluntary Emergency Services

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 their Line Manager 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](#)
- [Voluntary Fire Service](#)
- [Retained Fire Service](#)
- [HM Coastguard](#)
- [Royal National Lifeboat Institution](#)
- [Mountain Rescue Services](#)

as recognised by the relevant Police Authority.

Bereavement

Full guidance on Bereavement can be found [here](#).

If an employee seeks special leave with pay in the event of a death of a relative, it will be at the discretion of their Line Manager – the following is a guide to the number of days paid bereavement leave:

Up to 10 working days paid leave – on the death of a husband, wife, civil partner or partner (incl. same sex partners)*, son or daughter**, parent, step-parent, brother or sister, step-brother/sister, father/mother-in-law, grandparents, grandchildren, son/daughter-in-law, or a person with whom the employee is in a relationship of domestic dependency.

** Includes a partner with whom the employee is co-habiting, but who is not the employee's legal spouse/partner.*

*** Includes children in respect of whom the employee is the adoptive parent, legal guardian or carer. From April 2020, Parents who suffer the loss of a child under age 18 are entitled to 2 weeks statutory bereavement leave. This also applies to employees who have a still birth from the 24th week of pregnancy.*

Up to 1 day paid leave may be agreed on the death of any other relative to facilitate attendance at the funeral.

In the event of funerals of non-relatives, it is at the discretion of the line manager to approve short periods of paid leave to attend local funerals. Otherwise, time off will require to be taken using annual leave or flexi time.

Not all employees will need to take the full allowance, and some employees will need

additional time, depending on their relationship with the person who has died and/or the circumstances of the death.

In considering the amount of leave, the line manager should take into account the specific circumstances e.g. the relationship, where the employee has responsibility for funeral arrangements and/or the estate or where it is necessary for the employee to travel to attend a funeral.

An employee should notify their line manager of the need to take leave as soon as possible or, at latest, on the first day of absence. In exceptional circumstances, applications for leave will be considered after the first day of absence.

Line managers have the right to exercise discretion in exceptional circumstances as outlined above.

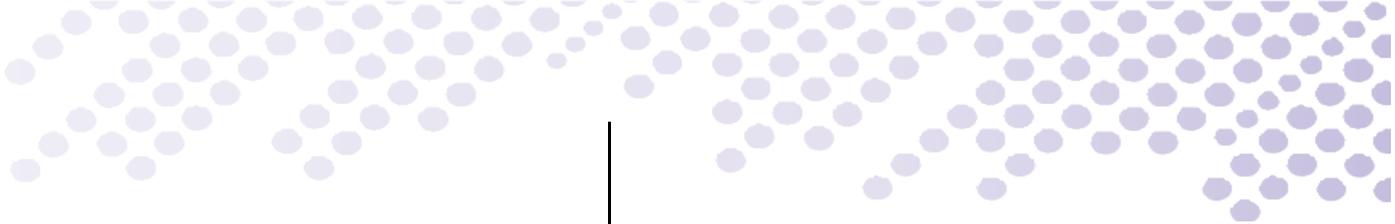
Leave days do not have to be taken consecutively.

Sudden Serious Illness

At the discretion of the Line Manager up to 5 days special leave with pay in a leave year will be permitted in the event of sudden serious illness of a husband, wife, civil partner or partner (incl. same sex partners)*, son or daughter**, parent, step-parent, brother or sister, step-brother/sister, father/mother-in-law, grandparents, grandchildren, son/daughter-in-law, or a person with whom the employee is in a relationship of domestic dependency.

** Includes a partner with whom the employee is co-habiting, but who is not the employee's legal spouse/partner*

*** Includes children in respect of whom the employee is the adoptive parent, legal guardian or carer.*



Employees will be expected to use annual leave in the event of ongoing illness or minor ailments of immediate family and relatives, or to use flexi-credit or unpaid leave, subject to approval.

Hospital Appointments including clinics

Special paid leave for attendance at hospitals or clinics for either out-patient treatment or examination will be granted by the Line Manager on the production of evidence of an appointment.

When there is a requirement for a member of staff to accompany close family or dependant 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 Line Manager, where it is essential that the employee accompanies the relative.

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

Trade Union Duties

The Council will have due regard to the prevailing ACAS (Advisory, Conciliation and Arbitration Service) 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.

Please find link to the Code of Practice:

<http://www.acas.co.uk/CHttpHandler.ashx?id=274&p=0>

Exceptional Circumstances

Where there is any request for special leave not covered by the policy the Line Manager will refer this to their Line Manager for consideration, who in consultation with the HR Manager will consider the appropriateness of the request and who may authorise additional paid or unpaid leave of absence.

Monitoring and Reviewing

The operation of this policy will be subject to periodic monitoring and review by the Executive Leadership Team and the HR Sub-Group to ensure continued relevance and consistency of application.

