Special Leave Policy

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Introduction

This statement represents the Board'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 and sick leave. This policy applies to all staff. 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 Board, 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.

Policy Purpose

The aims of this policy are to establish the Board's support for employees who require paid or unpaid time off during working hours and to underpin guidance to support the effective management of this.

Special Leave Provisions

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 an Independent Monitoring Committee
i) Election duties

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 senior management team 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 Board, 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 the member of staff makes a claim. Alternatively, the employee can surrender such fees, remuneration or allowances to the Board.

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.

Jury Service

A member of staff receiving a summons to serve on a Jury must report such fact to a member of the senior management team and must be granted special leave with pay to attend, unless exemption from serving is secured. The Juror's allowance to which the officer is entitled (and for which the officer must make claim) will be deducted from such pay. Alternatively, the employee can surrender the allowance to the Board (please liaise directly with the Highland Council Payroll Section). Staff should also liaise with the Central Admin Team when receiving a summons.

Election Duties

With the approval of the senior management team, employees who have been appointed to assist with polling or counting at Local or National Elections will be granted special leave with pay (see below):

Count Role	**Paid**	**Framework**
Overnight Count Staff	Fixed fee	Morning off after count; may be extended by the senior management team in exceptional circumstances
Overnight Postal Vote Team	Fixed fee	Morning off after count; may be extended by the senior management team in exceptional circumstances
Poll Staff	Fixed fee	Special leave on polling day

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 the senior management team, equal to the period which the officer actually attends the training camp but not exceeding a period of 15 days.

Cadet Force Adult Volunteers

Employees who are members of the cadet force adult volunteers 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 senior management team, equal to the period which the officer attends the training camp but not exceeding a period of 15 days.

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 senior management team, 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 Guidance

Full guidance on bereavement can be found in the electronic library on SharePoint.

If an employee seeks special leave with pay in the event of a death of a relative, it will be at the discretion of the senior management team. 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, stepparent, brother or sister, stepbrother/sister, father/mother-in-law, grandparents, grandchildren, son/daughter-in-law, or a person which whom an 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 senior management team 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 senior management team should consider 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 a member of the senior management team 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.

The senior management team 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 senior management team up to 5 days special leave with pay in a leave year will be permitted in the event of a serious illness of a husband, wife, civil partner or partner (incl. same sex partners)*, son or daughter**, parent, stepparent, brother or sister, stepbrother/sister, father/mother-in-law, grandparents, grandchildren, son/daughter-in-law, or a person with whom an 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.

Special Leave for Carers

The Carer Positive Policy outlines support and assistance available to employees who have a responsibility of caring for a dependent affected by long-term illness, disability or addiction. Carers may request up to 5 working days per leave year which can be used flexibly in either full or half days.

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 senior management team on the production of evidence of an appointment.

Where there is a requirement for a member of staff to accompany close family or dependent to hospitals or clinics for either outpatient treatment or examination, then up to 5 days special leave with pay may be granted by the senior management team 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.

Gender Based Violence – Safe Leave

Public Health Scotland defines Gender Based Violence (GBV) as a "major public health, equality and human rights issue. It covers a spectrum of violence and abuse, committed primarily but not exclusively against women by men. This includes, but is not limited to:

- domestic abuse
- rape and sexual assault
- childhood sexual abuse
- stalking and harassment
- commercial sexual exploitation
- harmful practices - such as female genital mutilation, forced marriage and so-called "honour" based violence."

Gender based violence can be carried out by anyone of the same sex, a different sex or anyone of any gender identity. (Source: www.acas.org.uk)

Employees who are victims of any form of Gender Based Violence may be granted Safe Leave of up to 5 days.

Reasons for requesting Safe Leave may include but are not limited to:

- attending medical appointments/counselling
- attending legal appointments/proceedings
- seeking safe accommodation/housing
- visiting legal/financial advisors or support agencies, for housing or childcare provision
- attending to matters as a result of family violence.

Based on the needs of the affected person, Safe Leave may be taken as a block of up to 5 days or as intermittent periods of absence over a calendar year (pro-rata for part time employees).

The Board may request supporting documentation, such as from healthcare professionals, the police and/or the relevant support agencies, as appropriate.

Requests for leave will be handled sensitively and in confidence and any related personal information will be secured in line with GDPR requirements.

Employees should discuss Safe Leave with a member of the senior management team in the first instance or contact the Board's Personnel Adviser.

Trade Union Duties

The Board 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 Board 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.

Exceptional Circumstances

Where there is any request for special leave not covered by the policy line managers will refer this to the senior management team for consideration, who in consultation with the Board's Personnel Adviser will consider the appropriateness of the request and who may authorise additional paid or unpaid leave of absence.

Recording Special Leave

All requests for special leave must be recorded on MyView by the Central Admin team. Employees will be asked to complete a form to cover any special leave absence. Recording is confidential and in line with GDPR requirements. Reporting of reasons for leave will not identify individuals.

Equality & Diversity

This policy endorses the Equality & Human Rights Commission's (EHRC) principles which apply to all employees of the Valuation Joint Board, regardless of any of the protected characteristics (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation).

Legislation

The development and application of this policy is guided by:

- ACAS Code of Practice
- Children and Families Act 2014
- Employment Act 2008
- Employment Relations Act 1999
- Equality Act 2010
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- Reserve Forces (Safeguard of Employment) Act 1985
- Trade Union Act 2016
- Work and Families Act 2006.

Monitoring

The application of this policy will be regularly monitored.