

This Policy applies to all employees

Section

- 1 Introduction
- 2 Scope and General Application of the Policy
- 3 Carer's Leave
- 4 Employees Health Related Leave
- 5 Other Leave
- 6 Other Leave Provisions Relating Specifically to Teachers
- 7 Process for Applying for Compassionate and Other Leave
- 8 Monitoring and Control
- 9 Misuse of This Policy
- 10 Review Arrangements
- 11 Other Relevant Policies
- 12 Special Leave Summary Table

SPECIAL LEAVE POLICY

December
2011

(amended in
LNCT October
2017)

1. INTRODUCTION

East Lothian Council aims to promote both excellent customer service and flexibility in working arrangements that enable employees to balance their home and working lives more effectively. However it is also recognised that responsibilities and events, on occasion, can impact on the working lives of employees, and that employees may require a reasonable amount of time off to deal with personal matters and responsibilities. In line with current legislation the Council is committed to developing and applying employment policies and procedures which assist employees to undertake these personal matters and meet other personal responsibilities as far as possible, without adversely affecting service delivery or their continuity of employment and employment opportunities.

2. SCOPE AND GENERAL APPLICATION OF THE POLICY

- 2.1** This Policy applies to all Council employees, and covers a range of circumstances where an employee may require leave to provide support or care for a family member and/or a dependant. It also covers leave for other personal matters such as attending hospital appointments or funerals.
- 2.2** **Employees must as far as possible make any appointments or arrangements outwith normal working hours.**
- 2.3** Where employees are unable to make any appointments/arrangements outwith normal working hours they should give as much notice of an application for special leave as they can. In circumstances where this is not possible the employee must make contact with the appropriate manager as soon as possible. Failure by the employee to make contact with their manager could result in the employee taking unauthorised leave of absence which could lead to disciplinary action.
- 2.4** Employees may utilise annual leave and or flexi leave (where applicable) in place of any unpaid leave granted under this Policy. In addition Business Unit Managers, Executive Directors and Heads of Service will, where practical, support applications for annual Leave and/or flexi leave which are requested at short notice for urgent reasons as per this policy.
- 2.5** Special Leave should be authorised in hours or half/full days as appropriate to the employee's request and contract of employment. [Special Leave Form](#) should be completed detailing the authorised hours/days and forwarded to the Human Resources and Payroll Divisions.
- 2.6** In authorising Special Leave, Business Unit Managers should consider:-
- All the circumstances surrounding the request
 - The need to ensure that services are minimally disrupted
 - Any previous similar leave granted, and
 - Consistent application of this Policy
- 2.7** Special Leave will be pro-rata for part time employees and will only apply to sessional employees during term time. If employees are already on approved leave when Special Leave circumstances arise this cannot be substituted with Special Leave.

- 2.8** If clarification is required on any area of the Policy, managers should contact the Human Resources Division
- 2.9** Employees who have any questions with regards to how any period of unpaid leave under the terms of this Policy might affect their Pension entitlements they should contact the appropriate pension agency i.e. Lothian Pension Fund on 0131 529 4641 or the Scottish Public Pension Agency 01896 893000.

3. CARER'S LEAVE

An employee is eligible to a reasonable amount of time off, some of which will be paid and some unpaid, during working hours, to deal with emergencies/cope with an immediate crisis in the circumstances set out below.

Under the Employment Rights Act 1996, "dependant" means a spouse, civil partner, child, parent or person who lives in the same household as the employee other than as an employee, tenant, lodger or boarder.

3.1 Breakdown in normal care arrangements

"Dependant" for these purposes also includes anyone who reasonably relies on the employee to make arrangements for the provision of care.

Unpaid leave can be granted to an employee where normal care arrangements breakdown due to unforeseen circumstances. The purpose of this leave should be for the parent or carer to make alternative arrangements for the care of the dependant, and not for the ongoing care of the dependant.

3.2 Planned Health Care of a young child/Illness of a Dependant

"Dependant" for these purposes also includes anyone who reasonably relies on the employee for the provision of care in the event of illness or injury.

Business Unit Managers will have discretion to grant up to five working days paid leave in any rolling 12 month period to an employee who is required to take leave in the following circumstances:

- Leave to care for a sick child or adult dependant e.g. parent/spouse/civil partner etc
- Leave to care for a dependant recovering from surgery/hospital stay/accident
- Leave to be with a dependant who is in hospital
- Leave to attend a hospital/orthodontic/post natal appointment with a dependant (where it has not been possible for this appointment to be made outwith normal working hours)
- Leave to attend preventative treatment i.e. inoculation of dependant or development check-ups of dependants
- Leave to be with a dependant who has been injured or assaulted

An additional 10 days **unpaid** leave may also be granted at the discretion of the Business Unit Manager.

Where the absence continues beyond one day under this provision, the employee will be required to notify their Business Unit Manager of the continuing need to provide day-to-day care on the second day of absence and will agree with their Business Unit Manager the frequency of contact which is to be maintained throughout the period of leave granted. Employees should note that should they require any of the unpaid leave entitlement indicated above they will need to submit a further request for this additional unpaid leave.

3.3 Parental Leave

Information in relation to Parental Leave is set out in the [Family Leave Policy](#).

3.4 Leave to Care for Dependant who is Terminally Ill

There may be occasions when employees would like to request an extended period of unpaid time off to care for a dependant who is terminally ill.

The circumstances of each application should be considered by the Business Unit Manager.

Up to a maximum of six months unpaid leave may be granted in any one leave year.

It is appreciated that a change in circumstances could result in the employee seeking to shorten any period of unpaid leave so that they can return to work earlier than previously agreed. In these circumstances they will be required to give one week's notice of their intention to return to work.

If the employee does not require, or is unable because of financial or service implications to take a complete break from work to care for a dependant who is terminally ill, he/she may request that their hours of work be reduced or re-arranged for a temporary period. Such requests should be made under the Council's [Worksmart Policy](#).

The Business Unit Manager will make arrangements for employees granted extended leave under this provision to be kept informed of any relevant developments in their work field and in the Council in general. The Business Unit Manager and employee should agree what contact is appropriate while on this period of unpaid leave.

4. EMPLOYEES HEALTH RELATED LEAVE

4.1 Routine Health Related Appointments

An employee requiring routine optical, physiotherapy, dental or other medical or GP appointment should if possible arrange these appointments outwith normal working hours. If leave is granted it will be unpaid, although employees may be able to use their annual leave or flexi entitlement, or to make up the time.

4.2 Hospital/Non-Routine Health related Appointments

An employee who has been referred to hospital or an appropriate healthcare setting for examination, consultation or treatment should, where feasible, try to arrange appointments outwith working hours. If this is not possible, then a reasonable amount of paid leave, pertinent to the individual employee's circumstances, will be granted for attendance at hospital or an appropriate healthcare setting. Where an employee has attended hospital or an appropriate healthcare setting and the effects of the treatment require that they are unable to attend work the following day, then the 2nd day will be treated as sick leave and the employee should inform their Line Manager in accordance with the Managing Attendance Policy.

A hospital appointment card or a letter from the hospital/treatment centre may be required by the employee's Business Unit Manager prior to authorisation of leave.

4.3 Elective Surgery

Leave for employees who have a hospital appointments in relation to elective surgery, will be unpaid. However following elective surgery if they are unable to attend work the following day, then the 2nd day will be treated as sick leave and the employee should inform their Line Manager in accordance with the Managing Attendance Policy.

4.4 Fertility Treatment

Leave for employees who have hospital appointments in relation to fertility treatment will be paid for the first course of treatment, thereafter it will be unpaid. If following a hospital appointment or procedure, the employee is unable to attend work the following day, then the 2nd day will be treated as sick leave and the employee should inform their Line Manager in accordance with the Managing Attendance Policy.

5. OTHER LEAVE

5.1 Compassionate Leave

Employees may be granted up to 5 days paid leave, authorised by the Business Unit Manager, to be with a spouse/civil partner, or close relative or friend who is terminally ill, or who has a life threatening condition.

5.2 Leave to Make Funeral Arrangements/Attend Funeral

Up to 3 days paid leave may be granted to an employee to make funeral arrangements, and/ or to attend a funeral.

It is expected that the Business Unit Manager will take all circumstances into account when granting paid leave such as:

- the closeness of the relationship e.g. parent/spouse/civil partner/sibling etc
- If the employee is responsible for making the funeral arrangements
- If the employee is required to travel over long distances

Where employees are unfit for work due to the loss of a close relative or friend then the terms of the Managing Attendance Policy will apply.

5.3 Interviews

Paid Leave will be granted to employees invited to attend a job interview within East Lothian Council. The employee may be required to produce an interview letter prior to authorisation of leave.

Any job interview outwith the Council will be unpaid, however employees may be able to substitute annual, flexi or otherwise make the time up. Teachers will be given paid leave to attend interviews outwith the Council in accordance with the particular Special Leave provisions that relate to them.

5.4 Member of Children's Panel

Paid leave to attend meetings held during normal working periods will be granted by the Business Unit Manager.

5.5 Religious/Cultural Observance

All employees who require time off for religious or cultural observance will be entitled to request leave, subject to the needs of the service. This will be unpaid although employees may be able to use their annual leave or flexi entitlement or to make up the time.

5.6 Domestic Emergencies

An employee may be granted unpaid leave to deal with domestic emergencies such as a household fire, household flood or burglary.

6. OTHER LEAVE PROVISIONS SPECIFIC TO TEACHERS

In addition to the above provisions there are additional special leave provisions that can be agreed by Head Teachers in accordance with Part 4, paragraph 11.13.2 of the SNCT Handbook. Any leave granted under these provisions is limited to up to 2 days and can only be agreed provided arrangements suitable to the Council can be made to cover the duties of the teacher seeking the leave of absence.

Special Leave provisions for teachers are devolved to the Local Negotiating Committee for Teachers for approval.

- **House Removal**

Teaching Employees are encouraged to arrange house removals out with normal working periods. Where alternative arrangements cannot be made, one day's paid leave may be authorised by their Head Teacher.

- **Attendance at a Wedding**

Teaching Employees may be granted up to one day's paid leave by their Head Teacher to attend the wedding of a close relative, any leave granted is otherwise unpaid. Special consideration will be given where travelling difficulties are involved.

- **Marriage/Civil Partnership during Term Time**
Leave should not normally be granted during school term time. Exceptionally a limited amount of unpaid leave may be authorised by the Head Teacher however such leave will not normally be granted immediately preceding or following a holiday period.
- **Holidays during Term Time**
Leave should not normally be granted during school term time. Exceptionally a limited amount of unpaid leave may be authorised by the Head Teacher however such leave will not normally be granted immediately preceding or following a holiday period.
- **Member of Children's Panel**
Paid leave to attend meetings held during normal working time will be granted by the Head Teacher.
- **Attendance at Interviews for Other Teaching posts**
Up to one day's paid leave may be granted to allow a teacher to attend an interview for any teaching job applied for. Paid time off will be restricted to up to 5 occasions in any one academic session for all teachers. Thereafter any approved time off will be unpaid.

7. PROCESS FOR APPLYING FOR COMPASSIONATE AND OTHER LEAVE

All applications for compassionate and other leave should be made on the Council's Application for [Special Leave Form](#) which can be found on the Intranet and should be accompanied with supporting documentation where applicable.

8. MONITORING AND CONTROL

Business Unit Managers should monitor applications for paid leave to ensure that maximum entitlements over a period of time are not exceeded.

9. MISUSE OF THIS POLICY

This Policy is intended to provide support and leave for employees to help them balance the demands of home and work life at times of urgent and/or unforeseen circumstances. Any misuse of this Policy may lead to disciplinary action. An employee who is dissatisfied with the way in which this Policy is applied has the right to raise a grievance through the appropriate Grievance Procedure.

10. REVIEW ARRANGEMENTS

This is a Council Policy subject to ongoing review. Any amendments will be made following consultation with the relevant Trade Unions.

11. OTHER RELEVANT POLICIES

The following East Lothian Council Policies can be read in conjunction with the Special Leave Policy:

- [Time Off Work Policy](#)
- [Worksmart Policy](#)
- [Career Break Scheme \(Teachers\)](#)
- [Family Leave Policy](#)

Head of Human Resources
December 2011

(Amendment at Section 6 above approved in Local Negotiating Committee for Teachers - October 17)

12. Special Leave Summary Table				
Type of Leave	Qualifying Conditions	At Discretion of Business Unit Managers	Maximum Period of Paid Leave	Maximum Period of Unpaid Leave
Special Leave for Breakdown in normal care arrangements				
When normal care arrangements breakdown and where the dependant is being cared for by employee.	Leave granted to deal with emergencies where normal care arrangements breakdown and alternative arrangements have to be made for the dependant to be cared for. The leave is not for the ongoing care of the dependant.	Yes	N/A	Reasonable unpaid time off to deal with the emergency and make alternative arrangements.
Special Leave for Illness/Planned Health Care of a Dependant				
Leave to attend preventative/health appointments with a dependant or leave to care for a dependant who is ill or injured	Employee must notify their Business Unit manager on the first and second days of absence to agree the level of contact to be maintained throughout the absence	Yes	Up to 5 working days paid leave in any 12 month period	After 5 days paid leave, up to 10 days unpaid leave can be granted in any 12 month period
Special Leave to care for Dependant who is Terminally Ill				
Special Leave to care for a dependant who is terminally ill	A Dependant who is terminally ill	Yes	N/A	Maximum of 6 months
Special Leave for Compassionate Purposes				
Special Leave to be with a close friend or relative who is terminally ill or who has a life threatening condition	A close friend or relative who is in the latter stages of a terminal illness or life threatening condition	Yes	Maximum of 5 days paid leave	N/A
Special Leave for Bereavement				
Special Leave to make funeral arrangements and/or attend a funeral	Responsible for the organisation of a funeral or to attend a funeral	Yes	Maximum of 3 days when responsible for arranging a funeral	N/A
Special Leave for Health Related Appointment				
Special Leave to attend routine optical, physiotherapy, dental, medical or GP appointments	If it has not been possible to arrange the appointment outwith working hours	Yes	N/A	Reasonable unpaid leave to be granted where necessary
Special Leave for Hospital/Non-Routine Health related Appointment				
Special leave to attend hospital referral appointment for examinations, consultation or treatment	If it has not been possible to arrange the appointment outwith working hours	Yes	Reasonable amount of paid leave will be granted, pertinent to the individual employees circumstances	When a reasonable amount of paid leave has been exhausted, unpaid leave may be granted
Elective Surgery				
Special Leave to attend appts.	Having surgery	Yes	N/A	Reasonable unpaid leave to be granted
Fertility Treatment	To be undergoing treatment for fertility issues	Yes	Reasonable paid time off for first course of treatment.	Reasonable unpaid time off for subsequent courses.