

## ADVISORY NOTE

# SPECIAL LEAVE PROVISIONS

Under the Council's procedure for requesting special leave, the responsibility for assessing and granting leave arrangements to employees' lies with Line Managers and Supervisors. However, the purpose of this advisory note is to ensure consistency of approach across all Services and all employee categories.

Human Resources will be the main source for information on the procedure for authorising requests and for ensuring that the appropriate recording requirements are completed.

The Council has specific policies and guidance on granting leave as follows:

- [Parental Leave](#)
- [Emergency and Compassionate Leave](#)
- [Carer Leave](#)
- [Maternity Support and Adoption Leave](#)
- [Time off for Public Duties](#)
- [Neonatal Care Leave](#)

In addition, this note provides guidance on granting special leave for professional, sporting and cultural activities.

## ADDITIONAL GUIDANCE

### 1. [Parental Leave](#)

Separate administrative guidance has been prepared on parental leave and this is contained in the relevant Advisory Note.

### 2. [Emergency and Compassionate Leave](#)

#### (a) **Authorised Leave of Absence**

Details of provision for leave can be found in the Emergency/Compassionate Leave Policy. This includes details of alternative provision that could be used instead of/to supplement leave awarded e.g. temporary amendment to working pattern, annual leave, flexi-time, unpaid leave, as well as the arrangements for Compassionate Leave. There is also a Safe Leave provision in specific circumstances relating to gender based violence.

Due to the sensitivity relating to leave requirements under this policy, requests should be considered within two working days or sooner if required, by the Line Manager with an agreement on provisions for time off reached prior to the employee's departure. When leave of absence is requested, there is therefore no need for the completion of any type of formal written application.

There may be cases when an employee is unable to give prior notice. However, the Line Manager should speak to the employee on his/her return and establish the reason for absence.

### **(b) Temporary Amendment to Working Pattern**

Arrangements should be confirmed by letter from the employee's Line Manager indicating the change in circumstances and duration of the amended working pattern.

***Note:** Temporary changes affecting total hours worked and/or pay for a defined period is a change in terms and conditions of employment.*

### **(c) Annual Leave**

If the facility for taking annual leave has been granted to an employee, then the normal departmental annual leave notification procedure should be adhered to.

### **(d) Flexi-Time**

Authorised absence during core time (not including annual leave, flexi leave or paid special leave as above) should not be credited. A check should be made to ensure that the criteria for this facility are adhered to, eg balances not falling below minus 11 hours for full time employees at the end of the flexi period.

### **(e) Unpaid Leave**

Where unpaid leave is more appropriate to the needs of the employee and the Council, the Line Manager should discuss and agree, prior to the absence, a reasonable period of unpaid leave, appropriate to the circumstances it is requested for. As the leave is unpaid, the Line Manager should notify the Employment and Payroll Team detailing the employee's name, payroll number and dates to be deducted.

### **(f) Time Off for Bereavement**

As with other leave of absence granted under the Policy, an accurate record of authorised time off should be made. This is particularly important if other types of leave, ie annual, flexi or sick leave, are also taken around this time.

### **(g) Safe Leave**

Gender Based Violence includes domestic abuse, sexual harassment, rape, and sexual assault, stalking and 'honour-based' violence.

Domestic Abuse is defined as:

”any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence, or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial, and emotional.’

Employees who are victims of domestic abuse may be granted up to 3 days paid safe leave in a calendar year for reasons including but not limited to:

- Attending medical appointments and counselling;
- Attending legal proceedings;
- Seeking safe housing
- Visiting legal advisors or support agencies, for re-housing or reorganising childcare, or other relevant appointments; and
- Matters as a result of family violence

Safe leave may be taken as a block of up to 3 days or as intermittent periods of absence, based on the needs of the affected person.

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

Requests for safe leave and any information relating to the individual will be handled in the strictest confidence and retained securely in line with the requirements of data protection law.

### **3. Carer Leave**

Additional unpaid Carer Leave is available for those who meet the statutory description assigned to a carer. Details of this and the provision for Leave can be found in the Carer Leave Guidance.

### **4. Maternity Support and Adoption Leave**

The request should be made on the Council’s Application Form for Maternity Support Leave/Adoption Leave, in accordance with the Policy.

### **5. Time off for Public Duties**

Special leave with pay is granted subject to the criteria in the Policy. Permission to engage in part-time or voluntary emergency duties should be sought in line with the Other Employment provisions.

## 6. Neonatal Care Leave

Separate administrative guidance has been prepared on Neonatal Care leave and pay and this is contained in the relevant Advisory Note.

## 7. Leave of Absence – Professional, Sporting and Cultural Activities

### (a) Eligibility

Special leave, with or without pay, may be granted to employees to:

- Present papers or otherwise take part at events organised under the auspices of a professional or trade body with which the employee is associated or where the employee has been invited by the organisers of the event;
- attend meetings of committees and working groups formed by a professional or trade body;
- participate at sporting events to which the employee has been invited, whether as a competitor, coach, referee or other official position;
- participate at cultural events where the employee has been invited to display special skills or talents, or officiate.

When considering requests for special leave to be granted under the terms of these provisions, consideration should be given to:

- whether the reputation of the Council, Perth and Kinross or Scotland will be enhanced as a result of the employee's participation;
- the level of support the employee has received in the past in respect of such activities;
- the level of support given to other employees;
- the operational and financial implications of the employee's absence.

### (b) Amount of Leave/What Leave

The amount of leave granted should be adequate to allow for preparation or training time, time to travel to the event, the duration of the event and time to travel home from the event.

Leave for preparation and training will be granted where this can only be carried out during normal working hours and the employee's performance at the event would be reduced if the leave was not granted.

It is usual for employees requesting special leave for the above activities to show their commitment towards the activity or event by utilising flexitime, annual or unpaid leave provisions.

### (c) Accepted Remuneration

Any fees, remuneration or like allowances accepted by the employee for participation at the event for which paid time off was granted will be deducted from pay. On return to work, you should forward details of remuneration received to Human Resources.

**(d) Application Procedure**

Employees should apply for leave through their Line Manager.

**7. Other Special Leave**

For requests resulting from reasons not outlined above, the SJC Agreement covers all other requests for leave (Part 2, Section 7).