

# Special Leave Policy

We (the Council) understand that the health and wellbeing of our colleagues is one of the most important investments we can make as a responsible caring employer, and we are committed to developing a working environment which supports a healthy work-life balance.

This policy sets out the Council's provisions for special leave, covering both the statutory entitlements and the additional forms of leave the Council offer to colleagues, when they need time off from work to deal with issues in their life outside work.

## Author

Employee Relations, Human Resources, Corporate Services Directorate.

## Scope

This policy applies to all Council employees.

## Purpose

This policy provides flexibility for colleagues to take periods of paid or unpaid special leave as required to support their work / life balance and meets specific commitments in line with employment legislation and good practice.

## Review

The policy will be reviewed as and when a change to the existing policy deems this necessary, primarily as a result of changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

## Local Agreement

This policy is a local collective agreement between the Council and our recognised Trade Unions. We will make every effort to ensure that it is maintained as a local collective agreement. Any changes will be made by agreement. If we cannot agree, either party can end the local collective agreement by giving four months' notice in writing, with the policy ceasing to apply to staff at the end of that period.

## Contents

<b>Introduction</b> .....	<b>2</b>
<b>Roles and responsibilities</b> .....	<b>3</b>
<b>Family life</b> .....	<b>4</b>
Leave for Dependants .....	4
Carers' Leave.....	4
Unpaid Parental Leave.....	4
Planned Healthcare for Children under 5.....	5
Foster / Kinship Carer Leave .....	5
Compassionate Leave.....	5
Parental Bereavement Leave .....	6
<b>Wellbeing</b> .....	<b>6</b>
Leave for Medical Appointments .....	6
Medical Gender Reassignment .....	6
Fertility Treatments.....	7
Elective Surgery .....	7
Volunteering Leave .....	7
Leave for Religious Observances.....	8

Domestic Abuse Leave.....	8
<b>Other commitments.....</b>	<b>8</b>
Jury Service .....	8
Attending Court as a Witness .....	8
Leave for Public Duties.....	8
Electoral Duties .....	9
Leave for Reservists.....	9
Leave for Voluntary Occupations.....	9
Leave to Take Part in Sporting Events .....	9
Other Authorised Unpaid Leave .....	9
<b>Definitions.....</b>	<b>11</b>

# Introduction

We recognise that colleagues often have competing priorities in their life, there may be occasions when you may require additional time off from the workplace and we aim to help in these situations, by providing additional flexible leave.

This leave can be broadly grouped as balancing work with your:

- Family life
- Wellbeing
- Other commitments outside of work.

This policy includes statutory entitlements, as well as Council enhancements on special leave and indicates where leave will be granted with or without pay. The policy applies to all colleagues regardless of age, disability status, sex, gender identity, sexual orientation, race/ethnicity, religion, and belief or working pattern.

Unless otherwise stated within the Policy, you are entitled to Special Leave regardless of length of service.

Where appropriate, colleagues will be asked to provide evidence to support any leave request.

This policy is underpinned by [Our Behaviours](#) of Respect, Integrity, and Flexibility and both managers and colleagues are expected to demonstrate these in applying for and approving any requests for leave.

It is recognised that not every situation will be covered by this Policy, and on occasion managers may be asked to apply discretion when approving paid or unpaid time off. Please note that separate policies and procedures are available for maternity leave, adoption leave, parental support leave, flexible working, sick absence, annual leave, and public holidays.

If a colleague has not followed the correct request and approval procedure, without good reason, the absence from work may be classed as unauthorised. Where appropriate, this may be dealt with under the disciplinary policy.

A colleague who believes that their request for leave under this policy has been unreasonably refused may raise this through the [grievance policy](#).

# Roles and responsibilities

## All colleagues should:

- Read and understand the policy and provisions outlined.
- Contact your line manager as soon as possible to request time off.
- Be flexible and prepared to change appointment times/dates where required to assist in meeting the demands of the service.
- Book the relevant leave on myHR when a request has been accepted. Where you do not have access to myHR, this should be completed by your line manager.
- Provide documentation to evidence the requirement for leave when it is appropriate (for example, producing a letter or hospital card to confirm the appointment). To maintain confidentiality this can be redacted appropriately.
- Ensure that the relevant documentation is completed to avoid a loss of earnings where this is appropriate (for example, completing a juror citation form and send this to askHR following your attendance at court when participating in Jury service).
- Maintain a reasonable level of contact with your line manager, during any period of longer-term special leave, to keep them up to date on the situation, but also to access any support that may be available, e.g., the Employee Assistance Programme.
- Contact askHR where you need further information.

## Line managers should:

- Read and understand the policy and provisions outlined.
- Have regular wellbeing conversations with your team. As a result, requests for special leave should not come as a surprise and will allow for effective planning.
- Engage with colleagues who are looking to make requests for leave and discuss each individual case prior to accepting/rejecting the request on myPeople.
- Ensure that, whilst each request for leave will be considered on an individual basis, the policy is applied consistently throughout the Council.
- Take into consideration the needs of the service in any decision to approve leave while still ensuring we are supporting colleagues and meeting any legislative obligations for time off.
- Where leave cannot be granted make sure the colleague is aware of the reasons why and where possible offer other dates or flexibility options
- Ensure that leave is recorded where it is accepted for colleagues who do not have access to myHR, making sure that it is recorded under the correct leave reason
- Process any special leave by the payroll deadline so no overpayments are generated.
- Ensure that the detail of this leave is kept confidential unless the colleague has expressed otherwise.
- Contact askHR where you need further information.

# Family Life

## Leave for Dependants

You have a statutory right to take a reasonable amount of unpaid leave to deal with unplanned and emergency situations involving your [dependants](#). Please refer to the [definitions guide](#) at the end of this policy to ensure you meet the criteria.

In addition to this, the Council provides up to **6 days paid leave** in any 12-month rolling period (pro rata for part time) where you need to arrange care for dependants in the following circumstances:

- you need to plan for the care of a dependant who has fallen ill or is injured; or
- the care arrangements you have in place for a dependant are unexpectedly disrupted or have ended and you need to arrange alternatives.

This leave is per colleague, not per dependent.

If you need more time off or know in advance that you will need time off, you should discuss alternative arrangements with their line manager. These may include flexible working arrangements, a period of unpaid leave or an employment break.

## Carers' Leave

Being a [carer](#) can place significant demands on time, energy and emotional resources and can cause disruptions to both family and work life. It is recognised that not all caring responsibilities are the same and that caring situations can change over time, often at very short notice and understand the importance of providing colleagues with time off.

This leave type is separate to the Leave for Dependants, it is important that everyone is aware of the distinctions between the two types of leave therefore please refer to the [definitions guide](#) at the end of this policy to ensure you meet the criteria.

If you are a carer, you are entitled to **6 days paid leave in any 12-month** rolling period (pro rata for part time) and up to a **week's unpaid leave** to provide or arrange care for the dependent.

The leave could be taken flexibly in a block or in individual or half-days to suit your caring responsibilities. This leave is per colleague and not per dependent.

You will be required to self-certify your eligibility for carer's leave to your manager and on the HR system, but you do not need to provide evidence of how or for whom the leave is being used.

If you require time off to cope better with the sudden responsibilities of looking after a dependent, there may be other options to explore with your line manager. This may include a period of unpaid special leave, annual leave or, where appropriate, sick leave.

## Unpaid Parental Leave

The purpose of this leave is to allow you time off to look after your child's welfare.

Unpaid Parental leave is a statutory entitlement that's available to all colleagues, enabling you to take a total of **18 weeks unpaid leave** for each child or adopted child, up to their 18<sup>th</sup> birthday, providing the following criteria are met:

- you're named on the child's birth or adoption certificate, **or** you currently have, or will have, parental responsibility for the care of a child and can evidence this;
- you have 1 year's continuous service with the Council; and
- the child is under the age of 18.

Up to four weeks leave can be taken per child in any single year. The 18 weeks is an entitlement that stretches over the whole period until the child reaches 18. Leave must be taken in whole weeks rather than individual days unless your child is disabled.

You must provide 21 days' notice of your intention to take this leave.

Note that the entitlement is per *child*, not per job. Therefore, if you have taken 10 weeks with a previous employer, you would be entitled to a further 8 with us and therefore must declare this as part of the leave request. Managers must satisfy themselves that the correct entitlement has been approved.

## Planned Healthcare for Children under 5

[Parents](#) may be required to accompany children to clinics or to doctors' appointments for developmental check-ups and inoculations in the first 5 years of the child's life. In these circumstances, where you are the care provider for the child and no other alternative is available, the entitlement is as follows:

- (a) up to 5 working days' **paid** leave before your child's 5<sup>th</sup> birthday; and
- (b) up to 5 working days' **unpaid** leave before your child's 5<sup>th</sup> birthday.

## Foster / Kinship Carer Leave

[Foster Carers](#) look after children full time on an interim basis. This is until they can return home to their birth family or can be supported to move on to long term care. If you are interested in fostering, you can find more information on the [Edinburgh Fostering website](#).

[Kinship Carers](#) are Grandparents, Great Grandparents, Uncles, Aunts, Siblings, other relatives and or family friends who step in to take care of a child who is unable to live with their parents under a formal arrangement. This can be on a permanent or short-term basis and often in challenging circumstances.

As a prospective carer, you are entitled to:

- Up to 5 working days' **paid leave** to cover the preparation and assessment process involved in registering as carers.

For active carers, you are entitled to:

- One working day's **paid leave** and up to 4 working days' **unpaid leave** in any 12-month period.

This time is to be used to attend urgent meetings about the placement of a child. Your line manager can agree to more unpaid leave to care for a placed child. If you and your partner are both employees of the Council, only one will be granted Kinship Carer Leave.

Where a formal arrangement is in place, you may also be eligible for other types of family-related Special Leave.

## Compassionate Leave

In the event of a bereavement, your line manager can grant **up to 5 working days' paid leave**. Compassionate leave can be taken to cover funeral arrangements and / or attendance at a funeral but isn't limited to these examples.

Line Managers will consider all circumstances when granting leave, for example, the relationship and the arrangements required to be undertaken. While we need to apply the policy consistently throughout the Council, we also need to understand that each situation will be different.

We recognise that any bereavement can be a very stressful time for individuals. If you feel unable to return to work following a period of paid bereavement leave, you should discuss with your line managers what other options are available. This may include a period of unpaid special leave, annual leave or, where appropriate, sick leave.

## Parental Bereavement Leave

Parental bereavement leave is designed to give parents extra support following the loss of a child. This leave can be taken by the child's birth parent, adoptive parent, the partner of the child's parent or adoptive parent regardless of gender– anyone who would have had parental responsibility for the child.

You are entitled to **up to 2 weeks paid leave**.

This leave is also available to parents who experience pregnancy or baby loss.

You can take one- or two-weeks as parental bereavement leave. It is not available as individual days and can be taken as:

- a single block of two weeks or
- two separate blocks of one week at different times.

You can take this leave within 56 weeks of the date of the bereavement.

We recognise that any bereavement can be a very stressful time for individuals. If a colleague feels unable to return to work following a period of paid bereavement leave, they should discuss with their line managers what other options are available. This may include a period of unpaid special leave, annual leave or, where appropriate, sick leave.

## Wellbeing

### Leave for Medical Appointments

You should try and book medical appointments out with working hours. Where this is not possible, try to book appointments for near the start or end of the working day. Where this is not possible, we would encourage you to speak with your line manager and where appropriate, **paid** special leave will be granted for the duration of the appointment.

If you have been referred to hospital for examination/treatment you should, where feasible, try to arrange appointments out with normal working hours. If this is not possible, then **paid** special leave will be granted.

Where appropriate, you'll need to provide your line manager with documentation evidencing your appointment details before your leave can be approved. To maintain confidentiality this can be redacted appropriately.

Where you are required to attend for appointments on more than 4 occasions in a rolling 12-month period, speak to your line manager in advance to allow you both to plan for this leave or consider alternative arrangements such as flexible working.

Where you require emergency medical treatment, you will be entitled to paid special leave for the treatment, however recovery time or where the treatment results in illness should be recorded as sickness absence.

### Medical Gender Reassignment

The Council is committed to equality of opportunity for all colleagues throughout recruitment and employment, including supporting trans colleagues who may have undergone, be in the process of, or about to undertake the process of transition.

You will be entitled to reasonable time off to support your medical gender reassignment.

Please refer to the [Transgender colleagues in the workplace](#) guidance for information relating to leave and other provisions available to support transitioning colleagues.

## Fertility Treatments

The Council will support you with paid leave to attend appointments through one course of fertility treatment. For any subsequent courses annual leave should be used, or alternatively unpaid leave requested. While not an exhaustive list, paid time off can be used to cover attendance at scans, consultations, hospital appointments or any fertility-related procedure.

If the treatment results in illness, this should be recorded as sickness absence.

It is important to note that there are different types of fertility treatment, and every person is unique so the length of the process may vary depending on the individual circumstances. As an example, an average IVF cycle can take from 3 to 6 weeks and the number of appointments they are required to attend may vary over this period.

Where treatment is successful, please refer to the Family Policies for further entitlements and next steps.

## Elective Surgery

You may decide to undertake some elective surgery, i.e., surgery that is not considered medically necessary. This includes, but is not limited to, cosmetic surgery and other medical procedures such as laser eye treatment and vasectomies. You will be entitled to unpaid time off for appointments, or annual leave may be used to cover the absence.

In cases where the outcome of the surgery is unexpected or you require additional time off, this should be recorded as sick absence, and normal rules under the [Sickness Absence Policy](#) will apply.

## Volunteering Leave

[Volunteering](#) is about giving your time and skills, for the benefit of others, the local community and most importantly your personal wellbeing.

You are entitled to **1 day's paid** leave in a 12-month rolling period.

The purpose of colleague volunteering is for the Council to increase resilience, add value and build relationships within the local community but there are also many benefits to colleagues such as learning new skills and gaining experience, trying something new, bringing colleagues together, improving team morale, physical health and work-life balance. By giving your time to help a charity or organisation, it also helps the people and communities of the City of Edinburgh become more self-reliant.

Volunteering activities should align to the Council's Business Plan and you should be able to demonstrate a contribution to one of these objectives. Also, any activities which cannot be shown to be of benefit to the local community, such as organisations who look to make profit, volunteering to support a friend or family member, will not qualify under this scheme.

You should not participate in any activities that could be in conflict with your Council role or one which may impact on your health and wellbeing.

If you wish to take part, speak to your line manager about the opportunity. Approval will be subject to the nature of the volunteering and the demands of the service area however managers are actively encouraged to support colleagues in giving back.

We would also want to encourage colleagues to collectively give back as a team, to enhance collaborative working, shared experiences and to develop a better understanding of the communities we support. Therefore, volunteering leave can be used to bring colleagues together, delivered as a Team, to make a positive impact on the local community.

You can find more information and guidance about volunteering on the Orb. Please note this leave entitlement is separate to Leave for Voluntary Occupations as outlined below.

## Leave for Religious Observances

The Council has a diverse workforce and acknowledges that you may make requests for time off to accommodate a religious observance that is significant to your beliefs.

All efforts should be made to accommodate a request for annual leave for religious observance.

Line managers should discuss requests made by the colleague and they should ensure that all options to provide flexibility have been exhausted such as using accrued leave or TOIL, flexible/alternative working for the day, changes to shifts / rotas, etc. It is for local line management to decide how this flexibility will work within their respective service areas.

## Domestic Abuse Leave

We provide paid Special Leave for any appointments with specialist agencies, for example, Women's Aid, solicitors etc. We recognise the importance of providing colleagues with dedicated safe time. This applies to anyone who is a victim or survivor of domestic abuse who will require, housing, or police etc. Please refer to our [Domestic Abuse Policy](#) for more information on leave and support available.

# Other commitments

## Jury Service

If you're called for jury service, you'll get **paid** leave to cover the time you're in court. You need to bring your court citation to work and then follow the advice on the [Jury service site on the Orb](#).

## Attending Court as a Witness

If you're called as a witness by the Council, then your time away from work will be treated as part of your normal duties i.e., you will receive full pay.

If you're called as a witness by anyone other than the Council in a criminal case, whether for the defence or the prosecution, then you'll be granted **paid** leave to attend court.

If you are called as a witness in a civil case, you will have to cover the time you need with either annual leave or unpaid leave.

## Leave for Public Duties

You are entitled to up to **208 hours of paid** leave per year to carry out public duties.

Examples of positions we consider to be public duties are:

- a magistrate or justice of the peace;
- a member of a local authority other than the City of Edinburgh Council;
- a member of any statutory tribunal (e.g., Employment Tribunal, Children's Panel etc);
- a member of a health board;
- a member of an NHS trust;
- a member of a school or college council or body of a central institution or college of education; and
- a member of a school board.

Once you use this allowance up, you are entitled to reasonable unpaid leave to cover the time needed to perform those duties, subject to service requirements.

## Electoral Duties

Leave for electoral duties will be subject to the demands of the service, and authorisation by the line manager. Paid leave will be granted to allow you to undertake official duties at elections or referenda of the City of Edinburgh Council.

Out with the City of Edinburgh Council, and subject to the requirements of the service, **unpaid leave for a period not exceeding up to 10 days** (or up to the equivalent of two working weeks) will be granted:

- at the time of the election, if you are undertaking the duties of an Election Agent for a Local Authority/Parliamentary/Scottish Parliamentary candidate
- if you are standing for election to another Local Authority/as a Parliamentary candidate/as a Scottish Parliamentary candidate/as a European candidate.

## Leave for Reservists

Where you are required to attend compulsory training events, leave may be granted up to a maximum of **two weeks paid leave**, to cover the time you attend the event.

If you get a call-out notice for full-time service, you will normally be granted **unpaid** leave for the duration of the call-out. Please see our policy for Reserve Forces for more information.

See [Reserve Forces' guidance](#)

## Leave for Voluntary Occupations

The Council acknowledges the positive contribution that colleagues can make towards other public and voluntary bodies and recognises that they may require time off work in order to perform duties. Any leave agreed for this purpose will be **unpaid**.

Examples of voluntary activities are:

- retained fire-fighter (e.g., payment received for callouts);
- special constable;
- a member of a consumer council (e.g., public utilities);
- a member of a community council;
- a member of a tenants' or residents' association;
- a member of a body recognised by the Council for the purposes of community consultation.

## Leave to Take Part in Sporting Events

Where you have been selected to represent your nation or country, and compete at national or international level, you will be granted reasonable paid leave to include participation, coaching or officiating in competitive sporting events. Where you are being paid for your involvement, other than travel or subsistence expenses, unpaid leave shall be granted.

When making a request, you must provide written confirmation from the sporting body that you will be participating or officiating at the event.

## Other Authorised Unpaid Leave

It is recognised that not every situation will be covered by this policy, and on occasion managers may be asked to apply discretion when approving leave. If your situation is not covered by this policy, it's really important that you speak to your line manager as soon as possible to discuss your situation and talk through the options that are available to you.

We also understand that you have other commitments outside of work and you may wish to take a period of unpaid leave but not take an employment break.

Unpaid leave is available to all colleagues, enabling you to take up to 3 months unpaid leave during a 12-month period

It can be taken for any reason and can be taken as a block of leave or several days or periods of leave adding up to three months.

Taking unpaid leave will not affect your leave entitlement, however it may affect your pension. During unpaid leave your contract of employment remains in place.

Speak to your line manager as soon as possible. Your line manager is under no obligation to automatically agree leave; however, they must give proper consideration to the request and give a justified reason, in writing, why this leave will not be accepted.

# Definitions

Definition	Detail
<b>Continuous Service</b>	<p>Means continuous service with the City of Edinburgh Council (or its predecessors) or any local authority or employer to which the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 (as amended) applies.</p> <p>For colleagues covered by the SNCT arrangements, qualifying service comprises any week, regardless of the number of hours worked, in which an employee is employed by a Council. Continuity of qualifying service is deemed to be broken where a break exceeds two weeks. As outlined in sections 6.2 and 6.3 of the SNCT Agreement.</p>
<b>Dependant</b>	<p>Your spouse; partner regardless of gender; a child of yours who is under 18 and lives with you; a parent; an individual who lives with you as part of your family (excluding tenants, lodgers, flat-mates or boarders); an individual who depends on you for either: short-term assistance in the event of illness/injury or, to make arrangements for the provision of care in the event of illness/injury.</p>
<b>Family</b>	<p>Families can take different forms, and there does not always have to be a biological relationship.</p> <p>This definition can also include chosen families, loved ones and close support networks who can be particularly significant to those who are estranged from their families. It is recognised that close friends may be covered by this definition, including former work colleagues of the City of Edinburgh Council (or its predecessors).</p> <p>Managers should give consideration to the nature of the relationship and the specific circumstances of each case.</p>
<b>Carer</b>	<p>Is someone caring for a spouse, civil partner, child, parent, someone living in the same household or a person who reasonably relies on the employee for care.</p> <p>The person being cared for must have a long-term care need. This means they must:</p> <ul style="list-style-type: none"> <li>• have a long-term illness or injury (physical or mental) that requires or is likely to require care for three months or more; or</li> <li>• a disability as defined in the Equality Act 2010; or</li> <li>• require care related to old age.</li> </ul>
<b>Parent</b>	<p>Is a child's mother, father, guardian, foster carer or some other person with parental responsibility regardless of gender.</p>
<b>Foster Carer</b>	<p>Foster carers offer children and young people a safe home when they can't live with their birth families. Where an individual is registered and a formal arrangement is in place, colleagues are eligible for Special Leave.</p>
<b>Kinship Carer</b>	<p>Kinship carers can be a relative or family friend who steps in to take care of a child who is unable to live with their parents. Where a formal arrangement is in place, colleagues are eligible for Special Leave.</p>
<b>Week</b>	<p>Is considered the length of time an employee normally works over 7 days. For example, if an employee works 3 days a week, one 'week' of leave equals 3 days. If an employee works irregular weeks, the number of days in a 'week' is the total number of days they work a year divided by 52.</p>