

Special Leave Guidance Note

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Strategic Alignment

Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

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Change made	<i>Extended paternity leave provisions Review of carer's leave provisions</i>		

Change record

Date	27/03/2020	Author	Tracy Simpson, SimpsonTr@northlan.gov.uk
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Change record

Date	29/03/2022	Author	Cullenli@northlan.gov.uk
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Date	06/04/2024	Author	Cullenli@northlan.gov.uk
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1. Introduction

- 1.1 The following guidance provides additional assistance when making a request for or granting special leave and should be read in conjunction with the Special Leave Policy.
- 1.2 For further clarification on any aspect of the policy, please contact People Resources.

2. How to apply for a period of special leave

- 2.1 The majority of applications for special leave can be made by using Myself (where available), however, application forms must be completed and approved prior to this for some categories of special leave such as Unpaid Carer's Leave, Time off for Dependants, Maternity/Adoption Support Leave, Shared Parental Leave and Career Breaks.
- 2.2 Where special leave is requested in advance, you must ensure you provide adequate time for your manager to consider your request, if this is feasible. You should also submit any supporting documentation to your line manager at the same time. There is no requirement for your manager to retain a copy of appointment details on file.
- 2.3 It is accepted that in certain limited circumstances you may be unable to discuss the requirement for special leave in advance with your manager. In such circumstances, you must contact the appropriate manager by telephone (text messaging and email are not acceptable unless alternative contact arrangements have been made as part of a reasonable adjustment) as soon as possible and not later than the commencement of core time on the day the leave is required, or within 1 hour of normal starting time. Failure to contact your manager could result you taking unauthorised leave of absence which may lead to disciplinary action.
- 2.4 If you wish to apply for a career break, there is a separate guidance note and application form for completion, which can be obtained on Connect or from your line manager.
- 2.5 If you wish to apply for Time for Dependents (sections 7.4 - 7.6), there is a separate application form, which is attached as an appendix to this guidance note and can be obtained on MyNL or from your line manager.
- 2.6 The Special Leave Policy now places a limit on certain types of special leave, use of which will be considered over a rolling 12-month period.

3. Bereavement (Section 5 of the Special Leave Policy)

- 3.1 By the very nature of this category of special leave, care will be taken to consider all the circumstances surrounding your request for time off.
- 3.2 The list of relationships included in the policy is provided as a guideline only, and special leave will not be limited to the relationships detailed. Close relationships will vary from person to person and consideration will be given to each individual case.
- 3.3 Annual leave and/or, if eligible, flexi leave may be granted as an addition to paid special leave, subject to the exigencies of the service. It is expected that bereavement leave

is to be taken at or around the time of the funeral and is not to be used to deal with business relating to the estate of the deceased which may arise sometime after the funeral.

- 3.4 It is expected that travel time to attend a funeral, within the United Kingdom, will be included in the amount of any paid special leave granted, up to the maximum detailed in the policy for each category of bereavement leave. However, if leave is required over and above the amount of leave already authorised, additional leave, including annual and/or, if eligible, flexi leave may be granted.
- 3.5 If you have to travel abroad as a result of a bereavement, for example to attend a funeral or to make arrangements to retrieve remains of the deceased, it is expected that the necessary travel time will be included in the amount of any paid special leave granted, up to the maximum detailed in the policy. However, if leave is required over and above the amount of leave already authorised, annual and/or, if eligible, flexi leave may be granted, consideration may also be given to a period of additional leave under Section 22 of the policy.

3.6 Parental Bereavement Leave

As detailed at Section 5.4 of the Special Leave Policy employees who suffer the loss of a child under the age of 18 are entitled to 2 weeks Parental Bereavement Leave (PBL). This includes parents who suffer a stillbirth after 24 weeks of pregnancy. Female employees will be entitled to the maternity pay and leave that they would have been entitled to in the event of a live birth or in the event that a child dies following the birth.

- 3.7 You can take the leave at the time(s) you choose within the 56 weeks after your bereavement. However, the leave must be taken in blocks of at least one week, it cannot be taken as individual days.
- 3.8 If you wish to take the leave within the first 56 days after your bereavement, you do not need to provide any notice, however you must advise your line manager no later than when you are due to start work on the first day on which you wish to take leave or, if that is not feasible, as soon as you can.
- 3.9 To take leave more than 56 days after your bereavement, you must give your line manager at least one week's notice.
- 3.10 If you change your mind about taking the leave you can cancel it and take it at a different time (within the 56 weeks after your bereavement). Where your leave was due to begin during the first 56 days after your bereavement, you must let your line manager know you no longer wish to take it before your normal start time on the first day of the leave.
- 3.11 Where your leave was due to begin more than 56 days after your bereavement leave you must advise your line manager at least one week in advance that you wish to cancel it. You cannot cancel any week of parental bereavement leave that has already begun.
- 3.12 The Council recognises the need to provide bereaved parents with as much support as possible, and therefore you will continue to receive your normal contractual pay during the period of Parental Bereavement Leave.
- 3.13 During your leave, all the terms and conditions of your contract will continue. For example, holiday entitlement continues to accrue and pension contributions will continue to be paid.

4. Unpaid Carer's Leave (Section 6 of the Special Leave Policy)

4.1 Employees who have caring responsibilities of a 'dependent' with a long-term care need will be entitled, from the onset of their employment with the Council, to take one week's unpaid leave to provide care or arrange care in a 12-month rolling period. A 'week' means the length of time they usually work over 7 days, for example, if someone usually works 3 days a week, they can take 3 days of unpaid Carer's Leave.

4.2 A dependent of an employee has a long-term care need if:

- They have an illness or injury (whether physical or mental) that requires or is likely to require, care for more than three months.
- They have a disability for the purposes of the Equality Act 2010 or
- They require care for a reason connected with their old age.

4.3 Employees must take a minimum of half a working day at a time and a working day means the employees usual working pattern. The leave does not need to be used on consecutive days.

4.4 Employees are required to give notice of when they require the leave, which is either twice the length of time being requested or three days, whichever is the longest. However, there is recognition that it may not be possible to give the appropriate level of notice in certain situations but where possible, line managers are asked to approve the requested leave.

4.5 All unpaid Carer's Leave must be approved by the relevant line manager.

5. Time Off for Dependants (Section 7 of the Special Leave Policy)

5.1 The right to request time off for dependant's falls into three categories, one is time off work to deal with unforeseen matters or genuine emergencies, and the second is time off for a pre-arranged situation such as time to attend a pre-arranged hospital appointment with a dependant (Section 7.2 of the policy). The third category is to deal with the care or support of a dependant (Sections 7.4-7.6 of the policy).

5.2 A specific amount of time off is allowed for the different types of leave under Section 7 of the policy, however managers must give additional consideration to the amount of time off available where the person for whom the employee is providing support or care to, has a disability. Further advice is available from People Resources.

5.3 It may not always be necessary or possible to take a full day's leave on each occasion. It may be necessary to grant a half day of leave, allowing more flexibility both for the service and for you. It should be noted that if you choose to take half days, this will be counted as one occasion, and the maximum number of occasions per leave year prescribed within the policy cannot be exceeded.

5.2 Support of Dependant(s)

5.2.1 Section 7.1 of the policy allows employees to request time off to deal with the immediate situation/problem and make longer term arrangements for the care of the dependant. If necessary, and subject to the exigencies of the service, employees may be able to take the three occasions allowed over consecutive days. If you choose to do so, there will be no further special leave available under this category for a further 12 months from the first day of consecutive leave taken.

5.2.2 Section 7.4 to 7.5 allows employees to request time off to support or care for a dependant who has been diagnosed with a terminal illness or has a serious/long term health condition, as defined in the policy. The amount of time off for each of these circumstances is detailed in the policy, however managers should seek advice from the Employment and Policy Team before granting leave in these circumstances to ensure consistency of application.

5.2.3 Post-Operative Recovery

Employees can also request time off to care for a dependant who is recovering from an operation (Section 7.6 – Post-Operative Recovery). The table below provides a list of the types of operations that may require a dependant to have support at home following their operation. Whilst the list of operations is not exhaustive it covers the most common operations and should provide a good overall guide for managers.

Details of the anticipated timescales for the amount of leave that may be required in each circumstance and the factors that could affect the recovery times are also provided.

Managers must ensure that a fair and consistent approach is taken when approving leave for this purpose, whilst taking individual circumstances into account, including whether the dependant has a disability.

Post-Operative Recovery		
Type of Surgery	Timescale for Leave	Main Factors that could affect timescales
Major Abdominal Surgery e.g. removal of bowel	Up to 2 weeks	Case by case basis
Gall Bladder removal	Up to 1 week	Type of Surgery i.e. Keyhole or open Any complications
Stent	Up to 1 week	Nature of underlying condition Any complications
Major Cardiovascular surgery i.e. heart bypass	Up to 4 weeks	Case by case basis
Breast Cancer - Mastectomy	Up to 4 weeks	Nature of surgery i.e. open or keyhole Any additional treatment inc. psychological
Breast Cancer - Lumpectomy	Up to 1 week	Nature of surgery Any additional treatment inc. psychological
Hysterectomy	Up to 4 weeks	Nature of surgery i.e. open or keyhole Any additional treatment inc. psychological
Prostatectomy	Up to 1 week	Nature of underlying condition Any complications
Kidney transplant/removal	Up to 4 weeks	Nature of surgery Any complications Any ongoing treatment

Eye Surgery (not elective)	Up to 1 week	Nature of surgery Any complications
Hip Replacement	Up to 2 weeks	Nature of Surgery i.e. total or part replacement Any complications
Knee Replacement	Up to 2 weeks	Nature of Surgery i.e. total or part replacement Any complications

5.2.4 Application process for Leave under Section 7.4 to 7.6

26 weeks continuous service is required to apply for time off under Sections 7.4 to 7.6, and employees must complete the application form attached to this guidance note (Appendix 1).

Applications for such leave will be considered where an employee has the **primary care** responsibility for a dependant who has a terminal or serious illness or is recovering from an operation as detailed at Section 7.6 of the policy.

The application form, which is attached as an appendix to this guidance note, should be submitted to your line manager at least four weeks prior to the proposed date of commencement of leave. However, if this is not feasible, reasonable notice should be provided. You are also required to provide appropriate medical evidence such as a letter from a GP, Hospital, or other medical/care provider. This information should contain details of the nature of the care/support required and anticipated timescales if possible. Further information is available from the Employment and Policy Team.

6. Maternity Support Leave/ Statutory/Occupational Paternity Leave (Section 8 of the Special Leave Policy)

- 6.1 Maternity support leave of up to 5 days paid leave at full pay (or the equivalent of one of the employee's normal working weeks) can be taken by the father or partner or nominated carer of an expectant mother at or around the time of the birth. The five days need not be consecutive. Further details of what level of support the employee is required to give and why they require this leave should be detailed on the application form.
- 6.2 For managers considering applications for Maternity Support Leave they should consider whether the employee requires the time off, are they supporting the expectant/new mother, is there a father or partner there to support, are they the birthing partner of the expectant mother. If an employee is not supporting the expectant/new mother or there is father or partner there to support, applications for Maternity Support Leave can be refused.
- 6.3 Where eligibility criteria are met, Statutory Paternity Leave of one week can be taken if you are the father, husband or partner of an expectant mother. Where you are eligible for Statutory Paternity Pay, the Government Statutory Paternity Pay rate will be paid, however this will be topped up to full pay. Separate guidance on Statutory Leave and Pay is available from People Resources. Statutory Paternity Leave must be taken over consecutive days, can start on any day of the week and must be taken at any point in the 52 weeks after the birth of the child.

- 6.4 In addition to the above leave a father, husband or partner of an expectant mother is entitled to two additional week's occupational paternity leave at full pay. Occupational paternity leave must be taken within 12 months of the birth and must be taken in blocks of no less than one week (subject to the exigencies of the service). If the father or partner of the expectant mother meets the criteria for statutory paternity leave, an employee can apply for occupational paternity leave by requesting this through myself. This will be recorded as special leave – occupational paternity leave.
- 6.5 Further information on Shared Parental Leave (also found in section 8.3 of the policy) can be found in the Maternity Policy, Adoption Policy or on Connect.

7. Leave for Medical Purposes (Section 9 of the Special Leave Policy)

- 7.1 If you are requesting leave for non-emergency medical purposes, appointments should be arranged outwith normal working hours. If this is not possible, appointments must be made at the start or end of the working day. If you have access to the flexi system, you should clock in and out for your appointment and should not submit a credit adjustment for any time taken. Flexi-leave will only be granted when an employee has accrued sufficient credit to cover the request. Under no circumstances will an employee be permitted to accrue a debit balance as a result of taking flexi-leave.
- 7.2 If you are not on the flexi system, you should discuss time required with your line manager – time will be given on a paid basis.
- 7.3 Leave to attend a hospital appointment will be authorised on the production of an appointment card or letter. There is no requirement for your manager to retain a copy of the appointment details on file.
- 7.4 There may be circumstances when you require time off to attend a hospital appointment, but due to the nature of the appointment, you may not wish to show the appointment card or letter to your line manager. In these circumstances it may be appropriate for you to contact your People Resources representative, who will check the details on the appointment card or letter and then notify and confirm with your line manager that leave may or may not be authorised.
- 7.5 Where you are required to attend hospital on more than 4 occasions in a rolling 12-month period, the ongoing availability of special leave for this purpose should be discussed with the line manager in the first instance. Each case will be considered on its own merits.
- 7.6 It is recognised that disabled employees may require an increased number of hospital appointments due to ongoing medical treatment. The Equality Act 2010 requires that the employer makes reasonable adjustments in order to retain disabled employees in employment. Each case will be considered on its own merits

8. Participation in Sporting Events (Section 10 of the Special Leave Policy)

- 8.1 This provision is not exclusive to those detailed in the policy. All requests received for paid leave under this category will be considered on an individual basis. If you request leave under this category, you may also make use of Section 22 of the policy, if required.

9. Jury Service/Service as a Witness (Section 11 & 12 of the Special Leave Policy)

- 9.1 If you attend court either to serve on a jury or as a witness or a witness on behalf of the Council, paid leave will be granted, on the understanding that the equivalent of any monies received, either witness fees or loss of earnings, will be paid back to the Council.
- 9.2 The Employee Service Centre will be advised by your manager, of the details of your attendance at court, attaching a copy of the letter from the court advising the amount of fees or earnings paid. The Employee Service Centre will then deduct this amount from your earnings to ensure that you are not paid twice.
- 9.3 Not all court or witness leave will be paid. An example which would not qualify you for paid leave could be attending court to deal with divorce proceedings. It is expected that time off for this purpose would be taken as either annual or flexi leave, if eligible, or unpaid leave. If you are cited to attend as a witness for another party, it is expected that loss of earnings will be reimbursed by the individual requesting your attendance as a witness and that unpaid leave will be granted to attend court.
- 9.4 There may be occasions when you have to attend legal proceedings, not as a witness, but to accompany a minor. Examples are accompanying a minor who has been called as a court witness or accompanying a minor attending a Children's Panel Hearing, and paid time off will be granted for this purpose.

10. Service in Non-Regular Forces (Volunteer Reserve Forces) (Section 1 of the Special Leave Policy)

- 10.1 Non regular forces or the Volunteer Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Territorial Army (TA) and the Reserve Air Forces.
- 10.2 If you are a Reservist and are called for duty into full-time service with the Regular Forces, a call out notice will be issued to you. In addition the Council will be issued with an acknowledgement notice, to be returned to the Ministry of Defence, as the consent of your employer is required.
- 10.3 Leave for the duration of Reservist duty will be paid leave. At the end of your period of duty, you have the right to return to your former employment or suitable alternative employment. For further advice on Reservists, contact People Resources.

For information on Reservists being mobilised, please refer to the Reserve Forces Training and Mobilisation Guidance which is available here or on MyNL

11. Holidays or Festivals of Religious or Ethnic Groups (Section 18 of the Special Leave Policy)

- 11.1 If you celebrate holidays or festivals on days other than those allocated by the Council and have fixed annual leave (e.g. term time), you will be allowed, subject to the requirements of the service, up to a maximum of two of your working days, with pay, to participate in such festivals. If you are not a term-time employees and you wish to take paid leave for religious holidays, you will have the option of annual or flexi leave.
- 11.2 It should be noted that there may not always be a requirement for an employee to have time off during working hours for religious observance. Consequently, due consideration should be given prior to authorisation of leave on this basis to avoid setting precedents.

12. Career Break (Section 21 of the Special Leave Policy)

- 12.1 A separate Career Break Guidance Note has been produced, containing the conditions relating to a request for a career break, including an application form.

13. Other Special Leave (Section 22 of the Special Leave Policy)

- 13.1 Section 22 of the policy is the provision of leave for other occasions that are not categorised within the policy.
- 13.2 Examples of instances when this section of the policy could be accessed are additional bereavement leave; additional leave to participate in a sporting event. These are examples only and applications under this section should be given individual consideration before any decision is taken.
- 13.3 The Chief Officer has the discretion to authorise leave of up to a maximum of 10 days, either paid or unpaid. If you are seeking leave of up to 10 days, either paid or unpaid, you should forward a request in writing to the appropriate Chief Officer, stating the reasons for the request for leave. The Chief Officer will consider the request and respond in writing to you.
- 13.4 For requests for leave exceeding 10 days, the Chief Officer or appropriate Senior Officer will discuss the request with the Chief Officer People Resources. If, following consultation, agreement is reached on a recommendation, the Chief Officer will confirm the arrangement in writing.
- 13.5 If, following consultation, agreement cannot be reached to recommend leave, the Chief Officer will respond in writing to you. You have the right to appeal against this decision, using the council's Grievance Procedure.

14. Continuity of Service

- 14.1 Leave granted within the terms of the special leave policy will be considered as continuous service with this council.
- 14.2 The one exception to this is leave taken under Section 21, Career Breaks. The period of the career break will **not** be counted as continuous service, however, service prior to and following the career break will be linked and these two periods will count as continuous service for contractual purposes, even although there has been a break in service. Please refer to the Career Break Guidance for further information.

Special Leave Policy

Application for Time off for Dependant(s) - (7.4 – 7.6)

Leave may be available for employees with 26 weeks continuous service.

- Terminal Illness of a Dependent - Subject to the appropriate evidence a maximum of 16 working weeks leave be taken. Payment for leave may be available for up to 8 weeks paid and 8 weeks unpaid. The maximum period of leave may be extended in exceptional circumstances.
- Serious/Long Term Health Condition of a Dependant - Subject to the appropriate evidence a maximum of 8 working weeks leave may be taken. Payment for leave may be available for up to 4 weeks paid and 4 weeks unpaid.
- Post-Operative Recovery – The available time off in these circumstances will depend on the nature of the operation.(See section 5.2.3 of this guidance note)
- Leave for all categories may be broken down into smaller periods of leave i.e. 1 day but cannot exceed the maximum working weeks.

Part 1 – Employee details (to be completed by employee)

You can apply for dependants leave if you have 26 weeks continuous service at the date of commencement of your period of leave. You must submit this application to your line manager for authorisation by the **appropriate Chief Officer** or nominated officer, at least four weeks prior to the proposed date. However, if this is not feasible, reasonable notice should be provided.

Employee name:	
Service/Division:	
Job title:	
Employee number:	
Continuous service start date*	

*This is recognised continuous service detailed in NLC Core Conditions of Service

Part 2 – Reason(s) for leave (to be completed by employee)

I am applying for carers' leave for the following reason: (Please select the relevant reason below and provide further detail)

6.4 Terminal Illness of a Dependant(s) 6.5 Serious/Long Term Condition 6.6 Post-Operative Recovery

Further Information

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Evidence attached (please tick): <input type="checkbox"/> Letter from GP <input type="checkbox"/> Letter from hospital <input type="checkbox"/> Letter from consultant	Evidence attached (please tick): <input type="checkbox"/> Supporting memo from line manager <input type="checkbox"/> Other (please give details below):
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Leave requested:	
Date from:	
Date to:	
Number of working days if less than a full week:	
Full day / part day (please delete)	
Times requested if less than a full day:	
No of weeks:	
Other arrangement:	

<p>Do you have any other relatives or friends who can share the caring responsibility? YES NO Please give details:</p>

<p>If you answered yes to the above question, does your relative or friend work for North Lanarkshire Council? YES <input type="checkbox"/> NO <input type="checkbox"/></p>
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<p>If your relative or friend works for NLC, please provide further details:</p> <p>Employee name: _____ Service/division: _____</p> <p>Job title: _____</p> <p>Has the above named –</p> <p><input type="checkbox"/> Applied for time off to support your dependant? YES NO <input type="checkbox"/></p> <p><input type="checkbox"/> Has it been approved? YES NO <input type="checkbox"/> DECISION PENDING <input type="checkbox"/></p> <p><input type="checkbox"/> If it has been approved, please detail the dates to/from and the amount of leave being taken:</p>

<p>If you have taken time off to support a dependant under 6.4-6.6 in the last twelve months, provide dates when leave was taken and reason:</p>	
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_____ Employee Signature

_____ Date

Part 3 – Authorisation

<p>A - Line manager considered application - approve YES <input type="checkbox"/> NO <input type="checkbox"/> (If not approved please provide reason)</p>
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	Requested	Approved
Date from:		
Date to:		
Number of working days if less than a full working week:		
Full day / part day (please delete)		
Times requested if less than a full day:		
Total No of weeks:		
Other arrangement:		

<p>Signature –</p>	<p>Date -</p>
<p>If approval varies from request please give details and any review period agreed –</p>	
<p>If yes, what, management action will be taken in order to maintain service provision during period of leave (this will apply more often during prolonged period of leave) –</p>	

B –Chief Officer / Nominated Officer considered application – approve

YES

NO

Signature –

Date –

If no, reason(s) –

C – Copy of completed form with decision to be provided to employee by line manager: Date form provided to employee –

____/____/____

Line manager will advise People Operations of the period of leave authorised.