

Special Leave Policy

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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.

Consultation process	<i>Consulted with Joint Trade Unions and Employee Equality Forum</i>
Stakeholders	Contacts identified for each service
	<i>Joint Trade Unions Employee Equality Forum Employees</i>
Distribution	

Change record

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1 Introduction

The council recognises that there will be times when employees may require special leave to undertake obligations or attend events outside of their working life. While it is expected that there will be instances where such responsibilities/events can be supported through the use of annual leave or flexible leave, this policy explains the additional support which may be available.

This policy should be read in conjunction with the council's Smarter Working Policy, Managing Attendance Policy and Special Leave Guidance Note.

2 Legislation

This policy was created taking into account and incorporating the following legislation:-

- Children and Families Act 2014
- The Shared Parental Leave Regulations 2014
- Equality Act 2010
- Work and Families Act 2006
- Employment Act 2002
- Employment Relations Act 1999
- Employment Rights Act 1996
- Juries Act 1974

3 Our Position

The council recognises the requirement for fairness and consistency when considering requests for special leave. All applications for special leave will be examined on an individual basis, having due regard to the council policies on Equality of Opportunity in Employment and Dignity at Work.

In authorising special leave, managers should consider:-

- all the circumstances surrounding the request,
- the need to ensure that services are minimally disrupted, and
- consistency of application of this policy throughout the council

Managers are required to ensure that, in line with responsibilities under the Equality Act 2010, special consideration is given to requests from disabled employees (or employees supporting a disabled dependant), where that request is linked to a matter arising from the disability. This will include the requirement to consider reasonable adjustments, as appropriate.

The Equality Act 2010 defines a disability as “a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities.” If clarification is required on this or any area of the policy, managers should contact People & Organisational Development.

4 Scope

This policy is available to all employees of the council, regardless of length of service or contractual status, with the exception of teachers who are covered by a separate policy. There are, however, eligibility criteria for Time off for Dependents (Section 6.4 to 6.6), Statutory/Occupational Paternity Leave (section 7.2), Shared Parental Leave (section 7.3) and Career Break (Section 20).

All special leave granted will be to a maximum of an employee's contracted daily hours and calculated on the basis of a "normal working week".

5 Bereavement

It is expected that managers will take all circumstances into account when granting paid leave for bereavement, such as the closeness of the relationship and whether the employee is responsible for making the funeral arrangements.

If necessary employees can take annual and/or, if eligible, flexi leave. This would be in addition to bereavement leave and subject to approval from his/her manager and the exigencies of the service.

The following guidelines should be adhered to bearing in mind the conditions detailed above:-

5.1 Close Relationships

- 1 day to attend the funeral
- 2 compassionate days

However, the amount of leave granted will depend on the individual circumstances of each case, such as the closeness of the relationship. Close relationships would generally include:

- Parent(s)
- Sibling(s)
- Child/ren
- Spouse or partner
- Spouse or partner's parent(s) or child/ren
- Grandparents or grandchildren

These relationships would also include step relationships.

Additional leave of up to 2 days will be granted to conduct business in connection with the funeral if undertaking this responsibility. This leave will normally only be granted to employees who are the designated next of kin of the deceased person.

Bereavement leave for part time/job share/flexible working employees will be authorised as the equivalent of up to one of their normal working weeks. In all circumstances, paid leave will be up to a maximum of contracted daily hours.

5.2 Other relatives of the Employee or their Spouse or Partner

Paid leave to attend the funeral up to a maximum of one day per occasion, with a maximum of three occasions in a rolling 12 month period.

5.3 Friend or Colleague

Paid leave to attend the funeral up to a maximum of one half day per occasion with a maximum of three occasions in a rolling 12 month period.

The above allowances for each category of leave for bereavement are considered to be inclusive of any travel time necessary to attend the funeral.

5.4 Parental Bereavement Leave

Parental Bereavement Leave (PBL) is a new entitlement for bereaved parents to be absent from work, for up to two weeks. The new statutory right is available to the parents of a child who dies on or after 6 April 2020. To qualify for this leave you must be:

- The biological parent or adult with parental responsibility i.e. adoptive parent, foster parent, guardian who has suffered the loss of a child under the age of 18, or
- The biological father or the mother's (or adoptive mother's) husband, partner or civil partner who has suffered a stillbirth after 24 weeks of pregnancy. N.B Female employees who suffer a stillbirth from the 24th week of pregnancy, are still 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.

Employees are entitled to this leave regardless of length of service and the Council have enhanced the statutory pay entitlement so that employees will receive their normal contractual pay during the period of parental bereavement leave.

The leave must be taken within 56 weeks of the date of the child's death and either in one block of two weeks, or as two separate blocks of one week each.

For eligible parents as the result of the death of more than one child, the employee is entitled to leave in respect of each child.

Further guidance is contained in the Special Leave Policy Guidance Note

6 Time Off for Dependants

A dependant is someone who depends on the employee for care. Normally, this will be a spouse, partner, child, or parent, however a dependant may also be someone who reasonably relies on the employee to make arrangements for the provision of care i.e an elderly neighbour or a friend that has no other support network.

Where special leave is required for the purposes of supporting or caring for a dependant, special consideration to appropriate provision must be made where the person for whom the employee is providing support or care to, has a disability. Further advice is available from People & Organisational Development.

In all circumstances, paid leave will be up to a maximum of contracted daily hours.

It is accepted that in certain limited circumstances an employee may be unable to discuss the requirement for special leave in advance with his/her manager. In such circumstances, the employee must make contact with 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 by the employee to make contact with his/her manager could result in the employee taking unauthorised leave of absence which may lead to disciplinary action.

An “occasion” as defined within the policy is one instance where an employee is required to apply for and take special leave. The number of occasions provided for relate to each employee and not each dependant. An occasion may be as little as one hour up to a maximum of one day – there is not an automatic entitlement to a full day off.

An employee may use annual and/or, if eligible, flexi leave in addition to each of the occasions outlined in Section 6, subject to authorisation by his/her manager and the exigencies of the service.

An employee is eligible to time off during working hours to take necessary action for the circumstances listed below.

6.1 Support of Dependant(s)

Paid leave will be granted on up to 3 occasions in a rolling 12 month period, limited to a maximum of up to 1 working day on each occasion. Special leave may be granted to support the following circumstances:

- To provide assistance or make arrangements for the provision of care for a dependant who is ill, falls ill or is injured.
- To make alternative arrangements for the care of a dependant whose normal care arrangements are unexpectedly and unavoidably disrupted, i.e. illness of the usual carer.
- To make arrangements to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends has responsibility for that child.

Category 6.1 may be taken as 3 consecutive days with the agreement of the line manager. However, each occasion cannot be authorised in advance and the employee is required to contact his/her line manager by telephone (text messaging and email are not acceptable unless alternative arrangements have been agreed as a reasonable adjustment) on a daily basis. This should be done 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.

Special leave taken over consecutive days will only be granted subject to the exigencies of the service. Employees who are required to take this leave over consecutive days must be aware that they will not have any further special leave provision available to them under this category for a further 12 months.

Employees who wish to provide support to dependants recovering from short term illness or incapacity may also be granted a temporary change in working hour's e.g. later start or earlier finish, to assist in the provision of care or to assist with childcare

responsibilities. Alternatively, annual leave, flexi leave or unpaid leave may be granted.

6.2 Attending Hospital with a Dependant

Paid leave will be granted on up to 2 occasions in a rolling 12 month period, limited to a maximum of up to 1 working day on each occasion, to attend a prearranged medical examination or hospital appointment with a dependant.

A hospital appointment card or a letter from the hospital will require to be produced, to be checked by the employee's manager prior to authorisation of leave.

6.3 Attending Court/Children's Panel with a Dependant Minor

Time off may be granted to an employee who is required to attend court/children's panel hearing with a dependant, and that dependant is a minor. A minor for this purpose is someone under the age of 16.

Paid leave will be granted on up to 2 occasions in a rolling 12 month period, limited to a maximum of up to 1 working day on each occasion.

6.4 Terminal Illness of a Dependant

A terminal illness is defined as an illness which has a finite duration in terms of life expectancy, and normally of no more than 12 months.

Up to a maximum of 16 working weeks leave in a rolling 12 month period may be granted. The time taken may be broken down into smaller periods e.g. 1 day or 3 hrs, but the cumulative total cannot exceed 16 working weeks.

Subject to the appropriate evidence payment for leave under 6.4 may be available for up to 8 weeks paid and 8 weeks unpaid. This period of leave may be extended to a maximum of 13 weeks paid leave, and 8 weeks unpaid leave in exceptional circumstances. Each case will be considered on its own merits, taking into account the individual circumstances, and following discussion with Employee Relations.

6.5 Serious/Long Term Health Condition of a Dependant

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one or more of the following:

- A period of illness or incapacity of more than 3 consecutive days requiring treatment* from a GP, Hospital, Specialist etc .
- Multiple Treatments (including any period of recovery) e.g. chemotherapy, radiation, etc., kidney dialysis, physical therapy, serious physiological treatment,
- Permanent or Long Term Conditions e.g. cancer, dementia, Parkinson's stroke, heart condition, multiple sclerosis. Time off may be required to provide respite care, make arrangements for long term care.

- Hospital Stays. This will normally only apply where a child is required to stay in hospital for more than 3 days. Time off for dependants receiving end of life care in a hospital or hospice is covered by Terminal Illness of a Dependant.
- Up to a maximum of 8 working weeks leave in a rolling 12 month period may be granted. The time taken may be broken down into smaller periods e.g. 1 day or 3 hrs, but the cumulative total cannot exceed 8 working weeks.
- Subject to the appropriate evidence payment for leave under 6.5 may be available for up to 4 weeks paid and 4 weeks unpaid.

6.6 Post-Operative Recovery

Time off to support a dependant who is recovering from a more serious operation and who requires support at home following release from hospital may be granted.

Whilst not exhaustive a list of the types of operations that may require support at home are detailed in the Special Leave Policy Guidance Note, Section 4.1.3, along with the timescales for the amount of leave that may be required. Managers must ensure that a fair and consistent approach is taken when approving leave for this purpose, whilst taking individual circumstances into account.

It is not intended that time off under this category would be granted where the dependant has had a minor operation e.g. bunion removal, ingrown toenail removal, hernia repair (keyhole), haemorrhoidectomy etc.

Employees who wish to provide support to dependants recovering from these types of surgery may be granted a temporary change in working hour's e.g. later start or earlier finish, to assist in the provision of care or to assist with childcare responsibilities. Alternatively, annual leave, flexi leave or unpaid leave may be granted.

Categories 6.4 to 6.6 above seeks to help balance the needs of employees with serious/longer term responsibilities for dependants with their role as an employee of North Lanarkshire Council.

Leave under these categories, either paid or unpaid, will not be available until the applicant has accrued 26 weeks continuous service.

6.7 Applications and Supporting Evidence

Employees applying for leave under categories 6.4 to 6.6 are required to complete an application form and provide appropriate supporting/medical evidence. Please refer to the Special Leave guidance note for more information on the application process and appropriate supporting evidence.

In all circumstances, the line manager must discuss the particulars of each request with the employee requesting leave in order to clarify the reasons for the application and to ensure that the type of leave requested is the most appropriate option in the circumstances.

On receipt of an application, the line manager must pass a copy to the Employees Relations team and discuss the application before approving any requests.

Leave for part time/job share/flexible working employees will be authorised as the equivalent of their normal working weeks. In all circumstances, any paid leave will be up to a maximum of contracted daily hours.

All leave granted will be counted as continuous service for contractual purposes.

7 Maternity /Adoption Support Leave, Statutory Paternity Leave and Shared Parental Leave

7.1 Maternity Support/Adoption Support Leave

Maternity Support/Adoption Support Leave of 5 days paid leave (or the equivalent of one of the employee's normal working weeks in the week that maternity support leave is to be taken) will be granted to the child's father or the partner or nominated carer of an expectant mother/principal carer at or around the time of birth. Paid leave will be up to a maximum of contracted daily hours.

The availability of this leave provision will not extend beyond 56 days (8 calendar weeks) after the date of the birth/placement of the child. It cannot be taken before the time of the birth/date of placement.

A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth/placement. For guidance on what needs to be considered when a request by a "nominated carer" is made, please refer to the Special Leave Policy Guidance Note.

Maternity Support/Adoption Support Leave may be taken in one period or broken down into smaller periods, subject to the exigencies of the service.

Please note: Fathers or partners of expectant mothers/principal carers (who meet the eligibility requirements as set out in section 7.1) are legally entitled to 2 weeks statutory paternity leave, paid at the rate of statutory paternity pay. However, the provision of maternity support/adoption support leave for fathers/partners is given as an enhanced alternative to one week of statutory paternity leave. This brings total leave entitlement to 2 weeks, one of which will be paid at statutory paternity rates.

If an employee wishes to apply for maternity support/adoption support leave, he/she must notify their line manager in writing, using the Maternity Support Leave or Adoption Support Leave application form (attached to the guidance note).

7.2 Statutory/Occupational Paternity Leave

In addition to Maternity Support Leave/Adoption Support Leave, a father, husband or partner of an expectant mother, who has 26 weeks continuous service with the council at the start of the 14th week before the expected week of childbirth, is entitled to one week's statutory paternity leave which will be topped up to full pay. This period of leave **must** be taken as consecutive days and cannot be broken into smaller periods of leave.

To qualify for statutory/occupational paternity leave, you must be:

- The biological father, or
- Adopter of the child, or

- The mother's (or adopter's) husband, partner or civil partner, or
- Have, or expect to have, responsibility for the child's upbringing.

Statutory paternity leave can be taken either from the date of the child's birth or from another date after the child's birth. The leave can start on any day of the week, but must be taken within 56 days of the actual birth of the child. If the child is born early, the leave must be taken within the period from the actual date of the birth up to 56 days after the expected week of childbirth.

In addition to statutory paternity leave a father, husband or partner of an expectant mother is entitled to two additional week's occupational paternity leave at full pay. This leave must be taken within 12 months from the date of the birth and in blocks of no less than one week (subject to the exigencies of the service)

If an employee wishes to take statutory paternity leave, he/she must notify the line manager, in writing, using Form PS18, of the intention to take paternity leave, by the 14th week before the expected week of childbirth. If an employee wishes to alter the date on which leave will commence, he/she must give 28 days' notice of this alteration, in writing, where this is reasonably practicable, to his/her line manager. An employee can apply for occupational paternity leave by requesting this through myself. Further guidance is contained in the Special Leave Policy Guidance Note.

7.3 Shared Parental Leave

For more information on eligibility and entitlement to Shared Parental Leave please refer to the Maternity Policy or Adoption Policy.

8 Leave for Medical Purposes

8.1 Non-Emergency Medical/GP Appointments

Employees requiring non-emergency medical treatment from opticians, dentists or GPs should make arrangements to obtain such treatment outwith working hours. Where this is not possible, appointments must be made for the beginning or end of the working day.

Employees with access to the flexi-system should clock in/out for their appointment and should not submit a credit adjustment for any time taken to attend non-emergency appointments. Employees not on the flexi system should discuss time required to attend such appointments with their line manager.

8.2 Hospital Appointments

An employee who has been referred to a hospital for examination/treatment should, where feasible, try to arrange appointments outwith normal working hours. If this is not possible, then paid leave, up to a maximum of contracted daily hours, will be granted for attendance at hospital.

A hospital appointment card or a letter from the hospital will require to be produced, to be checked by the employee's manager prior to authorisation of leave.

Where an employee is 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.

9 Participation in Sporting Events

If an employee is selected to participate in a sporting event at national or international level as a representative of his/her country, up to a maximum of 5 days paid leave (or the equivalent of one of the employee's normal working weeks) in a rolling 12 month period may be granted.

This provision includes team managers or coaches required to attend the event. It also includes time off for an employee who is the parent/guardian of a child under the age of 16, and who is required to accompany the child while participating in the sporting event.

There is no age limit if required to accompany a disabled participant.

10 Jury Service

If an employee is called to serve on a jury, there is a requirement for an employee to attend by virtue of the Juries Act 1974. The employee must notify his/her manager of the summons.

The jury citation letter will require to be produced, to be checked by the employee's manager prior to authorisation of leave.

An employee will be granted leave with pay to attend unless exemption is secured. The employee will claim the allowance payable under the Jurors Allowances Regulations and this amount will be deducted from pay.

11 Service as a Witness

If an employee is cited to attend court as a witness, leave of absence will be granted as follows:-

- If an employee is attending as a witness on behalf of the council, leave with pay will be granted, on the understanding that witness fees received (excluding travel and subsistence expenses) are paid to the council.
- In the case of an employee called as a Crown Court witness, cited by the Procurator Fiscal or equivalent, leave with pay will be granted, on the understanding that loss of earnings received by the employee from the Court, will be paid back to the council
- In all other cases where the employee is called to attend court as a witness, leave without pay will be granted. Employees can claim from the person citing them, the relevant amount in respect of loss of earnings.

Employment Tribunal/Attendance at Court in Course of Duties

If an employee is required to attend court as a witness on behalf of the council, then paid leave will be granted.

12 Election Duties

Subject to the exigencies of the service, and authorisation by the manager, paid leave will be granted to allow employees to undertake official duties at elections or referenda of North Lanarkshire Council.

13 Justice of the Peace Duties

All employers must, by law, allow time off work to enable a Justice of the Peace to undertake their role. Time off without pay will be provided. Employees can claim for loss of earnings from the court service.

14 Local Authority, Parliamentary, Scottish Parliamentary and European Candidates, or Election Agents

Subject to the exigencies of the service, unpaid leave for a period not exceeding up to 10 days (or up to the equivalent of two of the employee's working weeks) will be granted at the time of the election to employees who stand for election or undertake the duties of an Election Agent for a Local Authority/Parliamentary/Scottish Parliamentary/European Candidate.

15 Service in Non-Regular Forces

An employee who is a member of the non-regular forces and who attends annual training camp for a period of not less than one week, will be granted leave with pay for the period of actual attendance at the training camp, up to a maximum of 15 days (or up to the equivalent of three of the employee's working weeks) and subject to deduction of service pay and allowances received.

16 Community Emergency Services

An employee who is a member of a community emergency service, for example retained fire fighters, will be granted paid leave to attend emergencies during working hours.

17 Holidays or Festivals of Religious or Ethnic Groups

Employees who celebrate holidays or festivals on days other than those allocated by the Council and who have fixed annual leave (e.g. term-time) will be allowed, subject to the requirements of the service, up to a maximum of two of their working days, with pay to participate in such religious festivals.

18 Interviews

Paid leave will be granted to employees called to attend a job interview for a post with North Lanarkshire Council. The employee will require to produce an interview letter prior to authorisation of leave.

If an employee is called to attend a job interview for a post which is outwith North Lanarkshire Council, the employee will be required to use annual and/or, if eligible, flexi leave, for this purpose.

19 Training Connected with a Course of Study

Please refer to the Learning and Development Policy for detailed guidance.

20 Career Breaks

An employee applying for a career break must have two years continuous service with North Lanarkshire Council at the commencement of the career break.

All career breaks will be unpaid leave of absence. In addition, the period of the career break will not be counted as continuous service. However, service prior to and following the period of 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.

In making an application for a career break, the employee must specify reasons for the request and what benefits will accrue to the employee and the Council as a result of the career break.

The council will consider a Career Break of a minimum period of one year and up to a maximum period of two years. There is one exception to the maximum two year break, and this is referred to in Section 21.3 Education Break.

Employees on a career break will not normally be allowed to undertake full-time employment, either with North Lanarkshire Council or another employer, other than on a seasonal basis. However, employees will be allowed to undertake part-time employment with another employer as long as it does not bring them into conflict with their post within the Council.

An employee will be required to submit an application form for a career break to his/her line manager. All applications must be approved by the relevant Head of Service in discussion with People & Organisational Development. If the application is refused, the employee has the right to raise a formal grievance using the agreed North Lanarkshire Council grievance procedure.

A maximum of two career breaks may be taken by any employee during the course of their employment with the council.

An employee must return to work from a career break for not less than two years before a request can be made for a second break.

Only in exceptional circumstances will early return from a career break be considered, with the exception of a career break for "other" reasons.

A career break can be requested for one of the following reasons. In each case the resulting vacant post may be filled on a temporary basis for a period of up to two years or possibly longer in the case of an education break.

20.1 - Voluntary Work Overseas and in the UK

An employee who wishes to work on a voluntary basis either overseas or in the UK for an extended period of time, can request a career break.

20.2 - Extended Family Break

A career break may be taken immediately following a period of maternity leave in order to extend time spent at home. The extended family break will include statutory maternity/parental/paternity leave if this occurs during the break.

20.3 - Education Break

An employee may apply for an education break to attend a course of study for up to two years. The break may be extended beyond two years if the course of study is for more than two years.

20.4 – Other Career Break

An application may be considered for a career break that does not come under any of the above categories. For example to provide a further period of leave following exhaustion of time off for a dependant who has a terminal/serious illness. However the maximum period of career break that can be added on to a period of leave will be one year, with the provision that the employee may return earlier than the agreed return date if circumstances change during the period.

General conditions relating to career breaks are included in the Career Break Guidance Note.

21 Other Special Leave

There may be occasions when special leave is appropriate but may not be covered by the Special Leave provisions. In these exceptional circumstances, the relevant Head of Service has the discretion to authorise special leave, either paid or unpaid, up to a maximum of 10 working days in total (or up to the equivalent of two of the employee's normal working weeks), for situations not already covered by this policy.

Applications for special leave which exceed 10 working days, either paid or unpaid, and which are not covered in the above provisions, must be authorised by the Chief Executive/Executive Director. It is requested that, prior to any approval of a request for more than 10 days leave is given that the merits of the request be discussed with People & Organisational Development to ensure that no unintentional precedent is established.

22 Process for Applying for Special Leave

Please note that the process for applying for special leave will vary dependent upon the type of special leave requested. Details of how to apply are contained in the relevant guidance notes which should be read in conjunction with this policy.

Please note that leave granted in accordance with the terms of this policy, will be considered as continuous service with this council. The one exception to this is leave taken under Section 20, Career Breaks, where the period of leave will not be counted as continuous service.