



Special Leave Policy

Our values:

- **Integrity**
- **Commitment**
- **Accountability**
- **Pride in what we do**
- **Listening and engaging**
- **Creativity and learning**

Contents

1. Purpose	3
2. Scope	3
3. Guiding Principles	3
4. Monitoring and Review	4
5. Employee Responsibilities	4
6. Line Manager Responsibilities	4
7. Balancing Work and Personal Life	4
8. Compassionate Leave	4
9. Parental Bereavement Leave	5
10. Fostering Leave	5
11. Family emergencies	5
12. Safe Leave	5
13. Medical treatment	5
14. Jury and Witness Service	6
14.1 Jury Service	
14.2 Witness Service	
15. Public and Community Service	7
15.1 Community Emergency services and reserve forces	
15.2 Public Services	
15.3 Election Candidates and Agents	
16. Time off for interviews	8
17. Requesting Special Leave	8
18. Pension implications	9
19. Providing false information	9
20. Legislation relating to special leave	9
21. Associated Policies	10
Appendix 1: Guidance on Leave Following Bereavement	11

1. PURPOSE

The SSSC is committed to supporting work-life balance. The Special Leave Policy provides a range of additional leave options to help you take time away from work as a result of incidents or situations not covered by other types of leave.

From time to time during your employment, circumstances may arise which make it particularly difficult to come into work. These may include the death of a close relative or illness of a dependent, unplanned medical treatment or a planned medical procedure. The Special Leave policy also covers when you require to be absent from work to carry out a public service, such as jury duty.

In such situations, it is important that the SSSC supports you and your work life balance through providing special leave provisions or allowing you to take a more flexible approach towards arranging your working hours.

Special leave is not an entitlement and does not form part of your contract of employment, all applications will be considered taking into account individual circumstances. In some situations, it may be appropriate for an employee to use annual leave or flexi leave to allow suitable time off to respond to a situation. This policy is not exhaustive of all situations where special leave may be taken and each application will be dealt with on a case by case basis.

2. SCOPE

This policy applies to all SSSC employees.

3. GUIDING PRINCIPLES

- All requests for special leave will be considered within the parameters of this policy.
- Special leave is not an automatic entitlement. All requests will be considered on their own merits and decisions to authorise leave will be at the discretion of the appropriate line manager.
- For employees who do not work on a standard 35 hours per week basis, all entitlements will be based on a standard working day or week.
- Special leave may be unpaid or paid depending on the reason for the leave.
- In some domestic or personal situations, employees may prefer to use part of their annual leave entitlement or flexi-leave. This may be to take paid leave when the reason for leave would normally mean that it would be unpaid. In such circumstances, the employee and manager may discuss relaxing the parameters of the flexi-scheme. This should always be considered in conjunction with the HR team.
- All special leave and time off authorised must be recorded appropriately.

4. MONITORING AND REVIEW

Human Resources and the Partnership Forum are responsible for monitoring and implementing this policy. We will review this policy every three years and make amendments as appropriate in consultation with the Partnership Forum.

5. EMPLOYEE RESPONSIBILITIES

As an employee, you have a responsibility to discuss all special leave requests with your line manager and to complete the Special Leave Request Form as part of the approval process.

6. LINE MANAGER RESPONSIBILITIES

As a line manager, you have a responsibility to make sure:

- employees follow the procedure for requesting and approving special leave;
- consider and respond to all requests in a sensitive, supportive, confidential and timely manner;
- all special leave granted is accurately recorded; and,
- remember that the level of discretion you can apply depends on the reason for the leave.

7. BALANCING WORK AND PERSONAL LIFE

The SSSC recognise that life can present many and varied challenges to employees. Emergencies affecting you and your family may include incidents such as the sudden and unexpected illness of a close relative, partner or child, disruption to the care of a dependant or a close family member, or being involved in a serious accident. Such emergencies can also include an incident of domestic abuse.

Events such as those outlined above can be traumatic. The SSSC believes that when you have to cope with any of these events you may need the support of your employer. We are able to do this in a number of ways and encourage you to discuss with your line manager or Human Resources any temporary adjustments or requirements you believe would support you.

When any form of special leave for domestic or personal reasons is needed, managers should also remind employees about the support available through the Employee Assistance Programme (contactable via 0800 032 9849 or for further information go to www.sg.helpeap.com)

The following sections give more specific guidance in relation to dealing with each of the incidents noted above.

8. COMPASSIONATE LEAVE

Compassionate leave allows you to request up to one standard working week paid leave to deal with the bereavement or critical illness of a partner, close relative or close friend, or to deal with some other major family crisis or emergency. The amount of leave granted is at the discretion of the Line Manager and each case should be considered individually and a reasonable amount of leave should be granted to deal with the particular situation (for example, the employee for assistance on any occasion where the person falls ill or is injured or assaulted, or to make arrangements for the provision of care in the event of illness or injury). Where the leave is expected to go beyond one standard

working week and in exceptional circumstances, the leave may be extended but this will normally be unpaid. Line managers must seek advice from Human Resources in this situation.

Further guidance on the amount of special leave to be granted in the case of bereavement can be found in Appendix 1: Guidance on Leave following Bereavement.

9. PARENTAL BEREAVEMENT LEAVE

Losing a baby or child is a devastating experience for all the family. Parental bereavement leave allows you to request up to two weeks paid leave if you suffer the loss of a child up to the age of 18 or a still birth after 24 weeks of pregnancy. This leave is available to parents and carers (this includes adopters, foster parents and guardians, as well as more informal groups such as close relatives or family friends who have taken responsibility for the child's care in the absence of parents).

Leave can either be taken in one block or in two separate blocks of one week. It can be taken within a 56 week window from the child's death, to allow time for moments such as anniversaries, and notice requirements will be flexible so leave can be taken without prior notice.

This leave will also be granted to any employee whose child has been born premature or who is sick.

10. FOSTERING LEAVE

The SSSC is supportive of all employees who are undertaking the care of a child/children under a foster-care arrangement with a local authority and recognise that, in such cases, you will have specific obligations towards the child/children in accordance with the arrangement in place with the local authority. Fostering leave also applies to Kinship carers.

If you are intending to foster a child/children you should give your line manager not less than four weeks' notice of your intention to train as a foster carer. This is to ensure that your line manager and colleagues can provide you with support and encouragement. It also ensures that, should you wish to request any special leave to care for the child/children, your line manager has sufficient notice to make any necessary arrangements for staff cover.

10.1 Time off for Foster Carers

We recognise that if you are a foster or kinship carer you may need to take time off work to help the child/children to settle into their new environment. You may also need time off to attend training courses, meetings with professionals or appointments with the child/children.

If you require time off to attend training or meetings, or to care for the child/children at the start of the foster-care arrangement you may request special leave to do so. The request must be in writing and you must specify the

period of time off that you require for this purpose. You will receive up to one week off for this purpose, in addition to your normal annual leave entitlement in an annual leave year.

11. FAMILY EMERGENCIES

You may be required to be absent from work to provide assistance or make the necessary arrangements in response to a family emergency. Employees are legally entitled to take a reasonable period of unpaid time off to deal with an emergency involving a dependant. In these cases, leave with pay for up to one working day may be granted for each incident subject to a maximum of 2 working days within any rolling 12 month period. Please note that this time is subject to the discretion and authorisation of your line manager in an emergency situation. Time off should be used to ensure that arrangements are put in place in order for you to return to work as soon as possible. If you require more than one day per incident, this time would need to be covered by annual leave, flexi, or in some cases, unpaid leave.

12. SAFE LEAVE

We understand that you may be absent due to an incident of domestic abuse. 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.'*

Safe leave allows you to request up to one working week paid leave to deal with an incident of domestic abuse for such reasons as attending medical appointments and counselling, attending legal proceedings, seeking safe housing, visiting legal advisors or support agencies, for re-housing or re-organising childcare, or for other relevant appointments and matters as a result of family violence.

The amount of leave granted is at the discretion of the Line Manager and each case should be considered individually and a reasonable amount of leave should be granted to deal with the particular situation. Where the leave is expected to go beyond the standard working week and in exceptional circumstances, the leave may be extended but this will normally be unpaid. Line managers must seek advice from Human Resources in this situation.

Requests for safe leave and any information relating to you will be handled in the strictest confidence and retained securely in line with GDPR requirements.

13. MEDICAL TREATMENT

We recognise that from time to time you may need to attend medical, hospital, dental, optician or other similar appointments. Appointments for planned medical and health care treatment, should be made in your own time or if this is not

possible where there is minimal disruption to your work, for example at the start or end of the working day.

For all medical appointments and similar, you should try to give your manager reasonable notice of the appointment.

If the appointments are connected with a medical condition that could be considered a disability under the Equality Act 2010 we have a duty to make reasonable adjustments. This means that we may consider providing paid time off to attend appointments. Advice must always be sought from Human Resources in this situation.

Type of medical treatment	Occasion	Paid or unpaid time off	Time off
Medical appointments	Dental appointment Optical appointment GP appointment Hospital appointment	Unpaid	You are expected to make these appointments outwith your normal working hours wherever possible. Where this is not possible, you should use your flexi time to take this time off.
Medical procedures	Essential or medically advised procedures, including any recovery period Elective treatment for the benefit of others, for example compatibility testing for organ donation	Paid – treated as absence under the Maximising Attendance policy	This time will be counted as sick leave and you will be required to self certify or provide medical certificates/fit notes, as appropriate. Further information about pay entitlements during sick leave can be found in the Maximising Attendance Policy. Managers should be supportive if an employee volunteers for a medical procedure that is for the benefit of others. Reasonable paid time off under the Maximising Attendance policy should be provided.
Fertility treatment	IVF treatment	Paid	Where you are undergoing fertility treatment, you are entitled to take up the equivalent of one working week paid leave in any one year. This applies equally to an employee whose partner is undergoing fertility treatment.

14. JURY AND WITNESS SERVICE

14.1. Jury Service

If you receive a summons to serve on a jury, you must advise your line manager as soon as possible in order that the line manager can make arrangements to cover your work.

The Court will give you a form to make a claim for loss of earnings and you should submit this form to Human Resources for completion.

The SSSC's overall intention is to ensure that there is no detrimental effect to your wages as a result of you attending Jury Duty. As a supportive approach, we will continue to pay your full wages in the normal way to ensure there is no immediate detrimental impact to your normal salary payments while any loss of earning claim is processed.

Although there is no immediate impact on your salary while you attend Jury Duty, you are still required to apply in good time to the Court for any loss of earnings. Upon receipt of payment from the Court, you must notify Human Resources immediately who will then make an appropriate adjustment to your next available pay (the net deduction will be equal the loss of earnings payment that you received from the court). Alternatively, you may choose to make a payment directly to the SSSC by bank transfer or cheque to ensure there is no impact to your next net salary payment.

We expect this process as outlined above to be completed without delay and certainly within 8 weeks of you completing Jury Duty. Should this not be completed within the time frame outlined above and no alternative arrangement made with Human Resources, a deduction for unworked time will be recovered from your next available salary payment.

14.2 Service as a Witness

Where you are cited to attend as a witness, leave of absence will be granted as follows:

- As a professional witness connected to your role for the SSSC [or the Care Inspectorate], you will be expected to attend as part of your employment. Leave with pay will be granted, on the understanding you advise your line manager of witness fees received, if applicable, to allow the equivalent deduction from pay.
- Where you have been called as a witness by the SSSC, or Care Inspectorate to appear, for example, at an employment tribunal or a conduct hearing you will be expected to attend as part of your employment and considered to be on authorised business.

- If you are asked to attend a hearing another regulatory body such as the Nursing and Midwifery Council, to give evidence regarding something you have witnessed in the course of your employment, similarly you will be granted leave with pay. You should discuss such matters with your line manager. You will also be expected to do all that you reasonably can to recover any loss of earnings or other expenses arising from your attendance from the party asking you to attend and to reimburse the SSSC accordingly.
- If you are called as a witness or cited to attend at court or ordered to attend at an Employment Tribunal as a witness in any proceedings other than in connection with the SSSC (or do so voluntarily, without any citation or order), and this requirement has no connection with the carrying out of your work for the SSSC, leave may be granted without pay. It will be your responsibility to recover any loss of earnings from the party citing/inviting you. Alternatively, you may request to use annual /flexi leave, subject to the approval of your line manager. If you agree to attend without having been cited or without an order for your attendance having been made, you must seek the approval of your line manager to use annual/flexi leave.

15. PUBLIC AND COMMUNITY SERVICE

Leave with or without pay, subject to the operational needs of the service, will be granted to employees serving on public bodies or undertaking public duties.

15.1 Community emergency services and reserve forces

If you participate in community emergency services, for example, retained fire-fighters or lifeboat crew, you will be granted leave of absence with pay to attend emergencies which occur during working hours. You should advise your manager of any time off required for such duties. Your line manager will monitor time off and advise whether it is reasonable on an ongoing basis.

If you are a member of the reserve forces, you may be required to undertake training and/or serve alongside the regular forces. Reservists who do so will be granted unpaid leave for up to 15 days within a 12 month period. Any additional time required must be set against annual leave. If you wish to apply for a further period of unpaid leave, this will require approval from the relevant Executive Management Team member. You will be responsible for claiming any financial assistance under the Reserve Forces Regulations.

15.2 Public service

If you perform public services or duties you will be granted reasonable unpaid time off to carry out these roles subject to operational requirements, for example, members of statutory tribunals, local authorities etc.

If you are carrying out public services or duties which is related to the work of the SSSC then leave with pay may be granted. In such circumstances you must discuss the leave required with your line manager, in consultation with HR. For example, paid leave of up to a maximum of the equivalent of one working week within a 12 month period will be granted for public duties. Any additional unpaid leave may be granted subject to operational requirements.

Leave without pay will be granted for volunteering activities such as membership associated with a Children's Panel up to a maximum of 5 days per year. If you require further days off, you should seek approval from your line manager.

15.3 Election candidates & agents

Subject to the exigencies of the service, unpaid leave for up to 10 days at the time of an election will be granted to employees who are candidates or election agents for the Scottish, Westminster or European Parliaments or Local Elections or referendums. This should be read in conjunction with the SSSC's Code of Conduct.

Before engaging in any political activity you must first obtain written permission from your line manager and discuss whether there are any implications for your role with the SSSC or for the organisation itself. If your line manager does not provide consent you can, if you wish, appeal to the Head of HR. This should be read in conjunction with the SSSC's Code of Conduct.

16. TIME OFF FOR INTERVIEWS

If you need to attend an internal interview for a vacancy within the SSSC (or Care Inspectorate), you will be entitled to receive reasonable paid time off for attending an interview which falls within working hours. You will not receive payment of expenses for attending an interview.

If you need to attend an external interview you will be required to take annual leave or flexi leave. In cases of redeployment, paid time off will be authorised to attend external or internal interviews and may be authorised to attend internal or external training for a new job.

All time off for interviews must be discussed with your line manager in advance at the earliest opportunity.

17. REQUESTING SPECIAL LEAVE

Requests for special leave must be submitted on the Special Leave Form which is available from HR or in the central information folder (in the absence of an intranet).

You should provide this to your line manager giving as much notice as possible. Appointment cards or other notification should be provided where requested. These documents, once signed by your line manager, will be sent to Human Resources for recording purposes.

Where possible, you should always discuss and confirm approval for all special leave requests with your line manager in advance. In circumstances, where this is not possible you must contact your line manager, or other appropriate manager, as early as possible on the first day of your absence. If you fail to make contact with your manager or we cannot verify your whereabouts, we may treat this time as unauthorised leave, which may result in disciplinary action and deduction of pay.

Where appropriate, you must be able to provide evidence to support any special leave request.

18. PENSION IMPLICATIONS

If you have a period of authorised special leave on no pay (other than reserve forces service leave), you will not be building up pension during that period. However, you can, if you wish, buy back the amount of pension you lost during that period by paying Additional Pension Contributions (APCs). You can do this regardless of whether you are in the main or 50/50 section of the pension scheme.

If you wish to buy back lost pension resulting from unpaid special leave, the SSSC will meet 2/3rds of the cost provided you make an election to do so whilst you are an active member of the Scheme and within 6 months of returning to work after the period of absence (please note that the standard time frame in which to do this is 30 days and the extension to 6 months is a discretionary benefit provided by the SSSC). You will be responsible for paying the other 1/3rd of the cost. If you make an election after 6 months and whilst still an active member you can still buy back the amount of lost pension but it will be at whole cost to you.

To buy back lost pension, you should contact Human Resources in the first instance to get confirmation of the pension section that you were in at the time of absence (50/50 or main) and the amount of lost pensionable pay. Once these details are confirmed, you should obtain a quote from the LGPS Scotland member site (<http://www.scotlgps2015.org>) and give this completed quote to Human Resources for processing.

Full details on purchasing missed pension benefits are available on the LGPS Scotland member site.

19. PROVIDING FALSE INFORMATION

If you knowingly provide false information in relation to taking special leave, this may be treated as a disciplinary matter which could potentially amount to gross misconduct, rendering you liable to summary dismissal.

20. LEGISLATION RELATING TO SPECIAL LEAVE

This policy has also taken in to account the following legislation:

- Juries Act 1974
- Equality Act 2010
- Employment Rights Act 1996 (including Section 50 relating to employees who hold certain public positions having the right to unpaid leave)
- Civil Partnership Act 2004
- Parental Bereavement (Leave and Pay) Act 2020

21. ASSOCIATED POLICIES

In addition to Special leave, there are a number of policies relating to leave, including:

- Flexible Working
- Annual Leave
- Ordinary Parental Leave
- Shared Parental Leave
- Paternity Leave
- Maternity Leave
- Maternity Support Leave
- Adoption Leave
- Support for Carers
- Maximising Attendance

In an emergency or special situation, you may need or wish to use other policies, either instead of or in conjunction with this Special Leave Policy. As with special leave, other types of leave may be on a paid or unpaid basis.

APPENDIX 1 – Guidance on Leave following Bereavement

The following guidance provides an indication of how much special leave might you get in case of Bereavement.

Who has passed away?	Entitlement	Additional information
A close relative E.g. husband, wife, brother, sister, parent, grandchild.	Up to the equivalent of one working week with pay depending on the circumstances of the situation. . This time is to be taken prior to and including the funeral service in order to make the necessary arrangements.	If the person who has passed away does not fall into the category of a close relative, managers will have discretion to grant up to the maximum entitlement depending on the circumstances e.g. a person who has acted as a guardian for the employee. Additional time required would need to be taken as flexi or annual leave unless signed off as unfit by GP then the Max Attendance Policy would apply.
A Child up to the age of 18 or a still birth after 24 weeks of pregnancy for whom you have parental or carer responsibility.	Up to the equivalent of two working weeks within a 56 week period. This can be taken in one block or as two separate weeks.	This leave is available to parents or carers.
Not a close relative but you are responsible for making the funeral arrangements	Up to 3 normal working days with pay. This time is to be taken prior to and including the funeral service in order to make the necessary arrangements.	Additional time required would need to be taken as flexi or annual leave.
All other cases	Where a funeral service is held within working hours; the time necessary to attend the funeral service, including travel, of up to one day with pay may be granted. Line managers and employees should liaise to agree the reasonable amount of time needed to attend the service and then potentially return to work.	Additional time required would need to be taken as flexi or annual leave.