

MORAY COUNCIL

POLICY ON SPECIAL LEAVE PROVISIONS

1.0 INTRODUCTION

- 1.1 Moray Council recognises the need to assist staff balance the demands of domestic and work responsibility, particularly at times of urgent and unforeseen need, through the granting of paid or unpaid time off work according to circumstances. It reflects the Council's wish to enhance the facilities provided to staff wherever appropriate.
- 1.2 Arrangements should ensure impartiality and consistency of treatment for all employees, regardless of category, grade or working location, having regard to the needs of the individual and of the requirements of Moray Council, taking into account any relevant legislation.
- 1.3 Employees wishing to apply must complete the [ASL1 Form](#) either at the time or, where not practical in the circumstances, retrospectively.
- 1.4 Whilst on special leave, employees must maintain contact with their manager and ensure that approval is sought and given for any extension to the original period of leave. Employees are expected to co-operate with management in providing information in relation to any requests for special leave.
- 1.5 Leave under this policy is not intended for long term domestic and family needs which, if required, will be considered sympathetically under separate arrangements. This policy should be read in conjunction with other council policies, and these have been highlighted throughout this policy document for ease of reference and are mainly related to our family friendly policies such as Maternity Leave, Flexible Working Policy and the Parental Leave Policy etc.
- 1.6 These policy guidelines in respect of compassionate and special leave apply to all employees of Moray Council, except teaching staff. These include allowances already specified in the relevant Conditions of Service, which are shown for completeness, as [Paragraphs 8 to 11](#). Teaching staff are referred to the Leave of Absence Policy for Teaching Staff which can be found [here](#).
- 1.7 It should be noted that in several instances a maximum limit is provided, within which Heads of Departments will have the discretion to determine what amount of leave is appropriate depending on the circumstances of each case. The maximum is not to be regarded as the norm and the circumstances of each case will be assessed on their merits

- 1.8 Special leave is provided for in addition to flexible working hours and annual leave entitlement, which both give flexibility to employees to plan for absence from work for a variety of reasons. Employees are encouraged to use flexible working arrangements to help balance work and personal commitments and to discuss any conflicts with their manager to explore whether adjustments or allowances can be made to allow the employee to accommodate both.

On the whole, special leave should be used for circumstances of emergent need as opposed to planned needs unless otherwise stipulated. Employees have an obligation to meet the requirements of their employment contract, and the Council must ensure effective service delivery. However, where possible, alternatives will be considered where these assist the employee and do not compromise service delivery or colleagues.

2.0 APPLICATION PROCESS:

Where an employee wishes to apply for Special Leave, the ASL1 form must be completed, where possible in advance of the leave requested; understandably some categories of leave will require retrospective application however this should not be considered the norm.

Employees are required to complete the ASL1 and email this to their Line Manager in the first instance. The application for special leave form is available [here](#). If you are unable to complete this form electronically then a copy should be printed and completed in writing and submitted to your Line Manager for consideration.

The Line Manager will then accept or decline your application; where the leave is declined then reasons for this decision will be discussed with you.

Where there are no pay implications arising from the leave, the form will be retained by your Line Manager for reference.

Where there are pay implications as a result of the leave, your form will be passed to HR to process, and payroll will be advised of any amendments to pay, and the form filed in your Personnel Record.

HOW DOES SPECIAL LEAVE AFFECT MY PAY

Where a period of paid special leave is authorised, there will be no impact on your pay and pensions; your manager will keep a record of the leave on file, and you will be paid your normal salary.

For each period of unpaid leave, a deduction will be made to pay which will be based on the total number of hours lost for that period.

CATEGORIES:

Special Leave is split into the following categories:

[3.0 Compassionate Circumstances](#)

[4.0 Family Leave](#)

[5.0 Public / Statutory Duties](#)

[6.0 Appointments](#)

[7.0 Weather](#)

[8.0 Training and Development](#)

[9.0 Sporting / Artistic Events](#)

[10.0 Authorised Unpaid Leave](#)

3.0 COMPASSIONATE CIRCUMSTANCES

3.1 PARENTAL BEREAVEMENT

- 3.11 Parents and Primary Carers (adoptive parents, foster parents, guardians and kinship carers) who have suffered the loss of a child under 18 years of age will be afforded two normal working weeks paid leave of absence. This includes those who have suffered a stillbirth after 24 weeks.
- 3.12 Leave can be taken in one block of two weeks or two separate weeks within 56 weeks of the date of death.
- 3.13 A separate period of leave is afforded for each child.
- 3.14 Employees should liaise with their line manager regarding the leave required.
- 3.15 The line manager should then contact HR to ensure that the necessary arrangements are made with respect to leave and pay.
- 3.16 Where there is eligibility to Statutory Parental Bereavement Pay, it is a requirement that the necessary form is completed and returned to HR.

3.2 OTHER BEREAVEMENT

- 3.22 The following details are guidelines only and it is important to note that specific arrangements should be made at the discretion of the Head of Department, taking individual circumstances into account. The periods specified will apply as normal maxima for each category outlined. If the Head of Department believes that, in specific cases, there is reason for these limits to be varied, (s)he should consult Human Resources.
- 3.23 Factors to be taken into account when assessing individual needs are:-
 - (i) Relationship(s) - the closeness of the actual relationship(s) should be taken into account in addition to the blood relationship(s).
 - (ii) Responsibility for funeral, legal and other arrangements.
 - (iii) Travelling distances involved.

- 3.24 In the event of a death, the following scale of paid leave will apply for the purpose of arranging or attending the funeral:-
- (i) Immediate family (defined as spouse/partner, parents, sister, brother of the employee): 5 days paid leave of absence.
 - (ii) Other close family (e.g. a grandparent, grandchild, son-in-law, daughter-in-law or parents-in-law of an employee): 3 days paid leave of absence.
 - (iii) Other family (e.g. a cousin, aunt, uncle, brother-in-law or sister-in-law of an employee): 2 days paid leave of absence.
 - (iv) Non-relative (for example that of a friend or neighbour): paid leave of absence will be given to attend a funeral that takes place during employee's working time; normally this provision is for up to 2 hours to attend the funeral however individual circumstances will be considered where necessary
- 3.25 In the event of the death of a non-relative, an employee may be granted, in consultation with the Head of Service, 2 days paid leave of absence for the purpose of arranging or attending a funeral if, in the opinion of the Head of Service, the relationship was one equivalent to a family relationship. The individual merits of each case will be considered.
- 3.26 The timing of the bereavement leave will be agreed with the line manager and whilst normally the paid time off will be in consecutive days around the time of the bereavement, where special circumstances arise i.e. a delay of scheduling funeral then leave can be taken in 2 parts to accommodate a later funeral service.

3.3 PREGNANCY LOSS

- 3.31 An employee (or surrogate and/or intended parent) experiencing pregnancy loss as a result of miscarriage including ectopic or molar pregnancy or abortion that is less than 24 weeks gestation will be afforded up to a minimum of three normal working days paid leave of absence. This can be extended to five days where required and in consultation with the Head of Service. If further absence is required, this will be managed in accordance with the Health and Work Policy.
- 3.32 The timing of the leave will be agreed with the line manager and will normally be taken within a month of the pregnancy loss.
- 3.33 Employees should liaise with their line manager regarding the leave required.
- 3.34 A separate period of leave is afforded for each pregnancy loss.
- 3.35 The Health and Work policy will be applied to any sickness absence required in addition to special leave.

3.4 FAMILY ILLNESS

- 3.41 Where it can be reasonably anticipated that an employee will need to be absent from work to care for a child, close relative or dependant, it is expected that the employee will have planned to use annual leave for this purpose. For example, during school holiday periods.
- 3.42 However, up to 5 days paid leave of absence may be granted throughout the year at the discretion of the Head of Service in consultation with the Human Resources Manager, where an employee has no option due to personal circumstances than to absent him/herself from duty to allow for medical advice or to make special arrangements arising from the illness of a dependent relative, who is either living with the employee or living alone. This provision is intended to alleviate any immediate emergency or crisis situation and to allow time to enable the employee to make longer term arrangements if necessary.
- 3.43 Where more than 5 days are required it will be at the discretion of the Head of Service in consultation with Human Resources to grant up to 5 additional days unpaid leave of absence depending on the specific needs of each individual case.
- 3.44 Moray Council shall have the discretion to extend the period of unpaid leave in special circumstances.
- 3.45 The Council reserves the right to ask the employee to provide medical certificates in support of an application for leave in relation to family illness.
- 3.46 Other reasons:
- 3.47 Normally, special leave arises in connection with an emergency situation or unexpected events, when the personal presence of the employee is required.
- 3.48 It will be at the discretion of Heads of Service, in consultation with Human Resources to assess whether to allow either paid or unpaid time off as appropriate for other compassionate grounds.

4.0 FAMILY LEAVE

4.1. FERTILITY TREATMENT

Please see [Fertility Treatment Employee Guide](#)

4.2 MATERNITY LEAVE

The provisions for pregnant employees include statutory time off for antenatal care as well as for maternity leave itself. See separate [Maternity Policy](#) for full details

including time off and applicable payments.

4.3 PATERNITY LEAVE /MATERNITY SUPPORT

This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave/ maternity support. This policy applies to either the father of the child or the partner/ nominated carer of the expectant mother. The 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 birth. These provisions are set out in full in the [Paternity, Maternity & Adoption Policy](#)

4.4 ADOPTION

This is a provision for employees who are adopting a child from within the UK or having a child through a surrogacy arrangement. Please see separate [Adoption Policy and Surrogacy Guidance](#) for full details on the leave, applicable payments and the application process. If the child is being adopted from out with the UK, there may be entitlement to adoption leave or pay, subject to certain qualifying criteria.

4.5 PARENTAL LEAVE

Parental leave is a right to take time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments. Eligibility criteria apply. The policy document sets out councils position and is found [here](#).

4.6 SHARED PARENTAL LEAVE

This policy sets out the statutory rights and responsibilities of employees who wish to take Shared Parental Leave and further information is available in the policy document [here](#).

4.7 CARERS RESPONSIBILITIES

As a carer you have a right to time off to deal with unforeseen matters and emergencies involving a dependant. Depending on the nature of the circumstances this time off may be paid or unpaid and up to a maximum of 5 days may be granted. The case will be assessed on the merits of the individual circumstances.

PUBLIC / STATUTORY DUTIES

5.0 SERVICE IN NON-REGULAR FORCES

5.01 Employees who are members of the non-regular forces and attend an annual training camp for a period of not less than a week should be granted special leave with pay equal to the period which the employee actually attends the training camp, but not exceeding a period of fifteen working days with no deduction of normal pay.

5.02 An employee who is mobilised as a member of the Volunteer Reserve Forces (Royal Naval Reserve, Royal Marines Reserve, Reserve Air Forces and Territorial Army) will receive unpaid leave.

5.1 JURY SERVICE & SERVICE AS A WITNESS

5.11 An employee receiving a summons to serve on a jury must report to the Head of Department and shall be granted special leave with pay to attend, unless exemption is secured, subject to the deduction of the allowances to which the employee is entitled under the Juror's Allowances Regulations and accordingly the employee should claim such allowances.

5.12 When required to attend for jury service an employee should be furnished with an official note of salary/wage expressed in terms of an hourly rate.

5.13 If an employee is cited to attend court as a witness, the employee must report to the Head of Department with the witness citation and shall be granted leave of absence as follows:-

- In the case of an employee 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 witness for the Crown, 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.

5.2 EMERGENCY SERVICE VOLUNTEERS

5.21 Employees who are members of a listed voluntary emergency service organisation will be granted a proportion of special leave with pay to attend actual emergencies during working hours. The Head of Service will agree the period of paid leave of absence subject to being satisfied with the provisions for service delivery. The employee would be expected to match the paid leave granted with the use of annual leave and/or flexi leave and if both these had been exhausted, unpaid leave.

5.22 MEETINGS

The Authority will grant in appropriate cases paid leave of absence to employees attending meetings concerned with National Joint Council or Scottish Council affairs, or those undertaking duties consequent upon membership of public bodies.

6.0 APPOINTMENTS

6.1 PREVENTATIVE MEDICAL EXAMINATION

Employees will be entitled to take such reasonable time off without loss of pay as is required for the purpose of preventative medical examination. Preventative treatment is in the form of screening to stop an individual getting an illness. This may include examinations and screening tests tailored to an individual's age, health and family history such as breast screening and smear tests.

An employee requiring a routine optical, dental or other medical appointment, who is either in the flexi system or out with the flexi system, will be expected wherever possible to arrange appointments out with normal working hours. Should this not be possible, discussion should take place with their Line Manager, giving as much notice as possible, as to whether flexi time, annual leave or unpaid leave should be used.

6.2 HOSPITAL APPOINTMENTS

Employees called for hospital appointments or call backs from screening appointments will be able to utilise their annual leave, flexi if available or can use sickness leave to attend such appointments as these would be deemed medical treatment as opposed to preventative examinations. In exceptional circumstances unpaid leave may be considered at the discretion of the Line Manager in consultation with Human Resources.

7.0 BAD WEATHER

The council provides guidance on what to do in the case of bad weather. This advice is available [here](#).

8.0 TRAINING AND DEVELOPMENT

8.1 EXAMINATIONS -STUDY LEAVE/COLLEGE COURSES

Please see [Training and Development Policy](#) for further information on time off relating to study leave, attendance at college and undertaking examinations

9.0 SPORTING / ARTISTIC EVENTS

9.1 PARTICIPATION IN NATIONAL OR INTERNATIONAL SPORTING EVENTS

Leave of absence may be granted and shall normally be with pay up to maximum of 5 days paid leave of absence, subject to the deduction of loss of earnings allowance or other payments received.

10.0 AUTHORISED UNPAID LEAVE OF ABSENCE

10.1 UNPAID LEAVE

10.2 It is the policy of Moray Council to keep unpaid leave to a minimum in order to avoid unnecessary pressures being brought to bear on other employees. However, where

there are exceptional circumstances any request for unpaid leave will be considered sympathetically. This will normally only occur after the usage of annual leave. Extended unpaid leave may be granted at the discretion of the Head of Service where the employee is required to attend to pressing personal needs such as that of a family member becoming ill.

11.0 ASSOCIATED DOCUMENTS

Readers are referred to the following policies and procedures:

- [Adoption Leave and Pay Policy](#)
- [Flexible Working Policy](#)
- [Job Sharing Scheme](#)
- [Paternity Leave and Pay Policy](#)
- [Parental Leave Policy](#)
- [Maternity Leave and Pay Policy](#)
- [Special Leave – Fertility- Employee Guidance](#)
- [Training and Development Policy](#)

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THE MORAY COUNCIL
APPLICATION FOR SPECIAL LEAVE

Name:

Department:

Pay Number:

Leave Requested - (tick as appropriate)

Compassionate Circumstances

Bereavement Family Illness Pregnancy Loss Other reasons

Family Leave

Fertility Carers leave

Public / Statutory Duties

Non regular forces Jury duty /witness Emergency Service Volunteer Meetings
Election Duties

Appointments

Preventative Medical appointments

Weather

Bad weather

Sporting / Artistic Events

Participation in national or international sporting events

Authorised Unpaid Leave

Other

Dates of Leave:

First date of leave: Final date of leave:

Total number of days requested:

Any Special Circumstances/Reasons for This Request

Employee's Signature:

Application for Special Leave *Recommended / Not Recommended

Line Manager:..... Date:

Application for Special Leave *Approved / Not Approved *Paid /Unpaid

Head of Department/Service: Date:

**Delete as appropriate*

