



*Dunbartonshire and Argyll & Bute
Valuation Joint Board*

Special Leave Scheme

Document Management - Version Control

Special Leave Scheme: Rationale/Driver for Review:

Introduction of Scheme to align with WDC scheme and procedures including amended approach to time off for medical and similar appointments

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1. Scheme Statement

- 1.1. Dunbartonshire and Argyll & Bute Valuation Joint Board (the 'Joint Board') recognises that many of its employees balance the demands of work requirements with both caring and domestic responsibilities. The Joint Board is committed to facilitating and promoting flexible arrangements to support employees in balancing their work and family life and other instances where they require time off from attending work.
- 1.2. This Special Leave Scheme encompasses statutory and organisational entitlements for special leave and indicates where special leave will be granted with or without pay.

2. Scope

- 2.1. Special Leave is available to all employees of Dunbartonshire and Argyll & Bute Valuation Joint Board. There should be no less favourable treatment as a result of an employee's working arrangements (i.e. permanent, fixed-term, part time etc.).
- 2.2. The Joint Board will ensure that good equal opportunities practice underpins the operation of this scheme irrespective of age, disability, sex, gender re-assignment, race, religion and belief, pregnancy and maternity, marriage and civil partnership or sexual orientation.

3. Aims of the Scheme

- 3.1. The Joint Board is offering more opportunities to work flexibly as part of its commitment to support employees and their work-life balance. The Special Leave Scheme supports this commitment to providing a flexible and adaptable workforce by allowing employees to effectively manage their work-life balance.
- 3.2. The Joint Board recognises the requirement for fairness and consistency when considering requests for special leave.
- 3.3. While each member of staff is responsible for ensuring that they have appropriate care mechanisms in place to meet their personal responsibilities, the Joint Board will endeavour to assist in circumstances where these arrangements have unavoidably broken down, or where additional pressures arise outwith the norm, for which time off work may be required.

4. Roles and Responsibilities

- 4.1. All employees will:

- Discuss any leave requirements with their line manager, including (where applicable) anticipated travel time and arrangements for working the rest of the day;
- Consider alternatives to special leave (as outlined at 5.1 of this scheme);
- Make a formal application to request special leave, using the Joint Board's Special Leave Request Form;
- Be reasonable and, in all cases, give as much prior notice as possible to the line manager to ensure that all relevant options and support can be considered.
- If emergency special leave is being sought and no prior notice can be given, contact their manager stating the reason for their request at the earliest opportunity;
- Keep their line manager informed of any changes in their circumstances; and
- Provide their manager with a copy of any appointment card or letter relating to the request for time away from work. If this cannot be provided in advance then it would need to be provided retrospectively.

4.2. Managers will:

- Consider alternatives to special leave (as outlined at 5.1 of this scheme);
- Satisfy themselves as to whether the request is justified, requesting evidence where appropriate;
- Be reasonable and consistent when considering requests, following the guidelines within this scheme, and where necessary, obtaining advice from WDC's HR Connect;
- Consider the cover required which may limit the facility to approve leave;
- Consider the operational requirements of their service area;
- Consider the individual circumstances of each request and the number of applications made to-date when deciding if the leave is with or without pay; and

5. Alternatives to Special Leave

5.1. The Joint Board's commitment to flexible working arrangements means that there are a number of alternatives to special leave that allow employees time away from work. Alternatives to special leave should be used in the first instance:

5.1.1. **Flexible Working** – employees can adapt their working day to accommodate leave requirements; this may include working out-with normal hours or at another location/time, possibly including home working.

5.1.2. **Term-time Working During Leave** – it may be appropriate for term-time employees to attend work outwith term time to facilitate working back time

5.1.3. **Annual Leave** - employees may wish annual leave to be considered to allow them to meet their personal obligations. Employees have the facility to buy additional annual leave to supplement this.

5.2. Any time away from work, and how this will be taken, must be agreed between the employee and line manager.

5.3. Managers and employees should be aware of related policies to ensure that leave is being requested through the most appropriate route. These include:

- Disability Leave Scheme
- Annual Leave
- Flexible Working Scheme
- Domestic Abuse Scheme
- Carers Leave Scheme
- Bereavement Leave Scheme
- Parental Leave Scheme

6. General Guidance

Types of Special Leave

6.1. There are three types of special leave:

- **Non-discretionary** – when an employee has a statutory right to reasonable time off to fulfil a personal or public commitment (e.g. emergencies involving a dependant, jury duty, and Public Duties).
- **Discretionary** – where there is no legal requirement to be able to take time off (e.g. medical and dental appointments or health screening).
- **Term Time** – leave that only applies to term time employees.

Failure to Follow Procedure

6.2. Any leave taken without following the stated procedure and not authorised by the line manager will be considered as unauthorised and unpaid absence. It will be subject to an investigation that may result in disciplinary action being taken.

Unpaid Leave and Superannuation

- 6.3. For employees that are granted unpaid leave, this period of leave will not count for pension purposes.
- 6.4. Employees who are members of the Strathclyde Pension Scheme can elect to pay Additional Pension Contributions to purchase the membership “lost” during the period of unpaid absence. Payment can be spread over a number of years or by making a one-off lump sum payment. Further information and applications can be obtained from your pension provider, noting timescales for applying for Additional Pension Contributions. More information can be found on the [Strathclyde Pension Fund](#) website.

7. Non-discretionary Special Leave

Emergency Leave for Dependants

- 7.1. A dependant is defined as someone who lives in the same home as the employee and who is a spouse, partner, child, parent, or any other person who reasonably relies on the employee to make arrangements for the provision of care.
- 7.2. Where there is an unexpected event involving a dependant, an employee is entitled to reasonable unpaid leave to deal with the emergency.
- 7.3. Dependant emergencies are defined as:
 - Disruption of care arrangements;
 - Illness, injury or assault;
 - Where the employee’s child is involved in an incident during school time such as being involved in a fight, injured on a school trip or suspended from school; or
 - Unexpectedly going into labour where they rely on the employee for transport to hospital.
- 7.4. In relation to the disruption of care arrangements, specifically, the Joint Board enhances the statutory right to a paid provision of up to half a day of paid leave in order to enable an employee to secure alternative care arrangements. The expectation is that once alternative care is secured the employee returns to work immediately thereafter. If there are problems with an immediate return, the employee must contact their line manager to discuss the circumstances.
- 7.5. Where there is no alternative care available, the employee must discuss options, as outlined at 5.1 of this scheme, for continuing the absence from work with their line manager.

- 7.6. Where a dependant is ill, frail or a disabled family member, child, friend or partner then the Carers Leave Scheme should be used.

Court Attendance

- 7.7. An employee receiving a summons to serve on a jury will be granted special leave with pay to attend unless an exemption is secured. Where leave is paid by the court/other party, employees are not eligible to claim for compensation for loss of earnings.
- 7.8. In terms of being a witness or taking civil proceedings there is no statutory entitlement to leave. The Joint Board will support an employee to attend Court and leave of absence will be granted as follows:
- **Witness on behalf of the Joint Board** - in the case of professional witnesses, time away will be treated as part of normal duties;
 - **Witness for any other reason** - where an employee has been called as a witness by person(s) other than the Joint Board, leave is authorised without pay;
 - **Taking civil proceedings** - where an employee is taking civil proceedings against the Joint Board or any other party, leave is authorised without pay.
- 7.9. Where an employee is not called as a juror or witness they are expected to return to work immediately.
- 7.10. Where leave has been granted as unpaid, employees would be entitled to claim for loss of earnings. Information on how to claim will be detailed on the back of the citation inviting you to attend court.

Public Duties

- 7.11. There is a statutory right to reasonable, unpaid leave to attend certain public duties such as;
- Local Councillor;
 - Member of any statutory tribunal (e.g. employment tribunal);
 - Member of the managing or governing body of an educational establishment;
 - Member of a health authority;
 - Justice of the Peace;
 - Member of a school Council or Board in Scotland;
 - Member of a prison visiting committee Scotland;
 - Member of the Scottish Environment Protection Agency; or
 - Member of Scottish Water.

- 7.12. The Joint Board enhances the right to reasonable unpaid leave by giving up to 10 days paid leave (pro rata for part time workers), over a rolling 12 month period, for public duties associated with membership of any Children's Panel or to undertake duties as Justices of the Peace within the Joint Board area.

8. Discretionary Special Leave

Medical/Dental

- 8.1. Routine medical/dental treatment includes attending an employee's GP, Dentist, Orthodontist or Optician: Any appointments should be made out-with working time. However if this is not possible, time to attend should be granted as unpaid or in line with the guidance at 5.1 of this scheme.
- 8.2. In the case of preventative medical treatment, such as one-off health screening (e.g. mammograms, smear tests or prostate checks), where appointments cannot be made out-with working time, time off with pay will be provided in line with the provisions set out below (or the Disability Leave Scheme where applicable).

Clinically Necessary Medical Treatment

- 8.3. If a procedure, surgery or attendance at an outpatient clinic is clinically necessary to treat a recognised medical problem, and is undertaken for the physical or psychological health of the individual, then paid time will be granted to attend the first appointment. It is recognised that employees do not always have control over the time of first appointments.
- 8.4. In respect of recurring or further appointments employees are likely to have more control over the time of appointment and are expected, as far as practicable; to arrange this at the beginning/end of their working day or on non-work days. Time to attend clinically necessary appointments will normally be paid up to a maximum of 3 occasions in a rolling 12 month period (although discretion may be applied in exceptional circumstances). Any appointments beyond this would be granted as unpaid leave (or in accordance with 5.1). Any time granted under 8.2 will count towards the 3 occasions within this provision. Where appointments are related to a disability, employees should refer to the Disability Leave Scheme.
- 8.5. In line with the Attendance Management Policy, any recovery time, where an employee is not fit to attend work, will be considered as sickness absence and count towards a trigger. Employees are encouraged to explore options outlined at 5.1, above, as alternatives to sickness absence.

Aesthetic/Cosmetic/Other Elective Procedures or Surgery

- 8.6. Employees wishing to take time off for appointments and/or treatment relating to aesthetic/cosmetic medical procedures or chosen surgical procedures must use annual leave, flexibility around working hours or request unpaid leave. Time off should be requested well in advance to ensure the leave is authorised for the date of the procedure.
- 8.7. In line with the Attendance Management Policy, any recovery time, where an employee is not fit to attend work, will be considered as sickness absence and count towards a trigger. Employees are encouraged to explore options outlined at 5.1, above, as alternatives to sickness absence.

Supporting Dependants to Attend Medical/Dental Appointments

- 8.8. A dependant is defined as someone who lives in the same home as the employee and who is a spouse, partner, child, parent, or any other person who reasonably relies on the employee to make arrangements for the provision of care.
- 8.9. Where a dependant would be unable to attend a medical or dental appointment without the employee's support, time to take the dependant to such appointments will be granted as paid time. The time granted would be to attend the appointment, up to a maximum of 1 day, on 3 occasions in a rolling 12 month period. For appointments in excess of this provision, employees will be expected to use their own time as outlined at 5.1.
- 8.10. Where a dependant is ill, frail or a disabled family member, child, friend or partner then the Carers Leave Scheme should be used.

Critical Illness

- 8.11. Up to 1 week paid leave will be granted if the continued attendance at hospital/bedside is required due to critical illness (incapacitating or life threatening) of a close relative or dependant.
- 8.12. If further time off is required, this should be considered in line with the provisions outlined at 5.1 of this scheme.

Urgent/Unforeseen Domestic Problems

- 8.13. Employees can request leave in order to deal with urgent domestic problems such as burglary, fire, or flooding. It is recognised that on occasion these circumstances pose a security risk to an employee's home if they are not resolved immediately. Managers would normally grant up to 1 day's unpaid leave for this purpose.

Domestic Violence and Abuse

- 8.14. Where an employee is required to be absent from duty to make arrangements arising from being a victim of domestic violence, leave with pay for up to 5 days, pro rata, will normally be granted for appointments related to the circumstances (e.g. re-arranging housing or childcare, court appointments, attending solicitor or support agencies meetings). Additional information can be found in the Joint Board's Domestic Violence and Abuse Policy.

Academic Examinations

- 8.15. Special leave with pay will be provided for the purposes of attending for an examination for approved qualifying courses in relation to a person's employment. This does not include study time.

Participation in Sporting Events

- 8.16. The Joint Board will support employee requests to:
- Participate in national or international sporting or cultural events;
 - Undertake the role of team manager or coach at national or international sporting or cultural events;
 - Attend as the parent/guardian of a child under the age of 16 who requires to be accompanied while participating in such an event; and
 - Attend disabled sporting events where the employee is the carer of a disabled participant.
- 8.17. Employees may be granted up to 10 days, pro rata, unpaid leave in a rolling year.
- 8.18. Additional leave required over and above this amount may be taken in the employees own time.

Community Emergency Services

- 8.19. All employees who participate in community emergency services (e.g. retained fire-fighters, lifeboat crew) will be granted leave of absence with pay to attend emergencies which occur during working hours.

Volunteering

- 8.20. Employees who volunteer within the Joint Board area may be granted up to 10 days, pro rata, unpaid leave in a rolling year. The organisation may put in place specific arrangements in the case of one-off local events.

Interviews

- 8.21. Reasonable time off with pay will be provided to attend for interview with the Joint Board, its constituent Councils and other Assessors offices. Special leave will not be granted to allow an employee to prepare for interview.
- 8.22. All other interviews should be on employees' own time with permission sought from their line manager to get time off to attend.

9. Leave and Support of the Democratic Process

Election Duties

- 9.1. Paid leave will, subject to operational requirements (See 4.2 above), be granted to allow employees to undertake official duties such as Presiding Officer, Polling Clerk or Enumerator at elections and referenda for which any Officer of the Joint Board's constituent Councils is Returning or Counting.
- 9.2. Employees undertaking these official duties at other local authorities will have to use their own time.

Election Candidates and Agents

- 9.3. Employees who are standing for election or undertaking the duties of an election agent for a candidate for Scottish, Westminster or Local Government Elections within the Joint Board area will be granted unpaid leave for a period not exceeding 2 weeks. Any requests for leave will be considered in line with the needs of the service.

Councillor Duties

- 9.4. Employees who require to undertake duties in connection with being a Councillor will be allowed reasonable time off under Section 10 of the Local Government and Housing Act 1989. The amount of leave with pay is limited to 208 hours in any financial year. This limit does not apply to employees who are appointed as Chair of a Local Authority (e.g. Leader or Provost).

10. Term Time Special Leave

- 10.1. It is recognised that term time employees do not have the same flexibility with regard to their annual leave and there may be occasions when events take place outwith their control. Leave may be granted in the following circumstances:

- **Employee's Own Wedding** – in exceptional circumstances, e.g. where a spouse is in the armed forces and unable to take leave

outwith the term-time period, one day's unpaid leave may be granted;

- **Attendance at Religious Ceremonies or Weddings** – unpaid leave of up to one day may be granted;
- **Participation in Religious Festivals or Holidays** – where time off for the purposes of religious observance is required during the term-time period up to two days unpaid leave may be granted; and
- **Moving House** – in exceptional circumstances up to one day's unpaid leave may be granted.

11. Review

- 11.1. This scheme will be updated to incorporate any relevant change to legislation or best practice as required.