



**Workforce**

## **Special Leave Policy: guide for employees**

This guide will help employees to understand the Special Leave Policy.

The following guide forms part of the standard for workforce policies.

These policies apply to all eligible staff within NHSScotland, regardless of the board they are employed by.

It is recognised that policies to support this are particularly important in NHSScotland given the predominantly female workforce who largely take on primary caring roles within the family.

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# What is the purpose of the Special Leave Policy?

The Special Leave Policy aims to provide a supportive and person-centred response when everyday arrangements break down, or urgent and unforeseen situations arise. Employees have a statutory right to a reasonable amount of time off to deal with emergencies affecting family and dependants. The Special Leave Policy provides the framework to let this happen.

NHSScotland recognises that many employees contribute more widely to society. It, therefore, wants to support employees who participate in different types of civic and public duties.

## Who is covered by this policy?

This policy applies to all employees.

## What is the entitlement?

In most situations, paid special leave can be granted for up to one working week initially for each occurrence. It can be extended by a further week on a paid or unpaid basis at the discretion of your manager.

Your manager should determine if special leave is appropriate and if the requested length of time is reasonable before approving it. Your manager may advise you that a flexible working arrangement would be more appropriate for your situation. Find out more about the [Flexible Work Pattern Policy](#).

## Categories of special leave

### Unplanned leave

### Compassionate leave

Your manager will consider the closeness of your relationship with the person who is ill or has died when considering a compassionate leave request. While some employees may be close to their immediate family, for others, the key relationship may be with a very close friend. In such circumstances, your manager may wish to consider the entitlement on a similar basis to a family member.

If you have experienced a miscarriage, you and your partner will be offered compassionate leave.

The length of leave required may need to be extended if you are responsible for making funeral arrangements or if travel is required. The timing of your bereavement leave may vary depending on different religious practices.

## **Child bereavement leave**

There is a statutory entitlement to bereavement leave when a child dies. Where an employee experiences a stillbirth from the 24th week of pregnancy, or in the case of neonatal loss, the provisions in the Maternity Policy apply. All bereaved parents are eligible for 2 weeks of bereavement leave with occupational bereavement pay. It includes any entitlement to statutory parental bereavement pay.

The leave does not need to be taken in a block of 2 weeks. It can be taken any time up to 56 weeks after the death of your child. If the leave is not taken immediately within the first eight weeks after the child's death, you should provide reasonable notice of the intended dates. Your requested leave should be granted. This leave is in addition to any standard compassionate leave entitlement that you have taken.

A bereaved parent is anyone who had responsibility as one of the primary carers for a child who has died. This includes adoptive parents, legal guardians and individuals who are fostering to adopt. In addition, NHSScotland considers that other close parent-child relationships could be considered entitled to this leave, such as stepparents and kinship carers, including grandparents who have had caring responsibilities for a child.

You should note that there is no requirement for the child to be under 18 years of age. Given the reason for the leave, you are not expected to provide evidence of the death to qualify.

## **Domestic emergencies**

Requests for time off for domestic emergencies will vary from case to case. A flood or a fire, for example, may not only involve the time to prevent further damage immediately. It may also require extended time to make accommodation habitable or to find alternative accommodation. If you are subject to gender-based violence, you may need urgent leave for your safety, to find alternate accommodation, or to engage with the

police or legal advisers. You may need leave if your central heating breaks down and there are vulnerable individuals in the household, or your work pattern conflicts with access to repairs.

## **Adverse weather**

Paid special leave should be made available in line with provisions in the NHSScotland interim national arrangements for adverse weather if you are:

- prevented from travelling to work due to adverse weather
- unable to work from home due to your role

[Download NHSScotland interim national arrangements for adverse weather \[PDF\]](#).

## **Carer's leave**

Carer's leave applies to all employees with dependents, including children, the elderly, or people with disabilities. Special leave for carers applies when the employee needs to take unplanned time off.

This could relate to a breakdown in normal caring arrangements, such as when a childminder or care provider is unwell or unavailable at short notice. Similarly, it could relate to a situation where a dependent has an accident, and the employee needs to arrange for immediate treatment or support.

Generally, up to one working week of paid leave is provided for emergencies or unexpected situations. This can be extended up to 2 weeks, either paid or unpaid.

## **Planned leave**

### **Carer's leave**

There is a statutory entitlement to unpaid planned leave for employees who need to give or arrange care for a dependant who has:

- A physical or mental illness or injury that means they need care for more than 3 months.
- A disability as defined by the Equality Act 2010.
- Care needs because of their old age.

Entitlement is up to a week every 12 months for unpaid planned leave.

To access unpaid planned leave, as much notice as possible should be given, but no less than 3 days.

Statutory carer's leave can be for a child who has long-term health or disability-related care needs. It cannot be used to provide general childcare, which is covered by the [Parental Leave Policy](#).

The amount of leave does not increase if the employee has more than one dependant in need of care. It is still a maximum of one working week every 12 months.

It applies to anyone caring for a spouse, civil partner, child, parent, or other dependant who needs care for the following reasons:

- a disability
- old age
- any illness or injury likely to require at least 3 months' care

## **Civil and public duties**

There is a wide range of activities which arNHSScotland supports to allow you to participate in wider society. The key areas of special leave entitlement are:

### **Jury service**

You are entitled to paid leave for the duration of the case.

### **Witness in court proceedings**

You will receive paid time off if you are cited to appear in court or are giving evidence on behalf of your NHS employer.

### **Justice of the Peace duties**

You will be entitled to paid leave of up to one working week per year.

### **Members of statutory bodies**

You will be entitled to paid leave of up to one working week per year. In exceptional circumstances, this can be increased by a further week, either paid or unpaid.

Statutory bodies include:

- local authorities
- tribunals such as Children's Panels

- a Health Board or agency
- the Scottish Health Council or successor
- a school council, board, or governing body
- the governing body of a designated central institution
- a river or water authority
- independent prison monitors

## **Volunteer reserve forces, regular reservists, high readiness reserves, and civil contingency reaction forces**

You are entitled to 2 weeks of paid leave to attend annual camp or equivalent continuous training. Additional unpaid leave or approved annual leave of up to three days can be given to attend short periods of training or weekend camps where this cannot be undertaken in off-duty time.

## **Special constable in the voluntary police service**

You are entitled to one week's paid leave for initial training and up to 5 days of unpaid leave in a 12-month period.

## **Professional organisation meetings or advisory committees**

You are entitled to paid leave as required. Examples of professional organisations include NMC and GMC.

## **NHS Staff Council meetings**

You will be paid leave as required.

## **Parliamentary candidature**

You are entitled to 4 weeks of unpaid leave.

## **Specialist clinical appointments**

If you have to attend specialist clinical appointments, you should be granted the time required for the appointment and reasonable travel to and from the appointment. Examples include one-off referrals for diagnostic tests, treatment for illnesses such as cancer, and ongoing specialist reviews for long-term conditions such as diabetes. It also



includes appointments related to fertility treatment and gender re-assignment. You should arrange routine GP and dental appointments on non-working days or at the beginning or end of shifts if possible.

The above categories of special leave are the specified situations for which you can apply for paid or unpaid time off. However, there may be situations where your local Board approve other areas for leave, such as to support elite sportspeople representing their country or [NHS Global Citizenship participation](#).

You can also request time off in situations that reflect the spirit of the policy, such as time off for parental responsibilities if you are a partner, step-parent or kinship carer. This request should be for exceptional and unusual circumstances not already covered by this policy.

## **Employee support**

Given the nature of the reasons for requesting leave under the special leave policy, you may require additional support. Boards offer services such as occupational health, staff counselling or spiritual care services, which may be beneficial. [Read more about employee support](#).

Your manager, human resources or your trade union representative can also provide further information.

## **Special leave reporting arrangements**

You should contact your manager as soon as you are aware that there is an issue. A third party should only be used to report your absence in very exceptional circumstances, where it is not possible for you to make contact, or your level of distress means you are unable to do so yourself. Thereafter, you must call your manager as soon as you can.

## **Employees with multiple contracts**

The procedure is the same as in the paragraph above. However, if you have more than one post, a request will have to be submitted to each manager unless the emergency is very short-term and can be dealt with in a few hours. For example, if you have a part-time post in the morning and one in the evening and the emergency can be dealt with during the day, then you are only required to contact your manager for the part-time morning post.

# Special leave request

When you request special leave, you should discuss the reason, likely duration of the absence, and arrangements for keeping in contact with your manager

Your manager will encourage you to provide as much information as you are comfortable with for them to make an informed decision as to whether you are entitled to special leave. Your manager should understand that some information may be sensitive, and they should take a compassionate approach to support you.

Where time off is related to a specialist clinical appointment, it is reasonable for your manager to request and for you to share evidence of the appointment. You may choose to redact any sensitive information.

Your request should be supported where appropriate. If your specific request is not agreed upon consideration, you should explore other suitable options with your manager. For example, a flexible approach to the working hours or shift length may provide the necessary time off. Alternatively, a shorter period of leave could be granted to allow you to make other arrangements to deal with the problem.

If the situation extends beyond the scope of the special leave timescales, you should discuss the use of other leave options with your manager to support you. For example, annual leave, unpaid leave, a short-term change in work pattern or other policies could be used instead. For longer-term issues, the flexible work pattern, career break, or parental leave policies may be more appropriate for you.

If your manager has rejected a request for special leave as they do not consider it falls within the policy, you have the right to raise a concern under the [Grievance Policy](#). If you follow this route, you will need to explain why you think you should have been granted special leave. Your manager will need to explain why special leave was not granted. You may wish to seek advice on the matter from human resources or your trade union representative to seek early resolution.

## Recording

Your manager will record your agreed leave on the appropriate systems. This may be retrospective if a further discussion with you is required about the suitability of special leave for your situation.

# Links to other policies

You may need to cross-reference with other policies, including:

- [Flexible Work Pattern](#)
- [Career Break](#)
- [Parental Leave](#)
- [NHSScotland interim national arrangements for adverse weather \[PDF\]](#)