



# Workforce

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

This guide will help managers to understand and use 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.

NHSScotland wants to create an inclusive workplace where employees can thrive and feel confident about their ability to balance their personal and professional responsibilities.

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. The guide covers:

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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 of 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 the manager.

The manager should determine if special leave is appropriate and if the requested length of time is reasonable before approving it.

## **Categories of special leave**

### **Unplanned leave**

#### **Compassionate leave**

The manager should consider the closeness of the employee's relationship to 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, you may wish to consider the entitlement on a similar basis to a family member.

Employees who have experienced a miscarriage and their partners will be offered compassionate leave.

The length of leave required may need to be extended if the employee is responsible for making funeral arrangements or if travel is required. The timing of 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 a 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 the child. If the leave is not taken within the first eight weeks after the child's death, reasonable notice should be provided by the employee of intended dates. The requested leave should be granted. This leave is in addition to any standard compassionate leave entitlement.

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, the employee is 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 immediately prevent further damage. It may also require extended time to make accommodation habitable or to find alternative accommodation. Employees subject to gender-based violence may need urgent leave for their safety, to find alternate accommodation, or to engage with the police or legal advisers. Employees may need leave if their central heating breaks down and there are vulnerable individuals in the

household or the employee's work pattern conflicts with access to repairs.

## **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.

## **Planned leave**

### **Carer's leave**

Generally, up to one working week of paid leave for an emergency or unexpected situation. This can be extended up to 2 weeks, either paid or unpaid.

In addition, 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.

## **Civil and public duties**

There are a wide range of activities which are supported by NHSScotland to allow employees to participate in wider society. The key areas of special leave entitlement are:

### **Jury service**

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

## **Witness in court proceedings**

An employee will receive paid time off if they are cited to appear in court or are giving evidence on behalf of their NHS employer.

## **Justice of the Peace duties**

Paid leave of up to one working week per year.

## **Members of statutory bodies**

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**

The employee is entitled to 2 weeks paid leave to attend annual camp or equivalent continuous training. Additional unpaid leave or approved annual leave of up to 3 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**

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

## **Professional organisation meeting or advisory committees**

These are paid leave as required. Examples of professional organisations include NMC and GMC.

## **NHS Staff Council meetings**

Employees will be paid leave as required.

## **Parliamentary candidature**

They are entitled to 4 weeks unpaid leave.

## **Specialist clinical appointments**

Employees attending specialist clinical appointments 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 review for long-term conditions such as diabetes. It also includes appointments related to fertility treatment and gender re-assignment. Routine GP and dental appointments should be arranged for non-working days or at the beginning or end of shifts if possible.

## **Time off for other purposes**

The above categories of special leave are the specified situations for which you can approve 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 approve time off in situations that reflect the spirit of the policy, such as time off for partners, stepparents, or kinship carers to undertake their parental responsibilities.

The reasons for the leave should be for exceptional and unusual circumstances not already covered by this policy. However, they should be consistent with the general approach to special leave to ensure equity for all staff within your area of responsibility.

## **Support for employees**

Given the nature of the reasons for requesting leave under the special leave policy, employees may require additional support. You may wish to consider sensitively suggesting to the employee that access to occupational health, staff counselling or spiritual care services may be beneficial. [Read more about employee support](#).



## **Special leave reporting arrangements**

You should encourage your staff to familiarise themselves with the Special Leave Policy, as most employees will access it at some point in their working life.

The employee should contact you as soon as they are aware that there is an issue. They must also understand that a third party should only be used to report their absence in very exceptional circumstances, where it is not possible for the employee to make contact, or their level of distress means they are unable to do so themselves. You should advise the caller to ask the employee to call as soon as they can. The employee should also keep in touch with you during their period of absence.

## **Special leave request**

When an employee requests special leave, you should discuss the reason, likely duration of the absence, and arrangements for keeping in contact.

To help you make a decision, you should encourage your employee to provide as much information as they are comfortable with. The information may be sensitive, and you should take a compassionate approach to support your employee.

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

An employee's request should be supported where appropriate. If their specific request is not agreed upon consideration, you should explore other suitable options. For example, a flexible approach to the working hours or shift length to provide the necessary time off. Alternatively, a shorter period of leave could be granted to allow the employee 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 to support the employee. 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 appropriate.

If you reject a request for special leave as you do not consider it falls within the policy, the employee has the right to raise a concern under the [Grievance Policy](#). If the employee follows this route, you will need to provide a rationale for your decision to decline their request.

## Recording

You should record the agreed leave on the appropriate systems. This may be retrospective, if a further discussion is required about the suitability of special leave for the situation.

## Links to other policies

You may need to cross reference with other policies including:

- [Flexible Work Pattern](#)
- [Career Break](#)
- [Parental Leave](#)