EMPLOYMENT **ZONE**

Conditions of Service - Leave

1. Introduction

In addition to holidays, employees may also need to take time off for other activities or events in their life.

The Council recognises this and offers an extensive range of leave provisions, designed to support the needs of employees, and the Council alike. These include:

- Fostering
- Kinship Care leave
- Parental leave
- Time off to care for dependants
- Bereavement
- Parental Bereavement
- Medical treatment
- Interviews
- Service in non-regular forces
- Jury and witness service
- Employment tribunals
- Meetings and public duties
- Social purposes
- Election duties
- Religious festivals (nursery schools and classes)
- Miscellaneous leave.

These are explained in more detail throughout this document.

2. Annual leave

The Council offers generous annual leave entitlement, and the following information applies to all employees, except teachers who have separate terms agreed nationally.

2.1 Leave year

The leave year is from 1 January to 31 December.

All leave must be taken from 1 January of the year it relates to, and by 31 January of the following year. Any leave not taken by 31 January will normally be lost.

In very exceptional circumstances, the Head of Service has the discretion to extend the leave period for an employee beyond 31 January, or to pay in lieu of outstanding annual leave.

Where an employee transfers to the Council from another local authority, they may, on request, be granted unpaid leave of absence for days where they have received a payment in lieu of holidays from the previous authority.

2.2 Leave entitlement

Employees are entitled to 26 days (or 182 hours) annual leave on appointment, rising to 29 days (or 203 hours) after five years' continuous service with the Council (or with another local authority which is reckonable for annual leave purposes).

This entitlement applies to full-time employees who are employed for the full leave year, January to December. The entitlement is reduced, on a pro-rata basis, for:

- part-time employees; and
- employees who will have accrued less than a full year's service during the leave year.

At least two thirds of this should be taken during the months of April to September inclusive.

The Council will reserve up to three days annual leave to facilitate a closure of offices during Christmas and New Year. These three days do not count as public holidays. Where offices can't be closed, for operational reasons, the employees affected will be able to use the three days as per normal arrangements.

2.3 Employees employed for part of the year

Employees (full-time or part-time) who are regularly employed for only part of the year are entitled to the normal annual leave provisions proportionate to their total period of actual service in the leave year.

2.4 Nursery employees

There are no annual leave provisions for full-time nursery employees in nursery schools and classes. For example, full time employees should be available for work for 195 days in any year, of which 190 days will be days in which pupil contact is required. Normal fixed closure periods will cover a nursery employee's annual leave entitlement.

2.5 Variations

2.5.1 Leavers

Annual leave is granted on the assumption that an employee will remain in the service until the end of the leave year. If the employee leaves the service before that date, an adjustment will be made to the balance of their salary when they leave.

Unless a leaver is dismissed for gross misconduct, they will be granted the rest of the annual leave due to them before their leaving date. If, this leave can't be taken (either at the request of the Service or through unavoidable circumstances), the employee will be paid an allowance instead.

Wherever possible, Heads of Service should make sure that, before the employee leaves, they have taken the proportion of annual leave due to them. Payment in lieu will only be made in exceptional circumstances.

2.5.2 Death in service

If an employee dies in service, their named beneficiaries will be paid an allowance in lieu of any holidays that had been accrued at the date of the employee's death.

The Council will not recover any payment where the deceased person had already taken more annual leave than they were due.

2.5.3 Sickness

If an employee is off sick, during a period of annual leave, they will be treated as being on sick leave from the date of the self-certificate or the doctor's medical certificate. On return to work, and at the convenience of the Service, the employee will be allowed the leave with pay that would have been granted had they not been absent through sickness.

Where an employee has been absent through sickness or injury for a continuous period of more than 13 weeks within one leave year, or which straddles two leave years, the Head of Service has the discretion to limit their annual leave. They will base this on an amount equal to the period of *actual* service given during the leave year, provided the period of leave observed in any one leave year does not fall below the statutory minimum (currently 28 days).

The Council will not recover any excess entitlement if the amount of annual leave taken, before the period of sickness absence, is more than the entitlement established above.

Any leave not taken by 31 January will be lost, provided that the period of leave observed in any one leave year does not fall below the statutory minimum of 28 days.

2.5.4 Broken periods of annual leave

The following table is a guide to annual leave entitlement if an employee:

- has less than one year's service by the end of the leave year;
- leaves the Council; or
- has their entitlement reduced due to sickness.

Complete continuous months	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**
New starts Entitlement (days):	2.5	4.5	6.5	9.0	11	13.0	15.5	17.5	19.5	22	24
After 5 years: Entitlement (days):	2.5	5.0	7.5	10	12.5	14.5	17	19.5	22	24.5	27

A 'complete month' covers the period between a date in one month, and the preceding date in the next. An example would be 15 March to 14 April inclusive.

Where an employee has entered, or re-entered, local government service and receives benefits from an occupational pension scheme, the calculation of length of service, for annual leave purposes, will start at the date of entry or re-entry into the local government service.

2.5.5 Pay

During annual leave, an employee will be paid their contracted pay as shown in Pay, Grading & Benefits Structure Condition of Service.

3. Public holidays

As well as their annual leave, employees are also entitled to the following paid public and general holidays. These guidelines apply to a five-day working pattern.

Event	Public or general holiday(s)		
Easter	Good Friday and Easter Monday		
First Monday in May	First Monday in May		
Queen's birthday	Last Monday in May and the Friday before		
Fair Monday	Third Monday in July		
Autumn holiday	Last Monday in September and the Friday before		
Christmas & New Year	25th falls on	Christmas	New Year
	Monday	25 & 26 December	1 & 2 January
	Tuesday	25 & 26 December	1 & 2 January
	Wednesday	25 & 26 December	1 & 2 January
	Thursday	25 & 26 December	1 & 2 January
	Friday	25 & 28 December	1 & 4 January
	Saturday	27 & 28 December	3 & 4 January
	Sunday	26 & 27 December	2 & 3 January

Employees also get a half-day, or half-shift, on Hogmanay.

Services with varying operational needs may grant employees general and public holidays which are different from the above. If this happens, the respective Services will confirm the dates, after consultation with trade union representatives.

When Christmas or New Year holidays fall on Saturday or Sunday, specific consideration may have to be given to the definition of the public holiday, where these days are part of the regular working week.

3.1 Other variations

A general or public holiday falling within a period of annual leave will not count as part of that annual leave.

If an employee works part-time, their entitlement will be worked out on a pro-rata basis.

If an employee doesn't work a standard five-day pattern, their manager will confirm an equivalent leave pattern.

If an employee works a night shift, the holiday will count from the evening before the public holiday, when they start work, to the end of their shift on the day itself.

If a general or public holiday falls on a rest or free day, an employee will be allocated an alternative rest or free day for that week.

If an employee is off sick on a public holiday, they will receive sickness allowance on that day, and will be entitled to an agreed day off in lieu when they're back at work.

If the employee has exhausted their sickness allowance, and the public holiday falls during a period of unpaid leave, no payment will be made.

4. Fostering leave

4.1 Entitlement

- An employee may be entitled to one paid half-day per week, for up to three weeks.
- This may be extended by a further three paid half-days (following confirmation from the appropriate authorities).
- The total paid leave must not be more than six half-days in a six-week period.
- An employee may be allowed to take up to four weeks, unpaid, from the start of the child's placement.
- Employees can attend review meetings and training, but any leave of absence will be unpaid.
- Before agreeing to any request, managers will need to consider the needs of the Service.

4.2 Qualification

- An employee must have completed at least one year's service with the Council before they can qualify for foster leave.
- The employee needs to provide evidence of their status as a prospective or approved foster carer from the appropriate authorities.
- If an employee and their partner are both employees of the Council, only one parent may be granted fostering leave.

4.3 Notification

- Prospective or approved foster carers need to apply for paid leave, in writing, to their manager, at least 21 days before they want the leave to start. A shorter notice period may be accepted subject to the agreement of the manager.
- The appropriate authorities need to confirm details about the child, or children, being fostered - including their age, any special requirements/circumstances, and any justification if the employee is likely to request extended leave.
- Where carers need to attend review meetings or other activities to support the fostering process, they should give their manager adequate notice.

4.4 Community parents

- If an employee is a 'Community Parent', they may be entitled to paid leave to attend review meetings. These meetings normally last for two hours and are held every two months.
- The employee must give their manager adequate notice of the meeting(s), and provide confirmation, from the appropriate authorities, about the meeting(s) and their role.

5. Kinship Care leave

5.1 Entitlement

- An employee may be entitled to two weeks of paid leave (at normal rate of pay) at the start of the placement.
- An employee may be entitled to paid leave (at normal rate of pay) to attend formal appointments in relation to the care of the child/children
- During a formal Kinship Care Arrangement, the employee will also have access to all other family friendly related arrangements equal to all other employees who are responsible for children.

5.2 Qualification

- 26 weeks' continuous service by the week the employee is notified of a child being placed under Kinship Care.
- The Kinship Care arrangement is recognised as a formal arrangement with appropriate evidence provided.
- Confirmation of formal appointments will be requested.
- If an employee and their partner are both employees of the Council, only one will be granted Kinship Care Leave.

5.3 Notification

- The employee must apply for Kinship Care Leave in writing as soon as they are made aware of the placement.
- They will need to let their manager see any relevant documents which confirm:
  - They are assuming responsibility for the child/children
  - When this arrangement will commence
- The manager will also require confirmation of formal appointments, such as professional letters or emails with relevant parties/organisations.

6. Parental leave

6.1 Entitlement

- An employee may be entitled to up to 18 weeks' unpaid parental leave to care for a child under the age of 18, or to make arrangements for the care of the child.
- The care of a child may include time off to settle them into playgroup or nursery school, or to care for them if they're sick.

6.2 Qualification

To qualify for parental leave, the employee must have at least one year's

Service in the Council and:

- Be the parent of the child named on his or her birth certificate; or
- Have adopted a child, under the age of 18; or
- Have taken over formal parental responsibility for a child under 18, in line with the Children Act 1989, or the Children (Scotland) Act 1995.

If both parents work for the Council, each one will be entitled to take leave at the same time.

Managers must be satisfied that the employee has reasonable grounds for the leave, and may request evidence of this.

6.3 Notification

- Employees must inform their Service, in writing, at least 21 days before they want the leave to start.
- They will need to confirm both the start and end dates of the parental leave, and include any request for annual leave, if they want to combine the two.
- They will need to let their manager see any relevant documents which confirm:

- they are the parent, adopting parent, or have acquired formal parental responsibility, for the child;
- the child's date of birth;
- the expected date of placement, if adopting;
- why they're requesting parental leave, for example to care for the child.

6.4 Exceptions and variations

- Employees may be limited to taking four weeks each year, unless their manager agrees, in exceptional circumstances, to the full 18 weeks.
- If the employee works part-time, their entitlement will be calculated on a pro-rata basis.
- If the employee doesn't work a five-day working pattern, their manager will work out an equivalent leave entitlement.
- If an employee wants to combine parental leave with other types of leave, such as maternity or adoption leave, they will still need to apply for those separately.
- Whilst on parental leave, an employee will still be entitled to their full annual leave entitlement. However, they won't be entitled to any public or general holidays that fall during the period of leave.
- Parental leave can't be taken after the date of the child's 18th birthday. The only exception is if a manager postpones their parental leave.

6.5 Postponement of parental leave

- Managers may postpone a request for leave, for up to six months, if it can be shown that the Service would be significantly affected in a detrimental way.
- However, they can't do this without the employee's agreement if the employee has already given notice to take leave immediately after their child is born, or placed with them for adoption.
- If parental leave is postponed, the employee will receive a letter within 7 days of their request, confirming why it's been postponed, and the alternative dates when they can take the leave.
- These alternative dates must be within six months of the start date of the original leave request.

7. Time off to care for dependants

7.1 Entitlement

- Managers may agree to employees having time off, during working hours, to care for a dependant - particularly in unforeseen emergencies.
- Examples may include situations where:
  - a dependant falls ill, is injured, or assaulted; or

  - there is an unexpected disruption, or termination, of their care arrangements; or
  - there is an unexpected incident involving the employee's child whilst at nursery or school.
- Before agreeing to the leave, managers must discuss the circumstances with the employee, to determine what's 'reasonable' and 'necessary'.
- The employee may then be allowed up to one day's paid leave.
- Any further leave will be unpaid, and shouldn't normally last more than two to three days in total.
- This type of leave should only be granted for unforeseen emergencies. Managers have the right to refuse requests, if the same employee makes them on a regular basis.

7.2 Qualification

A dependant is defined as:

- a wife, husband;
- a civil partner;
- a child;
- a parent;
- someone who lives in the same household as you; or
- anyone else who reasonably relies on you for help and support.

7.3 Notification

- Employees should tell their managers as soon as possible, explain the circumstances, and discuss how much time off they're likely to need.

8. Bereavement

An employee can normally take up to five paid days leave if they lose their partner, a parent, a child over the age of 18, or have a similar relationship with the deceased.

In other cases, they will be allowed to take the necessary paid time off, to attend the ceremony.

Managers may, taking the circumstances into account, allow paid time off to allow employees to conduct business in preparation for the ceremony.

9. Parental Bereavement

Parents can take up to two week's paid leave following:

- The death of a child under the age of 18;
- A miscarriage (loss of a baby before 24 weeks of pregnancy);
- A still birth (loss of a baby from 24 weeks of pregnancy);
- An ectopic or molar pregnancy.

Leave can be taken anytime in the 56 weeks after the death; and in one continuous two-week period, or two separate blocks of one week each.

10. Medical treatment

Appointments for optical, dental, orthopaedic, or other medical, treatment should be arranged outside normal working hours.

If this isn't possible, managers must be satisfied of this, before agreeing to paid leave for the treatment.

If, for personal reasons, an employee prefers to receive treatment during working hours, their manager may agree to this, but only after considering the needs of the Service.

If the treatment is for an accident at work, paid leave will be agreed.

If an employee is having a preventative medical examination, they will be entitled to take reasonable paid time off.

11. Interviews

If an employee attends a job interview with another local authority, they will be entitled to up to one day's paid leave.

If they need more than one day, because of travel, for example, they must take this as annual leave, or alternatively ask for leave without pay.

12. Service in Non-Regular Forces

Where an employee is a member of the Non-Regular Forces, and needs to attend an annual training camp for at least one week, they will be entitled to additional paid leave, up

to a maximum of 15 days. The entitlement is only for the time they actually spend at the training camp.

The employee may receive separate 'service pay and allowances' from the Non-Regular Forces, for attending the camp. Therefore, the equivalent amount will be deducted from their pay.

Superannuation contributions on normal full salary are payable either by deduction from civil pay make-up, or if service pay and allowances exceed civil pay, by the employee.

Employees granted leave in these circumstances must provide the Service, on their return, with an official note from their Commanding Officer, of their attendance and any pay and allowances received.

13. Jury and witness service

13.1 Jury service

When an employee receives a summons to serve on a jury, they must advise their manager. The employee will be granted special leave with pay to attend, subject to the deduction of the allowances they're entitled to under the Jurors' Allowances Regulations. The employee should claim these allowances.

To determine whether the jury service allowance is payable, the manager/Service will give employees an official note of their hourly rate. This note will be endorsed by the Court Authorities to show the amount paid and must be returned to the Service by the employee.

13.2 Witness service

Where an employee is cited to attend as a witness, leave of absence will be granted:

- with pay, in the case of professional witnesses, and on the understanding that witness fees received (excluding travelling and subsistence expenses) are paid to the Council; and
- without pay, in other cases. (Employees must claim an allowance to cover loss of remuneration, directly from the person citing them.)

A note should also be supplied to employees cited as witnesses to prove their claims for allowance in respect of loss of remuneration. Deductions will be made from an employee's salary when the courts return the expenses confirmation form.

14. Employment tribunal

Where an employee has to attend an employment tribunal, relating to their employment with the Council, they may be given reasonable leave of absence, with pay.

This applies whether they are called as a witness, or whether they have to attend because of a submission they've made against the Council.

15. Meetings

Executive directors can authorise paid leave of absence for employees who have to attend meetings relating to the National Joint Council, Scottish Council, or the Council's JCCs.

16. Public duties

16.1 Leave with Pay

Employees who are appointed Justices of the Peace, or members of Children's Panels, will be granted paid leave of absence.

This will be limited initially to the equivalent of 24 half-days per year, to undertake duties in connection with their appointments.

If they need more than 24 half-days per year, the appropriate Service HR team will decide whether further leave of absence should be granted and whether this leave is with or without pay.

Employees who are local authority Councillors, will be granted leave of absence as and when required, to undertake approved duties with the local authority concerned. This will be for a maximum of 208 paid hours in any financial year.

Employees who are engaged by government departments, in an advisory capacity, will be granted leave of absence with pay to undertake such duties as agreed with Executive Directors.

16.2 Leave without Pay

Employees who are members of school boards, will be granted leave of absence, without pay, for related duties, which occur during their hours of work.

Employees who are members of visiting committees to prisons, remand centres and young offender's institutions, will be granted unpaid leave of absence, as and when required, for related duties which occur during their hours of work.

16.3 Other public duties

Managers and Service HR may grant leave with or without pay, for other public duties not specified above. An example of this is where an employee is a member of a Fostering or Adoption Panel.

Before granting the leave, managers and Service HR must take into account the needs of the Service, and get approval from an Executive Director.

If the leave isn't granted, the Head of Service, or the employee concerned, can refer the matter to the Executive Director, Corporate Services.

17. Social purposes

If an employee carries out duties or services of an honorary, charitable, or philanthropic nature, they may be entitled to up to one day's paid leave.

18. Election duties

Where an employee carries out official duties at parliamentary elections, referenda, council elections, assembly and EEC elections, they will be entitled to paid leave for those duties.

If the employee is a Parliamentary Candidate, or a Parliamentary Election Agent, they will be entitled to unpaid leave, for up to 4 weeks, at the time of the election.

If the employee stands as a candidate at other Council elections, they'll be entitled to one day's unpaid leave, on the day of the election.

In all cases, managers must take the needs of the Service into account, before agreeing any leave.

19. Religious festivals (nursery schools and classes)

Nursery nurses and nursery assistants, employed in nursery schools, will be allowed up to three separate days' leave of absence each year, without pay, where:

- they are members of non-Christian religions; and
- they have fixed annual leave periods when schools or classes are closed.

This is to allow them to take part in certain principal religious festivals, which fall within term time.

20. Miscellaneous leave

If appropriate, managers may grant leave in special circumstances, with or without pay, subject to the needs of the Service.

Where this is the case, they will need to get approval first, from Service HR or Heads of Service.