

North Lanarkshire Council

Report

Finance and Resources Committee

approval noting

Ref FW/HL Date 18 Sept 2019

Review of Special Leave Policy

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Executive Summary

The purpose of this report is to provide the Finance and Resources Committee with details of proposed changes to the Special Leave Policy. These changes stem from two principal sources:

- A review of Carer's Leave provisions in line with work underway to provide family friendly, flexible policies and to assist in managing sickness absence levels across the council.
- A decision by the Council to introduce extended paternity leave provisions to all fathers/partners of the mother.

The amended Special Leave Policy is attached at Appendix 1 and for ease of reference, a summary of the key changes are detailed in Appendix 2. The Adoption Policy has also been updated to reflect the changes to Paternity Leave (copy of the updated policy is attached at Appendix 3).

Recommendations

It is recommended that Committee:

1. Approve the proposed changes to the Special Leave Policy and the Adoption Policy
2. Otherwise note the contents of this report

The Plan for North Lanarkshire

Priority Improve the council's resource base

Ambition Statement A Workforce for the Future – to improve the Council's resource base and ensure that organisational capacity and capability is fit for purpose for current and future service delivery.

1. Background

- 1.1 The Council's Special Leave Policy supports the provision of paid and unpaid leave for employees across a number of categories and a full list of these categories is detailed in Appendix 1, page 28. This list includes both Carers Leave and Paternity Leave and changes are now proposed to both of these categories as set out in this report.
 - 1.2 In 2008 the Council introduced a Carers' Leave scheme, as it was recognised that there was a need for more flexible special leave arrangements to reflect the unique pressures employees experience when family members are taken ill. A core part of this was the acknowledgement that this would also represent a fairer leave provision for individuals to look after dependents where they may otherwise be forced to report as sick.
 - 1.3 In 2016, the Council took the decision to restrict the criteria for Carers' Leave and only consider applications where an employee has to care for a dependant who has a terminal or serious illness. This was done as the circumstances for which Carers' Leave could be requested were too broad and implementation showed that it may have been open to abuse. In agreeing these changes, there were no proposed changes to the maximum amount of leave or pay available.
 - 1.4 Three years on, the circumstances in which Carer's Leave can be taken has been found to be too restrictive and may be contributing to the Councils sickness absence levels. Furthermore, whilst there is a clear definition of a "terminal illness" what constitutes a serious illness in the current policy is open to interpretation.
 - 1.5 In light of our review findings it is believed that current Carers Leave provisions are not fully meeting the main aim of the original policy, which was to help balance the needs of those employees with responsibilities for dependants with their role as an employee of North Lanarkshire Council.
 - 1.6 A realignment of the current provisions is therefore proposed, with the intention of achieving a more balanced approach to this type of leave for both managers and employees.
 - 1.7 At a meeting of Council on 21 June 2018 a motion was submitted seeking agreement that the Council would introduce four weeks fully paid paternity leave.
 - 1.8 It was agreed that the Council would commit to introducing a policy of four weeks fully paid by October 2018. Whilst this new provision has been implemented the Special Leave Policy requires to be updated to reflect the change, and the fully developed changes are included within this report.
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2. Report

2.1 Carer's Leave

2.1.1 As stated at 1.6 above a review of the current Carers' leave provisions required to be undertaken to achieve a more balanced approach to this type of leave. The proposed changes are outlined below. Carers' Leave is currently offered up to a maximum of thirteen weeks full pay and thirteen weeks half pay.

2.1.2 An analysis of Carers' Leave taken in the period January 2017 to January 2019 demonstrates the following trends:

- Over the period Jan 17 to Jan 19 less than 1.5% (184 employees) of employees took Carers Leave.
- 12 employees (6 per year) (6.5%) took 13 weeks full pay (65 days)
- The average number of days taken were 19.5 days (approx. 4 weeks). This is well below the 26 weeks available.

2.1.3 The Government intends to introduce two weeks statutory Carers' Leave therefore it is proposed that as Carers' Leave is a type of special leave we remove the reference to Carers' Leave and include this type of leave under "time off for dependants". This prevents any confusion in having two categories of leave with the same name.

2.1.4 The leave will be broken down into three distinct categories with specific definitions for each. More detail on the definitions are contained in Section 6, pages 6-8 of the updated Special Leave Policy (attached). Taking into account information from iTrent on the amount of Carers' Leave taken in the last two years the amount of leave and pay available has been reduced and separate entitlements applied to Category 1.

Proposed categories of Special Leave for Carers

1. Terminal Illness of a Dependant - 8 weeks paid/ 8 weeks unpaid (the 8 weeks paid leave may be extended to a maximum of 13 weeks paid leave, each case will be considered on its own merits taking into account the individuals circumstances and in discussion with Employee Relations to ensure a consistent approach);
2. Serious/Long Term Health Condition of a Dependant - 4 weeks paid/ 4 weeks unpaid. This takes into account the average time that has been taken over the last 2 years;
3. Post-Operative Recovery - 4 weeks paid/4 weeks unpaid. This takes into account the maximum amount of time required to care for a dependant recovering from particular types of surgeries, but also allows for other factors that may impact on the amount of leave required.

Whilst not exhaustive a list of the types of operations that may require support at home will be detailed in the Special Leave Guidance Note, along with the timescales for the amount of leave that may be required.

- 2.1.5 In order to be eligible for the above leave employees will still require to have 26 weeks continuous service with the council.

2.2 Paternity Leave

- 2.2.1 Following the motion on 18 June 2018 to seek approval on the proposals for the implementation of the increase to four weeks paid paternity leave for the father/partner of the expectant/new mother.
- 2.2.2 It was recommended that the Council would maintain current provision of one weeks maternity support leave and pay and one weeks statutory paternity leave topped up to full pay, plus two weeks additional weeks occupational paternity leave and full pay that must be taken within 12 months of the birth and in blocks of no less than one week (subject to the exigencies of the service)
- 2.2.3 The new arrangements for paternity leave is also applicable to employees who are adopting.
- 2.2.4 The Special Leave Policy (Appendix 1) and Adoption Policy (Appendix 3) have now been updated to reflect this change and employees now have access to this benefit. The trade unions have been informed and welcomed this change.

2.3 Other Amendments

Some other amendments have been made to the Special Leave Policy and a summary of these, and the key changes outlined above are referenced in Appendix 2.

2.4 Consultation

- 2.4.1 Consultation on the proposed changes to Carers' Leave was carried out with the joint trade unions and the Employee Equality Forum. The Trade Unions fully supported the changes and in particular welcomed the intention to extend the provisions to those employees that care for dependants with serious and long term conditions. The trade unions had no concerns with the proposal to reduce the amount of time available, as the evidence supported this.

The Employee Equality Forum were concerned that the definition of a "dependant" was not in line with the Carers (Scotland) Act 2018 which states that a person does not need to live with the employee for them to receive care or support from that person and therefore managers would not consider requests out with the prescriptive definition. Whilst the Carers Act does not place any requirement on employers to provide any form of leave the policy has been updated to reflect this definition.

The Employee Equality Forum also wished it recognised that there may be occasions where an employee requires more time off than is defined in the policy. In these circumstances other options would be explored taking into account the merits of the case and any obligations under the Equality Act.

3. Equality and Diversity

3.1 Fairer Scotland

There are no Fairer Scotland implications.

3.2 Equality Impact Assessment

All policies associated with Special Leave are considered for equality impact implications. An equality impact assessment has been completed in accordance with the Public Sector Equality Duty.

4. Implications

4.1 Financial Impact

Paternity Leave

It is difficult at this stage to determine the financial impact of this change as that will depend on how many people take paternity leave and what salary they are on. Between 1 April 2017 and 31 March 2018 24 employees (exc. teaching staff) took paternity leave (inclusive of maternity support leave) at a cost of approx. £12,500, an average cost of £520 per employee. Only six employees took two the full 2 weeks paternity leave as the second week is currently paid at the statutory rate.

If all 24 employees had four weeks fully paid paternity leave the cost would have been approx. £46,500, an additional total cost of £34,000. This increases the average cost per employee to approx. £1,937.

Carers' Leave

It is difficult at this stage to determine any financial impact of the change to Carers' Leave. However as it is considered that employees are taking sick leave as they are unable to utilise Carers' Leave the impact of the changes should be the reduction in the cost of sickness absence.

4.2 HR/Policy/Legislative Impact

The Special Leave policy and Adoption policy have been reviewed and updated to include the proposed changes. Subject to Committee approval the updated policies will be implemented and managers and employees notified of the key changes.

4.3 Environmental Impact

There is no environmental impact.

4.4 Risk Impact

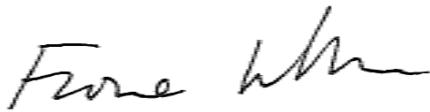
It is anticipated that greater access to Carers Leave will assist with the reduction of sickness absence. Improved access to Paternity Leave will support the Council's role in promoting an appropriate worklife balance.

5. Measures of success

- 5.1 Proposed changes to the Special Leave Policy will ensure it remains fit for purpose.
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6. Supporting Documents

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|-----|------------|------------------------------|
| 6.1 | Appendix 1 | Updated Special Leave Policy |
| 6.2 | Appendix 2 | Summary of Key Changes |
| 6.3 | Appendix 3 | Updated Adoption Policy |



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Special Leave Policy

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Governance Committee	Finance and Resources Committee	Date approved	
Review date			

Strategic Alignment

Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

Consultation process	<i>Consulted with Joint Trade Unions and Employee Equality Forum</i>
Stakeholders	Contacts identified for each service
	<i>Joint Trade Unions Employee Equality Forum Employees</i>
Distribution	

Change record

Date	<i>15/07/2019</i>	Author	<i>Lindsay Millar, Millarl@northlan.gov.uk Tracy Simpson, SimpsonTr@northlan.gov.uk</i>
Change made	<i>Extended paternity leave provisions Review of carer's leave provisions</i>		

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1 Introduction

The council recognises that there will be times when employees may require special leave to undertake obligations or attend events outside of their working life. While it is expected that there will be instances where such responsibilities/events can be supported through the use of annual leave or flexible leave, this policy explains the additional support which may be available.

This policy should be read in conjunction with the council's **Smarter Working Policy**, Managing Attendance Policy and Special Leave Guidance Note.

2 Legislation

This policy was created taking into account and incorporating the following legislation:-

- **Children and Families Act 2014**
- **The Shared Parental Leave Regulations 2014**
- **Equality Act 2010**
- **Work and Families Act 2006**
- **Employment Act 2002**
- **Employment Relations Act 1999**
- **Employment Rights Act 1996**
- **Juries Act 1974**

3 Our Position

The council recognises the requirement for fairness and consistency when considering requests for special leave. All applications for special leave will be examined on an individual basis, having due regard to the council policies on Equality of Opportunity in Employment and Dignity at Work.

In authorising special leave, managers should consider:-

- all the circumstances surrounding the request,
- the need to ensure that services are minimally disrupted, and
- consistency of application of this policy throughout the council.

Managers are required to ensure that, in line with responsibilities under the Equality Act 2010, special consideration is given to requests from disabled employees (or employees supporting a disabled dependant), where that request is linked to a matter arising from the disability. This will include the requirement to consider reasonable adjustments, as appropriate.

The Equality Act 2010 defines a disability as “a physical or mental impairment which has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities.” If clarification is required on this or any area of the policy, managers should contact **People & Organisational Development**.

4 Scope

This policy is available to all employees of the council, regardless of length of service or contractual status, with the exception of teachers who are covered by a separate policy. There are, however, eligibility criteria for Time off for Dependents (Section 6.4 to 6.6), Statutory/Occupational Paternity Leave (section 7.2), Shared Parental Leave (section 7.3) and Career Break (Section 20).

All special leave granted will be to a maximum of an employee's contracted daily hours and calculated on the basis of a "normal working week".

5 Bereavement

It is expected that managers will take all circumstances into account when granting paid leave for bereavement, such as the closeness of the relationship and whether the employee is responsible for making the funeral arrangements.

If necessary employees can take annual and/or, if eligible, flexi leave. This would be in addition to bereavement leave and subject to approval from his/her manager and the exigencies of the service.

The following guidelines should be adhered to bearing in mind the conditions detailed above:-

Close Relationships

- 1 day to attend the funeral
- 2 compassionate days

However, the amount of leave granted will depend on the individual circumstances of each case, such as the closeness of the relationship. Close relationships would generally include:

- Parent(s)
- Sibling(s)
- Child/ren
- Spouse or partner
- Spouse or partner's parent(s) or child/ren
- Grandparents or grandchildren

These relationships would also include step relationships.

Additional leave of up to 2 days will be granted to conduct business in connection with the funeral if undertaking this responsibility. This leave will normally only be granted to employees who are the designated next of kin of the deceased person.

Bereavement leave for part time/job share/flexible working employees will be authorised as the equivalent of up to one of their normal working weeks. In all circumstances, paid leave will be up to a maximum of contracted daily hours.

Other relatives of the Employee or their Spouse or Partner

Paid leave to attend the funeral up to a maximum of one day per occasion, with a maximum of three occasions in a rolling 12 month period.

Friend or Colleague

Paid leave to attend the funeral up to a maximum of one half day per occasion with a maximum of three occasions in a rolling 12 month period.

The above allowances for each category of leave for bereavement are considered to be inclusive of any travel time necessary to attend the funeral.

6 Time Off for Dependants

A dependant is someone who depends on the employee for care. Normally, this will be a spouse, partner, child, or parent, however a dependant may also be someone who reasonably relies on the employee to make arrangements for the provision of care i.e an elderly neighbour or a friend that has no other support network.

Where special leave is required for the purposes of supporting or caring for a dependant, special consideration to appropriate provision must be made where the person for whom the employee is providing support or care to, has a disability. Further advice is available from People & Organisational Development.

In all circumstances, paid leave will be up to a maximum of contracted daily hours.

It is accepted that in certain limited circumstances an employee may be unable to discuss the requirement for special leave in advance with his/her manager. In such circumstances, the employee must make contact with the appropriate manager by telephone (text messaging and email are not acceptable unless alternative contact arrangements have been made as part of a reasonable adjustment) as soon as possible and not later than the commencement of core time on the day the leave is required, or within 1 hour of normal starting time. Failure by the employee to make contact with his/her manager could result in the employee taking unauthorised leave of absence which may lead to disciplinary action.

An "occasion" as defined within the policy is one instance where an employee is required to apply for and take special leave. The number of occasions provided for relate to each employee and not each dependant. An occasion may be as little as one hour up to a maximum of one day – there is not an automatic entitlement to a full day off.

An employee may use annual and/or, if eligible, flexi leave in addition to each of the occasions outlined in Section 6, subject to authorisation by his/her manager and the exigencies of the service.

An employee is eligible to time off during working hours to take necessary action for the circumstances listed below.

6.1 Support of Dependant(s)

Paid leave will be granted on up to 3 occasions in a rolling 12 month period, limited to a maximum of up to 1 working day on each occasion. Special leave may be granted to support the following circumstances:

- To provide assistance or make arrangements for the provision of care for a dependant who is ill, falls ill or is injured.
- To make alternative arrangements for the care of a dependant whose normal care arrangements are unexpectedly and unavoidably disrupted, i.e. illness of the usual carer.
- To make arrangements to deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends has responsibility for that child.

Category 6.1 may be taken as 3 consecutive days with the agreement of the line manager. However, each occasion cannot be authorised in advance and the employee is required to contact his/her line manager by telephone (text messaging and email are not acceptable unless alternative arrangements have been agreed as a reasonable adjustment) on a daily basis. This should be done as soon as possible and not later than the commencement of core time on the day the leave is required or within 1 hour of normal starting time.

Special leave taken over consecutive days will only be granted subject to the exigencies of the service. Employees who are required to take this leave over consecutive days must be aware that they will not have any further special leave provision available to them under this category for a further 12 months.

Employees who wish to provide support to dependants recovering from short term illness or incapacity may also be granted a temporary change in working hours e.g. later start or earlier finish, to assist in the provision of care or to assist with childcare responsibilities. Alternatively, annual leave, flexi leave or unpaid leave may be granted.

6.2 Attending Hospital with a Dependant

Paid leave will be granted on up to 2 occasions in a rolling 12 month period, limited to a maximum of up to 1 working day on each occasion, to attend a prearranged medical examination or hospital appointment with a dependant.

A hospital appointment card or a letter from the hospital will require to be produced, to be checked by the employee's manager prior to authorisation of leave.

6.3 Attending Court/Children's Panel with a Dependant Minor

Time off may be granted to an employee who is required to attend court/children's panel hearing with a dependant, and that dependant is a minor. A minor for this purpose is someone under the age of 16.

Paid leave will be granted on up to 2 occasions in a rolling 12 month period, limited to a maximum of up to 1 working day on each occasion.

6.4 Terminal Illness of a Dependant

A terminal illness is defined as an illness which has a finite duration in terms of life expectancy, and normally of no more than 12 months.

Up to a maximum of 16 working weeks leave in a rolling 12 month period may be granted. The time taken may be broken down into smaller periods e.g. 1 day or 3 hrs, but the cumulative total cannot exceed 16 working weeks.

Subject to the appropriate evidence payment for leave under 6.4 may be available for up to 8 weeks paid and 8 weeks unpaid. This period of leave may be extended to a maximum of 13 weeks paid leave, and 8 weeks unpaid leave in exceptional cases and each case will be considered on its own merits taking into account the individuals circumstances.

6.5 Serious/Long Term Health Condition of a Dependant

A “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves one or more of the following:

- A period of illness or incapacity of more than 3 consecutive days requiring treatment* from a GP, Hospital, Specialist etc .**
- Multiple Treatments (including any period of recovery) e.g. chemotherapy, radiation, etc., kidney dialysis, physical therapy, serious physiological treatment,**
- Permanent or Long Term Conditions e.g. cancer, dementia, parkinson’s stroke, heart condition, multiple sclerosis. Time off may be required to provide respite care, make arrangements for long term care.**
- Hospital Stays. This will normally only apply where a child is required to stay in hospital for more than 3 days. Time off for dependants receiving end of life care in a hospital or hospice is covered by Terminal Illness of a Dependant.**
- Up to a maximum of 8 working weeks leave in a rolling 12 month period may be granted. The time taken may be broken down into smaller periods e.g. 1 day or 3 hrs, but the cumulative total cannot exceed 8 working weeks.**
- Subject to the appropriate evidence payment for leave under 6.5 may be available for up to 4 weeks paid and 4 weeks unpaid.**

6.6 Post-Operative Recovery

Time off to support a dependant who is recovering from a more serious operation and who requires support at home following release from hospital may be granted.

Whilst not exhaustive a list of the types of operations that may require support at home are detailed in the Special Leave Policy Guidance Note, along with the timescales for the amount of leave that may be required. Managers must ensure that a fair and consistent approach is taken when approving leave for this purpose, whilst taking individual circumstances into account.

It is not intended that time off under this category would be granted where the dependant has had a minor operation e.g. bunion removal, ingrown toenail removal, hernia repair (keyhole), haemorrhoidectomy etc.

Employees who wish to provide support to dependants recovering from these types of surgery may be granted a temporary change in working hour's e.g. later start or earlier finish, to assist in the provision of care or to assist with childcare responsibilities. Alternatively, annual leave, flexi leave or unpaid leave may be granted.

Categories 6.4 to 6.6 above seeks to help balance the needs of employees with serious/longer term responsibilities for dependants with their role as an employee of North Lanarkshire Council.

Leave under these categories, either paid or unpaid, will not be available until the applicant has accrued 26 weeks continuous service.

6.7 Applications and Supporting Evidence

Employees applying for leave under categories 6.4 to 6.6 are required to complete an application form and provide appropriate supporting/medical evidence. Please refer to the Special Leave guidance note for more information on the application process and appropriate supporting evidence.

In all circumstances, the line manager must discuss the particulars of each request with the employee requesting leave in order to clarify the reasons for the application and to ensure that the type of leave requested is the most appropriate option in the circumstances.

On receipt of an application, the line manager must pass a copy to the Employees Relations team and discuss the application before approving any requests.

Leave for part time/job share/flexible working employees will be authorised as the equivalent of their normal working weeks. In all circumstances, any paid leave will be up to a maximum of contracted daily hours.

All leave granted will be counted as continuous service for contractual purposes.

7 Maternity /Adoption Support Leave, Statutory Paternity Leave and Shared Parental Leave

7.1 Maternity Support/Adoption Support Leave

Maternity Support/Adoption Support Leave of 5 days paid leave (or the equivalent of one of the employee's normal working weeks in the week that maternity support leave is to be taken) will be granted to the child's father or the partner or nominated carer of an expectant mother/principal carer at or around the time of birth. Paid leave will be up to a maximum of contracted daily hours.

The availability of this leave provision will not extend beyond 56 days (8 calendar weeks) after the date of the birth/placement of the child. It cannot be taken before the time of the birth/date of placement.

A 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 the birth/placement. For guidance on what needs to be considered when a request by a “nominated carer” is made, please refer to the Special Leave Policy Guidance Note.

Maternity Support/Adoption Support Leave may be taken in one period or broken down into smaller periods, subject to the exigencies of the service.

Please note: Fathers or partners of expectant mothers/principal carers (who meet the eligibility requirements as set out in section 7.1) are legally entitled to 2 weeks statutory paternity leave, paid at the rate of statutory paternity pay. However, the provision of maternity support/adoption support leave for fathers/partners is given as an enhanced alternative to one week of statutory paternity leave. This brings total leave entitlement to 2 weeks, one of which will be paid at statutory paternity rates.

If an employee wishes to apply for maternity support/adoption support leave, he/she must notify their line manager in writing, using the Maternity Support Leave or Adoption Support Leave application form (attached to the guidance note).

7.2 Statutory/Occupational Paternity Leave

In addition to Maternity Support Leave/Adoption Support Leave, a father, husband or partner of an expectant mother, who has 26 weeks continuous service with the council at the start of the 14th week before the expected week of childbirth, is **entitled to one week’s statutory paternity leave which will be topped up to full pay**. This period of leave **must** be taken as consecutive days and cannot be broken into smaller periods of leave.

To qualify for statutory/occupational paternity leave, you must be:

- The biological father, or
- Adopter of the child, or
- The mother’s (or adopter’s) husband, partner or civil partner, or
- Have, or expect to have, responsibility for the child’s upbringing.

Statutory paternity leave can be taken either from the date of the child’s birth or from another date after the child’s birth. The leave can start on any day of the week, but must be taken within **56 days** of the actual birth of the child. If the child is born early, the leave must be taken within the period from the actual date of the birth up to **56 days** after the expected week of childbirth.

In addition to statutory paternity leave a father, husband or partner of an expectant mother is entitled to two additional week’s occupational paternity leave at full pay. This leave must be taken within 12 months from the date of the birth and in blocks of no less than one week (subject to the exigencies of the service)

If an employee wishes to take statutory paternity leave, he/she must notify the line manager, in writing, using Form PS18, of the intention to take paternity leave, by the 14th week before the expected week of childbirth. If an employee wishes to alter the date on which leave will commence, he/she must give 28 days’ notice of this alteration, in writing, where this is reasonably practicable, to his/her line manager. ***An employee can apply for occupational paternity leave by requesting this***

through myself. Further guidance is contained in the Special Leave Policy Guidance Note.

7.3 Shared Parental Leave

For more information on eligibility and entitlement to Shared Parental Leave please refer to the Maternity Policy or Adoption Policy.

8 Leave for Medical Purposes

8.1 Non-Emergency Medical/GP Appointments

Employees requiring non-emergency medical treatment from opticians, dentists or GPs should make arrangements to obtain such treatment outwith working hours. Where this is not possible, appointments must be made for the beginning or end of the working day.

Employees with access to the flexi-system should clock in/out for their appointment and should not submit a credit adjustment for any time taken to attend non-emergency appointments. Employees not on the flexi system should discuss time required to attend such appointments with their line manager.

8.2 Hospital Appointments

An employee who has been referred to a hospital for examination/treatment should, where feasible, try to arrange appointments outwith normal working hours. If this is not possible, then paid leave, up to a maximum of contracted daily hours, will be granted for attendance at hospital.

A hospital appointment card or a letter from the hospital will require to be produced, to be checked by the employee's manager prior to authorisation of leave.

Where an employee is required to attend hospital on more than 4 occasions in a rolling 12 month period, the ongoing availability of special leave for this purpose should be discussed with the line manager in the first instance.

9 Participation in Sporting Events

If an employee is selected to participate in a sporting event at national or international level as a representative of his/her country, up to a maximum of 5 days paid leave (or the equivalent of one of the employee's normal working weeks) in a rolling 12 month period may be granted.

This provision includes team managers or coaches required to attend the event. It also includes time off for an employee who is the parent/guardian of a child under the age of 16, and who is required to accompany the child while participating in the sporting event.

There is no age limit if required to accompany a disabled participant.

10 Jury Service

If an employee is called to serve on a jury, there is a requirement for an employee to attend by virtue of the Juries Act 1974. The employee must notify his/her manager of the summons.

The jury citation letter will require to be produced, to be checked by the employee's manager prior to authorisation of leave.

An employee will be granted leave with pay to attend unless exemption is secured. The employee will claim the allowance payable under the Jurors Allowances Regulations and this amount will be deducted from pay.

11 Service as a Witness

If an employee is cited to attend court as a witness, leave of absence will be granted as follows:-

- If an employee is 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 Crown Court witness, 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.

Employment Tribunal/Attendance at Court in Course of Duties

If an employee is required to attend court as a witness on behalf of the council, then paid leave will be granted.

12 Election Duties

Subject to the exigencies of the service, and authorisation by the manager, paid leave will be granted to allow employees to undertake official duties at elections or referenda of North Lanarkshire Council.

13 Justice of the Peace Duties

All employers must, by law, allow time off work to enable a Justice of the Peace to undertake their role. Time off without pay will be provided. Employees can claim for loss of earnings from the court service.

14 Local Authority, Parliamentary, Scottish Parliamentary and European Election Agents

Subject to the exigencies of the service, unpaid leave for a period not exceeding up to 10 days (or up to the equivalent of two of the employee's working weeks) will be granted at the time of the election to employees undertaking the duties of an Election

Agent for a Local Authority/Parliamentary/Scottish Parliamentary/European Candidate.

15 Local Authority, Parliamentary, Scottish Parliamentary and European Candidates

Subject to the exigencies of the service, unpaid leave for a period not exceeding up to 10 days (or up to the equivalent of two of the employee's working weeks) will be granted to employees who stand for election to another Local Authority/as a Parliamentary candidate/as a Scottish Parliamentary candidate/as a European candidate.

16 Service in Non-Regular Forces

An employee who is a member of the non-regular forces and who attends annual training camp for a period of not less than one week, will be granted leave with pay for the period of actual attendance at the training camp, up to a maximum of 15 days (or up to the equivalent of three of the employee's working weeks) and subject to deduction of service pay and allowances received.

17 Community Emergency Services

An employee who is a member of a community emergency service, for example retained fire fighters, will be granted paid leave to attend emergencies during working hours.

18 Holidays or Festivals of Religious or Ethnic Groups

Employees who celebrate holidays or festivals on days other than those allocated by the Council and who have fixed annual leave (e.g. term-time) will be allowed, subject to the requirements of the service, up to a maximum of two of their working days, with pay to participate in such religious festivals.

19 Interviews

Paid leave will be granted to employees called to attend a job interview for a post with North Lanarkshire Council. The employee will require to produce an interview letter prior to authorisation of leave.

If an employee is called to attend a job interview for a post which is outwith North Lanarkshire Council, the employee will be required to use annual and/or, if eligible, flexi leave, for this purpose.

20 Training Connected with a Course of Study

Please refer to the Learning and Development Policy for detailed guidance.

21 Career Breaks

An employee applying for a career break must have two years continuous service with North Lanarkshire Council at the commencement of the career break.

All career breaks will be unpaid leave of absence. In addition, the period of the career break will not be counted as continuous service. However, service prior to and following the period of the career break will be linked and these two periods will count as continuous service for contractual purposes, even although there has been a break in service.

In making an application for a career break, the employee must specify reasons for the request and what benefits will accrue to the employee and the Council as a result of the career break.

The council will consider a Career Break of a minimum period of one year and up to a maximum period of two years. There is one exception to the maximum two year break, and this is referred to in Section 20.3 Education Break.

Employees on a career break will not normally be allowed to undertake full-time employment, either with North Lanarkshire Council or another employer, other than on a seasonal basis. However, employees will be allowed to undertake part-time employment with another employer as long as it does not bring them into conflict with their post within the Council.

An employee will be required to submit an application form for a career break to his/her line manager. All applications must be approved by the relevant Head of Service in discussion with People & Organisational Development. If the application is refused, the employee has the right to raise a formal grievance using the agreed North Lanarkshire Council grievance procedure.

A maximum of two career breaks may be taken by any employee during the course of their employment with the council.

An employee must return to work from a career break for not less than two years before a request can be made for a second break.

Only in exceptional circumstances will early return from a career break be considered, with the exception of a career break for "other" reasons.

A career break can be requested for one of the following reasons. In each case the resulting vacant post may be filled on a temporary basis for a period of up to two years or possibly longer in the case of an education break.

21.1 - Voluntary Work Overseas and in the UK

An employee who wishes to work on a voluntary basis either overseas or in the UK for an extended period of time, can request a career break.

21.2 - Extended Family Break

A career break may be taken immediately following a period of maternity leave in order to extend time spent at home. The extended family break will include statutory maternity/parental/paternity leave if this occurs during the break.

21.3 - Education Break

An employee may apply for an education break to attend a course of study for up to two years.

An education break may be extended beyond two years if the course of study is for more than two years.

21.4 – Other Career Break

An application may be considered for a career break that does not come under any of the above categories. For example to provide a further period of leave following exhaustion of time off for a dependant who has a terminal/serious illness. However the maximum period of career break that can be added on to a period of leave will be one year, with the provision that the employee may return earlier than the agreed return date if circumstances change during the period.

General conditions relating to career breaks are included in the Career Break Guidance Note.

22 Other Special Leave

There may be occasions when special leave is appropriate but may not be covered by the Special Leave provisions. In these exceptional circumstances, the relevant Head of Service has the discretion to authorise special leave, either paid or unpaid, up to a maximum of 10 working days in total (or up to the equivalent of two of the employee's normal working weeks), for situations not already covered by this policy.

Applications for special leave which exceed 10 working days, either paid or unpaid, and which are not covered in the above provisions, **must be authorised by the Chief Executive/Executive Director**. It is requested that, prior to any approval of a request from more than 10 days leave is given that the merits of the request be discussed with People & Organisational Development to ensure that no unintentional precedent is established.

23 Process for Applying for Special Leave

Please note that the process for applying for special leave will vary dependent upon the type of special leave requested. Details of how to apply are contained in the relevant guidance notes which should be read in conjunction with this policy.

Please note that leave granted in accordance with the terms of this policy, will be considered as continuous service with this council. The one exception to this is leave taken under Section 20, Career Breaks, where the period of leave will not be counted as continuous service.

* SPECIAL LEAVE POLICY – SUMMARY OF KEY CHANGES

Section (in new policy)	Details of Change	Reason for Change
Section 1 - Introduction	Reference to Smarter Working Policy	Previously referred to Flexible Workstyles Options Policy, Smarter Working Policy has replaced this
Section 2 - Legislation	Updated to reflect all relevant legislation	Update
Section 3 - Our position	Reference to People & Organisational Development	Update
Section 4 - Scope	Updated to reflect category titles	Accuracy.
<p>Section 6 - Time Off for Dependants</p> <p>Sections 6.4 – 6.6</p>	<p>Definition of a dependant amended</p> <p>These sections replace what is currently Carers Leave</p> <p>Reference to Carers Leave removed as Statutory Carers Leave will be introduced by the government and this would cause confusion having two provisions with the same name</p> <p>The new leave is broken down into three distinct categories with specific definitions for each.</p> <p>Each category of leave has specific timescales and pay available.</p>	<p>Update</p> <p>The current provisions only allow for leave for a dependant with a terminal or serious illness.</p> <p>What constitutes a “serious illness” is open to interpretation and therefore there is not a consistent approach.</p> <p>The current provisions are also considered too restrictive and may be contributing to the sickness absence.</p> <p>There is no provision for leave to care for those dependants recovering from a serious operation or for those with long term/degenerative conditions.</p> <p>The proposed changes seek to provide a more balanced approach to this type of leave for both managers and employees.</p>
Section 6.4 -Terminal Illness of a dependant	Time and Pay available 8 weeks full pay, 8 weeks half pay	The current provisions allow for a maximum 26 weeks leave (13 weeks full pay and 13 weeks half pay). However only terminal or serious conditions will be considered.

		The statistics showed that this amount of leave was not required for these circumstances. The increase to the circumstances in which leave can be taken offsets the reduction to this category
Section 6.5 - Serious/Long Term Health Condition of a Dependant	Time and Pay available 4 weeks full pay, 4 weeks half pay	New provision to reflect the need for this type of leave
Section 6.6 – Post Operative Recovery	Time and Pay available will depend on the circumstances of the operation. But a maximum, of 4 weeks full pay and 4 weeks half pay will be available Further guidance for managers on this will be contained in the Special Leave Guidance Note.	New provision to reflect the need for this type of leave
Section 6.7 - Applications and Supporting Evidence	Main application process remains the same as before, however clearer guidance for managers on what needs to be considered and reference to Employee Relations added.	Update
Section 7.2 - Statutory/Occupational Paternity Leave	One weeks Statutory paternity Leave will be topped up to full pay Addition of two weeks occupational paternity leave at full pay. This leave must be taken within 12 months from the date of the birth and in blocks of no less than one week (subject to the exigencies of the service)	Updated to reflect committee decision to allow four weeks paid paternity leave for the father/partner of the expectant/new mother.
Section 13 - Justice of the Peace Duties	All employers must, by law, allow time off work to enable a Justice of the Peace to undertake their role. Time off without pay will be provided	New provision in accordance with legislation (Employment Rights Act)
Section 22 – Other Special Leave	Section updated to reflect changes to who requests should be submitted to	Update
* Adoption Policy	Policy updated to reflect changes to statutory and occupational paternity leave and pay provisions as outlined in Section 7.2 of the Special Leave Policy	Update



Adoption Policy

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Date	<i>15/07/2019</i>	Version number		Document status	<i>Final</i>
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Governance Committee	<i>Finance and Resources Committee</i>	Date approved	
Review date			

Strategic Alignment

Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

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VISIT**

Consultation process	N/A	
Stakeholders	Contacts identified for each service	
	<i>Joint Trade Unions Employee Equality Forum</i>	<i>Employees</i>
Distribution		

Change record

Date	<i>15/07/2019</i>	Author	<i>Lindsay Millar, Millarl@northlan.gov.uk</i>
Change made	<i>Extended paternity leave provisions</i>		

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1. Introduction

The following adoption provisions apply to all employees of the Council regardless of their hours of work and contractual status, with the exclusion of those employed under the Scheme of Salaries and Conditions of Service for Teaching Staff in School Education, for whom separate provisions are in place.

2. Legislation

This policy takes into account and incorporates those principles detailed within the:

- a) Shared Parental Leave Regulations 2014
- b) The Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2008
- d) Sex Discrimination Act 1975 (Amendment) Regulations 2008
- e) Work and Families Act 2006
- f) Employment Act 2002
- g) The Adoption Act (Scotland) 1978
- h) The Adoption Agencies (Scotland) Regulations 1996
- i) The Paternity and Adoption Leave Regulations 2002
- j) The Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002
- k) Statutory Shared Parental Pay (General) Regulations 2014
- l) Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014

3. Principles

The Council recognises the need for adequate adoption leave provisions to provide support and encouragement to all employees who wish to adopt.

4. Scope

The policy will only apply to:

- a) Adoptions involving children aged up to 18 years;
- b) An employee who has been approved to become an adoptive parent by a local authority or recognised agency/voluntary organisation;
- c) Adoptions arranged by a local authority and/or a recognised agency/voluntary organisation; and

- d) Inter country adoptions that have the approval of all relevant parties.

The policy will not apply to:

- e) Fostering, long term or otherwise; and
- f) Guardianships.

Employees of the Council recognised as adoptive parents are entitled to maintain their contractual benefits, apart from pay, and discretionary non-cash benefits during their period of adoption leave.

5. Entitlements

Leave Entitlements

The following leave entitlements will apply to an employee regardless of his/her length of continuous service.

5.1 Pre-Adoption Leave

An employee is entitled to up to 2 weeks paid Pre-Adoption Leave that can be taken flexibly to attend to the formalities of the adoption. An employee will be entitled to this leave irrespective of the fact that he/she may subsequently withdraw from the adoption process.

Where both adoptive parents are employees of the Council, both will be eligible for Pre-Adoption Leave.

5.2 Adoption Leave

An employee who will be the principal carer for the adopted child is entitled to a block period of Adoption Leave of up to 52 weeks at or around the date of placement of the child.

Where both adoptive parents are employees of the Council, only one of the partners will be eligible for Adoption Leave.

5.3 Adoption Support Leave

An employee who will not be the principal carer will be entitled to 5 days paid Adoption Support Leave which can be taken flexibly at or around the date of placement of the child.

Where both adoptive parents are employees of the Council, only one of the partners will be eligible for Adoption Support Leave.

5.3.1 Entitlement to Pay

Where an employee has less than 26 weeks continuous service by the end of the week they are notified they have been matched to a child, he/she has no entitlement to payment whilst on Adoption Leave.

Where an employee has more than 26 weeks continuous service by the end of the week they are notified they have been matched to a child, he/she will be paid as follows:

- a) For the first six weeks, 90% of a week's pay, this figure is inclusive of any Statutory Adoption Pay to which the employee is entitled during this period;
- b) For the following 12 weeks, 50% of a week's pay plus Statutory Adoption Pay, where the employee is entitled. However, the combined amount cannot exceed his/her full pay;

This payment of 12 weeks half pay will be made on the understanding that an employee will return to Council employment for a period of at least three months. If an employee does not return, she will have to repay to the Council 12 weeks half pay.

An employee not intending to return to work for three months will receive Statutory Adoption Pay, where entitled, during these 12 weeks.

- c) During the subsequent 21 weeks, Statutory Adoption Pay, where the employee is entitled.

Any further period of leave will be without pay

6. Keeping in Touch Days

If mutually agreed by the manager and employee, an employee can do up to 10 days paid work during the period of statutory adoption leave, without losing statutory payments or bringing adoption leave to an end. There is no obligation on the employee to do this and it is important to note that keeping in touch days are distinct from keeping in contact with the employee.

7. Service

The Council will regard any period of Pre-Adoption Leave, Adoption Leave and Adoption Support Leave as continuous service.

8. Right to Return

At the end of the period of Adoption Leave, an employee will have the right to return to his/her substantive post, with no detrimental effect to his/her conditions of service.

In exceptional circumstances, if an employee's substantive post is no longer available, the Council's policies on redundancy and redeployment will be applied as appropriate.

9. Notification

Pre-Adoption Leave

An employee must provide his/her manager with reasonable written notice prior to taking any of his/her entitlement to Pre-Adoption Leave.

Adoption Leave

Commencement of Adoption Leave

An employee must give his/her manager, within 7 days of being notified they have been matched to a child or as much notice as is reasonably practical in the circumstances, notice of his/her intention to take adoption leave. The notice must be in writing and must state:

- a) The expected placement date, if known;
- b) The date he/she wants the adoption leave to commence; and
- c) If an employee has more than 26 weeks continuous service at the relevant point, he/she must also confirm his/her intention, or otherwise, to come back to work at the end of his/her adoption leave for at least three months in order to receive his/her full entitlement to pay.

An employee must also provide his/her manager with evidence of his/her intention to adopt. This should include the name and address of the local authority or the recognised agency/voluntary organisation arranging the adoption, the date on which he/she was notified that he/she had been matched to a child and also evidence of the intention

of the local authority and/or a recognised agency/voluntary organisation to place a child with him/her.

Return to Work

An employee must decide when he/she wants to return to work. This must be no later than the last day of the 52nd week from the date his/her Adoption Leave period commenced.

If an employee wishes to return earlier he/she must provide his/her manager 56 days notice of the date he/she wants to return.

If he/she does not give the required notice, the Council can postpone his/her return to a date that will ensure the 56 days notice required in order to conclude any temporary arrangements that have been made. If he/she is not in receipt of pay, this extended period of leave will be unpaid. However, his/her return cannot be postponed beyond the latest date his/her adoption leave period can end.

Placement Ends

Where the child's placement ends during the adoption leave period, an employee will be entitled to remain absent on adoption leave for up to 8 weeks after the end of the placement or until the adoption leave period ends, whichever is earlier.

Adoption Support Leave

An employee must provide his/her manager with as much notice as is reasonably practical in the circumstances prior to taking any of his/her entitlement to Adoption Support Leave.

10. Ordinary/Occupational Paternity Leave and Statutory Pay

In addition to adoption support leave, Ordinary paternity leave and statutory pay (adoption) may be available for an employee who is one of two parents jointly adopting a child, or the husband / partner of someone adopting a child individually (including same-sex partner or civil partner), subject to certain criteria. There is a different criteria for adoptions within the UK from those cases of adoption from outside the UK.

Ordinary paternity leave (adoption) is time off to support the other adopter or to care for the child.

Ordinary paternity leave (adoption) for Council employees is one week, which has to be taken as one complete week of leave. This can be taken up to 8 weeks (56 days) after the date the child is placed with the adoptive parent. An employee will be paid, if eligible, Ordinary Statutory Paternity Pay **however this will be topped up to full pay.**

In addition to the above, eligible employees will be entitled to two additional week's occupational paternity leave paid at full pay. Occupational paternity leave must be taken and completed within 12 months of the child being placed.

Occupational paternity leave must be taken in blocks of no less than one week (subject to exigencies of the service). An employee can apply for occupational paternity leave by requesting this through myself. This will be recorded as special leave – occupational paternity leave.

An employee cannot take OPL for any purpose other than supporting the adopter and/or to care for the child. OPL is not meant to be used to cover any time spent travelling overseas to arrange the adoption or visit the child.

11. Shared Parental Leave and Pay

Shared parental leave (SPL) is designed to afford principal carers and coparents more flexibility in how to share the care of their child in the first year following adoption.

The option to use SPL will apply to co-parents who meet the eligibility criteria (below), for children who are placed for adoption on or after 5 April 2015.

An employee who chooses to take up to 52 weeks adoption leave is defined as the Principal Carer. Co-parents are defined as spouses, civil partners, partners of the principal carer or a co-adopter.

SPL does not alter a principal carer's entitlement to 52 weeks adoption leave. However, in order to take SPL, the principal carer must have served 8 weeks' notice of his/her decision to end (curtail) his/her adoption leave or adoption pay early. The remaining leave will be available as SPL. The remaining weeks of pay may be available as Statutory Shared Parental Pay (ShPP).

To qualify for SPL a principal carer must be entitled to adoption leave, or statutory adoption pay, and must share the main responsibility for caring for a child with the co-parent. In addition, they will be required to follow a two step process to establish eligibility.

Step 1 – Continuity test

A principal carer or co-parent seeking to take SPL must have worked with the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is placed and is still employed in the first week that SPL is to be taken. The other co-parent has to have worked for 26 weeks (can be discontinuous) in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold in thirteen of the 66 weeks. Details of the salary values concerned can be found at <https://www.gov.uk/adoption-pay-leave/overview>

Step 2 – Individual eligibility for pay

To qualify for Statutory Shared Parental Pay the principal carer or co-parent must, as well as passing the continuity test, have earned an average salary of the lower earnings limit or more for 18 weeks prior to the 15th week before the Expected Week of Childbirth.

SPL may be taken at any time within the period which begins on the date the child is placed for adoption and ends 52 weeks after that. Leave must be taken in complete weeks and may be taken either in a continuous period or in up to 3 separate (discontinuous) blocks (subject to exigencies of the service). The Council is not obliged to accept applications for discontinuous blocks.

The minimum period of leave must be one week. Eight weeks notice is required of an intention to take a block of SPL.

Shared Parental Leave in Touch (SPLIT) days

SPLIT days will be available to both parties during SPL. These are in addition to the Keeping in Touch days outlined in section 6.

If mutually agreed by the manager and employee, an employee can do up to 20 days paid work during the period of his/ her SPL (please be aware that the principal carer must take at least 2 weeks adoption leave before starting SPL) without losing statutory payments or bringing SPL to an end. There is no obligation on the employee to do this and it is important to note that SPLIT days are distinct from keeping in contact with the employee.