

# Special Leave

# Procedure

Policy: Leave

Owning Department: People and Development

Version Number: V7.00

Date Published: 17/04/2023

Theme(s): Your benefits and entitlements; Your work and life

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## Overview

### What is this about?

We know there might be occasions when you need to take some time away from work for a short time to deal with family life, emergencies or represent the organisation in some way. The information here tells you how to make and handle requests for special leave.

### Who is this for?

This is for officers and authority/police staff. It will be clear if any aspect applies to officers or staff only.

### Key information

* Special leave can be paid or unpaid, depending on the type and duration.
* Details about the types of special leave available to officers and staff can be found in Appendix A (Staff) and Appendix B (Officers).
* Where unpaid leave is approved, there will be no payment of salary, or any other payment that forms part of pay.
* It is important that team members give as much notice as possible when making a request for special leave.
* Every effort will be made to grant requests for special leave, but there might be times when this is not possible due to operational requirements. If it is not possible for us to approve a request, your manager will work with you to agree a mutually convenient alternative date, if appropriate.
* Any period of unpaid special leave of six months or less will continue to accrue for the purposes of occupational entitlements such as annual leave, sickness etc.

## Staff/Officer

### What you need to do:

* Make your request for special leave giving as much notice as possible.
* Tell your manager if you need to make any changes to your request.
* Make requests for paid special leave in writing by email to your manager, ensuring the appropriate Government Security Classification marking.
* Complete an Unpaid Special Leave Request Form (089-001) for staff or Form (089-001A) for officers, for any request that is unpaid.
* Think about potential pension implications, and contact your pension provider for advice.

### Making a request

Talk to your manager, and submit your request for special leave providing as much notice as possible to give everyone involved the chance to manage your absence from work. We know that in an emergency or unexpected situation it might not be possible to give any advance notice. If this is the case, you need to contact your manager as soon as reasonably possible to talk about your situation.

You need to tell your manager the reason for your request, then discuss with them the anticipated time away from work and how this can be accommodated and managed.

If you are asking for paid leave, you should follow up your discussion with a request in writing for approval to confirm the details and dates. An email is acceptable.

If you are requesting unpaid leave, you need to complete the Unpaid Special Leave Request Form and email it to your manager. If you are not able to complete this prior to taking leave e.g. in an emergency, your manager can do this for you.

Your manager will let you know if it is possible to approve your request. If there are any issues, your manager will discuss this with you as soon as possible.

### Making changes

There are no limits on the number of changes you can make to the dates you have requested to take as special leave, but you need to be practical and must still give us as much notice as you possibly can. If you need to make any changes, it is important that you discuss this with your manager in the first instance.

If it is agreed that you can change the date of paid special leave, you will need to confirm your new dates in writing to your manager. Again, an email will suffice. However, if it is for unpaid special leave, you need to submit a new Unpaid Special Leave Request Form and give it to your manager. You must make clear on the form that you are asking for a change to dates already agreed, not a further period of leave.

### Salary implications (staff only)

If you take a period of unpaid special leave, you can choose to spread the deduction to your pay across several months to limit the financial impact. The maximum time you can spread the deduction is 12 months. You can ask for this when you submit your request form.

### Pension implications

#### Officers

If you are requesting a period of unpaid leave, you can now apply for a maximum of two weeks per year to be reckonable for pension purposes without making additional pension contributions.

You should be aware that the year commences on 1st April and your two weeks will be allocated as 14 calendar days. You should not claim more than this entitlement per year.

There is no requirement to use all your entitlement at once. It will be your choice what type of unpaid leave you want to apply this to and when to apply this (such as maternity leave, adoption leave and unpaid parental leave). Should you split your entitlement across different periods of unpaid leave, you will need to make sure you do not claim more than your entitlement.

If you wish to apply this to unpaid special leave, you must request this when completing an Unpaid Special Leave Request Form (089-001A).

Once you have submitted an application, the number of days you have taken as reckonable for pension purposes will be recorded on your SCoPE record by People and Development.

If you wish to retrospectively change your period of unpaid leave, you must do so within three months of your initial application. You can request a change by completing another Unpaid Special Leave Request Form with the new dates and send this to People Direct. It needs to be clear on the form that it is a request to change the dates of special leave that is already approved, not an application for additional leave.

#### Staff

If you are absent from work on unpaid leave for a continuous period of less than 31 days, you must pay the pension contributions, based on the pay that you would have received, if you had been at work. The contributions will be deducted from your pay in the month the unpaid leave relates to, or the next available month depending on when the paperwork is received

If you are absent from work on unpaid leave for a continuous period of 31 days or more, you need to be aware that there are no contributions made to your pension during this period. You do however have the option of Shared Cost Additional Pension Contributions (APC), which will cover the amount of pension “lost” during a period of unpaid authorised leave. Shared cost means that if you want to cover such a period, the cost of buying the “lost” pension is shared between you and the SPA/Police Scotland, and we will meet 2/3rds of the cost (provided you make an election to buy the “lost” pension within 30 days of returning to work). You can make an application to purchase lost pension with an APC contract on the LGPS2015 website. If you are thinking of taking a period of unpaid special leave, you should consider contacting your pension administrator for advice.

## Manager

### What you need to do:

* Consider all requests for special leave fairly and consistently.
* Through discussions with the individual, you might need to advise them on the most appropriate form of special leave they can use. People Direct can help you with this.
* Remember, you need to ask the reason for the leave, and how long the individual anticipates being off.
* Record all paid time-off on SCoPE via the Duty Management module referring to the special leave categories. If you are a manager in the East or North areas, contact your Resource Deployment Unit (RDU) to update this for you.
* Be mindful of privacy and sensitivity with written requests and handle appropriately and in line with retention timeframes and Data Protection regulations.

### Receiving a request

When you get a request for special leave you need to consider it fully, and decide whether you can approve it.

Remember, it might not be possible for someone to provide advance notice of their plan to take special leave if their situation is an emergency or unexpected. If this is the case, they should contact you as soon as possible to talk through their circumstances.

When thinking about requests, ensure that you balance operational and departmental needs with the needs of the individual and their circumstances. Make sure they understand how their request will affect their pay if they are asking for unpaid special leave, and whether this is the best way for you to support them.

If you need advice or guidance you can contact People Direct.

Requests for paid special leave need to be made to you in writing, detailing the reason for the request and the dates involved. It is ok for an individual to do this via email.

If special leave is unpaid, you should ask the individual to complete an Unpaid Special Leave Request Form (089-001) for staff or Form (089-001A) for officers where possible. If they cannot complete it, possibly due to the short notice for leave in an emergency, then you should complete the form on their behalf. In both cases, the form should be completed the same day and forwarded to People Direct; there is no need for you to contact Payroll.

If you are based in the West, remember to record all authorised paid special leave on the Duty Roster in SCoPE. Include a brief explanation in the comments section; please do not leave this blank. To protect privacy, these comments are not visible on the Duty Roster. People and Development will update SCoPE with details of unpaid leave.

### Making changes

There is no limit to the number of changes someone can make to dates they have requested as special leave, but they must still provide as much notice as they reasonably can.

If you support a request to change the dates of paid special leave, you need to update SCoPE with the new date and comments detailing the reason for the change. Remember that you will need the new dates confirmed in writing again.

If you approve a request to change the dates of unpaid special leave, ask your team member to complete another Unpaid Special Leave Request Form with the new dates and send this to People Direct. It needs to be clear on the form that it is a request to change the dates of special leave that is already approved, not an application for additional leave. Again, if the individual is unable to complete the form, you can do this on their behalf.

If a period of paid special leave then becomes unpaid special leave, or if the end date of a period of unpaid special leave is extended, you must make sure that an updated Unpaid Special Leave Request Form is completed and sent to People Direct. It is vital that Payroll know how many hours of unpaid special leave is used.

### Salary implications (staff only)

Staff can choose to spread any deductions from pay for a period of unpaid special leave across several months to limit the financial impact. The maximum time they can do this is 12 months and they can ask for this on the Unpaid Special Leave Request Form.

### Pension implications (officers only)

Officers can apply for a maximum of two weeks per year to be reckonable for pension purposes without making additional pension contributions.

The year commences on 1st April and the two weeks will be allocated as 14 calendar days.

Officers do not need to use all their entitlement at once. It can be spilt across different types of unpaid leave, but cannot exceed their entitlement.

If an officer wishes to apply this to unpaid special leave, they must request this when completing an Unpaid Special Leave Request Form (089-001A).

## Resources

### Forms

* Unpaid Special Leave Request – Officers Form (089-001A)
* Unpaid Special Leave Request – Staff Form (089-001)

### Letters

* Unpaid Special Leave Approved

### Reference Documents

* Special Leave Types of Leave and Entitlements – Staff
* Special Leave Types of Leave and Entitlements – Officers
* Special Leave – Process Summary

### Related Procedures

* Adoption
* Adoption and Maternity Support
* Attendance Management
* Career Break
* Disability in Employment
* Fertility Treatment
* Flexible Working
* Parental Leave
* Pregnancy and Maternity
* Shared Parental Leave
* Transitioning at Work
* Volunteer Reserve Forces

### Useful Links

* [Local Government Pension Scheme Scotland](https://www.scotlgpsmember.org/)
* [Scottish Public Pensions Agency](https://pensions.gov.scot/police)
* [Police Scotland Privacy Notices](http://www.scotland.police.uk/access-to-information/data-protection/privacy-notices)
* [Pensions Home Page](https://spi.spnet.local/policescotland/org-support/Pages/Pensions-Home-Page.aspx)

Compliance Record

EqHIRA completion/review date: 31/03/2023

Information Management Compliant: Yes

Health and Safety Compliant: Yes

Publication Scheme Compliant: Yes

Version Control Table

| Version | History of Amendments | Approval Date |
| --- | --- | --- |
| 1.00 | Initial Approved Version. | 10/04/2014 |
| 1.01 | Other Amendment. | 02/05/2014 |
| 1.02 | Minor amendments to appendix regarding naming conventions of sporting events. | 02/07/2014 |
| 2.00 | Minor changes to nomenclature contained within the document such as PSoS to Police Scotland and Human Resources to People and Development. SOP formatted onto new corporate template. | 10/10/2016 |
| 3.00 | Updated to reflect changes in data protection legislation. | 24/05/2018 |
| 4.00 | Policy Simplification Project. Procedure rewritten to support modernisation and 2026 objectives. | 01/04/2019 |
| 5.00 | Updated to reflect changes in The Local Government Pension Scheme (Miscellaneous Amendments) (Scotland) Regulations 2019. | 25/10/2019 |
| 6.00 | Updated to reflect the agreed and consolidated special leave provision for police officers. | 12/02/2021 |
| 7.00 | Updated to reflect the officer pay award which provides officers with the option to have two weeks of unpaid leave reckonable for pension purposes. | 17/04/2023 |

**Feedback**

All Police Scotland People Policies and Procedures are subject to regular reviews. It is important that user feedback is taken into account when documents are reviewed.

If anyone wants to provide comment, or make suggestions for improvements to this or any associated document, please email

*Exempted Section 30 (c) - Prejudice to the Effective Conduct of Public Affairs.*

Appendix A

Types on Special Leave and Entitlements - Staff

#### Carers leave – Three days’ paid leave per year

A carer is an individual who has a caring responsibility for someone due to frailty, physical or mental health condition or disability who could not manage without their help. If you are in this position, you can request this leave.

Carers leave should be used for care arrangements that you know about in advance. Unexpected situations are covered by dependants leave.

#### Compassionate leave - Up to five days’ paid leave per bereavement/instance

This will help to support you through a bereavement, and when arranging a funeral, or attending a funeral of a family member or close friend. You can also request compassionate leave to help if a family member is seriously ill.

#### Court service – Reasonable, unpaid leave

This leave is available if you need to attend court as a witness for a case not related to your role with us.

#### Dependants leave - Up to two days’ paid leave per year, then reasonable unpaid leave

This will give you time off to deal with an emergency that involves your dependant. A dependant could be your spouse, partner, child, parent, or someone else who depends on you for care.

#### Medical treatments/examinations - Up to two days’ paid leave per instance/hospitalisation

This will support you to attend a hospital appointment, or give you time off for preventative medical treatment. These appointments must be for you. If requested, you should show your manager a copy of your medical appointment card or any other document showing that an appointment has been made. Appointments for routine care at your GP, dentist or optician should be made outwith working hours. If this is not achievable, you can request to use flexi, TOIL, or annual leave to attend your appointment.

#### Parental bereavement leave - One or two weeks’ paid leave

This leave is available for parents (or primary carers) who suffer the loss of a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy. Leave can be taken in one block or in two separate blocks of one week. It can be taken within a 56 week window from the child’s death, to allow for moments such as anniversaries

#### Public duties - Reasonable paid leave

If you are appointed, or elected to undertake certain public duties, you can request time off to honour your commitments. Some examples include being a member of a statutory tribunal, a member of a health authority, or a school governor.

Public duties include the following roles:

Members of a Local Authority.

Members of any Statutory Tribunal.

Members of a Health Authority, NHS Trust or Health Board.

Members of a relevant education body.

Members of a Police Authority.

Part of the Service Authority of the National Crime Squad or National Criminal Intelligence Service.

Members of a Board of prison visitors or a prison visiting committee.

Members of the Environment Agency or the Scottish Environment Protection Agency.

Members of Scottish Water Customer Consultation Panel.

#### Special Constable leave - 10 days’ paid leave per year

You can use this leave to undertake Special Constable duties, which includes attending training.

#### Study leave - Paid leave for the day of an exam

If you need time to attend an exam for an approved course of study, (e.g. if we contribute to funding, or support you due to the benefits of you doing the course), you can use this type of leave.

#### Sporting activities - One day paid leave per year.

An additional two days’ leave may be granted if you are selected for a Team GB event.

If you are a member of the Scottish Police Recreation Association (SPRA), you can use this leave to participate in sporting events supported by SPRA at a Police Sport UK (PSUK) or Scottish Police Sport UK (PSUK(S)) Final. If you would like to participate in other sporting events, you can apply for additional leave from your own entitlements such as TOIL, annual leave, etc. through the normal process including “SPRA” in the comments field of your request.

#### Trade Union duties - Reasonable paid leave

If you undertake trade union duties in addition to your job with us, you are entitled to reasonable time off to carry out official union duties as defined in the trade union recognition agreement.

#### Other special leave - Dependent on circumstances

Requests for special leave for other reasons not detailed in the above categories can be submitted and may be referenced under different procedures, for example Volunteer Reservists and Pregnancy and Maternity. Leave may be granted with or without pay. We will consider each case individually, and your manager may liaise with People and Development to assist them.

Appendix B

Types of Special Leave and Entitlements – Officers

#### Principles

Special leave for police officers is underpinned by the principles below:

* To achieve consistency across the organisation in dealing with applications for leave;
* To ensure that service needs are balanced with individual needs;
* To ensure appropriate consideration is taken of the needs of protected characteristic groups;
* To ensure that the organisation supports the health and wellbeing of the workforce.

The following framework for the provision of special leave to police officers outlines the most common forms of leave, however it is important to note that other forms of special leave may be granted in exceptional circumstances, as stated within Police Circular No. 1/2002.

#### Process

The framework contains thresholds which are intended as a trigger point for escalation and wellbeing intervention rather than a rigid entitlement. A case by case approach will be required according to individual circumstances. The aim is to support our workforce through difficult times and the process highlights that additional special leave, which can be paid or unpaid, may be granted beyond the stated thresholds through an escalation process. This will ensure that a reasonable and consistent approach is taken in terms of considering exceptional circumstances and extending leave.

The following is the escalation process for managers in relation to the threshold for each form of special leave:

1. Time off up to the stated threshold – First line manager approval.
2. Time off beyond stated threshold up to six consecutive working days – Second line manager approval.
3. Time off beyond stated threshold over six consecutive working days – Subject to divisional review.

For the avoidance of doubt, line managers can agree special leave for specific entitlements where the threshold is beyond six working days e.g. the escalation process does not apply for Voluntary Reserve Forces training leave where the guidance explicitly states a maximum entitlement.

#### Practice

It is important to recognise that in considering any request for which special leave may be appropriate, the ability to accommodate the individual circumstances, subject to the exigencies of duty, may be achieved by line managers being empowered to grant time off in hours or days. Furthermore, it may be that flexibility or other forms of time off can offer a workable solution for short term needs and these should be considered by both the officer and the relevant line manager at the earliest opportunity.

The following outlines the most common forms of leave and the first line manager threshold:

#### Compassionate leave - Up to three days’ paid leave per bereavement/instance

Special leave may be granted for compassionate reasons. This would include occasions when an officer suffers a bereavement and should help when they are required to make arrangements or conduct business with regard to the bereavement, or to attend a funeral service. Compassionate leave is not confined to cases of bereavement and may be granted for other serious domestic or family circumstances.

Paid leave up to three days may be granted with every case being viewed on its own merits, considering the emotional state of the individual requesting leave, or the relationship of the deceased and the circumstances surrounding the death in the case of bereavement.

#### Parental bereavement leave - One or two weeks’ paid leave

Leave may be granted for all employed parents if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy.

One or two week’s paid leave may be granted. Leave can be taken in one block or in two separate blocks of one week. It can be taken within a 56 week window from the child’s death, to allow for moments such as anniversaries.

#### Carer’s leave – Up to three days’ paid leave per year

Special leave may be granted to an officer who has a caring responsibility for someone who, due to frailty, physical or mental health condition, or disability, who could not manage without their help. Examples of reasons why a carer might request special leave or flexibility could include:

* Organising homecare or help in the home;
* Organising special equipment or adaptations to the home;
* Dealing with other agencies (e.g. GPs, Social Workers, Health Visitors); or
* Organising respite/short term care.

Carer’s Leave is intended for appointments and care arrangements that are known about in advance and could be used to accommodate the responsibilities of kinship carers. For unforeseen or sudden events, Time off for Dependants may apply.

Paid leave up to three days per year may be granted. If a significant period of absence is required for caring responsibilities, officers may wish to apply for a career break.

#### Time off for dependants - Up to two days’ paid leave per year

An officer is entitled to be permitted to take a reasonable amount of time off in order to take action which is necessary:

* to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted,
* to make arrangements for the provision of care for a dependant who is ill or injured,
* because of the unexpected disruption or termination of arrangements for the care of a dependant, or
* to deal with an incident which involves a child of the constable and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for the child.

A “dependant” means:

* a partner,
* a child,
* a parent,
* a person who lives in the same household as the constable, otherwise than by reason of being their employee, tenant, lodger or boarder, or
* any person who reasonably relies on the officer.

Paid leave up to two days may be granted to deal with short-term difficulties. In most cases one or two days will be sufficient to deal with the immediate situation, but it will depend on individual circumstances. The officer should inform their relevant line manager as soon as possible the reason for the absence and how long they expect to be absent. Unpaid parental leave is also available to cover children up to age 18.

#### Leave for attendance at Police Treatment Centre - Dependent on circumstances

The Police Treatment Centres provide officers with rest, recuperation and treatment following an illness or injury with the aim of assisting their return to better health and wellbeing. The centres are Castlebrae in Auchterarder, Perthshire and St Andrews in Harrogate, North Yorkshire.

Where an officer attends the Police Treatment Centres this should be granted as special leave. There will be no change in the status of absence nor sick pay arrangements while at the Treatment Centre. Officers attending the Police Treatment Centres will be paid at their normal rate of sick pay or salary, depending on that status.

#### Medical appointments - Dependent on circumstances

**Leave for the Purposes of Ante-natal Care** - An officer who is pregnant and who, on the advice of a registered medical practitioner, registered midwife or registered health visitor, has made an appointment to attend at any place for the purpose of receiving ante-natal care, has the right not to be unreasonably refused special leave from duty to enable her to keep the appointment.

This is paid leave. Prospective partners are able to take unpaid time off to attend up to two antenatal appointments.

**Fertility Treatment** - It is the intention of SPA/PSoS to ensure that individuals are fully supported when undergoing this procedure.

Paid leave up to five days may be granted for each cycle of treatment and for up to three cycles for both males and females undergoing fertility treatment. Reasonable paid leave may be granted for the purpose of supporting a partner who is undergoing fertility treatment.

#### Relocation leave - Up to three days’ paid leave if required to move by SPA/PSoS

Where an individual is redeployed, relocated, transferred or promoted to other duties whereby, in the opinion of SPA/PSoS, it is necessary for that person to move home, special leave should be granted. Leave required in connection with moving home in circumstances not covered above should be set against that individuals annual leave entitlement. Where leave entitlement is exhausted, unpaid leave may be granted.

Paid leave up to three days may be granted if required to move by SPA/PSoS.

#### Time off for sporting activities – One paid leave day per year

Provided the sporting facilities sought are to be used at a PSUK Final, PSUK(S) Final or other relevant high profile event.

SPRA representatives may make requests to participate in sporting events during their normal working hours. Whilst Police Scotland recognises and supports officer’s engagement in recreational activities, core operational service delivery remains our primary function and no abstraction due to the granting of recreational facilities can in any way detract from this objective.

Paid leave up to one day per annual leave year may be granted provided the sporting facilities sought are to be used at a PSUK Final, PSUK(S) Final or other relevant high profile event. Officers who wish to participate in other events may apply to use their own TOIL, RRRDs and annual leave.

#### Volunteer Reserve Forces training leave – A maximum of 10 paid leave days

Reservists are normally committed to between 30 and 40 days training each year comprised of weekday evenings, weekends and a maximum 15-day Annual Deployment Exercise.

Officers who are members of the VRF may be granted a maximum of 10 paid special leave days for training purposes, during each leave year. Beyond these entitlements, Reservists are responsible for arranging their own time off to facilitate their attendance at evening or weekend training. There is no automatic right for time off and approval (from Time off in Lieu (TOIL) or annual leave entitlement) or changes will be subject to exigencies of duty.

#### Other special leave - Dependent on circumstances

The list of special leave categories is intended as a guide and is not necessarily comprehensive. Requests for special leave for other reasons not detailed in the above categories can be submitted.

Leave may be granted with or without pay. We will consider each case individually, and your manager may liaise with People and Development to assist them.

Appendix C

Special Leave – Process Summary

STAGE 1

Discuss your request with your line manager.

Talk to your manager about your request. Tell them the reason that you need time off and discuss how this can be best accommodated.

STAGE 2

Submit your formal request (email or form).

If you have asked for paid special leave, confirm this in writing to your manager with an email. If it is for unpaid special leave, complete an Unpaid Special Leave Request Form (089-001) for staff or Form (089-001A) for officers, and give this to your manager.

STAGE 3

Consideration and communication of the outcome.

Your manager will let you know if your request is approved.

If you are a manager, you should let your team member know if you can approve their request. If paid leave is granted, remember to update SCoPE. Send completed Unpaid Leave Request Forms (089-001 or 089-001A) to People Direct to progress.

STAGE 4

Outcome.

Your leave will either be:

* approved
* rejected

If it is not possible to accommodate your request, your line manager will speak to you to discuss options for alternative dates.