



The Scottish Parliament
Pàrlamaid na h-Alba

Family Care leave Policy— Guidance for Managers and Staff

07 May 2019



GUIDANCE FOR MANAGERS AND STAFF

1. Does the SPCB have a legal obligation to consider and grant a request for Family Care Leave?

In relation to parents who are responsible for the care of children aged up to 5 years, disabled children aged up to eighteen and adoptive children up to the 5th anniversary of their placement for adoption, yes. This right to time off for caring responsibilities is referred to in statute as Parental Leave.

As good employment practice, however, the SPCB has expanded its provisions for such leave beyond statutory requirements to include carers of children aged over 5 and carers of adult relatives or near-relatives. Given the broadened scope of the policy provisions, Family Care Leave is considered a more appropriate term.

2. I am separated from my partner and no longer live with my children. Am I entitled to Family Care Leave?

Providing that you still have legal parental responsibility for the care of your children, you remain entitled to Family Care Leave.

3. Where Family Care Leave is for the purpose of caring for a child, can it only be accessed by one parent?

No. Both natural and adoptive mothers and fathers are eligible for Family Care Leave as an individual right.

4. My partner is also employed by the SPCB. Can I transfer some of my entitlement to Family Care Leave to him/her?

No. Family Care Leave is an individual right and may not be transferred from one member of staff to another. If personal circumstances are such that either you or your partner require more leave in order to manage caring responsibilities, then you may wish to consider applying for a Career Break.

5. I note that Family Care Leave must only be taken for the purpose of caring for the relevant child or adult. What does “care” mean in this context?

“Care” is widely defined in this context. It typically means looking after the welfare of the individual, making arrangements for the individual’s longer-term benefit and spending quality time with him or her. Family Care Leave could be used, for example, to:

- extend a period of Maternity, Adoption or Additional Paternity Leave;
- explore options for schooling or nursing care;
- personally provide nursing care and/or assist with mobility;
- provide emotional and practical support;
- settle the individual into new caring arrangements; or
- spend time with the individual during a period of hospitalisation.

6. Am I required to provide evidence of my caring responsibilities in order to access Family Care Leave?

No. The SPCB operates its Family Care provisions on the basis of trust. Any alleged abuse of that trust will be treated very seriously and may result in disciplinary action, up to and including dismissal, being taken.



7. Can I take Family Care Leave immediately after my period of Maternity, Adoption or Additional Paternity Leave?

Yes. You are asked to provide as much notice of your intention to do so as is practical to assist with management planning. In any case, you should comply with the notification procedure and timescales set out in the Family Care Leave policy. You should be aware that if you are taking Family Care Leave immediately following Maternity or Adoption Leave, your partner may not commence any period of Additional Paternity Leave until you have returned to work.

Family Care Leave is normally limited to four weeks in every year. Notwithstanding this, where Family Care Leave is requested to commence immediately following a period of Maternity, Adoption or Additional Paternity Leave, you may, at the discretion of your Head of Group/Office and subject to business needs, use your full Family Care entitlement of 18 weeks leave in a single block.

8. Under what circumstances might my request for Family Care Leave be postponed?

Family Care Leave may be postponed where the operational needs of the business would be unduly disrupted if you were to be absent at a particular period of time. Factors which may be taken into account in reaching a decision to postpone leave include your particular role responsibilities and the requirement at a particular point in time for your skills and knowledge, peak periods of work in your business area and the availability of other staff. Heads of Group/Office should consult their HR Representative for professional advice and guidance prior to taking a decision to postpone Family Care Leave.

The SPCB aims as far as practical to give leave when requested and it is anticipated that a decision to postpone Family Care Leave will only be taken if absolutely necessary.

9. What will happen if my Family Care Leave is postponed?

Your Head of Group/Office will discuss this with you in the first instance, normally within 7 working days of receiving your request for Family Care Leave. Revised dates will be discussed and agreed with you. Your Head of Group/Office will follow this discussion up in writing, clearly setting out the reasons for the postponement and confirming revised arrangements for your Family Care Leave.

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