

# Special Leave Scheme Policy and Procedure (Teachers and Associated Professionals) Version 1.1

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North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

# Contents

## [Version control](#)

### [1. Introduction](#)

#### [1.1. Overview](#)

#### [1.2. Definitions](#)

#### [1.3. Requesting special leave](#)

### [2. Statutory special leave](#)

#### [2.1. Antenatal care](#)

#### [2.2. Emergency care of dependants](#)

#### [2.3. Jury service](#)

#### [2.4. Parental bereavement](#)

#### [2.5. Parental leave](#)

#### [2.6. Public duties](#)

#### [2.7. Trade Union duties](#)

### [3. Non-statutory special leave](#)

#### [3.1. Community emergency services](#)

#### [3.2. Culturally diverse festivals/religious observance](#)

#### [3.3. Care of dependant](#)

#### [3.4. Fostering Friendly Leave](#)

#### [3.5. Election duties/Parliamentary candidates](#)

#### [3.6. Interviews](#)

#### [3.7. Marriage/civil partnership registration](#)

#### [3.8. Medical treatment \(except for antenatal appointments\)](#)

#### [3.9. Moving house](#)

#### [3.10. Police volunteering - Special Constables](#)

#### [3.11. Quarantine leave](#)

#### [3.12. Service in non-regular forces](#)

- [3.13. Time to train](#)
- [3.14. Voluntary services overseas](#)
- [3.15. Witness service](#)

[4. Other leave provisions](#)

- [4.1. Funeral/bereavement leave](#)
- [4.2. Pregnancy loss](#)
- [4.3. Domestic abuse](#)
- [4.4. Caring responsibilities](#)

[5. Recording of special leave requests](#)

[Appendix 1: Special leave at a glance](#)

[Appendix 2: Jury service process](#)

## Version control

Version number	Effective date	Details of last revision
1	22 May 2024	New Special Leave Scheme for Teachers
1.1	9 January 2025	Format changes for ease of reference and clarity in section 2.3 and appendix 1

**Equality Impact Assessment: 22 May 2024**

**Prepared by: HR Team**

# 1. Introduction

As an equal opportunities employer, North Ayrshire Council is committed to developing and applying employment policies which assist Teachers and Associated Professionals in carrying out their personal responsibilities without adversely affecting their attendance at work.

The council recognises that there are a number of circumstances which can arise where Teachers and Associated Professionals may need time off work through special leave where their role does not have access to other flexible working arrangements due to the in-building workstyle and front-facing nature of the job. Where Teachers and Associated Professionals are based within Council Headquarters and have access to flexible working, this document does not apply and the Special Leave Scheme for all other employees should be adhered to.

This policy and procedure complement the provisions already expressed in the SNCT Handbook in respect of special leave (Part 2 Section 9).

A hard copy of this and related documents is available from the school office or the HR Team ([HROperationsTeam@north-ayrshire.gov.uk](mailto:HROperationsTeam@north-ayrshire.gov.uk)).

## 1.1. Overview

1.1.1. The purpose of this policy and procedure is to ensure a fair and consistent approach to the granting of special leave across all North Ayrshire educational establishments. North Ayrshire Council already has several policies and procedures in place to support employees to balance the demands of working life, external commitments and family life, for example:

- Work-Life Balance
- Carers' Leave Scheme
- Bereavement Support Scheme
- HR Guide: Family Leave

In the above documents, please ignore reference to flexi/toil as this is not applicable to Teachers and Associated Professionals.

1.1.2. It is recognised that from time to time, employees' lives outside of work may necessitate some form of support from the council. Due consideration will therefore be given to allow employees access, where appropriate, to special leave and depending on the nature of the request, this may either be paid or unpaid leave. North Ayrshire Council employees' have annual leave entitlement, and it is intended that this leave should be used effectively when planning time off requirements, however it is recognised this is designated outside of term-time and therefore special leave provisions may be required from time to time during the academic session.

1.1.3. Special leave is a generic term for authorised absence from the workplace not covered by other arrangements such as annual leave or other policies which grant specific leave such as bereavement leave, carers' leave or

safe leave (Domestic Abuse Policy). Within the special leave scheme, there are three categories of leave:

- **statutory:** where the council is legally required by law to grant the time off
- **non-statutory:** where the council considers it is reasonable to grant requests under specific circumstances, however granting this is entirely at the council's discretion
- **non-statutory – other leave provisions:** whilst non-statutory, the council advises to grant requests under these circumstances

1.1.4. Within each academic year, up to **10 days** non-statutory special leave may be granted.

1.1.5. It is generally considered reasonable to grant five days paid and five days unpaid.

1.1.6. Please note that the use of the word 'days' has an element of ambiguity in it, in that it will not be strictly pro-rated to hours and could be determined as 'occasions'. The objective is for reasonable time off to be considered. This means that employees may receive less than 10 days or over 10 days depending on exceptional circumstances.

1.1.7. By providing an amount of non-statutory leave (10 days), this serves to give a clarity of expectation but should not be seen as an entitlement, as the granting of special leave is contingent upon the needs of the service. The Head Teacher has discretion to grant up to five days paid or up to five days unpaid leave and the reason for whether the leave is paid or unpaid should be noted on the Special Leave request form. In considering requests, Head Teachers are encouraged to review any prior requests submitted by the employee within that academic year and what they have granted in similar circumstances, to ensure a consistent application of the scheme.

1.1.8. Where special leave is not approved or is approved as unpaid leave, the Head Teacher should discuss the reason(s) for this with the employee. The reason(s) will also be recorded on the Special Leave request form and a copy provided to the employee.

1.1.9. Teachers who chose to work outside of the school during non-class contact time are not required to submit a Special Leave request for this.

## 1.2. Definitions

1.2.1. For the purpose of this policy, a **dependant** is defined as:

- a spouse/partner/registered civil partner
- a child
- a parent or a person who lives in the same household as the employee as a member of the family

1.2.2. For the purpose of caring responsibilities under The Carers (Scotland) Act 2016, a carer means if an employee provides (or intends to provide) care for another person, but **not**:

- if this is only because of that person's age (where they are under 18 years old), or
- if they are caring because they have a contract or as voluntary work

### 1.3. Requesting special leave

1.3.1. Where no alternative leave/hours are available to be used for non-statutory leave, employees must request special leave by completing a [Special Leave request form](#) and submitting this to their Head Teacher for approval. Where the special leave is unplanned, employees must notify their Head Teacher as soon as they are aware that they wish to request special leave as soon as possible. Teachers have a total of up to 10 days per academic year for non-statutory provisions. Statutory and other leave provisions are excluded from the 10 days.

1.3.2. When considering a request for non-statutory special leave, the needs of the council's services should always be given priority. However, requests should not unreasonably be refused, and Head Teachers should act fairly, compassionately and consistently at all times. Head Teachers can ask for supporting documentation/information in support of a Special Leave request, as appropriate.

1.3.3. If a request for special leave is refused, the Head Teacher will provide the reason for refusal in the appropriate section of the Special Leave request form.

1.3.4. If the request for special leave is refused or approved as unpaid leave, the Head Teacher should discuss the reason(s) for this with the employee prior to submitting the Special Leave request form for recording. The Head Teacher will also provide the employee with a copy of the completed form.

1.3.5. The Head Teacher must forward all Special Leave request forms to the Education Resources Team for recording in the HR information system.

1.3.6. If special leave is approved as unpaid, the Education Resources Team **must** also forward a copy of the form to the Payroll Team ([payroll@north-ayrshire.gov.uk](mailto:payroll@north-ayrshire.gov.uk)) to ensure an appropriate salary deduction. The deduction for any agreed special leave without pay is deducted at the annualised hourly rate of salary.

1.3.7. For employees in the pension scheme, periods of approved unpaid special leave are regarded as 'non-pensionable' service. No pension scheme contributions are deducted for any period of unpaid special leave and as a consequence, any earnings lost are not included in benefit calculations. There are no provisions to pay back contributions directly

relating to unpaid days, but there are [other options to increase pension benefits](#) that employees may want to consider following a prolonged period of unpaid leave.

## 2. Statutory special leave

Head Teachers are required by law to grant special leave for the categories outlined below.

### 2.1. Antenatal care

- 2.1.1. All pregnant women, regardless of their length of service, must be allowed reasonable time off **with pay** for antenatal care. This covers any appointment made on the advice of a doctor, midwife or health visitor and includes such things as relaxation classes and dental appointments. Further details can be found in the [Maternity Scheme for Teachers and Associated Professionals](#).
- 2.1.2. The spouse or partner of an expectant mother can also be granted time off to attend up to two antenatal appointments with the expectant mother **without pay**.

### 2.2. Emergency care of dependants

- 2.2.1. An employee is allowed to have a reasonable period of statutory unpaid time off to deal with an unexpected or sudden problem involving a dependant. The deduction for any unpaid special leave is deducted at the annualised hourly rate.
- 2.2.2. It is advised that non-statutory special leave for care of dependant is used in the above circumstances in the first instance. The non-statutory provision provides five days paid and five days unpaid. Further details can be found in [Section 3.3](#).

### 2.3. Jury service

- 2.3.1. An employee receiving a summons to serve on a jury will be granted special leave with pay to attend, subject to deduction of allowances to which the employee is entitled to receive under the Jurors' Allowance Regulations.
- 2.3.2. Employees are required to declare any allowances received via the court to their manager. Managers should request this information from any employee who has received paid time off for jury duty. Should an employee fail to advise the service of allowances received within one month of completing jury duty, the number of hours absent from work will be deducted from the employee's pay. [Appendix 2](#) provides an outline of the process.

2.3.3. Whilst entitled to paid special leave for jury service, employees are still required to apply for Jurors' Allowance within one month of completing jury service.

## 2.4. Parental bereavement

2.4.1. Statutory bereavement leave entitles eligible parents who have suffered the loss of a child under 18 or a still birth from 24 weeks pregnancy to two weeks paid statutory parental bereavement leave and statutory bereavement pay within 56 weeks of the death. Further details can be found in the [Bereavement Leave Scheme](#).

## 2.5. Parental leave

2.5.1. Parental leave is a statutory right provided to give parents of children including adopted children, the right to take a period of unpaid time off work to look after a child or make arrangements for the child's welfare. The Parental Leave Scheme is detailed in the [HR Guide: Family Leave](#). Shared Parental Leave is detailed in the Maternity Scheme for Teachers and Associated Professionals.

## 2.6. Public duties

2.6.1. Employees have a statutory right under the Employment Rights Act 1996 to reasonable time off for the performance of certain public duties. North Ayrshire Council will therefore grant up to 108 hours paid leave of absence (any more than this will be unpaid) to employees for public duties associated with their role as:

- a magistrate (also known as a justice of the peace)
- a local councillor
- a school governor
- a member of any statutory tribunal (for example an employment tribunal or Children's Panel)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland
- a member of the Environmental Agency or the Scottish Environment Protection Agency
- a member of the prison visiting committees (Scotland)
- a Trade Union member (for Trade Union duties)

## 2.7. Trade Union duties

2.7.1. Please refer to the [Facilities for Trade Union duties and activities Procedure for Teachers and Associated Professionals](#) for information on leave provisions for Trade Union duties.

### **3. Non-statutory special leave**

Any special leave approved under the following non-statutory categories is entirely at the Head Teacher's discretion and can be approved as paid or unpaid leave. The deduction for any agreed special leave without pay is deducted at the annualised hourly rate. Where employees are not able to arrange an appointment out with normal pupil contact time, non-statutory special leave may be granted subject to completion and authorisation of the Special Leave request form for the categories of leave outlined below.

#### **3.1. Community emergency services**

- 3.1.1. Teachers who have agreed with their Head Teacher that they can participate in community emergency services, for example retained firefighter/lifeboat crew, will be granted leave of absence with pay to attend emergencies which occur during working hours.

#### **3.2. Culturally diverse festivals/religious observance**

- 3.2.1. Teachers who wish to participate in culturally diverse communities, festivals or other activities may be granted special leave if such events fall within term-time.
- 3.2.2. All teachers, regardless of religious belief or non-belief, are required to work in accordance with their contract. However, a teacher may request flexible working arrangements to carry out acts of religious observance such as prayer. This may be daily or at certain times in the year. Head Teachers should consider such requests sensitively and should work on a case by case basis to reach agreement on achieving an acceptable outcome to the request for both parties.

#### **3.3. Care of dependant**

- 3.3.1. Teachers can apply for special leave if, as the principal carer of a dependant, they require time off to attend a clinical/medical appointment with a dependant or if the dependant becomes ill.
- 3.3.2. The provision provides five days paid and five days unpaid. In the case of serious illness of a dependant, the Head Teacher will have the discretion to grant special leave unpaid for up to a total of one year.

#### **3.4. Fostering Friendly Leave**

- 3.4.1. North Ayrshire Council recognises and values the contribution foster carers make to the lives of children and young people in care. To be eligible for fostering friendly leave, employees must satisfy the below eligibility criteria:

- are applying to become foster carer, or

- are approved foster carers and have a child in placement (or have had a child in placement for 75% of the previous 12 months) or are an approved kinship carer, and
- have three or more months continuous service

3.4.2. Where employees meet the above eligibility criteria, the below paid leave provisions are available on a pro-rata basis (in any rolling 12-month period) and should be requested via the Special Leave request form. In addition to the form, line managers may request supporting evidence/documents if appropriate:

- assessment and initial training prior to approval as a foster carer - up to a maximum of three days
- attendance at panel for approval - one day
- child review meetings, annual foster carer review meeting and training - up to five days

3.4.3. Where there is a long-term placement of a child/young person, employees can utilise any element of the Special Leave Scheme where time off is provided in relation to care of a dependant.

3.4.4. Our Work Life Balance Policy may also support employees on a long-term basis where flexible working is required.

3.4.5. Further information regarding adoption leave can be found in the [Adoption Scheme](#).

### **3.5. Election duties/Parliamentary candidates**

3.5.1. Special leave with pay may be granted to teachers to undertake election duties, subject to the needs of the service being met, and no replacement teacher being required.

3.5.2. Teachers who are standing as a parliamentary candidate or a parliamentary election agent will be eligible to unpaid special leave for up to four weeks at the time of the election. This shall be granted to employees who are candidates or election agents within North Ayrshire Council.

3.5.3. If the employee stands as a candidate at other council elections, they may be eligible to unpaid leave, on the day of the election.

3.5.4. In all cases, Head Teachers must take the needs of the school into account, before agreeing any special leave.

### **3.6. Interviews**

3.6.1. An employee attending a job interview may be granted a maximum of one day's special leave per interview with pay (up to a maximum of five interviews per academic session after which special leave would be

unpaid). If more than one day is required, an employee may be granted leave of absence without pay dependant on the circumstances.

### **3.7. Marriage/civil partnership registration**

3.7.1. A maximum of one day with pay may be granted for the attendance at a wedding/civil partnership. Where the leave is for an employee's own marriage/civil partnership registration, this is at the discretion of the Head of Service (Education), any other marriage/civil partnership registration will be at discretion of the Head Teacher.

### **3.8. Medical treatment (except for antenatal appointments)**

3.8.1. Optical, dental, orthopaedic, or other medical treatment for employees or their dependants should be arranged outside normal working hours. If this is not possible, Head Teachers must be reasonably satisfied that this is the case, prior to granting paid special leave for medical treatment.

3.8.2. If an employee requires a preventative examination or treatment, they may be granted reasonable paid special leave. Where an employee has a long-term health condition or a disability under the Equality Act 2010 that requires frequent medical treatment, additional special leave may be provided as a reasonable adjustment and to support their attendance at work.

3.8.3. The council will be supportive of any individual who requires time off for fertility treatment and they may be granted reasonable paid special leave. Should the employee require special leave for medical or other treatment in relation to fertility treatment, please contact the HR Team for guidance on this situation.

3.8.4. The council will be supportive of any employee who expresses an intention to undergo gender reassignment and will work with the employee to try and ensure as smooth a transition at work as possible. Should the employee require special leave for medical or other treatment in relation to gender reassignment, please contact HR Team for guidance on this situation.

### **3.9. Moving house**

3.9.1. There is an expectation teachers arrange to move house on a weekend or during school holidays. Where this is not possible, one day of special leave with pay may be granted.

### **3.10. Police volunteering - Special Constables**

3.10.1. Teachers who are successful in gaining a place on the Police Scotland Special Constable training programme can be provided with five days paid special leave (pro-rated for part-time employees) to support employees during the initial compulsory training and residential week at Police College. This allowance can only be used once.

3.10.2. Thereafter, on successful completion of initial training, Special Constables will receive up to five days paid special leave (pro-rated for part-time employees) per year to attend deployments or training which occur during normal working hours. Thereafter, any further volunteer hours must be completed during their own time.

### **3.11. Quarantine leave**

3.11.1. An employee who is prevented from attending their place of employment because of contact with a notifiable infectious disease shall advise the council immediately. Full pay will apply during the period of special leave, and this will not be reckoned against sickness absence entitlements.

### **3.12. Service in non-regular forces**

3.12.1. Teachers who are members of non-regular forces and attend annual training camp for a period of one week or more (but not exceeding 15 days) will be granted special leave with pay for the period the employee attends the training camp, subject to the deduction of service pay and allowances received for the special leave period. This leave allowance is per financial year.

3.12.2. Head Teachers should ensure employees submit evidence of their service pay and allowances to the Payroll Team ([payroll@north-ayrshire.gov.uk](mailto:payroll@north-ayrshire.gov.uk)) for the appropriate deduction to be made.

### **3.13. Time to train**

3.13.1. The Employment Development Policy is in place to encourage the ongoing development of all council employees. Employees authorised to study a course at university or college may be eligible to request periods of special leave, as outlined in North Ayrshire Council's External Development and Study Guidance. Please refer to the Employment Development Policy and guidance documents for more information.

### **3.14. Voluntary services overseas**

3.14.1. Teachers applying for voluntary service overseas with the Voluntary Service Overseas organisation may be granted special leave of absence without pay for a period of up to two years provided the employee has two years' continuous service with the council.

### **3.15. Witness service**

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

- where an employee as a professional witness, is required to provide evidence in the context of their employment with the council, special leave with pay, on the understanding that witness

fees received (excluding travelling and subsistence expenses) are paid to the council

- otherwise, special leave without pay, it being left to the employee to claim from the person citing them an allowance in respect of loss of remuneration.

3.15.2. Upon receipt of a citation and after having reported the fact to the Head Teacher, an employee should present the document to Payroll, where the individual's current daily or hourly rate of pay will be entered in the loss of earnings section and certified as correct by payroll.

## 4. Other leave provisions

Special leave requested for the reasons below should be considered for approval as they are incorporated within specific policies designed to minimise sickness absence.

### 4.1. Funeral/bereavement leave

4.1.1. Where the employee requests time off to attend the funeral of a close family member, Head Teachers have the discretion to provide up to one day paid special leave. This is in addition to the leave provided as part of the [Bereavement Support and Leave Scheme](#).

4.1.2. Where any employee requests time off for a funeral where it is not a close family relation, Head Teachers may grant up to 3.5 hours paid special leave to attend. In normal circumstances it is expected that, where possible, the employee will attend before/after the service, but this will depend on the actual time and location of the funeral.

4.1.3. The Bereavement Support and Leave Scheme can provide up to 10 days paid bereavement leave, further details can be found in the scheme.

### 4.2. Pregnancy loss

4.2.1. North Ayrshire Council is committed to supporting employees who have suffered pregnancy loss, further supports can be found within the [HR Guide: Pregnancy Loss](#).

### 4.3. Domestic abuse

4.3.1. A Teacher who is experiencing domestic violence may be granted up to 10 days paid Safe Leave through the [Domestic Abuse Policy](#). Please refer to this policy for further guidance.

### 4.4. Caring responsibilities

4.4.1. North Ayrshire Council is a Carer Positive Employer and has made a commitment to support employees who have caring responsibilities.

4.4.2. For short-term caring responsibilities, special leave can be requested that provides up to five working days paid and five days unpaid to meet caring responsibilities.

4.4.3. Long-term provisions of up to 12 weeks leave are available to request, further details can be found in the [Carers' Leave Scheme](#).

## **5. Recording of special leave requests**

5.1. All completed Special Leave request forms must be forwarded to the Education Resources Team for recording on the HR information system.

## Appendix 1: Special leave at a glance

Statutory (where the council is required by law to grant the time off)

Special leave category	Statutory	Provisions available	Paid/unpaid
Antenatal care	Statutory	All necessary treatments	All antenatal care is paid for the pregnant employee
Antenatal care (spouse/partner)	Statutory	Up to two appointments	Unpaid
Jury service	Statutory	For as long as required	Unpaid (reclaimed via Court and topped up with paid special leave)
Parental leave	Statutory	Up to four weeks per year – must be taken in blocks of a week	Unpaid
Public duties	Statutory	Up to 108 hours paid – any time over 108 hours unpaid	Paid (hours over 108 unpaid)
Trade Union duties	Statutory	Refer to Facilities for Trade Union duties and activities (Teachers)	Refer to Facilities for Trade Union duties and activities (Teachers)
Parental bereavement leave	Statutory	Up to two weeks	Paid at statutory rate or 90% of earnings (whichever is lower)

**Non-statutory (which is given entirely at the discretion of the council, up to 10 days in an academic year)**

Special leave	Statutory/non-statutory	Paid/unpaid	Entitlement
Bereavement leave	Non-statutory	Paid	Up to 10 days via Bereavement Leave Scheme
Caring responsibilities	Non-statutory	Paid/unpaid	Up to five days paid, up to five days unpaid
Carers Leave Scheme	Non-statutory	Unpaid	Longer term – up to 12 weeks unpaid
Care of dependant	Non-statutory	Paid/unpaid	Up to five days paid, up to five days unpaid
Fostering friendly leave	Non-statutory	Paid	Up to <b>three days</b> for assessment and initial training prior to approval, <b>one day</b> for attendance at panel for approval, up to <b>five days</b> for child review meetings and so on
Community Emergency Services	Non-statutory	Paid	When emergencies occur
Culturally diverse festivals/religious observance	Non-statutory	Unpaid	Up to five days

Special leave	Statutory/non-statutory	Paid/unpaid	Entitlement
Election duties	Non-statutory	Paid	As long as required
Funeral	Non-statutory	Paid	Up to <b>one day</b> – close relative, <b>3.5 hours</b> – not close relative (separate to Bereavement Leave)
Interviews	Non-statutory	Paid	Up to one day
Marriage/civil partnership registration	Non-statutory	Paid	One day
Medical treatment (except for antenatal appointments)	Non-statutory	Paid/unpaid	Up to five days paid, up to five days unpaid
Moving house	Non-statutory	Paid	One day
Parliamentary candidates	Non-statutory	Unpaid	Up to four weeks
Police volunteering	Non-statutory	Paid	Up to five days
Pregnancy loss	Non-statutory	Paid	Up to 10 days via HR Guide: Pregnancy Loss
Preventative medical treatment	Non-statutory	Paid/unpaid	Reasonable consideration for paid time to enable the employee to maintain attendance at work

<b>Special leave</b>	<b>Statutory/non-statutory</b>	<b>Paid/unpaid</b>	<b>Entitlement</b>
Quarantine leave	Non-statutory	Paid	As long as required
Safe Leave (Domestic Abuse)	Non-statutory	Paid	Up to 10 days via Domestic Abuse Policy
Service in non-regular forces (training camp)	Non-statutory	Paid	Not exceeding 15 days per financial year
Time to Train	Non-statutory	Paid	Days of examination
Voluntary services overseas	Non-statutory	Unpaid	For a period of up to two years
Witness service	Non-statutory	Professional witness paid/all other witnesses unpaid	For as long as required

## Appendix 2: Jury service process

It is important this process is followed to ensure that the courts pay for the employee's time at the statutory rate, but the employee is not at any time detriment due to paid Special Leave.

Employees may perceive that they have no need to claim to the court because they have received paid Special Leave, however this process ensures the council is not paying when the court should be.

Line managers should ensure an employee taking paid Special Leave for undertaking jury duty submits this claim form to Payroll via the line manager to ensure the employee is not paid Special Leave **and** by the courts.

### Step One: Employee

- receives citation
- completes Special Leave Request form and submits to the service for recording on LVE screen
- sends Payroll the Loss of Earnings form for completion

### Step Two: Service

- record the leave on Comprehensive Human Resource Integrated Solution (CHRIS)

### Step Three: Payroll

- complete the Loss of Earnings form providing the daily rate of pay and send back to the employee for submitting to the court following the jury duty

### Step Four: Employee

- attends jury duty
- submits Loss of Earnings form to the court once the jury duty is complete

### Step Five: Court

- process the claim and pay expenses to the employee

### Step Six – Employee

- sends their line manager notification of their claim

### Step Seven – Line manager

- send Payroll the claim from the court for the necessary deductions to be taken from the employee

## **Step Eight – Payroll**

- make the salary deductions based on the amount of expenses paid to the employee