

SPECIAL LEAVE POLICY (H9)

If you require a copy of this policy in an alternative format (for example large print, easy read) or would like any assistance in relation to the content of this policy, please contact the Equality and Diversity team on 01803 656680.

This is a controlled document. It should not be altered in any way without the express permission of the author or their representative. On receipt of a new version, please destroy all previous versions.

Date of Issue:	May 2016	Next Review Date:	Sept 2023
Version:	1.6	Last Review Date:	Sept 2021
Author:	People Hub		
Directorate:	People Directorate		
Approval Route: JCNC, LCNC, LNC			
Approved By:		Date Approved:	
JCNC/LCNC		Jan 2015	
JCNC		12 May 2016	
Links or overlaps with other policies:			
<i>Need to list all policies that are referred to, or have links to this policy.</i>			
Annual Leave			
Career Break			
Ordinary Parental Leave			

Amendment History

Issue	Status	Date	Reason for Change	Authorised
1.1	Approved	May 2016	Additional Section 15	JCNC
1.2	Approved	17 Jan 2019	General review and audit	HR Advisor
1.3	Approved	August 2020	New EAP provider	HR Advisor
1.4	Approved	January 2021	Removal of 12 month eligibility criteria and update of contact information	People Hub
1.5	Approved	July 2021	Update logo, wording around people hub / version date / contact details	People Hub
1.6	Approved	Sept 2021	Update around the wording on NHS Trust member to say NHS Governors	People Hub

Contents

1	Policy Statement.....	4
2	Purpose	4
3	Scope.....	4
4	Equality and Diversity Statement.....	4
5	Roles and Responsibilities	5
6	Eligibility	5
7	Procedure.....	6
8	Definition of Paid Leave	6
9	Review Procedure	6
10.	Emergency Leave for Family and Domestic Reasons.....	7
11.	Compassionate/Bereavement Leave	8
12.	Medical, Dental and Optical Care	8
13.	Public and Civic Duties.....	9
14.	Territorial Army and Training with the Reserve or Cadet Forces.....	10
15.	Requirement to attend Court or Statutory Proceedings on behalf of the Trust	11
16.	Training and Awareness	11
17.	Contact Details	11
18.	Monitoring, Audit and Review Procedures.....	11
19	Appendix 1 - Special Leave Application Form	12
20	Appendix 2 - Civic and Public Duties Application Form	13
21	Appendix 3 - Time off Request Form for Public and Civic Duties.....	14

1 Policy Statement

- 1.1 The Trust recognises that many employees combine their working life with the responsibility of raising a family, caring for dependents or elderly relatives and other domestic commitments. There will inevitably be occasions when urgent domestic, personal and family matters compete with work responsibilities. There will also be occasions when employees are required to participate in civic duties, e.g. jury service.
- 1.2 The Trust is committed to ensuring employee friendly employment practices are available to staff in order to enhance and pursue good employment practices and promote flexible working arrangements which enable the employee to make a full contribution to the Trust at different stages within their working lives.
- 1.3 The Trust recognises that a degree of flexibility is necessary to enable employees with particular needs and circumstances to make alternative arrangements in circumstances of urgent attention, i.e. domestic, personal and family matters.

2 Purpose

- 2.1 The purpose of this policy is to enable staff to have access to leave and working arrangements, which support them in balancing their work responsibilities with their personal commitments.
- 2.2 The policy is intended to aid managers when considering requests for special leave, providing a framework that should ensure fairness and consistency of approach across the Trust.
- 2.3 The policy will provide clear guidance on types of special leave and the employee's entitlements.

3 Scope

- 3.1 This policy applies to all staff employed by the Trust.

4 Equality and Diversity Statement

- 4.1 The Trusts are committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trusts will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.
- 4.2 The Trusts are committed to ensuring all services, policies, projects and strategies undergo equality analysis. For more information about equality analysis and Equality Impact Assessments please refer to the Equality Analysis Procedure (ex-SDHCT only).

5 Roles and Responsibilities

5.1 Managers are responsible for:

- Communicating the Special Leave Policy to staff and making them aware of their rights to such leave.
- Considering each request on an individual basis.
- Ensuring that the service does not become subject to any detriment as a result of leave taken. If this is the case appropriate measures must be taken.
- Maintaining and encouraging contact on an informal basis with the employee throughout the time taken for special leave.
- Ensuring the Special Leave Application Form is correct and placed on the individual's personal file. Copies of this must also be sent to ensuring that the processing of forms is carried out in a timely manner.
- Ensure compliance with this policy, providing fairness and consistency when making decisions.

5.2 Employees are responsible for:

- Making contact with their line manager as soon as possible in the case of requests for immediate leave.
- Completing the Special Leave Application Form.
- Making applications with honesty and integrity to respect the spirit in which this policy was developed.
- Keeping in touch with their line manager throughout a period of leave.

5.3 The People Hub is responsible for:

- Providing support and guidance for managers and employees in relation to this policy.
- Undertaking reviews and monitoring the policy.

5.4 Staff Side Representatives are responsible for:

- The provision of advice, support and representation to their members in relation to the application of this policy.
- Raising awareness of this policy to employees.

6 Eligibility

6.1 All employees, regardless of their length of service, shall be eligible to apply for special leave in the circumstances outlined within this policy (limited paid and/or unpaid).

6.2 Unpaid special leave can be requested only once the annual leave entitlement has been exhausted.

6.3 In the interest of consistency, when exercising their discretion in respect of special leave, managers are encouraged to discuss the circumstances of particular requests with the People Hub team.

7 Procedure

- 7.1 In applying this procedure, managers must take account of the particular needs and circumstances of each individual employee who requests consideration for Special Leave and ensure that as far as is reasonably practicable, they adopt a consistent and equitable approach.
- 7.2 Leave may be granted for any genuine and urgent reason associated with a dependent, compassionate or family issue, other than where leave is available for such a reason under an alternative Trust policy, e.g. adoption leave.
- 7.3 Employees should make arrangements to contact their manager as soon as possible after the emergency has occurred to advise them of their absence and to try and give an indication of how long they will be absent, in order for the manager to make the decision to authorise the leave.
- 7.4 A Special Leave Application form (Appendix 1) should then be completed (on the employee's return if necessary) to confirm these details. This should be authorised by the appropriate Manager and retained on the employee's personal file.
- 7.5 Approved paid/unpaid leave should be recorded on the monthly Staff Attendance Record or RosterPro/Allocate.
- 7.6 If an application is declined the applicant will receive a written explanation as to the reasons why.
- 7.7 Any leave taken without following the correct procedure and not authorized in principle by the manager, or their deputy, will be considered as unauthorised absence and may result in formal disciplinary action.

8 Definition of Paid Leave

- 8.1 For the purpose of this policy, paid leave is defined as the equivalent payment to that which would have applied had the employee been absent on annual leave.

9 Review Procedure

- 9.1 Decisions regarding special leave should be applied as consistently as possible. An employee who believes that an application for leave has been unreasonably refused has the opportunity to request a review against the decision using the following procedure.
- 9.2 A written letter of review must be submitted to the appropriate manager (at a level above the manager who made the original decision) within 14 calendar days of the letter confirming the refusal. The letter should detail the reasons why the employee believes the original decision was not appropriate.
- 9.3 The senior manager will review the original decision and assess whether or not the decision reached was appropriate in all the circumstances. The outcome of the review will be communicated in writing. The outcome of the senior manager's decision is final.

10. Emergency Leave for Family and Domestic Reasons

10.1 Principles

- Emergency leave is not a contractual entitlement.
- All applications for emergency leave should be considered sympathetically in the light of individual circumstances and the needs of the service.
- Emergency leave will not be granted in circumstances where it is considered reasonable for an employee to fulfil their non-work responsibilities in their own time.
- Emergency leave may be taken in full or part days but employees must obtain prior authorisation for each episode of absence.
- It is envisaged that employees will request annual leave for situations that can be foreseen or planned in advance.

10.2 **Emergency Leave Entitlement** - A maximum of one days paid leave at any one time, unless there are exceptional circumstances and no more than four days in any rolling 12 month period. The emergency leave allowance shall not affect employees' annual or sick leave entitlements.

10.3 If further leave is requested, consideration should be given to either using time in lieu, flexi-time annual or unpaid leave. Alternatively, short-term flexible working hours with the ability to make up lost time at a later stage may be considered to be more appropriate in some circumstances.

10.4 Emergency leave for family and domestic reasons does not affect employees' entitlement to parental leave (see Parental Leave Policy).

10.5 **Domestic Emergency Leave** - The occasional crisis is likely to be resolved within a matter of hours or days. However, these few hours or days may be particularly important to enable an employee to cope with sudden difficulties e.g. serious domestic emergency/crises, which must be resolved immediately.

10.6 **Carers Emergency Leave** - Carers are people who have the responsibility of looking after close relatives, partners or children who directly depend on the member of staff for support. An employee can take time off to organise long-term care arrangements, or to deal with an unexpected disruptions or breakdown of normal care arrangements.

10.7 **Long Term Carer Commitments** - If it is envisaged that protracted leave is required, consideration should be given where practicable, granting annual leave, granting unpaid leave (if no annual leave remaining), and flexibility in working arrangements or temporary redeployment to more appropriate employment, if available. For example, leave to deal with the sudden onset of disability, exacerbation of chronic illness or terminal illness. Where the needs of the individual are not met by these arrangements, consideration should be given to the Career Break Scheme (see Career Break Policy).

10.8 Prior to reaching the decision whether to grant leave of this nature, the manager should consult with the People Hub team.

10.9 **Support for Carers** - The Trust recognises that employees have responsibilities outside of work, to themselves and others. During periods of crises employees with caring responsibilities may arrange through their line manager to make telephone calls home during work time to check that all is well.

10.10 Carers who need short term support can contact the counselling service through the Employee Assistance Programme on 0800 031 4674, or for further information go to <https://tsdft.optimise.health/>

11. Compassionate/Bereavement Leave

11.1 Special paid leave may be granted in the event of traumatic circumstances and/or bereavement. Individual cases should be discussed, at the time, with the manager and consideration given to the closeness of the employee's relationship with the deceased, in real terms – not merely by reference to blood ties.

11.2 Managers may grant up to three days paid compassionate/bereavement leave this is inclusive of one days paid leave to attend the funeral. This may be increased to a maximum of six days in the following circumstances:

- The employee is appointed executor/executrix, or is responsible for the administrative or funeral arrangements.
- The availability of other relatives/friends, particularly those more able to assist in the necessary arrangements.
- If long distance travel is involved to attend the funeral.
- Where an individual requires over six days paid leave use of annual leave or unpaid leave should be considered by the line manager.

11.3 Entitlement to leave is conditional on the individual remaining in contact with their manager. Staff must provide an address and telephone number where they may be contacted, if not their home address.

12. Medical, Dental and Optical Care

12.1 Routine Appointments

There is no right to paid time off to attend planned doctor, dentist or hospital appointments.

12.2 By the virtue of the wide variety of working arrangements within the Trust, most employees have the opportunity to book routine medical, dental and screening appointments out of work time to minimise any disruption to the service.

12.3 In circumstances where the employee does not enjoy such opportunities, employees may, at the discretion of the manager, be allowed to make up the time at a later date or use annual leave to cover the absence. Cases will be treated individually and can be influenced by elements like the amount of appointments already taken. However, management of this issue is at the discretion of the manager and it may be appropriate to develop local arrangements to ensure consistency.

12.4 Unlike appointments with the doctor or dentist, it is recognised that staff have less control over arrangements for routine hospital appointments. Provided sufficient notice is given, leave to attend such appointments will be granted during working hours on application to the appropriate manager.

12.5 **Emergency Appointments**

The Trust appreciates that staff may have urgent medical or dental problems on occasion, which may require time off during working hours to attend the surgery with minimal notice. Paid time off will be granted in these circumstances, on the understanding that permission must be obtained from an appropriate manager before the employee leaves the workplace to attend the medical or dental surgery for urgent treatment.

13. **Public and Civic Duties**

13.1 The Trust recognises that it has a civic responsibility to allow employees to take on public and civic duties, attend jury service or to be part of the volunteer reserve forces. The Trust accepts and wishes to support, wherever possible, the granting of paid leave to undertake such duties.

13.2 This section provides guidelines for such employees and their managers and applies to all categories of employees. It is also intended to cover activities such as acting as a Justice of the Peace or a Local Authority Councillor.

13.3 This policy is not intended to restrict involvement in public duties nevertheless; the Trust's priority must be to use its resources in the most effective way in order to provide the best possible patient care.

13.4 The employee will receive normal full pay for all agreed periods of absence taken under this policy (unless otherwise specifically stated as being unpaid leave). If, in the course of such duties, the employee receives payment other than for travel and subsistence, they must declare the payment to their line manager and agree to its deduction from their salary.

13.5 There are a number of essential civic and public duties, which employees may wish to undertake or that are required by legislation. Employees have a legal right to reasonable time off to attend any public duties. This legal right applies to employees who are:

- Justices of the Peace
- Members of a Local Authority
- Governors of NHS Trust, Members of a Police Authority
- Members of any Statutory Tribunal
- Members of School Council or Board or the Board of Management of a self-governing school or college.
- Members of Prison Visiting Committees

13.6 **Approval to Undertake Public and Civic Duties** - Employees should seek their manager's approval *prior* to an application for public office being made. The employee should complete the Civic & Public Duties Application Form (Appendix 2) documenting times/dates where possible, providing documentary evidence that may be required and identifying any payments made in respect of these duties that are paid (or may be claimed) in lieu of earnings.

13.7 When deciding whether to approve paid leave the following will be taken into consideration:

- How much time off is required overall to perform the duties?
- How much time off is required to perform the particular duty in question?
- How much time off the employee has already been permitted for this purpose?
- The current needs of the service and the impact on the Trust's ability to provide that service in the employee's absence.

13.8 **Procedure for Applying for Paid Leave in respect of Public Duties** (as listed in 13.5) In order that the needs of the service are met, staff are required to:

- Identify the predictable element of their schedule of duties as early as possible to allow these to be booked as special leave.
- Inform their manager, where possible, at least two weeks in advance of any application for special leave completing the Request Form Appendix 2.
- Where attendance is required at meetings or hearings that have not already been approved by their manager, the member of staff should seek authorisation immediately.
- Unless authorisation has been given, members of staff will not be entitled to the time off work paid or otherwise.
- Staff should discuss with their manager arrangements for returning to work when meeting/hearings have been cancelled or finished early.

13.9 **Entitlement** - Employees holding public office will be entitled to five days paid leave per year, pro rata for part time staff. Clinical staff should endeavor to use non-clinical time, where possible. In circumstances where an employee is elected to more than one public office then they are expected to work within the maximum of five days paid leave. The Time Off for Civic & Public Duties form (Appendix 3) should be completed. Where an employee has exhausted their five days paid leave entitlement consideration should be given to the use of annual or unpaid leave.

Civic/Public Duty	Duties that would attract 5 days paid leave per Year (pro rata)
To serve as Justice of the Peace	Paid leave to attend sittings.
Member of Local Authority	Paid leave to attend meetings and associated duties only.
Governor of NHS Trust	Paid leave to attend meetings and associated duties only.
Member of Statutory Tribunal	Paid leave to attend sittings.
Member of the Governing body of any school/educational establishment	Paid leave to attend meetings and associated duties only.

14. Territorial Army and Training with the Reserve or Cadet Forces

- 14.1 Job applicants are required to specify details of any commitments to the Reserve Forces on the job application form.
- 14.2 Existing employees must seek the written consent of their immediate manager to stand or volunteer for a position with the Reserve Forces.
- 14.3 Employees who have obtained written consent will be entitled to one week’s additional paid leave for attendance at annual camp. The second week at camp will count as special leave without pay alternatively annual leave may be taken.

14.4 If further leave for short periods of training is required, where possible, off duty periods may be rearranged to accommodate this requirement but must be subject to service needs. Only in exceptional circumstances and if off duty cannot be rearranged, will additional special leave without pay be granted.

15. Requirement to attend Court or Statutory Proceedings on behalf of the Trust

15.1 The Trust recognises that there will be some occasions where a member of staff may be required to attend court or other statutory proceedings to give evidence that relates directly to their employment with the Trust, e.g. staff providing professional evidence in court or required to attend a professional hearing (NMC/GMC) etc.

15.2 Where staff are attending on behalf of the Trust they should receive payment for this attendance based on their substantive banding and incremental point.

15.3 If, in the course of such duties, the employee receives payment other than for travel and subsistence, they must declare the payment to their line manager and agree to its deduction from their salary.

16. Training and Awareness

16.1 Advice and support will be provided by the People Hub team to support staff and managers in adhering to this policy and their understanding of dealing with special leave requests.

16.2 The People Hub team will raise awareness of this policy through the publication of information on ICON and to advise staff of changes to the policy through the staff bulletin and ratification processes.

17. Contact Details

17.1 Any queries regarding this policy should be directed to the People Hub team within the People Directorate.

- People Hub Advice Line – 01803 655754 (ext. 55754) or tsdft.humanresources@nhs.net

18. Monitoring, Audit and Review Procedures

18.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the the People Directorate unless legislative changes determine otherwise.

19 Appendix 1 - Special Leave Application Form

SECTION A: To be completed by employee					
Name: (In CAPITALS)					
Job Title:					
Department:					
Reason for Request (and tick appropriate box):					
Start Date:		End Date:			
TYPE OF LEAVE			TICK	PAYROLL CODE	
Emergency				FX	
Bereavement				FD	
Medical/Dental/Optical				MD	
Other paid (state)				AF	
Unpaid leave				AG	
Reserve/Cadet Forces				PF	
Jury Service				PA	
Witness at Court				PB	
Magisterial/Local Government/Parliamentary Candidate				PC	
Employee's Signature:			Date:		
SECTION B: To be completed by the Manager					
<i>Please ensure that:</i>					
<ul style="list-style-type: none"> • This form is dealt with in a confidential and sensitive manner. • Leave granted does not exceed the maximum in policy (in the event of exceeding consider granting annual or unpaid leave). • Paid special leave is only granted to employees who met the eligibility criteria. • The employee's RosterPro/Allocate record/attendance sheet is completed with the appropriate payroll code – see codes above. 					
Special Leave Granted:		YES <input type="checkbox"/>		NO <input type="checkbox"/>	
PAID <input type="checkbox"/>	HRS	DAYS	UNPAID <input type="checkbox"/>	HRS	DAYS
If the request is refused detail the reason for the refusal:					
Manager's Signature:			Date:		
Manager's Name (CAPITALS):					

One copy of this form should be returned to employee
 Second copy placed on the individual's personal file

20 Appendix 2 - Civic and Public Duties Application Form

To seek approval from the Trust for time off due to a position in public office.

SECTION A: To be completed by employee						
Name: (In CAPITALS)						
Job Title:						
Department:						
Type of Public & Civic Duty:						
Brief Description of the duties:						
Start Date:				End Date:		
Payment(s) made in respect of these duties:						
Benefits to the Trust in approving the application:						
How may this affect the Trust's ability to provide the service and how may this be addressed?						
Employee's Signature:					Date:	
SECTION B: To be completed by the Manager						
<p><i>Please ensure that:</i></p> <ul style="list-style-type: none"> <i>That this form is dealt with in a confidential and sensitive manner</i> <i>That consideration is given to the needs of the service.</i> <i>That agreement is put in writing to the employee stating the parameters upon which the application is agreed.</i> <i>That the employee completes the time off request for public duties (appendix 4)</i> <i>That the attendance sheet is completed indicating time off with/without pay for Pubic & Civic duties.</i> 						
Special Leave Granted:		YES <input type="checkbox"/>			NO <input type="checkbox"/>	
PAID <input type="checkbox"/>	HRS	DAYS	UNPAID <input type="checkbox"/>	HRS	DAYS	
If the request is refused detail the reason for the refusal:						
Manager's Signature:					Date:	
Manager's Name (CAPITALS):						

*One copy of this form should be returned to employee
Second copy placed on the individual's personal file*

21 Appendix 3 - Time off Request Form for Public and Civic Duties

DATE	TIME SPENT ABSENT FROM WORK (Including Travel Time)	TYPE OF ACTIVITY e.g. meeting/hearing	AUTHORISED	DATE