

# SPECIAL LEAVE POLICY

**Author(s):** HR Business Partners

**Executive Lead:** Director of Workforce Transformation

**Status:** Approval date: May 2019

Ratified by: Trust Executive Committee

Review date: May 2022

Patients first • Personal responsibility • Passion for excellence • Pride in our team

Volume 2 Employment & Occ. Health	Section 1 Employment	First Ratified May 2019	Next Review May 2022	Issue 1	Page 1 of 15
---	-------------------------	----------------------------	-------------------------	---------	--------------

## History

Issue	Date Issued	Brief Summary of Change	Approved by
1	May 2019	Separation from Work Life Balance Policy to create new policy and General Review of Policy	TEC

For more information on the status of this document, please contact:	HR Business Partners & HR Advisors
Policy Author	HR Business Partners & HR Advisors
Date of issue	May 2019
Review due	May 2022
Ratified by	Trust Executive Committee
Audience	All staff

## ASHFORD & ST PETER'S HOSPITALS NHS TRUST

<b>SPECIAL LEAVE POLICY</b>
-----------------------------

	<b>Contents</b>	<b>Page</b>
1	<b>Aim and Purpose</b>	4
2	<b>Scope</b>	4
3	<b>Duties &amp; Responsibilities</b>	5
4	<b>Requesting Special Leave</b>	5
5	<b>Types of Special Leave</b>	6
	Emergency Domestic Leave	6
	Bereavement Leave	6
	Parental Leave	7
	Care of Terminally Ill Dependents	8
	Medical Appointments	8
	Civil or Public Duties	8
	Jury Service	9
	Attendance at Hearings/Court	9
	Volunteer Reserve Forces	9
	Attendance at Interviews	10
	Time off following contact with a notifiable disease	10
	Trade Union Duties	10
	Disruption to Travel	10
6	Discrimination and less favourable treatment	11
7	Record Keeping	11
8	Dissemination and Implementation	11
9	Process for Monitoring Compliance	11
10	Equality Impact Assessment	11
11	Archiving Arrangements	11
	Bibliography	11
 <b>Appendices</b>		
1	Parental Leave Request Form	13
2	Equality Impact Assessment	14

## 1. AIM AND PURPOSE

1.1. This policy forms a part of Ashford & St Peter's Hospitals NHS Foundation Trust (ASPH) people strategy to being a great place to work and be a patient, where we listen, empower and value everyone.

1.2. The Trust is committed to being an employer of choice, offering modern employment practices which support staff to balance their home and work life. Employees therefore may wish to read the following policies in conjunction:

- Flexible working policy
- Annual leave policy
- Career break policy
- Buying and Selling annual leave scheme

1.3. As part of its commitment to improving the working lives of its staff, ASPH recognises the need to support requirements for additional leave where reasonable and can be accommodated in line with service need, understanding that this can benefit both the organisation and its staff in a range of ways:

- Allowing recruitment and retention of valuable skills and experience
- Promotion of equality of opportunity
- Improving staff morale and productivity
- Enabling employees to manage their work and outside commitments and/or interests
- Assisting and reducing anxiety and stress amongst the workforce
- Enabling the Trust to become an employer of choice

1.4. The opportunity to find the right balance between home and work is often a critical factor for employees in deciding whether or not to move to a different organisation. Unsatisfactory employee work-life balance may have a number of negative consequences for the organisation and the individual including:

- Ill health;
- Low morale;
- Lack of commitment;
- Poor quality work;
- Absenteeism; and
- High staff turnover

1.5. The Trust recognises the need to address these negative factors by supporting staff to access leave arrangements which support them in balancing their work responsibilities with personal commitments.

1.6. The aim of this policy is to ensure that all requests for special leave are dealt with consistently and fairly in relation to balancing work and personal responsibilities.

## 2. SCOPE

2.1. This policy applies to all Trust employees, who can make special leave requests in line with the process set out in this policy.

Volume 2 Employment & Occ. Health	Section 1 Employment	First Ratified May 2019	Next Review May 2022	Issue 1	Page 4 of 15
---	-------------------------	----------------------------	-------------------------	---------	--------------

**2.2.** Each request for special leave will be considered on its own merit, irrespective of gender, race or ethnic background, religion, belief, marital status, sexuality, disability, age or other legally protected characteristics.

### **3. DUTIES AND RESPONSIBILITIES**

#### **3.1. Managers**

- 3.2.1 Have a duty to seriously consider all special leave requests and to deal with requests in a reasonable manner and in line with the Trust obligations set out under this policy.
- 3.2.2 Have a duty to provide a written response to all requests made in accordance with this policy.
- 3.2.3 Must record any special leave taken/granted on ESR/Healthroster/CRMS
- 3.2.4 In considering the request managers have a duty to not discriminate unlawfully against the staff member.
- 3.2.5 To monitor and review the use of individual's special leave

#### **3.2. Employees**

- 3.3.1 Have a duty to familiarise themselves with this policy.
- 3.3.2 Give appropriate notice wherever possible for requests for special leave.
- 3.3.3 Attend meetings as requested by their manager to discuss their request.

#### **3.3. Human Resources**

- 3.3.1. To provide professional, impartial advice and support to both managers and employees when dealing with matters covered by this policy
- 3.3.2. To provide consistent advice to managers and employees on the application of this policy
- 3.3.3. To publicise the policy to ensure that all staff are aware of the entitlement and process to request special leave.

### **4 REQUESTING SPECIAL LEAVE**

**4.1** Employees must contact their line manager with as much notice as possible when requesting any type of special leave.

**4.2** Where leave is taken at short notice, such as emergency domestic leave, the line manager should have a return to work meeting with the employee following their absence. It is at this meeting a decision will be made as to the granting of special leave and recorded on ESR/Health Roster/CRMS as appropriate.

**4.3** Requests for planned parental leave must be done in advance by using the appropriate form in appendix 1.

Volume 2 Employment & Occ. Health	Section 1 Employment	First Ratified May 2019	Next Review May 2022	Issue 1	Page 5 of 15
---	-------------------------	----------------------------	-------------------------	---------	--------------

- 4.4** The use of special leave will be monitored and regularly reviewed by the line manager with consideration to the number of applications submitted and any potential abuse.
- 4.5** Special leave is based on a rolling 12 month period, triggered by the first month of when special leave is taken, not a calendar or annual leave period.
- 4.6** Paid leave is not a contractual requirement. Managers should consider each request on an individual basis and considered sympathetically in light of the individual circumstances and needs of the service. Advice is always available from the HR Advisor and HR Business Partner. Managers should be aware of the additional options available alongside special leave and should the need for special leave be longer than is stated, employees may wish to consider:

- Use of annual leave
- Time off in Lieu
- Requesting a period of parental leave
- Requesting a period of unpaid leave
- Requesting a flexible working arrangement (please refer to Flexible Working Policy)
- Requesting a Career Break (please refer to Career Break Policy)

## 5 TYPES OF SPECIAL LEAVE

### 5.1 Emergency domestic leave

5.1.1 Special leave could be used to enable employees to manage either **urgent** or **unforeseen** personal situations including:

- Breakdown of normal care arrangements for dependents
- Unexpected or sudden emergencies involving a dependent of the employee
- Serious domestic situations such as flooding, fire, burglary or any situation that pose a risk to the employee's home.
- Illness of a child or other dependents

5.1.2 In these instances, **up to 3 days** paid leave (pro rata for part time staff) may be granted to enable the employee to manage such situations in the short term and a total of **6 days** (pro rata for part time staff) paid leave may be taken in the rolling year. Only in exceptional circumstances, with the agreement of the Line Manager, will the 3 days be extended. A principle of employees only taking the time necessary to resolve the problem should be applied. This leave should be granted in 1 day blocks, but can be extended in exceptional circumstances.

5.1.3 It is not expected that such leave arrangements will be a regular occurrence. This type of leave is designed for unpredictable times i.e. time to deal with the immediate emergency. This leave should not be applied to planned appointments.

### 5.2 Bereavement Leave

5.2.1 Bereavement leave will be granted in the event of the death of a partner, close relative or someone with whom the employee has a close relationship. Up to 2 weeks paid leave (pro rata for part time staff) may be granted taking into account individual circumstances such as:

- Closeness of the relationship
- Responsibility for funeral arrangements

Volume 2 Employment & Occ. Health	Section 1 Employment	First Ratified May 2019	Next Review May 2022	Issue 1	Page 6 of 15
---	-------------------------	----------------------------	-------------------------	---------	--------------

- 5.2.2 Employees will be entitled to 2 weeks paid leave following the death of a child under the age of 18, or suffer a stillbirth after 24 weeks of pregnancy
- 5.2.3 The Trust naturally recognises that experience of bereavement will be a particularly difficult time and the manager should ensure that staff members are made aware of the support available to them from the Trust Employee Assistance Programme (EAP) and Occupational Health (OH) department.
- 5.2.4 The amount of bereavement leave authorised should not be lessened simply because a member of staff is unable to attend an overseas funeral.
- 5.2.5 In addition managers may use their discretion to grant unpaid leave or annual leave if additional time is needed.

### 5.3 PARENTAL LEAVE

- 5.3.1 To be eligible for Parental leave you must have nominated caring responsibility for a child under the age of 18
- 5.3.2 Parents have an entitlement to 18 weeks unpaid leave for each child
- 5.3.3 Taking of Parental Leave:
  - Leave should be taken in blocks of one week or more, subject to a maximum of 4 weeks in one year.
  - Parental leave should be taken before the child reaches the age of 18
  - Parental leave can be added to periods of new parent, maternity or adoption leave.
- 5.3.4 Periods of parental leave will be counted as continuous service
- 5.3.5 The employee will continue to accrue annual leave during periods of unpaid parental leave

#### Requests for Parental Leave

- 5.3.6 The member of staff is required to give notice of at least 4 weeks or twice the length of the leave, whichever is greater.
- 5.3.7 The member of staff needs to complete the Parental Leave request form (*Appendix 1*) and give it to their manager. The employee may be required to provide evidence that they have a child under the age of 18 when requesting parental leave.
- 5.3.8 The manager will then make a decision whether or not to grant parental leave.
- 5.3.9 The manager should inform the employee of their decision within 10 days of receiving the request, whether this is to approve or not approve.
- 5.3.10 In exceptional circumstances, depending on the needs of the service, the Trust may decide to postpone the taking of leave and should give written reasons.
- 5.3.11 It is good practice for managers to agree how they will keep in touch with the employee during parental leave and this should be noted on the parental leave request form.
- 5.3.12 Parental Leave must be recorded on ESR or Healthroster. An employee's record can be checked for accumulated total parental leave taken with this Trust. The Trust will ask new

Volume 2 Employment & Occ. Health	Section 1 Employment	First Ratified May 2019	Next Review May 2022	Issue 1	Page 7 of 15
---	-------------------------	----------------------------	-------------------------	---------	--------------

employees to declare parental leave taken with previous employers and will verify this with previous NHS employers.

- 5.3.13 The manager should forward the Parental Leave request form to Human Resources to be put in the employee's personnel file.
- 5.3.14 If a member of staff feels that their application has not been fairly considered by their manager, they have a right to appeal to the next level of management. Any Appeal should be received within 7 days of the decision date to decline the request. A staff member's appeal should be considered and responded to within 7 days of the appeal being submitted in writing.
- 5.3.15 Copies of applications and outcomes should be forwarded to the Workforce and Organisational Development Department for filing in personal files.

#### **5.4 Care of Terminally Ill Dependents**

- 5.4.1 Employees may be granted reasonable time off to provide care for and/or support a dependent who is terminally ill.
- 5.4.2 Employees may be granted up to 2 weeks paid leave (pro rata for part time staff). This can be taken as whole week blocks or days and can be extended with the agreement of the line manager with the use of unpaid leave or annual leave.
- 5.4.3 Flexible working could also be considered. Requests should be made initially to the line manager who must refer all such cases to HR Advisor for consideration and advice. Medical evidence may be requested to support the request.

#### **5.5 Time off for Medical Appointments**

- 5.5.1 For ante/post-natal, pre/post adoption, fertility appointments please see the Maternity, New Parent, Adoption, Parental and Fertility Treatment Leave Policy.
- 5.5.2 For medical appointments please see the Sickness Absence Policy

#### **5.6 Civil or Public Duties**

- 5.6.1 Reasonable special paid leave and/or time off will be granted to employees who are required to be absent from work in order to perform the following types of civil and public duties:
- Membership of an NHS body, local authority, police authority, statutory tribunal, prison visiting board/committee, governing body of an educational establishment or the Environment Agency
  - Magisterial duties or Local Government activities as an elected representative
- 5.6.2 While every effort will be made to accommodate staff undertaking public duties, the amount of paid time off which will be granted will need to be reasonable taking into account:
- How much time off is required overall to perform the duties and 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 needs of the service and the effects of the individual's absences

Volume 2 Employment & Occ. Health	Section 1 Employment	First Ratified May 2019	Next Review May 2022	Issue 1	Page 8 of 15
---	-------------------------	----------------------------	-------------------------	---------	--------------

- 5.6.3 If the amount of time off needed exceeds what is reasonable then unpaid leave may be granted.

## 5.7 Jury Service

- 5.7.1 Paid leave must be granted to enable employees to attend jury service. Loss of earnings and fees should not be claimed by the employee as paid leave has been granted however travel and subsistence can be claimed from the Court.
- 5.7.2 The employee must inform the manager as soon as possible that they have been called for Jury Service, the date it commences and the possible length of time needed off. The employee needs to provide their manager a copy of the Confirmation of Jury Service letter.
- 5.7.3 If an employee is not needed for the full length of time detailed in the letter then they must inform their manager and return to work.
- 5.7.4 In exceptional circumstances the Trust may support an application for deferral or excusal from Jury service.
- 5.7.5 If a member of staff is called for Jury Service from overseas then annual leave or unpaid leave should be considered.

## 5.8 Attendance at Court/Hearings

- 5.8.1 Paid leave will be granted to employees if the Trust is supporting the individual to attend a hearing as below:
- To attend court as a witness
  - To attend a Trust related Employment Tribunal as a witness
  - To attend a disciplinary/grievance/appeal hearing as a witness
- 5.8.2 Reasonable unpaid leave or annual leave may be granted for the following:
- To attend court as the accused
  - To attend court as a defendant
  - For family law cases

## 5.9 Volunteer Reserve Forces

### (a) Training

- 5.9.1 Members of the Volunteer Reserve Forces (VRF) have a commitment to training once or twice a week and on 30 other days through the year, made up of weekends and a 15-day continuous training period.
- 5.9.2 The Trust is committed to granting paid leave of 10 days (pro rata) per year to reservists specifically to enable them to attend their annual camp.
- 5.9.3 Reservists must submit all requests for leave to their line manager with as much notice as possible and must provide evidence of training requirements.
- 5.9.4 Line managers must aim to facilitate work rosters to allow attendance at annual camp and other training commitments subject to the exigencies of the service.

### (b) Mobilisation

Volume 2 Employment & Occ. Health	Section 1 Employment	First Ratified May 2019	Next Review May 2022	Issue 1	Page 9 of 15
---	-------------------------	----------------------------	-------------------------	---------	--------------

- 5.9.5 If a Volunteer Reservist seeks voluntary mobilization the manager has to give consent before it can take place. While there is no legal obligation to release the reservist, managers should facilitate this wherever possible within the needs of the service.
- 5.9.6 In the case of compulsory mobilisation, employers have no statutory warning period prior to an issue for mobilisation. However, the Services aim to provide both the employer and the volunteer reservist with at least 3 week's warning of the date they are required to report for mobilisation. A manager has the right to seek exemption from, or deferral of, mobilisation if the employee's absence will cause serious harm to the service.
- 5.9.7 The situation is different for High Readiness Reserves (HRR) and Civil Contingency Reaction Forces (CCRF). The High Readiness Reserves are a special category of volunteer reservist, who should normally be available to report for service at a minimum of 7 days' notice. An employee is required to obtain the manager's written consent to hold HRR status. This consent is renewed annually.
- 5.9.8 Any absence due to mobilisation is unpaid. Managers have the right to apply to the Ministry of Defence (MOD) for financial assistance when a Volunteer Reservist has been compulsorily or voluntarily mobilised. Awards can be made to cover expenses incurred in recruiting a temporary replacement, ongoing administration and any retraining necessary when the Volunteer Reservist is demobilised. An additional hardship award is also available.
- 5.9.9 An employee cannot be dismissed because of their liability for mobilisation, or because they have been mobilised. Managers are obliged to re-employ the Volunteer Reservist after the end of their tour of duty to their existing or an equivalent post. This depends on the Volunteer Reservist applying for reinstatement in due time.
- 5.9.10 The reservist will be on special unpaid leave until his/her return to work. Annual leave entitlement will not accrue during unpaid leave. The period of special leave will count towards incremental credit and other terms and conditions linked to length of service.

## 5.10 Attendance at Interviews

Paid leave for attendance at NHS interviews will only be granted in situations where the staff member is formally at risk of redundancy. In all other situations, paid leave will **not** be granted for interviews, however it is for the individual and manager to agree what leave may be taken, e.g. annual leave, TOIL.

## 5.11 Time off following contact with Notifiable Disease

Following contact with a notifiable disease, staff and their managers should seek advice from the Occupational Health Department. If the employee is required to take time off, this will be granted as paid special leave.

## 5.12 Trade Union Duties

An employee who is an official of a Trade Union recognised by the Trust will be allowed reasonable time off with pay during working hours to carry out union duties. For further information please refer to the trust Partnership & Recognition Agreement.

## 5.13 Disruption to Travel

- 5.13.1 It is the duty of each employee to make their own arrangements to work. It is recognised that there will be occasions when employees experience severe difficulties in getting to work due

Volume 2 Employment & Occ. Health	Section 1 Employment	First Ratified May 2019	Next Review May 2022	Issue 1	Page 10 of 15
---	-------------------------	----------------------------	-------------------------	---------	---------------

to inclement weather or severe travel disruption (such as fuel crisis, industrial action on public transport, major accidents).

5.13.2 Employees unable to get to work must contact their line manager at the earliest opportunity.

5.13.3 Employees may report for work at an alternative site other than their normal base of work.

5.13.4 Employees who are unable to attend work due to severe disruption in travel will have the option to, in order as outlined:

- time off in lieu
- annual leave
- unpaid leave

## 6 Discrimination and Less Favourable Treatment

In considering requests for special leave, managers must not:

- Discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- Treat part time workers less favourably than full time workers
- Treat fixed term workers less favourably than permanent workers.

## 7 Record Keeping

Copies of applications and all subsequent correspondence will be retained on the employee's local personal file.

## 8 Process for Monitoring Compliance with the Effectiveness of Policies

This policy will be monitored on an ongoing basis and through:-

- Requests for, and outcomes of all flexible working applications including number of appeals made
- Reasons for any refused applications

## 9 Equality Impact Assessment

An assessment of this policy has been carried out in accordance with the Trust's Equality Impact Assessment framework (appendix 2)

## 10 Archiving Arrangements

This is a Trust-wide document and archiving arrangements are managed by the Quality Department who can be contacted to request master/archived copies

## BIBLIOGRAPHY

- NHS Employers Agenda for Change Terms and Conditions
- The Employment Act 2002
- Part-time Workers (prevention of less Favourable Treatment) Regulations 2000 ACAS

Volume 2 Employment & Occ. Health	Section 1 Employment	First Ratified May 2019	Next Review May 2022	Issue 1	Page 11 of 15
---	-------------------------	----------------------------	-------------------------	---------	---------------

- The Employment Rights Act 1996 – 2014 Amendment

Volume 2 Employment & Occ. Health	Section 1 Employment	First Ratified May 2019	Next Review May 2022	Issue 1	Page 12 of 15
---	-------------------------	----------------------------	-------------------------	---------	---------------

**APPENDIX 1: APPLICATION FOR PARENTAL LEAVE**

**Applicants:** Once you have completed this form inserting the appropriate dates, please sign and pass to your manager for authorisation of leave.

<b>Personal Details</b>	
<b>Forename(s)</b>	<b>Surname</b>
<b>Job Title:</b>	<b>Ward/Dept. &amp; Base</b>
<b>Employee number:</b>	
<b>Email:</b>	
<b>Telephone No:</b>	
<b>Home Address</b>	
<b>NHS Continuous Service Date (if known)</b>	<b>Date Commenced at ASPH</b>
<b>No. of Weeks Leave Requested</b>	<b>Dates of Parental Leave Requested</b>
<b>Date of Birth and Age of Child</b>	<b>Dates of Previous Parental Leave Taken</b>

\*I would like my manager to keep in contact with me by .....

Employee's Signature:..... Date: .....

<b>Application</b>	<b>APPROVED/NOT APPROVED</b> (please delete)
--------------------	--

Reason for Non Approval: .....

.....

.....

<b>Manager Name:</b>
<b>Job Title:</b>
<b>Contact details:</b>
<b>Department:</b>
<b>Base:</b>
<b>Signature:</b>

**Managers: Please forward a copy of this form to Human Resources Department**

## APPENDIX 2 – EQUALITY IMPACT RISK ASSESSMENT SUMMARY

**Name of Author: HR Business Partner**

**Policy/Service: Special Leave Policy**

### Background

- Description of the aims of the policy
- Context in which the policy operates
- Who was involved in the Equality Impact Assessment

This policy forms part of Ashford & St. Peter's Hospitals NHS Foundation Trust's (ASPH's) commitment to create a positive culture of respect for all individuals including staff, patients, their families and carers as well as community partners. The Trust's values (the '4P's') and Staff Pledge are integral to all aspects of day-to-day life in the organisation and underpin the application of all our employment policies and procedures.

This statement of policy sets out means by which individuals can request leave for instances outside the annual leave policy. In addition, it ensures that the Trust meets its legal and ethical obligations.

The Trust recognises the need to support a work life balance.

The objectives of this policy are as follows:

- To raise awareness of options available to employees and managers in specific situations which would may not be routinely covered by the annual leave policy, however can be used in conjunction with this and other policies.
- To outline the processes to be followed to request special leave

This Equality Impact Assessment was completed by the HR Business Partner and was reviewed by the wider HR Team (HR Business Partners and Advisors), as well as members of the following committees : Policy Sub Group, Employee Partnership Forum, Trust Executive Committee during March 2019.

### Methodology

- A brief account of how the likely effects of the policy was assessed (to include race and ethnic origin, disability, gender, culture, religion or belief, sexual orientation, age)
- The data sources and any other information used
- The consultation that was carried out (who, why and how?)

### Key Findings

- Describe the results of the assessment
- Identify if there is adverse or a potentially adverse impacts for any equalities groups

### Conclusion

- Provide a summary of the overall conclusions

### Recommendations

- State recommended changes to the proposed policy as a result of the impact assessment

Volume 2 Employment & Occ. Health	Section 1 Employment	First Ratified May 2019	Next Review May 2022	Issue 1	Page 14 of 15
---	-------------------------	----------------------------	-------------------------	---------	---------------

- Where it has not been possible to amend the policy, provide the detail of any actions that have been identified
- Describe the plans for reviewing the assessment

### Guidance on Equalities Groups

<b>Race and Ethnic origin</b> (includes gypsies and travellers) (consider communication, access to information on services and employment, and ease of access to services and employment)	<b>Religion or belief</b> (include dress, individual care needs, family relationships, dietary requirements and spiritual needs for consideration)
<b>Disability</b> (consider communication issues, access to employment and services, whether individual care needs are being met and whether the policy promotes the involvement of disabled people)	<b>Sexual orientation including lesbian, gay and bisexual people</b> (consider whether the policy/service promotes a culture of openness and takes account of individual needs)
<b>Gender</b> (consider care needs and employment issues, identify and remove or justify terms which are gender specific)	<b>Age</b> (consider any barriers to accessing services or employment, identify and remove or justify terms which could be ageist, for example, using titles of senior or junior)
<b>Culture</b> (consider dietary requirements, family relationships and individual care needs)	<b>Social class</b> (consider ability to access services and information, for example, is information provided in plain English?)