

Special Leave Policy

1. Quick Reference Guide

- This policy sets out the Trust’s framework for Special Leave requests.
- This policy applies to all staff employed on Agenda for Change terms and conditions of service.
- Outlines the types of Special Leave.
- Outlines the application and appeals process relating to
- This policy covers compassionate leave, emergency leave, parental leave, carers leave, leave for civic and public duties and short-term unpaid leave.

Version No.	Updated by	Updated on	Description of changes
1	Head of People Operations		New policy created from the separation of the existing leave policy. Now separate annual and special leave policies.
2	Head of People Operations		Change to 10.5 and increase in paid time off for undertaking reservist duties.
3	Senior Business Partner Employee Relations		<p>OD&P Policy and Procedure review in new Template including:</p> <ul style="list-style-type: none"> • Table outlining the different types of Special Leave, including Carer’s Leave • Section detailing the process to request Special Leave • Guidance for People Managers – Special Leave • Amendments to Section 5 Types of Special leave to include: • Training with Reserve and Cadet Forces/Territorial Army –10 days (two weeks) paid leave in addition to their normal annual leave entitlement for attendance at their annual camp. Removal of the following paragraph The second week at camp should be recorded as either annual leave, or special leave without pay, subject to your manager’s agreement. • Removal of time off for medical appointments/cosmetic surgery/OH referrals as this is not managed as special leave it is managed under the Attendance Management Policy.

2 Policy Introduction and Purpose

- The Trust is committed to supporting employees and recognises the need for flexibility to enable you to manage other responsibilities and situations which occur as part of life outside work
- This policy sets out the special leave framework that applies for domestic, personal, and family situations and for carrying out public and civic duties.
- Your request will be considered on its merits confidentially with fairness, discretion and sensitivity according to our policy and procedure whilst ensuring that we continue to meet service requirements which put our patients at the centre of what we do.
- Our policy seeks to encourage positive inclusion for all our people including the requirements set out in the Equality Act 2010. It also meets the requirements of the Employment Rights Act 1996, the Children and Families Act 2014 and the NHS Terms and Conditions of Service.

3 Eligibility

This policy and procedure apply to all employees engaged on a contract of service including those on fixed-term contracts. It excludes agency, contractor, Bank and volunteer colleagues.

4 Scope

This policy outlines responsibilities for you and your manager in the Special Leave process, as well as clarifying the procedures to be followed. Special Leave is not a contractual entitlement and therefore when granted may be paid or unpaid.

This policy does not cover: Annual Leave or New Family Support Leave (Maternity/Adoption Leave, Shared Parental Leave, or Paternity Leave) which have their own policy and procedure.

Definitions	
Dependants	A dependant is defined as your partner, parent or child, or someone who lives in your household as part of the family, or someone who relies on you in a particular situation.
Immediate Relatives	This would routinely include the following: parent, partner, children, or grandparent.
Carer	If you have significant carrying responsibilities that have a substantial impact on your working life. If you are a carer, you are responsible for the care and support of disabled, elderly, or sick child parents, relatives, or friends who are unable to care for themselves.
It is acknowledged that other family configurations exist and requests for special leave associate with such configurations should be considered by your manager.	

5 Types of Special Leave & Leave for Other Reasons

Types of Special Leave

<p>Compassionate Leave</p>	<p>Compassionate leave is available in the event of serious illness or the death of an immediate relative. Applications for compassionate leave linked to other family configurations will also be considered by your manager, although these would need to be agreed by the relevant Directorate Management Team.</p> <p>The amount of paid leave granted to an employee when serious illness or bereavement occurs will depend on:</p> <ul style="list-style-type: none"> • The closeness of the relationship to you • Whether you have responsibility for the funeral arrangements • The availability of other relatives • The distance to be travelled to make arrangements and/or attend the funeral • Any cultural/religious requirements <p>Taking the above into account, employees can access:</p> <ul style="list-style-type: none"> • A maximum of 10 days paid compassionate leave associated with the serious illness or death of a partner or child (see below for further information on child bereavement) • A maximum of 5 days paid compassionate leave associated with the serious illness or death of an immediate relative (not referred to above). • Time owing, annual leave or unpaid leave in addition to the timescales outlined above will also be granted at the discretion of your manager. <p>You would normally be granted one day's paid leave for attendance at an immediate relative's funeral, although your manager should consider factors such as distance and the extent to which you have taken on direct responsibilities arising from the bereavement, when making such a decision.</p> <p>Compassionate leave applications will be considered for all employees regardless of their length of service.</p>
<p>Child Bereavement</p>	<p>Child Bereavement leave is available to support employees who are parents and experience the death of a child. There is no requirement that the child be aged under 18 years.</p> <p>It is recognised that there are many different family configurations. For the purposes of child bereavement leave, a bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This may include adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship as discussed and agreed with your manager.</p> <p>If both parents of the child work for the Trust, each parent will be entitled to leave and pay. There is no requirement to nominate one parent to receive this.</p>

	<p>Parents may access 10 days of paid child bereavement leave which can be taken in a flexible manner to meet individual needs i.e., this leave does not need to be taken in a continuous block.</p> <p>Time owing, annual leave or unpaid leave in addition to the timescales outlined above may also be granted at the discretion of your manager.</p> <p>In the event of the death of more than one child, the parent(s) will be entitled to a period of leave in respect of each child.</p>
<p>Emergency Leave</p>	<p>Emergency leave is a statutory entitlement to time away from work to deal with sudden, urgent and unanticipated problems.</p> <p>All emergency leave must be approved retrospectively by your DMT/Executive Director.</p> <p>Emergency leave should always be of a short-term nature (usually not exceeding one day) and might be requested to cover such events as:</p> <ul style="list-style-type: none"> • If a dependant falls ill, gives birth, or is injured/involved in an accident. • To make longer-term arrangements for a dependant who is ill or injured • When there is an unexpected disruption or breakdown in care arrangements for a dependant • In the event of illness or injury of a child at school • To deal with an incident which occurs in the employee's home (or which affects a family member for whom they are responsible) that needs immediate attention, e.g., fire, flooding, burglary, and attendance during a critical illness. <p>To be eligible to apply for emergency leave, the emergency must involve: you, a dependant or immediate relative or involve the security or integrity of the employee's home.</p> <p>Emergency leave is not designed to provide extra time off in circumstances where sufficient time to plan has been available or, where it is reasonable to use alternative forms of leave. Emergency leave would therefore normally only apply when you have had less than 24 hours to make alternative arrangements.</p> <p>You may access a maximum of 6 days (45 hours) of paid emergency leave in any leave year irrespective of your length of service. This would be proportional for part time workers. Emergency leave will be paid at a basic pay rate and will not include any enhancements that would have otherwise been earned during the period.</p> <p>If the need to take time off becomes a regular occurrence, your manager will discuss alternative arrangements with you. This may include a permanent or temporary change to contractual hours, alteration to a working pattern or an employment break.</p>

<p>Parental Leave</p>	<p>Parental leave as defined under the Maternity and Parental Leave Regulations (1996) is a right for parents to take unpaid leave to look after a child or make arrangements for a child's welfare.</p> <p>This type of leave might be used for such things as accompanying your child during a planned hospital stay, settling them into school or enabling a family to spend more time together.</p> <p>If you have or expect to have parental responsibility for a child under the age of 18 and have completed 12 months continuous service with the NHS, you are entitled to 18 weeks unpaid parental leave for each child born. This may be taken at any time up to your child's eighteenth birthday or after placement in the case of adoption.</p> <p>Leave must be taken in blocks or multiples of one week, with no more than four weeks taken in any 12-month period except, where the child is disabled. In such situations parents are entitled to take leave in blocks or multiples of one day up to a maximum of four weeks in any 12-month period.</p> <p>The Trust expects, wherever possible, for you to provide your manager with at least 21 days written notice of your wish to take parental leave. Alongside this written notice you should also enclose;</p> <ul style="list-style-type: none"> • A copy of their child's birth or adoption certificate • Evidence of eligibility to a Disability Living Allowance if applicable. <p>In exceptional circumstances where the service cannot cope with your absence at that time, your manager may postpone a request for parental leave, after seeking the approval of the DMT/ relevant Executive Director. Postponement would only take place after discussion with you. Confirmation of the cancellation and the new date/s on which the parental leave can commence must be conveyed to you in writing.</p> <p>If you wish to cancel parental leave once booked, this must be discussed with your manager at the earliest opportunity. Written confirmation would also be required. If a cancellation results in a cost to the organisation, i.e., because alternative staffing arrangements have been made, then your manager, following approval from the relevant DMT/Executive Director, may reasonably refuse the request.</p> <p>If you are a member of the NHS Pension Scheme, you will be required to maintain personal pension contributions during the period of unpaid parental leave. Contributions due during the leave period will be deferred until you return to work. Further information linked to this can be obtained from the Trust's pension team.</p>
<p>Leave for Public and Civic Duties</p>	<p>Up to 10 days paid leave (for full time employees and adjusted pro rata for part time employees) may be granted in each financial year, at the discretion of your manager to allow you to undertake the below roles.</p> <ul style="list-style-type: none"> • Justice of the Peace • Member of a local authority

	<ul style="list-style-type: none"> • Member of a statutory tribunal • Member of a prison visiting committee • Member of a relevant educational body • Member of a relevant health body • Member of the Environment Agency • Trustees of a relevant occupational pension scheme as defined by the Pensions Scheme Act 1993. <p>Further leave exceeding the 10 days paid leave may be granted at the discretion of your manager. However, any additional leave would need to be taken as either time owing, holiday entitlement or unpaid leave.</p> <p>Advice should be sought from your People Advisor or People Business Partner in relation to other forms of public duty.</p>
<p>Jury Service</p>	<p>Jury service is a public duty and employees called for jury service will be granted up to two weeks of special leave at basic rate pay only. If this results in a loss of earnings for you i.e. If you would normally receive regular enhancements for unsocial hours, or if an unpaid extension is required, a certificate of loss of earnings provided by the court must be passed to payroll for completion.</p> <p>In relation to the above, you should nominate the Trust Payroll Manager as your Trust contact.</p> <p>Line managers who receive forms relating to loss of earnings should forward these to the Payroll Manager for completion. Copies of the forms will be retained on file in the Payroll Department for audit purposes.</p> <p>You should be aware that any attendance fees received from the court, excluding travel and other expenses, must be declared to the Trust to allow salary adjustments to be made.</p> <p>If the court advises you that you are not required for court service on any given day, or if the court finishes early, you must contact your manager to agree the working arrangements for that period. Failure to do this may lead to disciplinary action being taken in accordance with the Trust's Disciplinary Policy.</p> <p>Detailed information on what to do when required to carry out jury service can be found at https://www.gov.uk/jury-service/.</p>
<p>Attendance at Court as a Witness</p>	<p>Employees who attend court as a witness, either with the consent of the Trust, on a subpoena, witness summons or as a legal obligation, will be granted special leave with basic pay for that purpose, on the understanding that the Trust is reimbursed with any witness fee received (with the exception of any allowances for travel and subsistence)</p> <p>Please note, paid time off will not be given to you if you are accompanying another individual, who is the subject of the case, has personally initiated the case or is the person on trial. In such</p>

	<p>circumstances you must book annual leave in the normal way or request unpaid leave where annual leave has been exhausted.</p>
<p>Training with Reserve and Cadet Forces/Territorial Army</p>	<p>Employees who, with the consent of the Trust, volunteer for service with the Reserve Forces, or who, at the time of their appointment declare membership of a Reserve Force, and the Trust does not object, should be granted 10 days (two weeks) paid leave (in addition to their normal annual leave entitlement) for attendance at the first week of their annual camp.</p> <p>If you are required to undergo short periods of training (normally on Saturdays and Sundays) in addition to annual camp you should arrange to attend in off-duty time wherever possible or use annual leave.</p> <p>Your manager will as far as possible, facilitate work rosters to allow your attendance at annual camp and other training commitments, e.g., weekly or weekend training sessions. However, this will be dependent on you providing appropriate notice of events.</p> <p>Where you are called up on active military service, unpaid leave will be granted. Employment will continue without pay until the end of the active period and you return to work. If you wish to preserve your pension rights, you should contact the Pensions Department for further information.</p>
<p>Religious Festivals and Spiritual Observance Days</p>	<p>The Trust recognises that it operates within a multi-cultural society where many religions and faiths are followed. Whilst the Trust understands that there are many 'special days' within religious calendars, it is unable to give paid time off for these events under Special Leave. Bank Holiday dates are set by the UK Government on an annual basis and the Trust is required to observe these dates.</p> <p>If you wish to celebrate religious festivals, you should request annual leave, time owing or unpaid leave as per departmental protocol.</p> <p>Where a number of staff wish to take the same periods of leave due to religious events/festivals, it is your manager's responsibility to ensure that their service is covered appropriately.</p>
<p>Short Term Unpaid Leave</p>	<p>Short-term unpaid leave may be requested in the following circumstances:</p> <ul style="list-style-type: none"> • Where the length of time needed off exceed the entitlements detailed in this policy • Where the reason for the leave request falls outside of the criteria detailed in this policy • Where you have exhausted other leave options <p>Short-term unpaid leave may be granted for a variety of reasons including:</p> <ul style="list-style-type: none"> • A period of study not covered by study leave • Visiting relatives or to travel/work abroad • Family illness or domestic problems extending beyond the emergency leave entitlement

	<ul style="list-style-type: none"> • Voluntary work • Foster caring or supporting a partner who is foster caring <p>All requests for short-term unpaid leave must be considered by your manager with respect to both your needs and the needs of the service. All requests are also subject to DMT/Executive Director approval.</p> <p>Up to 5 days of short-term unpaid leave are available to all employees, subject to approval by your manager. Other than in exceptional circumstances, longer periods of unpaid leave require 12 months of continuous service with the Trust. Up to three months unpaid leave may be granted in any annual leave year.</p> <p>Short term unpaid leave will not count as a break in continuous service. However unpaid leave in excess of one month will not be counted as reckonable service, as defined in your contract, for purposes of annual leave, sick leave, entitlement to redundancy pay or incremental credit.</p> <p>You have the right to return to your existing job with the same terms and conditions following a period of unpaid leave.</p> <p>If you are a member of the NHS Pension Scheme, you will be required to maintain personal pension contributions during the period of unpaid parental leave. Contributions due during the leave period will be deferred until your return to work. Further information should be sought from the Pension Department.</p> <p>Periods of unpaid leave may affect your entitlement to State Benefits (e.g., statutory maternity pay, unemployment benefit, state pensions) and therefore you are advised to make enquiries with your Local Benefits office in advance of agreeing such leave.</p>
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6 Procedure – Requesting Special Leave

Special leave is not an entitlement. However, requests for special leave must be considered sensitively and sympathetically in the light of individual circumstances and your manager will, wherever possible, seek to agree requests within the scope of this policy.

Due to the circumstances of urgent and unforeseen need, it is not appropriate to prescribe the extent to which your manager can exercise discretion in relation to the approval of special leave requests. However, your manager will ensure requests are dealt with fairly and consistently.

You must contact your manager and outline the reasons for special leave requests, either in person, or by telephone, if the situation means you are unable to attend the work environment.

Your manager will clarify the situation sensitively and establish with you what type of special leave is being requested. Further advice from People Advisor or People Business Partner should be sought if you are unable to disclose why the leave is necessary.

The Trust's special leave application form must be completed with signed copies retained on your personal file. Payroll must also be made aware of any special leave arrangement.

7 Procedure – Appeals

Where a request for leave under this policy is rejected, usually following completion of the special leave request form and discussion with manager, you may appeal the decision through the Trust's Appeal Procedure.

8 Guidance for People Managers

Your Responsibilities as a Manager

- Decisions on special leave requests are made based on the employee's individual circumstances and are consistent with this policy.
- Requests are dealt with sensitively, fairly, and consistently and all personal information is dealt with in a confidential manner.
- In considering a special leave request you will have regard to annual leave levels that the employee has that could be utilised to supplement the leave requested. This is essential where employees have significant amounts of leave remaining for the leave year.
- That advice is sought from your People Advisor or People Business Partner whenever needed.
- That all employees who you manage are aware of this and other Trust policies related to leave.
- That all requests for special leave are made on the correct application form - see appendix A
- That Payroll is notified of any period of paid or unpaid special leave taken using the appropriate reporting arrangements (e.g., e-roster or electronic / paper absence returns as appropriate for that department).
- That copies of the completed application form(s) are retained on the employee's personal file
- You record all applications and outcomes for special leave within your area/s of responsibility.


9 Monitoring Compliance and the effectiveness of this policy

This will be monitored by the OD and People Directorate. Our People managers are responsible for the implementation of this policy and procedure.

10 Equality Impact Assessment

An Equality Impact Assessment has been completed and was presented to the ratifying committee at the time of approval.

Appendices

Appendix	Description	File
A	Special Leave Application Form	https://mg.salisbury.nhs.uk/media/3219/special-leave-application-form-a.doc  Special Leave Application Form A.

Post Holder /Author Responsible for Policy:	Head of Employee Relations and Policy
Date Written:	September 2022
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