



Special Leave Policy

(Incorporating Carer's and Emergency Leave)

This procedural document supersedes: CORP/EMP 47 v.4 – Carers Leave and Leave for Domestic Emergencies



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The Trust discourages the retention of hard copies of policies and can only guarantee that the policy on the Trust website is the most up-to-date version. **If, for exceptional reasons, you need to print a policy off, it is only valid for 24 hours.**

Executive Sponsor(s):	Karen Barnard, Director of People & OD
Author/reviewer: (this version)	John Scott, HR Manager
Date written/revised:	15 November 2017
Approved by:	Workforce & Education Committee
Date of approval:	21 November 2017
Date issued:	15 December 2017
Next review date:	November 2020
Target audience:	Trust-wide

Amendment Form

Please record brief details of the changes made alongside the next version number. If the procedural document has been reviewed **without change**, this information will still need to be recorded although the version number will remain the same.

Version	Date Issued	Brief Summary of Changes	Author
Version 5	15 December 2017	Re-named to reflect extension of policy to all types of special leave	John Scott
Version 4	Aug 2010	Format changed in line with CORP/COMM 1 v.5 New Sections:- <ul style="list-style-type: none"> • Section 2 - Equality Impact Assessment • Section 5 - Duties & Responsibilities • Section 11 - Monitor and Compliance 	Keeley Cromwell
Version 3	Aug 2007	Section 2 - Replace sentence 'staff (of either sex)' to 'all staff regardless of gender'	Rosalind Sullivan
Version 2	March 2005	Many changes made in line with Agenda For Change Terms and Conditions – please read policy in full.	Nicola Hellewell

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1. INTRODUCTION

Our staff are key to the continuing and future success of DBTH. Our aim is to become an employer of choice and our approach to people management is clearly summarised in the phrase Develop. Belong. Thrive. Here.

We want to support you to deliver our service for patients by providing you with clear and accessible guidance on your employment terms, entitlements and arrangements. By providing you and your manager with a clear, up-to-date and accurate policy, you can make informed decisions. To support this, we need a fair and consistent approach to leave entitlements.

If you feel the policy has not been applied correctly, you should talk to your line manager and, if necessary, you should follow the Trust's agreed Grievance Policy.

2. PURPOSE

This document outlines the various types of special leave, both paid and unpaid which may be granted at management discretion. It also details how to apply and in what circumstances the request may be agreed. Not all special leave granted is paid. Managers have a responsibility to ensure that unpaid leave is correctly recorded and reported to payroll promptly to ensure that the necessary adjustments to salary are made and that overpayment is avoided.

3. DUTIES AND RESPONSIBILITIES

For the policy and procedure to be effective, all DBTH staff need to be aware of this policy and follow it. Ultimately, it is the responsibility of the senior management of the Trust (including the Chief Executive, Executive Team and Care Group Directors); in conjunction with People & Organisational Development to ensure that this is the case. A table of responsibilities is included at Appendix 1.

4. PROCEDURE

4.1 Requesting and Approving Special Leave

4.1.1 Requests for all leave must be made to your line manager using the form included at appendix 2, giving as much notice as possible. Line managers will consider the needs of the service to ensure there is no adverse impact on service or patient care.

4.1.2 If the leave is granted, managers must record this using the form at appendix 2. A copy should be placed on the personal file. The line manager will follow the SBS process to stop pay, where appropriate.

4.1.3 All reasonable requests for special leave will be given due consideration. However, if your request has been rejected, and you fail to attend work, this may be regarded as an unauthorised absence and unpaid. It may also be regarded as misconduct and may be managed under the disciplinary procedure.

4.2 Types of special Leave

Information on the following types of leave is included at appendix 3.

- 4.2.1 Time Off for Medical or Dental Appointments
- 4.2.2 Bereavement
- 4.2.3 Emergency Leave
- 4.2.4 Parental Leave
- 4.2.5 Carer's Leave and Support for Carers
- 4.2.6 Jury Service
- 4.2.7 Leave for Other Public Duties
- 4.2.8 Military Reservists and Cadet Force Members
- 4.2.9 Magisterial Duties
- 4.2.10 Professional Leave
- 4.2.11 Other Special Leave (Paid)
- 4.2.12 Other Special Leave (Unpaid)

5. TRAINING/ SUPPORT

There is no formal training in support of this policy. Support in the interpretation and application of the policy can be obtained in the first instance from your line manager or from People and OD.

6. MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT

What is being Monitored	Who will carry out the Monitoring	How often	How Reviewed/ Where Reported to
Non-compliance of policy by Care Groups and Directorates	People & Organisational Development	On-going	Issues to be reported to respective Care Group and Directorate management teams.
Review of Policy	People & Organisational Development	On-going	Amendments to reflect guidance from NHS Employers, changes in best practice, or changes to legislation.
Compliance at Care Group/Directorate level	Care Group/ Directorate Senior Management	On-going	Managers review with Care Group and Directorate management teams as part of staff monitoring.
Compliance of Policy	Internal Audit	Annual Audit Practice	As per annual audit practice.
Compliance with Policy	Senior Management responsible for approval of annual leave	On-going	Review of staffing levels and workforce issues.

7. DEFINITIONS

None identified.

8. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment (EIA) has been conducted on this procedural document in line with the principles of the Equality Analysis Policy (CORP/EMP 27) and the Fair Treatment For All Policy (CORP/EMP 4).

The purpose of the EIA is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified. (See Appendix 4)

We are committed to equal opportunities for all. This policy does not discriminate on the grounds of race, gender, disability, sexual orientation, religious belief, age, work pattern or Trade Union membership. The philosophy of the organisation is one that supports the development of all staff, enabling individuals to fulfil their full potential, expanding their knowledge and skill base whilst enabling the Trust to develop services. This policy has been assessed for equality and diversity as described in CORP/EMP 27 and the equality impact assessment is provided at appendix 4.

9. ASSOCIATED TRUST PROCEDURAL DOCUMENTS

- [Equality Analysis Policy \(CORP/EMP 27\)](#)
- [Fair Treatment for All Policy \(CORP/EMP 4\)](#)
- [DBHFT Leave Policy \(including Annual, Study, Professional and Duty for all staff, including medical\)CORP/EMP 49\)](#)
- [Parental Leave Policy \(CORP/EMP 15\)](#)

10. REFERENCES

NHS Employers - <http://www.nhsemployers.org/home>

APPENDIX 1 – ROLES AND RESPONSIBILITIES

Chief Executive	Formal overall responsibility for ensuring that all leave processes and procedures within the Trust are consistent.
Director of People & OD	Responsible for ensuring that there are robust leave processes and procedures in place.
Care Group & Corporate Directorate	Each area should establish clear, fair and equitable ways of applying this policy which are communicated regularly to all staff. This is to make sure that their core business and safe patient care is maintained.
All Managers	<p>A manager's first responsibility is to ensure the continuity of services for our patients. This needs balancing with the responsibility to ensure all staff have access to appropriate support in terms of time off to address situations and maintain a work/life balance.</p> <p>Secondly managers are responsible for ensuring they apply this policy consistently and fairly across their area, escalating any issue with covering the service or any unresolved disputes regarding application of this policy as soon as possible to their line manager with ultimate discretion lying with the Care Group or Corporate Management Teams.</p> <p>To do this, line managers should deal promptly with requests for leave, view any applications with an open mind and follow a fair and justifiable decision making process, and maintain appropriate records of applications in line with best practice for information governance.</p>
All Staff	We all share a responsibility to make sure that we organise our time and plan our time away from work. Part of this means reading and understanding this, and related policies, following the guidance and co-operating with the requirements of the leave procedures, and working with your line manager to avoid disruption to our services.

APPENDIX 2 - APPLICATION FORM FOR SPECIAL LEAVE

Please refer to the Trust’s Special Leave Policy for details of eligibility, entitlement, application process and requirements for supporting documentation.

Employee Name _____ Job Title _____

Type of Leave requested:

Reason for request:

Dates of leave:

(Dependent upon circumstances, this may be in retrospect or in advance and the dates may be actual or estimated – please make this clear).

Signature _____ Date _____

Manager’s Comments:

Manager’s Name _____ Job Title _____

Signature _____ Date _____

c.c. Employee
Personnel File

APPENDIX 3 - TYPES OF SPECIAL LEAVE

4.2.1 Time Off for Medical or Dental Appointments

There is no automatic right for paid time off to attend medical or dental appointments and whenever possible appointments should be arranged in your own time. If you cannot arrange an appointment outside of normal working hours, or, in an emergency situation, your manager may use their discretion and authorise time off, which may be time in lieu, time owing to the employee, or for the time to be made up later.

The authorisation of the time off should be agreed in advance. You should make your manager aware of all appointments and let them know at least the day before about the appointment. You will need to show your manager any letters, or appointment cards, confirming the procedure.

If you request time off for a non-emergency situation such as an elective procedure, you must get prior authorisation from your manager before confirming the date for the procedure/ appointment.

Failure to follow this procedure and/or provide relevant evidence of procedures or appointments may result in the time off being unpaid, treated as unauthorised absence and as a conduct issue.

For information on antenatal appointments please see the Maternity Policy and Procedure.

4.2.2 Bereavement

Leave can be granted on compassionate grounds in the event of a death involving either your immediate or close relatives. This leave entitlement is available to all employees regardless of length of employment.

In the event of a death involving an immediate relative, (normally defined as a spouse, civil partner, child, parent or sibling of the employee) up to six days paid special leave may be granted to give time off to make funeral arrangements.

If a death involves a close relative (normally defined as a grandparent, niece, nephew, aunt/uncle, or immediate relative of a partner) up to two days unpaid special leave may be granted.

Further time off may be granted at the discretion of your manager, which may be taken as annual or unpaid leave.

If you request leave to attend a funeral of an immediate relative (as defined above), paid leave should normally be granted for the day of the funeral. This is in addition to the provision made for bereavement.

Managers should consider individual circumstances and the needs of the service when granting special leave to attend a funeral, taking into account that some employees may have to travel long distances including going to another country. In these circumstances further unpaid special leave may be granted at the discretion of the manager, or you may choose between taking annual leave or unpaid leave or a combination of each.

Paid time off to attend a funeral for a work colleague as a representative of the Trust may be given when possible and subject to service delivery and standards being maintained.

4.2.3 Emergency Leave

The Trust recognises that there may be other occasions when you may need emergency leave to deal with unexpected situations and make necessary longer term arrangements.

You may be able take 1 or 2 days paid leave at short notice to deal with emergency circumstances. If more leave is required this may be granted at the discretion of the manager as annual leave or unpaid leave. There is no right to paid emergency leave.

Emergency leave is intended for urgent situations that could not be foreseen. It may be agreed when care for dependants breaks down e.g. child care or, there are other urgent domestic crises. A dependent is described as a partner, or “a near relative” or someone who lives at the same address as the employee. A relative for this purpose includes: parents, children, siblings or is someone who relies on the employee in a particular emergency.

Examples of when Emergency Leave may be granted:

- If a dependent falls ill or has been involved in an accident or assaulted.
- To make longer term arrangements for a dependent who is ill or injured.
- To deal with the unexpected breakdown in care arrangements for a dependent.
- To deal with an incident involving the employee’s child during school hours.
- Urgent and distressing domestic situations such as fire, flood or burglary.

Emergency leave is intended to cover unforeseen matters. If an employee knows in advance that they require time off, i.e. for a planned operation of a child, this should be taken as annual leave.

One day should normally be sufficient to make arrangements for the emergency situation, although more time may be required depending on the circumstances. Towards the end of the day you should contact your line manager to discuss the circumstances and the plan for the following day, at this point a decision on taking annual leave or unpaid leave could be made or your manager can defer the decision until your return to work.

‘There is normally a limit of six days (45 hours) paid leave in any rolling 12 month period (pro rata for part time employees). If you need a longer period of absence, talk to your line manager who may be able to offer alternative support (like additional unpaid leave; time of in lieu; or a career break.)The manager will record the amount of Emergency Leave, and whether it is paid or unpaid on the appropriate information system.

4.2.4 Parental Leave

Is covered in the Trust's [Parental Leave Policy \(CORP/EMP 15\)](#)

4.2.5 Carer's Leave and Support for Carers

If you are the primary carer of an adult who is disabled, ill or elderly, you can request unpaid carer's leave of up to one week per year. You must have completed one year's continuous service with the NHS and should give 21 days' notice in writing.

Managers have discretion to agree carer's leave and the period of leave granted and will act reasonably in considering requests. However, there may be occasions when this is not possible due to service requirements.

Situations may occur where your normal caring arrangements fall through or you need to undertake further caring duties that impact on your usual working hours. This might include covering school drop off/pick up, checking on an ill relative, attending hospital appointments that cannot be arranged outside of working hours.

In these cases, you can request short term flexibility to deal with the situation. Agreement is subject to the manager's discretion and dependent on service requirements. If the agreed flexibility is for less than 1 month and the hours worked are staying the same, the arrangement will be classed as informal.

For longer periods of time and where hours will change, please refer to the Flexible Working Policy and Procedure to apply for a change of hours.

Carers may need to check on the person they care for on a regular basis. In these circumstances carers may seek permission from their line manager to make a private call.

Frequency and duration of calls will be at the discretion of the manager but it is recommended that calls are limited to twice a day at agreed times.

4.2.6 Jury Service

You will be granted time off with pay for jury service provided you are not claiming expenses from the Courts for loss of earnings. In exceptional circumstances, where granting time off would be detrimental to the service and patient care, you may be asked to request a postponement of jury service. However, it will be the Court's decision as to whether the request is agreed. If a postponement is granted and you are called for jury service again, it is not usually possible to obtain a second postponement, again the final decision will rest with the Court.

If your jury service goes ahead you will receive pay from the Trust for the duration of the jury service. Your manager will record the length of time taken for jury service on your file.

4.2.7 Leave for Other Public Duties

Reasonable unpaid leave will be granted for essential civic and public duties, examples include serving as a justice of the peace or for membership of statutory tribunals. If you wish to apply for special leave under this heading, you must inform your manager as soon as you know the dates needed, by showing the official letter of notice.

4.2.8 Military Reservists and Cadet Force Members

Members of the reserve or cadet forces are entitled to one week's additional paid leave per year in order to attend annual camp. You can also opt to take your second week at camp as either special leave without pay or from your annual leave entitlement. You should advise your line manager of your intention to volunteer for service and provide documentary evidence of membership and confirmed dates of annual camp, giving adequate notice as outlined under the annual leave policy.

Compulsory mobilisation cannot be refused but the Trust may make an application for an exemption, deferral or revocation if your absence is likely to have a serious impact on delivering our service. Reservists will normally be given 28 days' notice of mobilisation and the maximum period for mobilisation is 12 months. Application must be made within 7 days of the employee's receipt of the mobilisation notice. If you want to volunteer for mobilisation, you must seek prior agreement from the Trust. We are not obliged to give consent for voluntary mobilisation.

Mobilisation is unpaid and annual leave will not accrue during this period. Where applicable the MOD will pay you're the employer's contributions to your NHS pension subject to you continuing to pay their own pension contributions. The Trust may apply to the MOD for an employer's award in respect of replacement costs that exceed the employee's earnings, for any non-recurring costs such as agency fees and advertising costs, and for any training needed as a result of mobilisation when they return to work to carry out their duties properly (but excluding any training that would have been carried out anyway).

After mobilisation you have the right to be reinstated to your former job within 6 months of mobilisation on terms and conditions that are no less favourable. Where this is not possible you will be offered an alternative position with same terms and conditions. To preserve the right to reinstatement, you must write to your manager no later than the third Monday after demobilisation confirming your intention to return within 13 weeks. In exceptional circumstances this may be extended up to a maximum of a further 13 weeks.

Mobilisation will not be a break in employment if you are reinstated within 6 months of demobilisation, and the service will be considered as continuous.

For further details please refer to www.sabre.mod.uk.

4.2.9 Magisterial Duties

If you undertake magisterial duties you may be granted special leave with pay, providing these do not exceed 18 days in any period of 12 months.

4.2.10 Professional Leave for Consultants

There can often be mutual benefit in Consultants undertaking some external non-DCC activity (e.g. work for Royal Colleges, formal teaching, wider NHS activities etc.). This will be reviewed annually during your job plan review. Any such external work must be agreed with your Care Group Director or Medical Director before you agree to it. Where it has been approved, the Trust will make every effort to support you by either approving leave or time shifting clinical commitments so that you can fulfil your commitment.

Application and authorisation is detailed in CORP/EMP 49: DBHFT Leave Policy (including Annual, Study, Professional and Duty for all staff, including medical))

4.2.11 Other Special Leave (Paid)

You may apply to your manager for special leave with pay if you are required to undertake public duties, which might include:

- serving as a justice of the peace
- membership of a local authority
- membership of a Police Authority
- membership of a Board of Prison Visitors
- membership of the managing or governing body of an educational establishment maintained by local education authority of further or higher education corporation
- attendance at court as a witness

4.2.12 Other Special Leave (Unpaid)

Special leave without pay for other reasons may be granted in exceptional circumstances and, normally, only when the employee's annual leave has been exhausted. Line managers should discuss the amount of leave granted with a member of their senior management team and/or their HR Business Partner.

APPENDIX 4 - EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING

Policy	Care Group/Directorate and Department	Assessor (s)	New or Existing Service or Policy?	Date of Assessment
CORP/EMP 47 Special Leave Policy	People and Organisational Development	John Scott	Updated Policy	April 2017
1. Who is responsible for this policy? P&OD				
2. Describe the purpose of the policy? Process/guidance on implementation of special leave requirements.				
3. Are there any associated objectives? Provide consistent approach to implementation and application of annual leave processes across the Trust				
4. What factors contribute or detract from achieving intended outcomes? Staff may be unaware of their roles & responsibilities				
5. Does the policy have an impact in terms of age, race, disability, gender, gender reassignment, sexual orientation, marriage/civil partnership, maternity/pregnancy and religion/belief? No				
<ul style="list-style-type: none"> • If yes, please describe current or planned activities to address the impact N/A 				
6. Is there any scope for new measures which would promote equality? No				
7. Are any of the following groups adversely affected by the policy?				
a. Protected Characteristics	Affected?	Impact		
b. Age	No			
c. Disability	No			
d. Gender	No			
e. Gender Reassignment	No			
f. Marriage/Civil Partnership	No			
g. Maternity/Pregnancy	No			
h. Race	No			
i. Religion/Belief	No			
j. Sexual Orientation	No			
8. Provide the Equality Rating of the service/ function/policy /project / strategy				
Outcome 1 ✓	Outcome 2	Outcome 3	Outcome 4	
9. Date for next review: November 2020				
Checked by: Anthony Jones		Date: April 2017		