



Special Leave Procedure



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1. Procedure Statement

- 1.1 This procedure acknowledges that there are occasions when employees will need to request official leave for domestic, personal and family matters or are required to be absent from duty for essential civil and public duties.
- 1.2 This Procedure applies to all Trust employees who can request leave from work for the following reasons
- Public Duties Leave;
 - Time off for Territorial Army, Reserve or Cadet Forces activities;
 - Parental Leave;
 - Carer's Leave (Time off for Dependants);
 - Compassionate Leave;
 - Domestic Emergencies Leave;
 - Time off for Religious Holidays;
 - Other special circumstances.

2. Procedure for Requesting Leave

- 2.1 An employee must notify their line manager and/or Scheduling Department of planned leave as soon as is reasonably practicable with the reason for their absence and how long they expect to be away. Where this is not possible or the leave is an emergency, employees should contact the Day One Service. **Employees are to assume that at the time of request any authorised leave will be unpaid.**

- 2.2 It shall be at the subsequent discretion of a more senior manager within their functional area to determine whether the leave taken, either in full or in part, should attract pay where this is applicable under this procedure.
- 2.3 In circumstances where special leave requests have been approved without pay it will be necessary for the employee to complete an HR2 to enable the appropriate salary deduction to be made through payroll. Any abuse of this Procedure will be dealt with through the Trust's Disciplinary Policy (Managing Conduct and Performance).
- 2.4 Managers will be mindful that individual circumstances vary and previous decisions will not set a precedent for future decisions.
- 2.5 Part-time employee's approval for paid special leave will be on a pro rata basis according to their contractual weekly hours.

3. Public Duties Leave

- 3.1 Employees have a right to unpaid time off if they are a:
- Justice of the Peace (see paragraphs 3.2 and 3.3 below);
 - Member of a local authority/local councillor;
 - Member of a police authority;
 - Member of any statutory tribunal;
 - Member of the managing or governing body of an educational establishment (see paragraph 3.3 below);
 - Member of a prison independent or monitoring board;;
 - Member of the Environment Agency;
 - Member of General Teaching Councils for England and Wales;
 - Member of a water customer consultation panel.
- 3.2 The Trust is required to grant reasonable time off for any of the duties of Justices of the Peace and, as regards membership of the above committees, to:
- Attend meetings of the body or any of its committees or subcommittees;
 - Perform duties approved by the body.
- 3.3 The Trust may authorise up to 75 hours paid leave in order to undertake duties as a Justice of the Peace and/or a member of the managing or governing body of an educational establishment responsibilities.
- 3.4 In addition to the statutory bodies above, the Trust will allow Public Duties Leave for:
- Attendance in Court as a witness;
 - Attendance at Staff Council meetings;
 - Attendance at Professional Registration meetings/hearings.
- 3.5 Leave to carry out Jury Service must be granted where an employee has received notice from the courts that they have been called. The employee reclaims lost earnings directly from the court, except where the Trust has provided paid leave to attend. In these circumstances, arrangements will be made with the employee to repay any duplicated payments back to the Trust.
- 3.6 Employees must complete and submit the Special Leave Form to their line manager for approval of Public Duties Leave. Authorisation of any paid element of the requested Public Duties Leave will be determined by a more senior manager within

their functional area. This will normally cover reimbursement of salary costs, together with reasonable expenses incurred, for example, travel and accommodation, unless reimbursed by the HCPC or other public body concerned.

4. Territorial Army, Reserve Or Cadet Forces

- 4.1 The Trust has a responsibility to provide its services and requires a full complement of staff to support its obligations before the armed services.
- 4.2 Any employee who wishes to volunteer for service with the Reserve or Cadet Forces must obtain the permission of the Trust before doing so, or if applying for an appointment with the Trust, must declare their membership of such forces and obtain the consent of the Trust for their continued membership.
- 4.3 Employees who are required to attend periods of training, including annual camps and are unable to arrange such training during off-duty or annual leave, may be granted special leave for the purpose by their line manager. In instances where this is granted, this would not exceed 3 days in any personal leave year. The employee must complete and submit the Special Leave Form to their line manager. Where the employee is paid by the TA, reserve or cadet force for attendance, the special leave will be unpaid. Where it is unpaid, payment will again be determined by a more senior manager within their functional area.
- 4.4 Where employees are formally requested to mobilise overseas each case will be considered on an individual basis.
- 4.5 Employees absent from duty owing to sickness or injury caused by or arising from their own off-duty activities as members of the Reserve or Cadet Forces will not be entitled to occupational sick pay. However, in exceptional circumstances, the Trust may, at its absolute discretion, authorise occupational sick pay for the whole or part of such absence, on the authority of an appropriate Senior Line Manager or Director as appropriate, in consultation with the Human Resources Department.

5.0 Parental Leave

- 5.1 Parental leave is a separate provision from maternity, paternity or adoption leave, which provides for an un-transferable individual right to 18 weeks unpaid leave.
- 5.2 Parental leave is available to any employee who has nominated caring responsibility for a child under the age of 14 (or age 18 in cases of adoption and/or a disabled child).
- 5.3 Parental leave is an individual right and, therefore, if both parents are employed by the Trust, both parents may apply and take parental leave. Parental leave entitlement applies to each individual child, so if twins are born each parent will be entitled to 18 weeks' leave for each child.
- 5.4 Parental leave is to be used for planned events in the child's life, rather than as a response to an immediate care need, when carer leave may be more appropriate (see Section 6).
- 5.5 Parental leave must normally be taken in periods of no less than one working week. However, parents of children who qualify for Disability Living Allowance can take leave in blocks or as individual days.

- 5.6 A maximum of four weeks' parental leave can be taken in any one personal leave year. In exceptional circumstances the Trust may consider extending this up to a maximum of 18 weeks.
- 5.7 Applications for Parental Leave should be made on the Trust Form (Appendix 1). This should normally be submitted to the Trust a minimum of 31 days from the date that they intend to take parental leave.
- 5.8 During parental leave the employee retains all of their contractual rights, except remuneration. This includes the accrual of annual leave.
- 5.9 An employee who takes parental leave of up to 4 weeks has the right to return to the same job under their original contract and on no less favourable terms and conditions, unless the leave is added to the end of additional maternity leave where the employee will only have the right to return to a similar job. If the leave period taken was more than 4 weeks and it is not reasonably practicable to return to the same job, then a suitable alternative must be offered on matching terms and conditions.
- 5.10 In exceptional circumstances, the Trust may postpone the taking of parental leave for up to six months. However, leave cannot be postponed if an application is made by an employee to take leave immediately after a child is born or placed for adoption, provided the notice requirements have been met.

6. Carer's Leave (Time Off For Dependants)

- 6.1 Carer's leave entitles all employees to take a reasonable period of leave to deal with emergencies involving their dependants.
- 6.2 Only leave taken to care for a dependant will qualify as Carer's Leave. A dependant is defined as the employee's parent, child, husband, wife, partner or someone living in the same household (other than an employee, tenant, lodger or boarder) who is dependant on them for care and anyone else who reasonably relies on the employee either for assistance or to make care arrangements in the event of illness, injury or assault.
- 6.3 In the statutory legal definition, an emergency arises when someone who depends on the employee:
- is taken ill unexpectedly and needs the employee's help;
 - is involved in an accident, is injured or assaulted;
 - needs the employee to arrange urgent or longer term care for a dependant who is ill or injured;
 - needs the employee to deal with an unexpected disruption or breakdown in care;
 - gives birth;
 - dies;
 - is the employee's child and has an unexpected incident at an educational establishment.
- 6.4 There is no limit as to how many times an emergency can arise. However, this procedure is intended to cover genuine and unforeseen emergencies only. Any abuse of this procedure will be dealt with through the Trust's Disciplinary Procedure (Managing Conduct and Performance).
- 6.5 See table B for payment, duration and processing.

7. Compassionate Leave

- 7.1 There is no statutory entitlement to Compassionate Leave however; it is the view of the Trust, that all employees at times of serious illness or death of a member of their immediate family or a close friend should be shown compassion.
- 7.2 The Trust respects different cultures and religions and recognises that some staff may need additional unpaid time off to attend relevant ceremonies.
- 7.3 If the need for time off continues after the initial period of compassionate leave (normally 3 days), other options such as an employment break may be considered and discussed with the employee.
- 7.4 One further day's leave may be taken to attend the funeral of an immediate family member or close friend.
- 7.5 See table B for payment, duration and processing.

8. Domestic Emergencies Leave

- 8.1 This form of leave is available to all employees in the event of genuine domestic emergencies, such as fire, burglary, flood or other similar circumstance.
- 8.2 See table B for payment, duration and processing.

9. Time Off For Religious Activities

- 9.1 Employees whose religious beliefs have festival days different to those public holidays currently recognised by the Trust may approach their manager to request to change some or all of the 8 designated public holiday dates to alternative dates in line with the Trust's Annual Leave Policy.
- 9.2 Employees wishing to take time off for religious activities should book annual leave in accordance with the Annual Leave Policy.
- 9.3 Employees with longer-term religious commitments should consider making an application under the Flexible Working Arrangements Policy.
- 9.10 See table B for payment, duration and processing.

10. Other Special Circumstances

- 10.1 There may be other circumstances in an employees working life which may necessitate time away from work, but do not 'fit' within one of the categories above, e.g. IVF treatment. Where there is no legal, or other, right to time off for the circumstance, the employee can make a request for special leave under this 'section'. The employee should speak to their line manager or the Human Resources Department before completing and submitting the special leave request form
- 10.2 See table B for payment, duration and processing.

Table B: Non Public Service Related Leave

Leave Type	Maximum duration of leave within a personalised leave year	Payment	Process
Parental	18 weeks (for child under 14 yrs or 18 yrs for cases of adoption or disability) can normally request 4 weeks per leave year.	Unpaid	Employee must complete Application to Take Parental Leave Form providing 31 days' notice.
Carers	Not specified	Unpaid	Request leave through Day One Service (emergency) or line manager if in advance.
Compassionate	3 days + 1 for a funeral	Any paid element requested will be determined by a more senior manager within their area.	The employee must complete the Special Leave Form when back at work and submit it to their line manager for approval of leave. If the leave is unpaid an HR2 will be raised to deduct the appropriate pay.
Domestic	3 days		
Other Special Circumstances	3 days		
Religious Activity	3 days	Would be paid if taken from annual leave entitlement	Changes to designated public holidays made prior to taking; see Annual Leave Procedure

11. Pensions

11.1 Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.