

SPECIAL LEAVE POLICY

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Name of responsible committee/individual:	Employment Policy Group / JCNC
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Target audience:	All staff
Distributed via:	Website

POLICY STATEMENT

SPECIAL LEAVE POLICY

Background	The special leave policy makes provision for time off for personal reasons, outside of normal leave arrangements and time off for public/civic duties. It excludes shared parental leave, maternity, adoption, paternity and parental leave which are covered in the Lincolnshire Community Health Services NHS Trust Family Leave Policy.
Statement	<p>This policy forms part of the Organisation's commitment to equality in employment and to staff members' health and wellbeing. The policy applies to all Trust employees subject to any conditions specified below.</p> <p>The purpose of the policy is to allow special leave to be granted for domestic, personal and family matters. It is to help staff balance the demands of domestic and work responsibilities at times of urgent and unforeseen need. It is also intended to support staff to undertake civic and public duties.</p>
Responsibilities	The policy sets out the number of guidance days managers can operate within. Whilst managers should give consideration to any requests employees do not have an automatic entitlement to special leave. Individual managers should decide the amount of leave to grant taking account of the individual circumstances of each case balanced against the requirements of service provision and also the amount of annual leave or time in lieu left.
Training	Special Leave is featured in Leadership and Development training modules.
Dissemination	Website
Resource implication	The Trust's budget allocation needs to take account of the potential costs of providing cover for special leave absences if they are paid. Statistical reports will be provided to show frequency and trends analysis in order to inform the Financial projections. Statistical data regarding the equality and diversity strands will also be analysed.
Equality and Diversity	This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.

Version Control Sheet SPECIAL LEAVE POLICY

Version	Section/Para/Annex	Description of Amendments	Date	Amended by (Name)
One	To be archived	Approved November 2006	Nov 2006	Author - SM
Two	Adoption Leave	Taken out to go into Family Leave Policy	Feb 2008	SM
	Paternity leave	Taken out to go into Family Leave Policy	Feb 2008	SM
	Unpaid parental Leave	Taken out to go into Family Leave Policy	Feb 2008	SM
	Section 3.3	GP and Hospital appointments inserted	Feb 2008	SM
	Extended leave	Incorporated into main types of leave to clarify and provide for managers to be more consistent	Feb 2008	SM
	Managers responsibilities	Added heading and added table to indicate maximum no. of hours special leave that can be taken	Feb 2008	SM
	Section 5 Time off for Public Duties	Added LIVES first responder training	Feb 2008	SM
	End of document	Agreement form added	Feb 2008	SM
Three	Front cover	Review date extended on authorisation of Information Governance Committee and Sheila Manning to enable reviewed document to be submitted to suitable approving committee	August 2010	S Barnes
3.1	Entire document	Review date extended to 31 March 2011 to coincide with changes to NHSL/LCSH Policy realigned following implementation of the Transforming Community Services agenda and new legal entity	6 Dec 2010	Sheila Manning
3.2	Entire Document		22 March 2011	Rachael Ellis-Ingamells
4		SL form amended Disability Leave form added	Dec 2011	Melanie O'Brien
4.1		Definition of disability added from Equality Act. Statement relating to fraud added	Dec 2012	Rachael Ellis-Ingamells
5		Associate Director changed to Senior HR Business Partner	Aug	Melanie

		Review and E & D statement updated	2014	O'Brien
6	All All 3.1 3.3 3.4	Footer amended Updated policy titles Table added to outline bereavement leave guidance & considerations Definition of 'dependant' aligned to that in NHS National Handbook Parental Leave entitlements amended in accordance with rights / Added reference to Shared Parental Leave.	May 2016	Clare Nock
6.1	3	Removal of section 3 on Disability Leave which has instead been put in the Your Attendance Matters Policy.	April 2018	Clare Nock
7	1.2	Full Policy Review Scope of Policy added Removed Parental Leave Removed Special Leave Form Replaced Monitoring with Application Section Removed Berevment leave guidance table Removed references to disability form Added clarity on basic pay during leave	June 2018	Annette Sadler

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SPECIAL LEAVE POLICY

1. AIMS / OBJECTIVES

The purpose of the Special Leave policy is to allow employees to be given time off work in exceptional circumstances for domestic, personal and family matters which are urgent and unforeseen. It is also intended to support staff to undertake civic and public duties. The policy excludes parental leave, maternity, adoption, paternity leave and Shared Parental Leave which are covered in the Lincolnshire Community Health Services NHS Trust Family Leave Policy.

1.2 SCOPE

All employees of the Trust are covered with the exception of 'bank' staff. There is no qualifying period.

1.3 Pay Arrangements

Leave with pay will always be made on the basis of basic pay and will not include any allowance or payments linked to working patterns or additional work commitments.

2. RESPONSIBILITIES OF MANAGERS

It is the responsibility of the manager to carefully consider whether time off requested for domestic and family matters should be approved as paid or unpaid special leave.

Managers may approve:-

- a) Up to a maximum of 15 days (3 weeks) pro rata paid leave in a financial year (April 1 – March 31). The special leave would be made up of a combination of bereavement, compassionate, carer's leave, extended leave and/or fertility treatment.
- b) In addition to this, managers may authorise up to a maximum of 15 days (3 weeks) pro rata for public/civic duties.

Hours worked	Maximum amount of special leave in hours	Days worked per week	Maximum amount of special leave in working days
37.5	112.5	5	15
30	90	4	12
22.5	67.5	3	9
15	45	2	6
7.5	22.5	1	3

The scheme sets out the number of days managers can operate within. Whilst managers should consider if special leave is appropriate, it is not an automatic entitlement. Individual managers should decide the amount of leave to grant taking account of the severity of the individual circumstances of each case balanced against the requirements of service provision and also the amount of annual leave or time in lieu left.

3. TYPES OF SPECIAL LEAVE FOR PERSONAL REASONS

3.1 Bereavement Leave

Bereavement Leave is appropriate in case of bereavement of a close family member, it can also include time to travel a long distance/abroad to attend a funeral, make arrangements for a funeral and/or to deal with matters concerned with the estate of the deceased. By its very nature bereavement leave is only intended to be for a reasonable time period and staff may need to take other types of leave that may be linked to their loss.

Managers should apply their discretion to ensure the Trust adopts a supportive approach in cases of bereavement, consideration should be given to how close the relationship is with the deceased.

The Trust recognises and understands that individuals may require a longer length of time away from the workplace following bereavement.

3.2 Compassionate Leave

Compassionate leave is appropriate where a close family member is taken seriously ill or suffers a serious accident. Compassionate leave may also be appropriate in instances of severe damage or disruption to property e.g fire, burglary, flooding involving traumatic experience and necessitating the employee's presence at home.

3.3 Carer's leave

All employees are entitled to reasonable time off work, to deal with an emergency involving a dependant. It is the responsibility of the manager to carefully consider whether time off requested for carers leave should be approved as paid or unpaid special leave. Carer's leave is appropriate to cover a range of needs arising from genuine domestic emergencies involving dependents.

A dependent is someone who is married to, is a civil partner, or a partner, "a near relative" or someone who lives at the same address as the employee. A relative for this purpose includes: children, parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives or is someone who relies on the employee in a particular emergency.

Where there is another adult in the home it would not be appropriate for an employee to request carer's leave except when that employee is defined as the main carer under community care legislation (section 1(3) Carers (Recognition and Services) Act 1995 and s1(3) Carers and Disabled Children Act 2000.

Unplanned carer's leave - the aim is to provide an immediate response to circumstances, which could not have been predicted e.g where normal carer arrangements break down unexpectedly and alternative arrangements need to be put in place. The statutory right for carer's leave is intended to allow employees a reasonable time (every case is different but this is typically 1-2 days paid) to deal with unexpected/sudden emergencies and where appropriate make alternative arrangements for example in childcare.

Examples of unplanned carer's leave

- The sudden onset of an illness of a child, partner, close relative or dependent.

- The unforeseen breakdown of normal carer arrangements, including the illness or absence of the usual carer.
- Unplanned time off needed at short notice to make longer-term arrangements for coping with a care problem.

It is accepted that, in an emergency, leave will have to be applied for and granted at very short notice. The employee is expected to seek such leave by telephone to the manager (or appropriate substitute) if approval cannot be given in person..

Where additional leave is required e.g. due to continued child sickness, consideration should be given to the use of annual leave/time in lieu or a period of unpaid parental leave.

Managers are advised to adopt a flexible and understanding approach and may approve additional carer's leave (paid or unpaid) at their discretion with advice, where necessary, from the Workforce Department.

Planned carer's leave applies when an individual knows in advance that they must be available to administer care on a particular day because no one else is available. **In most circumstances relating to planned carer's leave annual leave or time in lieu should be taken under prior agreement with management.**

Examples of planned carer's leave include but are not limited to:

- Accompanying a dependent to hospital providing no other arrangements can be made. In most instances it is appropriate for this time to be paid back through flexitime or annual leave rather than special leave.
- Birthing partner – it is acknowledged that time off may be needed for this type of activity by staff who do not qualify for paternity rights. Requests for this type of leave must be made at least 3 months prior to the expected date of delivery. Managers will support the unexpectedness of the need to take time with little notice and for an undetermined time period. This type of leave can be taken up to one day paid and any additional leave unpaid, time in lieu (TIL) or annual leave.

Applicants for this type of leave are entitled to a written explanation if the request is declined. Appeals against decisions not to approve an application for carer's leave should be made through the LCHS Grievance Procedure.

3.5 Doctor, Dentist and Hospital Appointments

If it is necessary to attend Doctor, Dentist or Hospital appointments during work hours the time should be made up or taken as annual leave. If the appointment is due to a disability, please refer to the 'Your Attendance Matters Policy'

3.6 Extended Leave

In exceptional circumstances approval may be given to an individual member of staff to take an extended period of leave (for example to extend care for terminally ill dependents, to visit ill relatives overseas etc). Such periods will not normally exceed 8 weeks in total and may comprise of periods of annual leave, lieu days and unpaid leave.

3.7 Fertility Treatment

Employees undergoing fertility treatment will be entitled to paid time off to attend appointments and treatment. The manager will require advance notice and evidence of

appointments and treatment. Any sickness or ill health resulting from such treatment will be treated in accordance with the Trust's policy for sickness absence.

4. GENDER REASSIGNMENT

Gender reassignment is a protected characteristic under the Equality Act 2010. Employees who undergo treatment for gender reassignment will be entitled to take paid time off to attend appointments and treatment. There is no set time limit that employers should allow for treatment. Individual rights under the Equality Act 2010 (DDA 1995) must be considered where the individual has been diagnosed as suffering from 'Gender Dysphoria' or 'Gender Identity Disorder'.

5. TIME OFF FOR PUBLIC DUTIES

There is no statutory obligation for payment to be made for Time off for Public Duties however the Trust accepts that undertaking public duties is a social responsibility.

The provisions apply to staff that are a:-

- Justice of the Peace
- Member of a Local Authority
- Member of a Police Authority
- Member of any statutory tribunal
- Member of the managing or governing body of an educational establishment maintained by a Local Education Authority or a Further or Higher Education Corporation
- Member of the General Teaching Councils for England and Wales
- Member of the Environmental Agency
- Member of the Board of Visitors for HMS Prison Establishments
- Member of the Service Authority for the National Criminal Intelligence Service or National Crime Squad
- Member of the Territorial Army/reserves/cadet forces
- LIVES first responder training

The duties for which the Trust is required to permit reasonable time off are as follows:-

- Attendance at meetings of the body or any of its committees or sub committees
- Performance of duties approved by the body to be done in discharging its function

The amount of paid time off is at the manager's discretion, with advice from the Workforce Department, up to a maximum of 15 working days with pay in any leave year (pro rata for part-time staff) and will take into account the following :-

- How much time is required to perform the duties
- How much time the employee has already been permitted for this purpose
- The effect the absence may have on the service provision to the Trust's patients / service users

Additional unpaid leave may be granted if deemed appropriate.

Serving on a Jury

In the Criminal Justice Act 2003 judges, politicians, vicars, doctors, nurses/midwives and the police had their exemption from juries removed.

When a member of staff is notified by the courts that they are required to attend jury service they should notify their manager of the dates immediately. A copy of the notification should be shown to the manager.

If any member of staff is summoned to attend for Jury Service the Trust will approve paid leave for up to 10 days. If the trial lasts more than 10 days the staff member must notify their manager. Any additional time off will be taken as unpaid leave and the member of staff should submit a claim for a contribution towards loss of earnings to the Court, there is a limit to how much can be claimed per day. All travel and expense claims must be submitted to the Court and not Lincolnshire Community Health Services NHS Trust.

6. APPLICATION

An individual can make a direct request to their manager for any of the types of leave. If authorised managers must enter onto ESR.

Appendix 1 Equality & Diversity Statement

This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.

Appendix 2

Equality Analysis

Name of Policy/Procedure/Function*

Special Leave Policy

Equality Analysis Carried out by: Clare Nock

Date: 4 July 2018

Equality & Human rights Lead: Rachel Higgins

Director\General Manager: Marie Fosh

***In this template the term policy\service is used as shorthand for what needs to be analysed. Policy\Service needs to be understood broadly to embrace the full range of policies, practices, activities and decisions: essentially everything we do, whether it is formally written down or whether it is informal custom and practice. This includes existing policies and any new policies under development.**

Section 1 – to be completed for all policies

A.	Briefly give an outline of the key objectives of the policy; what it's intended outcome is and who the intended beneficiaries are expected to be	The purpose of the Special Leave policy is to allow employees to be given time off work for domestic, personal and family matters including those which are urgent and unforeseen. It is also intended to support staff to undertake civic and public duties.		
B.	Does the policy have an impact on patients, carers or staff, or the wider community that we have links with? Please give details	The policy is to support staff that has responsibility for the care of their family members.		
C.	Is there any evidence that the policy\service relates to an area with known inequalities? Please give details	No		
D.	Will/Does the implementation of the policy\service result in different impacts for protected characteristics?	No		
		Yes	No	
	Disability		X	
	Sexual Orientation		X	
	Sex		X	
	Gender Reassignment		X	
	Race		X	
	Marriage/Civil Partnership		X	
	Maternity/Pregnancy		X	
	Age		X	
	Religion or Belief		X	
	Carers		X	
	If you have answered 'Yes' to any of the questions then you are required to carry out a full Equality Analysis which should be approved by the Equality and Human Rights Lead – please go to section 2			
The above named policy has been considered and does not require a full equality analysis				
Equality Analysis Carried out by:		Annette Sadler		
Date:		June 2018		