

Version 6

SPECIAL LEAVE POLICY

A Policy and procedure giving guidance on the Special Leave provisions within the Trust.

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VERSION CONTROL SCHEDULE

Version number	Issue Date	Revisions from previous issue
5	November 2018	Section 5: Bereavement Leave for a Child
		7.6 parental leave can only be taken in blocks of one week or two weeks
5		8 Inclusion of career break which will supersede the career break policy
6	April 2019	Finalised at PDG 20/02/19 and 20/03/19. This policy will replace the Stockport Foundation NHS Trust policy. Ratified at Staff Partnership Forum on 02/04/19. Ratified by EMT on 08/04/19

Tameside & Glossop Integrated Care NHS Foundation Trust

SPECIAL LEAVE POLICY

1. Introduction

- 1.1 The Trust recognises that employees may have family, personal or domestic responsibilities and obligations in addition to the responsibilities they have to the Trust. The Trust is committed to helping staff balance the demands of domestic and work responsibilities.
- 1.2 The policy recognises that some staff may have cultural, diverse and religious needs and these should sympathetically be taken into account in addition to those described above.
- 1.3 The aims of this policy are to provide a fair, compassionate and consistent approach to assist staff and management in dealing with circumstances where time off from work is required and to provide a range of supportive benefits that will enable staff to fulfil their family or personal responsibilities during urgent or emergency situations, through the provision of paid or unpaid leave, according to the circumstances.
- 1.4 This policy details the eligibility requirements, entitlements and associated procedures relating to a range of circumstances which may necessitate an employee to take paid or unpaid leave for domestic, personal, family, public, civic and related duties, etc. Employees will be protected from any form of detriment due to the application or request for any such leave taken or requested under this policy.
- 1.6 This policy applies to all employees of the Trust.
- 1.7 Throughout this policy where reference is made to “with pay” or “paid leave” unless specified to the contrary, the employee shall receive the same pay as would have been received had they worked their normal hours, excluding any voluntary overtime.
- 1.8 The entitlements listed are to be provided on a pro-rata basis for part-time staff.

2. Range of Leave Provision

- 2.1 The Policy covers requests for the following types of Special Leave:
 - **Carer Leave**
 - **Compassionate Leave**
 - **Bereavement Leave for a Child**
 - **Domestic Leave**
 - **Parental Leave**
 - **Career Break**
 - **GP, Dental or other Health Related Appointments**

- **Public Service Duties (Magistrate/Jury Service/Local Government/ Tribunals etc.)**
 - **Absence from Duty Following Contact with a Notifiable Disease**
 - **Time off to attend Interviews**
- 2.2 If an employee wants a change to their working pattern then refer to Flexible Working Policy.
- 2.3 The provisions of Maternity, Paternity, Adoption and other such related leave may be found in the Maternity, Paternity & Adoption Leave Policy.

3. Carer Leave

- 3.1 All employees may request up to a maximum of one contractual weeks' leave in a rolling twelve month period where they have to provide assistance on an occasion when normal care arrangements break down at short notice, for example:
- To deal with an unexpected disruption or breakdown in care arrangements for a dependent
 - To deal with an incident during school hours where attendance is requested by the school
 - If a dependent falls ill or has been involved in an accident or assault including where the victim is distressed and/or physically injured.
 - To make longer-term arrangements for a dependent who is ill or injured.
- 3.2 A dependent in the context of this policy is the partner, child or parent of the member of staff, or someone who may or may not live with them as part of the family, e.g. an elderly aunt or grandparent. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee e.g. a live-in housekeeper. A dependent may also be someone who reasonably relies on the member of staff for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.
- 3.3 Injury or illness of a dependant may not necessarily be serious or life threatening it may include physical or mental illness and/or a deterioration of an existing condition.
- 3.4 Process:
- 3.4.1 The aim of providing Carer Leave is to give the carer adequate time to plan and make continuing care provision.
- 3.4.2 There is no qualifying period for eligibility.
- 3.4.3 The line manager or person in charge should be notified of the absence of leave and then subsequently the request for leave should be made using the application form (appendix A) to the immediate line manager or other manager acting on their behalf, as appropriate.

- 3.4.4 Carers leave is to cover **emergency, unforeseen/unexpected** situations and/or situations that need to be dealt with in a short period of time. It is not provided to cover for predictable or foreseeable breaks in carer arrangements such as holidays, doctors, dentist or hospital appointments etc.
- 3.4.5 Leave maybe granted from a few hours up to a maximum of one contractual working week on any one occasion subject to a total maximum of 5 working days in a rolling twelve month period.
- 3.4.6 In exceptional circumstances, requests for further leave may be granted at the discretion of the relevant manager.
- 3.4.7 Where staff require further periods of time off, the use of annual leave or unpaid leave should be discussed as per the Annual Leave Policy.
- 3.4.8 Wherever possible, alternatives to carers leave should be considered e.g. in the case of part time or shift workers, it may be possible to swap shifts or days off in order to deal with the emergency rather than taking carers leave. For full time workers it may be possible to agree that they make up the hours at a mutually agreed time.
- 3.4.9 Although not possible for all posts and in all situations, it may be possible for some employees to undertake work from home as an alternative to carers leave.

4. Compassionate Leave

- 4.1 Compassionate Leave is given in the case of the death of a partner, close relative or someone with whom the member of staff has had a particularly close relationship.
- 4.2 Employees may request up to a maximum of up to one contractual working week's paid leave in the event of a bereavement
- 4.3 Process:
- 4.3.1 There is no qualifying period for eligibility.
- 4.3.2 The initial request should be made to the immediate line manager or other manager acting on their behalf, as appropriate.
- 4.3.3 Managers should be aware of different cultural and religious beliefs when considering requests for compassionate leave.
- 4.3.4 Staff may request to up to one contractual working week's leave. However, in exceptional circumstances managers may also grant an additional one-week of paid leave when taking the following into account:
- the closeness of the employee's relationship with the deceased in real terms, not simply by blood ties.
 - whether the employee has administrative responsibilities resulting from the bereavement, e.g. funeral arrangements

- the availability of other relatives and friends to assist in making arrangements.
- the distance the employee needs to travel to make arrangements or to attend the funeral.
- differing cultural and religious requirements that may have a bearing on the amount of leave required

4.3.5 If appropriate, further compassionate leave may be granted without pay, at the discretion of the manager, or the employee may prefer to take annual leave. The use of alternatives as in 3.4.7 to 3.4.9 should also be considered.

4.3.6 The responsible manager must ensure that he/she treats all staff requests for extra leave fairly and equitably.

4.3.7 The request for leave should be made using the application form (appendix A) to the immediate line manager or other manager acting on their behalf, as appropriate.

5. Bereavement Leave for a Child

5.1 An employee who is a bereaved parent will be entitled to be absent from work for up to two weeks in the period after the child's death, for each child aged under 18 who has died.

5.2 The leave must be taken within 56 days of the death and must be taken in blocks of a week or two weeks.

5.3 Bereavement leave would apply for stillbirths over 24 weeks alongside the entitlement to maternity leave.

5.4 Process:

5.4.1 Statutory parental bereavement pay will be introduced for the same two weeks, for those employees with 26 weeks service prior to the week in which the child dies and who earn over the lower earnings limit.

5.4.2 The initial request should be made to the immediate line manager or other manager acting on their behalf, as appropriate. The application form should be completed by the manager a verbal agreement.

6.0 Domestic Leave

6.1 The aim of domestic leave is to provide a compassionate response to an immediate unexpected domestic crisis or emergency. Employees may request to take 1 day's paid leave to deal with the situation.

6.2 This will be on those occasions when a person's ability to function normally in the working environment is adversely affected by an unexpected breakdown in their

domestic circumstances, for example flood, fire, burglary or other serious domestic incident which could not be predicted.

6.3 Process:

6.3.1 There is no qualifying period for eligibility.

6.3.2 The initial request should be made to the immediate line manager or other manager acting on their behalf, as appropriate. The application form should be completed on return to work following a verbal agreement from the manager if made at short notice.

6.3.3 Staff may be granted up to 1 day's paid leave at the discretion of their manager.

6.3.4 Staff are expected to take annual leave for domestic leave requirements, which can be reasonably foreseen or planned for in advance.

7.0 Parental Leave (Unpaid)

7.1 Parental Leave is available to parents who wish to take leave to care for a child or to make arrangements for the good of a child. For the purposes of this policy parents are either natural or adoptive parents or have legal parental responsibility for the child. Examples of how this leave might be used are:

- To spend more time with the child in early years
- To accompany a child during a stay in hospital
- Checking out new schools
- Settling in to new child care arrangements
- To enable the family to spend more time together for example taking them to stay with grandparents

7.2 The leave needs to be taken before the child's eighteenth birthday.

7.3 Parents are entitled to a total of eighteen weeks' parental leave for each child. The entitlement is reduced on a pro-rata basis for part-time staff for example; an employee who works two days per week will be entitled to two fifths of the leave entitlement.

7.4 The eighteen weeks leave entitlement includes any parental leave already taken during any previous employment with another employer. Employers should be aware that references received from previous employers at the start of their employment with the Trust also provides information on such periods of parental leave taken, and hence staff providing references may be requested for such information.

7.5 Any period of parental leave is unpaid. However, employment with the Trust will be treated as continuous service during the period of parental leave and will remain a member of the NHS Pension scheme, contributions for which can be recovered once the member of staff has returned to work from parental leave.

- 7.6 Parental leave may be taken as one week or two week blocks up to a maximum of 4 weeks at any one time, subject to the needs of the service and the relevant notification timescale. The maximum period in a twelve-month period will normally be 4 weeks.
- 7.7 Where practicable 21 days' notice of the intention to take parental leave should be provided. The leave should be recorded in line with the usual mechanism for recording annual leave.
- 7.8 The request for parental leave will normally be granted subject to the needs of the service. If a period of parental leave is going to disrupt the business, the employer has the option of postponing the leave for up to six months after the original requested start date. If an employer is going to postpone the leave they must write to the employee within seven days of receiving their request stating why the leave is being postponed and giving new dates that should be mutually agreed for the leave to be taken, again taking into account business needs.

Parental leave cannot be postponed immediately following a birth or adoption.

If an employer postpones a period of parental leave they must ensure that the requested period of leave is completed before the child's 18th birthday, even if this is less than six months away from the date of the original request.

- 7.9 Staff may be asked to provide evidence i.e., Birth certificate, when applying for the initial leave.
- 7.10 If the employee has previously taken parental leave with another employer they are not entitled to further parental leave if their entitlement has been exhausted.
- 7.11 The request for parental leave should be made using the application form (appendix A) to the immediate line manager or other manager acting on their behalf, as appropriate.

8.0 Career Break

- 8.1 A career break is a period of unpaid leave out of the workplace with an intention to resume work at an agreed date in the future. The minimum length of a career break will be 3 months to an absolute maximum of five years.
- 8.2 Breaks can be requested as either a single period or as more than one period.
- 8.3 The length of break should balance the needs of the applicant with the needs of the service.
- 8.4 The examples for which a career break may be considered could include childcare, eldercare, care for another dependent, training, study leave or work abroad but other reasons will be considered. For example, paid sabbatical schemes for professional groups to undertake research work.

- 8.5 Employees on career breaks will not normally be allowed to take up paid employment with another employer except where for example work overseas or charitable work could broaden their experience or it is on the bank for the Trust. In such circumstances written authority from the Trust would be necessary from the manager.
- 8.6 It is the responsibility of the individual to keep their professional registration up to date and to revalidate in line with the terms of their professional body. Employee should be aware that after certain period of leave they may be required by their professional registration body to update their practice/skills/observed practice etc.
- 8.7 If an employee returns to work within one year the same post will be available as far as is reasonably practical.
- 8.8 If the break is longer than one year, the Trust cannot guarantee that the employee will be able to return to the same or equivalent post. Wherever practicable, the Trust will endeavour to engage the employee in a broadly similar post as possible and available.
- 8.9 An employee is entitled to return to work at the equivalent salary level, reflecting national increases awarded during the break. No incremental increases will be awarded during the career break.
- 8.10 A career break over a period of six months or more will result in a deferred incremental date by the equivalent period.
- 8.11 There is a minimum period of return to work of two years between breaks.
- 8.12 Normally there should be at least 5 years potential service between proposed return to work and normal retirement age.
- 8.13 Process:
- 8.13.1 Employees must have a minimum of 12 month's continuous service with the Trust before the date of commencing the career break.
- 8.13.2 The employee should have a firm intention to return to work at an agreed date in the future.
- 8.13.3 An employee must discuss their intentions/eligibility to take a Career Break with their Line Manager in the first instance. Requests to take a Career Break should then be submitted in writing to the immediate Line Manager outlining the reason and proposed duration of absence required by completing the **Career Break Application Form in Appendix B.**
- 8.13.4 An application for career break must be made, at least 3 months (less in exceptional circumstances) in advance of the intended start date where a career break is for a period less than a year. At least 6 months' notice is required where a career break is over a year.

- 8.13.5 There will be provision for the break to be extended or for early return from breaks provided the notice periods outlined in 8.13.4 are adhered to.
- 8.13.6 If employees are absent on maternity leave, the career break should commence on the date the employee is due to return to work.
- 8.13.7 If the career break follows the maternity leave then you will be automatically opted out of the Superannuation scheme at the commencement of the maternity leave.
- 8.13.8 Employees must inform their Managers of any changes in personal circumstances e.g. change of name, address, and any criminal convictions which occur whilst they are on a Career Break.
- 8.13.9 Following the approval of the application it should be forwarded to the Human Resources Department together with a complete Change of Employment form for recording onto IPS and then returned to manager for retention on the personal file.
- 8.13.10 The manager will provide the member of staff written confirmation of the approval of their career break. **(see Management Guide to Career Break)**
- 8.13.11 If the employee is unhappy with the decision reached, they have the right of appeal through the Trusts Grievance Policy and this will be heard as a Grievance Appeal Hearing.

9.0 GP, Dental or other health related appointments

- 9.1 Whenever possible, staff should arrange their appointments outside of normal working hours (core working hours where flexi-time is in operation) or when rostered off duty.
- 9.2 Where appointments cannot be made on an evening or a non-working day, arrangements should be agreed with the appropriate manager for time off to be taken and made up at another time. However, every effort should be made to arrange the appointments at the beginning or end of the day. It is expected that adequate notice be provided where practicable.
- 9.3 Where such attendance is related to sickness absence the normal procedures regarding the provision of sickness certificates will apply.
- 9.4 Time off will be given with pay for attendance at hospital outpatient clinics, for which evidence of appointment will be required.

10.0 Time off for dependents' appointments

- 10.1 When employees are required to accompany dependents to GP, hospital or other health related appointments, whether planned in advance or last minute, they may request time off in order to attend. This must however be taken as unpaid leave or annual leave. The use of alternatives could also be considered as in 3.4.7 - 3.4.9.

11.0 Public Service Duties

11.1 Special Leave will be granted for Public Services as outline below. However, in all circumstances regard shall be paid to:

- the needs of the service;
- the amount of leave required for the performance of the particular duties.

11.2 Staff should declare their responsibilities for Public Duties at the time of their employment. Staff who are elected during their employment must discuss with their manager and agree appropriate time off.

11.3 Where possible duties should be undertaken outside normal working hours. Leave will only be with pay where payments for the duty are not being paid by the other body. Managers will have the discretion to grant up to 5 days paid leave. As so much may depend on individual circumstances, up to a further 5 days paid leave may be granted by the Head of Department i.e. a maximum of 10 days in any rolling 12-month period.

11.4 For the purposes of this policy the following are defined as “public duties”

- serving as a justice of the peace;
- membership of a local authority;
- membership of a statutory tribunal;
- membership of a police authority;
- membership of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
- membership of a prison board of visitors or a prison visiting committee;
- membership of a relevant health body;
- membership of a relevant education body;
- membership of the Environment Agency
- Sitting as a member of a Community Health Council
- Sitting as a Governors of an Educational Establishment

11.5 Any employee wishing to take time off in order to fulfil any of the above activities must give as much advance notice of their request as possible. Details must be provided of the duty being performed and the specific activity for which time off is considered necessary.

11.6 In determining how much time off from work is reasonable the Trust will take into account the following:

- i the nature of the duties of the office or as a member of the body in question; and/or
- ii the amount of time off which has already been permitted for other public duties or for trade union duties or activities

- iii the operational requirements and the effect of the employee's absence on upon the service and the Trust
- 11.7 In addition to the above the Trust will take into account any minimum attendance levels, or any compulsory activity requirements stipulated by the public office or body.
- 11.8 The employee may also need to show that they are contributing a reasonable amount of their own time towards meeting their public duty commitments, possibly by including a proportionate amount of annual leave entitlement.
- 11.9 Process:
- 11.9.1 There is no qualifying period for eligibility.
- 11.9.2 Staff must give as much notice as possible of the date(s) when it is anticipated that they will be required for public service duties and if asked by their manager, must produce evidence of the need to perform such duties.
- 11.9.3 The line manager will authorise each absence as necessary.
- 11.9.4 No travelling or subsistence expenses will be paid by the Trust.

12.0 Other Circumstances where Special Leave may be granted

12.1 Magisterial Duties/Staff Elected to Office in a Local Authority.

- 12.1.2 Staff will be granted up to 12 days per annum. Magistrates are entitled to a further six days per year, which will be unpaid.

12.2 Parliamentary Candidature Leave

- 12.2.1 Employees adopted as candidates for a parliamentary election may be granted up to a maximum of 4 weeks unpaid leave at the discretion of their manager. This period of leave will be considered as part of the resignation notice of successful candidates.

12.3 Special Forces/Territorial Army

- 12.3.1 Employees who, with the consent of their manager, volunteer for service with the reserve forces, or, who at the time of their appointment, declare the fact of their membership of a reserve Force to the Trust and the Trust does not object, shall be granted the following leave:

- One week's paid special leave for attendance at annual camp and one weeks unpaid leave, or if they prefer the second week may be taken as part of their normal annual leave entitlement.
- Employees who are required to carry out short periods of training (normally on Saturdays and Sundays) additional to annual camp and are unable to arrange for such training to be undertaken in off duty time, may be granted

special leave with pay for this purpose subject to the needs of the service and provided that no other payment is received in respect of their attendance.

- The term 'one week' refers to a normal working week of the employee concerned.

12.3.2 Members of the TA who may be required to serve abroad for a period of time will be granted time off from work without pay. There may be certain circumstances however when such time off will not be granted, for example if there would be a detriment to the service if the employee was away from duty e.g. highly specialised and hard to recruit to posts.

12.4 Attendance at Court as a witness or for Jury Service

12.4.1 Staff, who are called for Jury Service or are required to attend Court as a witness, will be entitled to leave with pay. Staff must inform their line manager as soon as they are notified of the need to attend a court as a witness or juror and are expected to return to work as soon as their attendance is no longer required.

12.4.2 Travelling and subsistence expenses should be claimed from the court. Advice should be obtained from the Trust's payroll dept. It should be noted that certain healthcare professions can be exempted from Jury service and advice can be sought from the Human Resources Department.

13.0 Absence from Duty following Contact with a Notifiable Disease

13.1 Where an employee is under medical observation, or isolation, for the above reason he/she will be granted special leave with pay. All such cases must be referred to the Infection Control and Occupational Health Departments.

14.0 Leave for Interviews

14.1 Paid leave will be granted for staff attending interviews in relation to posts within the NHS. Travel and subsistence expenses must however be reclaimed from the prospective employer not the Trust.

14.2 Staff attending interviews outside the NHS will be required to use their normal annual leave entitlement unless they have been served with formal notice of redundancy, in which case they will be given time off with pay.

15.0 Appeals

15.1 Where an application for special leave is refused, the appropriate manager will on request from the individual concerned, provide the reasons for the refusal in writing

15.2 Any appeals arising from this policy should be raised through the Trust's Grievance Procedure and will be heard as a Stage 3 Hearing.

16.0 Monitoring

16.1 Any leave taken under the special leave policy should be recorded by the department using local recoding procedures. E.g. E-Rostering.

17.0 Review

17.1 This policy will be subject to review by the Policy Development group after 2 years, or before, if required by changes in employment legislation.

Tameside & Glossop Integrated Care NHS Foundation Trust
Appendix A: Application for Special Leave

Staff should complete sections A and B then pass the form to their manager/supervising clinician

SECTION A – Personal Details	
Name _____	Job Title _____
Division/Dept. _____	
Number of working hours per week _____	
Date joined the Trust _____	

SECTION B – Leave Requested		
Purpose of Leave _____		
From _____	To _____	(PAID)
From _____	To _____	(UNPAID)
Number of PAID hours requested _____		

Signed: _____ Date: _____

This form should now be passed to your manager/supervising clinician

Section C – Managerial Approval		
Leave granted: Yes/ No / partially* please delete as appropriate		
Dates of leave granted		
From: _____	To _____	(PAID)
From: _____	To _____	(UNPAID)
Number of PAID days approved _____		

Signed: _____ Date : _____



You should inform your member of staff of your decision, this form should be retained on the employees personal file.

All leave must be recorded on the local recording procedure for example E-ROSTER system.

Appendix B: Career Break Request Form

CAREER BREAK SCHEME APPLICATION FORM

FIRST NAME: _____ **SURNAME:** _____

DEPARTMENT: _____

DATE OF COMMENCEMENT WITH THE TRUST: ____/____/____

DATE of COMMENCEMENT OF CAREER BREAK: ____/____/____

REASON FOR CAREER BREAK:

RETURN DATE: (where known)

____/____/____

Employees returning from a Career Break will normally be required to give a minimum period of notice of three months. At this point (where possible) the employee will be seen by their Manager to discuss arrangements for their return.

If an employee wishes for the Break to be extended or for an early return they should comply with notice periods outlined in the above paragraph (in exceptional circumstances this may be less). Every effort will be made to accommodate their requirements, subject to operational constraints and the arrangements made to cover their absence.

FAILURE TO RETURN TO WORK:

If at any time during the Career Break the employee decides they do not wish to return to employment with the Trust, they must notify their Manager immediately in writing or at least three months before the expected date of return to work.



Failure to notify your manager of your return to work and/or failure to return to work at the agreed time could ultimately result in termination of your employment.

OTHER EMPLOYMENT:

Employees on a Career Break are not permitted to take up paid employment without prior agreement of the Trust. See Career Break Scheme for further information.

ARRANGEMENTS FOR MAINTAINING CONTACT:

The employee and their manager are expected to agree arrangements for maintaining contact, which are to be appended to this agreement.

Please specify the agreed arrangements for maintaining contact:

BREACH OF CAREER BREAK AGREEMENT:

A breach in the Terms of an Career Break agreement by an employee, for example, by failing to comply with the arrangements for maintaining contact agreed or by taking up paid employment elsewhere without permission may result in its termination by the Trust and the withdrawal of the opportunity to return to work under this scheme.

SIGNATURE OF EMPLOYEE: _____ **DATE:**
_____/_____/_____

SIGNATURE OF MANAGER: _____ **DATE:**
_____/_____/_____

CAREER BREAK APPROVED: Yes No

If no – reasons for refusal:



PLEASE NOTE:

This form should be copied to the appropriate Human Resources Advisor and the original retained on the employee's personal file.

Payroll should be notified of this career break forwarding to Human Resources a completed Change to Employment Form, together with a copy of this agreement.

Appendix B: Letter Confirming Career Break Scheme