

## Special Leave Procedure

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# Contents

1	Introduction .....	3
2	Purpose.....	3
3	Scope .....	3
4	Definitions.....	3
5	Duties and responsibilities.....	3
6	Procedures.....	4
7	Training Requirements .....	7
8	Process for monitoring compliance with this Procedure .....	7
9	References.....	7
10	Associated documents.....	7
	Appendix A : Equality Analysis.....	9

# Special Leave Procedure

## 1 Introduction

The Tavistock and Portman NHS Foundation Trust (the Trust) is aware that there will be occasions when its employees will experience situations of urgent and unforeseen need, which will prevent them from attending work in the usual way.

This procedure sets out the agreed types of special leave that staff may apply for.

## 2 Purpose

The purpose of this procedure is to clarify and set out what special leave staff are entitled to apply for. It provides a uniform and equitable approach for the management of annual leave.

## 3 Scope

The procedure applies to all substantive and fixed term staff employed by the Trust.

## 4 Definitions

**Carer** is a member of staff who has the main responsibility for looking after a child, partner, totally dependent relative or friend who either lives with them (as a member of the family, i.e. not a boarder) or who cannot manage in their own home without help because of their personal circumstance.

**Child** a young person up to the age of 18.

## 5 Duties and responsibilities

**HR advisers** will support and advise managers about the application of this procedure.

**Managers** should be clear about what staff are entitled and ensure that any special leave that is authorised is recorded appropriately on the absence returns.

**Staff** are expected to understand the process for requesting special leave.

## 6 Procedures

The following sections describe each type of special leave and how it should be awarded. The table below summarises the entitlements for each leave type.

Leave Type	Time Off Permitted
Bereavement	6 days paid leave
Carers leave	10 days paid leave, per leave year, which should not exceed 3 days per occasion
Parental leave	Up to 4 weeks unpaid leave, per leave year, until the child's 18 <sup>th</sup> birthday.
Personal and domestic emergency leave	1 day paid leave, per leave year.
Leave for religious festivals	Should be booked as annual leave
Time to pray	Time to be requested during the working day and worked back
Jury service	Full paid leave for the duration of the summons
Time off for public duties	A reasonable amount of unpaid time to be agreed with the line manager.
Military service	A reasonable amount of unpaid time to be agreed with the line manager.

### Bereavement

If a close family member, sadly, passes away staff are able to request compassionate leave, up to six paid days leave may be authorised.

The compassionate leave granted does not need to be taken as consecutive days.

If more time than this is required, the member of staff should discuss with their manager about taking annual or unpaid leave.

### Carers Leave

We recognise that staff who have caring responsibilities may experience occasions where their care arrangements break down.

The Trust also understands that people can become a carer at any stage in their lives and may need help to balance any additional caring responsibilities that they may have. Wherever possible the Trust will aim to meet the individual needs of staff with regard to working hours and time off to address their caring responsibilities. However, service delivery and quality (including health and safety and legislative requirements) must not be compromised.

Managers may grant up to 3 days paid leave per occasion, not exceeding a maximum of 10 working days per leave year.

Examples of situations which may necessitate this leave being granted include:-

- Illness of a child/stepchild, close relative or friend.
- Breakdown of normal carer arrangements for children or dependants. At short notice
- The need to accompany a dependant or close relative to or from hospital
- To make arrangement of longer-term care for a dependant (dependants include elderly relatives)

This list is not exhaustive and staff should discuss with their manager and Human Resources as required. Staff with longer-term caring responsibilities may wish to discuss working flexibly with their manager. For further details about the process, please refer to the flexible working procedure.

### **Parental Leave**

Parental Leave is available when parents need to take time off to look after a child or make arrangements for the child's welfare. Staff may take up to 18 weeks unpaid leave in total, per child, up until the child's 18<sup>th</sup> birthday. This right also applies to employees who have acquired formal responsibility for a child e.g. guardians.

Employees may not take parental leave in periods of less than one week or more than four weeks leave per child, per year. However, parents of disabled children are allowed greater flexibility.

Eligible parents of a disabled child are entitled to take their leave a day at a time if necessary, however are restricted to a maximum of 4 weeks unpaid parental leave in total per year.

In all instances of unpaid parental leave, staff should give 21 day's notice and give dates when applying for leave, and must put it in writing to their line manager and Human Resources.

Pension contributions can be made during periods of parental leave and advice should sought from the pensions team about how to go about this. Their contact details can be found on the finance section of the intranet.

Where both parents are employed by the Trust, each will be entitled to parental leave, but both employees may not take leave at the same time. Part time staff will be entitled to parental leave on a pro rata basis.

### **Personal and Domestic Emergency Leave**

One day's paid leave per year may be granted to staff in certain domestic situations. This leave covers an unforeseen incident, which results in damage, harm or loss and requires immediate action that prevents the employee from attending work on that day. Any additional time required should be taken as annual leave or unpaid leave.

This leave does not apply to planned events such as domestic repairs, refurbishment, building or trades work, installation of appliances, home deliveries, gas, electricity or other tradesperson visits etc, nor is it permitted for medicals associated with private insurance or mortgages. Where possible, employees should try to arrange such visits outside of their normal working hours.

### **Leave for religious festivals and time to pray**

Employees are entitled to request time off for religious holidays that are not public holidays, and such requests should not be unreasonably refused. This time must be taken off either as annual leave or as unpaid leave.

Staff are entitled to request time away from their duties to pray or observe their faith. If time is taken away from their work duties then it should be worked back at an agreed time i.e. starting earlier or finishing later.

### **Jury Service**

Where an employee is called for jury service they should immediately inform their line manager and provide a copy of the court summons.

The employee will continue to be paid whilst on jury service at their normal rate of pay, however any court fees received, excluding allowances for travelling and subsistence must be reimbursed to the Trust.

The employee when making the request must produce the notification document from the court. If employees report for jury service but are not called upon to serve on any particular day, they are expected to attend work on that day if it is reasonably practicable to do so in the time available.

The Human Resources department will retain a copy of jury service leave request and accompanying documents.

### **Time Off for Public Duties**

Where an employee holds a public office or public position, reasonable unpaid time off work will be granted so that the employee can perform the duties associated with that position as well as to undertake necessary training. Time off granted will depend on the needs of the service.

Where, however, the amount of time that the employee requires for public duties becomes excessive, or begins to cause operational difficulties, managers have the right to refuse requests and the employee could choose to take time off out of their annual leave entitlement for this purpose.

When considering whether to grant time off, the Manager may take into consideration some or all of the following factors:

- how much time off is generally required for the performance of the office in question and how much time off is required for the performance of the particular duty on the particular occasion

- how much time off has already been granted to the employee for public duties
- the effect of the employee's absence on the needs of the service.

Reasonable time off is available for Justices of the Peace and members of the following public bodies:

- a local authority
- a statutory tribunal
- a police authority
- the Service Authority for the National Criminal Intelligence Service
- the Service Authority for the National Crime Squad
- a board of prison visitors or a prison visiting committee
- a relevant health body
- a relevant education body
- the Environment Agency, the Scottish Environment Protection Agency or a relevant Scottish water and sewerage authority

Time off for trade union duties are covered by legislation and the Trust has a separate recognition agreement with the trade unions. Managers should refer to Human Resources for advice.

### **Military Service and Training**

Time off, without pay, will be granted for members of the armed forces to undertake calls to service and for training.

Staff are encouraged to discuss any planned absence for military service or training with their managers well in advance of the required periods.

## **7 Training Requirements**

There are no specific training requirements attached to this procedure, however, where managers are unclear about the application then they can speak to an HR adviser who will help with interpreting the requirements.

## **8 Process for monitoring compliance with this Procedure**

Managers will be required to keep accurate records of approved special leave. Periodically, the Trust's internal audits or counter fraud service may conduct local audits to assess local service's procedures.

## **9 References**

HM Government (2010) *The Equality Act*. HM Stationery Office. London.

## **10 Associated documents<sup>1</sup>**

<sup>1</sup> For the current version of Trust procedures, please refer to the intranet.

## Annual leave procedure



## Appendix A : Equality Analysis

<b>Completed by</b>	Craig de Sousa
<b>Position</b>	Director of HR
<b>Date</b>	09 August 2017

<b>The following questions determine whether analysis is needed</b>	<b>Yes</b>	<b>No</b>
Is it likely to affect people with particular protected characteristics differently?	X	
Is it a major policy, significantly affecting how Trust services are delivered?	X	
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?	X	
Does the policy relate to an area with known inequalities?	X	
Does the policy relate to any equality objectives that have been set by the Trust?	X	
Other?		X

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

	<b>Yes</b>	<b>No</b>	<b>Comment</b>
Do policy outcomes and service take-up differ between people with different protected characteristics?	X		Although, they positive impact those with protected characteristics.
What are the key findings of any engagement you have undertaken?		X	
If there is a greater effect		X	

on one group, is that consistent with the policy aims?			
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?		X	
Will the policy deliver practical benefits for certain groups?	X		There are some aspects of this procedure which specifically apply to parents.
Does the policy miss opportunities to advance equality of opportunity and foster good relations?		X	
Do other policies need to change to enable this policy to be effective?		X	
Additional comments			

If one or more answers are yes, then the policy may unlawful under the Equality Act 2010 –seek advice from Human Resources.