

Special Leave Policy

Policy Control

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Version Control

Version No	Date	Editor Initials	Consultation Route	Revision Description
1.0	01/04/2003	LN	Board	New policy
2.0	01/04/2006	AM	Board	Re-draft
2.1	05/05/2009	AM	Integrated Governance	extended policy until 31/1/2012
3.0	01/11/2011	TW	Workforce Strategy Committee	extension date for review to 30 June 2012
4.0	18/01/2013	TW	ESEC	Amendments agreed
4.2	16/02/2016	KE	Historical not recorded	New format
5.0	19/04/2016	KE	Quality and Standards Committee	Historical not recorded
5.1	30/04/2019	ES	PRG, GNG, HRD	New template, employment break process for return clarified, Reserve Forces section separated out.

Policy Queries: awp.hrservicecentre@nhs.net



Special Leave Policy

1. What this policy covers

The Trust wishes to ensure that if you are genuinely in need of time off to deal with an emergency or to carry out a public or civic duty, that you are treated fairly.

This policy aims to deliver a clear and consistent approach in terms of support and management application, whilst at the same time being flexible enough to adapt to you as an individual.

Below, we explore some of the most common reasons for needing special leave and detail arrangements for individuals wishing to have additional time off. For example, employment break or parental leave. The reporting mechanisms required to ensure pay arrangements are considered are also explained.

Further information can be found at the following websites:

- [Ourspace](#)
- www.acas.org.uk
- [NHS Employers - T&C's](#)

2. Principles

With this policy, we attempt to balance your requirements whilst delivering a first class service and will work with you to find the most effective way to resolve issues when they arise.

We are sensitive to your personal commitments and responsibilities and aim to maintain working arrangements to help you optimise your attendance at work by balancing your work and personal lives.

3. Responsibilities

- **Executives/Senior Management** have overall responsibility for ensuring the policy is applied, individuals treated equally, fairly and not-unlawfully

discriminated against, that employees in need are helped whilst minimising the impact(s) on services

- **Managers** should treat requests fairly and equally, not-unlawfully discriminated and take into consideration the particular circumstances and urgency of each request and the service.
- **All employees** wishing to apply for special leave should follow the procedures as detailed below giving the appropriate amount of notice.

4. Definitions

For the purposes of this policy a dependant is:

- Spouse or civil partner
- Child
- Parent
- Any other person who may reasonably rely on you for care.

5. Policy in Practice

When considering requests managers will judge each case on its own merit and consider:

- The urgency of problem/issue
- The nature of the domestic/family crisis
- Number of dependants/family members affected
- The impact on the employee
- The amount of annual leave remaining and the number of special leave requests granted within the financial year.

If there will be ongoing needs for time off, management may consider instead agreeing to temporary changes to working patterns to facilitate this. If a request is turned down, your manager will discuss the rationale for this.

5.1 Bereavement / Compassionate Leave

Managers will maintain a compassionate and supportive approach; it is advised that they refer to [support guidance](#) when needed. More



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importantly, they will monitor your wellbeing and signpost individuals to support such as [EAP](#), [Occupational health](#) at the appropriate time if required.

In cases where an employee may wish to take time off for a dependent who is passing, or has already passed, the managers will take a pragmatic approach to the amount of paid leave required based on the exact situation, the relationship and any responsibilities the employee may need to be involved with. Keeping in touch arrangements must however be agreed and maintained during this period.

If extended periods away from work are required, annual leave, employment breaks or unpaid leave may be considered. If however the employee is unwell, then it may be more appropriate for the individual to be signed off sick from their GP.

Individuals requiring time off to attend funerals of other relatives or close friends will be given a reasonable amount of time off to attend.

5.3 Civic / Public Duties

You will be entitled to request a reasonable amount of paid days per year to carry out such duties as attending meetings if you are working with/as a:

- Justice of the peace
- Local authority
- Statutory tribunal
- Police authority
- Board of prison visitors or a prison visiting committee
- Relevant health body (e.g community health council)
- Relevant education body
- Environment Agency.

Most of the duties requiring such leave will be provided with advance notice and it is advised that to secure agreement for this time off, each request should be submitted with as much notice as possible.

5.4 Emergency Leave

Your manager may agree, at their discretion and subject to service needs, to grant leave to deal with family/dependant situations or in cases of domestic emergencies such as burglaries.

This time off is not an entitlement and should only be requested to allow flexibility in cases of emergency.

It is anticipated that such requests will be short term to allow time to put alternative arrangements in place. As such, in most cases, one day/shift is all that will be considered reasonable; however, management discretion may be used.

If a longer period is required, or on the rare occasions when numerous requests are received in a financial year, a manager may allow an individual to use up to the equivalent special leave of your weekly, contracted hours per year. Other types of leave however, will also be considered such as annual or unpaid leave.

5.5 Employment Break Scheme

The Employment Break Scheme enables employees to take a longer period away from work than that provided for by parental leave and other leave arrangements. Employment breaks can be used to cover a range of commitments and personal requirements that necessitate extended periods of leave, for example: childcare, eldercare, and care for other dependants, training, and study leave or work abroad.



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Employment breaks will be for a minimum of three months and a maximum of two years. In exceptional circumstances, you may request a longer employment break up to three years. Any exceptional requests must outline the circumstances and how this might be accommodated within the service.

Individuals on employment 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 experience. In such circumstances, written authority from the Trust confirming agreement should be sought.

Managers will make every effort to enable any requests for employment breaks in line with the AWP Health and Wellbeing agenda and retention initiatives. When considering requests, managers will balance any request against the needs of the service

- Employees applying must have at least 12 months service with AWP.
- Applications should be submitted in writing
- To enable cover arrangements to be made, a minimum notice period of one month is required.
- A minimum notice period of two months is required

Should a request be refused and an employee feel they have grounds for appeal; they can do so under the Trust's [Grievance policy](#).

Employees who have an employment break approved will not be required to resign in order to commence the employment break; although there will be a change to the contract of employment. The changes to the contract of employment will be clearly outlined to you in writing. Individuals on employment breaks will

not receive any pay for the duration of the employment break.

The following provisions that depend on length of service should be confirmed in writing when an employment break is agreed:

- Pension, annual leave, occupational sick pay and contractual redundancy payments, will be suspended for the period of the employment break, i.e. this period will not count as reckonable service.
- If you wish to continue to make pension contributions during an employment break, the Trust will pay employer contributions for a period of six months. Arrangements will be made to collect the employee contributions from the employee during this time. After the first six months, you may continue to make contributions for a further 18 months, but they will be responsible for paying both the employee and employer contributions.
- Alternatively, you may opt to suspend their pension during this time. Further advice is available from the HR Team and Payroll Department and from the [NHS Pensions NHS Business Services Authority](#).

Managers will make appropriate arrangements for keeping in touch and you will be required to make contact with them two months prior to your return to finalise details.

You will also be required to maintain and keep up to date with any professional /registration requirements in relation to their role.

Upon returning from your employment break and where reasonably practicable, you may return to the same or similar job that you have left. Your manager should assess the needs of



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the service prior to discussing with you your return to work. If you return to work within one year can expect to return to their previous role, if the break is longer than one year then the redeployment process will be followed.

If returning to the same role is not possible, you will be entitled to a 'similar' job of the same type and band under no less favourable terms and conditions than those applicable when the employment break commenced.

Should the redeployment process be unsuccessful, the Trust will follow the ACAS code in relation to the employment contract

5.6 Jury & Witness Service

If you are summoned to attend court for jury service or as a witness, you should give your manager the notification document you receive from the court.

You manager should inform the Payroll department to ensure pay considerations are recorded. On receipt of the loss of earnings paperwork from the court, you must forward this to the Payroll Department for completion.

5.7 Medical & Dental Appointments

Routine appointments including dental check-ups and eye tests should be arranged in your own time, if this is not possible, they should be arranged at either the beginning or end of the day or over a lunch period to avoid disruption. You should also give your manager enough notice when making such requests and agree how you propose to make the time back up.

If this is not possible annual leave, unpaid leave or time off in lieu (TOIL) may be negotiated prior to taking the leave but again will be subject to the need of the service – early notification is the key here.

Treatments/health condition management appointments may be considered as a reasonable adjustment. Managers may grant paid time off, but this will need to be negotiated and assessed in line with reasonable adjustment assessment criteria. Evidence of appointments may be requested. Time off for **OH and EAP** appointments should be paid. **Antenatal, surrogacy or adoption appointment** entitlements described within the [Maternity procedure](#).

Cosmetic Surgery and recovery time is not normally payable when absences are caused by voluntary procedures that have no medical grounds to support it. Annual or unpaid leave may however be requested. **IVF Treatment** will be considered as a routine appointment but should be forward planned with the team in advance any illness following treatment would be considered as sickness. Reasonable paid time will be supported for **gender reassignment appointments**, gender reassignment surgery or illnesses following treatment will be considered as sickness.

5.8 Medical Suspensions

Paid special leave will be granted in situations where the Trust requires you to be absent due to your health the reasoning behind the decision will be fully explained to you.

For example, medical suspension can cover situations when you have been in contact with a notifiable disease, or infection control requirements that restrict your ability to work on site e.g. D&V 48 hour rule.

If alternative arrangements such as working from home are available, this may be considered first.



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5.9 Parental Leave

Parental leave offers [qualifying parents](#) the right to take 18 weeks unpaid leave to look after your child or make arrangements for their welfare. It can help you spend more time with your child and strike a better balance between work and family commitments. Leave can be requested in a single block or at separate times but should be taken as whole weeks.

[Notice periods](#) should reflect the period of leave required, managers could request the leave be postponed in exceptional cases. Managers may also agree keeping in touch arrangements during longer periods of leave.

5.10 Reserve Forces

There is [clear evidence](#) highlighting the benefits of employing reservists and the wider armed forces community. As [managers of such employees](#), it is important to be fully informed to enable you to fully support these individuals.

We will not disadvantage reservists who provide notification of their reserve status or those reservists who are made known to the Trust directly by the Ministry of Defence (MoD) and the Trust agrees to the release all employees mobilised.

Managers can expect individuals to commit to 30-35 days training per year. These tend to be one evening per week, over weekends and a 2-week training period per year. The Trust will grant paid leave of 10 days (pro rata) for the 2-week training period per year when appropriate notice is provided.

Individuals mobilised will normally be for a period no longer than 12 months and the line manager will make Payroll and HR aware. Managers will provide electronic copies of the

papers received to the [HR Admin Team](#) for retention on the personal file.

Managers should agree methods for keeping in touch, handovers and return arrangements at the appropriate times.

Individuals whilst mobilised will be on unpaid leave, however, continuity of employment remains. All other suspended contractual benefits such as pension employer contributions, annual leave accrual etc the individual can claim directly from the MOD, known as a 'Reservist Award'.

5.12 Time off for interviews

A reasonable amount of paid leave may be granted to allow individuals to attend interviews for AWP vacancies only. In all other cases, time will be unpaid or alternatives agreed such as TOIL, annual, unpaid leave etc.

Individuals at risk following organisational change will have separate agreements confirmed outside of this policy.

5.13 Time off in Lieu (TOIL)

TOIL applies to all individuals on pay bands 1-7. Senior employees on Band 8a or above are excluded from overtime and TOIL. Medical contracted employees also have [separate provisions](#).

On occasion and always in advance, TOIL can be agreed and authorised. It is recognised that there may be exceptional circumstances when advanced authorisation may not be available and local arrangements will be in place if these circumstances may apply in your role. It is also suggested that in such cases, departments place a cap on the amount of TOIL that can be accrued before it is taken e.g. 3 days.

TOIL cannot be accrued when an individual chooses not to take rest breaks as a means to



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accruing extra leave and in situations when an individual has poor time management.

TOIL records should be managed locally, and time owed taken within a reasonable time e.g. within the same pay month, the employee must ensure it is taken back no longer than 3 months after it was accrued.

TOIL or payment for the time will not be made where there has been reasonable opportunity available for the employee to take back TOIL, but this has been refused.

Toil cannot be accrued for additional shifts not worked due to sickness as they will be recorded and paid from sick pay entitlement.

5.14 Other Leave

Any other paid or unpaid leave will be considered by your line manager, advice can be obtained from the [HR Employee relations team and/or Payroll](#) if required.

6. Record

Records and authorisations should be stored locally; if individuals use the roster system, then this may be a suitable resource to maintain records. Copies of any letters should be sent to awp.hradmin@nhs.net to be stored on personal files.

In cases where unpaid or any statutory pay is required, [payroll must be notified](#) via the correct route.

At the end of the financial year, should individuals request annual leave be carried over, before agreeing to this, any special leave taken that year must be re-classified retrospectively as annual leave and the annual leave balance re-calculated.

7. Appeal

Should you wish to appeal against any decision made in respect of an application made, you should do so using the [Grievance procedure](#).

8. Policy Misuse

This policy aims to be a supportive measure to allow individuals to manage the occasions when home and work-life requirements clash or are compromised.

Unfortunately, however, there are occasions when such policies are abused.

“Time off as special leave is not an entitlement and management will take a considered approach to ensure your wellbeing is supported.”

If situations arise, or we are informed that the policy may be being abused, then we will consider if [disciplinary action](#) may be appropriate and investigations initiated.

Cases may also be referred to the [Counter Fraud Specialist](#). If misuse is found, the Trust reserves the right to adjust any period of time previously authorised to instead unauthorised and/or unpaid leave.

9. Professional Registrations

Should your role require you to hold and maintain a professional qualification, this must be in place during any absence from the Trust including special leave.

10. Monitoring

The Trust may monitor the policy through data gathering and analysis and will use frameworks such as workforce race equality standard, workforce disability equality standard, workforce reporting to identify and where appropriate address disparities between different groups.