

Policy Document Control Page

Title

Title: Special Leave Policy

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Supersedes: Version 5 of the Special Leave Policy

**Description of Amendment(s):
Support Employees with a Terminal Illness and Transgender**

Originator

Originated By: Clare Marshall

Designation: HR Business Partner Corporate Services

Equality Impact Assessment (EIA) Process

Equality Relevance Assessment Undertaken by: Emily Seville

ERA undertaken on: 07.07.2015

ERA approved by EIA Work group in: August 2015

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Approval and Ratification

Referred for approval by: JNCC

Date of Referral: 27th July 2017

Approved by: JNCC

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Executive Director Lead: Director of Operations

Circulation

Issue Date: 10th October 2017

Circulated by: Information Department

Issued to: An e-copy of this policy is sent to all wards and departments

Policy to be uploaded to the Trust's External Website? NO

Review

Review Date: June 2020

Responsibility of: Clare Marshall

Designation: HR Business Partner

This policy is to be disseminated to all relevant staff.

This policy must be posted on the Intranet.

Date Posted: 10th October 2017

SPECIAL LEAVE POLICY

1 **Policy Statement**

The Trust places a high value on its staff and recognises the need to facilitate special leave arrangements. Pennine Care is committed to supporting employees balance their work responsibilities and personal life. Contained within this Policy is provision for various forms of leave dependent on circumstances.

2 **Aim**

The purpose of the Special Leave Policy is to support staff in balancing the demands of domestic, personal and work responsibilities during times of urgent and unforeseen need. This support is through the provision of paid or unpaid leave according to the circumstances.

3 **Scope**

The Policy applies to all staff who are substantively employed by the Trust.

4 **Responsibilities**

4.1 **Managers**

Ensure that the policy is adhered to and that managers reporting to them have access to appropriate advice on the application of the policy.

Ensure that all staff have access to the policy.

Ensure consistency in the application of the policy to ensure that staff are treated fairly.

To seek advice from Line Manager or HR where appropriate.

4.2 **Employees**

To be aware of the Special Leave Policy

To comply with the policy and application process for special leave.

4.3 **Staff side Representatives**

To provide support and advice to members in facilitating the policy.

Work in partnership with Managers and HR Representatives to support fair and consistent treatment.

5 Categories of Special Leave

Medical Appointments
Emergency Carers leave
Parental Leave
Bereavement Leave
Domestic Emergency Leave
Medical Appointments
Public Duty Leave
Training with the Reserve / Cadet Forces
Job Interviews
Fertility Treatment Leave
Employees with Terminal Illness
Transgender – Medical Procedures

5.1 Medical Appointments (GP & Dental)

Medical appointments should, where possible be arranged outside of an individual's normal working hours. If this is not possible they should be booked towards the end or beginning of the working day in order to minimise impact. Where time off from work is required staff members should ensure that they request this from their line manager ensuring maximum notice is given of the appointment. Reasonable paid time off may be agreed with the manager if necessary. Any long term medical arrangements for health concerns which may relate to a disability should be considered in line with the Managing Attendance Policy and requirements in line with the Equality Act (section 20 duty to make adjustments). These arrangements should be discussed with HR where advice is required.

5.2 Emergency Carer Leave

Carer leave aims to assist members of staff balance the demands of domestic and work responsibilities at times of urgent and unforeseen circumstances. The aim of such leave is to provide a compassionate response to immediate needs, which are unforeseen, unplanned and disruptive.

The Trust may grant up to five days paid leave per rolling 12 month period (pro-rata for part time staff). Paid leave will be granted at the discretion of the manager and where delivery of service will not be greatly affected. Unpaid leave will be granted in line with legislation. It is expected that carers leave will be for a 1 day period to enable alternative care arrangements to be put in place, however in exceptional circumstances senior management can utilise discretion to approve a reasonable amount of further days.

Where the maximum amount of emergency carers leave has been utilised other options may be considered such as unpaid leave, annual leave or through the career break scheme. It is important that the employee and their manager have a thorough discussion about the carer needs and what both the employee and the line manager will commit to/support in relation to this employee carer plan.

The needs covered will be those arising from the many and varied domestic situations which arise for example:

- If a dependant falls ill or has been involved in an accident
- To make longer term care arrangements for a dependant who is ill or injured
- To deal with an unexpected disruption or breakdown in care arrangements for a dependent, for example when a child minder fails to turn up
- To deal with an emergency for example at a dependant's school or in relation to an elderly dependant.

This leave will not be granted to cover expected breaks in carer arrangements, such as holidays or planned breaks, nor is the leave to allow you to take time off to be the carer, e.g. if your child has chicken pox, but you may take time off to arrange his/her care. Parental Leave may be considered where appropriate to extend leave.

5.3 Parental Leave

All staff members with one years continuous NHS service and have parental responsibility for a child under 18 years of age are eligible to apply for parental leave. Staff members who qualify are entitled to 18 weeks unpaid leave for each child they have responsibility for. The 18 weeks are transferrable between employers therefore any leave that has been taken with previous employers will be included. The limit on how much parental leave each parent can take in a year is 4 weeks for each. Parental leave must be taken as whole weeks (e.g. 1 week or 2 weeks) rather than individual days. The leave doesn't have to be taken all at once. Flexibility will be allowed where the child has a disability.

A 'week' equals the length of time a staff member normally works over 7 days.

5.4 Bereavement Leave

In cases of bereavement involving immediate family members (e.g. parents, siblings or dependants), partners and individuals for whom the member of staff is the executor or responsible for funeral arrangements, up to 5 days special leave on full pay may be granted (pro-rata for part time staff). This would include the day of the funeral.

Up to one day's special leave with pay may be granted to attend the funeral of close family members (e.g. parent-in-laws, grandparents, aunts, uncles, nephews or nieces). Management discretion exists to determine individual circumstances as appropriate.

Annual leave or unpaid leave should be taken to attend the funeral of extended family members (e.g. all other in-laws, cousins).

5.5 Domestic Emergency Leave

In cases of urgent domestic problems, up to one day's paid leave may be granted in order to make necessary emergency arrangements arising for example as a result of a flood, burglary or fire.

5.6 Public Duties

For this leave absence may be granted as highlighted below subject to the demands of the service, and will be available to staff required to be absent from duty for essential public and civic duties.

Staff should declare their responsibilities for Public Duties at the time of their offer of employment. Staff who are elected during their employment must discuss with their manager and agree appropriate time off. Where possible duties should be undertaken outside normal working hours.

Examples of public duties for which reasonable time off will be granted are as follows: -

Serving as a Justice of the Peace

Membership of a local authority

Membership of any statutory tribunal

Membership of an education body maintained by a local authority

Membership of a relevant NHS health body

Membership of water and rivers authorities

Parliamentary candidate activities

Lord Mayor activities

5.7 Jury Service/attendance at court as a defendant or a witness

Staff who are called for Jury Service or are required to attend Court as a witness or defendant will be entitled to leave with pay.

5.8 Training with the Reserve/Cadet Forces

Staff must declare their membership with the Reserve/Cadet Forces at the time of their employment with the Trust. Staff who join the Reserve/Cadet Forces during their employment must gain consent from the Trust. 10 days paid leave (pro-rata for part time staff) will be granted for the member of staff to attend annual camp. Any additional leave should be taken as annual leave or unpaid leave, subject to the manager's approval.

Attendance at the annual camps should be supported by an attendance certificate confirming that the full period has been spent on camp or on other recognised annual training.

5.9 Job Interviews

Subject to the needs of the service, staff applying for posts within the NHS may be granted reasonable time off in order to attend the interview. Special arrangements apply to staff who are at risk of redundancy and are following

the redeployment process. Staff may contact their manager or HR Team for more information on this.

5.10 Fertility Treatment

The Trust recognises that employees who are undergoing fertility treatments such as IVF will need to attend appointments and hospital visits in order to receive their treatment. Employees who wish to undergo this treatment are expected to arrange their appointments outside of work wherever possible, however when this is not possible employees will be entitled up to 5 days paid leave per treatment cycle (with a maximum of 3 treatment cycles). Employees who wish to have further treatment may use their annual leave or apply for unpaid leave to cover their appointments. If an employee is unable to attend work immediately following the treatment due to the treatment, ordinary sickness absence procedures will apply.

5.11 Employees with Terminal Illness

The Trust is signed up to the TUC Dying to Work Charter and is therefore committed to supporting employees with a terminal illness to remain in the workplace for as long as they feel able.

5.11.1 It is envisaged that employees will be required to attend regular medical appointments to support their ongoing treatment which in turn will support their continued presence in the workplace. These requests should be reviewed on a case by case base, but an approach that supports an employees continued attendance is encouraged.

5.12 Transgender Employees

The Trust aims to provide support and understanding to those individuals who wish to take, or have taken steps to live in the gender they identify with rather than the one assigned to them at birth. The Trust recognises that the period of transition can be very complex and difficult for the individual, and wishes to act in a supportive and sensitive way during the transition period. Reasonable time off for attendance at medical appointments will be granted and where possible these should be arranged outside of an individual's normal working hours. If this is not possible they should be booked towards the end or beginning of the working day in order to minimise impact. Where time off from work is required staff members should ensure that they request this from their line manager ensuring maximum notice is given of the appointment.

5.12.1 Where appointments are attended at centres of excellence outside of the geographical area up to five days paid special leave per year will be granted to attend these appointments.

5.13 Other Leave

The above outlines several categories of Special Leave. Other forms of leave or flexible work patterns may be agreed where appropriate via the Flexible

Working Policy to meet individual needs and circumstances e.g. short term unpaid leave, part-time working etc.

6. Recording of Special Leave

Any period of approved Special Leave must be recorded on the Special Leave Form (Appendix 1) to enable accurate approval and recording of Special Leave.

Due to the nature of the leave outlined in this policy, in certain circumstances such leave may be agreed verbally in the first instance and the Special Leave Form will then need to be completed after the period of approved special leave.

Any additional leave which is authorised as annual leave should be authorised via the usual annual leave approval process.

7. Support for carers

The Trust recognises that there may be periods of time when employees have long term carer responsibilities e.g. to support a terminally ill dependant. In such circumstances the employee and the line manager must discuss and develop an Employee Carer Plan, which will stipulate:

- The carers needs (e.g. time off work to take the dependant to regular treatment sessions/appointments)
- What the employee will commit to in relation to agreement (e.g. flexibility of hours, alternative working arrangements)
- What management will commit to in relation to this agreement (e.g. support of time off and flexibility of service delivery where feasible)

8. Application of the Special Leave Policy

An additional 5 days special leave may be granted in exceptional circumstances and it is not possible to describe all circumstances. Managers must use their discretion and judge each case on its merit. In particularly difficult situations, advice should be sought from the Human Resources Department. It is important to be consistent in decisions.

Consideration should be given to utilising annual leave, flexibility of working hours/days or for a period of unpaid leave in some circumstances.

9. Recording and Monitoring

A copy of the completed and authorised request forms should be forwarded to the relevant attendance inputter for recording onto the system. All Special Leave should be recorded on the attendance system.

10. Appealing against the decision

If an employee does not feel that the Special Leave Policy has been applied correctly, this can be pursued via the grievance procedure.

11. Review of the Policy

The Special Leave Policy will be reviewed in 3 years time.

APPLICATION FORM FOR SPECIAL LEAVE

Leave is not approved until this form has been authorised by your manager

NAME:.....BAND:.....

DEPT:.....

CONTRACTED HOURS:.....

Has a telephone request been made? YES/NO If yes, Date:.....

Name of

Manager:.....

Number of days/dates leave requested:.....

Reason for leave:.....

What alternative arrangements have been considered?.....

TO BE COMPLETED BY AUTHORISING MANAGER

The leave requested above has been authorised as:
Emergency Carer leavedays/dates Annual leavedays/dates
Compassionate leave.....days/dates Authorised paid/unpaid
leave....days/dates
Domestic Leave.....days/dates Authorised paid/unpaid
leave.....days/dates
Other (please state).....

Manager's comments:.....

Signature Date.....

c.c. ESR/SMART Inputter & Personal file