

SPECIAL LEAVE POLICY AND PROCEDURE

Summary

This policy and procedure outlines the various types of special leave, both paid and unpaid which may be granted. It also details how requests should be made and in what circumstances the request may be agreed.

Not all special leave granted is paid. Managers have a responsibility to ensure that unpaid leave is correctly recorded and reported to payroll promptly to ensure that the necessary adjustments to salary are made and that overpayment is avoided.

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1. REQUESTING SPECIAL LEAVE

- 1.1 Requests for all leave must be made to an employee's line manager.
- 1.2 As much notice as possible should be given when requesting leave.
- 1.3 When considering whether a request is agreed the manager will consider the needs of the service to ensure there is no adverse impact on service or patient care.
- 1.4 If the leave is granted, managers should record this on the appropriate information system.
- 1.5 To support the entitlements outlined below, employees may be required to supplement special leave with annual leave.

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- 1.6 All reasonable requests for special leave will be given due consideration, however, if it is not possible to grant requests due to service requirements and an employee subsequently does not attend work, this may be classified as unauthorised absence and unpaid. Unauthorised absence may also be regarded as misconduct and may be managed under the disciplinary procedure.

2. TYPES OF LEAVE

- Time Off for Medical or Dental Appointments
- Bereavement
- Emergency Leave
- Parental Leave
- Carer's Leave and Support for Carers
- Jury Service
- Leave for Other Public Duties
- Military Reservists and Cadet Force Members
- Trade Union Duties
- Magisterial Duties
- Scheme to Support Staff Involvement in the Wider Community
- Other Special Leave (Paid)
- Other Special Leave (Unpaid)
- Inclement Weather - Disruptions to Travel

2.1 Time Off for Medical or Dental Appointments¹

There is no automatic right for paid time off to attend medical or dental appointments and whenever possible appointments should be arranged in the employee's own time. Where it has not been possible to arrange an appointment outside of normal working hours, or, in an emergency situation, a manager may use their discretion and authorise time off, which may be time in lieu, time owing to the employee, or for the time to be made up later.

The authorisation of the time off should be agreed in advance. Employees should keep their managers informed of all appointments and let managers know at least the day before about the appointment.

There should be a discussion between the manager and employee to determine how the time off is to be managed.

General guidelines would be that for appointments that cause the employee to arrive late or leave early up to 2 hours, this time could be made up. However, for appointments that would lead to time owing being greater than 2 hours, the employee should take a half day or one day annual leave – whichever is most appropriate. However, management of this issue is at the discretion of the manager and they have the authority to act outside these guidelines and determine their own department guides. Cases will be treated individually and can be influenced by elements such as the number of appointments already taken.

¹ Includes screening appointments such as cervical and breast screening

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Similarly where time off is requested for a non-emergency situation such as an elective procedure, the employee must get authorisation from their manager that they can take the time off before confirming the date for the procedure/ appointment.

When time off is given for the appointment, the employee will be required to show their manager the letter, or appointment card, confirming the procedure.

Failure to follow this procedure and/or provide relevant evidence of procedures or appointments may result in the time off being unpaid, treated as unauthorised absence and as a conduct issue.

For information on antenatal appointments please see the 'Maternity, Adoption and Maternity Support (Paternity) Leave Policy and Procedure'.

2.2 Bereavement

In the event of a death involving either immediate or close relatives, it is appropriate to grant leave on compassionate grounds. The leave entitlement may be available to all employees regardless of length of employment, although the time off may vary as specified below:

- in the event of a death involving an immediate relative, (normally defined as a spouse, civil partner, child, parent or sibling of the employee). up to a maximum of 5 paid days special leave may be granted
- if a death involves a close relative (normally defined as a grandparent, niece, nephew, aunt/uncle, or immediate relative of a partner) up to two days paid special leave may be granted.

Further time off may be granted at the discretion of the manager, which may be taken as annual or unpaid leave.

Parental Bereavement Leave

Employees who have suffered the loss of a child (ie under the age of 18) on or after 6 April 2020 can take up to 2 weeks parental bereavement leave. This also applies to parents who suffer a stillbirth after 24 weeks of pregnancy.

You can take parental bereavement leave if you are the:

- parent
- partner of the child's parent, where you live in an enduring family relationship with the child who has passed away.
- "parent in fact" - where you have had "day-to-day responsibility" for the child (but you have not been paid to look after the child);
- parent using a surrogate;
- adopter of a child
- "natural parent" of an adopted child

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Parental Bereavement Leave can only be taken in either a single block of two weeks; or two separate blocks of one week at different times. The leave must be taken within 56 weeks of the date of the death of your child.

Recognising the need to provide bereaved parents with support, we will continue to pay normal pay during parental bereavement leave.

During parental bereavement leave, all terms and conditions of your contract will continue. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid.

If you intend to take parental bereavement leave you should discuss this with your manager.

2.3 Funerals

Where an employee requests leave to attend a funeral of an immediate relative (as defined above), paid leave should normally be granted for the day of the funeral. This is available to all employees regardless of length of employment and will be in addition to the provision made for bereavement.

Managers should consider the employee's circumstances and the needs of the service when granting special leave to attend a funeral, taking into account that some employees may have to travel long distances including going to another country. In these circumstances further unpaid special leave may be granted at the discretion of the manager, or the employee may choose between taking annual leave or unpaid leave or a combination of each.

Paid time off to attend a funeral for a work colleague as a representative of the Trust may be given when possible and subject to service delivery and standards being maintained.

2.4 Emergency Leave

- 2.4.1 The Trust recognises that there may be other occasions when an employee may need emergency leave to deal with unexpected situations and make necessary longer term arrangements.
- 2.4.2 Employees may be able take 1 or 2 days paid leave at short notice to deal with emergency circumstances. If more leave is required this may be granted at the discretion of the manager as annual leave or unpaid leave.
- 2.4.3 Emergency leave is intended for urgent situations that could not be foreseen. It may be agreed when care for dependants breaks down e.g. child care or, there are other urgent domestic crises. A dependent is described as a partner, or "a near relative" or someone who lives at the same address as the employee. A relative for this purpose includes: parents, children, siblings or is someone who relies on the employee in a particular emergency.

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2.4.4 Examples of when Emergency Leave may be granted:

- If a dependent falls ill or has been involved in an accident or assaulted.
- To make longer term arrangements for a dependent who is ill or injured.
- To deal with the unexpected breakdown in care arrangements for a dependent.
- To deal with an incident involving the employee's child during school hours.
- Urgent and distressing domestic situations such as fire, flood or burglary.

Emergency leave is intended to cover **unforeseen** matters. If an employee knows in advance that they require time off, i.e. for a planned operation of a child, this should be taken as annual leave.

2.4.5 Amount of Emergency Leave available

It is encouraged that the shortest amount of hours as possible is taken to deal with emergency leave situations in order to ensure service provision is maintained. One day will normally be sufficient to make arrangements for the emergency situation, although more time may be required depending on the circumstances. Towards the end of the day the manager should be contacted to discuss the circumstances and the plan for the following day, at this point a decision on taking annual leave or unpaid leave could be made or the manager can defer the decision until the employee returns to work.

Up to 22.5 hours paid leave may be given in any rolling 12 month period (pro rata for part time employees). There is no right to paid emergency leave.

In exceptional circumstances a request for extended special leave may be made to a senior manager. Up to 3 months unpaid leave may be granted as special leave or combined with annual leave. Periods of unpaid leave of up to 3 months will not have an impact on an employee's incremental progression. Requests for a longer period may be considered under the Employment Break Scheme (see Flexible Working Procedure).

2.4.6 Management of Emergency Leave

When the employee returns to work the manager will discuss the request with the employee and confirm whether the emergency leave has been granted and whether paid or unpaid, if a decision has not already been made. The manager will record the amount of Emergency Leave, and whether it is paid or unpaid on the appropriate information system. Whether leave is paid or unpaid will depend on attendance records and amount of unplanned annual leave taken in a 12 month period.

All employees are encouraged to keep a couple of annual leave days to use for potential emergencies situations, which could include child care issues or for other situations such as medical appointments.

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2.5 Parental Leave

2.5.1 Any employee in the Trust who has nominated caring responsibility for a child under age 18 has the right to 18 weeks' unpaid Parental Leave, if they have or expect to have responsibility for a child, providing:-

- The employee has completed one year's continuous service with the NHS
- The employee has not exhausted their right to unpaid parental leave for the child in question with a previous employer.

2.5.2 Taking Parental Leave

Parental leave must be taken in blocks of one week or more and a maximum of 4 weeks' leave can be taken in any rolling year. The leave can be taken at any time after the child is born or placed with the employee, up until the child's 18th birthday and it may be taken immediately after maternity leave with the line manager's agreement.

If the child is disabled, and/or has been awarded disability living allowance, parental leave can be taken one day at a time or in blocks or multiples of one day.

If an employee has more than one child, the right to Parental Leave is in respect of each child. E.g. if someone has 2 children they would be entitled to take 18 weeks unpaid leave for each child.

2.5.3 Management of Parental Leave

The employee should give their manager at least 21 days written notice of their intention to take parental leave, giving their reasons for doing so. In cases where this may not be possible - for example, if a child is born prematurely, or where less than 21 days' notice is given that a child is to be placed with them for adoption - they should give their manager as much notice as soon as possible.

The employee should provide evidence of their entitlement to take parental leave, for example that they have responsibility for a child.

If the employee has taken parental leave with a previous employer for the child in question, they should inform their manager in writing when requesting parental leave, how much leave they have previously taken.

The manager will record the amount of parental leave on the appropriate system.

2.5.4 Postponing the Request

Parental leave will not unreasonably be refused. However, where granting parental leave would cause detriment to the service, the employee may be asked to postpone the leave for up to 6 months. In such cases a new date for the leave will be negotiated with the employee. The manager will give written notice to the employee that the leave will need to be postponed within 7 days of having received the employee's request; the new date for the leave will be included in the letter.

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2.5.5 Terms and conditions of employment during parental leave

During parental leave all terms and conditions of employment remain intact, except the right to pay. Pension rights and contributions shall be dealt with in accordance with NHS Superannuation Regulations and employees should contact payroll prior to taking parental leave for further advice on the impact the parental leave will have on their pension.

2.6 Carer's Leave and Support for Carers

2.6.1 Carers of adults who are disabled, ill or elderly can request unpaid carer's leave of up to one week per year. This is subject to the following criteria:-

- Employees must have completed one year's continuous service with the NHS
- Where possible, 21 days notice should be given in writing

2.6.2 Managers have discretion to agree Carer's leave and the period of leave granted.

2.6.3 Managers will act reasonably in considering requests for carers leave. However, there may be occasions when this is not possible due to service requirements.

2.6.4 Short term variation to hours to deal with caring situations

At times situations occur where normal caring arrangements fall through or a carer is required to undertake further caring duties that may impact their usual working hours. This may be covering school drop off/pick up, checking on an ill relative, attending hospital appointments that cannot be arranged outside of working hours.

In these cases, employees can request short term flexibility to deal with the situation. Agreement is subject to the manager's discretion and dependent on service requirements.

If the agreed flexibility is for less than 1 month and the hours worked are staying the same, the arrangement will be informal.

For longer periods of time and where hours will change, please refer to the Flexible Working Policy and Procedure to apply for a change of hours.

2.6.5 Private telephone calls

Carers may need to check on the person they care for on a regular basis. In these circumstances carers may seek permission from their line manager to make a private call.

Frequency and duration of calls will be at the discretion of the manager but it is recommended that calls are limited to twice a day at agreed times.

2.6.6 Staff Benefits Adviser

The Staff Benefits Adviser is available to all employees and can be accessed on 020 8915 6230 or staffbenefits@rmh.nhs.uk. They can provide information related to caring, childcare and maternity and other benefits.

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2.6.7 Occupational Health

Occupational Health are available to provide support on issues that concern employees in their role as carers or parents. They can be contacted on:

Sutton 020 8661 3003
Chelsea 020 7808 2139

2.6.8 Counselling

Counselling is available through the occupational health department or the Pastoral Care Departments. Appointments can be made through the Pastoral Care Secretary on 020 8661 3074.

2.7 Jury Service

2.7.1 Employees will be granted time off with pay for jury service provided they are not claiming expenses from the Courts for loss of earnings. In exceptional circumstances where granting time off would be detrimental to the service and patient care, employees may be asked by their manager to request a postponement of jury service. However, it will be the Court's decision as to whether the request is agreed. If a postponement is granted and an employee is called for jury service again, it is not usually possible to obtain a second postponement, again the final decision will rest with the Court.

2.7.2 Procedure

When an employee receives a summons for jury service form they should discuss the request with their manager. If the manager and employee wish to postpone the jury service, they will complete the summons for jury service form.

If the jury service goes ahead the employee will receive pay from the Trust for the duration of the jury service. The manager will record the length of time taken for jury service on the appropriate system.

2.8 Leave for Other Public Duties

Reasonable unpaid leave will be granted for essential civic and public duties, examples include serving as a justice of the peace or for membership of statutory tribunals. Employees wishing to apply for special leave under this heading must inform their manager as soon as they become aware of the dates needed and should show their manager the official letter of notice.

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2.9 Military Reservists and Cadet Force Members

Individuals who are members of the reserve or cadet forces are entitled to one week's additional paid leave per year in order to attend annual camp and with the choice of his/her second week at camp being counted as special leave without pay or being taken out of his/her annual leave entitlement. This provision is available to employees who advise the Trust of their intent to volunteer for service, or who declare the fact of their membership of a reserve force at the time of interview. Employees must provide documents to their manager proving membership and also confirmation of dates of annual camp, and give adequate notice as outlined under the annual leave policy.

Compulsory/Voluntary Mobilisation. Compulsory mobilisation cannot be refused but application may be made for an exemption, deferral or revocation if the employee's absence is likely to have a serious impact on the service. Application must be made within 7 days of the employee's receipt of the mobilisation notice. Reservists will normally be given 28 days notice of mobilisation and the maximum period for mobilisation is 12 months. An employee who volunteers for mobilisation must seek prior agreement from the Trust. The Trust is not obliged to give consent for voluntary mobilisation.

Mobilisation is unpaid and annual leave will not accrue during this period. Where applicable the MOD will pay employer's contributions to the employee's NHS pension subject to the employee continuing to pay their own pension contributions. The Trust may apply to the MOD for an employer's award in respect of replacement costs that exceed the employee's earnings, for any non recurring costs such as agency fees and advertising costs, and for any training needed as a result of mobilisation when they return to work to carry out their duties properly (but excluding any training that would have been carried out anyway).

After mobilisation employees have the right to be reinstated to their former job within 6 months of mobilisation on terms and conditions that are no less favourable. Where this is not possible they will be offered an alternative position with same terms and conditions. To preserve the right to reinstatement the employee must write to their manager no later than the third Monday after demobilisation confirming their intention to return within 13 weeks. In exceptional circumstances this may be extended up to a maximum of a further 13 weeks.

Mobilisation will not be a break in employment if the employee is reinstated within 6 months of demobilisation, and the service will be considered as continuous.

For further details please refer to www.sabre.mod.uk.

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2.10 Trade Union Duties

An employee who is an official of an independent Trade Union which is recognised by the Trust will be allowed reasonable time off with pay during working hours to carry out union duties or undergo training for union duties (as approved by the union or by the Trade Union Congress).

The employee is also entitled to reasonable time off for certain trade union activities, for example attending a union conference. This time off would be unpaid. Please see 'Time Off for Trade Union Duties and Activities Policy and Procedure'.

2.11 Magisterial Duties

Employees who are required to undertake magisterial duties may be granted special leave with pay, providing they do not exceed 18 days in any period of 12 months.

2.12 Scheme to Support Staff Involvement in the Wider Community

A scheme has been established to enable staff to get involved in community work for a maximum of two days per year. The Trust is keen to support staff involvement beyond their job role in the wider community. Employees can apply to their line manager for a maximum of two days paid leave per year to undertake voluntary work. In the application they should include:

- an outline of the work
- when the work is to be undertaken
- any costs that may be incurred
- why this work has been chosen
- what the Trust may gain or learn from the experience

An Assessment Panel comprising of HR and Staff Side representatives and a Divisional Director or member of the Executive Board, will consider the application using the following criteria:

- Will the voluntary work benefit the wider community and the Trust's equality and diversity goals?
- Will the experience provide an opportunity for the Trust to learn about the needs of different groups of patients, carers and employees?

Successful applicants will be expected to provide a short report about their experience; what they did and what they gained from the opportunity. These reports will form part of the evaluation process of the Scheme. The Trust Consultative Committee will monitor the effectiveness of the Scheme.

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2.13 Other Special Leave (Paid)

Staff may apply to their manager for special leave with pay if they are required to undertake public duties. These duties include:-

- serving as a justice of the peace
- membership of a local authority
- membership of a Police Authority
- membership of a Board of Prison Visitors
- membership of the managing or governing body of an educational establishment maintained by local education authority of further or higher education corporation
- attendance at court as a witness (not in relation to proceedings against the Trust)

2.14 Other Special Leave (Unpaid)

Special leave without pay for other reasons may be granted to an employee only in exceptional circumstances and, normally, only when the employee's annual leave has been exhausted.

2.15 Disruptions to Travel

2.15.1 It is the duty of each employee to make their own arrangements to get to work on time. It is recognised that at times employees may experience severe difficulties in getting to and from work as a result of inclement weather and/or disruption to travel services. However, employees are expected to make all reasonable attempts to attend work in order for services to be maintained, even if this means they will arrive late.

2.15.2 Inclement weather can be defined as snow, ice, fog, floods, resulting in extremely hazardous journeys by road, using public or private transport.

2.15.3 "Extremely hazardous" is defined as those conditions in which the police and/or appropriate motoring organisations advise people not to travel at all as a result of severe local weather conditions. If schools/nurseries are closed due to inclement weather, the employee may request emergency leave (refer to section 2.3). Employees will be expected to make every effort to get to work.

2.15.4 Disruption to travel services can be caused by:

- Severe weather conditions resulting in delays/cancellations to public/private transport
- Major disruption to public services and private transport due to major accidents
- Industrial action by public transport services i.e. road/rail
- Fuel crisis
- Other major incidents involving police, fire and ambulance services

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To ensure that all staff are treated consistently throughout the Trust during inclement weather/disruption to travel services, the Trust will provide options for staff.

2.15.5 Employees not able to attend work will have the option of:

- taking time off in lieu using hours already worked
- agreeing to work the hours lost at another time
- taking annual leave
- taking special leave without pay
- requesting emergency leave if a child's school/nursery is closed

If instructed by the police or armed forces (or any other authority) to not attempt to leave their homes because it is unsafe to do so due to adverse weather conditions, employees should adhere to these instructions and not attempt to attend work. Employees should notify their manager immediately or at the earliest opportunity. If this is the case, managers have the discretion to grant special leave with pay.

Employees may report for work at hospitals/premises other than their normal base. They should inform their line manager of their intention to attend a different Trust site and the manager should co-ordinate this with the local Trust.

If an employee from another Trust arrives to work at the Trust, checks need to be completed to ensure the person is appropriate and trained to carry out duties.

It is the responsibility of each employee to inform their line manager if they are unable to attend for work because of the inclement weather, and to keep their manager regularly informed.

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Appendix A**APPLICATION FORM FOR SPECIAL LEAVE**

Please refer to the Trust's Special Leave Policy and Procedure for details of eligibility, entitlement, application process and requirements for supporting documentation.

Employee Name _____ Job Title _____

Type of Leave requested:

Reason for request:

Dates of leave:

(Dependent upon circumstances, this may be in retrospect or in advance and the dates may be actual or estimated – please make this clear).

Signature _____ Date _____

Manager's Comments:

Manager's Name _____ Job Title _____

Signature _____ Date _____

c.c. Employee
Personnel File

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