

**CONTROLLED DOCUMENT**

## Special and Compassionate Leave Procedure

<b>CATEGORY:</b>	Special and Compassionate Leave Procedure
<b>CLASSIFICATION:</b>	Human Resources
<b>PURPOSE</b>	Procedures to underpin Special and Compassionate Leave Policy
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<ul style="list-style-type: none"> <li>• <b>Essential Reading for:</b></li> </ul>	Directors of Operations Divisional Directors Line Managers Specialist Advisors Staff Side Representatives
<ul style="list-style-type: none"> <li>• <b>Information for:</b></li> </ul>	All Employees Executives

## 1. Introduction to Procedural Document for Managers

- 1.1. The purpose of special leave is to support employees and assist them in balancing the responsibilities and demands of work and home. Special leave is provided to cover emergency and unforeseen situations and also pre-arranged public service duties. This document provides a framework to be used when dealing with requests for special leave.
- 1.2. Special leave may be paid or unpaid or a combination of both depending on the particular circumstances.
- 1.3. Part-time employees are entitled to special leave under the same conditions as their full-time colleagues, on a pro-rata basis.
- 1.4. Managers must ensure employees are aware that, in order to maintain service delivery to patients and minimise any impact on colleagues, they will be expected to use the Special Leave Procedure only in exceptional circumstances. It is expected that all annual leave must be used up in the first instance, prior to the approval of “emergency/special leave” without pay.
- 1.5. Definitions

Dependant	A dependant is defined as the employee’s spouse or partner regardless of gender identity or sexual orientation, child, parent, or anyone living in the household as a member of the family. A dependant may also be anyone who reasonably relies on the employee for help in an emergency
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- 1.6. All requests for special leave must be submitted to the employee’s line manager. The decision to approve special leave is at the discretion of the manager. Evidence to support the application may be required.
- 1.7. Managers will act in a fair and reasonable manner in considering and supporting applications for special leave. Managers will, wherever possible, endeavour to facilitate the provision of special leave, in line with service needs, availability of cover and the Trust’s Equal Opportunities Policy.
- 1.8. Applications must be made before the leave is taken where possible. All applications for special leave must be made on the special leave application form. (Appendix 2).
- 1.9. In the case of extreme e.g. sudden death/child issues during school hours, employees can submit a retrospective Special Leave form (appendix 2). In these circumstances employees must secure permission to take the time/leave their post from their Manager or

senior member of staff present, before leaving the Trust in order to comply with Health and Safety/Risk Management requirements.

1.10. Managers must ensure that the following factors are taken into account in response to any employee request for Special Leave:

- Urgency of problem/issue
- Nature of domestic issue/family crisis
- Impact on the employee
- Impact on service delivery
- Distance to be travelled (Local, UK, Over Seas)

1.11. Where the employee is required to leave work to deal with an urgent situation, the employee must advise and secure permission from their manager or senior employee before leaving their post, in order to comply with Health & Safety/Fire/Risk Management requirements.

1.12. Managers must record appropriate details of all Special Leave requests via the Electronic Staff Record system (ESR) and also in the employee's personal file. Details recorded will include; reason leave requested, date, the amount and type, paid or unpaid, any salary change issues e.g. NHS Pension payments during unpaid leave, ethnicity, salary/banding.

1.13. If an application for special leave is refused, the employee will be informed of the reasons for its rejection. The decision will be confirmed in writing. The manager must direct the employee to seek advice from Human Resources if required.

## **2. Procedure for Compassionate Special Leave**

2.1. The Trust believes that all employees, at times of the serious illness or death of a member of their immediate family or someone with whom the employee has a close relationship, where possible be awarded compassionate special leave.

### **2.2. Bereavement Leave**

Employees are eligible for up to 3 days paid leave. A further 3 days paid leave may be allocated, at the discretion of the Divisional HR manager, depending on the relevant circumstances including:

- The closeness of the employee's relationship with the deceased in real terms, not simply blood ties;
- Whether the employee has administrative responsibilities i.e. funeral arrangements;
- The availability of other relatives and friends to assist in making arrangements; and
- Distance to travel in order to make arrangements or attend the funeral.

### 2.3. **Serious illness of partner or member of immediate family**

Employees are eligible for up to 3 days paid leave. A further 3 days paid leave may be allocated, at the discretion of the Divisional HR Manager, depending on the relevant circumstances.

- 2.4. Managers can, at their discretion, allocate a day's special leave in these circumstances. The request must meet the same criteria as outlined in Section 1.
- 2.5. If the Employee remains unable to work advice must be sought from HR Managers/Occupational Health as it may be necessary to apply the Sickness Absence Management Policy and Procedure.

## 3. **Procedure for Dependant's Special Leave**

- 3.1. All employees have a statutory entitlement to a reasonable amount of unpaid time off to deal with unforeseen emergencies involving a dependant. This time is for emergency situations only and must only be for as long as it takes to make the necessary remedial arrangements.
- 3.2. Examples of such emergencies include:
- The illness of a dependant and the need to make arrangements for care;
  - The breakdown of existing care arrangements for a dependant; and
  - Addressing an unexpected incident involving a child during school hours.
- 3.3. Managers can allow employees up to 3 days paid dependants special leave in any 12 month rolling period. In addition to 3 days paid leave the employee may request a period of annual leave or a period of unpaid dependant's special leave. The manager must deal sympathetically

with these requests and grant approval if possible, subject to service needs.

#### **4. Procedure for addressing Urgent Domestic Special Leave**

- 4.1. There is no statutory right to domestic special leave; however the Trust recognises that serious domestic emergencies may require the employee's presence to enable immediate resolution.
- 4.2. In such circumstances managers may allow one day's paid special leave to deal with the immediate emergency. If further leave is required unpaid leave may be agreed at the manager's discretion. Paid leave is limited to one day in any 12 month period.
- 4.3. The types of emergencies defined here are flood, fire, burglary or other unexpected serious domestic incidents. It is expected that employees will take annual leave for all non-emergency domestic issues.

#### **5. Procedure for addressing Health Related Special Leave requests**

- 5.1. The Trust will, wherever possible, subject to service needs, accommodate employee requests for time off to attend medical/dental appointments.
- 5.2. Medical Appointments
  - 5.2.1. In order to reduce service impact, employees will, wherever possible, arrange hospital, doctor and other medical appointments outside their working hours. Where this is not possible, employees, with their manager's agreement, will try to arrange appointments so that service disruption is minimised, for example, by arranging appointments at the start or end of their shift.
  - 5.2.2. Employees must be aware that any time taken must be paid back by the employee as part of any flexible working arrangements. However in the event of an emergency, flexibility will be expected from both employer and employee.
  - 5.2.3. Paid time off will be paid for hospital appointments, provided that the conditions in 5.1.1 have been met.
- 5.3. Fertility Treatment
  - 5.3.1. Fertility leave may be awarded where the employee has 12 months continuous service with the Trust at the time of applying and provides documentary evidence from their General Practitioner or Consultant relating to their treatment schedule.

- 5.3.2. Employees are requested to arrange appointments outside their working hours, however where this is not possible, with their manager's agreement and subject to service needs, employees will try to arrange appointments so that service disruption is minimised, for example, by arranging appointments at the start or end of their shift.
- 5.3.3. Employees may be granted up to 2 days of paid fertility leave in any 12 month period, to a maximum of 6 days during employment with the Trust.
- 5.3.4. In addition to 2 days paid leave the employee may request a period of annual leave or a period of unpaid leave. The manager must deal sympathetically with these requests and grant approval if possible, subject to service needs.

## **6. Procedure when employee has a Notifiable Disease**

If an Employee is under Medical supervision following contact with a notifiable disease, Managers must award Special leave with pay in these circumstances. Managers must liaise with HR Managers/Infection Control/ Occupational Health to determine duration of special leave.

## **7. Job Interviews**

- 7.1. The Trust will, wherever possible, subject to service needs, accommodate employee requests for time off to attend interviews. An employee will be allowed paid special leave of one day in a rolling year to attend job interviews for positions within the NHS.
- 7.2. The employee must apply for special leave as soon as the date of the interview is known. Written confirmation of the interview arrangements must be produced.
- 7.3. If an employee has been placed at risk of redundancy they will be granted paid time off to attend interviews both within and outside the NHS.

## **8. Procedure for Public or Civil Duties Special Leave**

- 8.1. The Trust recognises the value of the civic and public duties undertaken by many of its employees. Special leave will be granted for these services wherever possible, in accordance with service needs. Appendix 1 outlines the amount of special leave granted for various types of public/civic duties.

- 8.2. Applications must be made to the employee's line manager as soon as reasonably possible and must include the reasons for making the request and any other necessary information.

**Appendix 1**

**SPECIAL LEAVE FOR PUBLIC AND CIVIL DUTIES TABLE**

	<b>Days per Year</b>	<b>Paid or unpaid</b>	<b>Degree of Discretion</b>	<b>Special Circumstances</b>
Magistrate	Up to 6 days or 12 x ½ days	Paid	Employees are expected to consider service need when making themselves available and book half a day sessions in advance	
Member of Police Authority	Up to 3 days with pay  Any further time unpaid	Paid	In exceptional circumstances, due to service needs, special leave may not be granted	Number of meetings take place during evenings
Councillor				
School or Educational Governor				
Member of Statutory Tribunal				
Member of General Teaching Council				
Member of Environment Agency				
Member of Prison Monitoring Boards				
Witness at Court	As required	Paid	No discretion if subpoena or witness summons. Otherwise at discretion of Director	Any witness fee (not subsistence or travel) to be reimbursed to Trust
Jury Service	As Required	Paid	Maybe possible to defer if employees services are critical for continuation of NHS service and cannot be released	Any court fee (not subsistence or travel) to be reimbursed to Trust
Attendance as a witness at NHS Social Services or as a witness on behalf of the Trust	As required	Paid	Maybe possible to defer if employees services are critical for continuation of NHS service and cannot be released	Travel expenses will be paid in these circumstances
Territorial Army or Reserve Forces	2 weeks	1 week at full pay – rest unpaid	Subject to service needs	Any remuneration received from the TA or RF for the period of paid special leave, up to normal pay, must be repaid to the employer. Any amount received in excess of normal pay can be retained by the employee



**Appendix 2**

**Special Leave Application Form**

<b>Section 1 – TO BE COMPLETED BY EMPLOYEE</b>							
Name of Employee							
Job Title							
Employee Personal Number							
Division							
Department/Ward							
<b>Category of Special Leave Requested</b>							
Compassionate				Health Related			
Dependant's				Public Duties			
Urgent Domestic				Territorial Army/Reserve Forces			
Other							
Reason for Request							
Dates Requested							
I confirm that the above information is accurate							
Employee Signature:				Date:			
<b>Section 2 – TO BE COMPLETED BY MANAGER</b>							
Name of Manager							
Job Title							
Division							
Dates Requested							
Date Request Received							
Previous Special Leave		Category		Days Paid		Days Unpaid	
Special Leave Approved		Paid		Unpaid			
		Yes				Number of days/nights/shifts	
		No				Number of hours	
If special leave denied state reason							
Manager's Signature:					Date:		