

# Special Leave Policy

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The Walton Centre NHS Foundation Trust appreciates that employees have a life outside of work and that sometimes their personal lives require the employee to be absent from work. This policy is therefore in place to support staff to allow them time away from work to deal with their personal, domestic, or family situations, whether the leave be paid or unpaid.

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## **1. Introduction**

Special leave, either paid or unpaid, is available in a range of circumstances to assist employees in balancing the demands of work, domestic, public and civic duties. This policy is intended as a framework to enable the needs of the individuals to be considered and supported, alongside those of the Trust, in a fair and consistent way.

## **2. Scope**

This policy covers all employees of The Walton Centre NHS Foundation Trust who meet the eligibility requirements detailed within each provision of this policy. It does not cover anyone employed through an agency, contractors or those on zero hour contracts or volunteers.

## **3. Definitions**

It is not deemed necessary to including terminology, definitions or a glossary for this policy.

## **4. Duties / Responsibilities**

### **4.1. Trust Board**

The Trust Board has a strategic responsibility to ensure that the appropriate conditions at work exist to ensure that employees are able to give regular attendance and feel able to request special leave when required.

### **4.2. Director of Workforce**

The Director of Workforce will oversee the introduction, operation and monitoring of the policy. The Director of Workforce will ensure the policy is presented to the Business and Performance Committee for the required approval.

### **4.3. Line Managers**

Managers are responsible for ensuring the implementation of the policy within their areas of responsibility and for monitoring approval/refusal of the application for Special Leave.

Managers must record any special leave taken using ESR self-service.

Managers are responsible for ensuring the fair application of this policy.

### **4.4. Human Resources Department**

HR staff will support managers in the fair and consistent application of this policy.

### **4.5. Employees of the Trust**

Employees are responsible for making appropriate arrangements for their personal responsibilities so that they are able to attend work. Special leave should not be seen as an entitlement to extra leave in addition to annual leave, it should only be used for exceptional circumstances as detailed within this policy.

Employees will apply for special leave in accordance with this policy.

In the case of medical staff, they are responsible for arranging appropriate cover for clinical responsibilities in advance of the application where possible, and communicating

this to his/her clinical director with written evidence in the form of the covering doctor's signature or confirmatory e-mail.

If requesting parental leave, employees must make their manager aware of any parental leave taken for the same child whilst employed elsewhere.

## **5. Types of Special Leave**

The policy covers requests for the following types of Special Leave:

- Parental Leave (for shared parental leave see Maternity, Adoption and Shared Parental Leave Policy)
- Leave for Emergencies
- Bereavement Leave
- IVF and other fertility treatments
- Participation in Elections
- Public Duties
- Jury Service
- Appearance as a Witness/Expert Witness
- Special Forces
- Additional Professional Duties
- Participation in Sporting Events
- Adverse Weather Conditions
- Travel Delays following Annual Leave
- Time off for Job Interviews

Each of the leave entitlements and qualifying conditions is specified in the following sections. All employees of the Trust are entitled to apply for each type of special leave, unless otherwise stated in the appropriate sections below.

This policy does not cover convalescence after hospital procedures or accompanying / visiting children / relatives / spouse whilst in hospital, this will need to be taken as annual leave.

### **5.1. Recording Special Leave**

Managers should keep a local record of all special leave requests, whether or not they are approved. They must also record any approved requests on Electronic Staff Records (ESR). Paid special leave should be recorded as "special increasing bal" and unpaid special leave should be recorded as "unpaid authorised special". Special leave should not be seen as an "entitlement" and managers should therefore monitor employee applications to ensure that they are not taking a lot of special leave year on year.

### **5.2. Parental Leave**

#### **5.2.1 Eligibility**

All employees with at least one year's continuous service with the NHS will be eligible for Parental Leave in order to look after a child or to make arrangements for the good of a child under the conditions outlined in this section. Employees will be entitled to rely upon previous periods of service with other NHS employers to satisfy the one year's continuous service requirement.

The employee must be the parent or have acquired formal parental responsibility for the child. The leave must be taken by the child's 18<sup>th</sup> birthday. Parental leave cannot be

taken where an employee is a foster parent (unless they've secured parental responsibility through the courts).

### 5.2.2 Entitlement

Employees are entitled to 18 weeks' leave for each child (including adopted children), up to their 18<sup>th</sup> birthday. Employees cannot take more than 4 weeks parental leave (for each child) in any given year. Entitlement is reduced on a proportionate basis for part-time employees, for example, an employee who works two days a week will have the right to two-fifths of the leave entitlement. The 18 weeks leave entitlement includes any parental leave already taken for a child during any period of previous employment with another employer.

It is the employee's responsibility to declare to their manager when requesting parental leave whether they have previously taken any parental leave for the same child whilst employed elsewhere. Any employee found to have failed to have declared previous periods of parental leave may be subject to disciplinary action.

### 5.2.3 Conditions of Leave

Any period of parental leave will be unpaid. Service with the Trust will be treated as continuous during the period of parental leave. Annual leave entitlement will not accrue for the period of parental leave. Carryover of annual leave entitlement from one leave year to another is only permitted as per the Annual Leave Policy.

If the employee is a member of the NHS Pension Scheme, the Trust will continue to make the appropriate employer contributions during the parental leave period. The employee's contributions will stop during the period of parental leave but these will be recovered once the employee returns to work. This ensures that pension membership is maintained throughout the period of parental leave.

### 5.2.4 Application for leave

Parental leave may be taken in **blocks of one contractual week** (up to 4 weeks per year). Only complete weeks are taken into account, therefore part of a week taken as parental leave will reduce the employee's entitlement by a full week. An exception to taking parental leave in blocks of at least one week applies where the parental leave is taken with respect to a child who is disabled, in which case the leave may be taken as single days, if necessary.

### 5.2.5 Requesting Leave

Employees wishing to take parental leave must complete the application form (Appendix 1) giving their line manager **at least 21 days' notice** of the date they wish to commence the leave.

The manager will respond to the request, in writing, within 7 days of the request being received. The manager will also maintain an individual record within the employee's personal file and on ESR in order to ensure that the 18 weeks entitlement for each child is not exceeded.

The request for parental leave will normally be granted, subject to the needs of the service. If it has to be declined, it should be postponed to a mutually agreed date, or to a suitable future period, but will not be postponed for more than six months from the date on which the employee wanted to start their leave.

Leave can't be postponed if the employer doesn't have a 'significant reason', e.g. it would cause serious disruption to the business; it is being taken by the father or partner

immediately after the birth or adoption of a child; it means an employee would no longer qualify for parental leave, e.g. postponing it until after the child's 18th birthday

The Trust reserves the right to ask for documentary evidence to support a request for parental leave. Fraudulent claims for parental leave will be subject to the Trust's disciplinary procedure, which may result in disciplinary action up to, and including dismissal.

#### 5.2.6 Employee rights while on leave

Where a redundancy or restructuring exercise occurs in the department/area in which an employee is absent due to parental leave, the employee will be treated as if they were at work. This applies to consultation rights, notification of suitable alternative employment and all other support and assistance provided by the Trust. The fact that the employee was absent due to taking a period of parental leave will not be taken into account for the purposes of any selection for redundancy.

Parental leave will be in addition to any other leave entitlements to which the employee is eligible.

### 5.3. **Leave for Emergencies**

Employees carry primary responsibility for achieving a work/life balance and should ensure, as far as is practicable, that they have robust contingency arrangements in place. However, the Trust recognises that there will be occasions when the contingency arrangements fall through and the following provisions will apply.

#### 5.3.1 Eligibility

All employees will be entitled to apply for Leave for Emergencies where a situation arises in their personal lives which they could not have reasonably expected. This could be where the employee has to make arrangements for the provision of care for a dependant who is suddenly ill or injured, or it could be for an unexpected crisis such as a fire, flood or burglary. The aim of providing Leave for Emergencies is to give the employee adequate time to plan and make alternative arrangements for sudden unforeseen breakdown of care or to deal with a domestic emergency.

Leave for emergencies is not an automatic right. Approval for a period of absence due to a dependant's serious illness or for an unexpected family crisis or emergency will only be given where the situation requires the employee to be absent from work. In exercising discretion, managers should carefully consider all the circumstances of the case and other related factors, such as the nature of the emergency, previous requests, consistency, other possible carers etc.

In addition to the employee's child or parent, spouse or civil partner, a dependant of the employee can be a person who lives in the same household as the employee (excluding employees, tenant, lodger or boarder) or can be any person who reasonably relies on the employee to make such arrangements on their behalf.

#### 5.3.2 Entitlement

The maximum amount of special leave that can be taken for family emergencies is 5 days (pro rata) in any 12 month period, however leave can only be taken **1 day at a time** as it is intended only to allow employees the time to make alternative arrangements for the following day onwards when situations arise that could not have been predicted. This leave will be paid.

Where appropriate, additional time off either using annual leave or unpaid leave may be considered.

### 5.3.3 Requesting Leave

The employee concerned must contact their line manager (or the on call manager at night if relevant) to advise them of the situation at the earliest possible opportunity by phone or, in **exceptional** circumstances where a phone call is not possible this may be via email or text. Their manager must advise whether emergency leave has been approved. If emergency leave is not approved the employee must take annual leave, flexitime or unpaid leave.

## 5.4. **Bereavement Leave**

### 5.4.1 Entitlement

The bereavement of a spouse, close relative, civil partner, or dependant affects every individual differently. All employees will be entitled to apply for a **maximum of 5 days paid leave** in the event of bereavement, which includes time to attend a funeral.

The circumstances surrounding such an event must be taken into account when considering the amount of leave to be granted including:

- the relationship with the deceased and resultant degree of stress to the employee
- attendance at and location of the funeral
- responsibility for funeral arrangements and any executory duties

Additional time off, without pay, will be considered favourably where appropriate (e.g. where the employee is an executor of the will).

In exceptional circumstances, such as when overseas travel is involved, longer periods of leave may be granted utilising annual leave or on an unpaid basis.

### 5.4.2 Requesting Leave

The employee concerned must contact their line manager (or the on call manager at night if relevant) to advise them of the situation at the earliest possible opportunity by phone or, in **exceptional** circumstances where a phone call is not possible this may be via email or text. An agreement should be made about how much leave can be given as bereavement leave.

## 5.5. **IVF and other fertility treatments**

The Trust recognises that infertility is a medical condition causing considerable psychological and physical distress, and is sympathetic to staff who decide to undergo this treatment. Special leave will be granted for these purposes where this is supported by documentary evidence from the employee's doctor or consultant.

### 5.5.1 Entitlement

Staff will be granted **5 days paid leave** and up to **7 days unpaid leave** per annum, after which time they should use annual leave. Partners of individuals undergoing fertility treatment are entitled to 7 days unpaid leave.

### 5.5.2 Requesting Leave

The employee must inform their manager of the likely duration of treatment, number of occasions, possible dates and when they expect to need time off work. A special leave application form (Appendix 1) must be completed and retained on the employee's personal file.

If an individual's course of treatment causes them to become ill or hospitalised, their absence should be dealt with under the Trust's Sickness Absence Policy.

## **5.6. Participation in Elections**

### **5.6.1 Entitlement**

All employees who are standing for parliament or participating in national or local elections are entitled to up to **3 days unpaid leave**, subject to the needs of the service.

### **5.6.2 Requesting Leave**

Employees considering participating in an election must inform their line manager at an early stage and assure the Trust that these activities can be exercised without conflict of interest with their duty as an employee. A special leave application form (Appendix 1) must be completed and retained on the employee's personal file.

Employees elected as Members of Parliament will be expected to resign unconditionally from their posts.

## **5.7. Public Duties**

### **5.7.1 Entitlement**

An employee who is engaged in any of the public duties shown below will be entitled to reasonable leave to attend relevant meetings or participate in other approved activities.

- a justice of the peace;
- a member of a local authority;
- a member of a statutory tribunal;
- a member of a police authority;
- a member of the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
- a member of a prison board of visitors or a prison visiting committee;
- a member of a relevant health body (i.e. in a non-executive director role);
- a member of a relevant education body;
- a member of the Environment Agency
- a trustee of a charity

The employee will need to show that they are contributing a reasonable amount of their own time towards meeting their public duty commitments - possibly including a proportionate amount of their annual leave entitlement. Providing the Trust is satisfied that adequate notice is being given and that the employee is contributing some of their own time then, if the public duties are significant, it will normally allow time off and make up any monies received from the public body to normal average earnings for up **12 working days** per annum.

Where leave beyond 12 working days is requested a full case should be prepared for consideration by the Director of Workforce who will advise the appropriate Divisional Director of Operations / Head of department accordingly. Any additional time off, if granted, will be unpaid.

Payment will not be made for the time spent in excess of normal working hours or for time spent travelling. The Trust will not cover the cost of travel or expenses incurred as a result of participation in any public duties.



## 5.7.2 Requesting Leave

Any employee wishing to take time off in order to fulfil any of the above activities must give as much advance notice of their request as possible. Details must be provided of the duty being performed and the specific activity for which time off is considered necessary. A special leave application form (Appendix 1) must be completed and retained on the employee's personal file.

There is no right to unlimited time off. In determining how much time off from work is reasonable the Trust will take account of the following:

- Minimum attendance levels or any compulsory activity requirements stipulated by the public office or body.
- The nature of the duties of the office or as a member of the body in question.
- The amount of time off which has already been permitted for other public duties or trade union activities.
- The operational requirements and the effect of the employee's absence upon the Trust.

Evidence of any attendance and payment of any costs/allowances must be submitted to the Human Resource Department in order to claim any make up in earnings. This must be sent along with the form shown in Appendix 2. HR will then advise the Payroll Department to make the appropriate deductions.

## 5.8. **Jury Service**

### 5.8.1 Entitlement

Where requested to attend court as a juror, employees will be granted unpaid leave to attend. However, where the allowance provided by the Court is less than the employees normal average earnings (calculated on past 3 months' pay) the Trust shall make up any monies. Where, in the Trust's view, the release of an employee for jury service raises major staffing or operational problems, assistance will be provided to the employee in order to appeal to the court to re-arrange the dates of service.

### 5.8.2 Requesting Leave

Employees being asked to attend for jury service must notify their line manager immediately.

The court will send the employee a "loss of earnings form" which must be sent to HR Services with a completed "Jury Service Loss of Earnings Form" (Appendix 3). They will then send this on to payroll to process and return to the employee before their attendance at Court.

Staff will be paid by the court in respect for "Loss of Earnings" and any travel expenses incurred. Upon receipt the employee must submit their invoice to the payroll department to ensure the appropriate amount to be deducted. Failure to submit this will result in the payroll department deducting the full employee's daily rate for the entire period (which is often more than the level of reimbursement from the Court).

Any days during the period of jury service where the employee is not required to attend court, they must inform their manager and attend work on that day. Where jury service lasts for less than half a day the employee must return to work for the remainder of the day where feasible.

## 5.9. Appearing as a Witness or Expert Witness

Employees will normally be granted unpaid time off where they have been requested to attend court as a witness or as an expert witness, unless this request has been made by the Trust, where the leave may be paid. For the avoidance of doubt unpaid leave provisions will apply when acting as witnesses in court on behalf of any other NHS Organisation or in GMC hearings for example. When the employee is acting as an expert witness in a civil case but not on behalf of an NHS organisation or involving the GMC, unpaid leave will be at the discretion of the Medical Director and will not exceed 3 days, or a total of 5 days in any rolling 12 month period. Any breach of this will lead to a compulsory job planning review involving limitation of medico-legal work.

Employees must notify their line manager of the request at the earliest opportunity. For doctors and specialist nurses, six weeks' notice is required for cancellation of clinics. Without this, the clinician will be expected to make up for lost activity before or within 2 weeks after the period of leave without extra pay for any out of hours clinical work. For doctors it is the responsibility of the doctor to arrange satisfactory cover for their clinical responsibilities during this time and to provide the name of the covering doctor(s) at the time of requesting the leave.

During attendance at the court employees should claim from the court any travelling expenses, both to and from the court, together with compensation for any loss of earnings, whenever possible.

The Trust will then pay the difference between such entitlements and normal average earnings. Upon return to work the employee must submit to the Payroll Department the "Certificate of Loss of Earnings" received from the court in order to claim this allowance and complete the Attendance payment retrieval form (Appendix 2) and the form in Appendix 3.

## 5.10. Special Forces

### 5.10.1 Entitlement

Employees are able to participate, as volunteers, with a number of Special Forces. These include:

- Territorial Army
- Royal Navy Reserve
- Special Police Force
- Special Fire Service
- Royal Air Force Reserve Squadrons

Where time off work is required for additional training this will be granted subject to the needs of the service, **as paid leave**.

Attendance at annual camp will be granted as **10 days paid leave**.

Employees who are members of the special forces will be allowed time off when they are called up for active duty in times of conflict, in accordance with any guidelines issued by the special forces or any government body, relating to the requirement to be available in a call up situation.

Payment during the above day(s) of leave will be calculated as the difference between any attendance allowances received for the day(s) from the special force and average earnings.

### 5.10.2 Requesting Leave

Employees should inform their manager as soon as they know they will require leave from work to serve in the special services. A special leave application form (Appendix 1) must be completed and retained on the employee's personal file.

Evidence of attendance and any allowances received must be provided to the Payroll Department upon return to enable the appropriate payment to be processed. The form shown in Appendix 2 must also be completed and submitted.

## 5.11. **Additional Professional Duties**

### 5.11.1 Entitlement

Entitlement will be assessed on a case by case basis. Additional professional leave will include where employees are a representative on a national panel or the chair of a steering group.

### 5.11.2 Requesting Leave

Employees should inform their manager or Clinical Director at the earliest opportunity if they wish to take additional professional leave. A special leave application form (Appendix 1) must be completed and retained on the employee's personal file.

## 5.12. **Participation in Sporting Events**

### 5.12.1 Entitlement

Employees who are representing their country in national or international sporting events may apply for up to **5 days paid leave** in any 12 month period.

### 5.12.2 Requesting Leave

Employees should inform their manager as soon as they know that the event is taking place. A special leave application form (Appendix 1) must be completed and retained on the employee's personal file.

## 5.13. **Adverse Weather Conditions**

Employees are responsible for getting to work on time. Any absence due to the inclement weather conditions must be covered by annual leave, flexi-time or time-owing in the first instance. When these options have been exhausted, **unpaid leave** may be granted at the manager's discretion.

## 5.14. **Travel Delays following Annual Leave**

Employees are responsible for returning to work on time following annual leave. Any absence due to travel caused by air strikes, unforeseen weather conditions, etc. must be covered by annual leave, flexi time or time owing in the first instance. When these options have been exhausted **unpaid leave** will be granted at the manager's discretion.

## 5.15. **Time off for Job Interviews**

### 5.15.1 Internal Posts

Where an employee has been selected for a post within the Trust, they should be allowed to take reasonable time off for the duration of the interview / selection event. This will be **paid** but must be with the agreement of their manager.

### 5.15.2 External Posts

Where an employee has been selected for interview for a post external to the Trust time off should be taken as **annual leave** or **unpaid leave**, with the agreement of the manager.

The only exception to this is where an employee is 'at risk' as a result of organisational change, and time off for interview would be covered by the Trust's Organisational Change Policy.

Any individuals wishing to visit an organisation that they have applied for a position with should do so in their own time.

The employee must inform their line manager as soon as practicably possible of the interview/selection event, where time off is required. Evidence of the interview/ selection event should also be produced, upon request.

### 5.16. **Appeal Process**

Where an individual feels that they have been unreasonably refused Special Leave, they can seek a review by their Divisional Director of Operations, Head of Department or equivalent, as appropriate.

The decision of the reviewing manager is final.

## 6. **Training**

Human Resources will provide guidance on this policy as and when requested.

## 7. **Monitoring**

- NA

## 8. **References**

- NA

### 8.1. **Supporting policies/documents**

- Disciplinary Policy and Procedure
- Organisational Change Policy

## Appendix 1 - Application for Special Leave (where necessary)

Employees should complete Section A and B then pass the form to their manager to complete section C.

### SECTION A – Employee to complete

Name: \_\_\_\_\_ Department: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Weekly working hours: \_\_\_\_\_

### SECTION B – Employee to complete

Type of leave requested: \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_ (PAID)

From: \_\_\_\_\_ To: \_\_\_\_\_ (UNPAID)

Number of **paid** working hours requested: \_\_\_\_\_

Number of **unpaid** working hours requested: \_\_\_\_\_

Previous special leave requested in the last 12 months? Yes  No

If yes, please provide dates and reasons: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

#### For Doctors only:

Name of doctor providing cover: \_\_\_\_\_

Signature of doctor providing cover: \_\_\_\_\_ Date: \_\_\_\_\_

(or attach email confirming arrangement)

## NOW PASS THE FORM TO YOUR MANAGER FOR COMPLETION

### SECTION C – Manager to complete

Leave granted? Yes  No  Partially (provide details below)

From: \_\_\_\_\_ To: \_\_\_\_\_ (PAID)

From: \_\_\_\_\_ To: \_\_\_\_\_ (UNPAID)

Number of **paid** working hours approved: \_\_\_\_\_

Number of **unpaid** working hours approved: \_\_\_\_\_

**Appendix 2 - Attendance Payment Retrieval Form**

<b>Name:</b>	<b>Department:</b>
<b>Job Title:</b>	<b>Date of Birth:</b>

I confirm that I attended ..... on the date(s) shown below and have received a total of £ ..... in payment. I agree that this amount be deducted from my next salary payment.

In this manner the Trust will be making these allowances up so that I do not suffer any financial loss due to my attendance.

**Dates of Attendance:**

From: ..... To: .....

From: ..... To: .....

**EMPLOYEE**

**Signed:** ..... **Date:** .....

**MANAGER**

**Signed:** ..... **Date:** .....

**Print Name:** .....

**Appendix 3 - Jury Service Loss of Earnings Form**

**Attendance for Jury Service / Court Appearance**

**Authorisation to Recover Reimbursement of Notional "Loss of Earnings"**

Name: .....

Assignment No: .....

I ..... hereby agree to provide written evidence to the Trust for any notional "loss of earnings" claimed and received from HMCS to allow P&SS to make the necessary deduction.

In the event of failure to provide written evidence, I hereby authorise the Trust to deduct a sum based on the daily loss of earnings rate for each day I have been required to attend by HMCS. Such deduction to be actioned the first available month following completion of my Jury Service.

Signed: .....

Print Name: .....

Date: .....

**PLEASE RETURN COMPLETED FORM TO HR SERVICES WHO WILL FORWARD TO PAYROLL.**





## Translation Service

This information can be translated on request or if preferred an interpreter can be arranged. For additional information regarding these services please contact The Walton centre on 0151 525 3611

Gellir gofyn am gael cyfieithiad o'r deunydd hwn neu gellir trefnu cyfieithydd ar y pryd os yw hynny'n well gennych. I wybod rhagor am y gwasanaethau hyn cysylltwch â chanolfan Walton ar 0151 525 3611.

هذه المعلومات يمكن أن تُترجم عند الطلب أو إذا فضل المترجم يمكن أن يُرتب للمعلومة الإضافية بخصوص هذه الخدمات من فضلك اتصل بالمركز ولتوّن على  
0151 5253611

نهم زانياريه دهكریت وهرگیپردریت کاتیک که داوا بکریت یان نه گهر به باش زاندره دهکریت وهرگیپرک ناماده بکریت (پرک بخریت) ، بو زانياری زیاتر ده باره ی نه م خزمه تگوزاریانه تکایه په یوهندی بکه به Walton Centre به ژماره تله فونی ۰۱۵۱۵۲۵۳۶۱۱ .

一经要求，可对此信息进行翻译，或者如果愿意的话，可以安排口译员。如需这些服务的额外信息，请联络Walton中心，电话是：0151 525 3611。