

Trust Meeting	Trust Board – Public	Public Trust Board paper P			
Date of the meeting:	8 th June 2023				
Title:	Consideration of Proposed Amendments to the Special Leave Policy (A18/2002)				
Report presented by:	Becky Cassidy, Director of Corporate and Legal Affairs				
Report written by:	Steve Murray, Assistant Director of Corporate and Legal Affairs				
Action – this paper is for:	Decision/Approval	x	Assurance	x	Update
Where this report has been discussed previously	Policy and Guideline Committee via the Urgent Amendment process.				

To your knowledge, does the report provide assurance or mitigate any significant risks? If yes, please detail which
The report provides assurance that special leave is managed appropriately within UHL via a dedicated policy

Impact assessment
No adverse impact identified.

Acronyms used: None Used.

Purpose of the Report

The Special Leave Policy is a Category A policy, and it is for the Trust Board alone to approve proposed amendments. The purpose of this report is to enable the Trust Board to consider making the amendments as proposed.

The Trust Board should be aware that the Trust is currently undertaking a review into how it develops and approves its policies, and which is being supported by our internal auditors. This review will include consideration of those policies which are required to receive Trust Board approval.

Recommendation

Discuss and approve the proposed amendments.

Summary

Currently the policy enables the Trust to provide 10 days leave per annum (pro rata) for Reservists to attend annual camp. Annual camp lasts 15 days per annum with the 5-day shortfall being taken from annual or unpaid leave.

The proposed amendment will increase the leave entitlement for annual camp to 12 days leave (pro rata). The Trust will additionally now provide 6 paid days leave for Cadets and 2 paid days leave for spouses of regular military personnel to accommodate unforeseen military delays.

Main report detail

The proposed amendments were requested urgently to enable the signing of a new armed forces covenant on 12th June 2023. Additionally, some minor amendments are also proposed to reflect changes in staff and job titles. All proposed amendments are, for ease of reference, written in red typeface in the supporting documentation being the draft version of the policy.

Further proposed minor amendments also appear in red typeface and relate to changes in staff and job titles.

In view of the urgency of the request the Policy and Guideline Committee considered these requests via the Urgent Approval Process rather than by the full committee and were supportive of the proposed changes.

Supporting documentation

The proposed version of the special Leave Policy is attached. The proposed changes are in red typeface for ease of reference and those changes would be changed to black typeface before uploading into the Policy and Guideline Library should the Trust Board approve the proposed changes.

Special Leave Policy

Approved By:	Policy & Guideline Committee
Date of Original Approval:	11 November 2002
Trust Reference:	A18/2002
Version:	V7
Supersedes:	V6(2021)
Trust Lead:	Danielle Moyers, People Partner
Lead Board Director:	Clare Teeney, Chief People Officer
Date of Latest Approval	June 2023
Next Review Date:	June 2025

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REVIEW DATES AND DETAILS OF CHANGES MADE DURING THE REVIEW JUNE 2021

Amended section 5.19.4 to increase leave for reservists

KEY WORDS

Special Leave, Carer's Leave, Bereavement Leave, Compassionate Leave, IVF, Organ/Bone Marrow Donation, Reservist, Civic and Public Duties.

1 INTRODUCTION AND OVERVIEW

- 1.1 Employees are entitled by law to time off work in particular circumstances (usually unpaid). This policy incorporates the statutory requirements for special leave from work and also sets out situations where enhanced provisions apply.
- 1.2 This policy sets out the University Hospitals of Leicester (UHL) NHS Trust's Policy and Procedures for the effective management of special leave.
- 1.3 Employees have a contractual duty to attend work in accordance with their contract of employment and in exceptional circumstances to agree any special leave in line with this policy and relevant others.
- 1.4 Managers are required to authorise and monitor special leave levels in their area.
- 1.5 Departmental staffing in all areas is organised so as to ensure the most effective and efficient staffing required for service delivery. Therefore, if staff are unable to attend for duty, for whatever reason, it is important that the Department/Ward Manager is informed as soon as reasonably possible prior to the commencement of the shift, in order that appropriate alternative arrangements can be made. Planned absence for special leave purposes must be agreed in advance with appropriate notice given for the special leave request.

2 POLICY SCOPE- WHO THIS POLICY APPLIES TO AND ANY SPECIFIC EXCLUSIONS

- 2.1 This policy applies to UHL employees. It includes medical and dental staff but excludes bank staff and staff employed temporarily through the STAFFflow model (STAFFflow being those sourced from an agency, and employed on a Temporary Worker contract). In these circumstances statutory rights will apply.

3 DEFINITIONS AND ABBREVIATIONS

- 3.1 **Special leave** is a general term used to describe time off given by managers for a range of circumstances, described below. It is a request for time off work, either paid or unpaid, and in addition to annual leave.

4. ROLES – WHO IS RESPONSIBLE FOR WHAT

4.1 Chief People Officer

- 4.1.1 **The Chief People Officer** has lead responsibility for strategic management of Health and Wellbeing within the organisation.
- 4.1.2 **The Chief People Officer** is responsible for the development and implementation of appropriate guidance on the provision and use of special leave and to ensure that any changes to terms and conditions and legal implications are reflected in this Policy.

4.2 CMG Management Teams / Corporate Managers

- 4.2.1 Management teams are responsible for implementing this Policy and ensuring that all staff are aware of the Policy and adhere to its requirements.

4.3 Trade Unions

- 4.3.1 Trade Union Representatives will assist in the formulation and implementation of this Policy and will offer guidance and support to staff members, advising them of their eligibility and responsibilities as detailed within the Policy.

4.4. Line Managers

- 4.4.1 Managers must discuss requests with those who apply for special leave and apply this policy in an effective, fair and consistent manner.
- 4.4.2 In all cases, the discussion with staff and the authorising of special leave requests (and the subsequent arrangements of any staffing cover required), is the responsibility of line managers who will consider the individual's circumstances, in respect of their special leave request, and balance their needs with the Trust's service requirements and obligations.
- 4.4.3 Managers must ensure all special leave requests, granted or not granted, are documented (Appendix 2 & 5). If the request is granted this must be recorded appropriately on the SMART absence system (and/or any agreed departmental process) to ensure correct payment is made. If the request is declined, the reasons for refusal should be noted, and in either case a record will be retained on the employee's personal file.
- 4.4.4 If a request is declined, managers must meet with the employee to advise them of the decision and discuss whether any other support can be offered (eg swapping a shift, taking annual leave or considering a flexible working arrangement).
- 4.4.5 Managers are responsible for the monitoring of all employees' absence and frequent and/or excessive use of the Special Leave Policy should be reviewed and challenged accordingly with advice sought from the Generalist Human Resources Team as required.
- 4.4.6 Managers also need to be aware of the potential sensitivity of the special leave request and in consultation with the individual, consider whether a referral to Occupational Health, AMICA and/or our Chaplaincy Services might be appropriate.
- 4.4.7 After the agreed special leave has been exhausted, provisions to take annual leave/unpaid leave may be considered at the manager's discretion.

4.5 Generalist Human Resources Team

- 4.5.1 The Generalist Human Resources Team will offer advice and support for Managers, individual staff members or teams, balancing the needs of the service and the work/life balance of all staff as outlined in this and other UHL Trust Policies.

4.6 Employees

- 4.6.1 All employees must make every effort to attend for work and comply with all reporting requirements regarding their absence in accordance with departmental procedures and as outlined in this and other UHL Trust policies.
- 4.6.2 All employees will apply to their line manager for any special leave request (Appendix 5).
- 4.6.3 All employees where there is opportunity to plan their special leave requirements, will do so in a timely manner with due regard to UHL service requirements.
- 4.6.4 All employees will give the Trust notice, reasonable for the circumstances of the special leave being requested.
- 4.6.5 Due to the circumstances of the leave, it may be necessary for employees to take the time away from work prior to any Special Leave being approved. In such circumstances, the absence must not be assumed as Special Leave, but must be requested retrospectively.
- 4.6.6 Employees are reminded that any application for special leave that is not genuine or once granted, the time is then used for a purpose other than for the purpose agreed, may constitute a breach of their employment contract which may result in disciplinary action and/or referral to the counter fraud department for investigation and/or their registration body.

5.1 Bereavement / Compassionate leave

5.1.1 Bereavement leave or Compassionate Leave, for urgent domestic distress such as a very serious situation relating to a close relative, is paid leave. It can range from half a day up to 3 days. Only in exceptional circumstances, (and due to a combination of factors), should the period of paid leave be extended to a maximum of 6 days. The following factors will be taken into account when determining time and pay arrangements:

- Nature of the relationship and level of emotional involvement the employee had or has with the deceased or injured/sick party. Not exclusively in reference to blood ties.
- Circumstances of the death/injury/sickness.
- Whether the employee is appointed executor/executrix is responsible for funeral arrangements or has carer responsibilities.
- Available support of other relatives or friends, particularly those more able to assist in making any necessary arrangements.

5.1.2 If an employee is required to travel to make arrangements and/or attend a funeral, they should be encouraged to discuss the time away from work required with their manager. Any additional time off can be covered using annual leave, or unpaid leave.

5.1.3 Time off for funerals, where there is a less immediate or close relationship to the deceased, may be granted but consideration should be given to whether annual leave or unpaid leave is more appropriate.

5.1.4 If the impact of bereavement requires longer term changes to working arrangements the manager should discuss this with the individual who may wish to consider a flexible working request.

5.1.5 Bereavement leave does not include any right to time-off to cope with emotional effects of bereavement, such as grieving for the person who has died.

5.1.6 Additional support is available for staff through both Occupational Health and AMICA, the staff counselling and psychological support service (0116 254 4388).

Please also refer to Appendix 1

5.2 Child Bereavement Leave

5.2.1 For the purpose of this policy a bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt and may include grandparents who have had a caring responsibility for a child or instances where someone other than the biological parent was the primary carer.

5.2.2 There is no requirement for the child to be under the age of 18 years of age.

5.2.3 All bereaved parents are eligible for 2 minimum of weeks of child bereavement leave. Where both parents work for the Trust entitlements in this section will apply to both members of staff.

5.2.4 All bereaved parents will be entitled to 2 weeks occupational child bereavement pay (which will include any entitlement to statutory parental bereavement pay).

5.2.5 Parents who experience a still birth (from 24th week of pregnancy) will be eligible for these provisions and will subsequently still be eligible for the provisions set out in the Trust Maternity Leave policy.

- 5.2.6 Bereaved parents do not have to take the 2 weeks of leave in a continuous block. Employees should agree with their line manager how they wish to take the leave.
- 5.2.7 Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of a child.

5.3 Carer's leave

- 5.3.1 Employees are expected to have robust arrangements in place to ensure that dependants are cared for appropriately while they are at work. However, it is recognised that caring responsibilities may arise at short notice or due to an emergency.
- 5.3.2 Short term leave, **either paid or unpaid**, depending upon the circumstances, should be made available to staff at times of urgent and unforeseen need.
- 5.3.3 Paid carer's leave, which must not exceed one day, is aimed at providing support to enable an employee to manage a short term or a temporary need of an urgent nature ie on the day. Examples: emergency hospital admission of a dependant, the illness of a child, close relative or dependant or the breakdown of normal carer arrangements/ the need to make arrangements for longer-term care. This list is not exhaustive. Separate incidents of such special leave either paid or unpaid, should not normally exceed a total of one working week (for each individual), in any rolling year.
- 5.3.4 If a member of staff is notified at work that there is an emergency relating to their responsibilities as a carer which requires their immediate attention, it will normally be the case that arrangements will be made to release them from their duties for the balance of the day/shift without loss of pay. This Special Leave would count as a working day in respect of section 4.2.3.
- 5.3.5. Requests for Special Leave to care for a dependant following planned surgery or ongoing care following emergency surgery, needs be taken as unpaid leave or annual leave.
- 5.3.6 If both parents work for the Trust, paid carers' leave will apply to one parent for each occasion arising.
- 5.3.7 A manager may agree a lengthier period of absence, at the request of the employee, via emergency annual leave or unpaid leave, if this is required in order for the problem to be resolved. The request would be considered in the light of the employee's needs and the service requirements.

Please also refer to Appendix 1

5.4 Urgent Domestic Leave

- 5.4.1 Managers may grant urgent domestic leave in response to immediate needs such as an urgent domestic crisis, eg house burglary.
- 5.4.2 Paid urgent domestic leave must not exceed more than one day, after which provisions to take annual leave and/or unpaid leave may be agreed with the line manager. The Manager will consider leave in any circumstances where, due to urgent and unforeseen events, a compassionate response is necessary.

Please also refer to Appendix 1

5.5 Parental Leave

- 5.5.1 Parental leave is unpaid leave to enable employees to take time off work to look after, or make arrangements for, a child's welfare. This leave is to be used for planned events in the child's life such as looking at or making arrangements for a new school or settling their child with a new childminder, rather than as a response to an immediate care need.
- 5.5.2 Parental leave is in addition to maternity, paternity and adoption leave. Trust reference: B17/2012; B18/2012: and B19/2012 respectively.
- 5.5.3 Parental leave can be taken up to a child's 18 birthday.
- 5.5.4 Eligibility and Entitlement

All eligible employees are entitled to a total of a maximum of 18 weeks' unpaid parental leave to look after each child born or adopted.

In order to be entitled to parental leave:

- The employee must have completed one year's continuous NHS service.
- They are named on the child's birth certificate or adoption certificate.
- The employee has legal parental responsibility or has the nominated caring responsibility for a child under the age of 18 but is not a foster parent (unless they have secured parental responsibility through the court).
- The employee must not have exhausted their right to unpaid parental leave for the child in question with a previous employer.

- 5.5.5 Parental leave can be added to periods of paternity or maternity leave.
- 5.5.6 Parental leave can start once the child is born or placed for adoption or as soon as the employee has completed a year's service, whichever is the later.
- 5.5.7 Conditions under which Parental leave can be taken are:

- Parental leave must be taken in periods of not less than one working week unless the child is disabled.
- A maximum of four weeks' parental leave can be taken in any one year for each child. The year is defined as the annual leave year (1 April – 31 March), a week being whatever the eligible employee works per week. (ie if an employee normally works 3 days per week, one week of parental leave equals 3 days). The Trust may consider extending this in exceptional circumstances up to a maximum of 13 weeks in one year. (Exceptional circumstances may be where a mother needs additional time off immediately following Maternity Leave).
- The employee must give the Trust a minimum of 21 calendar days' written notice of their intention to take parental leave and apply for such leave on the parental leave form (Appendix 4) – a copy of which must be placed on the employee's personal file. It is the Manager's and the employee's responsibility to monitor time taken.
- The Trust may ask employees for reasonable proof to verify birth dates of child/children by requesting a copy of the birth certificate or other evidence of parental responsibility with their application for parental leave.

- 5.5.8 At the end of parental leave an employee is guaranteed the right to return to the same job as before or, if that is not practicable, to a similar job which has the same or better status

and terms and conditions as their previous post. Where the leave taken is for a period of 4 weeks or less, the employee will be entitled to return to the same job.

- 5.5.9 Employees will remain employed during their parental leave but will not continue to accrue annual leave during these unpaid periods. Employees requiring professional registration must ensure they maintain their registration.
- 5.5.10 Parental leave is an individual right, therefore, if both parents are employed by the Trust, both parents may apply and take parental leave. The rights to parental leave cannot be transferred from one parent to another.
- 5.5.11 Parental leave will not be postponed unreasonably without a significant business reason. However, where such leave coincides with major events and/or where adequate cover is not available, management reserves the right to postpone the leave. If the leave is postponed the Trust will write to the employee within 7 days explaining why the request was refused and take steps to agree a new date which must be within 6 months or the original requested start date.
- 5.5.12 If the leave is postponed beyond the child's age limit, the parent will still be entitled to the leave.

Please also refer to Appendix 1

5.6 Foster Leave

- 5.6.1 Employees fostering a child(ren) have no right to paid time off, except if they are pursuing 'foster to adopt' in which case adoption leave and pay will apply.
- 5.6.1 Employees who are planning to or who have fostered a child(ren) are encouraged to discuss with their Manager and a Human Resources Representative any requirement they have including flexible working arrangements.

Please also refer to Appendix 1

5.7 Severe Weather Conditions/Travel Disruption

- 5.7.1 In the event of serious travel disruption making it difficult to attend work, such as severe weather condition, or other reasons for advice from the emergency services to not undertake travel unless it is essential, consideration must be given to employees safety.
- 5.7.2 Where a manager is satisfied that the employee has genuine difficulties and all reasonable steps have been taken to attend work, possible options include:
- working from home if meaningful work is possible.
 - attending for work at another site, provided the work available is appropriate.
- 5.7.3 If the above options are not feasible the absence will be unpaid, unless the employee uses:
- Time owing
 - Annual leave
 - It is agreed that the time lost can be made-up at a time that is required by the service and within an agreed time scale.

Please also refer to Appendix 1

5.8 Planned time off for Religious Belief or Cultural Observance

- 5.8.1 The Trust recognises that it operates within a multi-cultural society where many faiths and religions are followed and that employees may require time off to observe a religious festival or ceremony not covered by current statutory holidays. Managers should be sensitive to the needs of such requests and accommodate the requests wherever it is reasonably practical to do so. Leave may be granted using annual leave unpaid leave or flexibility regarding working hours.
- 5.8.2 Where there are competing requests for time off the manager will look to ensure fairness and equity is considered in granting leave to the individual(s) or group(s) of people requesting leave. This will include taking into account similar requests that have been made and/or agreed previously.

Please also refer to Appendix 1

5.9 Medical/Dental or other Health Related Appointments

- 5.9.1 Employees are required to arrange personal appointments such as doctors and dentist appointments outside of working hours wherever possible. However it is recognised that some medical and personal appointments are not within the individual's control. Where this occurs, employees will be granted reasonable time off to attend such appointments. Employees are required to give as much notice as possible in all cases.
- 5.9.2 Difficulties sometimes arise with employees requesting time off for attending regular or repeated medical appointments, in such cases individuals must discuss the matter with their Manager. It may not be reasonable in all circumstances for paid time off to be given and in some circumstances the employee may be asked to take annual leave or make up the time away from work.
- 5.9.3 A Manager may ask to see medical appointment cards as confirmation of appointments booked, especially where the appointments are repeated and/or frequent.
- 5.9.4 Appointments made with Occupational Health via management referral will be accommodated within the employee's working week. If it is not possible to do so employees may make arrangements with their Manager to take the time back.

Please also refer to Appendix 1

5.10 IVF Treatment

- 5.10.1 Employees receiving IVF treatment will be granted one episode of up to two weeks paid leave or the equivalent of two working weeks for part time staff or staff on a flexible contract, for the purpose of recovering from IVF treatment. This is the total Special Leave per IVF cycle and is permitted once in each three year period. Additional episodes will need to be taken as either unpaid leave or annual leave.
- 5.10.2 If an employee is too unwell to work and is absent due to sickness during their recovery period for IVF treatment this absence would be reviewed in line with The Management of Sickness Absence Policy and Procedure.
- 5.10.4 Managers should be sensitive to the needs staff those partners are undertaking IVF treatment and consider options for leave.

Please also refer to Appendix 1

5.11 Planned Surgery for Organ Donation/Bone Marrow Purposes.

- 5.11.1 The Trust recognises employees may choose to undergo planned surgical admissions for the purposes of the donation of organs or bone marrow. Individuals will not be treated detrimentally when undergoing any planned surgical procedure in this respect (subject to the paragraph below).
- 5.11.2 Employees undertaking surgery for the purpose of organ or bone marrow donation will be permitted one period of paid absence within any rolling 3 year period, providing the absence remains within the normal recovery period expected (absence longer than the normal recovery period will be recorded as sickness absence). This will be in addition to absence relating to a planned surgical hospital admission due to a chronic underlying or long term condition or emergency surgery as specified in The Managing of Sickness Absence Policy and Procedure.

Please also refer to Appendix 1

5.12 Cosmetic Surgery

- 5.12.1 Cosmetic surgery for personal aesthetic reasons is not covered by the occupation sick pay provision. In such cases employees are expected to use annual leave or, exceptionally unpaid special leave.
- 5.12.2 The employee must arrange the surgery at a time that would cause the minimum of disruption to the service, provide as much notice as possible and inform the manager of the estimated recovery time.
- 5.12.3 Where cosmetic surgery is being undertaken on the advice of a clinician ie there are genuine medical/psychological reasons for the procedure to be carried out, then on the receipt of a statement to that effect, which could be via an Occupational Health Physician, and the subsequent receipt of medical certificates in accordance with the Occupational Sick Pay provisions, then the matter will be treated as sick leave in accordance with those provisions.
- 5.12.4 If there are complications following cosmetic surgery which result in absence from work beyond the expected normal recovery time, the absence would be reviewed in line with the Managing Sickness Absence Policy and Procedure.

Please also refer to Appendix 1

5.13 Gender reassignment

- 5.13.1 This is covered under a separate policy, please refer to the Trans and Non-Binary Employees Policy. Trust Reference: B38/2011

5.14 Public and Civic Duties

- 5.14.1 Special leave will be available to staff undertaking certain public duties, including holding office as a:
- magistrate/Justice of the Peace
 - member of a local authority, e.g. a councillor
 - member of the managing or governing body of an educational establishment, e.g. a school governor
 - member of a statutory tribunal, e.g. Employment Tribunal
 - member of a relevant health body
 - member of the General Teaching Councils for England and Wales
 - member of the prison independent monitoring boards
 - member of the Environment Agency

- 5.14.2 Employees must seek the consent of the Trust before contesting local elections or taking part in local government activities. Consent will not normally be withheld except in cases where circumstances make membership of the local authority undesirable, such as if the discharge of any local authority functions impinge on the functions of the Trust.
- 5.14.3 Employees at all times are required to give as much notice as possible in respect of special leave for civic and public duties and in cases where it is possible and reasonable to do so, the amount of time off for those public duties must be agreed with the Trust at the commencement of each leave year, in respect of the following 12 months and planned to ensure minimal disruption to the service.
- 5.14.4 The amount of time-off to be agreed will take account of:
- how long the duties might take;
 - the amount of time-off the employee has already had for public (and other) duties;
 - how the time off will affect the Trust, particularly regarding service delivery.
- 5.14.5 Special leave for civic and public duties will be unpaid, with three exceptions:
- being a magistrate/Justice of the Peace
 - being a member of a local authority
 - being appointed as the Lord Mayor
- 5.14.6 If an employee can be compensated by the relevant public body for time-off in the roles specified above, they must claim for this and any special leave by the Trust will be without pay. If this is not possible, or if this is less than their normal earnings, they can be granted up to 9 days' paid leave (or part-paid leave to make-up any shortfall in earnings) in any period of 12 months for the purpose of undertaking official duties as a magistrate/Justice of the Peace or as a member of a local authority
- 5.14.7 If an employee is both a magistrate/Justice of the Peace and a member of a local authority, they can be granted up to 18 days' paid leave in any period of 12 months for the purpose of undertaking official duties.
- 5.14.8 An employee who is appointed Lord Mayor may be granted up to 15 days' paid leave in any period of 12 months to carrying out his or her civic duties.
- 5.14.9 Special paid leave for these activities may be taken in days or half-days as required, but the consent of the employee's manager must be obtained to each absence from duty.
- 5.14.10 No travelling or subsistence expenses will be paid to any employee in connection with travel or subsistence arising out of any public or civic duties.

Please also refer to Appendix 2

5.15 Leave for Parliamentary Candidates

- 5.15.1 Employees who are adopted as candidates for a Parliamentary election may, at the discretion of the Trust, be granted special leave with or without pay to enable them to pursue their candidature. This is not expected to exceed one month.
- 5.15.2 Employees are permitted to pursue either election to Parliament or to sitting and voting as a Member of the House of Commons. An employee's position in regard to remaining in Health Service employment will, however, be governed by their ability or inability to continue to fulfil their contractual obligation.

Please also refer to Appendix 2

5.16 Jury Service

- 5.16.1 Employees who are called for jury service must be allowed time off work unless this is deemed that the absence of the employee at that time would have a serious effect on the service. Should this be the case the Trust would ask the individual to delay the jury service. In all such cases advice should be sought prior to declining the request from Human Resources and can only occur once in each 12 month period.
- 5.16.2 Employees undertaking jury service will be granted special leave with pay, on the understanding that any Court fees received, as distinct from allowances for travelling and subsistence expenses, are repaid to the Trust by the employee. The Trust's special leave with pay will cover an employee's basic pay; any other loss of earnings must be claimed separately from the Court.
- 5.16.3 Throughout the period of jury service if the court finishes early (ie 3 hours or more before the end of the employee's working hours) or if the employee is not needed for jury service on the day the employee will be expected to attend for work where practical.

5.17 Attendance at Court

- 5.17.1 Employees who attend court in relation to Trust issues such as Employment Tribunals or Coroners Court are not required to apply for special leave.
- 5.17.2 Any witness fee received as a result of attending court on behalf of the Trust (as distinct from allowances for travelling and subsistence expenses) must be handed over by the employee to the Trust, except in the case of medical staff in circumstances in which the payment of Category 2 charges is appropriate. Paragraph 37 (for those on pre-April 2003 contracts).
- 5.17.3 For non-Trust related matters, consideration will be given to reasonable time off to attend court but this will be without pay or the time can be taken as annual leave.

Please also refer to Appendix 2

5.18 Absence from Duty Following Contact with a Notifiable Disease

- 5.18.1 Employees who would be able to attend work but are required to be absent from duty following contact with a notifiable disease will be granted special leave with full pay subject to an adjustment of pay in the circumstances set out below:
- 5.18.2 Employees who are under medical observation and who are required by the Medical Officer for Environmental Health to absent themselves from work following contact with a case of notifiable disease may be deemed to be incapable of work and therefore eligible for SSP or sickness benefit.
- 5.18.3 Where employees qualify for SSP or sickness benefit in the circumstances set out in the paragraph above, the absence will not be regarded as sickness, but will be paid special leave inclusive of the amount of SSP or sickness benefit to which they are entitled.
- 5.18.4 This arrangement does not apply in cases where isolation is not thought necessary by the Medical Officer for Environmental Health but the Trust nevertheless considers it desirable to insist on employees absenting themselves from duty for the appropriate period (e.g. following a bout of D&V).

5.19 Territorial Army / Reserve Forces

- 5.19.1 The Trust recognises that some staff may require leave for activities in the reserve and cadet forces. The Trust supports special leave for any employees, subject to the needs of the service.
- 5.19.2 This provision is available to employees who advise the Trust of their intent to volunteer for service (and it is agreed by the Trust), or who declare the fact of their membership of a reserve force at the time of interview.
- 5.19.3 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.

5.19.4 Annual Camp* – (Occurs once a year for 15 days)

The Trust provides 12 days paid leave (pro rata for part-time employees), for annual camp for Reservists. The remaining 3 days must be taken as annual or unpaid leave.

The Trust also provides 6 paid days leave for Cadets and 2 paid days leave for regular spouses to accommodate unforeseen military delays

5.19.5 Other Duties

Employees who are required to undergo short periods of training, normally on Saturdays and Sundays, additional to annual camp must arrange to attend either in off duty time, take unpaid leave or agree annual leave.

5.20 Mobilisation of Armed Forces Reservists

- 5.20.1 The period of time for mobilisation may vary, the maximum time being 12 months. If mobilisation is authorised this will be unpaid. The Trust is not obliged to give consent for voluntary mobilisation. If clarification is required please refer to www.sabre.mod.uk.
- 5.20.2 Reservists in Trust Employment who are served with a call out notice must give a minimum of 21 days notice or notify the Trust within 7 days of receiving a call out notice whichever is the greater. In all cases the employee must be released from duty, and upon return be reinstated in the same type or a job of equally favourable terms and conditions as before.
- 5.20.3 A reservist or employer has a right to apply for exemption or deferral of a notice in exceptional circumstances. Advice concerning this will be contained with the notification of call out. If this is being considered advice should be sought from Human Resources.
- 5.20.4 Employees called out will be required to attend their Unit for acceptance. Staff not accepted will be required to return to work as normal. Where staff do return to duty as normal the absence will be treated as Special Leave with Pay and staff will be required to repay to the Trust any remuneration received from the Ministry of Defence.
- 5.20.5 Staff accepted for Call Out will be paid a standard award by the Ministry of Defence according to their rank and specialised skills. Staff may also claim additional loss of earnings where applicable. Special Leave without pay will, therefore, be granted for the full duration of the call out leave.
- 5.20.6 The period of leave will not break continuity of NHS service.
- 5.20.7 Annual leave will be granted by the armed forces according to their arrangements. Therefore annual leave will not accrue during the call out period.

5.21 Emergency Services Leave

5.21.1 Individuals involved in or who wish to be involved in the emergency services such as a retained fire fighter or a special constable must undertake these duties outside of their normal working hours.

5.21.2 Should leave be requested consideration will be given to the changing of shifts or agreeing unpaid or annual leave, however this would subject to the needs of the service.

5.22 Appeals

5.22.1 Any individual who feels their application for special leave has been unreasonably refused or that the conditions of the Special Leave Policy have not been fairly applied, may appeal the decision.

5.22.2 In these circumstances a meeting should be held with them within 14 calendar days. The individual should be sent a letter confirming the date and purpose of the appeal meeting, giving them the option to be represented by a Trade Union Representative, a friend or a colleague not acting in a legal capacity.

5.22.3 The manager hearing the appeal will be the next in line manager and will have reviewed both the request and the original manager's response along with any further information that is relevant to be able to fully review the decision. Both the individual and the previous manager are responsible for ensuring the availability of this information.

5.22.4 Once the meeting has taken place, the decision should be confirmed in writing within 14 calendar days after the date of the appeal meeting.

It will either:

- Uphold the appeal and specify the exact nature of the agreed leave including a start date; review and end date or
- Reject the appeal, stating the grounds for the decision and informing them they may lodge a grievance at an appropriate stage of the UHL Grievance and Disputes Procedure if they consider they have a substantial reason to do so.
- If the appeal is rejected by the line manager's manager, the individual needs to be informed that they may lodge a grievance at the appropriate stage of the grievance procedure.

6 EDUCATION AND TRAINING FOR THIS POLICY

6.1 The policy will be implemented via HR Leads and support will be provided to managers as required.

The policy is available on INsite.

7 PROCESS FOR MONITORING COMPLIANCE

Element to be monitored	Lead	Tool	Frequency	Reporting arrangements
Staff should have the opportunity to have any special leave requests considered.	Line Manager	Special Leave Tracker	At each Special Leave request	Any issues to be dealt with the manager's line manager with HR advice as required.
Special Leave Requests rejected	Line Manager	Appeal process	At each Appeal submission	Any issues to be dealt with the manager's line manager with HR advice as required.
Staff who have special leave requests agreed	Line Manager	Monthly SMART absence records	Monthly upon	Any issues to be dealt with the managers line manager with HR

should not exceed the leave amount as outlined within the policy.			receipt of SMART reports	advice as required.
Granted Special Leave with Pay	Line Manager	Monthly SMART absence records	Annual	A review made of cost of paid leave and any issues to be dealt with the manager's line manager with HR advice as required.
Granted Special Leave without pay	Line Manager	Monthly SMART absence records	Annual	A review made of cost of days lost to the Trust.
Review of correct authorisation and management for: <ul style="list-style-type: none"> • Carer Leave • Bereavement Leave • Urgent Domestic Leave 	Line Manager	Ward Review Department Review	Periodic	Random check of agreements and authorisations

8 EQUALITY IMPACT ASSESSMENT

The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity and appropriately according to their needs.

As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified.

9 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES

Agenda for Change Terms and Conditions of Employment

<http://www.nhsemployers.org/PayAndContracts/AgendaForChange/Pages/Afc-Homepage.aspx>

UHL Wellbeing at Work Initiatives

<http://insite.xuhl-tr.nhs.uk/homepage/social-leisure/wellbeing-at-work>

Maternity Leave Policy & Procedure: Trust Reference: B17/2012

Paternity Leave Policy & Procedure: Trust Reference: B18/2012

Adoption Leave Policy & Procedure: Trust Reference: B19/2012

Shared Parental Leave Policy: Trust Reference: B4/2015

Flexible Working Policy: Trust Reference: B7/2012

UHL policy for the management of occupational exposure incidents to blood borne viruses (HBV,HCV and HIV). Trust Reference: B42/2007

UHL Promoting Wellbeing and the Management of Sickness Absence Policy and Procedure. B29/2006

Career Break Guidelines: Trust reference: B33/2004

Allocation of Study Leave for Agenda for Change Staff. Policy and Procedures. Trust Reference B32/2004

Senior Medical Staff Study Leave Policy and Procedure. Trust Reference: B67/2008

Facilities and Time Off for Accredited Representatives and Members of Trade Unions and Professional Organisations Agreement: Trust Reference: B21/2014

ACAS. Time off for religion or belief in the workplace (Religion or belief Regulations 2003).

Employment Relations Act 1999

Social Security Act 1975

Social Security and Housing Benefits Act 1982

Reserve Forces Act 1996

Section 17 of the Reserve Forces (Safeguard of Employment) Act 1985

www.sabre.mod.uk

10 PROCESS FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW

- 10.1 Once this Policy has been approved by the UHL P&G Committee, Trust Administration will allocate the appropriate Trust Reference number for version control purposes.
- 10.2 The updated version of the Policy will then be uploaded and available through INsite Documents and the Trust's externally-accessible Freedom of Information publication scheme. It will be archived through the Trusts PAGL system
- 10.3 This Policy will be reviewed every three years and it is the responsibility of the Trust Lead for this Policy to commission the review

Table 1 Quick View - Categories of Special Leave

Special Leave	No of days	Paid or Unpaid	Degree of discretion	Special circumstances
Bereavement Leave / Compassionate Leave	½ day – 3 days	Paid	Dependant on circumstances and following discussion with HR	May be extended to 6 days in exceptional circumstances <i>and</i> a combination of extenuating factors
Child Breavement Leave	2 weeks	Paid		Applies to both parents
Carer Leave	1 day	Paid or unpaid (Dependant on circumstances)	1 day for each occasion arising	Only one parent may take paid leave on each occasion Unpaid Leave or emergency annual leave may extend the leave if the service allows
Urgent Domestic Leave	1 day (Paid leave should not exceed 1 working week in a rolling year)	Paid	1 day for each occasion arising	Unpaid Leave or emergency annual leave may extend the leave if the service allows
Foster Leave	At Line Managers' discretion if the service allows	Unpaid	Annual leave may also be considered to support	
Severe weather conditions/travel disruption	At Line Managers' discretion	Unpaid	Annual leave may be considered to support	
Medical, dental or related appointments	Agreement must be reached for time absent from work that is reasonable for that appointment	Unpaid leave will be granted for appointments that fall within an individual's influence i.e. doctors/dentists. Paid leave may be granted for appointments outside an individuals control i.e. hospital, and upon producing an appointment card	Unpaid leave or annual leave may be considered or an employee may make up time if the service allows	In cases where appointments are regular or repeated it may not be reasonable in all circumstances for paid time off to be given. HR support should be sought in such circumstances
Cosmetic Surgery	Specific to procedure. Agreement must be reached regarding time away from work that is reasonable for the surgery/procedure The time away will not exceed the expected / agreed recuperation period	Unpaid	Planned annual leave may be considered if the service allows	If an employee becomes too unwell to work and is absent due to sickness beyond the expected recovery period following cosmetic surgery, the absence will be considered under The Promoting of Wellbeing and Management of Sickness Absence Policy and Procedure

Table 1 Quick View - Categories of Special Leave

Special Leave	No of days	Paid or Unpaid	Degree of discretion	Special circumstances
Parental Leave	(Once it is confirmed eligibility and criteria for this leave is fulfilled) 18 weeks maximum per child - to be taken in period of not less than 1 working week (unless the child is disabled) - A maximum of 4 weeks per year can be taken for each child	Unpaid	Parental leave is an individual right. If both parents are employed by the Trust both may apply for leave Parental leave may not be transferred between parents	The Trust may consider extending the 4 week maximum allowance per annum up to a maximum of 13 weeks
Planned surgery for organ/bone marrow donation	1 episode in each 3 year period (providing the absence remains within the normal recovery period expected)	Paid		Further or ongoing absence for reasons of organ/bone donation within a 3 year period will be considered under The Promoting of Wellbeing and Management of Sickness Absence Policy and Procedure
Planned time off for religious belief or cultural observance	At Line Managers' discretion if the service allows	Unpaid	Planned unpaid, annual leave or flexibly managed working hours (if the service allows) may be considered to support	
IVF Treatment	1 episode of up to 2 working weeks in each 3 year period	Paid	Planned unpaid or annual leave may be considered to support any subsequent requests for time away from work	If an employee becomes too unwell to work and is absent due to sickness following the recovery period of IVF, the absence will be considered under The Promoting of Wellbeing and Management of Sickness Absence Policy and Procedure
Armed Forces	12 days paid leave for Reservists for annual camp	Paid	Planned unpaid or annual leave may be considered to support any subsequent	

	<p>6 days paid leave for Cadets</p> <p>2 days paid leave for regular spouses to accommodate unforeseen military delays</p> <p>(amounts are pro rata for part time)</p>		<p>requests for time away from work</p>	
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Time off for Public Duties (in agreement with the Trust).

In all cases of paid leave, if an employee can be compensated by the relevant public body for their time they must do this first.

Any time off may be declined if deemed unreasonable.

Special Leave	No of days	Paid or Unpaid	Degree of discretion	Special circumstances
Attendance in Court	As required	Paid: If a Trust issue Unpaid if not a trust issue.	No discretion if a subpoena or witness summons. Otherwise at line managers discretion.	
Magistrate	9 days in each 12 month period.	Paid	A further 3 days unpaid may be granted	May be paid as whole days or half days
Local Government. Borough/District/ City/ County Parish Councillor	9 days in each 12 month period.	Paid		May be paid as whole days or half days
School Governor	Reasonable to role and agreed.	Unpaid		
Statutory Tribunal	Reasonable to role and agreed	Unpaid		
Managing/Governing body of an educational establishment	Reasonable to role and agreed	Unpaid		
Health Authority or The Environment Agency	Reasonable to role and agreed	Unpaid		
A member of the General teaching Councils for England & Wales.	Reasonable to role and agreed	Unpaid		
A member of the Prison Independent Monitoring Boards	Reasonable to role and agreed	Unpaid		
Appointment to Lord Mayor	15 days at the discretion of the Trust	Paid		
Parliamentary Candidates	A maximum of 1 month at the discretion of the trust	Unpaid		

**APPLICATION FOR SPECIAL LEAVE
(MAY BE COMPLETED RETROSPECTIVELY)**

TO BE COMPLETED BY THE EMPLOYEE:

NAME (PRINT) _____

JOB TITLE: _____

DEPARTMENT/AREA: _____

LINE MANAGER: _____

I WISH TO APPLY FOR (CIRCLE AS APPROPRIATE):

CARER LEAVE	URGENT DOMESTIC LEAVE	BEREAVEMENT LEAVE
COMPASSIONATE LEAVE	LEAVE FOR FOSTER CARE	
HEALTH RELATED APPOINTMENT	JURY SERVICE	SEVERE WEATHER
TIME OFF FOR RELIGIOUS BELIEF/CULTURAL OBSERVANCE		
IVF TREATMENT		
PLANNED SURGERY FOR ORGAN/BONE MARROW DONATION		
COSMETIC SURGERY		
CIVIC OR PUBLIC DUTIES NAMELY: _____		
SPECIAL LEAVE FOR TERRITORIAL ARMY / RESERVE FORCES		

Date from:	Date To

TO BE COMPLETED BY LINE MANAGER:

Special Leave granted: YES/NO Paid/ Unpaid
(Attach supporting notes)

Paid leave agreed:	From:	To:
Unpaid leave agreed:	From:	To:

Signed: _____ Line Manager

Signed: _____ Employee Date: _____

**APPLICATION FOR UNPAID PARENTAL LEAVE
(Staff completion)**

1. Please complete this form and send it to your line manager giving at least 21 days notice in advance of the date on which you wish to start Parental Leave.
2. Please attach photocopies of documents proving your eligibility to take Parental Leave (e.g. birth certificate, evidence of child's Disability Living Allowance etc). Please be aware original documents may still be requested.
3. Further information can be found in the Special Leave Policy including the terms and eligibility of Parental Leave.

Name	
Job Title	
Ward/Department	
CMG/Corporate Directorate	
Requested start date for Parental Leave	
Requested end date for Parental Leave	
I wish to take Parental Leave immediately after the birth of my child which is due on (date)	
I wish to take Parental Leave immediately after the adoption of my child which is schedule to take place on: (date)	
Total weeks of parental leave previously taken (please attach supporting documentation).	
Signature	
Date	

**APPLICATION FOR UNPAID PARENTAL LEAVE
(Management completion)**

Notes for line Management:

1. Please refer to The Special Leave Policy for eligibility and procedural requirements.
2. Please fully complete this form to ensure legislative compliance.

Line Manager's name	
Agreement/ not agreed	
If the leave is to be postponed, what are the reasons for this?	
Alternative dates for postponed leave	
Signature	
Date	
Date discussed with staff	
Letter confirming outcome attached	