

SPECIAL LEAVE POLICY

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Target audience:	All staff
Distributed via:	Website

POLICY STATEMENT

SPECIAL LEAVE POLICY

Background	The special leave policy makes provision for time off for personal reasons, outside of normal leave arrangements and time off for public/civic duties. It excludes maternity, adoption, paternity and parental leave which are covered in the Lincolnshire Community Health Services NHS Trust Family Leave Policy.
Statement	<p>This policy forms part of the Organisation's commitment to equality in employment and to staff members health and wellbeing. The policy applies to all Trust employees subject to any conditions specified below.</p> <p>The purpose of the policy is to allow special leave to be granted for domestic, personal and family matters. It is to help staff balance the demands of domestic and work responsibilities at times of urgent and unforeseen need. It is also intended to support staff to undertake civic and public duties.</p>
Responsibilities	<p>The policy sets out the number of guidance days managers can operate within. Whilst managers should give consideration to any requests employees do not have an automatic entitlement to special leave. Individual managers should decide the amount of leave to grant taking account of the individual circumstances of each case balanced against the requirements of service provision and also the amount of annual leave or time in lieu left.</p> <p>Employees should make all applications for special leave on the LCHS application for special leave form (appendix 1 FORM SL).</p>
Training	Special Leave is featured in Leadership and Development training modules.
Dissemination	Website
Resource implication	The Trust's budget allocation needs to take account of the potential costs of providing cover for special leave absences if they are paid. Statistical reports will be provided to show frequency and trends analysis in order to inform the Financial projections. Statistical data regarding the equality and diversity strands will also be analysed.
Equality and Diversity	This policy aims to meet the requirements of the Equality Act 2010 and ensure than no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.

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Version Control Sheet SPECIAL LEAVE POLICY

Version	Section/Para/ Annex	Description of Amendments	Date	Amended by (Name)
One	To be archived	Approved November 2006	Nov 2006	Author - SM
Two	Adoption Leave	Taken out to go into Family Leave Policy	Feb 2008	SM
	Paternity leave	Taken out to go into Family Leave Policy	Feb 2008	SM
	Unpaid parental Leave	Taken out to go into Family Leave Policy	Feb 2008	SM
	Section 3.3	GP and Hospital appointments inserted	Feb 2008	SM
	Extended leave	Incorporated into main types of leave to clarify and provide for managers to be more consistent	Feb 2008	SM
	Managers responsibilities	Added heading and added table to indicate maximum no. of hours special leave that can be taken	Feb 2008	SM
	Section 5 Time off for Public Duties	Added LIVES first responder training	Feb 2008	SM
	End of document	Agreement form added	Feb 2008	SM
Three	Front cover	Review date extended on authorisation of Information Governance Committee and Sheila Manning to enable reviewed document to be submitted to suitable approving committee	August 2010	S Barnes
3.1	Entire document	Review date extended to 31 March 2011 to coincide with changes to NHSL/LCSH Policy realigned following implementation of the	6 Dec 2010	Sheila Manning
3.2	Entire Document	Transforming Community Services agenda and new legal entity	22 March 2011	Rachael Ellis-Ingamells
4		SL form amended Disability Leave form added	Dec 2011	Melanie O'Brien

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4.1		Definition of disability added from Equality Act. Statement relating to fraud added Associate Director changed to Senior HR Business Partner	Dec 2012	Rachael Ellis-Ingamells
5		Review and E & D statement updated	Aug 2014	Melanie O'Brien
6	All All 3.1 3.3 3.4	Footer amended Updated policy titles Table added to outline bereavement leave guidance & considerations Definition of 'dependant' aligned to that in NHS National Handbook Parental Leave entitlements amended in accordance with rights / Added reference to Shared Parental Leave.	May 2016	Clare Nock

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SPECIAL LEAVE POLICY

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SPECIAL LEAVE POLICY

1. AIMS / OBJECTIVES

The purpose of the Special Leave policy is to allow employees to be given time off work in exceptional circumstances for domestic, personal and family matters which are urgent and unforeseen. It is also intended to support staff to undertake civic and public duties. The policy excludes maternity, adoption, paternity leave and Shared Parental Leave which are covered in the Lincolnshire Community Health Services NHS Trust Family Leave Policy. All claims for family leave will be validated and any suspected abuse of this policy will be referred to the Local Counter Fraud Specialist, for investigation, and may result in disciplinary proceedings and/or a criminal investigation being carried out.

2. TYPES OF SPECIAL LEAVE FOR PERSONAL REASONS

2.1 Bereavement Leave

Bereavement Leave is appropriate in case of bereavement of a close family member, it also can include time to travel a long distance/abroad to attend a funeral, make arrangements for a funeral and/or to deal with matters concerned with the estate of the deceased. By its very nature bereavement leave is only intended to be for a reasonable time period and staff may need to take other types of leave that may be linked to their loss..

Please see below example table outlining recommendations for reasonable bereavement leave. This may vary and managers should apply their discretion to ensure the Trust adopts a supportive approach in cases of beareavement:

Initial notification of beareavement	Funeral Arrangments	Funeral
As best practice it is suggested that upto 3 days bereavement leave may be appropriate following initial notification of beareavement. Consideration should be given to how close the relationship is with the deceased.	A further 1-2 days beareavement leave to enable funeral arragements may be appropriate in circumstances where the individual is responsible for these.	A days bereavement leave to attend the funeral. In some circumstances it may be reasonable to extend this to 2 days dependant on distance required to travel to the funeral.

The Trust recognises and understands that individuals may require a longer length of time away from the workplace following bereavement. In these circumstances consideration should be given to the use of annueal leave/time in lieu, sickness absence or unpaid leave.

2.2 Compassionate Leave

Compassionate leave is appropriate where a close family member is taken seriously ill or suffers a serious accident. Compassionate leave may also be appropriate in instances of severe damage or disruption to property e.g fire, burglary, flooding involving traumatic experience and necessitating the employee's presence at home or with dependents.

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2.3 Carer's leave

All employees are entitled to reasonable time off work, to deal with an emergency involving a dependant. It is the responsibility of the manager to carefully consider whether time off requested for carers leave should be approved as paid or unpaid special leave. Carer's leave is appropriate to cover a range of needs arising from genuine domestic emergencies involving dependents.

A dependent is someone who is married to, is a civil partner, or a partner (whether opposite or same sex) "a near relative" or someone who lives at the same address as the employee. A relative for this purpose includes: children, parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives or is someone who relies on the employee in a particular emergency.

Where there is another adult in the home it would not be appropriate for an employee to request carer's leave except when that employee is defined as the main carer under community care legislation (section 1(3) Carers (Recognition and Services) Act 1995 and s1(3) Carers and Disabled Children Act 2000.

Unplanned carer's leave - the aim is to provide an immediate response to circumstances, which could not have been predicted e.g where normal carer arrangements break down unexpectedly and alternative arrangements need to be put in place. The statutory right for carer's leave is intended to allow employees a reasonable time (every case is different but this is typically 1-2 days paid) to deal with unexpected/sudden emergencies and where appropriate make alternative arrangements for example in childcare.

Examples of unplanned carer's leave

- The sudden onset of an illness of a child, partner, close relative or dependent.
- The unforeseen breakdown of normal carer arrangements, including the illness or absence of the usual carer.
- Unplanned time off needed at short notice to make longer-term arrangements for coping with a care problem.

It is accepted that, in an emergency, leave will have to be applied for and granted at very short notice. The employee is expected to seek such leave by telephone to the manager (or appropriate substitute) if application cannot be made in person and follow this up in writing using the application for special leave form

Where additional leave is required e.g. due to continued child sickness, consideration should be given to the use of annual leave/time in lieu or a period of unpaid parental leave.

Managers are advised to adopt a flexible and understanding approach and may approve additional carer's leave (paid or unpaid) at their discretion with advice, where necessary, from the Human Resources Department.

Planned carer's leave applies when an individual knows in advance that they must be available to administer care on a particular day because no one else is available. **In most**

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circumstances relating to planned carer's leave annual leave or time in lieu should be taken under prior agreement with management.

Examples of planned carer's leave include but are not limited to:

- Accompanying a dependent to hospital providing no other arrangements can be made. In most instances it is appropriate for this time to be paid back through flexitime or annual leave rather than special leave.
- Birthing partner – it is acknowledged that time off may be needed for this type of activity by staff who do not qualify for paternity rights. Requests for this type of leave must be made at least 3 months prior to the expected date of delivery. Managers will support the unexpectedness of the need to take time with little notice and for an undetermined time period. This type of leave can be taken up to one day paid and any additional leave unpaid, time in lieu (TIL) or annual leave.

Applicants for this type of leave are entitled to a written explanation if the request is declined. Appeals against decisions not to approve an application for carer's leave should be made through the LCHS Grievance Procedure.

2.4 Parental Leave

Employees with one years continuous service within the NHS are entitled to 18 weeks unpaid Parental Leave for each child and adopted child upto their 18th birthday. (a weeks parental leave equates to the employees normal working week, eg, if they work a 3 day week, their week is 3 days for the purposes of parental leave).

For more information regarding parental leave please see the Trust's Family Leave Policy.

Parental Leave should not be confused with Shared Parental Leave, an entitlement introduced in April 2015 for eligible parents. For more details of both Parental Leave and Shared Parental Leave please refer to the Trust's Family Leave Policy.

2.5 Doctor, Dentist and Hospital Appointments

If it is necessary to attend Doctor, Dentist or Hospital appointments during work hours the time should be made up or taken as annual leave. If the appointment is due to a disability, for example, attending a clinic for diabetic retinopathy, the time should be taken as paid disability leave and the application for disability leave should be completed. Please refer to Section 4 of this policy.

2.6 Extended Leave

In exceptional circumstances approval may be given to an individual member of staff to take an extended period of leave (for example to extend care for terminally ill dependents, to visit ill relatives overseas etc). Such periods will not normally exceed 8 weeks in total and may comprise periods of annual leave brought forward in excess of 5 days, lieu days and periods of unpaid leave.

2.7 Fertility Treatment

Employees undergoing fertility treatment will be entitled to paid time off to attend appointments and treatment. These should be recorded on the application for special leave

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form. The manager will require advance notice and evidence of appointments and treatment. Any sickness or ill health resulting from such treatment will be treated in accordance with the Trust's policy for sickness absence.

3. DISABILITY LEAVE

There are particular equality implications with respect to impairment and disability, including any mental health issue (which may include stress). If the manager and the employee agree that they are a disabled person under the terms of the Disability Discrimination Act 1995 (DDA) there is a duty to make 'reasonable adjustments'. Disability leave is a form of 'reasonable adjustment'. **These absences are not sickness absence.** (For more information please see 'Equality Act 2010 Guidance' at www.odi.gov.uk)

Disability leave is not restricted to 15 days (pro rata). A reasonable amount of disability leave will be granted when disabled people, who are not sick for other reasons, require time off as a result of their disability. This may be:-

- to attend appointments with respect to their impairment/disability
- in respect of technical aids needing adjustment/mending
- to recover from an aspect of their impairment eg. an asthma attack, epileptic fit or diabetic hypoglycaemic episode
- if suffering from infections as a result of a disability, ie, pacemaker, HIV
- treatment for long term or recurring cancer
- medical screening, physiotherapy etc

Someone who was previously disabled, but who is currently not affected by their disability would be entitled to take disability leave when attending hospital appointments to check on their disability, eg, somebody who is in remission from cancer would take disability leave to attend appointments to check that their cancer is still in remission.

If an employee is the main carer of a child with a disability, it may be appropriate for them to take disability leave if the child is undergoing any of the above, for guidance please contact the HR Department.

Some impairments/disabilities may result in temporary incapacity, for example asthma and epilepsy. In addition, these and other impairments, may be made worse by stress or environmental conditions. All these factors must be taken into account when making assessment of absence as a result of a disability.

The Organisation is committed to trying to retain employees whose sickness results in disability. Disability leave for rehabilitation, assistance with equipment and/or adjustments to the workplace may be appropriate.

More information on supporting employees with a disability can be found in the Trusts Your Attendance Matters Policy (Including ill health & absence) and the Promoting Equality, Valuing Diversity and Protecting Human Rights Policy.

While there is no definitive list of conditions that are included under the Equality Act 2010 (DDA), the government has indicated that asthma, diabetes, cancer, epilepsy, multiple sclerosis, deafness and symptomatic HIV/AIDS are covered by the Act, particularly when preventative measures may have to be taken by the individual.

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If an employee does not believe they are disabled, or does not wish to be included under the definition then disability leave is not applicable.

All requests for disability leave should be submitted using the Application for Disability Leave, Appendix 2.

3.1 GENDER REASSIGNMENT

Gender reassignment is a protected characteristic under the Equality Act 2010. Employees who undergo treatment for gender reassignment will be entitled to take paid time off to attend appointments and treatment. There is no set time limit that employers should allow for treatment. Individual rights under the Equality Act 2010 (DDA 1995) must be considered where the individual has been diagnosed as suffering from 'Gender Dysphoria' or 'Gender Identity Disorder'.

All requests for disability leave should be submitted using the Application for Disability Leave, Appendix 2.

4. TIME OFF FOR PUBLIC DUTIES

There is no statutory obligation for payment to be made for Time off for Public Duties however the Trust accepts that undertaking public duties is a social responsibility.

The provisions apply to staff who are a :-

- Justice of the Peace
- Member of a Local Authority
- Member of a Police Authority
- Member of any statutory tribunal
- Member of the managing or governing body of an educational establishment maintained by a Local Education Authority or a Further or Higher Education Corporation
- Member of the General Teaching Councils for England and Wales
- Member of the Environmental Agency
- Member of the Board of Visitors for HMS Prison Establishments
- Member of the Service Authority for the National Criminal Intelligence Service or National Crime Squad
- Member of the Territorial Army/reserves/cadet forces
- LIVES first responder training

The duties for which the Trust is required to permit reasonable time off are as follows:-

- Attendance at meetings of the body or any of its committees or sub committees
- Performance of duties approved by the body to be done in discharging its function

The amount of paid time off is at the manager's discretion, with advice from the Human Resources Department, up to a maximum of 15 working days with pay in any leave year (pro rata for part- time staff) and will take into account the following :-

- How much time is required to perform the duties
- How much time the employee has already been permitted for this purpose
- The effect the absence may have on the service provision to the Trust's patients / service users

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Additional unpaid leave may be granted if deemed appropriate.

Serving on a Jury

In the Criminal Justice Act 2003 judges, politicians, vicars, doctors, nurses/midwives and the police had their exemption from juries removed.

When a member of staff is notified by the courts that they are required to attend jury service they should notify their manager of the dates immediately. A copy of the notification should be shown to the manager.

If any member of staff is summoned to attend for Jury Service the Trust will approve paid leave for up to 10 days. If the trial lasts more than 10 days the staff member must notify their manager. Any additional time off will be taken as unpaid leave and the member of staff should submit a claim for loss of earnings to the Court. All travel and expense claims must be submitted to the Court and not Lincolnshire Community Health Services NHS Trust.

5. RESPONSIBILITIES OF MANAGERS

It is the responsibility of the manager to carefully consider whether time off requested for domestic and family matters should be approved as paid or unpaid special leave.

Managers may approve:-

- a) Up to a maximum of 15 days (3 weeks) pro rata paid leave in a financial year (April 1 – March 31). The special leave would be made up of a combination of bereavement, compassionate, carer's leave, extended leave and/or fertility treatment.
- b) In addition to this, managers may authorise up to a maximum of 15 days (3 weeks) pro rata for public/civic duties.

Hours worked	Maximum amount of special leave in hours	Days worked per week	Maximum amount of special leave in working days
37.5	112.5	5	15
30	90	4	12
22.5	67.5	3	9
15	45	2	6
7.5	22.5	1	3

The scheme sets out the number of days managers can operate within. Whilst managers should consider if special leave is appropriate, it is not an automatic entitlement. Individual managers should decide the amount of leave to grant taking account of the severity of the individual circumstances of each case balanced against the requirements of service provision and also the amount of annual leave or time in lieu left.

Applications for special leave shall be made on LCHS's Application for Special Leave (Appendix 1).

6. MONITORING

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All applications for special leave and the outcomes should be recorded on the application for special leave form. Applications for disability leave and outcomes should be recorded on the application for disability leave form. This information should be annually monitored and reviewed by managers.

Statistical information, diversity profiles and frequency data analysis on the types and numbers of days absence due to special leave and disability leave will be collated by the Human Resource Department and included in quarterly reports to Joint Consultative Negotiating Committee (JCNC) and Trust Board.

Grievances arising from the application of this scheme will be dealt with under the Grievance (Individual & Collective) Policy.

Appendix 1 Application for Special Leave

Application for Special Leave

Section A – To be completed by member of staff in block capitals

Name:

Post:

Date(s) of Leave Requested **From:** **To:**.....

	Reason	Paid	Unpaid
Carer's Leave			
Extended Leave			
Civil/Public Duties			
Exceptional Domestic			
Bereavement Funeral, Funeral arrangements, Death of close family member			
Compassionate Terminal illness of family member, Domestic trauma			
Unpaid Leave – (to be taken only when annual leave entitlement has been taken or is fully committed – maximum 2 weeks			
Other eg, fertility treatment, gender re-alignment, birthing partner			

Signed: **Date:**

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Section B - Manager to Complete in Block Capitals		
Date(s) of Leave Approved		
Number of Days Approved	Paid:.....	Unpaid:
Reasons if leave not approved:		
Appointment Card seen (if appropriate)		
Manager's Name(Block Capitals)		
Signed:..... Date:		

Maximum of 15 days per year pro rata for the period 1st April to 31st March

A separate form should be completed for each period of special leave requested

A copy of this form should be sent to:
 Workforce Services, Beech House, Waterside South, Lincoln, LN57JH

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Appendix 2 Application for Disability Leave

Application for Disability Leave

Section A – To be completed by member of staff in block capitals

NAME:

ASSIGNMENT NUMBER:

Post:

Date of Disability Leave From: **To:**.....

<p>Reason Disability Leave Requested</p>

<p>Signed:</p>	<p>Date:</p>
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Section B - Manager to Complete in Block Capitals

<p>Date(s) of Leave Approved</p>

Number of Days Approved	
--------------------------------	--

<p>Reasons if Disability Leave is Not Approved (If not approving Manager should discuss with the HR Department)</p>
--

<p>Appointment Card seen (if appropriate)</p>
--

<p>Manager's Name</p>

<p>Signed:</p>	<p>Date:</p>
-----------------------------	---------------------------

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A separate form should be completed for each period of disability leave requested

A copy of this form should be sent to: Workforce Services, Beech House, Waterside South, Lincoln, LN57JH

Appendix 3 Equality & Diversity Statement

This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.

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Appendix 4

Equality Analysis

Name of Policy/Procedure/Function*

Special Leave Policy

Equality Analysis Carried out by: Clare Nock

Date: 4 July 2016

Equality & Human rights Lead: Rachel Higgins

Director\General Manager: Marie Fosh

***In this template the term policy\service is used as shorthand for what needs to be analysed. Policy\Service needs to be understood broadly to embrace the full range of policies, practices, activities and decisions: essentially everything we do, whether it is formally written down or whether it is informal custom and practice. This includes existing policies and any new policies under development.**

Section 1 – to be completed for all policies

A.	Briefly give an outline of the key objectives of the policy; what it's intended outcome is and who the intended beneficiaries are expected to be	The purpose of the Special Leave policy is to allow employees to be given time off work for domestic, personal and family matters including those which are urgent and unforeseen. It is also intended to support staff to undertake civic and public duties.		
B.	Does the policy have an impact on patients, carers or staff, or the wider community that we have links with? Please give details	The policy is to support staff who have responsibility for the care of their family members.		
C.	Is there is any evidence that the policy\service relates to an area with known inequalities? Please give details	No		
D.	Will/Does the implementation of the policy\service result in different impacts for protected characteristics?	No		
		Yes	No	
	Disability		X	
	Sexual Orientation		X	
	Sex		X	
	Gender Reassignment		X	
	Race		X	
	Marriage/Civil Partnership		X	
	Maternity/Pregnancy		X	
	Age		X	
	Religion or Belief		X	
	Carers		X	
If you have answered 'Yes' to any of the questions then you are required to carry out a full Equality Analysis which should be approved by the Equality and Human Rights Lead – please go to section 2				
The above named policy has been considered and does not require a full equality analysis				
Equality Analysis Carried out by:		Clare Nock		
Date:		04.07.2016		

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Appendix 5

Monitoring Template

Minimum requirement to be monitored	Process for monitoring e.g. audit	Responsible individuals/ group/ committee	Frequency of monitoring/audit	Responsible individuals/ group/ committee (multidisciplinary) for review of results	Responsible individuals/ group/ committee for development of action plan	Responsible individuals/ group/ committee for monitoring of action plan
All requests for special leave	Monitoring carried out by HR Ops Team	HR Team Managers	Quartely	HR Team	HR Team	OD Board