



Special Leave Policy

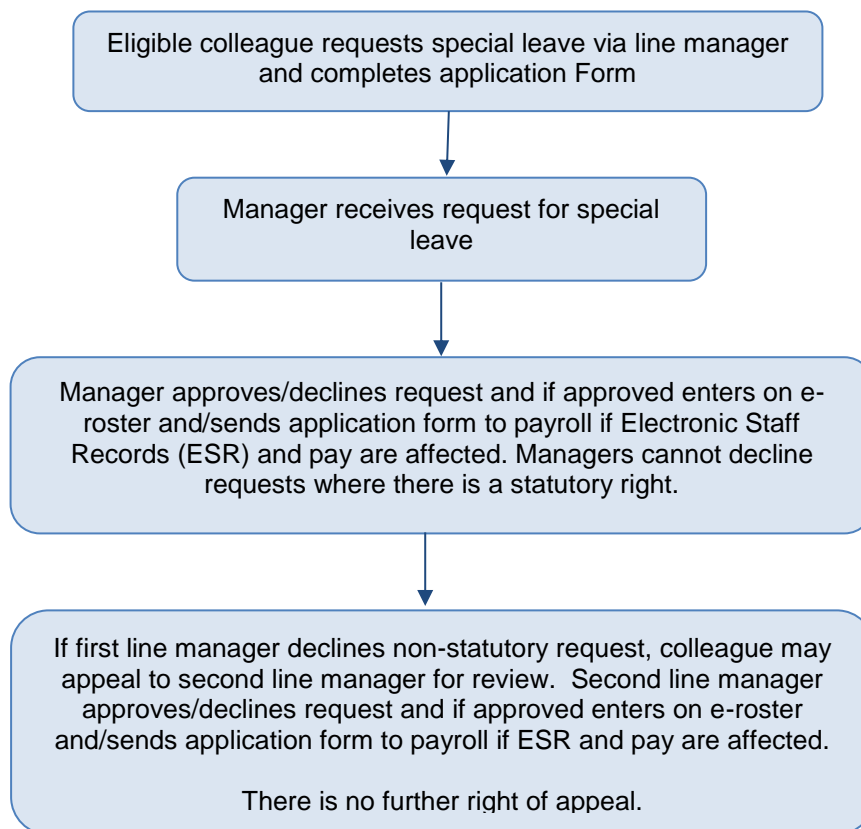
Policy

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1.0 FLOW DIAGRAM



2.0 INTRODUCTION

- 2.1 This policy has been produced and agreed in partnership between management and Trade Union representatives of both Taunton and Somerset NHS Foundation Trust and Somerset Partnership NHS Foundation Trust. It aims to provide a framework to be used for requesting and reviewing special leave requests. However, it is acknowledged that managers have discretion to flex the amount of leave according to the individual circumstances to ensure the most appropriate support for a colleague.
- 2.2 This policy covers all colleagues within Taunton and Somerset NHS foundation and Somerset Partnership NHS Foundation Trust and any successor organisation.
- 2.3 The Trusts recognise that some sections of society experience prejudice and discrimination. The Equality Act 2010 recognises protected characteristics and gives consideration to socio-economic factors including pregnancy/maternity and marriage/civil partnership.
- 2.4 The Trusts are committed to equality of opportunity and inclusive practices in both the provision of services and our role as an employer. All people have the right to be treated with dignity and respect and the Trusts are committed to the elimination of unfair and unlawful discriminatory practices.
- 2.5 All special leave entitlements are based on a colleague working full time hours. Where a colleague works part-time, the entitlements will be pro-rated accordingly.
- 2.6 The leave types covered in this policy are as follows:
- Paternity Leave
 - Reserve Forces
 - Emergency/ Carers
 - Blood Donation
 - Parental Leave
 - Civic Duties
 - Medical and Dental
 - Jury Service
 - Bereavement/Compassionate
 - Fertility

3.0 DEFINITIONS

- 3.1 **Special Leave** is time off either paid or unpaid to cover a range of situations
- 3.2 **Dependant** is a spouse, partner, child, parent and any other person who may reasonably rely on the colleague for care or arrangements for the provision of care.
- 3.3 **Time off in lieu (TOIL)** is hours accumulated under a flexible time arrangement and taken off at a future, agreed date.

4.0 ROLES and RESPONSIBILITIES

- 4.1 **Colleagues** are responsible for:
- reading, understanding and complying with the policy
 - giving as much notice to their manager as possible requesting special leave
 - providing evidence of their request if required

- speaking to their manager and seeking agreement
- completing the special leave application form in advance, if practicable

4.2 **Managers** are responsible for:

- ensuring all colleagues are aware of the policy and its content
- ensuring all colleagues are treated fairly
- considering all special leave requests in line with this policy
- responding to requests as swiftly as possible
- supporting colleagues who request special leave
- seeking further guidance from the HR Advisor Team
- using appropriate discretion dependent upon the circumstances
- ensuring payroll is notified where special leave affects pay
- updating rosters accordingly

4.3 **HR Advisors** are responsible for:

- providing support and advice on the process

4.4 **Trade Union Representatives** are responsible for:

- supporting their members with this policy

5.0 **PROCESS DESCRIPTION**

5.1 **Eligibility**

Appendix A sets out the various types of eligibility criteria, dependent on the type of special leave requested.

5.2 **Application process**

The Trust would always encourage colleagues to have open and honest discussions with their line managers in the first instance concerning special leave, prior to submitting a formal application. If all parties are able to accommodate the special leave request or if this is a statutory requirement, this can be put in place as soon as necessary and the special leave request form is confirmation of the arrangement. Evidence should be provided where applicable e.g. notification of jury service or reserve forces' training.

5.3 **Approval**

5.4 Where the requested leave requires an amendment to Electronic Staff Records or pay, the special leave application form (appendix B or C) must be submitted to workforce, e-rostering and/or payroll. This may be done retrospectively in the event of an emergency. A copy of the form should be placed on the colleague's file.

5.5 **Appeal process**

5.6 Colleagues who have their request declined may appeal to the second line manager who will have the final decision on whether to grant the leave. Colleagues are advised to consult their trade union representative or a member of the HR Advisor Team.

6.0 TRAINING/COMPETENCE REQUIREMENTS

- 6.1 Training will be provided as and when required, including when requests are made for special leave and occasions when lessons have been learnt from employee relations cases.

7.0 MONITORING

Element of policy for monitoring	Section	Monitoring method - Information source (eg audit)/ Measure / performance standard	Item Lead	Monitoring frequency / reporting frequency and route	Arrangements for responding to shortcomings and tracking delivery of planned actions
Completion of requests		A report of special leave requests recorded in ESR will be checked to ensure fairness and consistency	Workforce	Annually	Any deficiencies will be addressed by the HR Advisor team via the most appropriate method pertinent to the shortcoming. This will include a range of methods including coaching, management briefings, training, staff briefings

8.0 DOCUMENT CONTROL

Author	<i>Elaine Edwards, HR Specialist</i>		
Lead executive	<i>Director of People and OD</i>		
This Version	1	Status	Final
Replaces	All previous Sompar and TST special leave policies	Where	Somerset Operational Partnership
Approval Date	13 November 2019	Where	Joint PRG
Ratification Date	19 November 2019 December 2019	Review date	6 January 2023
Date of issue	6 January 2020	Exclusions	
Applies to	All Staff employed by Sompar and TST including where staff are employed within Primary Care Practices		

9.0 REFERENCES

- 9.1 Reserve Forces Act 1996 and The Reserve Forces (Safeguard of Employment) Act 1995
- 9.2 ACAS: www.acas.org.uk
- 9.3 A copy of the Agenda for Change Terms and Conditions Handbook can be found on the NHS Employers website: www.nhsemployers.org
- 9.4 Parental Bereavement Leave and Pay Act 2018
- 9.5 www.gov.uk

Appendix A - Types of Special Leave

Type	Description	Eligibility Criteria	Paid or Unpaid
Parental Leave	Leave from work to care for children. Up to eighteen weeks' leave up to the child's 18 th birthday. Taken in whole weeks up to a maximum of four weeks a year. The Trust can postpone parental leave up to 6 months if service delivery would be severely disrupted.	One year's service with the Trust. Child's parent or person who has legal responsibility for the child.	Unpaid
Paternity Leave	<p>Leave taken by a child's parent or partner of the child's parent living at the same address or someone who has or is expected to have legal responsibility for the child. Leave must be completed within six weeks of the baby being born or placed in the case of adoption or surrogacy.</p> <p>The mother or principal carer should refer to the Maternity, Adoption and Shared Parental Leave Policy for entitlements.</p>	For paid leave, 26 weeks' continuous employment ending at the 15 th week before the expected date of childbirth or date of placement in relation to adoption or surrogacy.	<p>Paid – up to two weeks, (10 days) taken in either two x one week or one x two week blocks.</p> <p>Unpaid if doesn't meet eligibility criteria</p>
Jury Service	<p>Time off to act as juror when served with a summons. It is usually a commitment for 10 days. Any extended commitment for a longer trial must be pre-approved by the line manager.</p> <p>If a colleague is excused from jury service for any period of half a day or more, the Trust expectation is that the colleague attends work, whether rostered or not.</p>	No eligibility criteria.	<p>Paid up to two weeks' (10 working days') leave, extendable at manager's discretion.</p> <p>You cannot claim the court allowance for loss of earnings if you are paid by the Trust.</p>
Reserve Forces	Time off to attend training for members of the Reserve Forces. Other duties should be covered by annual leave.	No minimum service criteria.	Up to 10 working days' paid leave per rolling 12 months and up to 10 working

	Time off in the event of compulsory mobilisation and consideration of time off for voluntary mobilisation.		days' unpaid leave. Upon mobilisation, unpaid leave will be granted and right to return to former role or equivalent position.
Civic/Public Duties	Time to carry out duties, attend meetings or training such as a member of police or local authority, board of prison visitors/committee or Justice of the Peace (magistrate).	No minimum service criteria	Up to 13 working days' paid leave per rolling 12 months.
Compassionate and Bereavement	Time off to care for or visit a close relative or dependant affected by serious illness or death.	No minimum service criteria. Either a close relative or dependant, including but not exclusive to parent, sibling, grandparent, step relatives and in-laws of the above. Please see below regarding provision for time off as a result of the death of a child.	Up to 5 working days' paid leave may be granted upon the serious illness or death of a close relative.
Bereavement Leave (Child)	Time off as a result of the death of a child or a stillborn baby from after the end of the 24 th week of pregnancy (For full information, please refer to Section 23 of the AfC 2018 handbook)	No minimum service criteria. Anyone who had responsibility as the primary carer for a child of whatever age. Should a colleague give birth to a still born child after the end of the 24 th week of pregnancy, the maternity policy will apply. There is no requirement to provide any eligibility criteria	Up to 56 weeks following the death of a child colleagues have an entitlement of two weeks' paid leave (10 working days) but not necessarily taken in one block
Emergency Leave	Time off to deal with an urgent family/dependant situation or other emergency such as a sick child, house fire or flood. As soon as possible, arrangements need to be	No minimum service criteria	Up to 5 working days' paid leave per rolling 12 months. Additional time off to be covered by time off in

	made to manage the situation e.g. to find alternative childcare. It does not cover planned events such as a child's scheduled operation.		lieu, or annual leave.
Medical and Dental Non-Emergency	Time off to attend a GP, hospital or dentist for a routine check-up or scheduled appointment. Where possible, appointments should be made outside working hours or at the beginning or end of a shift.	No minimum service criteria	To be discussed and agreed by your manager. This could be covered by time off in lieu or annual leave.
Medical and Dental Emergency	Time off to attend an urgent GP, hospital or dental appointment.	No minimum service criteria	Paid up to ½ day. For more than ½ day, sick leave should be recorded.
Fertility, IVF	Time off to attend fertility treatment as the receiver of treatment or as their partner.	No minimum service criteria	Up to 3 days' paid leave per cycle up to a maximum of 9 days' leave per rolling 12 months
Blood Donation	Time off to give blood	No minimum service criteria	Up to 3 hours paid time including travel.

- ❖ Please note that all entitlements and guidance is stated for a colleague working full time and therefore should be pro-rated for a part-time colleague.

Appendix B

APPLICATION FOR SPECIAL LEAVE

(Please use separate application for Paternity and Parental Leave)

Name in Full:
Employee Number:
Post Held:
Ward/Team/Department:
Base:
Home Address:
Date of continuous NHS Service:
Home and Mobile Telephone Numbers:

I hereby apply for Special Leave as follows (tick which leave type(s) applies:

Type of Leave	Tick	Inclusive Dates	Paid/Unpaid (Check policy for eligibility criteria and entitlement)
Emergency/Carers' Leave		From: To:	Paid & Unpaid
Reserve Forces		From: To:	Paid & Unpaid
Civic Duties		From: To:	Paid
Compassionate/ Bereavement Leave		From: To:	Paid
Bereavement Leave (Child)		From: To:	Paid
Fertility Treatment/ IVF		From: To:	Paid
Emergency Medical/ Dental		From: To:	Paid
Routine Medical/Dental Non-Emergency		From: To:	Unpaid
Blood Donation		From:	Paid

		To:	
Jury Service		From:	Paid
		To:	

Colleague's Signature:	Date:
I approve/decline the leave as detailed above (delete as necessary).	
If leave is declined, please briefly state them here and fully explain your reasons to the colleague.	
Line Manager: (Print Name)	Date:

Contents of form should be entered onto E-Rostering and

Form must now be sent to the Payroll Department

Appendix C

APPLICATION FOR PATERNITY LEAVE / PARENTAL LEAVE BENEFITS

Name in Full:
Employee Number:
Post Held:
Ward/Team/Department:
Base:
Home Address:
Date of continuous NHS Service:
Home and Mobile Telephone Numbers:
Expected date of childbirth/adoption/placement:

I hereby apply for Paternity / Parental Leave as follows:

Full Pay Leave	From:
	To:
Statutory Paternity Pay:	From:
	To:
Unpaid Leave:	From:
	To:
Additional Paternity Leave:	From:
	To:
Parental Leave:	From:
	To:

I declare that:

- I am in an enduring family relationship with the mother of the child.
- I will be responsible for the child's upbringing.
- I understand that I will forfeit the right to retain payment of full pay made to me under this policy if I should not return to work for the Trust for the minimum three month period. My entitlement will then be to receive Statutory Paternity Pay for two weeks and I hereby authorise the Trust to deduct any overpayment from my salary.

Employee Signature:	Date:
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I approve/postpone the leave as detailed above (delete as necessary).

If leave is postponed, please explain your reasons to the colleague

Line Manager:
(Print Name)

Date:

Details of form should be entered onto E-Rostering Form and sent to the Payroll Department