

SPECIAL LEAVE POLICY

Policy Type	People & Organisational Development
Directorate	Corporate
Policy Owner	Director of People and Organisational Development
Policy Author	Senior HR Manager
Next Author Review Date	1 st October 2022
Approving Body	Policy Management Sub-Committee 23 rd April 2019
Version No.	5.0
Policy Valid from date	1 st April 2019
Policy Valid to date:	30 th April 2023

‘During the COVID19 crisis, please read the policies in conjunction with any updates provided by National Guidance, which we are actively seeking to incorporate into policies through the Clinical Ethics Advisory Group and where necessary other relevant Oversight Groups’

DOCUMENT HISTORY					
(Procedural document version numbering convention will follow the following format. Whole numbers for approved versions, e.g. 1.0, 2.0, 3.0 etc. With decimals being used to represent the current working draft version, e.g. 1.1, 1.2, 1.3, 1.4 etc. For example, when writing a procedural document for the first time – the initial draft will be version 0.1)					
Date of Issue	Version No.	Date Approved	Director Responsible for Change	Nature of Change	Ratification / Approval
01 Dec 09	1.0		Human Resources		
23 Jul 13	1.1		Executive Director of Nursing and Workforce	Opened for consultation at Partnership and JLNC	
27 Aug 13	1.1		Executive Director of Nursing and Workforce	Consultation extended due to problems with circulation	
24 Sep 13	1.1		Executive Director of Nursing and Workforce	Consultation closed – no comments of changes	
24 Sep 13	1.1		Executive Director of Nursing and Workforce	Agreed at	Policy Management Group
14 Oct 13	2.0	14 Oct 13	Executive Director of Nursing and Workforce	Approved at	TEC
03 May 16	2.1		Executive Director of Financial and Human Resources	Consultation opened at	Partnership Forum including LNC
02 Jun 16	2.2		Executive Director of Financial and Human Resources	Feedback from Chair of LNC	
05 Jun 16	2.2		Executive Director of Financial and Human Resources	Partnership Forum not quorate in May and June – carried over to July	
05 Jul 16	2.2		Executive Director of Financial and Human Resources	Consultation opened at	Partnership Forum
02 Aug 16	2.2		Executive Director of Financial and Human Resources	Consultation closed	at Partnership Forum
13 Sep 16	3	13 Sep 16	Executive Director of Financial and Human Resources	Approved at	Corporate Governance & Risk Sub-Committee
3 July 18	3.1		Director of HR & OD	For ratification	Staff Partnership Forum
12 Dec 18	4.0	12/12/2018	Director of HR & OD	Voting buttons and then formally approved at	Policy Management Sub-Committee
19 Mar 19	4.1		Director of HR & OD	Approved policy not published as further updates are needed	
4 Apr 19	4.1		Director of HR & OD	Ratified by	LNC
8 Apr 19	4.1		Director of HR & OD	Agreed	Cupac
23 Apr 19	5.0	23 Apr 19	Director of HR & OD	Approved at	Policy Management Sub-Committee
29 Jan 21	5.0	23 Apr 19	Director of People and Organisational Development	12 month blanket policy extension due to covid 19 applied with author review date set 6 months prior to Valid to Date	Quality & Performance Committee
13 May 21	5.0	23 Apr 19	Director of People and Organisational Development	Extended policy uploaded and linked back with new cover sheet	Corporate Governance

NB This policy relates to the Isle of Wight NHS Trust hereafter referred to as the Trust

Contents	Page
1 Executive Summary	4
2 Introduction	4
3 Definitions	4
3.1 Statutory Right	4
3.2 Reasonable Time Off	4
4 Scope.....	5
5 Purpose	5
6 Roles and Responsibilities	5
7 Policy detail/Course of Action.....	6
7.1 Carers Leave (time off for dependents).....	6
7.2 Compassionate Leave	7
7.3 Civic/ Public Duties Leave.....	7
7.4 Cadet and Reserve Forces Leave (volunteer and regular)	8
7.5 Emergency Services Leave	8
7.6 Exceptional/Domestic Leave.....	9
7.7 Health Related Appointments	9
7.8 Job Interviews.....	10
7.9 Jury Service	11
7.10 Weather (Inclement weather preventing attendance at work).....	11
7.11 Child Bereavement leave	11
8 Consultation.....	12
9 Training.....	12
10 Monitoring Compliance and Effectiveness.....	12
11 Links to other Organisational Documents.....	12
12 References.....	12
13 Appendices	12

1 Executive Summary

The Isle of Wight NHS Trust is committed to supporting the needs of its staff. It is recognised that individuals work best when they can balance their work responsibilities with the rest of their lives which may include out of work responsibilities in the wider community and therefore they may at times require some assistance. The Trust is committed to striking a fair balance between the needs of employees and providing excellent services to patients.

As a result, every reasonable effort will be made to try to accommodate all types of leave in a fair and consistent manner whilst continuing to provide a high quality service to patients.

This policy sets out the agreed framework for time off, for domestic, personal and family reasons and for carrying out public and civic duties.

2 Introduction

Employees are contracted to work for the Trust to meet the needs of our patients, either directly or indirectly. The Trust recognises that a motivated and happy workforce will provide the best service possible to our patients. The Trust will, therefore, try to accommodate individual requests for special leave. However, requests will be permitted at the discretion of line managers and will always be governed by the needs of the service to ensure that our patients receive optimum care.

3 Definitions

3.1 Statutory Right

An employee has a right to time off work if they are:

- a magistrate, sometimes known as a justice of the peace
- a local councillor
- a school governor
- a member of a policy authority
- a member of any statutory tribunal (eg an Employment Tribunal)
- a member of the managing or governing body of an educational establishment
- a member of the General Teaching Councils for England
- a member of the Environment Agency
- a member of the prison independent monitoring boards
- a member of a Water Customer Consultation Panel

3.2 Reasonable Time Off

If you qualify, you are allowed reasonable time off to go to meetings or to carry out your duties. The time must be agreed with your manager beforehand and your manager can refuse your request if it is unreasonable. A specific amount of time off is not laid down in law.

Whether your time off is classed as 'reasonable' will depend on:

- what your duties are
- the time you need to carry them out
- the impact on Trust's business
- how much time off you have already had for public duties in the previous 12 months

4 Scope

Any employee can request special leave but the law provides some employees with the statutory right to leave.

5 Purpose

The aim of the policy is to set out the Trust's approach to special leave and provide clear guidelines for managers and staff to follow when dealing with requests special leave.

Key Principles:

- The purpose of the Special Leave Policy is to cover domestic emergencies as well as certain planned public and civic duties.
- Special leave is not a contractual entitlement.
- The policy should be applied equally to all staff and no groups should be disadvantaged by the application of the policy.
- Special leave requests may be considered in conjunction with other local policies, e.g. flexible working arrangements and an employee's annual leave entitlement. However, staff are not required to exhaust their annual leave entitlement before special leave is considered or granted.
- Each request should be considered on its merits and should be dealt with on a consistent basis. Full consideration should be given to the circumstances of the request and the needs of the service.

6 Roles and Responsibilities

Reasonable discretion is to be used by manager within the defined limits concerning each individual case put forward thus ensuring the upper limit does not become the automatic allowance in every case, nor should it ever be regarded as an employee's right.

Applicants for special leave will be treated sensitively on an individual basis in accordance with the Trust Equality and Diversity Policy, with previous decisions not deemed as precedent, however note of such may need to be taken into consideration to ensure consistency within the service area.

Employees are responsible for informing their manager of their absence as soon as is reasonably practical and should provide details of the reason for absence and expected time to be away from work. Circumstances may on occasions arise where an employee returns to work before it was possible to contact their manager, but the employee should continue to inform their employer.

There is no limit as to how many emergencies may arise, however this policy is intended to cover genuine and unforeseen emergencies only. Employees are entrusted not to abuse this system. In the event of a dispute arising between the Trust and employee, the Trust Disciplinary Policy (or grievance procedure) will come into effect.

7 Policy detail/Course of Action

The Line Manager must record the absence (unavailability on the MAPS Healthroster system). Special leave for the reason of Compassionate, Carers, Exceptional/Domestic and Child Bereavement Leave will be paid at full pay. All other types of special leave will be unpaid.

It is the responsibility of the line manager to consistently and fairly apply this policy. We recognise that there may be individual circumstances which require a degree of line management discretion in the granting of paid or unpaid special leave.

If an employee is dissatisfied with the way that their request for special leave has been dealt with, they should raise this with their line managers manager.

7.1 Carers Leave (time off for dependents)

7.1.1 Definition

As an employee you're allowed time off to deal with an emergency involving a dependent.

A dependent could be a spouse, partner, child, grandchild, parent, or someone who depends on you for care.

This type of leave is short-term leave to support unforeseen breakdown in normal caring arrangements.

7.1.2 Points to be considered

Recognising the needs of carers is an important issue for the Trust. Carers Leave is designed to provide support to employees where normal care arrangements breakdown at short notice, for example:

- If a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than physically injured
- To make longer term care arrangements for a dependant who is ill, injured or unable to care for themselves
- To deal with an unexpected disruption or breakdown in care arrangements for a dependant, for example, when the childminder or nurse fails to turn up
- To deal with an incident during school hours

7.1.3 Definition of a carer – someone who cares for:

“A child, relative, companion or partner who cannot cope alone because of sickness, age or disability”.

Carers may or may not live with the person for whom they care and may share the care within the family, and/or others.

7.1.4 Duration

A manager can grant up to 2 days paid leave at any one time up to a maximum of 5 days per rolling year. This will be on a pro-rata basis for part time staff.

7.2 Compassionate Leave

7.2.1 Definition

Short-term leave to support the emotional and practical impact of a bereavement (or diagnosis of terminal illness).

7.2.2 Points to be considered

Compassionate leave will be granted in the case of the death or immediate impact of terminal illness of a partner, close relative or someone with whom the employee has a close relationship.

If the impact of a diagnosis of terminal illness – or bereavement – requires longer term changes to working arrangements, the manager should discuss this with the individual and may, for example, refer to the flexible working policy.

The manager and individual may also wish to consider whether a referral to Occupational Health, counselling services via the Trust Employee Assistance Programme and / or chaplaincy services is appropriate in circumstances with a significant impact.

7.2.3 Duration

The amount of leave to be granted is up to a maximum of 5 days paid per bereavement (this will be on a pro-rata basis for part time staff.)

In deciding how many days should be granted, factors such as the immediacy of the family member, responsibility for funeral arrangements, issues arising from a sudden death and need to travel long distances should be considered..

7.3 Civic/ Public Duties Leave

7.3.1 Definition

Leave provisions under this section apply to employees who are members of:

- a magistrate, sometimes known as a justice of the peace
- a local councillor
- a school governor
- a member of a policy authority
- a member of any statutory tribunal (eg an Employment Tribunal)
- a member of the managing or governing body of an educational establishment
- a member of the General Teaching Councils for England
- a member of the Environment Agency
- a member of the prison independent monitoring boards
- a member of a Water Customer Consultation Panel

7.3.2 Points to be considered

Before taking on the above duties, an employee must discuss the practicalities of this with their manager in relation to their ability to fulfil their employment. The employee should only proceed to take on the above duties with the written agreement of their manager.

Wherever possible, public duties should be undertaken outside of the individual's normal working hours.

The length of leave available to attend meetings, or perform duties for the above will take into account the following:

- how much time off is required for the performance of duties
- how much time the employee has already been granted for these duties
- the impact of the employee's absence on the Trust's ability to continue providing services.

7.3.3 Duration

Up to 5 days unpaid leave in a rolling 12 month period. This will be calculated on a pro-rata basis for part time staff.

7.4 Cadet and Reserve Forces Leave (volunteer and regular)

7.4.1 Definition

Leave to undertake voluntary activities within the reserve/cadet forces.

7.4.2 Points to be considered

Before taking on the above duties, an employee must discuss the practicalities of this in relation to their ability to fulfil their employment. The individual should only proceed to take on the above duties with the agreement of their manager.

Wherever possible, reserve / cadet force training and other duties should be undertaken outside of the individual's normal working hours.

An original headed letter/notification confirming the official notice of dates will be required when completing a leave request form.

If an individual is required to undertake military service, they should request unpaid leave.

7.4.3 Duration

Wherever possible, outside of working hours. Up to 10 days leave in any rolling 12 month period.

Further information can be obtained <http://www.acas.org.uk/index.aspx?articleid=4843>

7.5 Emergency Services Leave

7.5.1 Definition

Leave to support activities of retained fire-fighters, special constables, RNLI, Search and Rescue or similar activities and services. Where staff are paid for duties as emergency service personnel i.e. retained fire-fighters, this leave will be unpaid.

7.5.2 Points to be considered

Individuals involved, or wishing to become involved, in the above duties, must discuss the practicalities of this in relation to their ability to fulfil their employment with their manager. The individual should only proceed to take on the above duties with the agreement of their manager.

In deciding on whether it is practical for a particular individual to take on these duties, the manager and individual should consider the detailed arrangements which will operate and put in place a written agreement detailing these. It may be necessary to review this arrangement after an agreed period of time.

Wherever possible, duties should be undertaken outside of the individual's normal working hours.

Leave may however be requested where activities necessarily impact on working time.

7.5.3 Duration

Employees are entitled to 5 days unpaid leave in a 12 month rolling period.

7.6 Exceptional/Domestic Leave

7.6.1 Definition

Short-term leave to support unforeseen breakdown in an individual's personal circumstances e.g. burglary, fire, burst water mains, theft or damage to vehicle etc.

7.6.2 Points to be considered

The definition given above is not intended to contain an exhaustive list of reasons for requiring exceptional/domestic leave.

The amount of leave to be granted will be decided on a case by case basis with consideration being given to the employee's circumstances and needs.

7.6.3 Duration

Up to 1 days paid leave on any one occasion. Can be extended in exceptional circumstances to a maximum of 5 days paid leave in any 12 month rolling period

7.7 Health Related Appointments

7.7.1 Definition

Leave to attend health related appointments.

7.7.2 Points to be considered

The Trust recognises that staff will need to attend a range of health related appointments – including dentists, GPs, screening etc.- and wishes to support them in doing this.

Wherever possible, appointments should be made outside of normal working hours OR at the beginning or end of working hours in order to minimise the time required. Time off should be made up to fulfil contractual obligations.

In considering requests for consultant (or similar) appointments, the manager should take account of individual circumstances including the nature of the appointment and the necessity to travel to it in deciding how much time off to grant.

7.7.3 Duration

A flexible approach is encouraged with the employee and line manager in agreeing how time can be provided to allow attendance with the hours being worked at an alternative time.

Giving full consideration to the circumstances of the case, in certain and exceptional circumstances up to five days leave can be approved in any 12 month period. As with all special leave this would be unpaid in the first instance unless determined as otherwise by the line manager.

7.7.4 Health related appointments for IVF treatment

Employees requiring time off to undergo IVF treatment should discuss with their line manager how a flexible approach to balancing work and health related appointments can be achieved on an individual case by case basis. This may include building up time in lieu hours to be taken to cover appointments and/or flexing shifts/hours of work to accommodate attendance at appointments whilst and balancing contracted hours over a longer reference period.

Should an employee subsequently become sick as a result of undergoing IVF treatment, then it will be recorded as sickness absence on their absence record.

7.7.4.1 Duration

Employees will be entitled to take a maximum of 5 working days per rolling year to attend IVF appointments. Proof of treatment should be provided to the manager when making a request.

Giving full consideration to the circumstances of the case, in certain and exceptional circumstances the line manager has discretion to authorise up to five days leave in any 12 month period. This leave will be unpaid unless determined as paid by the manager

7.7.5 Health related appointments for Cosmetic Surgery

Time off for voluntary cosmetic surgery will not be treated as sickness absence. Employees should utilise either annual leave or unpaid leave.

Should an employee subsequently become sick as a result of voluntary cosmetic surgery, i.e. complication, this will be recorded as sickness on their absence record. Planned cosmetic surgery should be booked in conjunction with the manager, taking into account other leave within the department.

Where cosmetic surgery is as a result of medical advice or religious belief, it should be recorded as sickness and the level of sickness absence managed appropriately in accordance with the Attendance Management Policy.

7.8 Job Interviews

7.8.1 Definition

Leave to attend interviews/assessment tests for jobs.

7.8.2 Points to be considered

The individual should provide as much notice as possible to their manager of the request for leave to attend a job interview. Granting leave is at the line manager's discretion.

If it is reasonably possible to attend the interview and return to work (or attend work before the interview) the individual is expected to do this, although reasonable travelling time should be allowed.

7.9 Jury Service

7.9.1 Definition

Leave to undertake statutory jury service.

7.9.2 Points to be considered

As soon as an individual receives notification that they are required to undertake jury service, they should advise their manager and provide a copy of the letter of notification. The Trust will provide as much paid leave as is required calculated on the basis of what the individual would have received had they been at work.

In the event that there are work related reasons for postponing the jury service to a more convenient time, the line manager must support the employee to apply for an excusal or deferral.

Further information can be obtained from:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228867/9780108508400.pdf

7.9.3 Duration

As required (in accordance with written evidence).

7.10 Weather (Inclement weather preventing attendance at work)

7.10.1 Definition

Leave required due to inclement weather or other similar unforeseen circumstances affecting an individual's ability to travel to and from work.

7.10.2 Points to be considered

Wherever possible, arrangements should be agreed in the above circumstances for an individual to work – from a different base, from home or similar. Alternatively, it may be possible to agree with the line manager to “work back” the extra hours at a later date – i.e. owe some hours.

Unpaid leave should only be used if no other arrangement can be agreed.

7.11 Child Bereavement leave

7.11.1 Definition

Leave from work to allow the Biological/Adoptive Parent, Carer or Legal Guardian to grieve the passing of a child.

7.11.2 Duration

Employee's will be entitled to take 2 weeks paid leave, per child. This leave can be taken within 56 weeks following the child's death and does not need to be taken in a single block.

8 Consultation

Consultation on this policy has been undertaken at Partnership Forum and LNC. The Policy has been published on the draft Policy Site and notification has been via e-bulletin.

9 Training

This Special Leave Policy does not have a mandatory training requirement or any other training needs.

10 Monitoring Compliance and Effectiveness

Line managers will use the MAPS Healthroster system as a tool for recording and monitoring the leave requests that are authorised per employee. Reporting can be undertaken by department, Clinical Business Unit/Directorate and/or Organisational wide to monitor the application of this policy. Line managers can therefore review an individual's leave record to inform the decision making in relation to approving further requests for leave.

11 Links to other Organisational Documents

- Grievance Policy and Procedure
- Attendance Management Policy
- Disciplinary and Dismissal Policy
- Maternity, Paternity and Adoption Policies
- Professional Leave Policy for Doctors

12 References

Reservists;

Reservist mobilisation financial claims form, reference to Statutory Instrument 1997 NO. 309, details can be found on www.opsi.gov.uk/si/si2005/20050859.htm

<https://www.gov.uk/government/groups/defence-relationship-management>

gov.uk resources for;

Time off for dependants

- <https://www.gov.uk/time-off-for-dependants/your-rights>

Public Duties

- <https://www.gov.uk/time-off-work-public-duties>

Jury Service

- <https://www.gov.uk/jury-service>

13 Appendices

Financial and Resourcing Impact Assessment on Policy Implementation

NB this form must be completed where the introduction of this policy will have either a positive or negative impact on resources. Therefore this form should not be completed where the resources are already deployed and the introduction of this policy will have no further resourcing impact.

Document title	Special Leave Policy
-----------------------	-----------------------------

Totals	WTE	Recurring £	Non Recurring £
Manpower Costs	0	0	0
Training Staff	0	0	0
Equipment & Provision of resources	0	0	0

Summary of Impact:

There are no additional financial or resourcing implications as this is an existing policy.

Risk Management Issues:

Benefits / Savings to the organisation:

Equality Impact Assessment

- | | |
|---|---|
| <ul style="list-style-type: none"> ▪ Has this been appropriately carried out? ▪ Are there any reported equality issues? | <p>YES/NO</p> <p>YES/NO</p> |
|---|---|

If "YES" please specify:

Use additional sheets if necessary.

Please include all associated costs where an impact on implementing this policy has been considered. A checklist is included for guidance but is not comprehensive so please ensure you have thought through the impact on staffing, training and equipment carefully and that ALL aspects are covered.

Manpower	WTE	Recurring £	Non-Recurring £
Operational running costs	0	0	0
Totals:	0	0	0

Staff Training Impact	Recurring £	Non-Recurring £
Totals:	0	0

Equipment and Provision of Resources	Recurring £ *	Non-Recurring £ *

Accommodation / facilities needed		
Building alterations (extensions/new)		
IT Hardware / software / licences		
Medical equipment		
Stationery / publicity		
Travel costs		
Utilities e.g. telephones		
Process change		
Rolling replacement of equipment		
Equipment maintenance		
Marketing – booklets/posters/handouts, etc		
Totals:		

- Capital implications £5,000 with life expectancy of more than one year.

Funding /costs checked & agreed by finance:	
Signature & date of financial accountant:	
Funding / costs have been agreed and are in place:	
Signature of appropriate Executive or Associate Director:	



Equality Impact Assessment (EIA) Screening Tool

Document Title:	Special Leave Policy
Purpose of document	<i>The aim of the policy is to set out the Trust's approach to special leave and provide clear guidelines for managers and staff to follow when dealing with requests special leave.</i>
Target Audience	<i>Employees</i>
Person or Committee undertaken the Equality Impact Assessment	<i>Senior HR Manager</i>

1. To be completed and attached to all procedural/policy documents created within individual services.
2. Does the document have, or have the potential to deliver differential outcomes or affect in an adverse way any of the groups listed below?

If no confirm underneath in relevant section the data and/or research which provides evidence e.g. JSNA, Workforce Profile, Quality Improvement Framework, Commissioning Intentions, etc.

If yes please detail underneath in relevant section and provide priority rating and determine if full EIA is required.

		Positive Impact	Negative Impact	Reasons
Gender	Men	<input type="checkbox"/>		All staff will have equal access and entitlement to the provisions of this policy and where they have a protected characteristic this is addressed under separate policies in relation to leave requirements
	Women	<input type="checkbox"/>		<i>As above</i>
Race	Asian or Asian British People	<input type="checkbox"/>		<i>As above</i>
	Black or Black British People	<input type="checkbox"/>		<i>As above</i>
	Chinese people	<input type="checkbox"/>		<i>As above</i>
	People of Mixed Race	<input type="checkbox"/>		<i>As above</i>
	White people (including Irish)	<input type="checkbox"/>		<i>As above</i>

	people)			
	People with Physical Disabilities, Learning Disabilities or Mental Health Issues	<input type="checkbox"/>		As above
Sexual Orientation	Transgender	<input type="checkbox"/>		As above
	Lesbian, Gay men and bisexual	<input type="checkbox"/>		As above
Age	Children	<input type="checkbox"/>		As above
	Older People (60+)	<input type="checkbox"/>		As above
	Younger People (17 to 25 yrs)	<input type="checkbox"/>		As above
Faith Group		<input type="checkbox"/>		As above
Pregnancy & Maternity		<input type="checkbox"/>		As above
Equal Opportunities and/or improved relations		<input type="checkbox"/>		As above

Notes:

Faith groups cover a wide range of groupings, the most common of which are Buddhist, Christian, Hindus, Jews, Muslims and Sikhs. Consider faith categories individually and collectively when considering positive and negative impacts.

The categories used in the race section refer to those used in the 2001 Census. Consideration should be given to the specific communities within the broad categories such as Bangladeshi people and the needs of other communities that do not appear as separate categories in the Census, for example, Polish.

3. Level of Impact

If you have indicated that there is a negative impact, is that impact:			
		YES	NO
Legal (it is not discriminatory under anti-discriminatory law)			<input type="checkbox"/>
Intended			

If the negative impact is possibly discriminatory and not intended and/or of high impact then please complete a thorough assessment after completing the rest of this form.

3.1 Could you minimise or remove any negative impact that is of low significance? Explain how below:
3.2 Could you improve the strategy, function or policy positive impact? Explain how below:
3.3 If there is no evidence that this strategy, function or policy promotes equality of opportunity or improves relations – could it be adapted so it does? How? If not why not?

Scheduled for Full Impact Assessment	Date:
Name of persons/group completing the full assessment.	
Date Initial Screening completed	

Uncontrolled when printed