

Burton Hospitals
NHS Foundation Trust

SPECIAL LEAVE POLICY

Approved by: **Executive Management Board**

On: **18 November 2014**

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Extension agreed due to COVID, April 2022

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Clinical / Non Clinical: **Non Clinical**

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- Essential Reading for: **All Staff**
- Information for: **All Staff**

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Signature: 
Chief Executive

Date : **18 November 2014**

Burton Hospitals NHS Foundation Trust

POLICY INDEX SHEET

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|-----------------------------------|--|
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| Consulted | All Staff through Staff Side |

REVIEW AND AMENDMENT LOG

| Version | Type of change | Date | Description of Change |
|---------|------------------|----------------|---|
| 3 | Update | October 2014 | Review and update |
| 3.1 | Technical update | September 2020 | Inclusion of reference to Child Bereavement Leave |
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SPECIAL LEAVE POLICY

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Burton Hospitals NHS Foundation Trust

SPECIAL LEAVE POLICY

1. BACKGROUND

- 1.1. Burton Hospitals NHS Foundation Trust recognises that many of its employees combine their working lives with the responsibilities of raising a family, caring for dependent elderly relatives and other domestic commitments and that there will be occasions when urgent domestic personal and family matters compete with work responsibilities.
- 1.2 The Trust also recognises that employees need time off for other duties, for example, Jury Service, serving as a Justice of the Peace, attendance at court as a witness in connection with their work and training with the Armed Forces.
- 1.3 The Trust has therefore determined that it would be helpful to its employees to have a clear policy on leave for domestic, personal, family reasons and special leave. This policy is in accordance with the relevant employment law and good practice.

2. POLICY OBJECTIVES AND RESPONSIBILITIES

- 2.1 Leave, either paid or unpaid depending on the circumstances, should be made available to staff at times of urgent and unforeseen need and the provisions cover leave (paid and unpaid) under the following categories:
 - 2.1.1 Carer leave (Arrangement of Care)
 - 2.1.2 Compassionate leave
 - 2.1.3 Training with Reserve Forces
 - 2.1.4 Jury Service
 - 2.1.5 Other leave
 - 2.1.6 Unpaid leave
 - 2.1.7 Career Break
- 2.2 Owing to the circumstances of unforeseen leave, it is not appropriate to circumscribe the extent to which Managers can exercise discretion. Managers should use the policy for guidance purposes and adopt a flexible and understanding approach to the application of these arrangements.

- 2.3 In the interests of optimal consistency when exercising their discretion in respect of special leave, Managers should seek the advice of a Human Resources Manager.
- 2.4 It is expected that Managers will be sympathetic towards staff who have health related problems which necessitate absence from work i.e. hospital appointments. Where these appointments cannot be arranged outside of the individuals working time, paid time off will usually be granted or a flexible working agreement put in place
- 2.4 Employees may also seek the advice of Human Resources with regards to Special leave.

3. CARER LEAVE – (ARRANGEMENT OF CARE)

- 3.1 The aim of such leave is to provide a compassionate response to immediate needs of a dependant. Examples of such situations are carer arrangements, where a dependant is injured or assaulted and making arrangements for long-term care.

A 'dependant' includes a spouse, a child a parent or person who lives in the same household as the employee other than by reason of being his employee, tenant, lodger or boarder. The definition also includes someone living as part of the family, e.g. someone for whom the employee is the main carer.

- 3.2 In considering what leave is immediately necessary in a particular situation, the Manager will consider each case on its own merits.
- 3.3 It is not expected that paid carer leave to cope with immediate need will exceed one day or more than one shift. However, this may be extended in specific circumstances where the Manager judges there are particular urgent and special difficulties which clearly warrant a compassionate response in excess of one day. In such circumstances, paid leave will not be extended beyond three days. When considering granting leave in excess of one day, the amount of outstanding annual leave the employee has remaining should be taken into account. If this has been exhausted; unpaid leave and flexible working arrangements will be considered.
- 3.4 Managers will ensure that carers leave is recorded on ESR to permit monitoring of the use of these provisions.
- 3.5 Employees should have care arrangements in place for those predictable care requirements which occur e.g. strike activity, teacher training days, planned nursery and school closures.
- 3.6 Employees of either sex will be treated similarly under this policy. Burton Hospitals NHS Foundation Trust reserves the right to require under certain circumstances:

- 3.6.1 supporting evidence
- 3.6.2 information about the other partner's employment
- 3.6.3 situation and, if necessary, and in agreement with the employee to contact the other partner's employer to avoid abuse of this policy
- 3.6.4 the employee to undertake work at home provided that this is within the scope of the Trust's confidentiality policy.

4. COMPASSIONATE LEAVE

- 4.1 In cases of bereavement, leave should be granted to provide a compassionate response to immediate needs. Managers should give consideration to:
 - 4.1.1 closeness of employee's relationship with the deceased in real terms - not merely by reference to blood ties
 - 4.1.2 whether the employee is appointed Executor or is responsible for funeral arrangements
 - 4.1.3 the availability of other relatives or friends, particularly those more able to assist in the arrangements
 - 4.1.4 the distance the employee needs to travel to make arrangements and /or attend the funeral

4.2 Child Bereavement Leave

The Trust will show compassion, sensitivity and support in circumstances where employees, who are parents, where they were hoping to become parents under surrogacy arrangements, experience the death of a child. Any Trust employee(s) who suffers the tragic loss of a child will be entitled to two weeks child bereavement leave. For further guidance and information on entitlement to child bereavement leave, please refer to the UHDB Maternity, Paternity, Adoption and Shared Parental Leave Policy, section 5.1.4.4.

- 4.3 Compassionate leave should be paid and range from half a day to a maximum of three days. Only in exceptional circumstances should the period of leave extend beyond three days and, in any event, paid compassionate leave should not extend beyond six days. However, the Trust will consider sympathetically requests for unpaid and/or annual leave to be taken in addition to this amount.
- 4.4 Compassionate Leave may occur on more than one occasion during a year.
- 4.5 Managers must ensure that all compassionate leave is recorded on ESR.

5. TRAINING WITH THE RESERVE FORCES

- 5.1 Employees who with the consent of the Trust volunteer for service with one

of the reserve forces of the United Kingdom or who at the time of their appointment declare to the Trust the fact of their membership of one of these reserve forces and the Trust does not object, shall be granted one week's additional paid leave for attendance at annual camp. Employees shall be free to choose whether the second week at camp shall count as special leave without pay or as part of their normal annual leave entitlement.

6. JURY SERVICE

The Trust will allow employees to undertake paid Jury Service however in exceptional circumstances it may be requested that the jury service is delayed if the employees absence will have a serious effect on service delivery.

When employees have been summoned to attend for this purpose they will receive a letter from the court confirming their jury service and a Certificate of Loss of Earnings.

Employees must inform their Line Manager at the earliest opportunity. The Line Manager will then send a copy of the letter and the certificate of loss of earnings to the Central Staffing Office who will complete the certificate as appropriate.

The employee will then need to submit the Certificate of Loss of Earnings to the court with reimbursement being made to the Trust.

Line Managers must ensure that a record of the jury service is entered onto ESR.

7. OTHER TIME OFF WORK

- 7.1 There may be occasions when other time off work is agreed between the Trust and the employee. An example of this may be when an individual being appointed to a post advises that they serve as a local councillor or a school governor and time off is agreed to enable the employee to continue to work in this capacity. In such cases agreement must be sought in advance by the employee from their line manager who is expected to seek advice from Human Resources department. It is also recommended that any agreement is formalised in writing and reviewed on an annual basis.

8. UNPAID LEAVE

- 8.1 The Trust recognises that employees may need to be absent from work for reasons not included elsewhere in this policy. In such circumstances, employees will be expected to use their annual leave allocation in the first instance. However, should they require further time off work, a further period of unpaid leave can be granted. During the unpaid leave employees will not be entitled to accrue paid annual leave.
- 8.2 Employees may be granted unpaid leave for a maximum of one month in any one financial year (1 April – 31 March) in total at the discretion of their Manager.
- 8.3 Unpaid leave should be considered only where other forms of leave have been exhausted.

- 8.4 To ensure continuity of pensionable service, pension contributions due on any unpaid leave will be deducted upon return to work over a period similar to the unpaid period

9. CAREER BREAKS

- 9.1 A career break can be taken by staff who have a minimum of twelve months continuous service with the Trust or its predecessor. Staff contemplating a career break are strongly advised to consult with the Trusts Payroll provider who will be able to advise on the personal circumstances for the individual including implications on their pension. 9.2 The minimum length of break should be three months and the maximum length of break will be five years. Employees will normally submit their application at least three months before the break is due to commence. Where this is not possible, the Manager must consider the application in light of the circumstances surrounding the request. Employees will be asked to re-commit to the scheme in writing on an annual basis whilst taking a break.
- 9.3 A career break cannot be used to take up employment in another organisation unless it is specifically agreed, for example, work overseas or charitable work which it is agreed can broaden their experience.
- 9.4 A career break will be taken as unpaid leave and will not count as reckonable service for salary purposes or for incremental credit. For annual leave and sick leave entitlements, entitlements acquired before the break will be retained and supplemented, where appropriate, with service completed after the break.
- 9.5 For other Terms and conditions for Career breaks please refer to Section 36 of the Agenda for Change Terms and Conditions of Service handbook.
- 9.6 The Manager and the employee will agree, before the career break commences, a programme of action which will ensure the employee is kept up to date whilst away from work. This arrangement may include a pre-determined number of training days (for which normal payment will be made) or a limited period of temporary work where this is required. It is expected that Managers will supply the employee with copies of newsletters, team brief material and other information of a general nature so as to keep the employee as informed as possible.
- 9.7 The employee is required to notify their intention to return to work in writing to their Manager, at least four months prior to the agreed date of return. An employee will only be allowed to return earlier than the original date in the career break agreement with the express approval of their Head of Service. The employee will return to a post of broadly similar duties on an equivalent salary point. The equivalent salary point will be interpreted as the current rate for the post held at the time of the commencement of a career break. This will take into account any inflationary increase during the period of the break.

- 98 The Manager and employee will agree the detailed content and remit of the post once the formal intention to return is received.
- 99 Applications for a career break are made using the form in Appendix 1. If the request is granted the form in Appendix 2 should be completed and signed by the employee and the Manager. A copy of the forms must be forwarded to the Trusts Payroll Provider. . Where an application for a career break has not been approved and the employee feels aggrieved at the decision, they may seek recourse through the Trust's Grievance procedure.

10. MONITORING AND REVIEW

This policy will be reviewed by October 2017 or earlier by joint agreement between management and staff side or if legislation dictates. Should there be a delay in the renewal of this policy it will remain in force until superseded.

Burton Hospitals NHS Foundation Trust
APPLICATION FOR A CAREER BREAK

EMPLOYEE DETAILS (Please complete in capitals)

Name: Post:

Address: Band:

..... Hours:

..... Ward/Department:

Length of continuous service with the Trust:

I wish to apply for an unpaid career break in accordance with the conditions detailed in the Special Leave policy.

From: To:

(date) (date)

Brief description of reasons for the break:-

.....
.....

Signed: Date:

TO BE COMPLETED BY THE HEAD OF DEPARTMENT

I do*/do not* approve the above request for a career break for the period:

Signed: Date:

Designation:

If the application has not been approved please give reasons:

.....
.....

Burton Hospitals NHS Foundation Trust

APPLICATION FOR A CAREER BREAK

This to confirm that

will commence an unpaid career break on

for a period of months / years

The expected date of return is

The employee and Manager are aware of the requirements of the career break and hereby agree to comply with these.

A specific programme of action to ensure that the employee is kept up to date whilst away from work has been discussed and agreed by both parties. A copy of this written agreement is attached.

Signed: Date:

(Employee)

Signed: Date:

(Head of Department)