

The Newcastle upon Tyne Hospitals NHS Foundation Trust

Human Resources Policies & Procedures

Special Leave

Effective from: January 2012

Review Date: April 2013

1. Introduction

- 1.1 As part of its commitment to improving the working lives of its employees, the Trust recognises the importance of providing special leave arrangements that allow employees to take time off, in certain circumstances, for personal, domestic and family reasons. This policy sets out the Trust's special leave arrangements and includes:
- a. the types covered
 - b. their purpose
 - c. the amount of leave an employee may request
 - d. what a manager must consider when dealing with a request, and
 - e. how much leave a manager may grant
- 1.2 An employee's request for Special Leave must be genuine and the individual must provide enough appropriate information about their request to enable their manager to make an informed decision.
- 1.3 Managers must give appropriate consideration to all requests for Special Leave and explain their decision in those cases where it is refused. In making their decision, managers must act in accordance with the Trust's Equal Opportunities policy and ensure each request is treated with fairness and equity and has due consideration for the individual circumstances of each employee. In making their decision managers must obtain any available / appropriate information to validate the request. Managers must advise the employee of the outcome their request by providing the employee with a copy of their completed application form for Special Leave.
- 1.4 Unless specifically stated in this policy, an employee does not have an automatic right to time off. There are a range of circumstances where paid leave of absence is given. In other situations unpaid leave will be granted. In addition, with the agreement of the line manager, employees will be permitted to take annual leave to deal with their issue.
- 1.5 Employees may seek the help and assistance of either the Human Resources Department, or their Staff Side representative if they require any advice or assistance in respect of this policy.
- 1.6 Managers should seek the advice and assistance of the Human Resources Department where appropriate.

2. Scope

2.1 This policy applies to all employees.

2.2 The types of special leave covered by this policy are:

- a) Carer Leave
- b) Compassionate Leave
- c) Parental Leave
- d) Antenatal Leave
- e) Leave for training with the Auxiliary Armed Forces and Territorial Army (TA)
- f) Jury Service
- g) Leave to attend Court
- h) Leave for Public Duties
- i) Appointments
- j) Professional Leave without Expenses
- k) Paid Professional Leave / Official Duty (Medical Staff)

3 Details of Leave

	Type of Leave	Purpose(s) of time off	Entitlements and conditions
1	Carer Leave for Dependants	<p>a) Employees have a statutory right to time off to deal with a sudden or unexpected emergency involving someone who depends on them.</p> <p>b) Persons that may be regarded as a dependant to an employee are: husband; wife; partner; child; parent; someone living with them as part of their family, a person who relies solely on them for help in an emergency.</p> <p>c) Situations that may be regarded as an emergency in respect of a dependent are if they:</p> <ul style="list-style-type: none"> - are ill and need the employee's help - have been involved in an accident or assaulted - need the employee to arrange their longer term care (see d) below) - need the employee to deal with an unexpected disruption or breakdown in care, such as a child minder or nurse failing to turn up - go into labour (also see Trust's Paternity Leave and Pay Policy) <p>d) Arranging longer term care may include:</p> <ul style="list-style-type: none"> - employing a temporary carer - placing a sick child with relatives - organising care with health and/or social services, voluntary organisations or the private sector liaising with friends and family - liaising with friends and family 	<p>e) Up to a total of five days paid leave i.e. one working week (pro-rata for part-time staff) may be granted in any one leave-year.</p> <p>f) Additional unpaid leave may be granted at the discretion of the line manager or utilisation of annual leave.</p> <p>Key points:</p> <p>g) An employee may request as much time off as he/she feels is reasonably necessary to deal with the immediate emergency. For example, if their child falls ill they can request enough time off to deal with their initial needs.</p> <p>h) Any request for additional dependant leave will include consideration of:</p> <ul style="list-style-type: none"> - the nature of the emergency - the need of the employee to take time off - whether their absence can be covered and the effect it will have on the ward/dept <p>i) For most cases, one or two days should be enough to deal with the immediate problem. For example, if an employee's child falls ill, the leave should be enough to the employee cope with the crisis – to deal with the immediate care of the child, visit the doctor if necessary, and to make longer term care arrangements.</p> <p>J) Where more than one employee wishes to take time off for the same dependent e.g. both parents of a child, the employees concerned must inform their respective</p>

			<p>managers of this request. The Human Resources Department can provide advice on such circumstances. The managers should then liaise and adopt a common-sense approach depending on the circumstances. For example, both parents may need to be off if their child has had a serious accident, but it is unlikely to be necessary for both parents to be off if their child minder fails to turn up.</p> <p>k) Time off is for genuine emergencies only.</p> <p>l) If an employee knows in advance that they are going to need time off, they should request annual leave in the normal way, or if the reason relates to their child, they may be granted Parental Leave (see 3. below).</p>
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2	Compassionate Leave	<p>a) To provide an appropriate and sympathetic response to an employee who has suffered a bereavement of a near relative considered to be parent (including in laws), son, daughter, brother, sister, grandparent, grandchildren, employee spouse, partner or civil partner.</p> <p>b) Time off is intended to cover some or all of the following depending on the circumstances:</p> <ul style="list-style-type: none"> - to deal with the emotional consequences of the bereavement, particularly where it occurs suddenly or unexpectedly - to comfort and/or support surviving relatives or dependants - to organise funeral arrangements - to attend the funeral 	<p>c) Up to five days paid leave, i.e. one working week (pro-rata for part-time staff), may be granted for each bereavement depending on the circumstances.</p> <p>d) Additional unpaid leave may be granted at the discretion of the line manager.</p> <p>e) In deciding how much leave it is reasonable to grant in the circumstances the manager should consider;</p> <ul style="list-style-type: none"> - the relation of the deceased to the employee - what the employee requires time off for and how much - where and when the funeral will be held <p>f) In cases where Compassionate Leave would not normally be granted but an employee wishes to attend the funeral, they may request annual leave in the normal way, or, if reasonably practicable in the circumstances, a manager may allow the employee to:</p> <ul style="list-style-type: none"> - take any lieu time owing - work the time back on that, or another day - flex their working day to accommodate a longer lunch break if the funeral is being held at that time
3	Parental Leave	<p>a) Employees have a statutory right to Parental Leave. This was first introduced on 15 December 1999 to give parents of children born or adopted on or after that date, the right to time off to look after their child, make arrangements for the child's welfare, or simply spend more time with their child and strike a better balance between their work and family commitments.</p>	<p>b) Parental leave is:</p> <ul style="list-style-type: none"> - Unpaid - subject to one year's continuous employment with the Trust by the date of leave - subject to approval by the line manager (see g. below) - available to both parents <p>c) Child born on or after 15 December 1999</p>

			<p>Entitlement is 13 weeks per child (18 weeks if the child is disabled i.e. has been awarded disability living allowance) until their fourteenth birthday or 18th birthday if they are disabled.</p> <p>d) Child adopted on or before 15 December 1999</p> <p>Entitlement is 13 weeks unpaid leave per child (18 weeks if the child is disabled i.e. has been awarded disability living allowance) for five years after the date of adoption, or until the child's 18th birthday if that comes sooner.</p> <p>e) In most cases, leave must be taken in blocks or multiples of one week. A week is based upon the employee's usual working pattern. Parents of disabled children can take this in blocks or multiples of one day.</p> <p>f) A maximum of four weeks leave per child can be taken in a leave year. The leave year starts when the employee becomes eligible for parental leave, i.e. either, when the child is born, or when the employee has one year's continuous service with the Trust.</p> <p>g) An employee must request leave in writing 21 calendar days before the leave is intended to start.</p>
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			<p>h) A manager may postpone the date(s) requested for leave by up to six months if they feel the employee's absence would not be in the best interests of the service.</p> <p>i) Leave cannot be postponed if notice is given to take it immediately after the child is born or adopted. In such cases, notice must be given in writing 21 days before the expected week of childbirth, or the expected week of adoption.</p> <p>j) An employee is entitled to return to the same job after leave as before. If this is not possible, for example, due to an organisational change, he/she will be entitled to the provisions of the Trust's Organisational Change and Redundancy policy. The intention will be to transfer the employee to another job with comparable terms and conditions.</p>
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4	Antenatal Leave	<p>a) Antenatal Leave is to allow a pregnant employee reasonable paid time off to attend antenatal classes.</p>	<p>b) Antenatal Leave and Pay. Reasonable paid time off will be granted to allow attendance at antenatal classes if your doctor, midwife or health visitor advises that it is needed. Payment will be at full pay.</p>
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5	Jury Service	<p>a) To allow employees to attend jury service when summoned to by the Courts.</p>	<p>b) Leave will be paid leave on the understanding that court fees are reclaimed and handed over by the employee to the Trust in accordance with Trust Procedures.</p> <p>c) An employee who receives notification that they are required for jury service must inform their manager immediately</p> <p>d) When summonsed for Jury Service, an employee will receive a form entitled "<i>Certificate of Loss of Earnings or Benefit</i>" from HMCS. This form must be forwarded to the employee's Manager who will liaise with Payroll Services to complete the form with the appropriate daily rate of pay.</p> <p>e) The Manager will then copy the form to the Human Resources Department for inclusion in the employee's personal file and will then return the form to the employee who must use this to claim their loss of earnings from the Court.</p> <p>f) When the employee returns from Jury Service, the manager must make arrangements to meet with the employee to discuss the arrangements for the loss of earnings payment to be reclaimed by the Trust. The manager will be responsible for ensuring repayment is made to the Trust by the employee.</p>
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6	<p>Leave to Attend Court e.g. as a Witness</p>	<p>a) An employee who is required to attend Court may be granted appropriate time-off which may be paid or unpaid (see opposite).</p>	<p>b) In certain circumstances leave will be paid on the understanding that court fees are reclaimed and handed over by the employee to the Trust in accordance with Trust Procedures.</p> <p>c) An employee who receives notification that they are required to attend Court must inform their manager immediately and provide documentary proof so that appropriate advice and action can be taken regarding their pay (see below).</p> <p>d) If an employee is called as a witness by the prosecution or the defence in a criminal case and is attending a Magistrate's Court to give evidence they will receive their claim form for loss of earnings in advance from the Witness Care Unit/CPS. If the employee is attending a Crown Court to give evidence the CPS representative at the court will provide them with the relevant form after they have given their evidence. Such forms must be forwarded to the employee's Manager who will liaise with Payroll Services to complete the form with the appropriate daily rate of pay.</p> <p>e) The Manager will then copy the form to the Human Resources Department for inclusion in the employee's personal file and will then return the form to the employee who must use this to claim their loss of earnings from the Court.</p> <p>f) When the employee returns from attending Court as a witness, the manager must make arrangements to meet with the employee to discuss the arrangements for the loss of earnings payment to be reclaimed by the Trust. The manager will be responsible for ensuring repayment is made to the Trust by the employee.</p> <p>g) Where an employee is required to attend court as a</p>
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			<p>suspect, advice should be sought from the Human Resources Department.</p> <p>h) In a private or civil case, leave will be unpaid. The Human Resources Department will liaise with Payroll to complete the necessary documentation and arrange deduction from salary.</p>
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7	Leave for Territorial Army (TA)/Aux . Armed Forces Purposes	<p>a) To allow employees who are members of the Territorial Army/Auxiliary Armed Forces appropriate time off to attend mandatory training events/exercises.</p>	<p>b) One week's full pay in any one leave-year (5 working days).</p> <p>c) Further unpaid leave of up to one week (pro-rata for part-time) may be granted at the discretion of the manager. This includes the second mandatory training week.</p>
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8	Leave to Undertake Certain Public Duties	<p>a) To allow employees reasonable time off for public duties in connection with the following offices:</p> <ul style="list-style-type: none"> - justice of the peace - member of a local authority, police authority or statutory tribunal - member of a health authority or Trust - member of an educational establishment maintained by a LEA or a further or higher education corporation - member of a school council or board or self governing school <p>b) Time off can cover the following activities: -any duties of a justice of the peace -attendance at meetings of the relevant body or any of its committees or sub-committees -performance of duties approved by the body which need to be done in discharging its functions or those of any of its committees or sub-committees</p> <p>c) Prior to applying to undertake such duties, agreement must be obtained from the Trust.</p>	<p>d) Time off shall be unpaid.</p> <p>e) Managers must consider the following points in determining what is reasonable time off:</p> <ul style="list-style-type: none"> - how much time off is required overall to perform the duties and how much is required to perform a particular duty that a request has been made for - how much time off has already been permitted - what effect the employee's absence will have on the Trust -
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9	Appointments	<p>a) Doctor, Dentist, Hospital and Screening appointments</p>	<p>b) Doctor and Dentist appointments are expected to be arranged outside of normal working hours unless the appointment relates to a declared disability. If this is not possible working time must be made up to the Trust.</p> <p>b) Time will be allowed for the attendance at Hospital appointments subject to a maximum of 1 hour providing the line manager with a copy of the appointment card or letter. Any time over and above this must be made up unless the appointment relates to a declared disability.</p> <p>c) Time will be allowed for attendance at screening appointments subject to a maximum of 1 hour subject to providing the line manager with a copy of the appointment card or letter. Any time over and above this must be made up</p>
10	Professional Leave without Expenses	<p>a) Paid Special leave without expenses may be considered if the conditions of the application meet the following criteria.</p> <p>b) If fees are to be paid to the employee including any honorarium payments, and those fees are not returned to the Trust then the employee is required to take annual leave. The employee should also consider and be responsible for any taxation liabilities</p>	<p>a) Attendance at business meetings and Professional Bodies</p> <p>b) Scientific meetings relevant to the applicant's professional duties</p> <p>c) Presentation at a conference where the Professional Body concerned meets the costs. If an employee wishes to attend the remainder of the conference (i.e. additional days where they were not required to present) Study leave must be formally requested in accordance with the Study Leave.</p> <p>d) Attendance at meetings, conferences, etc, where costs are met by sponsors</p> <p>e) When professional Leave is agreed in accordance with this policy the manager will be responsible for recording such leave as professional leave without expenses on ESR through Manager Self Service Arrangements using</p>

			<p>the relevant absence codes.</p> <p>f) Where remittance has been received by an external sponsor, e.g. pharmaceutical company, this must be declared and details provided of what has been funded by whom, within the funding section of the study leave application form. Sponsorship must be declared in accordance with the Trusts Standards of Business Conduct</p>
11	<p>Paid Professional Leave / Official Duty (Medical Staff)</p>	<p>To enable employees to carry out duties relevant to their role within the organisation or to additional responsibilities held at a regional or national level.</p> <p>Excludes local routine business meetings</p>	<p>a) Visits to other Health Service Trusts, or external organisations to observe systems, equipment, learn new techniques, etc. which is directly relevant to the role of the employee</p> <p>b) Officially recognized meetings with counterparts in other Trusts or Professional bodies</p> <p>c) Visits to exhibitions relevant to role/service</p> <p>d) Attendance as a member of officially recognised working parties concerning subjects beneficial to the NHS including national or regional advisor role activities</p> <p>e) Undertaking the role of examiner/assessor where relevant to Trust business/performing an educational role</p> <p>f) Attendance at meetings/programme committees arranged by education providers/Royal Colleges or similar e.g. joint committees on Higher Training, Programme Boards</p> <p>g) Undertaking formal presentations which represent the organisation or specialty through presentation at conference/study day</p> <p>1) Time shall be paid if relevant to role/business of the organisation</p> <p>2) Up to ten days officially duty in any calendar year will normally be granted. Requests exceeding this time will require authorisation by the relevant Senior Manager.</p> <p>3) Approved expenses will be the responsibility of the individual directorate, unless sponsorship is provided by</p>

			<p>the organising body.</p> <p>4) Where remittance has been received by an external sponsor, e.g. pharmaceutical company, this must be declared and details provided of what has been funded by whom, within the funding section of the study leave application form. Sponsorship must be declared in accordance with the Trusts Standards of Business Conduct</p> <p>..</p>
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4 Unpaid Special Leave

4.1 Unpaid leave of two weeks or more will result in a proportional deduction to annual entitlement in accordance with the Trust's Annual Leave policy (see Human Resources Policy for the Calculation of Annual Leave and Bank Holiday Entitlements, paragraph 4.8). For example, five weeks unpaid leave will result in a deduction of one-twelfth of entitlement.

4.2 Unpaid leave will not affect annual leave for the purposes of calculating additional entitlement for long service.

5 Pension

5.1 Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Pension Scheme.

5.2 Pension contributions continue to be payable during periods of unpaid leave. An employee **must** contact their Pensions Officer prior to any period of unpaid leave to ensure they fully understand the pension contributions during the period of unpaid leave.

6 Audit

The application of this policy will be monitored on a six monthly basis by the Director of Human Resources to analyse the number of applications to ensure all requests for special leave are administered appropriately. Monitoring will be undertaken by an internal audit of applications.

7 Further Advice and Guidance

Please contact a Human Resources Officer in the Human Resources Department.

8 Guidance Review

The Director of Human Resources is responsible for the review and amendment of this guidance.

**THE NEWCASTLE UPON TYNE HOSPITALS NHS FOUNDATION TRUST
APPLICATION FOR SPECIAL LEAVE**

Name:	
Job Title:	
Ward/Dept:	
Directorate:	
Type of Leave Requested (tick where appropriate)	Carer Leave () Compassionate Leave () Parental Leave () Antenatal Leave () Jury Service () TA Training Leave () Leave for Public Duties () Please specify duty Leave to attend Court () Appointments () Professional Leave without Expenses ()
Amount of Paid Leave Requested	
Days:	
From / To	
Amount of Unpaid Leave Requested	
Days:	
From / To	
Please provide additional details regarding the reason for the request i.e. if compassionate leave requested who does it relate to	

I have read and understood the Trust's policy on Special Leave and confirm my entitlement. I declare that the information I have given on this form is correct and complete. I understand if I knowingly provide false information this may result in disciplinary action. I consent to the disclosure of the information from this form and by the Trust and NHS Protect for the purpose of verification of this claim and the prevention of fraud.

I understand that I may be required to provide evidence

I understand it is my responsibility to contact the Pensions Officer prior to any period of unpaid leave, to ensure that I fully understand the pension implications and that I make any necessary arrangements prior to my period of absence.

Signed:

Date:

Leave Granted: Yes/No	Yes ()	No ()
If no please state reasons		

Signed: Date:

Print Name:

Designation:

- Manager to:**
- a) Send completed form (and copies of any relevant evidence) to the Human Resources Department for personal file
 - b) Record approved Special Leave on ESR through Manager Self Service Arrangements using the relevant absence code

Human Resources to:

- a) Record approved Special Leave in employee's personal file.

THE NEWCASTLE UPON TYNE HOSPITALS NHS FOUNDATION TRUST
IMPACT ASSESSMENT – SCREENING FORM A

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

Policy Title:	Special Leave Policy	Policy Author:	Karen Pearce
		Yes/No?	You must provide evidence to support your response:
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of the following: (* denotes protected characteristics under the Equality Act 2010)		Policy is in accordance with the NHS Employment Check Standards and current legislation. It is underpinned by the Trust's overriding policy on Equal Opportunities.
	• Race *	No)
	• Ethnic origins (including gypsies and travellers)	No)
	• Nationality	No)
	• Gender *	No)
	• Culture	No)
	• Religion or belief *	No)
	• Sexual orientation including lesbian, gay and bisexual people *	No) See above
	• Age *	No)
	• Disability – learning difficulties, physical disability, sensory impairment and mental health problems *	No)
	• Gender reassignment *	No)
	• Marriage and civil partnership *	No)
2.	Is there any evidence that some groups are affected differently?	No	There is no evidence to support any group was affected differently
3.	If you have identified potential discrimination which can include associative discrimination i.e. direct discrimination against someone because they associate with another person who possesses a protected characteristic, are any exceptions valid, legal and/or justifiable?	No	
4(a).	Is the impact of the policy/guidance likely to be negative? (If "yes", please answer sections 4(b) to 4(d)).	No	
4(b).	If so can the impact be avoided?	-	
4(c).	What alternatives are there to achieving the policy/guidance without the impact?	-	
4(d).	Can we reduce the impact by taking different action?	-	

Comments:	Action Plan due (or Not Applicable):
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Name and Designation of Person responsible for completion of this form: Karen Pearce Date: 15/12/2011

Names & Designations of those involved in the impact assessment screening process: EPPCG

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified on this form, please refer to the Policy Author identified above, together with any suggestions for the actions required to avoid/reduce this impact.)

For advice on answering the above questions please contact Frances Blackburn, Head of Nursing, Freeman/Walkergate, or, Christine Holland, Senior HR Manager. On completion this form must be forwarded electronically to Steven Stoker, Clinical Effectiveness Manager, (Ext. 24963) steven.stoker@nuth.nhs.uk together with the procedural document. If you have identified a potential discriminatory impact of this procedural document, please ensure that you arrange for a full consultation, with relevant stakeholders, to complete a Full Impact Assessment (Form B) and to develop an Action Plan to avoid/reduce this impact; both Form B and the Action Plan should also be sent electronically to Steven Stoker within six weeks of the completion of this form.