|  |  |
| --- | --- |
| **Document name:** | Policy for Granting Special Leave covering:* Domestic, Personal, Emergency and Family Reasons including bereavement leave
* Civil and Public Duties
* Leave following Contact with a Notifiable Disease
* Leave to Attend Appointments
* Employment Breaks
* Leave to Attend Interviews
 |
| **Document type:** | Human Resources Policy |
| **Staff group to whom it applies:** | All staff within the Trust |
| **Distribution:** | The whole of the Trust |
| **How to access:** | Intranet and internet / ward folder |
| **Issue date:** | August 2020 |
| **Next review:** | (extension) December 2022  |
| **Approved by:** | Executive Management Team  |
| **Developed by:** | Employment Policy Group consisting of HR, Staff side representatives and Managers |
| **Director lead:** | Director of Human Resources, Organisational Development and Estates |
| **Contact for advice:** | Human Resources Representative |

 

**CONTENTS**

## Page Number

1. Introduction 1

2. Purpose and Scope 1

3. Principles 1

4. Legislation 2

5. Leave for Domestic, Personal, Emergency and Family Reasons 3

 5.1 Carer Leave 3

 5.2 Dependants 4

 5.3 Emergency Domestic Leave 4

 5.4 Bereavement Leave 4

 5.5 Child Bereavement Leave 5

6. Leave for Civil and Public Duties 6

 6.1 Jury Service 6

 6.2 Magisterial Duties 6

 6.3 Other Civil Duties and Public Duties 6

 6.4 Armed Forces: Reservists 7

 6.5 Annual Training Camps 7

7. Leave following Contact with a Notifiable Disease 8

8. Leave to Attend Appointments 8

 8.1 Health and Wellbeing Appointments – Hospital, Doctor, Dentist,

 Optician, Physiotherapy etc 8

 8.2 Medical Dental Appointments for Dependants 9

9. Employment Break 9

10. Leave to Attend Interviews 11

11. Extra Leave required over and above that approved under the 11

Special Leave Policy

12. Procedure for Applying for Special Leave 12

13 Recording of Special Leave 12

Application for an Employment Break Appendix 1

Special Leave – Frequently asked Questions Appendix 2

Equality Impact Assessment Appendix 3

Version Control Sheet Appendix 4

**Policy for Granting Special Leave**

**1. INTRODUCTION**

The South West Yorkshire Partnership NHS Foundation Trust values its staff and recognises that they have personal and caring responsibilities outside of the workplace. Consequently, from time to time, staff may need to take time off work for certain matters that require their urgent attention.

The aim of this policy is to formally make provision for the many and varied circumstances that can arise to support staff to balance the demands of work, family and personal life, at times of urgent and unforeseen need by the provision of paid or unpaid leave according to circumstances.

The provisions of this policy do not rule out other flexible responses such as changing hours of work, working flexible hours, changing shifts, taking unpaid leave, other flexible working arrangements, etc. It is the responsibility of both managers and staff to work together to find the most suitable approach, whilst ensuring the maintenance of a high quality service to services users and the community.

1. **PURPOSE AND SCOPE**
* This policy applies to all employees of the Trust, to provide support in balancing the demands of domestic and work responsibilities at times of urgent and unforeseeable or unplanned need through the provision of paid and / or unpaid leave according to the circumstances. This policy also includes leave for civic / public duties, leave to attend appointments and interviews and leave following contact with a notifiable disease.
* Leave granted under these arrangements is not intended to be for long term domestic and family needs (which may be provided for example by parental leave arrangements, flexible working or employment breaks – see relevant policy).
* To ensure that the circumstances under which special leave is granted are applied consistently to all staff.
* To provide guidance to managers on the amount of leave which may normally be granted.

**3. PRINCIPLES**

Any leave granted is always subject to the needs of the service and subject to the approval of the relevant manager.

Where a member of staff is considering volunteering for Public duties within the scope of this policy, the issue should be discussed with the relevant manager prior to any application being made, so that the implications to the Trust can be fully considered.

Managers have responsibility for ensuring the consistent application of the provision of this policy. In deciding the amount of leave that is appropriate, managers will have regard to:

* The need to treat all staff in the department equitably whilst balancing the needs of staff with the needs of the service.
* The taking of leave at short notice is a concession and is not without time/cost to the service. It is a shared responsibility to balance both individual and service needs.
* Whether other forms of leave eg, outstanding annual leave and lieu days could be combined with an amount of special leave.
* How much and when special leave has already been taken by the individual.
* The extent of similar requests in the past, especially for carer leave, which may indicate a need for additional help. Discussions should be held with the member of staff, including the options described above or, flexible working options, in order to avoid the necessity for repeated requests for special leave.
* In the case of bereavement, the nature of the relationship between the employee and the deceased, and whether any special responsibilities arise for the employee.
* It may not be possible to grant all requests for special leave and if a request is turned down, reasons will be given to the individual by the manager. Advice on specific cases and help with interpreting this policy is available to managers and staff from the Human Resources team.
* Time off for staff working part time, will be pro-rata to the full time hours allowed.

 **Note -** Members of staff should provide as much information as possible (including any documentary evidence where requested), to help the manager make a speedy decision.

**4. LEGISLATION**

Employment legislation (including Employment Rights Act 1996 as amended and Employment Relations Act 1999) requires employers to allow reasonable time off during working hours in the following circumstances:

* To deal with emergencies involving dependants.
* For jury service and public duties.
* To look for work when faced with redundancy.

The Parental Bereavement (Leave and Pay) Act 2018, implementation date 6 April 2020, provides for at least two weeks’ leave for employees following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy.

The above entitlements are incorporated within the Special Leave policy, however, these legal provisions are less attractive for staff than those outlined in the policy.

Employment legislation also provides entitlements to time off for:

* Antenatal care
* Maternity, Adoption and Paternity leave
* Parental leave

Please refer to the Trust’s Maternity, Adoption, Paternity & Parental Leave policies for information on these provisions.

**5. LEAVE FOR DOMESTIC, PERSONAL, EMERGENCY AND FAMILY REASONS**

**5.1 Carer Leave**

The aim of carer leave is to provide a compassionate response to an immediate, urgent or unforeseen need, including:

* Sudden illness or injury of a dependant.
* Sudden breakdown of normal carer arrangements for dependants.
* To deal with an emergency incident involving a child during the time when an educational establishment has the care of a child, ie. an accident or sudden illness at school.
* Making arrangements for coping with a longer term care issue for a dependant.

In such cases the individual needs a discussion with their manager about the circumstances. Managers are authorised to grant half a day, or day’s leave as appropriate.

This request is not a right and managers are encouraged to review with staff what circumstances gave rise to the need for carers leave. This would include the possible arrangements for the future and the amount of carer leave that has already been taken. The carers leave that may be granted by line managers is limited to 3 days per year (1st April to 31st March), but in exceptional circumstances a further 3 days per year may be granted by the *relevant senior manager or Director*, who may discuss this with their HR Manager. The amount granted may be dependent on the amount of leave/lieu time the individual has left. This may be extended using annual leave or unpaid leave.

Where two members of staff have joint responsibility for a dependant, only one member of staff may be on carer leave at any one time. However, in exceptional circumstances where the illness of a dependant is at a critical stage, manager(s) have discretion to enable both carers to take leave together.

Where employees do not attend work for reasons such as adverse weather conditions, school closures etc, they are expected to take time off as annual leave, time owing, by working flexibly or as unpaid leave. How this is allowed, needs to be agreed with their manager.

**5.2 Dependants**

A dependant is regarded as the employee's partner, child or parent, or a person living with the employee as part of his/her family. It does not include tenants, boarders (or family pets) living in the family home, or someone who lives in the household as an employee, for example a live in housekeeper. In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance, including where the employee is the primary carer or is the only person who can help in an emergency.

**5.3 Emergency Domestic Leave**

In serious unplanned circumstances where a person’s presence is required at home, the employee concerned may be granted time off with pay to attend to the emergency on the basis that they return to work as soon as they have dealt with the emergency and alternative arrangements can be put in place. Dependent upon the circumstances, managers have the discretion to grant up to one day’s special leave. Examples might include, a major house fire, a serious break in, or major flood etc., although each situation should be judged on its own merit.

**5.4 Bereavement Leave**

When an employee suffers a bereavement, the amount of leave granted depends upon the relationship of the employee to the deceased. Where this involves an immediate family member (immediate family is defined as mother, father, husband, wife, partner (or relatives with equivalent roles), sister or brother but not a child as separate child bereavement provisions apply (see section 5.5), or where the relationship is demonstrably close. Up to three days paid leave may be granted according to the circumstances. Where the circumstances are exceptional, this may be extended up to six days on occasions when the employee is responsible for making arrangements associated with the bereavement, or has to travel long distances in order to make these arrangements.

Normally up to one day’s paid leave should be granted to attend the funeral of other relatives. However, where the employee has responsibility for making funeral arrangements, up to three days leave with pay may be authorised.

Paid time may be granted to attend the service of a current work colleague provided the service needs are met and maintained.

If a longer absence is required, this period of bereavement leave may be extended with annual leave and / or unpaid leave and flexible working arrangements. This is at the manager’s discretion.

Where staff wish to attend a funeral which is not in the above category (e.g. the funeral of a neighbour, friend or previous work colleague), then managers should try and facilitate this (while maintaining the needs of the service) through granting the individual a day, or half day’s annual leave, or through unpaid leave or flexible working if appropriate.

**5.5 Child Bereavement Leave**

 The trust will take a compassionate approach in circumstances where staff, who are parents, experience the death of a child. A bereaved parent is anyone who had the responsibility as one of the primary carers of a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt and any other parent/child relationship where an individual had primary caring responsibilities. There is no requirement for the child to be under 18 years of age.

All bereaved parents will be eligible for a minimum of two weeks of child bereavement leave. A bereaved parent will not be required to demonstrate any eligibility criteria in order to access bereavement leave or pay i.e. there is no requirement to produce the child’s death certificate or any other official documents. If a longer absence is required, the period of bereavement leave may be extended with annual leave and / or unpaid leave and flexible working arrangements subject to line management approval.

All bereaved parents will be entitled to two weeks’ occupational child bereavement pay which will include any entitlement to statutory parental bereavement pay. Pay is calculated on the basis of what the individual would have received had they been at work. This would normally be based on the previous three months at work.

Where both parents of a deceased child work for South West Yorkshire Partnership NHS Foundation Trust, the entitlements or pay and leave will apply to both members of staff.

Parents who experience a still birth from 24th week of pregnancy will be eligible for these provisions, and will subsequently still be eligible for the maternity provisions as set out in the NHS Terms and Conditions of Service Handbook.

Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their line manager the leave they wish to take. Taking child bereavement leave is an individual choice, it is not compulsory for the employee to take child bereavement leave.

Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of a child. Should the parent wish to take child bereavement leave immediately following the death of a child they shall be able to do so upon informing their line manager that they will be absent from work for this purpose. Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give their line manager reasonable notice of their intention to take leave at this time.

**6. LEAVE FOR CIVIL AND PUBLIC DUTIES**

**6.1 Jury Service**

Employees who are called for jury service shall be granted special leave with pay, providing they are not claiming for loss of earnings from the court. No travelling expenses or subsistence allowances shall be paid by the organisation. Any payment received by the individual other than expenses or allowances will be paid to the Trust.

**6.2 Magisterial Duties**

Employees, who undertake magisterial duties may at the discretion of the appropriate manager and subject to the demands of the service, be granted special leave with pay, up to a maximum of 13 days in any 12 month period.

There is a requirement for magistrates to be in court for 13 days a year. Magistrates get their rota well in advance so must plan their time off with their manager.

**6.3 Other Civic and Public Duties**

Managers will decide whether a request for time off can be granted to employees who are required to be absent from work for other civic and public duties (as covered by legislation). See list below:

* Membership of a Local Authority
* Membership of any statutory tribunal
* Membership of a Board of Prison Visitors
* Membership of the governing body of a grant maintained school, self governing school, or a further or higher education corporation/college
* Membership of the General Teaching Council
* Membership of the Environmental Agency
* Membership of a Water Consumer Consultation Panel

Employees should make requests to their manager as far in advance as possible and show their manager the official letter of notice. Requests for such ‘reasonable time off’ will be subject to:

* the amount of time required by that individual for that particular occasion,
* how much time off has already been granted,
* the ability to accommodate the request, taking into account the potential impact of the employee’s absence on the performance of their role,
* its impact on colleagues and the demands of the service.

Where there is doubt they should take advice from their Human Resources Manager. Time off may not be granted where a request is thought to be unreasonable.

**6.4 Armed Forces: Reservists and Cadet Force Members**

The appropriate manager will grant unpaid leave to staff who have entered into a period of whole time service in the armed services. This would be following a “Compulsory Call Out Order” of reserve or auxiliary services, or the recall of service pensioners, or in order to fulfil obligations to serve as a commissioned officer. This may include a period of whole time service in the armed forces entered into by a member of the Territorial Army.

Following receipt of documentary proof from the armed forces the Trust will only refuse leave if serious harm is incurred by the Trust, such as an impairment in its ability to provide services or conduct research and development, which cannot be alleviated by the financial rewards available.

Reservists have the right to return to their former jobs on terms and conditions no less favourable than those that would have applied if they had not been called up. They have the right to remain a member of the pension scheme provided they continue to pay contributions. The organisation will help to facilitate this when required. The employee must apply for re-instatement in writing to the Trust after a period of military service ends as soon as is reasonably possible.

It is unlawful for an employer to terminate a reservist’s employment without their consent.

The MOD provides financial support to the Trust for mobilised reservists which is aimed at covering any expenses incurred, such as agency fees, costs of advertising for cover, overtime payments, or higher salary rates for temporary staff.

During a period of call up Reservist’s leave is unpaid. Payment is received through the MOD who match a reservist’s civilian pay if it is higher than the normal rate of pay for their military rank.

**6.5 Annual Training Camps**

Reservists may take up to two weeks leave per annum (one week of their annual leave and one week special leave) to attend an annual training camp. It is not a legal right to be granted such extra leave; however such leave should normally be granted.

The Trust will ‘top-up’ any allowance / pay made by the forces for the two-week period. For this purpose, pay for the first week, (ie. the normal one week’s annual leave) will be ignored. Any balance of earnings due will be based on the difference in the gross remuneration received from the Forces for the two-week period of attendance and one week’s annual leave payment.

Example (a)

Gross remuneration received from Forces £150

One weeks annual leave pay £250

Balance due **£100**

Example (b)

Gross remuneration received from Forces £150

One weeks annual leave pay £145

Balance due **Nil**

For these purposes, therefore, individuals should obtain confirmation from the Forces of gross remuneration earned at Camp.

**7. LEAVE FOLLOWING CONTACT WITH A NOTIFIABLE DISEASE**

Employees who believe they have been in contact with a notifiable disease must seek advice from the Trust’s Occupational Health service and if employees are required to refrain from work they will be given the appropriate advice. Employees who are required to be absent from work (in particular those staff who are food handlers or are in patient contact) following contact with a notifiable disease, shall be granted special leave with pay, if this is not regarded as sick leave. It is a general infection control measure to stop spread of disease but particularly important where staff are food handlers or in health care services

Refer to the [Occupational Health Services Guide](http://nww.swyt.nhs.uk/wellbeing/occupational-health/Documents/OCCUPATIONAL%20HEALTH%20SERVICES%20GUIDE%20v3%20June%2014.doc) and [Reporting of Infections policy](http://nww.swyt.nhs.uk/docs/Documents/793.pdf) (see Appendix 2 for list of Notifiable diseases) on the Trust’s Intranet for further guidance.

1. **LEAVE TO ATTEND APPOINTMENTS**

**8.1 Health and Wellbeing Appointments – Hospital, Doctor, Dental, Optician, Physiotherapy etc**

It is expected that employees will arrange such appointments outside of working hours, so as to give minimum disruption to the working day. Where this is not possible, appointments should usually be covered by time owing, flexible working, annual or unpaid leave as appropriate and the manager may request sight of documentation confirming the appointment. For any hospital investigative procedure (requiring a full day off due to the employee being unfit for duty) this will be classified as paid sickness absence and count towards sickness absence triggers. Documentation will need to be provided to the Manager. Where the employee attends an outpatients appointment and intends to return to work but becomes unfit for duty as a result of a procedure they must contact their manager to notify them that they are sick.

Appointments relating to surgery or dentistry for cosmetic purposes should be arranged outside working hours and taken as annual leave.

Normally up to 6 appointments may be provided by the Trust’s Occupational Health service (which could include Physiotherapy, OT, Counselling etc or for treatment following an injury at work). These and any self referred appointments may be accessed in working time, providing this has previously been agreed with the individual’s manager to ensure appropriate service cover.

Where Occupational Health advise that more than 6 appointments would support the individual in remaining in work, this must be discussed and agreed with the individual’s manager and can not exceed 12 sessions in work time.

**8.2 Medical / Dental Appointments for Dependants**

In exceptional circumstances time off may be granted for a member of staff to accompany a dependant to a Medical / Dental appointment where the dependant is unable to attend alone. Annual leave, time owing, flexible working or unpaid leave will be used for these purposes.

**9. EMPLOYMENT BREAK**

**Definition**

An arrangement which enables staff to take an unpaid break from work for further education, travel and family care reasons (other reasons, will be considered on their merits). Staff will not normally be allowed to take up paid employment with another employer during the break except where, for example, work overseas or charitable work could broaden their experience. The minimum period for a continuous break is 3 months and the maximum is 1.5 years. (Periods of less than 3 months should be dealt with as temporary unpaid leave of absence). Breaks should be taken as a single or where acceptable to the manager in several periods.

 **Points to be considered**

* Staff must have a minimum of 12 months service with the Trust to be eligible.
* The manager and the employee should maintain regular contact during the break and staff may, if appropriate, be required to attend for training or to update skills etc. Managers should provide an opportunity for up to 10 days employment per ‘scheme year’ or pro-rata where breaks are less than one year. These periods are however subject to mutual agreement.
* Staff are required to keep up to date with their CPD and with their professional/state registration.
* Staff may not work during a break unless this is specifically agreed with their manager in consultation with an HR Manager.
* Staff returning from a break should return to the same job, as far as is reasonably practicable. If this is not practicable, then to as similar a job as possible, at the equivalent salary level (or protected salary level if Organisational Change applies), reflecting the cost of living increase (but not increments) which may have been due during the break. The releasing department will be responsible for taking the relevant action in such circumstances.
* Applications for Employment Breaks should normally be made at least two months before the break takes place.
* A break may be taken after maternity leave, adoption/foster leave or paternity leave.
* Two months written notice of return to work is required for breaks of less than a year, and three months notice if the break is greater than a year. The manager and employee should arrange to meet to discuss the return to work/re-induction as early as possible prior to the agreed return date.
* There is no automatic right to cut short a break but managers will consider such requests submitted with reasonable notice as agreed with the manager.
* Trust vehicles may have to be returned unless alternative arrangements have been agreed with Human Resources Fleet Management.
* Staff participating in salary sacrifice schemes need to contact payroll services, to agree how payments will be met.
* Be contacted if there is a reorganisation of their department where redeployment or redundancies may occur.

**Impact on pay and benefits**

* The Contract of Employment remains in force during the break but provisions that are dependent on length of service ie, pensions, contractual redundancy payments, leave entitlements, sick pay, maternity leave/pay will be suspended for the period of the break and reactivated on their return to work. However, the period of the break will count toward continuous employment for statutory purposes.
* The period of the break will not count as reckonable service. However, where there are periods of paid NHS service during the break these will count as reckonable service for calculating entitlements to sick pay, maternity leave, annual leave etc.
* Staff will return to the same incremental point as before the break unless this has changed and is protected, as a result of organisational change.
* Payment of pension contributions is shared between the employer and employee. Staff are responsible for contributions whilst in the scheme and can make retrospective payments for breaks of less than 12 months and the Trust will then also pay its contributions to ensure continuity. Details can be obtained from Payroll Services, Kendray Hospital.
* The Employment Break Application form can be found at Appendix 1

**10. LEAVE TO ATTEND INTERVIEWS**

Paid leave is granted in order for employees to attend interviews within the Trust.

Where, due to organisational change, the individual has been declared ‘at risk', they will be allowed paid time off to attend interviews both inside and outside of the Trust.

All other requests for time off to attend interviews may be accommodated by the use of annual leave, flexible working, time owing or unpaid leave subject to agreement by the line manager.

The line manager should also be mindful that there may be the need to rearrange shifts to help accommodate an interview.

**11. EXTRA LEAVE REQUIRED OVER AND ABOVE THAT APPROVED UNDER THE SPECIAL LEAVE POLICY**

Where there are exceptional circumstances and the employee feels they need extra time from work, over and above that approved under the special leave provisions, they must discuss this and the reasons with their manager. The manager should usually discuss this request with their HR Manager and Director.

It is expected that annual leave, flexible working or unpaid leave will be considered if any additional time is approved, however, requests for unpaid leave to help with any of the above situations would normally follow the expiry of annual leave and lieu days.

In the above instances each individual case would be viewed on its merits and also taking into account service needs and requirements.

Employees taking unpaid leave will continue to be covered by the National Health Service Pension Scheme, but will be required to pay any arrears for the unpaid period in order to provide continuity of pensionable service. Annual leave is not accrued during periods of ‘extended unpaid leave’.

**12. PROCEDURE FOR APPLYING FOR SPECIAL LEAVE**

With regards to urgent Leave for Domestic, Personal, Emergency and Family Reasons, it is acceptable to put the request in writing on returning to work, if the leave has already been confirmed verbally with the manager.

An application for special leave should be made in writing as early as possible, giving reasons for the leave, to the appropriate manager who will consider the request. The manager will decide on the amount of leave to be granted, if any, up to the maximum allowed under the policy.

**13. RECORDING OF SPECIAL LEAVE**

Once an application has been approved, the manager must ensure there is a record kept of the type of absence taken. (This may be using the Staff Absence Reporting Form or e-rostering as appropriate etc.). Managers have a responsibility for ensuring that unpaid leave is correctly recorded and reported to payroll promptly to ensure necessary adjustments to salary are made and that overpayment is avoided.

**Appendix 1**

**SOUTH WEST YORKSHIRE PARTNERSHIP NHS FOUNDATION TRUST**

**Application for an Employment Break**

Name: ………………………………………………………………………………….

Post Title: ………………………………………………………………………………….

Length of Service: ………………………………………………………………………….

Employment Break requested from ………………………… to …………...................

Reason

Reason:

Forwarding Address: …………………………………………………………………………

…………………………………………………………………………………………………..

.....................................................................................................................................

Emergency Contact name: ……………………………………………………………….....

Telephone Number: ………………………………………………………………………….

Do you hold any other job (s) Yes / No \*

If yes, please give details

**1. GENERAL CONDITIONS**

Absence on the Trust's Employment Break Scheme shall not be regarded as a break in service, although the period of the break will not itself count as reckonable service. Where there are periods of paid service during the break these will however count as reckonable service. Only periods of reckonable service i.e. paid service, will be taken into consideration when calculating entitlements to sick leave, maternity leave, annual leave, superannuation, redundancy rights etc.

Annual leave entitlement up to the commencement of the break should be taken before the break.

Sick pay will not be paid during the Employment Break.

It will be up to the manager to consider the best means of providing cover during the Employment Break.

**2. CONDITIONS SUSPENDED DURING EMPLOYMENT BREAK**

No payment of salary, or allowances, will be made, other than during any planned periods of employment, although staff will remain as employees of the Trust.

There will be no entitlement to leave, including:

* Annual Leave
* Bank Holidays
* Sick Leave
* Maternity Leave
* Paternity Leave etc

Annual leave will not accrue during unpaid leave.

On return, staff can choose to pay back pension contributions on the unpaid leave if the break is for less than 12 months and subject to agreement with the NHS Pension Scheme.

**3. CONDITIONS APPLICABLE DURING THE EMPLOYMENT BREAK**

The Disciplinary and Grievance procedures still apply. Any grievance appertaining to the Employment Break Scheme will be dealt with in accordance with the Grievance Procedure.

The period of absence does not count as a break in service although it will not count as reckonable service. Periods of paid employment during the Scheme will count as reckonable service.

Any accumulated rights to redundancy at the start of the Scheme will be taken into account should a redundancy situation occur during the break. Any redundancy rights based on service entitlement will exclude the unpaid periods of the Employment Break.

Lease cars can either be retained during the break for private use in which case the employee meets the full cost, or are returned to the Trust. Alternatively the employee may purchase the vehicle, in accordance with the rules of the lease car scheme.

Any paid employment with the Trust as part of the Scheme will be paid at the appropriate grade/scale of the post covered.

Employment by another organisation is not allowed except with the express agreement of the individual’s manager. Any employment undertaken during the break that is not for the Trust must be declared. Any employment deemed to be paid alternative to the vacated post will breach the agreement, thus forfeiting the employee’s right to return. This does not exclude, however, occasional casual work being undertaken on an ad hoc basis for the Trust.

**DECLARATION**

I have read and understood the full Employment Break document. I agree to abide by the terms laid down, including my intention to return to work following my Employment Break.

Signed: ………………………………………………….. Date: ……………………….

Applicant

Signed: ………………………………………………….. Date: ………………………..

Manager

Name: ……………………………………………………

I approve / do not approve this request for an Employment Break:

|  |
| --- |
| Managers comments or Reason for Approval / Non Approval |

Copy:

To the Applicant

Human Resources.

**Appendix 2**

**Special Leave – Frequently asked Questions**

**Carers Leave**

Q **Who is a dependent in relation to carers leave?**

A A dependent is a person who relies on the employee for care. People often associate carers leave requirements being for children but it could equally be a spouse, partner, parent or other persons living with you as part of your family or who depend on you as a primary carer.

**Q How many days carers leave can I have and do I get paid?**

A Carers leave is paid leave and is limited to 3 separate occasions in each year from 1 April to 31 March and is to cover immediate unforeseen and emergency situations. It is therefore given for the first day of the unforeseen event after which you would have to use other leave such as annual leave/unpaid leave/time in lieu.

**Q My child has fallen ill today. Can I automatically have carers leave?**

A You would need to call and discuss this with your manager. When a dependent becomes ill on the day you are to attend work i.e. that day/during the night managers are authorised to grant ½ a day or 1 day carers leave provided you have not already taken 3 days during the leave year (1 April to 31 March). If the child continues to be ill you will need to make other arrangements, take annual leave, time owing or unpaid leave.

**Q What if my child has an accident or falls ill at school?**

A We understand that you would want to go to your child. Dependent upon the circumstances of the illness/injury, you should try and speak to your manager prior to leaving the department, (particularly if you have clinical responsibility) and clarify the arrangements. Carers leave can be granted by your manager but you could also take time owing, annual leave or unpaid leave if you have already had the 3 carers leave days.

**Q** **Will I be granted time off to take my child/dependent to the Dentist/ Hospital/Doctors appointment?**

A Yes you will be granted time where necessary to accompany your child/dependent to dental/hospital/Doctor appointments but this will not be granted as carers leave and should be done using annual leave, flexi-leave or time owing. Alternatively you should arrange the appointment to take place outside core hours wherever possible. The policy is intended to provide support in times of domestic emergency or crises and does not provide for time to be granted to take dependants to non-emergency appointments.

**Q I left work early to care for my sick son a few days ago and have been granted special leave for the part of the day I missed. What should I credit on my e rostering/flexitime sheet?**

A You should record your actual leaving time on your spreadsheet, and credit the number of hours and minutes required to take you up to the hours you were rostered/usually work on that day.

**Q I feel that my manager has unfairly turned down my request for carers leave. What should I do?**

A Your request for carers leave is not a right and managers are responsible for reviewing with staff the reason for the request, assessing what carers leave, last minute annual leave etc. has already been taken. They should also discuss arrangements for future requirements. You should speak with your manager about the reason for their decision. It may be that they do not fully understand the circumstances. Your manager can speak to HR to verify the policy and their interpretation. Should you remain unhappy you have a right to submit a grievance against the decision.

**Q What kind of exceptional circumstances might allow me to request more than 3 days carers leave in a year to care for a sick child or dependent?**

A It is anticipated that such requests will be rare. An example of a situation which may merit additional carers leave could be having dependants undergoing multiple serious operations within the course of the year. A senior Manager, usually the Deputy Director/Director can approve an additional 3 days carers leave in exceptional circumstances. The Trust will not be able to provide cares leave for the entire time that you may need to be away from work even in these circumstances so you may need to take annual leave, flexi leave, time owing or unpaid leave. You may be able to purchase 1 or 2 weeks additional leave through the purchase of additional leave scheme, with your manager’s approval.

**Q I was due to have the day off on annual leave, but my child was ill and could not go into school, so I had to look after him. Can I take carer’s leave and claim back my day of annual leave?**

A The purpose of carers leave is to help an employee cope with an unexpected situation by allowing them time off to care for a dependant when they were otherwise expected to be at work. As you were on leave that day and did not expect to be at work this would not apply.

**Q** **The school/nursery/day centre is closed due to snow/ burst pipe. Can I take careers leave to look after my dependent?**

A Obviously if you need to look after a child in such circumstances you will be granted annual leave, unpaid leave or time owing. In line with Trust policy Carers leave will not be granted in any circumstances due to a breakdown of the normal carer arrangements for school closures or adverse weather.

**Q My Dog is unwell and I need to stay with him and arrange a Vets appointment, can I get carers leave/special leave on this occasion.**

A Carers leave does not cover animals. You should call your manager and it may be possible to take annual leave, unpaid leave or flexi time for all or part of the day.

**Q My child has been ill and I have had 1 days carers leave. My child remains ill so instead of taking annual leave to look after her can I work at home as I am an agile worker.**

A Agile working (working at home) is not a replacement for childcare. You may be able to agree with your manager that you can work from home if there is productive work you can do, however, dependent upon the child’s age and illness it is unlikely that you can undertake work for the whole of the working day. You may be able to agree that you will work a part day and take the remainder as annual leave, unpaid leave or flexitime or for 1 day or you may be able to work outside normal hours (i.e. evening). In line with the agile working policy this must meet service need and cannot be for more than a short time scale.

**Q My Husband who is not usually dependent upon me has had an accident and is unable to care for himself for a few months. The carer that we have organised has rung in sick and will not be there to attend to his needs. Can I have paid carers leave?**

A Even though your husband is not normally dependent, if he is dependent at this time and the caring arrangements you have in place have broken down, you need to speak to your manager who may grant you paid carers leave for that day in order for your arrangements to resume or you find alternative arrangements. If the breakdown in arrangements continues beyond the first day you will need to take annual leave, unpaid leave or time owing.

**Emergency domestic leave**

**Q Do I have a right to have paid emergency leave for any situation that prevents me attending work?**

A No, not all situations will attract paid emergency leave. This provision is intended to support employees by manager’s granting up to one day’s special leave for serious domestic issues such as, a major house fire, a serious break in, or major flood etc., although each situation should be judged on its own merit. While you may not be given paid emergency leave we understand that an emergency may require you to have time away from work so managers can authorise annual leave, unpaid leave or time owing in most situations.

**Q I woke up this morning to find my kitchen flooded from a burst pipe, can I have paid special leave to sort it out?**

A You would need to speak to your manager and explain the situation. You may be asked to take time owing, annual leave or unpaid leave depending on the circumstances. Should you be given special leave, you may be expected to return to work once you have dealt with the emergency.

**Q** **I have just returned home to find I have been burgled. I am not due in work today but am so upset I don’t think I can work tomorrow. Can I have emergency leave?**

A No emergency leave is a provision for employees to deal with a situation that has just occurred and needs dealing with immediately. If the burglary occurred on a day off and you wanted a second day due to the upset you should request this as annual leave or time owing.

**Q My car has broken down so I can’t get to work, can I have emergency leave?**

A This would depend on the reason for requiring a car for work. If it is to get to work and attend meeting’s paid special leave would not be granted. If you undertake a community based role where you need your car to undertake visits you may be granted a few hours to sort out getting an alternative vehicle such as a courtesy car from the garage or hiring a vehicle. If you required the day off to sort out the broken down car this would be annual leave, unpaid leave or time owing.

**Q I have no money to put petrol in my car /pay for a bus** to **get to work**, **can I have paid emergency leave?**

A NO, emergency leave should not be paid. You are expected to get yourself to work and therefore it is unlikely that you will be granted last minute annual leave. Failing to turn in to work for these reasons would normally result in unauthorised leave unless there are exceptional circumstances where the manager may deem it appropriate to grant annual leave, time in lieu or make the time up.

**Q My flight has been delayed and I will not be able to attend work on the first day after annual leave due to this. Can I have paid emergency leave?**

A No this would need to be taken as annual leave, unpaid leave or time owing following a discussion with your manger

**Bereavement leave**

**Q My uncle, who raised me with my aunt from childhood, has died. Will I only be able to have bereavement leave for the funeral?**

A No. If you have a close bond, such as you describe, you will be entitled to request up to three days. You will need to describe your circumstances to your manager.

**Q My mother died, and I have already had six days of special leave, but don’t feel like I can return to work. What happens now?**

A If you are not well enough to return to work after your special leave, you should call your manager to inform him/her of this. You can discuss with your manager if you could have additional annual leave, unpaid leave or time owing. This will apply if the funeral has taken place but you have had the maximum days allowed in your circumstance.

**Q My Brother has passed away and I have to make all the arrangements. How much bereavement leave can I take?**

A For a relative that is classed as immediate family such as mother, father, sister, brother, husband, wife, partner and where you are responsible for making the arrangements associated with the bereavement you can have up to 6 days bereavement leave in total.

**Q A close family member has passed away, I have had time off to make arrangements, attend the funeral a few weeks ago but now I would like paid special leave to attend the internment.**

A This would depend upon if you had been given the maximum number of days appropriate to your personal circumstances at the time of your relatives passing and funeral. If you had been granted 6 days because you had to make the arrangements and you had taken the maximum at that time, you would not be granted an extra day for the internment for the same family member. While managers would try to accommodate the time off it will be annual leave, unpaid leave or flexi time. If you had only take 5 days on this occasion and could have taken 6 you may be granted the time off as special leave.

**Jury service**

Q **Can my manager refuse to allow me to go on Jury service?**

A No, Jury service is a civic duty and the Trust could be found to be in contempt of court if we refuse to allow you to attend.

**Q Can I change the date of Jury Service?**

A You can ask for your jury service to be deferred. You can only do this once and for no more than 12 months from the original date and it has to be agreed by the court.

**Q Will I receive enhanced pay for work I would have undertaken out of hours whilst on Jury Service?**

A Yes, salary whilst on Jury Service includes basic pay plus any recruitment and retention premia and does include out of hours enhancements.

**Q What happens if I am released from Jury Service early?**

A If an employee is released from Jury Service for either a half or full day, they will be expected to contact their manager and arrange appropriate return to work or to take annual leave, or time owing with the managers agreement.

**Q What happens if I am on a term-time contract or part-time?**

A As staff on term-time contracts are paid the same amount each week irrespective of when the work is done, pay will be calculated on a weekly basis. This also applies to part-time staff. You will therefore receive your usual basic pay only.

**Q Can my manager still roster me on to an on-call shift whilst I am on Jury Service?**

ANo, whilst on Jury Service no additional work should be allocated including overtime. Your manager will arrange suitable cover.

**Q What happens if I incur additional childcare costs or have a caring commitment? Can I claim this from the Trust?**

A No you can claim for child minding costs from the court if:

• You don't normally have a child minder but need one because of jury service (it's not part of your usual childcare arrangements).

• You do normally have a child minder but need them for more hours than usual because of jury service.

• The same applies if you need to employ a carer to look after someone you normally care for.

**Q My period of Jury service includes a bank holiday and I don’t have to attend on this day. Do I have to take a bank holiday leave day?**

A Unless you physically go in to work on the bank holiday you will need to take this day as a bank holiday leave day and it will be deducted from your annual leave and bank holiday entitlement.

**Myth Busting about rights to paid time off**

**Q I am moving house and this is very stressful, can I have paid time of work to do this?**

A No, this is not covered by the special leave policy and you need to book the time off from work via the annual leave policy.

**Q I have an interview for a different post within the Trust, can I have paid time off for the interview?**

A You can have paid time for the interview including reasonable time to travel to it, however, if you wish to have the time off before or after the interview than you would need to book the whole day/half day as annual leave.

**Q I have been placed at risk of redundancy through organisational change. Can I have time off to attend interviews even if they are not for Posts in the NHS?**

A Yes you can have time off for the actual interview including travel time whether the interview is internal, at another NHS Trust or any other Public or private sector organisation to try and secure employment if you are at risk of redundancy. If you wish to take time before or after the interview you would need to book annual leave.

**Q I have an interview at another NHS organisation, do I get paid time to attend?**

A Any time for an interview for the NHS, public or private sector outside of SWYPT would have to be taken in your own time. (Unless you are at risk of redundancy- See above)

**Q I need to have physiotherapy, can I have paid time off to go to my appointments?**

A If the appointments are via occupational health services you can have up to 6 appointments. However you should speak to your manager about the best time to arrange these to meet service need. Your manager should also be aware that you are out of the work environment attending such an appointment. If the physiotherapy is arranged outside of the occupational health department you would need to discuss with your manager and take this in your own time.

**Q I have to attend court as a witness to a crime, will I be paid by the Trust on the days I have to attend court?**

A Yes, if you have to go to court as a witness and require time away from work you will be paid special leave for the time the court require you to be there.

If this is a part day you would be expected to take annual leave or flexi time for the remainder of the day if you did not want to return to court.

**Q I have to attend family court about custody of my children. Can I be paid special leave?**

A No, if you are named in the court case whether that be in family court or any other court, you will have to take annual leave, unpaid leave or flexi time.

**Please remember if you are in court as a result of an incident /crime that you have committed you must inform your manager in writing and also update them once the outcome of the court case is known.**

**Appendix 3**

**Equality Impact Assessment Template to be completed for all Policies, Procedures and Strategies**

**Date of Assessment: April 2020**

|  |  |  |
| --- | --- | --- |
|  | **Equality Impact Assessment Questions:** | **Evidence based Answers & Actions:** |
| **1** | **Name of the document that you are Equality Impact Assessing** | **Policy for Granting Special Leave** |
| **2** | **Describe the overall aim of your document and context?****Who will benefit from this policy/procedure/strategy?** | **The overall aim of the policy is to set out the conditions and rules for granting Special Leave. This is to ensure that where appropriate there is provision to support staff to balance the demands of work, family and personal life.** **Employees of the Trust including those who have caring responsibilities** |
| **3** | **Who is the overall lead for this assessment?** | **Director of Human Resources, Organisational Development and Estates.** |
| **4** | **Who else was involved in conducting this assessment?** | **Members of the Employment Policy sub Group, consisting of management and staff side representatives.** |
| **5** | **Have you involved and consulted service users, carers, and staff in developing this policy/procedure/strategy?****What did you find out and how have you used this information?** | **Over the years Staff Side, Managers and HR staff have had, and continue to have, regular contact with members of staff. As a result there is an awareness of their needs and the issues that affect them.****This knowledge has informed the development and review of the policy.** |
| **6** | **What equality data have you used to inform this equality impact assessment?** | **1) The Trust’s Equality Workforce Monitoring Annual report 2020** |
| **7** | **What does this data say?** | **See below** |
| **8** | **Taking into account the information gathered above, could this policy /procedure/strategy affect any of the following equality group unfavourably:** | **No** | **It is not anticipated that this Policy will have any negative impact on any of the equality groups.****As 79.5% of the workforce is female (and are more likely to have caring responsibilities) this policy is likely to have a positive impact on these staff.**  |
| **8.1** | **Race** **Trustwide (including medical) staff** | **No** | **Asian – 4.5%****Black – 2.7%****Chinese Other – 0.9%****Mixed – 1.2%****White – 90.4%****Unknown – 0.3 %** |
| **8.2** | **Disability****Trustwide (including medical) staff** | **No** | **6.1%** |
| **8.3** | **Gender****Trustwide (including medical) staff** | **No** | **Female – 79.5%****Male – 20.5%** |
| **8.4** | **Age****Trustwide (including medical) staff** | **No** | **19 and under – 0.5%****20 – 29 – 12.7%****30 – 39 – 21.7%****40 – 49 – 25.9%****50 – 59 – 29.6%****60 – 69 – 9.0%****70 + - 0.5%** |
| **8.5** | **Sexual Orientation****Trustwide (including medical) staff** | **No** | **Gay or Lesbian– 2.3%****Heterosexual – 80.4%****Bisexual – 0.9%****Unknown – 16.4%** |
| **8.6** | **Religion or Belief****Trustwide (including medical) staff** | **No** | **Atheism - 17.0%****Christianity – 47.6%****Islam – 2.9%****Other – 11.9%****Unknown – 20.7%** |
| **8.7** | **Transgender** | **No** | **No information available in the Trust’s monitoring data, however, based on national statistics it has been projected that up to 1% of the Trust’s workforce could be gender variant.** |
| **8.8** | **Maternity & Pregnancy** | **No** | **No information available in the Trust’s monitoring data.** |
| **8.9** | **Marriage & Civil partnerships Trustwide (including medical) staff** | **No** | **Civil partnership – 0.9%****Divorced/legally separated – 10.1%****Married – 53.3%****Single – 34.0%****Widowed – 0.9%****Unknown – 0.8%** |
| **8.10** | **Carers\*Our Trust requirement\*** | **No** | **It is not anticipated there will be any negative impact on carers, however, it would be expected that if any issues arose they would be captured and reported during consultation with staff and the operation of this policy.** |
| **9** | **What monitoring arrangements are you implementing or already have in place to ensure that this policy/procedure/strategy:-** | **The Policy will be revisited as required dependant on changes in legislation or good practice.** |
| **9a** | **Promotes equality of opportunity for people who share the above protected characteristics;** | **The policy has the potential to benefit all staff, but is likely to be of more benefit to those staff with caring responsibilities** |
| **9b** | **Eliminates discrimination, harassment and bullying for people who share the above protected characteristics;** | **The Trust is committed to eliminating workplace harassment and bullying which will not be condoned or permitted in the workplace with relation to all staff including those with protected characteristics**  |
| **9c** | **Promotes good relations between different equality groups;** | **The Trust’s approach to equality promotes good relations between all staff including those from different equality groups.**  |
| **10** | **Have you developed an Action Plan arising from this assessment?** | **N/A** |
| **11** | **Assessment/Action Plan approved by** |  |
|  | **(Director Lead)** | **Sign: Date: April 2020****Title: Director of HR, OD and Estates** |
| **12** | ***Once approved, you must forward a copy of this assessment/Action Plan to the Partnerships Team:*****inclusion@swyt.nhs.uk****Please note that the EIA is a public document and will be published on the web** |  |

**Appendix 4**

**Version Control Sheet**

*This sheet should provide a history of previous versions of the policy and changes made*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Version | Date | Authors | Status | Comment / changes |
| 1.0 | Nov2013 | Jane Murgatroyd HR Manager andJames Corson, HR Business Manager |  | This policy replaces all similar previous policies covering special leave etc. Whether of the Trust or of any former organisations that applied to employees, who have now joined, or transferred to the Trust. The policy was based on the previous SWYPFT Special Leave Policy. |
| 1.1 | April2014 | James Corson HR Business Manager |  | A minor change to aid clarity. Section 8.3 ‘Other Routine Appointments’ removed as already covered in 8.1. Also medical appointment changed to Health & Wellbeing appointment, to include Physio etc |
| 1.2 | July 2014 | James Corson HR Business Manager |  | Employment break information has been moved from the flexible working guidance and has now been added to this policy.  |
| 1.3 | June2016 | Marilyn Gill HR Business Manager |  | Minor updates. |
|  | Dec 2018 | Julie Le MoigneHR Business Administrator | Previous | Update to appendix 2. |
| 1.4 | Feb 2020 | HR Business Partner | Current | Minor corrections and amended to include child bereavement leave provisions. |
|  |  |  |  |  |
|  |  |  |  |  |