

SPECIAL LEAVE POLICY
(Incorporating Carers' Leave)

**This policy has been amended to incorporate a temporary change (to 31st March 2021)
to carers' leave in response to COVID-19**

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Ratified by: SMT	April 2020
Author:	HR Business Partner
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Target audience:	All Leeds Community Healthcare NHS Trust Employees

Executive summary

This policy sets out Leeds Community Healthcare NHS Trust's (the Trust) Special Leave Policy. The Trust recognises the importance of supporting employees to maintain the balance between home and work. It is acknowledged that there will be occasions when individuals are unable to attend work due to domestic emergencies, caring responsibilities, bereavement and civic duties. The Trust supports a balanced approach to managing special leave in line with service requirements and the needs of all employees. This policy applies to all Trust employees and may be reviewed at the request of management or Staffside by giving 4 weeks' written notice with reasons for the review.

Equality analysis

Leeds Community Healthcare NHS Trust's vision is to provide the best possible care to every community. In support of this vision, with due regard to the Equality Act 2010 General Duty aims, Equality Analysis has been undertaken on this policy and any outcomes have been considered in the development of this policy.

Contents

1	Introduction	4
2	Responsibilities	4
2.1	Joint responsibilities	4
2.2	Management responsibilities	4
2.3	Employee responsibilities	5
2.4	Workforce Directorate responsibilities	6
3	Applying for special leave	6
4	Entitlements to special leave	6
5	Bereavement leave	7
6	Emergency personal leave	9
7	Compassionate leave	9
8	Carer's leave	9
9	Voluntary public duties	10
10	Jury service	12
11	Attending court as a witness	12
12	Military service	12
13	Severe weather / travel disruption	13
14	Employment interviews	15
15	Blood donation	15
16	Appeals	15

Appendices

1	Special leave application form	17
2	Guidance to support staff with caring responsibilities	20
3	Carer's registration form	25

Related Policies and Guidance

Managing Attendance Policy

Maternity guidance

Flexible Working Policy

Maternity support – paternity leave
guidance

Parental Leave guidance

Working Time Regulations

1. Introduction

The purpose of special leave is to help employees balance the demands of domestic and work responsibilities through the provision of paid and/or unpaid leave according to the circumstances. The Trust recognises the importance of supporting employees who have caring responsibilities and helping all employees to maintain the balance between home and work.

Special leave may also be needed for other situations such as voluntary public duties, court service, jury service, and for those employees who require leave for military service.

The Trust has also made provisions for other leave that may be required at times in order to balance personal and work responsibilities; these include maternity, paternity, shared parental leave and parental leave, details of which are contained within separate guidance.

2. Responsibilities

2.1 Joint responsibilities

Good working relations are vital for the Trust to operate successfully and provide its essential services. Management, trade unions and employees accept the responsibility of working together on issues in good faith and with goodwill with the shared intention of facilitating good working relations.

2.2 Management responsibilities

Managers are required to act fairly and consistently and are responsible for ensuring that the policy is disseminated effectively and is observed by all employees.

The responsibility for granting special leave will lie with the individual's manager.

Managers should be sensitive to the fact that situations such as bereavement and caring responsibilities can arise without any warning and may leave the employee only a limited amount of time to respond. Therefore although the manager must ensure that leave is properly recorded, it is not always appropriate to ask employees to complete leave forms and to await the authorisation before allowing the employee to take leave.

Managers are responsible for:

- dealing with requests for special leave in a consistent and timely manner;
- ensuring the special leave application form (appendix 1) is completed by the employee for each episode of special leave (and accepting that this may not always be completed prior to taking leave);
- ensuring all special leave is recorded on ESR and on monthly electronic timesheets for payroll;
- confirming in writing the reason why a request for leave is declined.

2.3 Employee responsibilities

Employees are responsible for:

- informing their line manager (prior to the start of their shift wherever possible) if they are unable to attend work, informing them of the reason;
- completing the special leave application form (appendix 1) before the leave is taken wherever possible, or on their first day back at work;
- ensuring reasonable and appropriate contact is maintained with their manager whilst absent from work.

2.4 Workforce Directorate responsibilities

The Workforce Department will work in partnership with managers and employee representatives to ensure employees are treated fairly and consistently within the framework of the policy.

The Workforce Department will provide advice to managers of the options available should an employee make a request under this policy.

3. Applying for special leave

For unforeseen circumstances the special leave application form must be completed on the employee's first day back at work.

For planned absences, e.g. jury service or planned carer responsibilities, employees must give their manager as much notice as possible and complete the special leave application form prior to the commencement of leave.

4. Entitlements to special leave

There is no qualifying period for employees to receive entitlement to paid special leave as defined in this policy. The year is based on a rolling 12-month period and not an annual leave or calendar year.

Entitlements to paid special leave within a rolling 12 month period are as follows:

Bereavement leave	Up to one working week of paid leave (this is in addition to other special leave entitlements)
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Emergency personal leave Compassionate leave	Up to one working week ¹ of paid leave which may be taken in hours
Carers leave	Up to two working weeks paid leave (temporary arrangement in response to COVID-19 and in place until 31st March 2021)
Voluntary public duties	Up to 12 days (pro rata for part-time staff)
Jury service	Up to two weeks
Attending court as a witness	See section 11
Military Service	Up to 2 weeks to attend annual camp

Please note - bereavement leave is in addition to any entitlement taken for emergency domestic leave, compassionate leave or carer's leave.

You must consider the above table in conjunction with the relevant section of this policy.

If any special leave is granted, it will be paid until the entitlements listed above are exhausted. If entitlements are exhausted, managers have the discretion to authorise unpaid leave as appropriate.

Enhancements will not be paid for periods of special leave.

Leave may be requested in hours or full days.

5. Bereavement leave

The Trust acknowledges the personal nature of bereavement and grief and is committed to supporting employees in practical and reasonable ways.

[†]In total for all combined emergency, compassionate and carer's leave.

Bereavement leave is leave that allows the individual time off to deal with their personal distress and related practical arrangements, primarily, but not limited to, when a member of their family dies.

In the event of the death of an immediate relative, up to one working week's leave will be granted. An immediate relative includes a spouse, civil partner or partner², child, parent, parent-in law, step-parent, sibling, grandparent or a person with whom the employee is in a relationship of domestic dependency.

Line managers have discretion to grant paid bereavement leave in excess of the above entitlement **in exceptional circumstances**. Managers are expected to act with compassion when dealing with all bereavement leave requests.

Managers have discretion to grant bereavement leave on the death of someone outside the immediate family. The length of time granted should be appropriate to the circumstances.

Should bereavement leave not be granted, an employee may be able to take unpaid leave, annual leave or take time in lieu. Requests should be made to the employee's line manager.

The Trust recognises that loss of a close family member or friend may have a profound effect on the individual. Bereavement leave is intended only to provide an opportunity for the employee to focus on a very personal event without the distraction of everyday work. There is no expectation that granting this short period of leave will be sufficient for the individual to recover from their loss. Managers should be alert to the fact that employees returning from such leave may need extra help and support. In some cases managers may have to consider whether the employee is well enough to be at work or if a

² A partner includes someone with whom the employee is co-habiting but is not the employee's spouse or civil partner.

temporary change in working pattern would be helpful. Whilst this should, of course, be discussed with the individual, managers may want to seek advice and guidance from Occupational Health or Human Resources.

Employees who wish to access professional help in coming to terms with a significant loss may access counselling through the Trust's staff counselling service. This is a confidential service that employees can self-refer to.

Contact details can be found on Elsie.

6. Emergency personal leave

The aim of such leave is to provide a caring response to an unplanned domestic emergency need. The types of emergencies this leave is intended to cover are for example where the employee has had a house fire, flood, or burglary which results in major loss or damage and requires the employee to deal with the immediate nature of the incident. This list is not exhaustive.

7. Compassionate leave

When a seriously ill family member or person with whom an employee has a close continuing relationship (as identified in section 5) is diagnosed with a serious or terminal illness the employee may request permission to take leave as outlined in section 4.

8. Carer's leave

This section should be read in conjunction with appendix 2 – Guidance to support staff with caring responsibilities.

The Trust's definition of a carer is:

A carer is anyone who provides unpaid care for a friend or family member who cannot cope without their support.

Requests may be made at short notice to deal with emergencies or may be agreed in advance to support planned occurrences e.g. appointments, hospital stays.

If the request is to deal with an unforeseen emergency the employee must contact their manager as soon as possible to advise them of the situation. In these circumstances, the special leave application form (appendix 1) must be completed retrospectively on the employee's first day back at work.

If the request is for a planned period of absence, the carer's leave application form must be submitted as early as possible to enable the service to make alternative arrangements.

9. Voluntary public duties

Leave will be granted for employees who voluntarily undertake public duties. The Trust has an obligation to ensure that all employees are able to perform their duties safely and to protect its business interests. Therefore employees may not engage in any employment outside of the organisation until they have had prior approval³. An employee is entitled to time off work for certain public duties and services. The rights will vary depending on what work is done and what the duty or service is.

³ see the Working Time Regulations Policy

Employees have the right to time off to carry out the following public duties⁴:

- a [magistrate](#) (also known as a justice of the peace)
- a local councillor
- a school governor
- a member of any statutory tribunal (for example an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland
- a member of the General Teaching Councils for England and Wales
- a member of the Environment Agency or the Scottish Environment Protection agency
- a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- a member of Scottish Water or a Water Customer Consultation Panel

Employees should make a request to their line manager by completing the special leave application form (appendix 1) as soon as is reasonably practicable.

The time agreed is usually up to 12 days per rolling 12-month period for full-time staff and on a pro rata basis for part-time staff and those who work non-standard hours.

Subsequent changes in pattern or frequency of commitments should be communicated in writing as soon as possible. The line manager will then arrange a meeting to discuss the employee's commitments to public duties, and to discuss what impact this may have on the service.

⁴In line with the Employment Rights Act 1996

10. Jury service

Employees required to serve as jurors, shall be granted paid leave, for two weeks, for the purpose of attending court. However, if they are not selected for jury service for any reason, then they are required to report back to work as normal. Employees must claim loss of earnings allowance from the court if their jury service continues for longer than two weeks, and inform payroll of this amount so it can be deducted from the individual's salary. Any fees received (except travel and subsistence) must be reimbursed to the Trust.

11. Attending court as a witness

Employees summoned to attend court, tribunals, or appeal hearings on behalf of the organisation as witnesses during working hours are eligible for paid leave unless they are the subject of the court case when this will have to be taken in their own time. Any witness fee received (except for travel and subsistence) must be reimbursed to the Trust. For medical and dental staff who attend court the fees for this can be kept by individuals if there is time shifting for NHS duties for example to a weekend.

Where the employee has been the victim of a crime and is required to give a witness statement to the police or attend court as a witness, they will be eligible for paid leave if this cannot be arranged outside of working hours. Any fee received (except for travel and subsistence) must be reimbursed to the Trust.

12. Military service

Employees who are members of the Volunteer Reserve Forces (Royal Naval Reserve, Royal Marines Reserve, Territorial Army (TA) or Royal Auxiliary Air Force) are eligible for paid special leave for up to 2 weeks to attend training (annual camp).

Reservists should advise their line manager and payroll of any Military Allowance received during paid special leave, so that these can be deducted from the employee's salary. Reservists who are mobilised will be granted unpaid leave. Reservists are entitled to return to the same type of job they were doing before they were mobilised, on the same terms and conditions. If the job no longer exists, they're entitled to a reasonable alternative.

13. Severe weather / travel disruption

It is the duty of each individual employee to make their own arrangements to get to work at the normal time. It is, however recognised that some employees may, at times, experience severe difficulties in getting to and from work as a result of severe weather and/or disruption to travel services.

However, all employees are expected to make all reasonable attempts to attend work in order for services to be maintained even if this means they will arrive late.

The Trust wishes to stress that the delivery of service to client groups is of paramount importance and is the basis for decisions taken by managers regarding attendance (or continued attendance) at work.

Where the Trust provides critical services, contingency plans should be developed locally in advance.

Where there is sufficient advance warning of severe weather then managers should agree appropriate arrangements with their team in line with this policy.

Where an employee has a disability which restricts their ability to travel then the employee and manager may wish to consider making contingency arrangements, bearing in mind 'reasonable adjustments' reflected in the Equality Act 2010. This may include, for example, working from home or working from another base.

Severe weather can be defined as snow, ice, fog, floods, which render journeys by road extremely hazardous. This can be by both public and private transport.

“Extremely hazardous” is defined as those conditions in which the police and/or appropriate motoring organisations advise people not to make unnecessary journeys or indeed travel at all.

Disruption to travel services can be caused by:

- severe weather conditions which result in delays/cancellations to public or private transport;
- major disruption to public services and private transport due to major accidents;
- industrial action by public transport services i.e. road / rail;
- severe fuel crisis.

During periods of severe weather all normal reporting procedures apply. A manager’s decision will seek to take account of any advice issued or sought by the Police/Met Office/motoring organisations in relation to prevailing weather conditions and the advisability of travel.

Employees living within 2 miles or 30-45 minutes’ walk of their base will be expected to make every effort to get to work having due consideration for their health and safety.

Where employees are unable to attend for work, line managers are encouraged to:

- explore the possibility of the employee performing their role from another site within the Trust (this will depend on the individual’s type of work and needs of the service);

- request that individuals use annual leave, flexi time or outstanding lieu days, or in exceptional circumstances, unpaid leave;
- wherever possible to make up time on other occasions.

When the above are not possible, absence will be treated as unpaid leave.

14. Employment interviews

Managers will grant paid leave, wherever possible, to attend interviews within Leeds Community Healthcare NHS Trust being mindful of the needs of the service.

Paid leave will be granted to attend interviews external to the Trust if the employee is under notice of redundancy or has been notified they are at risk.

For all other interviews, external to the Trust, this must be taken in the employee's own time either as annual leave, lieu time or unpaid leave.

15. Blood donation

The Trust recognises the important work of the wider NHS by supporting staff who wish to make blood and/or platelet donations. Time off in these circumstances will be treated as time off for medical appointments and staff are encouraged to discuss this with their managers to explore flexible working options.

16. Appeals

Should a request for special leave be declined the employee has the right to appeal the decision. Appeals should be submitted, in writing, to their manager's manager, or the next level of manager who has not had any involvement in the original decision.

Should the manager considering the appeal disagree with the original decision, the special leave will be retrospectively awarded (if leave has been taken). If the manager considering the appeal agrees with the original decision not to grant paid carer's leave, they should offer to meet with the individual to discuss the decision. The employee may be accompanied at this meeting by a colleague or union representative. Managers should seek advice from HR when considering the decision to decline an application for carer's leave.

All decisions must be given in writing within 21 days of receipt of the appeal.

The outcome of the appeal is the final management decision on the application for carer's leave.

SPECIAL LEAVE APPLICATION FORM / RECORD

Wherever possible, special leave should be requested in advance. However, when the request is due to an unplanned absence, this form should be submitted on the first day back at work.

PART A – to be completed by the employee

Employee's name	
Job title	
Department	

Type of leave requested			
Bereavement leave	<input type="checkbox"/>	Voluntary public duties	<input type="checkbox"/>
Emergency personal leave	<input type="checkbox"/>	Jury service	<input type="checkbox"/>
Compassionate leave	<input type="checkbox"/>	Military service	<input type="checkbox"/>
Carer's leave	<input type="checkbox"/>		
Please state reasons for requesting leave			

No. of hours requested / taken	hours
No. of paid hours taken during previous rolling 12 month period	
Employee signature	
Date	

PART B – to be completed by manager

Confirmed no. of hours of paid special leave taken in past 12 months (in a rolling 12 month period)	
No. of hours of paid special leave granted on this occasion *	
No. of hours unpaid of unpaid special leave granted on this occasion	

* Paid allocations:

- Bereavement leave - up to one week (pro rata) in rolling 12 month period
- Emergency personal leave / carer's leave / compassionate leave – up to one week in total (pro-rata) in rolling 12 month period
- Voluntary public duties – up to 12 days (pro rata) in rolling 12 month period
- Jury service / military service – up to 2 weeks

If paid special leave is not granted please state rationale

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Manager's signature	
Date	

A copy of this decision should be given to the employee and a copy retained on the employee's local file.

ESR must be updated and the relevant timesheet completed for payroll.

GUIDANCE TO SUPPORT STAFF WITH CARING RESPONSIBILITIES

1 Introduction

There are 6.5 million people in the UK who are carers and this number continues to rise. Three million carers combine caring for a relative or friend with paid work. Three in five people will become carers at some point in their lives and one in six people with caring responsibilities give up work or reduce their hours. The loss of income, savings and pension contributions can often lead to long-term financial hardship.⁵

Caring may involve a few hours a week such as shopping, collecting medication or taking someone to appointments or it may involve providing personal care round the clock or acting as power of attorney.

Care may be carried out at a distance if the person being cared for does not live with the carer or it may be 'fitted in' around the time spent at work and looking after other family members.

The pressures of caring can impact on an individual's physical and mental health.

The Equality Act 2010 protects carers of disabled and older people from direct discrimination. For example, you must not turn someone down for promotion because of their caring responsibilities if they are the best candidate for the job.

⁵ Source Carers Leeds

Leeds Community Healthcare NHS Trust is committed to supporting staff who are managing work with caring responsibilities. The Trust works closely with Carers Leeds⁶ who help us in thinking through our approach.

**Any queries regarding this guidance can be made to the HR team on:
0113 2033455.**

2 Who is this guidance for?

Leeds Community Healthcare NHS Trust has adopted the following definition of a carer:

A carer is anyone who provides unpaid care for a friend or family member who cannot cope without their support.

A carer does not have to be the 'primary' carer. For example several siblings could be sharing the care of an elderly parent.

Nor does the carer need to be a 'registered' carer. A carer may or may not be registered as such with their GP practice or receive caring related benefits, but there is no requirement for either of these circumstances in order to be considered a carer for the purposes of this policy.

Caring responsibilities can fall on staff a short notice. A child can fall ill or a parent who was otherwise fit and well can have a fall which leaves them requiring the support of friends and family.

⁶ <http://www.carersleeds.org.uk/>

Caring responsibilities can be unpredictable. Employees may care for someone who has extended periods of being well, followed by intermittent periods of illness, for example depression and other mental illnesses.

3 Supporting employees with caring responsibilities

Managers are not expected to 'resolve' employee's personal problems, however, they should show flexibility and understanding when dealing with requests for leave related to the employee's caring responsibilities. Caring can often be a hidden issue and managers should develop and support a culture that encourages employees to be open about their caring responsibilities.

Employees are encouraged to have a conversation with their manager about their caring responsibilities as early as possible in order to put a plan in place in case a crisis arises. A record of what support has been put in place must be kept. The carer's registration form (appendix 3) can be used for this purpose with the agreement of the employee.

Managers should be aware of any unconscious bias when dealing with requests, e.g. *I care for my parents and I don't need any time off so why should they?*. Everyone's situation is different and manager's should be open minded and assess the individual circumstances of each request.

Some requests may be more difficult to accommodate than others, however, managers and employees should be flexible and willing to work together to try to resolve barriers. Managers should seek advice from Human Resources before considering whether to decline a request for carer's leave.

Taking leave at short notice may be crucial when caring responsibilities fluctuate, for example when full-time care arrangements breakdown or the person being cared for falls ill.

Staff are not expected to exhaust their annual leave entitlement before applying for carer's leave.

4 Further support for carers

4.1 Short-term requests for flexible working

Carer's circumstances can change quickly and managers should consider requests to work flexibly at short notice wherever possible. This may include requests for flexible working where an employee cares for someone with a condition that can have long periods of being well, followed by periods of acute illness. These conversations may be outside the parameters of the Trust's Flexible Working Policy.

Such short-term arrangements may include:

- giving employees time/space to make personal telephone calls to resolve issues could help prevent them taking time off;
- prescribing core hours and allowing the employee to 'flex' outside of these hours;
- staggering start/finish times to allow employees to attend appointments/provide care;
- working from home;
- implementing a flexible-working pattern for less than 12 weeks (longer-term requests would be deemed permanent and must be dealt with in line with the Flexible Working Policy).

Applications in these circumstances is via the special leave application form and **must not** extend past 12 weeks. If the arrangement is required in the longer term, a request can be made through the Flexible Working Policy.

4.2 Long-term requests for flexible working

Employees who wish to apply for a permanent flexible working option should apply in line with the Trust's Flexible Working Policy. You must have worked for the Trust for at least 26 weeks prior to making an application and you may only make one application in a 12 month period.

4.3 Requests to buy additional annual leave

Employees are not required to exhaust their annual leave entitlement before requesting carer's leave; however, they may if they wish, request to purchase additional annual leave in line with the Trust's Annual Leave Policy.

4.4 Employee health and wellbeing support services

Employees can access additional support such as counselling and mindfulness sessions. Further details can be found on Elsie.

CARER'S REGISTRATION FORM

*Please note: It is not compulsory for this form to be completed in order to apply for carer's leave. The purpose of this form is to record the discussion between the employee and their manager regarding their caring responsibilities and any agreed support. It is the **employee's** decision as to whether to complete this form or not. A copy should be retained by the employee and a copy should be retained on the employee's file. The employee may request that the form be removed from their file at any time.*

Employee's name	
Department	
Manager's name	
Date of meeting	

Details of caring responsibilities

Details of flexibility you may need

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Agreed outcomes

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Agreed date to review (if appropriate)	
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Employee signature	
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Manager signature	
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