

Special Leave Policy Version No: 8

Document Summary:

To set out the requirements and eligibility for staff with regards to Special leave

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Accountable Director	Director of Human Resources	
Policy Author	HR Business Partner	
Target audience	All staff	

The intranet version of this document is the only version that is maintained. Any printed copies should therefore be viewed as “uncontrolled”, as they may not contain the latest updates and amendments.

Document Control

Section 1 – Document Information	
Title	Special Leave
Directorate	Corporate
Brief Description of amendments	
Click here to enter text. Please state if a document has been superseded.	
Does the document follow the Trust agreed format?	Yes
Are all mandatory headings complete?	Yes
Does the document outline clearly the monitoring compliance and performance management?	Yes
Equality Analysis completed?	Yes
Data Protection Impact Analysis completed?	Yes

Section 2 – Consultation Information*	
*Please remember to consult with all services provided by the Trust, including Community & Primary Care	
Consultation Completed	<input checked="" type="checkbox"/> Trust wide <input type="checkbox"/> Local <input type="checkbox"/> Specific staff group
Consultation start date	08/02/2024
Consultation end date	16/04/2024

Section 3 – Version Control		
Version	Date Approved	Brief Summary of Changes
8	30/04/2024	Amendment to increase the time off for fertility treatment from two occasions to a maximum of three occasions during employment in the Trust.
8	30/04/2024	Amendment made to the of number of hours to increase the paid special leave for staff who are Reservists and who attend Summer Camp from 37.5 hours to 75 hours (pro rata for part-time staff) in addition to their annual leave entitlement.
8	30/04/2024	Updated to include the new Unpaid Carers leave which comes into force on 6 th April 2024 in line with the Carers Leave Regulations 2024
	Click here to enter a date.	

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Section 4 – Approval – <i>To be completed by Document Control</i>			
Document approved		<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Approved with minor amendments	
Assurance provided by author & Chair		<input checked="" type="checkbox"/> Minutes of meeting <input type="checkbox"/> E-mail with Chair's approval	
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Quick Reference Guide

The aim of this policy is to ensure that all staff and managers are aware of the support mechanisms available to them in times of urgent and unforeseen circumstance that may arise during work time.

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1. Scope

The aim of this policy is to ensure that all staff and managers are aware of the support mechanisms available to them in times of urgent and unforeseen circumstance that may arise during work time.

2. Introduction

Mersey and West Lancashire Teaching Hospitals NHS Trust is committed to supporting staff to balance the demands of personal and work responsibilities.

It is recognised that on occasion staff will require time off work to deal with unforeseen emergency situations which arise during work time. The policy aims to provide a supportive and consistent framework to ensure that these situations are managed appropriately.

The policy is appropriate for situations of urgent and unforeseen need and those when staff require leave to undertake public duties. It is not intended to cater for long-term requirements for which other facilities are available.

3. Statement of Intent

This policy aims to set out the key processes and responsibilities, which will ensure that all staff are aware of the appropriate use of special leave and to ensure a consistent approach.

It is the policy of the Trust to ensure a consistent and supportive approach to the procedure for and provision of Special Leave.

The policy provides for paid or unpaid leave to be granted at times of urgent and unforeseen need in line with statutory legislation. It further recognises the importance of civic and public duties undertaken by employees.

Separate Trust/Lead Employer policies apply for situations involving Employment Break Scheme, Flexible Working, Maternity and Paternity, Adoption, Annual Leave and Study Leave and these should be used where appropriate.

4. Definitions

Special leave - exceptional leave that may be granted to an employee in certain special circumstances.

Special leave includes leave or time off for the following:

❖ Jury service

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- ❖ Dependants leave
- ❖ Carers Leave
- ❖ Emergency Domestic Leave
- ❖ Parental Leave
- ❖ Bereavement Leave - including Child Bereavement Leave
- ❖ Civic Duties
- ❖ Public Duties
- ❖ Armed Forces Reserves
- ❖ Time off for Medical Appointments
- ❖ Time off for Fertility Treatment
- ❖ Time off for Religious/Cultural Observance
- ❖ Time off for Interviews if in redeployment situation/within NHS.
- ❖ Time off for Gender Reassignment Treatment



5. Duties, Accountabilities and Responsibilities

5.1 Chief Executive

The ultimate responsibility in the areas of performance and legislative adherence lies with the Trust's Chief Executive.

5.2 Trust Board

The Board of Directors are responsible for ensuring that the policy is being adhered to both collectively and by the management and staff in their area of responsibility. The Director of Human Resources has Board level responsibility for ensuring that this policy applies to all levels within the organisation and that the policy is followed fairly and consistently. In addition they must ensure that any allegation of harassment and/or bullying is investigated and that appropriate action is taken to stop this behaviour and to prevent its recurrence. The monitoring of the impact of the policy will be delegated to the Commercial Services Council and the auditing to the HR management team however the HR Director and Commercial Services Council will highlight any areas of significant shortfall identified to the Governance Board (a subcommittee of the Board).

5.3 Host Manager

All Managers are responsible for ensuring that requests for special leave are treated fairly and consistently in accordance with Trust policy. Managers must ensure that all staff for whom they are responsible, are aware of the provisions of the Special Leave. Managers

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must exercise judgement and discretion according to the circumstances of each case, in line with Trust guidelines, ensuring that the needs of the service are not compromised.

Staff should be made aware that Special Leave is not an entitlement (unless stated) rather it is a provision which may be granted in an emergency, if the needs of the service allow.

The Manager should ensure that an Application for Special Leave (Appendix 3) is completed and signed by both the Line Manager and Employee on their return to work. Managers should also enter details of Special Leave taken on ESR – Manager Self Service. A copy must also be forwarded to the Human Resources Department for Equal Opportunities Monitoring purposes.

In situations where Special Leave cannot be granted, Managers must ensure that a full explanation is provided.

5.3 Employee

It is the employee's responsibility to notify their line manager (and for Lead Employer also notify the Lead Employer HR department) as soon as they wish to make a request for special leave, providing full details of the reason and time required.

All staff must be aware that whilst the Trust wishes to provide support, there are occasions on which a manager may be unable to grant a request in part or full. If a request cannot be granted staff will receive a full explanation as to why.

Staff are expected to find alternative solutions for non-emergency situations and only request special leave where it is necessary. Annual or unpaid leave must be used for requirements that can reasonably be planned with prior approval from your manager.

5.4 Human Resources

The Human Resources Team will provide support and advice to managers and staff regarding operation of this policy, promoting consistency and aiming to achieve a balance between organisational requirements and individual needs

6. Process

6.1 Entitlement to Leave within the Special Leave Policy

There is no length of service qualification for the different types of Special Leave (except for Parental Leave when 12 months service is required) and all staff are entitled to make an application.

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The amount of leave granted should be limited to that which is reasonable to the circumstances of the case and the HR Department can provide guidance if required.

6.2 Categories of Special Leave

There are several types of Special Leave both paid and unpaid. The Detail on whether a category of leave is paid or unpaid is described in each section below.

6.2.1 Time off for Dependants

Under the Employment Relations Act 1999, all employees are entitled to take a reasonable period of unpaid time off work to deal with an emergency involving a dependant. However, the Trust has elected in certain circumstances to allow limited paid leave (see below at 6.2.1.1) with a maximum amount of 22.5 hours per rolling annum (or pro-rata for part time staff see Appendix 2).

For the purposes of this policy and as defined in the Work and Families Act 2006, the definition of a dependant is an employee who is, or expects to be, caring for an adult who is:

- married to, or the partner or civil partner of the employee or is a near relative of the employee (a near relative includes parents, parent-in-law, adult child, siblings, uncles, aunts or grandparents and step-relatives) or
- falls into neither of those categories, but lives at the same address as the employee.
- It may also refer to someone else for whom the employee is the main carer and managers should use their discretion when dealing with situations involving other close relationships.

The Act does not set a limit to the time, but it is envisaged that this will in most cases be one or two days to deal with the emergency and make any longer-term arrangements.

Examples include:

- Illness of or injury to a dependant (Where an employee is involved in substantial and regular care).
- Situations where the normal arrangements for care of a dependent have broken down, to allow alternative care arrangements to be made.
- To deal with emergency issues for a dependant, for example an unexpected incident such as illness or injury, concerning a child during school time.

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6.2.2 Limited Paid Leave

Paid leave may be granted ranging from a temporary adjustment to hours worked, up to a maximum of 22.5 hours paid leave. This will be calculated on a rolling 12-month basis and will be pro-rata for part-time staff (See Appendix 2).

Staff do not have an automatic entitlement to 22.5 hours of paid special leave per year which will be pro rata for part time staff (see Appendix 2) and all staff should be aware that requests can be declined. This total amount can be for either paid Carers Leave and/or Paid Emergency Domestic Leave, such as being a victim of crime, damage to their home or involvement in an accident.

Staff should be aware that a request for special leave can be declined.

Where the maximum entitlement to paid Special Leave has been exhausted, staff must use annual or unpaid leave to cover such absences.

If the need for time off continues, other options should be considered, such as an Employment Break, in which event the conditions associated with the leave will be agreed with the individual concerned.

a) Paid Carers Leave

This can be granted in the event of a sudden illness of a dependant in urgent and unforeseen circumstances which will be pro-rata for part time staff (see Appendix 2). Carers Leave is intended to cover emergency situations which are immediate, unanticipated, and impossible to plan for. It provides a short-term intervention allowing the employee to provide short term care or plan for longer term care.

It is reasonable for a manager to ask for details of the reasons for the request, to enable them to make an informed and consistent decision as to whether the leave may be granted.

b) Unpaid Carers Leave

Employees will be entitled to unpaid leave to give or arrange care for a 'dependant' – please see details at Appendix 4.

c) Paid Emergency Domestic Leave

Emergency Leave may be granted in circumstances such as involvement in an accident, being a victim of crime or personal crisis.

In emergency situations, leave does not have to be given in complete shifts/ days, but the amount of time necessary for the individual to deal with the emergency.

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This is paid leave and is taken out of the total amount of 22.5 hours (pro rata) paid Special Leave per rolling annum.

6.2.3 Parental Leave

Employees who have completed 12 months service are entitled to 18 weeks unpaid parental leave for each child born or adopted for children up to the age of eighteen years. Parental leave is solely for the purpose of caring for children and cannot be used to undertake work for another employer either paid or unpaid.

The leave must be taken in blocks of one week and a maximum of four weeks may be taken in any year. The only exception to this is that parents of a disabled child can take leave in blocks of one day, subject to a maximum period of 4 weeks in any year for each individual child. A week is based on an employee's working pattern.

The employee must ensure that they give their Line Manager at least 21 days' notice in writing of the requirement to take this leave.

During such periods of leave the employee will retain all his/her contractual rights except remuneration and has the right to return to the same job following the period of leave.

The leave should be regarded as continuous service and employees must ensure that they maintain regular contact with their Line Manager within agreed protocols.

NOTE: For details on Shared Parental Leave please review the separate Shared Parental Leave Policy

6.2.4 Bereavement Leave

Following bereavement, paid compassionate leave can be granted to staff and in most circumstances, this is up for 22.5 hours (pro rata for part time staff). These hours are additional to other paid leave. However, it is recognised that this allowance does not always allow the necessary time to fulfil obligations and therefore, consideration can be given for the leave to be extended to 30-45 hours paid leave (pro rata for part time staff).

When staff have had a bereavement, a conversation should be held with their Line Manager to explore what leave is needed and when taking in to account the below considerations;

- the closeness and nature of the employee's relationship with the deceased
- whether the individual has responsibility for the funeral arrangements and/or is the executor/ executrix
- any cultural obligations

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- the date and place of the funeral and the distance that the employee will need to travel to attend.

The Manager may consider other options to support the staff member such as granting additional unpaid leave. The Manager may also seek advice from Human Resources. In addition, Managers and Staff members can seek additional advice and guidance from Health, Work and Well-Being regarding other types of support which are available following bereavement.

- **Child Bereavement Leave**

The NHS is an early implementer of the Parental Bereavement (Leave and Pay) Act 2018.

All bereaved parents will be entitled to two weeks' occupational child bereavement pay (pre rata for part time staff) which will include any entitlement to statutory parental bereavement pay Parents who experience a still birth from the 24th week of pregnancy will be eligible for these provisions and will subsequently still be eligible for the provisions set out in the Agenda for Change Handbook at Section 15. There is no requirement for the child to be under 18 years of age.

A bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that the employing organisation deems to be reasonable.

Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their employer 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 the 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 employer 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 employer reasonable notice of their intention to take the leave at this time.

6.2.5 Civic Duties

An employee receiving a summons to appear as a witness at a Court or Tribunal for reasons which are outside of normal Trust duties must report the fact to their Line Manager and provide copies of the relevant notification before any leave can be approved.

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An employee who receives a summons to serve on a jury must advise their line Manager of the details immediately. As this is a public duty and must be served, leave will be granted unless exemption from jury service is secured.

Dependent on the needs of the service, the Trust may request that the employee applies to the court for an exemption from or deferral of jury service.

An employee serving as a juror must claim the allowance for loss of earnings which they are entitled to under the Juror's Allowance Regulations and an amount equal to this will be deducted from the employees pay. The loss of earnings form provided by the court should be submitted to the Payroll Department for completion prior to the Jury Service.

If an employee is not required to appear on a particular day/ part day, they should report for work as normal. If in doubt, the employee should contact their Line Manager or the HR team for guidance.

6.2.6 Public Duties

Under the Employment Rights Act 1996, employees who hold certain public positions are permitted to a reasonable amount of unpaid time off to enable them to perform the duties associated to these posts.

Relevant positions include:

- Justice of the Peace (Magistrate)
- A member of a Local Authority
- A member of a Police Authority
- A member of any statutory tribunal
- A member of a relevant health body (NHS Trust, Foundation Trust, CCG)
- A member of the managing or governing body of an educational establishment maintained by the Local Education Authority or a Further or Higher Education Corporation or an Academy/Free School/Other types.
- A member of the General Teaching Council for England and Wales
- A member of the Environmental Agency
- A member of the Board of Prison Visitors
- A member of the Service Authority for the National Criminal Intelligence Service or National Crime Squad

Employees carrying out public duties are required to request time off in order to fulfil these duties and must inform their manager at the earliest opportunity of the time required.

Factors which Managers must consider when making a decision regarding this type of leave are:

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- how much time off is required overall to perform the duties and how much time off is required to perform the duty in question.
- how much time off the employee has already been permitted for this purpose.
- the needs of the service and the effect of the employee's absence upon it.

Any employee considering involvement in public duties should discuss this with their manager in advance of making a final commitment, to establish the amount of time off that can reasonably be granted.

6.2.7 Jury Service

An employee who receives a summons to serve on a jury must advise their line Manager of the details immediately. As this is a public duty and must be served, leave will be granted unless exemption from jury service is secured.

Dependent on the needs of the service, the Trust may request that the employee applies to the court for an exemption from or deferral of jury service.

An employee serving as a juror will receive their normal pay from the Trust for the period that they are required to attend court. The court will issue forms to the employee to enable a claim for loss of earnings from the court. The employee should submit the form to the Payroll Department for completion. The employee then submits this to the court.

Employee's must provide their court receipts of expense reimbursements to the Payroll Department to enable an amount equal to the loss of earnings allowance to be deducted from the employee's pay.

If the receipts are not provided on return to work the 'loss of earnings' value for the period of leave will be deducted from the employee's pay.

If an employee is not required to appear on a particular day/ part day, they should report for work as normal. If in doubt, the employee should contact their Line Manager or the HR team for guidance.

6.2.8 Armed Forces Reserves

All volunteer members of the armed forces, who attend summer camp, are entitled to 75 hours paid leave (pro rata for part-time staff) in addition to their annual leave entitlement.

Volunteers may be required to undertake additional training which is usually scheduled for Saturdays and Sundays. Where training falls on a normal working day and the employee is unable to reschedule the event, reasonable paid time off should be granted.

Employees called up for compulsory military service under the Reserve Forces Act (1996) should receive two weeks' notice and will receive a letter with their mobilisation papers that

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they must give to their Line Manager. Such staff will be on unpaid leave for the duration of the time that they are called to serve.

The Trust may appeal against a decision to call a member of staff up for military service if they feel that the employee's absence will cause serious problems or harm to the service.

An employee who has been called up for active duty has the right to return at any time during a six-month period after the end of military service. They are entitled, where practicable to return to the same position under the same terms and conditions. If this is not practicable, they must be offered a post with equivalent terms and conditions of employment.

6.2.8.1 Cadet Force Adult Volunteers

Unpaid time off will be granted to Cadet Force Adult Volunteers to attend annual camp or equivalent continuous training subject to discussion and approval with the line manager. A maximum of 8 days leave (pro rata for part time staff) will be granted for official training and will need to be evidenced by the member of staff.

6.2.9 Time Off for Medical Appointments

Appointments for GP and dentist visits etc are often presumed to be an entitlement by some staff, this is not the case. Staff should make appointments in their own time at the start or end of the working day to ensure minimum disruption to the department, and any time taken must then be worked.

For a hospital out-patient appointment then time off with pay would normally be agreed for the duration of the appointment. No travel time will be allowed. The staff member will need to have their appointment letter/card e.g., with hospital, date and time etc and show this if requested to their manager.

Employees who are defined as disabled under the terms of the Disability Discrimination Act (1995), should be granted a reasonable amount of time off to attend appointments related to their disability. Further advice should be sought from the HR Department in these situations. Medical appointments for non-clinical reasons, e.g., cosmetic consultations, will not be eligible for any form of paid leave. Rather, the employee should discuss with their Line Manager the use of annual or unpaid leave in these circumstances.

Staff who require planned day case hospital treatment involving a local or general anaesthetic or drug administration may request time off under the Special Leave Policy rather than classing this as sickness absence (subject to staff having some allowance remaining). If staff are unwell on the following day(s) then this would be counted as sickness absence.

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6.2.10 Time Off for Fertility Treatment

It is recognised that treatment of infertility can be a distressing and lengthy process. A member of staff undergoing IVF treatment will be able to request up to 22.5 total hours per annum (pro rata for part time staff – see Appendix 2) and this may be taken in either full/half days or a shorter number of hours to accommodate appointments/treatment. These hours are additional to other paid Special Leave.

The above is for a maximum of three occasions during employment in the Trust.

The amount of time required must be discussed and agreed with the individual's Line Manager and must be supported by documentary evidence from the employees GP or specialist.

Note: A woman is "pregnant" from the point of the implantation of fertilised ova. From this stage they will have the same rights as any pregnant person (including leave, pay, and protection from discrimination. If the IVF is unsuccessful, the protected period ends 2 weeks after the end of the pregnancy - 2 weeks after the date the women was informed that implantation was not successful.

Time off due to complications of fertility treatment will be managed under the Trust Attendance Management procedures and Medical Certificates must be provided.

6.2.11 Surrogacy

In the event of the birth mother then Maternity Leave provisions will apply and for the surrogate mother if adopting the child Adoption leave provisions will apply

6.2.12 Time Off for Religious/Cultural Observance

Employees may request time off or a temporary change to their working hours for a religious or cultural occasion. Where practicable these requests should be granted and must be taken as either annual or unpaid leave.

6.2.13 Time Off for Interviews

Employees may request reasonable paid time off to attend interviews that are within the Trust or another NHS organisation subject to the needs of the service and prior approval of their manager.

Interviews that are occurring outside of the NHS should be arranged in the employee's own time or taken as annual leave.

If an employee has been placed at risk of redundancy by the organisation, they should be granted paid time off to attend interviews both within and outside the NHS.

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6.2.14 Time of for Gender Reassignment

Employees who are undergoing treatment for Gender Reassignment should be granted time off to attend appointments related to their transition. It is recognised that Gender Transition can be a lengthy and difficult process and access to services means that staff may need to travel extended distances to obtain appropriate treatment. Further sources of advice can be found in the Transgender Staff Support Policy, and the process must be managed within strict confidentiality requirements.

6.3 Unauthorised Absence

Any period of unauthorised absence or abuse of this policy may lead to Disciplinary Action in line with Trust/Lead Employer Handling Concerns Policy

6.4 Application

The nature of Special leave is such that it may be required at short notice. However, it must be authorised by the employees Line Manager who will agree with the employee how and when the leave can be taken. For Lead Employer, the HR Department is informed.

If it is not possible to contact their Line Manager the employee must speak to an appropriate senior manager, to inform them of their request and the reasons for it. Upon return, classification of the leave will be confirmed by their line manager.

It is not sufficient for an employee to leave a message or discuss the situation with a colleague. If appropriate authorisation is not received on the day that the leave is required, the leave may be declined. This could result in the absence being logged as unauthorised, the individual may not be paid and/or disciplinary action could result.

Special leave will be granted at the discretion of the Line Manager and should not be unreasonably refused. It will be subject however to the needs of the service.

All special leave must be recorded on staff absence record cards, ESR and E-Roster

6.5 Monitoring and Compliance

Whilst the nature of Special Leave is for unforeseen situations, an application form must be completed by the Employee and their Line Manager (Appendix 3) and a copy forwarded to the Human Resources Department.

Where possible this form should be completed in advance of the leave being taken, but it can be done retrospectively in situations where this is appropriate.

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The form must be completed regardless of whether the leave is granted and if Special Leave is refused the reasons should be discussed with the employee and outlined on the form.

The Trust will monitor the impact of this policy and procedure and will act where necessary to address any unwarranted disparities and ensure fairness and consistency.

The Trust will collect, analyse, interpret, and publicise all relevant data.

6.6 Appeals Process

Any employee who feels aggrieved by the application of this policy and procedure may raise the matter through the Trust/Lead Employer Grievance procedure.

Appeals should be addressed to the Head of HR Operations and will follow the procedure outlined in the Trust/Lead Employer Grievance procedure.

7. Training

Managers should be fully conversant with this Policy, the procedures to follow and its application. The Trust acknowledges the importance of awareness training for line managers to ensure the effective dissemination and implementation of this Policy. Working in partnership the Human Resources Department will provide appropriate support including where necessary, policy briefing sessions, Policy Guides, and information at Trust Induction.

8. Monitoring Compliance

8.1 Key Performance Indicators (KPIs) of the Policy

No	Key Performance Indicators (KPIs) Expected Outcomes
1.	Number of Staff taking special leave
2.	Number of Staff taking unpaid leave
3.	Leave by category of special leave
4.	All leave by staff group and grade

8.2 Performance Management of the Policy

Minimum Requirement to be Monitored	Lead(s)	Tool	Frequency	Reporting Arrangements	Lead(s) for acting on Recommendations
Understanding of the Policy and appropriate granting of Special Leave	HR Business Partners	Random review of Special Leave applications	Annually	People Council	Head of Human Resources

9. References/Bibliography/Relevant Legislation/National Guidelines

No	Reference
1.	Working Families Act 2006
2.	Employment Act 2002
3.	Employment Relations Act 1999
4.	The Human Rights Act 1998
5.	Employment Rights Act 1996
6.	EU Directive on Pregnant Workers 1994
7.	Management of Health and Safety at Work (NHSW) Regulations 1992
8.	The Equal Pay (Amendment) Act 1986
9.	Sex Discrimination Act 1975
10.	The Equality Act
11.	The Carer's leave Regulations 2024

10. Related Trust Documents

[List any procedural documents which are referenced within the text.]

No	Related Document
1.	Annual Leave Policy
2.	Maternity/ Paternity Policy
3.	Adoption Leave
4.	Employment Break
5.	Flexible Working
6.	Reasonable Adjustments Policy
7.	Transgender Staff Support Policy
8.	Having IVF Treatment: Your maternity leave, pay and other rights - ACAS

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11. Equality Analysis Screening Tool

The screening assessment must be carried out on all policies, procedures, organisational changes, service changes, cost improvement programmes and transformation projects at the earliest stage in the planning process to ascertain whether a full equality analysis is required. This assessment must be attached to all procedural documents prior to their submission to the appropriate approving body.

A separate copy of the assessment must be forwarded to the Equality, Diversity, and Inclusion Lead for monitoring purposes. Laura.marks@sthk.nhs.uk If this screening assessment indicates that discrimination could potentially be introduced then seek advice from the Patient Inclusion and Experience Lead. A full equality analysis must be considered on any cost improvement schemes, organisational changes or service changes which could have an impact on patients or staff.

Title of function	Special Leave Policy
Brief description of function to be assessed	
Date of assessment	
Lead Executive Director	
Name of assessor	
Job title of assessor	

Equality, Diversity & Inclusion

Does the policy/proposal:

- 1) Have the potential to or will in practice, discriminate against equality groups
- 2) Promote equality of opportunity, or foster good relations between equality groups?
- 3) Where there is potential unlawful discrimination, is this justifiable?

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	Negative Impact	Positive Impact	Justification/ evidence and data source
Age	Choose an item.	Yes	
Disability	Choose an item.	Yes	
Gender reassignment	Choose an item.	Yes	
Pregnancy or maternity	Choose an item.	Yes	
Race	Choose an item.	Yes	
Religion or belief	Choose an item.	Yes	
Sex	Choose an item.	Yes	
Sexual orientation	Choose an item.	Yes	

Human Rights

Is the policy/proposal infringing on the Human Rights of individuals or groups?

	Negative Impact	Positive Impact	Justification/ evidence and data source
Right to life		Neutral	
Right to be free from inhumane or degrading treatment	No	Yes	
Right to liberty/security	No	Neutral	
Right to privacy/family life, home and correspondence	No	Neutral	
Right to freedom of thought/conscience	No	Neutral	
Right to freedom of expression	No	Neutral	
Right to a fair trial	Choose an item.	Neutral	

Health Inequalities

Is the policy/proposal addressing health inequalities and are there potential or actual negative impact on health inequality groups, or positive impacts? Where there is potential unlawful impacts is this justifiable.

	Negative Impact	Positive Impact	Justification/ evidence and data source
Deprived populations	No	Unknown	
Inclusion health groups	No	Unknown	
5 child clinical areas	Choose an item.	Unknown	
5 adult clinical areas	Choose an item.	Unknown	

Outcome

After completing all of the above sections, please review the responses and consider the outcome.

Is a full EIA required?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Please include rationale: EIA screening has not identified any ED&I, Human Rights or Health Inequality risks.
--------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Sign off

Name of approving manager	Anne Potter
Job title of approving manager	HR Business Partner
Date approved	23/04/2024

12. Data Protection Impact Assessment Screening Tool

If you answer **YES** or **UNSURE** to any of the questions below a full Data Protection Impact Assessment will need to be completed in line with Trust policy.

	Yes	No	Unsure	Comments - Document initial comments on the issue and the privacy impacts or clarification why it is not an issue
Is the information about individuals likely to raise privacy concerns or expectations e.g. health records, criminal records or other information people would consider particularly private?		x		
Will the procedural document lead to the collection of new information about individuals?		x		
Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?		x		
Will the implementation of the procedural document require you to contact individuals in ways which they may find intrusive?		x		
Will the information about individuals be disclosed to organisations or people who have not previously had routine access to the information?		x		
Does the procedural document involve you using new technology which might be perceived as being intrusive? e.g. biometrics or facial recognition		x		
Will the procedural document result in you making decisions or taking action against individuals in ways which can have a significant impact on them?		x		
Will the implementation of the procedural document compel individuals to provide information about themselves?		x		

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Sign off if no requirement to continue with Data Protection Impact Assessment: Anne Potter

Confirmation that the responses to the above questions are all NO and therefore there is no requirement to continue with the Data Protection Impact Assessment

Policy author

Date

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13. Appendix 1 – QUICK GUIDE FOR MANAGERS

Limited Paid Leave –Total Amount (ie NOT 22.5 hours each of these categories)

Carers Leave	Emergency Leave
22.5 hours per year pro rata for part time staff (see Appendix 2)	22.5 hours per year pro rata for part time staff (see Appendix 2)

Other Types of Leave (Not all is Paid Leave)

Civic Duties	Medical Appointments	Dependant leave	Armed Forces	Parental Leave	Public Duties	Time off for interviews
Paid as normal if relevant forms provided	Reasonable time off given for the duration of the appointment on production of appointment letter/card. No travelling time given	No qualifying period - Reasonable time off	75 hours (pro rata for part-time staff)	12 months continuous service = 13 weeks unpaid Disabled child = 18weeks	Reasonable unpaid time off	Employees allowed reasonable time off for interviews within the NHS.

Appendix 2 – PART TIME STAFF CALCULATION

FTE	Hours worked per week	Yearly entitlement in hours
0.03	1	0.6
0.04	1.5	0.9
0.05	2	1.2
0.07	2.5	1.5
0.08	3	1.8
0.09	3.5	2.1
0.11	4	2.4
0.12	4.5	2.7
0.13	5	3
0.15	5.5	3.3
0.16	6	3.6
0.17	6.5	3.9
0.19	7	4.2
0.2	7.5	4.5
0.21	8	4.8
0.23	8.5	5.1
0.24	9	5.4
0.25	9.5	5.7
0.27	10	6
0.28	10.5	6.3
0.29	11	6.6
0.31	11.5	6.9
0.32	12	7.2
0.33	12.5	7.5
0.35	13	7.8
0.36	13.5	8.1
0.37	14	8.4
0.39	14.5	8.7
0.4	15	9
0.41	15.5	9.3
0.43	16	9.6
0.44	16.5	9.9
0.45	17	10.2
0.47	17.5	10.5
0.48	18	10.8
0.49	18.5	11.1
0.51	19	11.4
0.52	19.5	11.7
0.53	20	12
0.55	20.5	12.3
0.56	21	12.6
0.57	21.5	12.9
0.59	22	13.2
0.6	22.5	13.5

0.61	23	13.8
0.63	23.5	14.1
0.64	24	14.4
0.65	24.5	14.7
0.67	25	15
0.68	25.5	15.3
0.69	26	15.6
0.71	26.5	15.9
0.72	27	16.2
0.73	27.5	16.5
0.75	28	16.8
0.76	28.5	17.1
0.77	29	17.4
0.79	29.5	17.7
0.8	30	18
0.81	30.5	18.3
0.83	31	18.6
0.84	31.5	18.9
0.85	32	19.2
0.87	32.5	19.5
0.88	33	19.8
0.89	33.5	20.1
0.91	34	20.4
0.92	34.5	20.7
0.93	35	21
0.95	35.5	21.3
0.96	36	21.6
0.97	36.5	21.9
0.99	37	22.2
1	37.5	22.5

MEDICAL STAFF LIMITED PAID SPECIAL LEAVE HOURS

Full time (40 hrs per week)	22.5 hours
80%	18 hours
70%	15.5 hours
60%	13.5 hours
50%	11 hours

Appendix 3 – APPLICATION FOR SPECIAL LEAVE

PART A: To be completed by the Employee			
NAME:			
JOB TITLE:			
DEPARTMENT/ WARD:			
TYPE OF LEAVE APPLIED FOR: (please tick box)			
CARERS	MEDICAL TREATMENT (INC IVF)	APPOINTMENT/	BEREAVEMENT/CHILD B. LEAVE
PARENTAL	CIVIC/ PUBLIC DUTIES	JURY DUTY	
EMERGENCY DOMESTIC	RELIGIOUS/ OBSERVANCE /	CULTURAL	ARMY RESERVE
DATE FROM:	<input type="text"/>	DATE TO:	<input type="text"/>
		NO. OF HOURS/DAYS:	<input type="text"/>
REASON:			
Part B: To Be completed by the Manager			
REQUEST GRANTED:	YES:	<input type="checkbox"/>	NO: <input type="checkbox"/>
IF NO, REASON REQUEST DENIED:			
NUMBER OF HOURS/DAYS GRANTED:	<input type="text"/>		
PAID			UNPAID
HOURS/DAYS ENTITLEMENT TAKEN TO DATE:			
MANAGERS NAME:			JOB TITLE:
SIGNED:			DATE:

Original: to Employee for record
 HR Department

Copies: Personal File

PLEASE ENTER DETAILS ON ESR VIA MANAGER SELF SERVICE

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Appendix 4 – UNPAID CARERS LEAVE

Employees will be entitled to unpaid leave to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as [defined in the Equality Act 2010](#))
- care needs because of their old age

The dependant does not have to be a family member. It can be anyone who relies on them for care.

Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

They can either take a whole week off or take individual days or half days throughout the year.

If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

Employees need to give their employer notice before they want their leave to start.

If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days. The request does not have to be in writing. Employees do not need to give evidence of their dependant's care needs.

Managers cannot refuse a carer's leave request but can ask the employee to take it at a different time. They can only do this if the employee's absence would cause serious disruption to the organisation. If they ask the employee to take it at another time they must:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave

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