

# **Lead Employer Trust**

## **Special Leave Policy**


## POLICY INFORMATION SHEET

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## **1. INTRODUCTION**

The Lead Employer Trust (LET) recognises that domestic demands are occasionally difficult to balance with work responsibilities and aims to support staff in difficult situations, through the provision of paid or unpaid special leave.

The majority of staff will only require special leave arrangements on rare occasions, when a particular need arises. No policy can ever hope to cover all possibilities that may arise and it is important that this type of policy is not too prescriptive. Managers should contact the LET HR Department to discuss particular situations. However, it should be generally acknowledged that most employees provide a regular and valuable contribution and commitment to the workplace and need only short-term support from the LET. Managers should bear this in mind when considering requests and adopt a fair and flexible approach.

## **2. HOW MUCH PAID SPECIAL LEAVE IS ALLOWED?**

It is expected that in the majority of cases, up to ten days paid special leave within a leave year (pro rata for part time staff) at the discretion of the manager and following advice from the LET HR department will be sufficient to meet the needs of staff. Additional paid or unpaid leave may also be granted at the manager's discretion in exceptional circumstances. Managers should liaise with the LET HR Department to determine entitlement and to ensure that rotating trainees have not exhausted their entitlement.

The provision of Paid Special Leave covers the following circumstances:

- Time off for dependants in emergency circumstances;
- Chronic/terminal illness of a dependant;
- Bereavement;
- Domestic Emergencies;
- NHS Interviews.

## **3. TIME OFF FOR DEPENDANTS**

All employees have the right to take a reasonable period of time off work to deal with an emergency involving a dependant. This is to enable staff to deal with a sudden or unexpected problem and to make any longer term arrangements. Paid Special Leave is granted at the discretion of the manager and the LET HR Department, and can only be granted if the employee has explained their difficulties to their manager. This should be done as soon as possible. The purpose is to allow the employee to deal with the immediate crisis and to make longer term arrangements. Paid Special Leave granted under these arrangements is not intended for long term domestic and family needs.

### **3.1. Who counts as a dependant?**

A dependant is someone who is married to, or is a partner of or in a civil partnership with the employee, the child or parent of the employee, or someone who lives with the employee as part of their family. For example, this could be an elderly aunt or grandparent who lives in the household. In the case of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

### **3.2. In what circumstances would Paid Special Leave be granted?**

The following are given as examples only:

- to make longer term care arrangements for a dependant who is ill or injured;
- to deal with the unexpected disruption or breakdown in care arrangements for a dependant; for example, when the child-minder or carer fails to turn up;
- to deal with an incident involving the employee's child during school hours;
- to deal with extreme situations such as a break up of a marriage or equivalent relationship;
- to accompany dependents to hospital in an emergency situation.

### **3.3. Chronic /Terminal Illness of a Dependant**

It is recognised that supporting a relative through their chronic/terminal illness is bound to make major demands on an employee.

Managers should be as flexible as possible in such circumstances, and after Paid Special Leave has been exhausted, use the provisions of the employment break scheme, unpaid leave provisions and their own discretion to meet the demands of the situation.

## **4. BEREAVEMENT**

The LET provides for Paid Special Leave to be given to allow staff to attend the funeral of a family member, for which up to 1 day should be sufficient.

If the bereavement is a dependant or close relative, then the employee may request further days after discussion of their circumstances which will be approved at the discretion of the manager.

Both managers and employees can obtain guidance from the LET HR Department.

## **5. DOMESTIC EMERGENCIES**

From time to time other urgent domestic needs may require some unexpected time off. Managers should be sympathetic to such requests and have discretion to authorise one days Paid Special Leave and additional paid or unpaid leave where it is felt reasonable.

## **6. NHS INTERVIEWS**

Paid Special Leave to attend interviews within the NHS and Academic (ACF/ACL) Programmes can reasonably be granted at the discretion of the supervisor/manager and the LET HR Department. Leave with pay to attend interviews out-with the NHS will not normally be granted, unless in the case of a potential redundancy situation where paid leave will be granted.

## **7. SEPARATE PROVISIONS APPLY FOR OTHER TYPES OF LEAVE AS FOLLOWS**

### **7.1. Doctor/Dentist/Hospital Appointments**

Pre-arranged non-urgent and regular attendance at doctor/dentist/hospital appointments or specialist GP/clinic for outpatient consultation or treatment, or accompanying a dependent for such appointments, is not covered under the special leave provisions.

Whenever possible such appointments (e.g. check-ups, physiotherapy appointments,) should be made outside normal working hours (e.g. on a rest day, rostered day off), or at the beginning or end of the working day, to avoid minimum disruption to the service. Where it's not possible, employees should consult their manager to discuss alternative arrangements which may include taking annual leave, or adjusting working hours to enable unpaid time off to be taken or other arrangements at the discretion of the manager e.g. use of flexi-time or time owing. Managers have discretion to agree special paid leave in exceptional/urgent circumstances.

Where an employee has an on-going condition requiring regular hospital appointments and the employee has a disability as defined under the Disability Discrimination Act, please refer to the LET Management of Attendance Policy, Section 16.

### **7.2. IVF Treatment**

Where an employee is undergoing IVF treatment, managers can consider the provision of reasonable unpaid special leave together with a combination of annual/sick leave. This will need to be agreed on a case by case basis. Guidance should be obtained from the LET HR Department.

### **7.3. Unforeseen Travel to Work Problems**

(i.e. circumstances beyond reasonable control – adverse weather conditions)

Paid leave in circumstances where attendance at work can be extremely difficult should be granted as follows:-

1. Employees who report to work and complete more than half of their normal working time should receive a normal day's pay.
2. Employees who report to work but complete less than half of their normal working time will receive payment for a half day; the remaining half day to be regarded as unpaid leave unless employees wish to take it as annual leave or, where appropriate, time off in lieu.
3. Employees who decide not to attempt to report to work, this will be regarded as unpaid leave.

### **7.4. Blood Donation**

Employees who attend blood donor sessions may be granted special leave with pay at the discretion of their manager. This should not exceed three hours in duration and employees should attend whichever session is closest to their work base. Travelling expenses will not be paid.

## **8. UNPAID LEAVE**

The aim of this leave is to cover occurrences such as extended holiday periods i.e. due to unforeseen travel delays.

Normally an employee will be expected to exhaust any annual leave entitlements before being considered for this unpaid leave provision.

### **8.1. Amount of leave & eligibility:**

Up to 6 weeks' unpaid leave may be granted in any leave year for employees with 12 months' service.

Periods in excess of 6 weeks may be granted following consultation with the LET HR Department.

## **9. HOW TO APPLY FOR SPECIAL LEAVE**

All Special Leave is granted at the discretion of the manager and checked by the LET HR Department. The Request Form at appendix A should be completed.

## **10. APPEAL**

Applicants will be entitled to a written reason from their manager for refusal of any application. If they remain dissatisfied with the reason, they should lodge an appeal in writing to the Head of Human Resources of the LET. An appeal will be dealt with by a more senior manager than the manager who refused the application and will be conducted in accordance with the appeals procedure at Appendix B.

A representative from the LET HR Department will be present at an Appeal Hearing to provide procedural advice. However, the decision will be taken by the Manager hearing the Appeal.

The decision of the appeal hearing will be confirmed in writing to the employee within fourteen (14) calendar days of the verbal decision.

The appeal hearing is the final stage of the procedure and any decision will be final.

## **11. REPRESENTATION**

Under the *ACAS Code of Practice 2009 - Disciplinary and Grievance Procedures*, the employee has a right to be accompanied by a 'companion' at formal meetings that may result in a warning or some other action. However, the LET will continue to extend the right to be accompanied at any formal meeting which is part of the process e.g. investigatory interviews. The employee may be accompanied by a trade union representative, an official employed by a trade union or a colleague from within the LET but not someone acting in a legal capacity. Employees may only have one companion and the companion should not be someone who would prejudice the investigation/hearing process.

The LET also allows employees being investigated, or witnesses, to be accompanied at the investigation stages of the procedure, as long as that will not delay the investigation or the companion is not part of the investigation.



A LET employee who has agreed to accompany a colleague (also employed by the LET) is entitled to take reasonable paid time off to fulfil that responsibility, where possible.

The companion should be allowed to address the hearing and to put and sum up the employee's case, but does not have the right to answer questions on the employee's behalf.

It is the employee's responsibility to arrange their own representation.

## **12. EQUALITY & DIVERSITY STATEMENT**

The LET is committed to providing equality of opportunity, not only in its employment practices but also in all the services for which it is responsible. As such, an Equality Impact Assessment has been carried out on this policy to identify any potential discriminatory impact. The LET also values and respects the diversity of its employees and the wider community it serves. In applying this policy, representatives of the LET will have due regard for the need to:

- Eliminate unlawful discrimination;
- Promote equality of opportunity;
- Provide for good relations between people of diverse groups.

For further information, please refer to the LET Equality Diversity & Human Rights Policy.

## **13. MONITORING AND REVIEW**

Line Managers, LET HR Officers and the LET Payroll Team (with ESR system) will record and monitor applications for special leave at department level.

The Head of Human Resources of the LET is responsible for monitoring the application of this policy and to ensure that the procedure is reviewed no later than three years from the date of issue. The Procedure may be amended at any time by joint agreement.

## **14. REFERENCES/LEGISLATION**

- Employment Rights Act 1996 (as amended by the Employment Relations Act 1999)
- NHS Terms and Conditions of Service Handbook

**LEAD EMPLOYER TRUST**

**APPENDIX A - SPECIAL/EMERGENCY LEAVE REQUEST FORM**

Full Name: \_\_\_\_\_ Payroll No: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Core Specialty: \_\_\_\_\_  
Hours: \_\_\_\_\_ Host Training Organisation:  
\_\_\_\_\_  
Hospital/Practice : \_\_\_\_\_ Department: \_\_\_\_\_

Type of Special Leave:

Please tick

- |                                       |                          |
|---------------------------------------|--------------------------|
| Time off to care for a dependant      | <input type="checkbox"/> |
| Chronic/terminal illness of dependant | <input type="checkbox"/> |
| Bereavement                           | <input type="checkbox"/> |
| Domestic Emergency                    | <input type="checkbox"/> |
| NHS Interview                         | <input type="checkbox"/> |
| Unpaid Leave                          | <input type="checkbox"/> |
| Other (state _____)                   | <input type="checkbox"/> |

**Paid Special Leave**

From: \_\_\_\_\_ To: \_\_\_\_\_

Total Days: \_\_\_\_\_ Total Hours \_\_\_\_\_

No. of days Paid Special Leave already taken in the current leave year: \_\_\_\_\_

New total of Paid Special Leave taken in the current leave year: \_\_\_\_\_

**Unpaid Leave**

From: \_\_\_\_\_ To: \_\_\_\_\_

Total Days \_\_\_\_\_ Total Hours \_\_\_\_\_

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Employee's signature ..... Date .....

Manager's Signature: ..... Date: .....

**Now forward to the LET HR Department**

HR Officer's Signature: ..... Date: .....

**All special leave taken must be forwarded to the Payroll Department.**

## APPENDIX B – APPEALS

Any appeals to the Special Leave decisions can be made by writing to the Deputy Head of the Lead Employer Trust.

## APPENDIX C – EQUALITY IMPACT ASSESSMENT

The preliminary impact assessment is a quick and easy screening process.

It should:

- Identify those policies, procedures, services, functions and strategies which require a full EIA by looking at:
  - negative, positive or no impact on any of the equality groups
  - opportunity to promote equality for the equality groups
  - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

LET HR Department

**Division/Department**

**Special Leave**

**Title of policy, procedure, function or service**

**Type of policy, procedure, function or service**



Existing

New/proposed

Changed X

**Q1 - What is the aim of your policy, procedure, project or service?**

To ensure fairness to all those needing to access special leave.

**Q2 - Who is the policy, procedure, project or service going to benefit?**

LET Employees

**Q3 - Thinking about each group below, does, or could the policy, procedure, project or service have a negative impact on members of the equality groups below?**

Group	Yes	No	Unclear
Age		N	
Disability		N	
Race		N	
Gender		N	
Transgender		N	
Sexual Orientation		N	
Religion or belief		N	
Marriage & Civil Partnership		N	
Pregnancy & Maternity		N	
Relationships between groups		N	
Other socially excluded groups		N	

**If the answer is “Yes” or “Unclear” complete a full EIA**

**Q4 – Does, or could, the policy, procedure, project or service help to promote equality for members of the equality groups?**

Group	Yes	No	Unclear
Age	Y		
Disability	Y		
Race	Y		
Gender	Y		
Transgender	Y		
Sexual Orientation	Y		
Religion or belief	Y		
Marriage & Civil Partnership	Y		
Pregnancy & Maternity	Y		
Relationships between groups	Y		
Other socially excluded groups	Y		

**Q5 – Do you have any feedback data from equality groups that indicate how this policy, procedure, project or service may impact upon these groups?**

Group	Yes No Impact	Yes Impact	No	Unclear
Age			N	
Disability			N	
Race			N	
Gender			N	
Transgender			N	
Sexual Orientation			N	
Religion or belief			N	
Marriage & Civil Partnership			N	
Pregnancy & Maternity			N	
Relationships between groups			N	
Other socially excluded groups			N	

**If the answer is "Yes Impact", "No", "Unclear" or opinion is divided complete a full EIA**

**Q6 – Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, procedure, project or service?**

Yes		No	X
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**If you have answered "Yes" now follow the EIA toolkit and complete a full EIA form**

**Q7 – How have you come to this decision?**

No indication that equality groups have been adversely affected by this policy

**Q8 – What is your priority for doing the full EIA**

High	Medium	Low
		X

**Q9 – Who was involved in the EIA?**

HR Department, Lead Employer Trust

**This EIA has been approved by:**

LET management

**Date:**

**October 2020**

**Contact number: 0191 2754782**

**Please ensure that a copy of this assessment is attached to the policy document to which it relates.**