

**Lead Employer Trust**

**Special Leave Policy**

**POLICY INFORMATION SHEET**

|  |  |
| --- | --- |
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| March 2024 | Appendix C  Employment Law Updates  Fertility Treatment | Page 7 and 11 |  | Version 7 |

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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.

1. 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.

1. 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.

* 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.

* 1. 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.
  1. 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.

1. 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.

1. 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.

1. 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.

1. Separate provisions apply for other types of leave as follows
   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.

Fertility Treatment

The Lead Employer Trust allow time off for employees undergoing fertility treatment. This will ordinarily be treated as a medical appointment. However, there may be specific circumstances in which additional time off is allowed at the managers discretion. For example, where specialist treatment is not available locally and additional travel is required. Any additional time off granted may be made up of flexi leave, annual leave, paid special leave or unpaid special leave.

Managers must be aware that a person is classed as pregnant immediately following implantation and should be treated as such straight away i.e. risk assessment guidance should be followed. Women remain classed as pregnant until 2 weeks after the date they are informed that any implantation was unsuccessful (usually when a pregnancy test is conducted 2 weeks after implantation) i.e. for 4 weeks after the date of implantation. Employees are requested to inform their line manager of any implantation dates as soon as possible.

Any sickness absence associated with fertility treatment will be considered in line with the LET’s Management of Attendance Policy.

* 1. 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 at unpaid leave.
   1. 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.

1. 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.

* 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.

1. 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.

1. 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.

1. 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.

1. 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.

1. 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.

1. 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 1

Chronic/terminal illness of dependant 1

Bereavement 1

Domestic Emergency 1

NHS Interview 1

Unpaid Leave 1

Other (state \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) 1

#### 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
|  |

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 - Guidance Tables for Entitlement**

NB: Amounts of special leave are indicated as a guide only.

**Special Leave For: Immediate Crisis**

|  |  |  |
| --- | --- | --- |
| **Type of Leave** | **PAID** | **UNPAID** |
| **Bereavement Leave**  This leave can include:   * Time off on the day of a funeral * Time off to make arrangements   There may be other circumstances that arise less frequently that may require an extension to paid leave e.g. deaths overseas. This leave does not have to be taken in one period | Up to a total of 1 working week | 1 working week |
| **Child Bereavement Leave**   * Any bereaved parent is entitled to this leave and pay. * There is no requirement for the child to be under 18 years of age. * Parents who experience still birth after 24 completed weeks of pregnancy will be eligible for this provision, as well as the maternity/paternity/shared parental leave provisions set out in the Policy for Parents (PP12). * Child bereavement leave does not have to be taken in one period and can be taken at any point up to 56 weeks following the death of the child. | 2 working weeks | 2 working weeks |
| **Carers Leave** – please refer to the Carers Guidance for Staff and Managers   * Special leave should be considered for: The illness of a dependent, including making longer term arrangements for coping with a care problem. * The breakdown of normal care arrangements which necessitate the making of alternative arrangements | Normally up to 1 working week in a 12-month period | 1 working week |
| **Domestic Crisis Leave** Examples include: Burglary in the home, fire, burst pipes. | 1 day |  |

**Special Leave For: Public Duties**

|  |  |  |  |
| --- | --- | --- | --- |
| **Reason for Leave** | **PAID** | **UNPAID** | **CONDITIONS** |
| Jury Service | As required |  | Employee must repay to the Trust any loss of earnings payments received. Please note, the Juries Act 1974 Section 19(1) specifically states that any expenses and loss of earnings can only be reimbursed to the juror where there has been financial loss to the juror as a direct result of jury service. Therefore, where paid special leave is granted loss of earnings should not be claimed. |
| Election Polling Duties | - | Up to 3 days per annum depending on number of elections | Employees receive payment via the Local Authority, therefore only unpaid special leave should be permitted |
| Attending Court as a witness | As required |  | Employee must repay to the Trust any loss of earnings payments received. Any expenses and loss of earnings can only be reimbursed to the witness where there has been financial loss to them as a direct result of attending court as a witness. Therefore, where paid special leave is granted loss of earnings should not be claimed |
| Parliamentary Candidate |  | 4 weeks |  |
| Magisterial Duties | Up to 10 days per annum for either 4 or 5 | Plus unpaid leave (discretionary) | Subject to the exigencies of the service. |
| 1. Duties related to membership of a Local Authority 2. Duties as Lord Mayor | Up to an additional 10 days per annum (discretionary) | Plus unpaid leave (discretionary) | Consent of the Trust is required before taking up Local Government Activities and consent of the employee’s Manager should be obtained prior to each absence from duty. The discretionary unpaid leave may be granted, subject to consideration of the following factors: - how much special leave the employee has already been granted to cover any circumstances in the previous 24 months - the effect of employee’s absence on the running of the service. |

**Special Leave For: Reserve Forces Training / NHS Related Duties/Other Circumstances**

|  |  |  |  |
| --- | --- | --- | --- |
| **Reason for Leave** | **PAID** | **UNPAID** | **Conditions** |
| Reserve Forces Training | Up to 10 days per annum (paid) | Plus, unpaid leave (discretionary) | Consent of the Trust is required before volunteering. Existing employees who are interested in joining the Reserve Forces or those who are already a Reservist and are considering changing their commitment, are required to discuss this with their OSM/GM (or equivalent) prior to any action being taken and adherence to the separate Secondary Employment Trust Policy is required. |
| Cadet Forces Training | Up to 5 days per annum | Plus, unpaid leave (discretionary) | Consent of the Trust is required, before volunteering to become a Cadet Forces Instructor |
| Relevant Education Body | Paid Leave discretionary |  | Consent of the Trust us required before volunteering |
| **NHS Related Duties**  Membership of (or official involvement with) a statutory NHS organisation | Up to 10 days per annum (discretionary) | Plus, unpaid leave (discretionary) | As per Magisterial duties |
| **Other Special Circumstances**  Employee attending interview/candidates for appointment | Within NHS | Outwith NHS | Subject to the manager’s discretion |
| Dangerous weather conditions | No paid leave granted, options are to take annual leave or flexi leave where possible. | As and when granted by appropriate manager. | If an employee is unable to attend work due to dangerous weather, he/she must contact their manager as soon as possible |

**Unpaid Annual Leave**

|  |  |  |  |
| --- | --- | --- | --- |
| **Reason for Leave** | **Paid** | **Unpaid** | **Conditions** |
| Unpaid Annual Leave | -- | Up to 2 weeks (requested of more than 2 weeks may be granted at manager’s discretion | Staff requesting unpaid annual leave must have all of their annual leave entitlements allocated already (i.e. requested and approved). |

**APPENDIX D – EQUALITY IMPACT ASSESSMENT**

**Preliminary Assessment Form**  **v1**

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

Text Box

**Division/Department**

**Special Leave**

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

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

NHS NE logo

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?**

Text Box

**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** |

**If you have answered “Yes” now follow the EIA toolkit and complete a full EIA form**

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

Text Box

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

|  |  |  |
| --- | --- | --- |
| **High** | **Medium** | **Low** |
|  |  | **X** |

**Q9 – Who was involved in the EIA?**

Text Box

**This EIA has been approved by:**

LET management

**Date:** **620.3.2024** **Contact number: 0191 2754782**

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