

Trust Wide Policy

SPECIAL LEAVE POLICY

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1.0 Introduction

The Clatterbridge Cancer Centre (CCC) recognises that employees need to be able to balance the demands of domestic and work responsibilities at times of urgent and unforeseen need. Leave granted under these arrangements is intended to meet short term domestic and personal needs. Longer term domestic and family situations will be provided for in other ways such as through annual leave, unpaid leave, reduced working hours etc. CCC also recognises the role its staff play in the community and its legal obligations.

In line with the Equality Act 2010, CCC is committed to implementing the policy in a way which promotes the fair and equal treatment of all employees and eliminates discrimination on the grounds of race, disability, gender, gender reassignment, age, sexual orientation, religion and belief, language and human rights. It is the responsibility of managers and employees to ensure that they implement this policy/procedure in a manner that recognises and respects the diversity of the workforce and the different needs of all employees. The Trust recognises the right of all employees subject to this policy to be treated fairly and with dignity and respect.

1.1 Equality, Diversity and Human Rights Statement

The Trust is committed to an environment that promotes quality and embraces diversity in its performance as a service provider. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures and processes. This policy should be implemented with due regard to this commitment.

1.2 Trust Mission, Vision and Values and Behaviours

Our vision sets out our main ambition for the future, to guide us and inspire us in all that we do:-

‘To provide the best cancer care to the people we serve’

Our mission sets out why we exist and the contribution our organisation makes to achieve our vision:-

‘To improve health and wellbeing through compassionate, safe and effective cancer care’

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And our values and behaviours set out the standards and expectations that we expect all our staff to adhere to enable our mission and vision to be achieved for the benefit of each other and the patients we serve.

- Putting people first
- Passionate about what we do
- Achieving excellence
- Looking to the future
- Always improving our care

2.0 Purpose

To create a framework within which line managers are able to address individuals' needs to balance their work and personal life in a fair, consistent and supportive manner, whilst ensuring that service delivery, clinical standards and health and safety requirements are not compromised nor risks increased to employees, patients or the Trust.

This policy also incorporates your rights as a NHS Employee along with the pledges as detailed in the NHS Constitution.

Paid special leave is not an entitlement; however, requests for paid special leave will be considered sympathetically in the light of individual circumstances and may be granted at the discretion of CCC. It is important for employees to consider the needs of the service and to make every effort to make alternative arrangements wherever possible.

3.0 Scope

This policy applies to all employees of the Trust.

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4.0 Responsibilities

4.1 Managers

Line Managers' responsibilities include:

- Ensuring that they are aware of and understand the content of this policy and its implementation.
- Ensure that there is a clear departmental procedure for the booking and authorisation of all types of leave.
- Ensuring that all employees in their area of responsibility are aware of and understand this policy and procedures contained within.
- Keeping records of all absences pertaining to this policy including notifying the Workforce & OD department of all absences via the appropriate application forms and through input into the Electronic Staff Record (ESR) as appropriate.
- Explaining the implications where pay and/or other benefits may be affected as a result of an individual realising any of the benefits of this policy, and ensuring that this is fully understood agreed by the individual.
- Maintaining confidentiality with regards to personal information.
- Seeking advice from the HR Business Support team where the line manager feels additional support would be beneficial.
- Directing employees to appropriate help and support where appropriate.
- Using the tools within the Stress Management Policy together with individuals as soon as there is any concern by either party that the balance between their work commitments and personal circumstances is causing them to feel stressed.
- Maintaining contact with employees during any absences, which may include home visits, and offering support appropriate to the circumstances.
- Ensuring all employees are treated fairly and consistently

4.2 Employee

Employee's responsibilities include:

- Being aware of, understanding and adhering to this policy.
- Following the Trust's procedures in applying for leave to support personal life.
- Informing their line manager as soon as possible and keeping them updated regularly about time taken to deal with an emergency.

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- Raising with their line manager any concerns they have about being able to effectively manage the balance between their work commitments and personal circumstances especially if they believe that their work/ personal life balance is causing them to feel stressed.
- Maintaining contact with their line manager during periods of absence as appropriate.

4.3 Workforce & OD Department

The responsibilities of the Workforce & OD department include:

- Providing advice to employees and managers on the application of all policies..
- Ensuring the Trust complies with current employment legislation.
- Providing appropriate training for line managers in the use of this and associated policies.
- Ensuring a consistent and equitable approach is maintained across the Trust.

5.0 Laws & Regulations

This policy meets the requirements of the following pieces of legislation:

- The Employment Rights Act (1996)
- The Maternity and Parental Leave etc. Regulations (1999)
- The Maternity and Parental Leave (Amendment) Regulations (2008)
- The Flexible Working (Procedural Requirements) Regulations (2002) and its amendments
- The Flexible Working (Eligibility, Complaints and Remedies) Regulations (2010) and its amendments
- ACAS (Flexible Working) Arbitration Scheme (England and Wales) Order (2003)
- Part-time Work Regulations (2000)
- Equality Act (2010)
- Employment Relations Act (1999)

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6.0 Definitions

Disabled child:	A child under the age of 18 who is entitled to a disability living allowance within the meaning of Section 71 of the Social Security Contributions and Benefits Act 1992
Employer	The person by whom an employee is employed
Partner	a spouse, civil partner, or a partner (whether same or opposite sex),
Relative	parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives or is someone who relies on the employee in a particular emergency.
Dependant	a spouse, civil partner, or a partner (whether same or opposite sex), parent, child or any other person who lives in the same household as the employee but is not a lodger, employee or boarder

7.0 Types of Leave

Applications

In order to request Carers Leave the member of staff must make the manager aware of his/ her unexpected or sudden problem concerning as soon as reasonably practical on the day that this has occurred. Where the manager is not available, authority should be sought from the appropriate senior manager.

If an application cannot be made in person the employee must contact the manager by telephone at the earliest opportunity. If it is not possible to contact the manager then an appropriate senior manager must be contacted in their absence to inform them of their inability to attend work and the reasons for this.

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Recording

Managers should retain a copy of the request for special leave and the details should be recorded in ESR.

7.1 Emergency Domestic Leave (paid)

Paid Emergency Domestic Leave should be considered to help members of staff deal with domestic emergencies e.g. a sudden or severe setback in personal circumstances requiring immediate attention e.g. burglary, fire, floods, where there is a need to find accommodation or to see the police etc. One day paid special leave will be granted in such circumstances and further leave will be granted at the discretion of line managers as annual or unpaid leave.

7.2 Carers Leave (paid)

Paid carers leave is intended to deal with immediate caring needs of a member of staff with primary care responsibilities for a dependant (see definition above) e.g.:

- If dependant has fallen ill or has been injured/assaulted
- to make longer term care arrangements for a dependant who is ill or injured
- to deal with an unexpected disruption or breakdown of care arrangements for a dependant
- To deal with an urgent incident involving a schoolchild during school hours where there is a requirement to attend
- In the consequence of the death of a dependant

Paid Carers leave should not normally exceed one day per episode. A maximum of three days paid leave in a rolling 12 month period may be authorized by the employee's line manager (pro rata for part-time staff e.g. if a member of staff works 30 hours per week their entitlement would be $30/37.5 \times 3 \text{ days} = 2.4 \text{ days}$ (18 hours)).

Paid Carers leave **cannot** be booked in advance. By their very nature, circumstances where the granting of paid carers leave is appropriate will vary considerably and managers should remember that staff may at some point have to leave work with little notice to cope with a sudden crisis.

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If an employee is aware that they need to take time off for dependants at a future date they should inform their line manager as soon as reasonably practical. The employee should make reasonable efforts to make arrangements to enable them to attend work.

Paid Carers Leave is not an entitlement, and must be authorised by the manager of the member of staff. The manager may reasonably request to meet with the member of staff upon their return to work so as to determine this authorisation. After discussion the manager will inform the employee whether leave can be allocated under this policy.

Where it is anticipated that the dependant is likely to need care for longer than one day, the individual should seek to make alternative arrangements wherever possible, which may include the use of unpaid parental leave, unpaid leave or annual leave and these arrangements should be discussed with their line manager.

- The carer will be expected to share responsibility with their partner and/or other family members as far as possible or to demonstrate that there is no other individual available at that time to provide the care required. It does not usually include planned care being provided by a hospital, or the transporting of dependants to medical or dental appointments.

It is essential that the manager fully understands the individual's circumstances and perspective before granting or denying leave. In the event that leave has been reasonably denied the manager should inform the member of staff in a sensitive and appropriate manner providing a full explanation for this at the earliest opportunity to mitigate or avoid the effect of the member of staff feeling aggrieved and unsupported.

Longer-term Commitments to Caring

If it is envisaged that a period of caring will last for an extended period of time , then the member of staff may be able to take a longer period of unpaid leave.

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Employees may also agree to a flexible working arrangement with their manager on a temporary basis enabling them to balance their profession and caring responsibilities.

Any reduction in hours will result in a pro rata reduction of pay accordingly. The decision as to whether such arrangements can be agreed rests with the relevant manager in light of the overall needs of the service. In addition, a member of staff may wish to seek advice from the HR Business Support team who can provide information and guidance on where to seek alternative measures of support from other agencies. For further information on flexible working, see the Trust's flexible working policy and procedure.

Complex Caring Needs

Consideration will be given to carers of dependants with complex caring needs. Each case will be considered on an individual basis and approval will be given by the line manager in consultation with a member of the HR Business Support team. The needs of each individual will vary, but the Trust will endeavour to support an approach where the individual is given flexibility to make up time or use annual or unpaid leave.

In situations where staff are carers of disabled children or dependants, time off should be given to attend hospital/Doctor appointments (in the same way that disabled staff would be given the time off). It is expected that these appointments are managed so that there is minimum disruption to the service and that appointments are made for early or at the end of the day as far as possible to maximise attendance at work. Reasonable adjustments will be considered where performance of a role is affected by numerous or lengthy appointments.

7.3 Bereavement Leave (paid)

It is the responsibility of managers to respond with compassion to the granting of leave under these circumstances. The length of time-off needed will be agreed by the member of staff and their manager in accordance with their situation.

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One day paid leave will be given to attend the funeral of a member of staff's immediate family members and a further time off of up to 5 days paid leave (pro rata for part time staff) will be given depending on individual circumstances such as responsibility for funeral arrangements or travel requirements or applying for probate or being interviewed by the probate office. All such leave must be recorded on ESR.

7.4 Jury Service (paid)

Staff may be required to attend Court for service as a Juror. Whilst there is no legal requirement for the Trust to pay members of staff who are undertaking Court Service, the Trust will grant full pay for their contracted hours for the duration of jury service less loss of earnings and/or certain expenses that can be claimed from the HM Court Service.

Requesting Leave

A member of staff receiving a notification of attendance to serve at a Court should advise his/her manager of the situation immediately, providing official evidence of the requirement for them to attend on the dates concerned.

The Trust should not apply improper pressure on a member of staff not to serve as a Juror as he/she could be committing the offence of contempt of court. There may be occasions however where the Trust may make a request to the Court appealing for the Jury Service to be postponed should their absence be detrimental to the service and patient care.

Record keeping

Employees who are required to attend Jury Service are issued with a "Certificate of Loss of Earnings" the form should be completed by the Trust's payroll provider, Shared Business Services (SBS). At the end of the Jury Service the employee is issued with a statement detailing amounts paid in respect of loss of earnings, this should be sent to payroll within 4 weeks. The amount detailed under loss of earnings will be deducted from employees pay in the following month.

If the statement is not forwarded to payroll within 4 weeks, the payroll provider will

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automatically deduct an amount equivalent to the limits as stated by the Court Service.

In granting full pay, the member of staff will be expected to attend for work as normal if not required by the Court. The member of staff should advise their manager if they are not required. If on any day during the period of jury service the member of staff is released early, they must make every effort to attend work on that day. If in doubt, they should telephone their manager for guidance.

7.5 Court/Tribunal summons (unpaid)

If a member of staff is asked to attend Court or Tribunal as a character witness, they should notify their manager immediately. Staff will be given unpaid leave to attend. They will be required to provide their manager with a copy of the relevant notification before their attendance is approved. The claim for loss of earnings would need to be submitted to the relevant solicitor, and would not be paid by the Trust. If on any day during the period of civic service the member of staff is released early, they must make every effort to attend work on that day. If in doubt, they should contact their manager for guidance.

7.6 Leave for Local Government Activities (unpaid)

As the bodies constituted under the National Health Service and Health Services Acts are not directly related to local government there is no objection, as a general rule, to Trust members of staff contesting local elections or taking part in local government activities. This is providing that, in the discharge of any local government functions that impinge on the services for which the Trust is responsible, members of staff have due regard to any potential conflict of interest that may arise.

Members of staff should seek the consent of the Trust before standing for election. Consent will not normally be withheld.

Members of staff may, at the discretion of the Trust, and subject to the needs of the service, be granted up to **five days unpaid leave per annum** (pro rata for

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part time staff) for the purpose of attending local government meetings and carrying out their duties as a local government member. In circumstances where employees require longer than five days, this should be discussed with the relevant line manager and a member of the HR Business Support Team.

7.7 Leave to carry out duties as a Justice of the Peace or a member of a statutory tribunal panel (unpaid)

Leave may be granted up to a **maximum of thirteen days per annum** at the discretion of the Trust and subject to the needs of the service. Leave may be taken in days or half-days as required. 5 days will granted as paid leave and the remainder will be granted as either **annual** or **unpaid** leave.

7.8 Leave to attend Governing Bodies of Educational Establishments (unpaid)

Leave may be granted up to a **maximum of 5 days** per annum at the discretion of the Trust and subject to the needs of the service. Leave may be taken in days or half-days as required.

This time is to be taken as either **annual** or **unpaid leave**. Leave may be granted up to a **maximum of 5 days leave** per annum at the discretion of the trust and subject to the needs of the service. Leave may be taken in days or half-days as required.

7.9 Training with the Territorial Army/Reserve Forces (unpaid)

It is the Trust's policy wherever possible to grant any employees who are members of any of the British Reserve Forces **5 days paid leave and 5 days unpaid** leave to attend training events in any 12 month period related to their membership.

Before taking on the above duties, an employee must discuss the practicalities of this in relation to their ability to fulfill their employment. The individual should only proceed to take on the above duties with the agreement of their line manager.

Wherever possible, reserve/cadet force training duties should be undertaken outside employee's normal working hours. Official notification should be provided when requesting leave.

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7.10 Active military service (reserve forces) (unpaid)

Where Trust staff who are volunteer members of the Territorial Army or Reserve Forces are called up on active military service unpaid leave will be granted. No employee will be dismissed or subjected to any detriment on account of being a member of the Reserve Forces or following call-out for active duty. In extreme circumstances if service or patient care will be severely affected, the Trust can apply for a deferral or exemption.

Wherever possible staff will return to their substantive posts, however, if this is not possible they will return to the most suitable alternative role. During military service there will be no break in employment however, the time away will not count as continuous service and they will not accrue annual leave during this time. Staff wishing to preserve pension rights should contact the Pensions Department for clarification of their personal circumstances.

7.11 Other civic/public duties (unpaid)

Leave under this section applies to staff who are members of:

A local authority

A police authority

A board of prison visitors or a prison visiting committee

An educational body e.g. school of governors

Members of staff carrying out public duties have a statutory right to reasonable time off in order to fulfill their duties. Nevertheless, it is still necessary that a request for time off in these circumstances be agreed with the manager as far in advance as possible to minimise disruption to service delivery.

Where an employee is considering putting themselves forward for civic or public duties they must discuss this with their manager so that consideration can be given to the likely impact on services. The member of staff will be asked to provide an assessment of the time off required during the forthcoming year. Agreement to undertake these duties will not be unreasonably withheld.

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Whenever possible, public duties should be undertaken outside of the individual's normal working hours.

If staff are not paid for their civil/public duties, up to 5 days' annual /unpaid leave may be granted in any 12 month period. If further leave is requested the line manager may grant another 5 days unpaid leave (if this meets service needs).

Formal notification confirming the time off required should be presented to the line manager when time off is requested.

7.12 Inclement Weather (inclement weather preventing attendance at work)

This leave applies to situations where inclement weather or other unforeseen circumstances prevents an individual's ability to travel to or from work.

Wherever possible, arrangements should be agreed for an individual to work from a different base or from home. Alternatively it may be possible to agree with the line manager to work back the hours at a later date (i.e. owe some hours) or use annual leave.

Unpaid leave can be granted if no other arrangements can be agreed.

8.0 Audit

This policy will be audited periodically for consistency of approach to prevent misuse of the policy by staff and by managers.

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Appendix 1

SPECIAL LEAVE APPLICATION

TO BE COMPLETED BY THE EMPLOYEE			
NAME:			
JOB TITLE:			
DEPARTMENT:			
REASON FOR SPECIAL LEAVE:			
START DATE:		END DATE:	
NO OF WORKING HOURS/DAYS:			

TO BE COMPLETED BY THE MANAGER							
SPECIAL LEAVE GRANTED:	YES		NO		PAI		UNPAI
	:		:		D:		D:
IF NO, PLEASE GIV REASON:							
NO OF WORKING HOURS/DAYS GRANTED:							
MANAGER NAME:							
DATE:							