

# Special Leave Policy

**DOCUMENT CONTROL SHEET**

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**Change History:**

Version	Date	Reviewer(s)	Revision Description
V1.0	April 2017	Louise Thomas	Adapted for use as the Shared Service Policy.
V1.1	Oct 2018	Policy Forum	Extension to length of compassionate leave from maximum 6 days to 2 weeks.
V1.2	Nov 2018	Hannah Preston	Updated version number with addition of references to West Essex CCG. Minor formatting changes. Updated review date.

**Implementation Plan:**

<b>Development and Consultation</b>	Adapted from the 4 existing CCG policies developed in conjunction with, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire and Luton CCGs.
<b>Dissemination</b>	This policy will communicate to staff representatives. It will be communicated electronically to all staff and managers and will be published on the CCG's intranet.
<b>Training</b>	There are no specific training requirements in order to implement this policy. However, managers will be able to access advice from the HR Department on the implementation and interpretation of this policy.
<b>Monitoring</b>	Periodic quality audits of agency/interim use to ensure compliance with this policy. The data identified from monitoring will be used to update the policy and ensure best practice as necessary.
<b>Review</b>	Every 2 years

<b>Equality and Diversity</b>	March 2017 - Equality Impact Assessment
<b>Associated Documents</b>	<ul style="list-style-type: none"><li>▪</li><li>▪</li></ul>
<b>References</b>	<ul style="list-style-type: none"><li>▪</li><li>▪</li></ul>

**Document Status:**

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## 1.0 Introduction

- 1.1 NHS Bedfordshire, NHS East and North Hertfordshire, NHS Herts Valleys, NHS West Essex, and NHS Luton Clinical Commissioning Groups (respectively referred to as 'the CCG'), aims to support staff to achieve a balance between their working life and responsibilities outside of work through the provision of a range of special leave arrangements to address individual personal circumstances, whilst meeting business and service needs.
- 1.2 This policy will be applied fairly and consistently for all staff and the CCG will reasonably endeavour to support staff by accommodating special leave requests where possible.
- 1.3 The purpose of this policy is to set out the differing types of leave that may apply in addition to annual leave to support staff with specific circumstances relating to the commitments outside of work. The policy describes the types of leave available, the process to be followed to apply for special leave, provides guidance and promotes best practice.

## 2.0 Scope

- 2.1 This policy applies to all CCG staff members, including Governing Body Members, whether permanent or temporary.
- 2.2 Please see: the Education, Training and Development Policy for details on study leave; the Annual Leave Policy for details about annual leave; and the Maternity, Maternity Support (Paternity), Adoption and Fostering Leave policy for these types of leave.

## 3.0 Definitions

For the purpose of applying the provisions contained in this document, the following definitions shall have the following meanings:

**Compassionate leave** - is given in the case of a death of a partner, close relative or someone with whom the member of staff has had a close relationship.

**Emergency leave for domestic reasons** - refers to immediate and unforeseen needs relating to an unexpected breakdown in their usual circumstances, for example flood, fire, burglary or other serious domestic incident which could not be predicted.

A **dependant** - is the partner, child or parent of the employee, or someone who lives with the employee as part of their family. It does not include tenants or boarders living in the family home.

**Carers leave** – refers to leave for immediate and unforeseen needs where normal care arrangements for a dependent breakdown at short notice.

**Volunteering leave** – is time off to volunteer in local health, social care and other organisations, including charities.

#### **4.0 Policy Statement**

The CCG is committed to assisting staff in balancing their work responsibilities with their personal commitments.

Although this policy provides for a range of paid and unpaid leave, it is not possible to anticipate every situation and managers should use their discretion when assisting staff in other unforeseen circumstances. In cases of doubt or where there is concern regarding consistency or equity of approach, advice should be sought from the HR and ODL Shared Service.

#### **5.0 Responsibilities**

##### **5.1 Managers** are responsible for:

- a) Ensuring they are familiar with this policy and applying it fairly and consistently;
- b) Taking advice from HR as necessary;
- c) Acting in a way that is sensitive, caring and compassionate towards staff;

- d) Acting within the spirit of this policy in terms of supporting staff to achieve a balance between their working life and responsibilities outside of work, whilst meeting business and service needs.

**5.2 Employees** are responsible for:

- a) Reporting their absence in accordance with normal protocols and seeking authorisation to be absent from work under this policy prior to taking leave wherever possible;
- b) Providing sufficient, full and accurate information to enable the relevant CCG manager to make an appropriate decision on whether to grant special leave. This may include providing evidence/verification of their circumstance where appropriate.

**5.3 The HR and ODL Shared Service** are responsible for:

- a) Overseeing the implementation of this policy, ensuring legal and procedural updates are incorporated in a timely manner.
- b) Supporting employees and managers to understand this policy and receive training as required.
- c) Working with managers to advise on the fair and consistent implementation of this policy

**5.4 The Accountable Officer/Chief Executive** has ultimate responsibility for ensuring that mechanisms are in place for the overall implementation, monitoring and revision of policy

**6.0 Procedure**

**6.1 Compassionate/Bereavement Leave**

Compassionate leave is given in the case of a death of a partner, close relative or someone with whom the member of staff has had a close relationship.

There is no qualifying period for eligibility. The initial request should be made to the immediate line manager or other manager acting on their behalf as appropriate.

Staff may request paid leave of up to 2 weeks, pro rata for part time staff. The length of paid leave granted will be considered in the context of:

- The status of the employee's relationship with the deceased in real terms not simply by blood ties;
- Whether the employee has administrative responsibilities e.g making funeral arrangements;
- The availability of other relatives and friends to assist in making arrangements;
- The distance the employee needs to travel to make arrangements or attend the funeral.

If appropriate, further unpaid compassionate leave may be granted at the discretion of the manager. It is expected that further requests for leave after 2 weeks will be unpaid or taken as annual leave. Staff should normally exhaust all paid leave before unpaid leave can be requested.

## **6.2 Emergency Leave for Domestic Reasons**

The aim of emergency leave for domestic reasons is to provide a compassionate response to immediate and unforeseen needs. This will be on those occasions when a person's ability to function normally in the working environment is adversely affected by an unexpected breakdown in their usual circumstances, for example flood, fire, burglary or other serious domestic incident which could not be predicted.

There is no qualifying period for eligibility. The initial request should be made to the immediate line manager or other manager acting on their behalf as appropriate.

Staff will be granted the time needed to deal with the emergency, normally 1 days leave or annual leave however in exceptional circumstances additional leave can be granted.

With a maximum of 3 days per leave year (pro rata for part time staff). It is expected that further requests for leave after 3 days will be unpaid or taken as annual leave. Staff should normally exhaust all paid leave before unpaid leave can be requested.

This type of leave is only for unforeseen emergencies. Staff are required to take annual leave for domestic leave requirements which can be reasonably planned for in advance e.g. household deliveries, domestic house repair or remedial works, etc. Please also see the Flexible Working Policy regarding home working, if appropriate in the circumstances.

### 6.3 Carer's Leave

The aim of carers leave is to provide a compassionate response to immediate and unforeseen needs where normal care arrangements for a dependant breakdown at short notice, for example:

- If a dependant falls ill or has been involved in an accident or assaulted, including where the victim is hurt or distressed rather than injured physically;
- To make longer-term care arrangements for a dependant who is ill or injured;
- To deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example, when a child-minder or nurse fails to turn up;
- To deal with an unexpected incident occurring at school during school hours and requiring the parent/carer to attend.
- To accompany a dependent to hospital/specialist appointments.

A dependant is the partner, child or parent of the employee, or someone who lives with the employee as part of their family. It does not include tenants or boarders living in the family home.

In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the member of staff for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

There is no qualifying period for eligibility. The initial request for leave should be made to the immediate line manager or other manager acting on their behalf as appropriate. Carer leave is essentially a short term response to a crisis and, therefore, from a few hours up to 5 days paid leave per leave year may be granted (pro rata for part time staff) in any one leave year. It is expected that further requests for leave after 5 days will be unpaid or taken as annual leave. Staff should exhaust all paid leave before unpaid leave can be requested.

#### **6.4 Leave for Civic and Public Duties**

The CCG will allow staff to take reasonable paid leave for essential civic and public duties, examples of which are:

- Serving as a Justice of the Peace;
- Membership of any statutory tribunal;
- Membership of a Board of Prison Visitors;
- Membership of a School Governing Body;
- Territorial Army/Reserve Forces.

Staff will be asked to consider the amount of time they are spending on such duties where these are having an impact on the needs of the service. In these circumstances managers should agree with staff how the balance between service need and public duties can best be achieved.

In addition to the above provisions paid leave shall be made available in the following circumstances:

- Absence from duty following contact with a case of notifiable disease;
- Attendance at court as a witness;
- Training with reserve and cadet forces;
- Attendance as a witness at internal CCG hearings;
- Jury service.

#### **6.5 Doctors, Dentists and Hospital Appointments**

It is expected that employees will arrange such appointments for the doctor or dentist in their own time or alternatively at a time which minimises the effect on the service. Managers should consider the flexible use of time off in lieu. Where employees have no alternative but to attend such appointments during the working hours, time off with pay will normally be granted for a reasonable period, although managers should consider the flexible use of time off in lieu.

Appointments such as dental check-ups, non-emergency dental work and non-emergency doctor appointments would come within this arrangement. Emergency medical/dental treatment would normally require sickness absence to be taken.

## **6.6 Armed Forces: Reservists**

The CCG shall grant unpaid leave to staff who have entered into a period of whole time service in the armed services of the Crown, following a notice of directions for the calling out of reserve or auxiliary services called a “Compulsory Call Out Order”, or for the recall of service pensioners, or in order to fulfil obligations to serve as a commissioned officer. This may include a period of whole time service in the armed forces entered into by a member of the Territorial Army. The employee shall provide documentary proof of any such instruction from the armed forces.

The CCG shall only refuse to agree such leave if serious harm is incurred by the CCG such as impairment in its ability to provide services or conduct research and development which cannot be alleviated by the financial awards available.

Reservists have the right to return to their former jobs on terms and conditions no less favourable than those that would have applied if they hadn't been called up. They have the right to remain a member of the workplace pension scheme provided they continue to pay contributions. Managers must facilitate this when required.

The employee must apply for re-instatement in writing to the CCG after a period of military service ends, not later than the third Monday after the end of that period or as soon afterwards as reasonably possible. It is unlawful for an employer to terminate a reservist's employment without their consent.

The employer, following a correct application for re-instatement, must then re-instate the former employee in their old occupation, on terms no less favourable than would have applied but for the military service or, if this is not possible, into the most favourable terms and conditions which are reasonable and practicable for the individual in question

## **6.7 Other Special Leave**

Managers may at their discretion, subject to the needs of the service, grant other special leave. The leave may be a mixture of paid and unpaid (please see section 6.8 regarding unpaid leave)

## 6.8 Unpaid Leave

If you have exhausted all other leave entitlements and benefits, or the above benefits are not applicable to your circumstances, you may wish to apply for unpaid leave. Unpaid leave should only be taken when all other leave has been exhausted. The granting of unpaid leave is at the discretion of your manager, who will consider your application reasonably and fairly. There is no right to unpaid leave under this policy.

## 6.9 Volunteering Leave

All employees are able to take up to one week's paid time (or equivalent hours) per year to volunteer. Volunteering time can be taken as a single block of time or over a number of weeks or months.

Volunteering leave provides employees with time to volunteer in health, social care and other organisations, including charities, who:

- need volunteers;
- regularly engage volunteers;
- have volunteering roles;
- have clear volunteering policies.

Employees are able to choose who they spend their volunteering time with, within the parameters outlined above, and to organise their own volunteering placements/roles, and agree these with their Line Manager. The volunteering scheme is an opportunity to connect with patients and local communities and for that reason paid time to volunteer is limited to opportunities where the individual employee lives or works. It is preferred that any voluntary organisation that employees work with is one that operates in the area covered by the employing CCG to help build our relationships with local health, social care and voluntary sector organisations. Employees are permitted to volunteer where they live, but preferably with an organisation that also operates in the area covered by the CCG.

Agreeing time to volunteer should be part of an employee's Personal Development Plan (PDP), discussed and agreed with their manager in their appraisal review. There should be joint agreement about how volunteering will benefit both the employee and the organisation in which the individual will volunteer, and how the employee will provide an account of how their time was spent whilst volunteering.

Time available for volunteering should be encouraged and actively supported within teams, but should ultimately be considered within the context of business continuity, taking into account the individuals employment record.

The underpinning principle is that time available to volunteer should have no detrimental impact on an individual performing their role to a high standard within the CCG.

Employees will need to provide details of the name of the sponsoring organisation, the volunteering opportunity (nature of activity), when time to volunteer is needed, and confirmation in writing from the host organisation that the volunteering opportunity is available. Confirmation of the volunteering opportunity via email would be sufficient.

Employees should also ensure before taking up any volunteering activity that the hosting/sponsoring organisation has a volunteering policy, the role and tasks are appropriate to their abilities, an appropriate risk assessment, including health and safety considerations is in place and they will be covered by the organisation's insurance policy. The hosting/sponsoring organisation should be responsible for carrying out any required employment checks (such as the Disclosure and Barring Service (DBS) checks where appropriate), taking up references etc.

The volunteering activity should not bring the CCG into disrepute. Any conflicts of interest should be recorded in line with the CCG's Conflicts of Interest Policy. For example, if the employee has commissioning responsibility or are in a position to influence commissioning decisions, and they are volunteering with an organisation that has either been awarded or is bidding for a CCG contract, this must be declared.

The pattern of time taken for volunteering should be discussed and agreed, by the employee and their Line Manager, and communicated to the wider team. How volunteering is going, what the individual is learning etc. should also be a regular item for discussion at one to one meetings.

Any travel and subsistence costs associated with volunteering should be agreed with the organisation in which the employee is volunteering. The CCG will not be able to reimburse expenses incurred from any volunteering activity.

## 6.10 Appeal

All CCG employees may use the CCG's Grievance Procedure if they feel that they have been treated unfairly in relation to the application of this policy. If an employee considers that their treatment amounts to discrimination, victimisation, harassment or bullying, the matter should be considered under the CCG's Bullying and Harassment Policy.

## Appendix 1: Equality Impact Assessment

# HR and ODL Shared Service

Hertfordshire, West Essex,  
Bedfordshire & Luton  
CCGs

1. Policy		EIA Completion Details			
Title: X Proposed                  Existing Date of Completion: March 2017 Review Date: March 2020		Names & Titles of staff involved in completing the EIA: HR and ODL Shared Service Policy Forum members			
<b>2. Details of the Policy. Who is likely to be affected by this policy?</b>					
X Staff <input type="checkbox"/> Patients <input type="checkbox"/> Public					
<b>3. Impact on Groups with Protected Characteristics</b>					
	Probable impact on group?			High, Medium or Low	Please explain your answer
	Positive	Adverse	None		
Age	<input type="checkbox"/>	<input type="checkbox"/>	X		
Being married or in a civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	X		
Disability (Inc. learning or, physical disability and sensory impairments)	<input type="checkbox"/>	<input type="checkbox"/>	X		
Having just had a baby or being pregnant	<input type="checkbox"/>	<input type="checkbox"/>	X		
Race, (Inc. ethnicity, nationality, language)	<input type="checkbox"/>	<input type="checkbox"/>	X		
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	X		
Gender (Inc. being a transsexual person)	<input type="checkbox"/>	<input type="checkbox"/>	X		
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	X		
<b>No impact on any of the groups above.</b>	Please explain and provide evidence Policy to be applied fairly and consistently with appropriate consideration of protected characteristics				
<b>4. Which equality legislative Act applies to the policy?</b>					
<input type="checkbox"/> Human Rights Act 1998 <input type="checkbox"/> Equality Act 2010 <input type="checkbox"/> Health & Safety Regulations			<input type="checkbox"/> Mental Health Act 1983 <input type="checkbox"/> Mental Capacity Act 2005		
<b>5. How could the identified adverse effects be minimised or eradicated?</b>					
N/A					
<b>6. How is the effect of the policy on different Impact Groups going to be monitored?</b>					
N/A					