

Document Control

Title			
Special Leave Policy			
Author		Author's job title	
		Assistant Director of Human Resources	
Directorate		Department	
Workforce Development		Human Resources	
Version	Date Issued	Status	Comment / Changes / Approval
1.0	Feb 2006	Final	Approved by Joint Negotiating Consultative Committee (JNCC) on 28.02.06 Published on Tarkanet
1.1	Nov 2009	Revision	Presented to and approved by JNCC 02.11.09
1.2	Nov 2009	Revision	Extension of the review date to October 2010 to allow for completing in Trust template. Approved by Joint Negotiating Consultative Committee (JNCC) on 02.11.09. Published on Tarkanet.
1.3	Aug 2010	Revision	Changes to Appendix 1 Dependents Leave entitlement approved at 2 nd August 2010 Joint Policy Group. Published on Tarkanet.
1.4	Jun 2011	Revision	Added guidance and application forms for Additional Paternity Leave and Pay which has come into effect from 6 th April 2011 as a result of the Additional Paternity Leave Regulations 2010. Approved at Joint Partnership Forum on 06/06/11
1.5	Jun 2012	Revision	Converted to latest Trust template. Harmonised policy as a result of the merging of Northern Devon Healthcare NHS Trust and NHS Devon community services. A summary of key issues and differences is on page 3.
1.6	Jun 2012	Revision	Minor amendments by Corporate Governance to document control report, headers and footers, formatting for document map navigation, automatic table of contents.
1.7	Dec 2012	Revision	Revisions following consultation at Policy Development Group
1.8	Jan 2013	Revision	Further revisions following consultation at 2 nd Policy Development Group
1.9	Mar 2013	Final	Approved by the Partnership Forum on 14 th March 2013.
2.0	May 2013	Revision	Minor amendments by Corporate Governance to version control, document control report, formatting for document map navigation. Hyperlinks to appendices.
2.1	Jun 2013	Revision	Update to Appendix B to reflect change in law
2.2	Dec 2014	Revision	Update to Appendix B to reflect change in law

3.0	Aug 2015	Revision	Removal of references to Paternity, Adoption and Parental Leave etc. as removed to new Family Leave Policy. Re-naming appendixes as numbers not letters.
3.1	Jan 2016	Final	Final review and incorporation of amendments as agreed at Pay & Reward Group in September 2015.
3.2	Mar 2019	Final	Minor amendments to job titles made following review at Pay & Reward Group in March 2019.
3.3	June 2021	Extension	In April-21 Governance Committee it was agreed that this document would have extended due dates until 31st May 2022.
Main Contact			
Tim Robinson, Assistant Director of HR Suite 4, Chichester House North Devon District Hospital Raleigh Park Barnstaple, EX31 4JB		Tel: Direct Dial Tel: Internal Email:	
Lead Director			
Director of People			
Superseded Documents			
NDHT Special Leave policy NHS Devon Special Leave policy NHS Devon Family, Domestic & Compassionate Leave policy NHS Devon Parental Leave policy NHS Devon Paternity/ Maternity Support Leave policy NHS Devon Adoption Leave policy			
Issue Date		Review Date	Review Cycle
June 2021		May 2022	Extension
Consulted with the following stakeholders: (list all)			
<ul style="list-style-type: none"> • Infection Control • Medicines Management • Equality & Diversity Lead • Staff-side • Pay & Reward Sub-Group • Executive Team 			
Approval and Review Process			
<ul style="list-style-type: none"> • Partnership Forum • Pay & Reward Sub-Group 			
Local Archive Reference			
G:\HR\Policies			
Local Path			
HR Policies Folder			
Filename			
Special Leave Policy			
Policy categories for Trust's internal website (Bob)		Tags for Trust's internal website (Bob)	
Personnel and Development, Human Resources, Harmonised		Compassionate Leave, Public and Civic Leave, Jury Service, Time off for dependents leave, Funeral, Paternity, Adoption, Parental, IVF, Public duties, Court witness, Carers leave	

CONTENTS

Document Control	1
1. Introduction	4
2. Purpose	5
3. Definitions	5
4. Responsibilities	6
5. Types of Leave	7
6. Public and Civic Duty Leave	8
7. Applying for Special Leave	10
8. Equality Impact Assessment	10
9. Associated Documentation	11
Appendix 1: Special Leave Types	12
Appendix 2: Public and Civic Duty Leave	17
Appendix 3: Time off for dependents leave FAQ	20
Appendix 4: Special dependent leave on becoming a carer – FAQ	22
Appendix 5: Special Leave Approval/ Record Form	24
Appendix 6: Public/ Civic Duties Approval Request Form	25
Appendix 7: Appeal against decision regarding special paid leave application	27
Appendix 8 - Appeal Procedure	28

1. Introduction

This document sets out Northern Devon Healthcare NHS Trust's system for Special Leave. It provides a robust framework to ensure a consistent approach across the whole organisation, and supports our statutory duties.

All employees, irrespective of their length of service, whether they work full-time or part-time or are employed on a permanent or fixed term basis have the statutory right to take a 'reasonable' amount of unpaid time off to take 'necessary' action to deal with particular situations affecting them and/or their dependents.

1.1. Scope

This policy applies to all employees of the Trust and relates to time off, whether that time is paid or unpaid, and covers different types of Special Leave including Public and Civic Duty Leave.

Please refer to the relevant policies on the Trust intranet for information about:

- Career/Employment Breaks
- Family leave including IVF, Maternity, Paternity, Adoption and Parental Leave including "Shared Parental Leave" and time off to accompany a pregnant woman to ante natal appointments etc.
- Annual Leave
- Study Leave
- Sickness Absence including Medical Suspension
- Inclement weather

It is recommended that, where appropriate, flexible working options are considered alongside this policy.

1.2. Consideration

All Special Leave must be subject to the needs of the service although requests for such leave will not be unreasonably refused. Requests for special leave will be given serious consideration by managers and all employees will be treated fairly and consistently across the Trust.

Time off provisions cannot be so prescriptive that every eventuality is catered for. The provisions outlined in this policy set reasonable arrangements for normal circumstances. Managers may, however, be faced with exceptional or extenuating circumstances, which may require additional time off beyond the provisions outlined in this policy.

Managers and/or employees should seek advice from the Human Resources Department where requests for special or unpaid leave fall outside this policy.

1.3. Public and Civic Duties

The Trust recognises that it has a civic responsibility to allow employees to undertake public and civic duties or to be part of the volunteer reserve forces. The Trust accepts and wishes to support the granting of some paid leave to undertake such duties, however, the Trust's priority must be to use its resources in the most effective way in order to provide the best possible patient care.

2. Purpose

The policy provides guidance for both employees and their managers. The aim of this policy is to assist employees to balance the demands of domestic and work responsibilities at times of urgent and unforeseen need or to take time off through the provision of paid and/or unpaid leave, according to circumstances.

3. Definitions

Definition of Paid Leave

- 3.1. For the purpose of this policy, paid leave is defined as the equivalent payment to that which would have applied had the employee been on annual leave.

The employee will receive normal full pay (as if they were on annual leave) for all agreed periods of absence taken under this policy unless otherwise specifically stated as being unpaid leave. If, in the course of such duties, the employee receives payment other than for travel and subsistence (e.g. jury service), they must declare the payment to their line manager and agree to its deduction from their salary.

Definition of Working Day for the Purpose of Arranging Meetings, Providing Documentation and for Appeal Procedures

- 3.2. For the purposes of the timescales relating to arranging meetings, providing documentation and for appeal procedures within this Policy, the expression 'working day' refers to Monday through Friday and does not include Saturdays or Sundays.

4. Responsibilities

Role & Responsibilities of the Chief Executive

- 4.1. The Chief Executive has the overall responsibility for all matters of Human Resources and ensuring that all mechanisms are in place for the overall implementation, monitoring and revision of this Policy. The Chief Executive has nominated the Director of People as lead for all Human Resources matters.

Role & Responsibilities of the Human Resources Department

- 4.2. It is the role of the Human Resources Directorate/HR Operations Team to ensure that employees and line managers receive appropriate advice and guidance in the implementation of this policy. HR can provide advice on procedural matters to any party with regards to the implementation of this Policy. The Directorate is also responsible for providing assurance that this policy has been adhered to in safeguarding the Trust against claims for constructive dismissal.

Role & Responsibilities of Managers

Managers have responsibility for ensuring that requests for special leave are dealt with compassionately, fairly, consistently, sensitively and speedily and on the basis that no genuine requests will be unreasonably refused.

Managers are strongly advised to seek advice from the HR department regarding difficult or complex situations.

In determining applications for special leave, managers must take into account the circumstances of the individual, the length of time being requested and the needs of the service, particularly where absence is likely to be prolonged. All requests, whether verbal or written should be dealt with promptly and the decision confirmed in writing to the employee concerned using the appropriate form as attached at Appendix 5 or Appendix 6).

If the request is to be refused, the manager should arrange to meet the employee as soon as possible to outline the reasons for this decision. The employee, if they wish, may be accompanied by a trade union representative or workplace colleague at this meeting. The decision should be recorded using the form provided and a copy provided to the employee.

Any such meeting should, wherever possible, take place within 5 working days of receiving the request and written confirmation of the outcome of the meeting should be sent within 5 working days and no longer than 7 working days of this meeting.

It is essential that all special leave is recorded accurately and managers must ensure that adequate records are kept of requests for special leave together with details of, and reasons for, the decisions made in response to any requests.

Managers must ensure that all payroll documents such as Change of Circumstances forms and any Monthly Staff Attendance Record Sheets etc. for payroll or rota purposes are completed promptly in relation to special leave. The details of the reason and duration of the special leave granted, together with whether it is to be paid or unpaid must be included on the Change of Circumstances form sent to payroll and a copy must be retained in the employee's personal file.

Where the special leave is unpaid, it is the manager's responsibility to ensure that a change of circumstances form is completed and submitted to payroll promptly, detailing the period for which the pay should be stopped and the type of special leave being taken. If the Payroll department is not informed of this change, it could result in the employee being overpaid which the employee will then be required to re-pay.

Managers must also ensure that employees on long-term special leave are consulted on any key management decisions affecting the Trust, their department or themselves, during their absence.

In the case of Compassionate Leave Managers may wish to consider referrals to Occupational Health counselling services as appropriate.

Role & Responsibilities of Employees

- 4.3.** All employees have a duty to use the provisions available for special leave responsibly and sensibly. Any abuse of the special leave policy could lead to disciplinary action being taken. Employees also have an obligation to follow the procedures laid down in this policy for requesting special leave.

Where an overpayment occurs, employees have a duty to report any overpayment in a timely manner to their line manager and repay any overpayment over a reasonable and agreed time period.

In relation to time off for dependents employees are expected to keep disruption to their role to a minimum and aim to cause as little disruption to the Trust services as possible.

In the case of Compassionate Leave employees may wish to consider self-referral to Occupational Health counselling services or request their manager to make a referral for them to Occupational Health

5. Types of Leave

Special Leave options for employees are indicated below together with the relevant appendix which also includes the definition, the considerations of managers when authorising Special Leave, whether the leave is entitled to be paid or not and how to apply for and record the Special Leave.

Special Leave (see Appendix 1):

-
1. Emergency time off to care for dependents
 2. Special dependent leave on becoming a carer
 3. Compassionate leave (Bereavement/ Serious or Terminal illness/ Emergency admission)
 4. Funeral of work colleague
 5. Exceptional/ Domestic leave
 6. Unpaid leave e.g. additional annual leave without pay
 7. Gender Re-assignment

Public and Civil Duty Leave (see Appendix 2):

8. Leave for public duties
9. Jury Service
10. Appearing in court as a witness
11. Leave for training with the armed or cadet forces

6. Public and Civic Duty Leave

Employees have a legal right to reasonable unpaid time off to attend public duties and the legal right applies to employees who are a:

- Member of a Statutory Tribunal
- Magistrate
- Local councillor
- Member of an NHS Trust
- Member of a Prison Visitor Committee
- Lay visitor to a police station
- Member of a managing body for a school or education establishment

Wherever possible, public duties should be undertaken outside of the Individual's normal working hours. The Trust will, if necessary, extend the legal right to reasonable unpaid time off to attend public duties to reasonable paid time off. Managers, when deciding whether to approve paid leave for public and civic duties, will need to take into consideration:

- How much time off is required overall to perform the duties
- How much time off the employee had already been permitted for this purpose

-
- The current needs of the service and the impact on the Trust's ability to provide the service in the employee's absence
 - Whether the activity is reasonable in relation to the employee's role

Before committing to the above duties, the employee must discuss the practicalities of this with their manager in relation to their ability to fulfil their employment. The individual should only proceed to take on the above duties with the written agreement of their manager, using the form provided (see Appendix 6).

Jury Service and Attendance at Court as a Witness

The Trust is obliged to provide employees with time off to attend jury service or to attend court as a witness. Although there is no legal requirement for this to be paid leave, the Trust will ensure that employees are paid in accordance with the definition set out in Section 3.1 above.

Where loss of earnings can be claimed from the Court, these should be claimed by the employee and reimbursed by the employee to the Trust. The reason for this is that there are statutory limits on the earnings a Court will reimburse and this will not always cover an employee's normal wage. Therefore to ensure employees are not financially disadvantaged or have any break in payment when undertaking these important public duties, the Trust will pay employees as normal and offset any earnings payments received by the employee against this.

Employees cannot continue to claim their normal pay from the Trust and keep earnings reimbursed by the Court. This will amount to fraud and could lead to criminal prosecution as well as disciplinary sanctions. Employees are, however, entitled to retain any payments made by the Court for travel or subsistence expenses.

Where Jury Service is anticipated to last beyond two weeks it is essential that the employee or their line manager contact the HR Operations Team to identify the most appropriate way forward with regards to salary payment for the duration of the Jury Service.

Employees can make a personal representation to the Court for Jury service to be postponed but the employer cannot do this on their behalf and cannot compel the employee to make any such representation. If an employee is summonsed for jury service this will be explained in the information provided to them with their summons.

7. Applying for Special Leave

Any application for special leave when the employee knows the leave requirements in advance, should be made to the employee's line manager for approval and signature using the form at Appendix 5 or Appendix 6. Where there is a need to apply for leave urgently and at short notice the application can be made verbally to the line manager and documentation completed retrospectively. Urgent/short notice applications by text will not normally be appropriate unless communication by text is an existing agreed method of communication within the department/service. The outcome must be confirmed in writing, along with the employee's right of appeal. The date by which any appeal must be lodged should be included in the outcome letter.

Full details of the arrangements agreed for the special leave must be included in the Change of Circumstances form submitted to payroll and copy retained on the employee's personal file.

All appeals in relation to the refusal of Special Leave for any purpose must be lodged in writing (template form attached at Appendix 7) and the appeal process will be carried out in accordance with the arrangements set out in Appendix 8 of this Policy.

8. Equality Impact Assessment

The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. An Equality Impact Assessment Screening has been undertaken (see Appendix 9).

Table 1: Equality Impact Assessment

Group	Positive Impact	Negative Impact	No Impact	Comment
Age			X	
Disability			X	
Gender			X	
Gender Reassignment	X			
Human Rights (rights to privacy, dignity, liberty and non-degrading treatment), marriage and civil partnership			X	
Pregnancy			X	
Maternity and Breastfeeding			X	
Race (ethnic origin)			X	
Religion (or belief)			X	
Sexual Orientation			X	

9. Associated Documentation

- Career Break Policy
- Employment Break (NHS Devon Policy)
- Flexible Working Policy & Procedure
- Family Leave & Pay Policy
- Maximising Attendance Policy
- Inclement Weather Policy

Northern Devon Healthcare

Appendix 1: Special Leave Types

Type of Leave	Definition	Duration and whether paid or unpaid	Who Qualifies?	Application process
<p>PLEASE NOTE: ALL SPECIAL LEAVE OPTIONS CAN BE SUPPLEMENTED BY ANNUAL LEAVE, UNPAID LEAVE OR OTHER FLEXIBLE WORKING OPTIONS. PLEASE NOTE, MOST SPECIAL PAID LEAVE IS BY APPLICATION AS ARE REQUESTS TO SUPPLEMENT THIS LEAVE ANNUAL LEAVE, UNPAID LEAVE OR OTHER FLEXIBLE WORKING OPTIONS. THERE MAY THEREFORE BE OCCASIONS WHERE, DUE TO SERVICE NEEDS, NOT ALL THE REQUESTED LEAVE CAN BE GRANTED. SPECIAL LEAVE IS FOR EMERGENCY USE AND CANNOT BE USED FOR PLANNED APPOINTMENTS.</p>				
<p>1. Emergency time off to care for dependents</p> <p>The right to take time off work to deal with an emergency involving someone who depends on you.</p> <p>An emergency is when someone who depends on your help or care and needs you:</p> <ul style="list-style-type: none"> to deal with an unexpected disruption or breakdown in care, such as a child-minder or nurse failing to turn up to provide help when a dependent falls ill, goes into labour, is injured or assaulted; to make arrangements for the care of a dependent who is ill or injured; to deal with an incident involving an employee's child during the time when the school/ carer is responsible for him / her. <p>See also the FAQ at Appendix 3.</p>	<p>It is intended to give the carer a short time to deal with unexpected / sudden emergencies and make longer term arrangements.</p> <p>It is not intended to provide time off for the duration of a child's illness or recovery, nor is it intended to provide time to care for dependents where normal caring arrangements break down. The time off should be utilised to make other arrangements.</p>	<p>Up to and not exceeding 3 days paid (pro rata for part-time) within any annual leave year. Aggregated if not continuous.</p> <p>Additional unpaid leave may be granted upon written request. Annual leave, accrued time off in lieu or unpaid leave can be granted at short notice. Alternatively, time off may be made up with prior agreement of the manager. Time off must be made up within four weeks.</p>	<p>All employees</p>	<p>Verbal request to line manager for paid leave. The manager must be informed as soon as possible of the situation and the reasons for the request. In return the manager must give an immediate verbal response. Additional unpaid leave to be requested in writing to the manager.</p> <p>If you need to be off for longer than you thought to deal with something, contact your manager as soon as you can to let them know why and how long you might need. Try to give them these details in writing as soon as you can.</p> <p>Manager to complete CoC and Special Leave Approval/Record Form (Appendix 5)</p>



Northern Devon Healthcare

NHS Trust

Type of Leave	Definition	Duration and whether paid or unpaid	Who Qualifies?	Application process
<p>2. Special dependent leave on becoming a carer.</p> <p>The right to take time off work where an employee unexpectedly has to take on continuous long term (normally more than 4 weeks) caring responsibilities for someone who depends on them.</p> <p>See also the FAQ at Appendix 4.</p>	<p>It is hoped that the situations in which this leave will be applicable will be rare. The leave is designed for situations where an employee is unexpectedly thrown in to a position of having to provide/arrange for constant care on a continuous long term basis to a dependent.</p> <p>Examples may include:-</p> <p>Having to look after a spouse or relative who has suffered a stroke and who has been discharged from hospital but who needs constant care at home.</p> <p>Having to look after a child who has suffered a serious accident and needs constant care during their rehabilitation.</p>	<p>Up to and not exceeding 5 days paid (pro rata for part-time) within an annual leave year. However, note that the same caring event will not generate a new entitlement in a subsequent annual leave year.</p> <p>The leave will normally be taken in a single block.</p> <p>Additional unpaid leave can be granted upon written request, up to an overall maximum of 18 weeks</p> <p>NOTE: This leave <u>cannot</u> be used in conjunction with compassionate leave exceeding 3 days (pro rata for part-time) except in the case of the death of the dependent within, or immediately at the end of, the period of special dependent leave on becoming a carer.</p>	<p>All employees with more than 12 months continuous service with the NHS.</p>	<p>Where possible the request should be in writing to the line manager but it is recognised that in some cases it will be necessary for the request to be made verbally. The manager will be responsible for responding in a timely manner.</p> <p>Manager to complete CoC and Special Leave Approval/Record Form (Appendix 5)</p>



Northern Devon Healthcare

NHS Trust

Type of Leave	Definition	Duration and whether paid or unpaid	Who Qualifies?	Application process
<p>3. Compassionate Leave (Bereavement leave/Serious or Terminal illness/ Emergency Admission)</p> <p>Compassionate leave will be granted in the case of the death, immediate impact of serious or terminal illness or the emergency admission of a partner, close relative or someone with whom the employee has a close relationship.</p> <p>If the impact of diagnosis of serious or terminal illness, emergency admission or bereavement requires longer term changes to work arrangements the manager should discuss this with the individual and may, for example, refer to the Flexible Working Policy or Career/ Employment Break Policy on the Trust intranet, BOB.</p> <p>Exceptionally compassionate leave may be granted for the death of a close family pet. In this situation the entitlement will be restricted to a maximum of 2 days paid (pro rata for part-time) with no facility to apply for additional paid or unpaid leave.</p>	<p>Short term leave to support the emotional and practical impact of a bereavement/ diagnosis of serious or terminal illness/ emergency admission.</p> <p>NB – The status of the relationship does not necessarily reflect the closeness of the relationship and the impact of the bereavement. This must be taken into consideration along with;</p> <ul style="list-style-type: none"> • the closeness of the relationship • issues arising from a sudden death • the extent to which the employee is involved in the funeral and support arrangements • travelling long distances 	<p>Up to and not exceeding 3 days paid (pro rata for part-time) within any annual leave year. Aggregated if not continuous. (See restrictions for the death of a close family pet).</p> <p>Application for paid leave of more than 3 working days but not exceeding the equivalent of 2 working weeks paid (pro rata for part-time) may only be granted with written authorisation/ signature by Senior Manager.</p> <p>Additional unpaid leave may be granted upon written request. Annual leave, accrued time off in lieu or unpaid leave can be granted at short notice. Alternatively, time off may be made up with prior agreement of the manager within four weeks.</p>	<p>All employees</p>	<p>Verbal request to line manager for paid leave. The manager must give an immediate verbal response.</p> <p>Additional unpaid leave to be requested in writing to the manager. The manager must respond within 2 working days.</p> <p>Manager to complete CoC and Special Leave Approval/Record Form (Appendix 5)</p>



Northern Devon Healthcare

NHS Trust

Type of Leave	Definition	Duration and whether paid or unpaid	Who Qualifies?	Application process
4. Funeral of work colleague	To enable employees to attend the funeral of a work colleague – impact on service needs to be considered	Paid travelling and attendance time.	All employees	Verbal request to line manager. CoC and Sp Leave Approval (App 5)
5. Exceptional/ Domestic Leave	<p>Short term leave to support unforeseen breakdown in an individual's personal circumstances e.g. burglary, emergency care of family pet, fire, burst water main, theft or damage to vehicle.</p> <p>This list is not exhaustive and will be decided on a case by case basis with consideration being given to the individual employee's circumstances and needs alongside the needs of the service.</p>	<p>Unpaid time off. It is anticipated that the number of occasions for which this type of leave is required will be minimal.</p> <p>Annual leave or unpaid leave can be granted at short notice.</p> <p>Alternatively, time off may be made up with prior agreement of the manager within four weeks.</p>	All employees	<p>Verbal request to line manager for unpaid leave. The manager must be informed as soon as possible of the situation and the reasons for the request. In return the manager must give an immediate verbal response.</p> <p>If you need to be off for longer than you thought to deal with something, contact your manager as soon as you can to let them know why and how long you might need. Try to give them these details in writing as soon as you can.</p> <p>The leave should be recorded on the CoC and Special Leave Approval/ Record Form Appendix 5.</p>
6. Unpaid leave	<p>Additional annual leave without pay</p> <p>Unpaid leave can be requested in a variety of situations ranging from extended holidays to</p>	As agreed with line manager. This will be granted in line with	All employees	Written request to line manager. Manager to respond within 7 days



Northern Devon Healthcare

NHS Trust

Type of Leave	Definition	Duration and whether paid or unpaid	Who Qualifies?	Application process
	undertaking a domestic project to taking time to come to terms with the break-up of a long term relationship.	service need.		and complete CoC and Special Leave Approval Record Form (Appendix 5)
7. Gender Re-assignment	To recognise employees undergoing gender re-assignment will need leave to attend procedures and appointments.	<p>Gender re-assignment will treated as a medically required elective procedure. This will enable the employee to access occupational sick pay when undergoing elective procedures or when on certified sick leave for recuperation following a procedure.</p> <p>Employees will also be entitled to time off with pay to attend Outpatient appointments or other required appointments as part of the formal gender re-assignment process.</p>	All employees	In line with the sickness absence policy.

Appendix 2: Public and Civic Duty Leave

Type of Leave	Definition	Duration and whether paid or unpaid	Who Qualifies?	Application
<p>8. Voluntary Leave for public duties</p> <p>Before taking on these duties an employee must discuss the practicalities of this in relation to their ability to fulfil their employment. The individual should only proceed to take on the above duties with the written agreement of their manager.</p>	<p>Voluntary Public Duties:</p> <p>Justice of the Peace/Magistrate</p> <p>Member of local authority</p> <p>Member of National Rivers Authority</p> <p>Member of the Broads Authority</p> <p>Mayor</p> <p>Member of Statutory tribunal</p> <p>Member of an NHS Board / Body e.g. Trust Boards, PCT, etc</p> <p>Member of the managing or governing body of a publicly funded educational establishment e.g. a school maintained by a local education authority, a grant maintained school, an academy school or a higher education corporation.</p>	<p>Leave should be taken wherever possible outside of working hours</p> <p>Up to a maximum of 5 days paid leave per year</p> <p>Up to an overall maximum of 5 days paid leave per year for any combination of duties. In determining the amount of special leave necessary, regard will be given to:-</p> <ul style="list-style-type: none"> the needs of the service; and how much leave is required for the performance of the particular duty; and the amount of leave already granted to the employee. <p>No travelling expenses or subsistence allowances shall be paid by the Trust</p>	All employees	<p>Written request to line manager for each absence from duty using Appendix 6 'Public/Civic Duties Approval Request Form'. Manager to complete Special Leave Record Form (Appendix 6)</p> <p>An original headed letter/notification confirming the official notice of dates will be required when completing a leave request form. Special leave authorised for these purposes may be taken in days or half days as required, but the consent of the employee's manager must be obtained <u>in advance of each absence</u> from duty as necessary.</p>
9. Jury Service	Jury Service	Automatic entitlement to paid leave for the period	All employees	As soon as the individual receives



Northern Devon Healthcare

NHS Trust

Type of Leave	Definition	Duration and whether paid or unpaid	Who Qualifies?	Application
Any employee summoned for jury service will be given time off for that purpose.	<p>If it is practicable for the employee to return to work at any point during the period of jury service they should do so.</p> <p>Any compensation claimed in relation to earnings must be remitted to the Trust.</p>	<p>of jury service.</p> <p>The Trust will pay a normal day's pay for each day attendance at court is required.</p> <p>The individual is entitled to retain anything received for travel and subsistence from the court.</p>		notification that they are required to attend jury service they must inform their manager and provide a copy of the notification letter and complete Appendix 6.
10. Attendance at Court as a witness	<p>Attendance at Court as a witness</p> <p>The employee should always claim any witness fee from the Court to which they are entitled. Any witness fee received should be handed over to the Trust.</p> <p>NB – Attendance at Court by medical and dental employees, as a medical or dental witness, is subject to the separate provisions set out in the Medical and Dental Terms and Conditions of Employment.</p> <p>If it is practicable for the employee to return to work at any point during the period of jury service they should do so.</p>	<p>Automatic entitlement to paid leave where attendance is either with the consent of the Trust or is a legal obligation.</p> <p>The Trust will pay a normal day's pay for each day attendance at court is required as a witness.</p>	All employees	Complete Appendix 6 for approval and record by line manager.
<p>11. Leave for training with the armed reserve/ cadet forces</p> <p>The individual should only proceed to take on the above duties with the <u>written agreement</u> of their manager to</p>	<p>Leave to attend annual camp</p> <p>NB – in exceptional circumstances employees who are unable to arrange such training to be undertaken in off duty / annual leave may, at the discretion of the Executive</p>	<p>Leave should be taken wherever possible outside of working hours. 1 week's paid leave per year. Additional unpaid</p>	All employees who have written consent from the Trust to volunteer for	An original letter confirming the official notice of dates will be required when



Northern Devon Healthcare

NHS Trust

Type of Leave	Definition	Duration and whether paid or unpaid	Who Qualifies?	Application
allow due consideration of fulfilling their employment.	<p>Directors, be granted special leave with pay, for this purpose.</p> <p>In the event of call-up employees must produce the official documentation for their manager. During any subsequent leave of absence, which will be unpaid, the individual's contract of employment will remain in force.</p>	leave may be granted upon request.	service	completing Appendix 6

Appendix 3: Time off for dependents leave FAQ

In many cases you may have the right to take time off work to deal with an emergency involving someone who depends on you. You can't be penalised by the Trust for taking the time off, providing your reasons for taking it are genuine.

So who counts as depending on me?

Your husband, wife or partner, child or parent, or someone living with you as part of your family can all be considered as depending on you. Others who rely solely on you for help in an emergency may also qualify.

So what counts as an emergency?

An emergency is when someone who depends on you:

- is unexpectedly ill and needs your help
- is involved in an accident or assaulted
- needs you to arrange their longer term care
- needs you to deal with an unexpected disruption or breakdown in care, such as a child-minder or nurse failing to turn up
- is pregnant and goes into labour

You can also take time off if a dependent dies and you need to make funeral arrangements or attend the funeral. The Trust does provide for compassionate leave; see the Special Leave Types, Appendix 2.

What if I know in advance that the problem is going to arise?

The legal right only covers emergencies. If you know beforehand that you're going to need time off you may be able to arrange this with your manager by taking another form of leave. If it's your child that's involved, you may be entitled to a period of parental leave (see Family Leave & Pay Policy on the Trust's Intranet).

How much time can I take off?

You have the statutory right to take as long as it takes, unpaid, to deal with the immediate emergency. For example, if your child falls ill you can take enough time off to deal with their initial needs, such as taking them to the doctor and arranging for their care. But you'll need to make other arrangements if you want to stay off work longer to care for them yourself.

Will I be paid?

The Trust provides **paid** leave to help you resolve each crisis up to a maximum of **3 paid days** in one annual leave/financial year. There is no legal obligation for the Trust to pay you for the time you take off.

How much notice do I have to give?

You must tell your manager as soon as possible why you are away from work and how long you expect to be off.

Is this leave recorded?

Yes, Appendix 5 'Special leave Approval/Record Form' must be completed by you or your manager and must be signed by you both. This information will be forwarded to Payroll to ensure the Trust has accurate attendance records.

Will this time off affect my attendance monitoring?

This leave will not be recorded as sickness absence however it will be recorded as part of your overall attendance.

Appendix 4: Special dependent leave on becoming a carer – FAQ

Q. What is this leave for?

A. It is designed for when an employee unexpectedly has to take on continuous long term (normally more than 4 continuous weeks) caring responsibilities for someone who depends on them, and needs time off work to establish this.

Q. Can you give some examples of where it might apply?

A. While each situation will be relatively unique an example would be an employee whose partner has suffered a stroke, has been discharged from hospital but who needs constant care at home and the employee needs to provide that care directly for a period of time. Another example could be an employee whose child has suffered a serious accident and needs constant care from the employee during their rehabilitation.

Q. Can you explain how the entitlement works?

A. In the situations described above the policy provides for up to 5 days (pro rata for part-time staff) paid leave to help with the time that needs to be taken to provide the care. Normally the paid leave will be taken in a single block. It can then be supplemented with additional unpaid leave subject to an overall maximum of 18 weeks. Thus taking the example above of an employee whose partner has suffered a stroke, the employee may look to take 8 weeks of leave to directly care for their partner. In that situation they would get 1 week of paid leave and 7 weeks of unpaid leave.

Q. If I was unlucky enough to experience both the examples above in the same leave year would I get 2 lots of “Special dependent leave on becoming a carer”?

A. You would not be entitled to the full entitlement twice. If you had used 1 week of paid leave and 7 weeks of unpaid leave for the 1st event, you could use up to 10 weeks of unpaid leave for the 2nd event. The total in any one year cannot exceed a maximum of 1 week paid and 17 weeks unpaid.

Q. Can I apply for the entitlement again in the next leave year?

A. You cannot apply for leave related to the same caring event. However if you are unfortunate enough to have a second completely unrelated event the following year, you are able to apply for the entitlement again.

Q. If I have a child or relative who has long term on-going caring needs, can I use the entitlement to take time off to attend hospital appointments with them?

A. No. This form of special leave is not intended for this situation.

Q. If I am not entitled to special paid leave for this what options do I have to manage the situation where I have a child or relative who has long term on-going caring needs requiring me take time off to attend regular or periodic hospital appointments with them?

A. Although you would not be entitled to special paid leave we would expect your manager to facilitate you being able to take the time off to attend the appointment with your child or relative unless there were exceptional service related circumstances that prevented this. The time taken could be taken as annual leave, unpaid leave or time owing. Additionally if you do not have time owing you could agree with your manager to take the time and make it up. If you work part time it might be possible to rearrange your working days that week.

If having to take time off to attend hospital appoints with a child or relative for whom you are the carer it is going to be regular feature, it is recommended that you agree with your manager a standing personal plan for managing the situation. This will allow you and your manager to proactively plan for the leave occurrences and give you both a degree of certainty.

For example if historically you have had to attend an average of 5 appointments a year you may agree as part of your plan that you will accrue and bank hours over the year to that level to use for the appointments. Alternatively if for example you normally work Monday, Tuesday and Thursday and the outpatient appointment clinics for your child tend to fall on a Thursday, your plan may agree that on those occasions you can change your working week to Monday, Tuesday and Wednesday etc.

Each plan will of course need to be tailored to the specific circumstances of the case and the suggestions above are only illustrative examples. Reference should be made to the Trust's Flexible Working Policy/Procedure.

Appendix 5: Special Leave Approval/ Record Form

To be completed by Employee or Manager if request is received over the telephone:

Employee Name		Job Title	
Ward/ Department		Directorate	
Location		Date form completed	
Type of leave requested			
1. Emergency time off to care for dependents <input type="checkbox"/>		2. Special dependent leave on becoming a carer <input type="checkbox"/>	
3. Compassionate leave (Bereavement/Serious or Terminal illness/ Emergency admission) <input type="checkbox"/>		4. Funeral of work colleague <input type="checkbox"/>	
5. Exceptional/ Domestic leave <input type="checkbox"/>		6. Unpaid Leave <input type="checkbox"/>	
7. Gender Re-Assignment <input type="checkbox"/>		<input type="checkbox"/>	
Dates for leave:		From.....	To..... Returning to work on.....
Reason for request			
Managers' Name		Managers' Job Title	
I confirm that I have authorised paid leave		From.....	To.....
I confirm that I have authorised unpaid leave		From.....	To.....
OR I have not been able to agree this request because (provide copy to individual)			
Managers' Signature Date		Employee Signature Date	
Or Request Exceeds Policy standard of 3 days leave			
I have escalated this request to the DGM/ Equivalent to seek authorisation on this date		Date escalated.....	
DGM Authorising Managers' Name		DGM Authorising Managers' Job Title	
I confirm that I have authorised paid leave		From.....	To.....
I confirm that I have authorised unpaid leave		From.....	To.....
OR I have not been able to agree this request because (provide copy to individual)			
DGM Authorising Managers' Signature Date		Employee Signature Date	
Once signed the Line manager must complete Change of Circumstances form and provide to payroll with a copy of this form. A copy of this form <u>must</u> be placed on the employee's personal file and a copy passed to the employee.			

Appendix 6: Public/ Civic Duties Approval Request Form

To be completed by Employee

Employee Name		Job Title	
Ward/ Department		Directorate	
Location		Date form completed	
Type of leave requested			
1. Voluntary Leave for Public Duties <input type="checkbox"/> Specify type of duty eg School Governor:		2. Jury Service <input type="checkbox"/>	
3. Attendance at Court as a witness <input type="checkbox"/>		4. Leave for training with Armed Forces <input type="checkbox"/>	
Dates for leave:	From.....	To.....	Returning to work on.....
Reason for request			
Payment(s) made in respect of these duties			
Approximate number of days off per year required to perform these duties			
Benefits to the Organisation in approving the application			
How may this affect the organisation's ability to provide the service and how may this be addressed?			
Specific Dates of Leave requested on this occasion	From: To: Date returning to work:		
Original letter confirming dates of notice seen and photocopy attached	Yes/No.		
Managers' Name		Managers' Job Title	
I confirm that I have authorised paid leave	From.....	To.....	
I confirm that I have authorised unpaid leave	From.....	To.....	
OR I have not been able to agree this request because (provide copy to individual) NB. Requirement to attend court as a juror or witness cannot be refused by the Trust.			
Managers' Signature..... Date		Employee Signature..... Date	

Once signed the Line manager must complete Change of Circumstances form and provide to payroll with a copy of this form. A copy of this form must be placed on the employee's personal file and a copy passed to the employee.

Appendix 7: Appeal against decision regarding special paid leave application

PLEASE COMPLETE IN CAPITAL LETTERS:

Surname: First Name:

Department: Base:

Contact Number:

Name of Trade Union Representative or Workplace Colleague:

Details of leave applied for and decision of manager (attach a copy of your special leave application form and any correspondence from/to your manager)

Grounds for your appeal (set out why you are not happy with the response received to your request for special leave):

Desired Outcome (detail your desired outcome and any compromise that you would be prepared to accept):

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

Appendix 8 - Appeal Procedure

Decisions regarding special leave should be applied as consistently as possible. An employee who believes that an application for leave has been unreasonably refused has the right of appeal against the decision.

The appeal must be in writing, a template form is attached at Appendix 7, dated, setting out the grounds of the appeal and sent to the relevant Assistant Director of Human Resources (Acute or Community) within 10 working days of the date of the meeting where the request was rejected.

Arrangements will be made for a meeting to take place within 28 working days of receipt of the appeal (see below for situations requiring an urgent decision). The meeting will be held at a convenient time for all those attending and the employee may be accompanied by a workplace colleague or Trade Union Representative

An Appeal Panel will be selected specifically for the appeal; membership will normally be a Senior Manager (not previously involved in the decision making) and a Human Resources representative.

The proceedings of the Appeal would typically be as follows:

- The employee and/or representative will put their case
- The Trust's representative i.e. the manager who refused the request and the panel may put questions to the employee
- The Trust's representative will put their case
- The employee or their representative and the panel may put questions to the Trust representative
- The Trust's representative summarises their case
- The employee and/or their representative summarises their case and speaks last
- The panel adjourn to consider the case and reconvene to confirm their decision.
- Wherever possible decisions will be made on the day of the appeal Hearing and will be communicated to both parties by recall. Where this is impractical the Hearing Panel has discretion to make alternative arrangements e.g. re-convene at a later date or inform outcome by telephone, email or letter.
- Written confirmation of the appeal panel's decision will normally be provided within 5 working days and no longer than 7 working days from the appeal hearing unless an alternative agreed date is provided during the Hearing.
- The employee will be advised that the outcome of the appeal marks the end of the internal consideration of the case.

Urgent Appeals:

Where an applicant has an urgent need for leave under the terms of this policy/procedure and their initial request is refused by their immediate line manager, an immediate verbal appeal against the decision may be made to the local senior manager or anyone acting under their authority, who will endeavor to deal with the matter immediately.