

TRUST GUIDANCE FOR SPECIAL LEAVE

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Special Leave Guidance

1. Introduction

University Hospitals of Derby and Burton NHS Foundation Trust (UHDB) recognises that at times when colleagues may require additional support, or time away from the workplace. This is normally when they experience a family or caring emergency, a bereavement, or if they are carrying out a civic or public duty.

The special leave guidance explores how colleagues can be supported while going through a difficult time or given help to balance their working lives with responsibilities outside of work. The special leave entitlement applies from day 1 of employment, with the exception of employment breaks in service.

Requests for leave, and broader support for our colleagues, will be supported fairly and compassionately by our managers on an individual basis according to the impact experienced by the individual, as no cases will be alike. This means we think about the colleague at the heart of a situation, the context, how they are feeling, and how best to tailor the support. In this way, we can balance the needs of the team, service and patients with the individuals' unique circumstances.

All leave must be recorded on E-roster, or ESR, as well as maintaining a local record using the special leave request form

Please read this guidance in conjunction with the Annual, Study and Special Leave Policy for Medical and Dental Staff.

2. Mutual expectations

Colleagues

- Are asked to discuss leave requests and any support they feel they may need with their line manager in advance where this is possible, unless this is not applicable due to the circumstances e.g. emergency leave or cultural elements around a bereavement.
- To be open to exploring a variety of options to help support them, including working flexibly, altering shift patterns etc as well as exploring broader support in terms of wellbeing.
- Are requested to complete the special leave form and request authorisation from their line manager (Appendix A), this can be completed retrospectively should the leave be requested at short notice.

Managers

- Will explore broad, and people centred, ways to support individuals with personal commitments and respond in a fair and balanced way giving consideration for the circumstances for each request.
- Respond to requests fairly and supportively, while balancing service delivery and the wider team
- Explore support options with colleagues to help to balance home commitments and work, for example temporary variation of tasks, flexible working options such as temporary adjustment to shift patterns, temporary redeployment, or home working where this is possible.
- Explore broader holistic support such as wellbeing resources, wellbeing champions, 'my health and wellbeing plan' and a wellbeing conversation.
- Occupational health including employee assistance programme information, where colleagues can access support including counselling, financial advice etc.
<https://neti.uhdb.nhs.uk/your-wellbeing>

3. Pooled Compassionate Leave

UHDB aims to take a compassionate approach to support colleagues during difficult times when they may need additional support and may struggle to attend work due to either an emergency, caring responsibilities, or a bereavement. Our managers are expected to apply a supportive approach to work with the individual to help them to balance their work and personal circumstances.

There may be times throughout any given year when colleagues may unfortunately experience a number of personal and wider family events which may mean they need to take time off to deal with situations. These may be related to bereavement, domestic emergency or for emergency carer responsibilities that are unplanned.

If further time is required over and above the pooled leave, managers can support colleagues further with the following options:

- Permanent or temporary flexible working options
- Annual leave
- Accrued time off in lieu
- Unpaid leave
- In exceptional circumstances further leave may be able to be offered however this is at the discretion of the managers considering the circumstances and the impact upon the individual.

The following table outlines each type of compassionate response, and the form of paid leave, that can be discussed and agreed as a pooled compassionate amount of 10 days in a rolling 12 month period, pro rata for part-time staff.

Type of Compassionate Leave	No hours in a leave year	Paid or unpaid	Degree of discretion	Special Circumstances
Special Leave that may be pooled				
Caring Responsibilities	Up to 10 days per year or pro-rata f full time/ pro rata for part time	Paid	N/a	
Emergency Leave for other Domestic Crisis	Up to 15 hours (1 day ideally) if full time/pro rata for part time	Paid	Depends on severity of the situation	Period extendable by GM
Bereavement Leave	Up to two working weeks.	Paid	Consideration given to the circumstances of the bereavement and logistics	Additional leave may be granted by Line Manager/Head of Service/GM
Other Special Leave (not included as part of Pooled leave)				
Safe Leave	Up to 37.5 hours if working full time/ pro rata for part time colleagues	Paid	Consideration needs to be given on a case by case basis due to sensitivity	Approval from Divisional Director or Head of Service.
Baby Loss	Up to 24 weeks	Paid	Consideration needs to be given on a case by case basis due to sensitivity	Additional leave may be granted by Line Manager/Head of Service/GM
	10 days if working full time/pro rata for part time colleagues			
	From 24 weeks (still birth and neonatal loss) 2 weeks bereavement leave	Paid	Consideration needs to be given on a case by case basis due to sensitivity	Additional leave may be granted by Line Manager/Head of Service/GM
Fostering	Up to 9 days if working full time/pro rata for part time colleagues	Paid	Consideration needs to be given on a case by case basis due to sensitivity	Additional leave may be granted by Line Manager/Head of Service/GM

For example:

A colleague working 37.5 hours per week = up to 75 hours is available per 12-month period
A colleague working 30 hours per week = up to 60 hours., to take time out of the workplace due to a bereavement, domestic emergency or for emergency carer responsibilities.

4. Emergency Leave

Emergency leave may be granted if a colleague is required to respond to a domestic emergency, this could, for example, include a fire, flood, or burglary, and again is intended to be a short-term solution to enable colleague to remedy the situation.

Emergency Leave is also available for those with dependants, who experience emergencies or breakdown in usual care arrangements, or other emergency situations where dependents may be involved.

This could be husband, wife, civil partner or partner, child, parent, a person who lives in their household (not tenants, lodgers or employees), or a person who relies on them, such as an elderly neighbour (ACAS) [Time off for dependants - Acas](#)

Examples of the type of situations are as follows, but not exhaustive:

- helping a dependant who is ill, injured or assaulted
- taking a dependant to hospital when they go into labour unexpectedly
- a child's school unexpectedly closes
- a dependant passes away

It is not available for routine care arrangements such as doctors or hospital appointments that can be planned ahead. The purpose of emergency leave is to enable time to put alternative arrangements in place in case of emergencies only.

How much?

The leave should usually be no more than 2 days per episode in a 12-month rolling year as part of the compassionate leave offered. It is anticipated that day 1 will be used to support the immediate situation and day 2 to source alternative cover arrangements which could also include where possible working from home or changing shift pattern. In exceptional circumstances further leave may be discussed and offered.

5.0 Compassionate leave which is separate from the Pooled leave.

6.0 Carers Leave

The Carer's Leave Act 2023 became law on 24 May 2023, and the Trust recognises the contribution that its colleagues make to society when they care for people in their daily lives, and who could not manage without their support.

A carer is defined as: “anyone, including children and adults, who looks after a family member, partner or friend who needs help because of their illness, frailty, disability, a mental health problem or an addiction and cannot cope without their support. The care they give is unpaid and outside of their work role” (Carers UK)

Employees are entitled to carer's leave from their first day of work for their employer. Their [employment rights](#) (like holidays and returning to their job) are protected during carer's leave.

From 6 April 2024, employees are entitled to unpaid leave to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months
- a disability (as [defined in the Equality Act 2010](#))
- care needs because of their old age

Carers Leave and access to this support, can be clearly distinguished from Emergency Leave in the following ways:

- Caring duties may include personal care, cleaning, as well as supporting the person with hospital and personal appointments.
- The Carer Leave is 'planned' and directly related to changes in other care arrangements which may be impossible to cover due to the specialist nature and limited availability of the support required.
- Alternative carer arrangements will be made wherever possible, but the Trust understands that sometimes this may not be possible.
- The Carer and their manager will have discussed and completed a UHDB Carers passport which will describe clearly for the Carer and the line manager the care needs of the person being cared for and the sorts of flexibilities the Carer may require.

Please refer to the full Carers Guidance and Carers Passport

How much??

Following the recent legislation regarding carers having the opportunity to take 5 days unpaid leave to support their responsibilities, the Trust is offering an enhanced allowance of up to 10 days paid leave in a rolling 12 month period for colleagues who work full time, and pro rata if colleagues work part time.

For example, if someone usually works 3 days a week, they can take 6 days of carer's leave in a rolling 12 month period.

Colleagues can either take a whole week off or take individual days or half days throughout the year.

7.0 Fostering Leave

The Trust recognises and values the contribution that foster carers make to society and especially the lives of children in care.

We understand that foster carers who do other work in addition to fostering need some flexibility in their working arrangements in order to meet the needs of their fostered child.

At UHDB we are committed to support any staff member who is a foster carer or an approved kinship carer.

We will do this, wherever possible, by creating a fostering friendly organisation that offers flexible working arrangements which respond to the needs of all foster carers or approved kinship carer employees.

UHDB recognises that the process of seeking approval to become foster carers is a lengthy one and places a number of reasonable but demanding expectations upon prospective carers, particularly in relation to the training, assessment and approval process.

Wherever possible we will extend the terms of this policy to prospective foster or kinship carers who have begun the formal process of seeking approval and registration as carers.

UHDB also has a Family Leave with a separate section (Section 4) on Adoption leave.

Purpose

UHDB offers staff the opportunity to work flexibly where this is compatible with the demands of their job. Our flexible working, special leave, carer's leave, and parental leave policies all apply to foster carers and approved kinship carers.

This section sets out the additional time off that we will offer prospective and existing foster carers and kinship carers.

Eligibility

This policy applies to permanent full time and part time staff, employees who are on fixed term contracts:

- Are applying to become foster carers
- Are approved foster carers and have a child in placement (or have had a child in placement for 75% of the previous 12 months) or are an approved kinship carer
- And, have three months or more employment service with UHDB

Fostering Leave Entitlement

The Trust values and supports foster carers and approved kinship carers by giving them time off in any 12-month period as follows. This leave (pro-rata) applies to permanent colleagues, both full and part time, together with colleagues on fixed term contract

The Need:	Leave: (pro rata'd)
Assessment and initial training prior to approval as a foster carer	Up to 3 days
Attendance at Panel for approval	1 day
Long-term placement of a child/young person – see: Compassionate and Special Leave policy Flexible Working and Employment Break Policy	Authorised unpaid leave, flexible working arrangements, TOIL etc
Child Review meetings, annual foster carer review meeting and training	Up to 5 days

The employee's line manager will approve the leave on a discretionary basis taking into account individual circumstances of each case and operational requirements of the business.

Procedure for requesting time off

The request for special leave should outline the reason and the amount of leave required.

Where more than the maximum entitlement of fostering friendly paid leave is requested (as outlined above), the line manager and the staff member should discuss other means available e.g., annual leave, time off in lieu or unpaid leave.

The colleague must request all foster leave by completing Appendix 1 and submitting to their line manager in a timely manner as possible. The line manager should give full and due consideration of the request and support wherever reasonably able to do so. The Line Manager must confirm the outcome of the request to the member of staff at the earliest opportunity and keep a copy of the completed application on their personal file.

The Line Manager must ensure that all leave is appropriately recorded via Health Roster or ESR.

8.0 Bereavement Leave

The purpose of bereavement leave is to support colleagues when someone such as a close relative or a dependent significant to them has died. This could be their husband, wife, civil partner or partner, their child, their parent, a person who lives in their household (not tenants, lodgers or employees) a person who relies on them, such as an elderly neighbour. (ACAS).

However, supporting a colleague after a death can help them feel valued and demonstrate a culture of compassionate relationships, and help reduce their stress or anxiety. It may also avoid or reduce a period of sickness absence as some colleagues may find keeping busy and being surrounded by other colleagues helpful during what can be a difficult time emotionally.

When discussing a request for bereavement leave with a colleague our managers are encouraged to consider a range of factors including: -

- Individual situation and closeness of the relationship, not just blood ties or legal connection.
- Whether a colleague is responsible for the funeral arrangements.
- The distance travelled to attend a funeral.
- Consideration for cultural or religious expectations such as travelling abroad or funerals taking place in a short timeframe following the death.
- Whether a colleague is an executor for the estate and has instructions to follow.

The amount of leave per episode should be tailored to each person's needs given the nature of the individual circumstances, as no two situations will be alike. Where a colleague

experiences multiple bereavements of someone close to them within the calendar year managers need to have further conversations about the offer of further bereavement leave.

8.1 Health & Wellbeing Obligations

Our managers are encouraged to recognise that individuals respond to grief differently and at different times, and that their physical and emotional wellbeing may well be affected for some time following a bereavement, and that this can impact on their work when they eventually return.

It is important that following a bereavement, or return from bereavement leave, that a wellbeing conversation takes place to explore any on-going support for the colleague, how they are feeling and consider any adaptations or consideration that would be beneficial.

In the longer term this could include reasonable support around special or significant days, such as the anniversary of the death or a birthday, which could be particularly upsetting or challenging, and so managers are encouraged to explore support around these times.

It is also essential that managers are aware that colleagues with a mental health condition might be classed as having a disability under the law, and that there is a duty to make reasonable adjustments, and to consider how the condition or impairment affects them, rather than what the condition or impairment is.

If a colleague's grief becomes complex, or they are unable to grieve, this may lead to anxiety and depression and cause them to experience mental ill health. This may mean that they may need further support at work or even a period of time away from the workplace, to recover, in which case the sickness absence provisions within the Health, Wellbeing and Attendance Policy will apply.

8.2 Child Bereavement Leave

Child bereavement leave applies to anyone who has responsibility as one of the primary carers for a child who has died. There is no requirement for the child to be under the age 18. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that the Trust deems to be reasonable. For example, this may include instances where someone other than the biological parent is the primary carer.

In these situations, our managers will work with the colleague to implement a package of compassionate support that is right for that individual including broader wellbeing and emotional support.

How much?

Parents, and those with parental responsibility, are entitled to two weeks occupational child bereavement pay, which will include any entitlement to statutory parental bereavement pay. This would normally be based upon the three months' pay prior to the bereavement. Child bereavement leave can be taken immediately following the death, or at another time, as long as the leave ends within 56 weeks of the death, and it does not have to be taken as a continuous period. Should the leave not be requested immediately following the death reasonable notice should be given.

It's important that following a child bereavement, or return from bereavement leave, that a conversation takes place to explore any ongoing support for the colleague, how they are feeling and consider any adaptations or consideration that would be beneficial. In the longer term this could include support around special or significant days, such as the anniversary of the death or a birthday, which could be particularly challenging, and so managers are encouraged to explore support around these times.

9.0 Baby loss during pregnancy

Parents who experience a still birth from the 24th week of pregnancy will be eligible for child bereavement leave, and the provisions set out in the Family Leave Policy will also still apply. Please see the Baby Loss Policy for further details.

How much?

Two weeks occupational child bereavement pay.

9.0 Safe Leave

UHDB will support colleagues who are experiencing domestic abuse or an abusive relationship. Safe leave is available to support colleagues who are leaving a relationship or home situation where they are a victim of domestic abuse, and this is defined as:

“Any incident of controlling, coercive or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 16 and over, who are or have been intimate partners or are family members, regardless of gender and sexuality.” (Home Office)

Managers should also seek specialist advice from the Safeguarding Team as well as ensuring that their Divisional HR Business Partner is informed.

At the same time, UHDB will offer colleagues time away from the workplace to carry out activities to support them when leaving an abusive home situation or relationship, these, for example, could include the following, though this is not an exhaustive list:

- Attend police interviews, solicitor appointments or court
- Seeking alternative safe housing
- Attend related medical appointments or counselling
- Meet with social services e.g. child /adult protection processes
- Meeting with Independent Domestic Violence Advocates

In order to attend appointments colleagues should, where possible, explore adjustments to working patterns, time off in lieu or annual leave, however it's acknowledged this will not always be possible.

How much?

Paid time can be offered by line managers up to an equivalent of one working week, for example 37.5 hours where a colleagues' contractual hours are 37.5 per week, or 30 hours for a colleague contracted to work 30 hours. Further paid time off may be agreed in exceptional circumstances with approval from Divisional Director or Head of Service.

Further guidance can be found in the UHDB Domestic Violence Policy, the Domestic Abuse pages on net-I, and the UHDB 'Domestic Abuse and Violence – Support Checklist for colleagues and managers.

10.0 Employment Breaks (Career break)

Employment breaks offer our colleagues the opportunity to take an extended break from their job whilst retaining the right to return later. They may be explored as a flexible way to support colleagues in extenuating circumstances where a break from the workplace would be beneficial. Employment breaks can be used for, including but not limited to care for a dependant, training or study. Please see the separate policy for details.

11 Civic and Public Duties

11.1 Jury Service

The Trust will allow colleagues to undertake paid Jury Service.

11.2 Before Commencing Jury Service the staff member must submit a copy of the Court Summons as soon as possible, alongside submission of the leave request for (Appendix A), after they have received this. The Certificate of Loss of Earnings Form issued to them by the Court should be submitted to the Pay Services department for completion prior to commencement of Jury Service. The relevant section must be completed by the line manager before the form is sent to Pay Services. Pay Services will then send the completed form back to the individual who will need to take this with them on their first day of Jury Service.

11.3 During Jury Service if a colleague reports for Jury Service but is not called upon to serve on any particular day, they are required to contact their manager to determine when and how they can attend work on that day.

11.4 Following the period of Jury Service the Court will then send a payment to the individual for loss of earnings plus any expenses incurred. The individual will also receive an invoice for this. A copy of the invoice should be forwarded to Pay Services who will then deduct any payment received for loss of earnings from the colleague's next month's pay.

12. Attending court as a witness

Where a colleague is required by the Trust to give evidence in court, including criminal, professional hearings e.g. NMC/HCPC/Coroners or an Employment Tribunal. paid leave will be granted.

Where a colleague is required to attend court on behalf of anyone other than UHDB, leave will be granted upon production of a subpoena or a letter from a solicitor requiring attendance. Support to attend court will be explored by the line manager, exploring if working patterns can be adjusted, TOIL or unpaid leave can be used. This could also be an option where a colleague is required to attend court as an expert witness to counterbalance any lost time.

Unpaid leave will also be granted for attendance at court as a witness in respect of matters arising out of private work.

13. Training with Reserve

Two weeks paid leave is offered for reservists, for further information please refer to the Policy for Reservist Forces Training and Mobilisation for more information about the entitlement and how to apply.

14. Trust Governor

Staff Governors are expected to ensure that their manager is fully aware of their role as a staff governor to ensure that they receive support to attend meetings, training and participate in Governor Duties which are set out in advance and timetabled throughout each year.

Reasonable time off from normal duties with no loss of pay will be granted to colleagues by their line manager and approved by the General Manager/Head of Service to undertake their governor's duties, with adequate advance notice and in acknowledgment of that we are able to maintain safe and reasonable levels of service.

Time off should be reviewed on an annual basis and a formal record of the agreement reached should be retained at divisional level.

15. Public Duties

Under the Employment Rights Act 1996 colleagues who hold certain public positions have a right to reasonable time off work to undertake public duties. This will be agreed with the line manager as well as a discussion around how long the duties might take, the amount of time the colleague has already had off for public duties, and the impact on patient care and service delivery. Managers are also encouraged to explore ways to support leave for public and civic duties in line such as flexible working patterns, adaptations to shifts, use of annual leave and unpaid leave.

NB. Please see the Annual leave, Study and Special Leave Policy for Medical and Dental Staff for reference to civic and public duties. Also refer to the professional responsibility such as Royal College and Health Organisation Duties or Attendance on Advisory Committees, which will supersede this guidance.

All requests for leave for Civic and Public duties should be made by completing the special leave and leave for public duties request form (Appendix A).

Public duties may include:

- a magistrate (also known as justice of the peace)
- a local councillor
- a school governor
- a member of any statutory tribunal (e.g. an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council
- a member of the General Teaching Councils for England and Wales
- a member of the Environment Agency or Scottish Environment Protection Agency
- a member of the prison independent monitoring boards (England or Wales) 4
- Attending a hearing by a Professional body such as the RCN/GMC to give evidence or as a witness

In addition to this list above the Trust encourages managers to support colleagues with time off for the following:

- Special Constable training.
- Attendance at an Event as a Lecturer - paid leave will be granted where there is no fee paid to the lecturer.
- Honorary Academic Appointments - colleagues should explore any offers with their line manager.

16. Special Leave Requests - Resolution

All requests will be approached with support and individual discretion when granting time away from work. A variety of ways to support colleagues will be explored, whilst also balancing the needs our patients and services. However, should a situation arise where a request cannot be agreed then a compromise should be explored where possible, and if a request cannot be supported, then it is important to discuss the reasons for the decision.

Should there be situations where a colleague feels a request for special leave has been unreasonably refused, they are encouraged to raise this with their manager informally in the first instance, and as a last resort there is the option to explore resolution through the Trust's Concerns Resolution Policy and Procedure.

Colleagues are reminded that undertaking other paid work whilst on special leave or during time off for public duties may constitute a breach of their employment contract. Similarly, any applications for special leave or public duties made on a false basis, may be referred to the Local Counter Fraud Specialist for investigation.

Appendices

Appendix A - Special leave and leave for public duties request and form

Appendix B - ESR Reporting table