



Special Leave Policy

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Author:	M Martin (Based on Supporting the Work-life Balance PIN Policy, Model Special Leave Policy, Appx. I, July 2015)		
Reviewer:	V Douglas, L Fitzpatrick, A Forson, T Gibson, J Henry, M Johnstone, G McDermott, T Parker, R Thomson, I Wilson.		
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1. PURPOSE AND SCOPE

NHS Dumfries & Galloway recognises that many staff balance the demands of work requirements with their domestic responsibilities. While employees are responsible for ensuring that they have appropriate care mechanisms in place to meet their personal responsibilities, the organisation assists in circumstances where these arrangements have unavoidably broken down, or where additional pressures, outwith the normal, arise and for which time off may be required. All requests must be dealt with on a strictly confidential basis and no undue pressure will be exerted on staff to divulge details which might breach their personal privacy.

The Health Board recognises that many members of staff have responsibilities as carers for dependants and that these arrangements, on occasions, give rise to an immediate need for time away from work.

The purpose of this policy is to allow for a compassionate response to the sudden and immediate need to provide care. This could be in the case of a sick child, close relative or dependant. A dependant, being defined as a spouse, a child, a parent or a person, who lives in the same household as the employee (but not tenants, lodgers etc).

The policy is open to all employees within the organisation, regardless of pay band, length of service and hours worked.

The employee must discuss the situation with their line manager and request the number of days which may be required. The line manager will then agree with the employee the number of days that they can take. If it is not considered appropriate to take special leave then firstly annual leave or secondly unpaid leave may be utilised, depending on the needs of the service. The leave must be noted down on the employee's absence sheet and the employee should keep in contact with the line manager throughout the period of leave.

2. LEGAL FRAMEWORK

Employment Rights Act 1996

This Act provides for the right to time off for a variety of different reasons, for example, public and civic duties, ante-natal care, care of dependants and parental leave. Parents and carers of children under 17, and of disabled children under 18, and carers of certain adults, may request flexible working arrangements and their employers have a duty to seriously consider such requests.

The Carers (Scotland) Act 2016

This Act sets out a requirement for a Carers Strategy for Carers of all ages to be developed between the NHS Dumfries and Galloway and the Council.

3. POLICY AIMS

The aim of this Policy is to help staff balance the needs of both domestic and work responsibilities, particularly at times of emergency or unforeseen circumstances. Also, to allow for an appropriate response to a variety of situations, including:-

- The necessary and unexpected need for a member of staff to provide care to a spouse or civil partner, child, parent, or someone for whom they have caring responsibilities for a person who lives within same household (not a lodger), or any other person who reasonably relies on the employee for assistance on any occasion where the person falls ill or is injured or assaulted, or to make arrangements for the provision of care in the event of illness or injury.
- A spouse or civil partner, child, parent, or a dependant, suffering a bereavement
- Civic and public duties.

This could be where normal arrangements break down without notice, or where an urgent and unforeseen situation arises. Examples of this include:

- The spouse or civil partner, child, parent or a person who lives within the same household (not a lodger) falling ill, being involved in an accident, or being assaulted, including instances where the victim is distressed rather than being physically injured;
- The need to make longer term care arrangements for a spouse or civil partner, child, parent or a person who lives within the same household (not a lodger) who is ill or injured;
- To deal with the death of a spouse or civil partner, child, parent or a dependant to make funeral arrangements, or to attend a funeral;
- To deal with an unexpected disruption, or breakdown, in care arrangements for a spouse or civil partner, child, parent or a person who lives within the same household (not a lodger), e.g. when a child-minder or nurse fails to turn up.

The provisions of this policy are applicable to all staff, irrespective of length of service, hours of work, or band and no employee will suffer any detriment as a result of making application for time off under these provisions.

As always, the extent and duration of such leave must be balanced by service needs. It is acknowledged that there will be occasions where requests relate to situations which are entirely unforeseen and this will be borne in mind when requests are considered.

The provisions of this policy also cover time off for the following:-

- | | |
|---|------------------------|
| • Serious Illness/Bereavement Leave | - (refer to point 4.1) |
| • Domestic Emergencies | - (refer to point 4.2) |
| • Unforeseen or Emergency Carers Leave | - (refer to point 4.3) |
| • Unpaid Carers – ‘Carer Positive’ | - (refer to point 4.4) |
| • Hospital, Doctor and Dental Appointments | - (refer to point 4.5) |
| • Other Types of Special Leave | - (refer to point 4.6) |

Note: The references within this policy to a ‘working week’ mean the number of hours that an individual member of staff is contracted to work. For example, the working week of a member of staff contracted to work 37.5

hours per week, is 37.5 hours, while the working week for a member of staff contracted to work 20 hours per week, is 20 hours.

4. RESPONSIBILITIES AND ORGANISATIONAL ARRANGEMENTS

4.1 SERIOUS ILLNESS / BEREAVEMENT LEAVE

Definition

Serious Illness

To provide reasonable support to members of staff at times of distress due to the unforeseen serious illness of a spouse or civil partner, child, parent or someone for whom they have caring responsibilities for.

Bereavement

To provide reasonable support to members of staff at times of distress due to the death of a family member, dependant, or close friend, e.g. to make funeral arrangements, or to attend a funeral.

Entitlement

- The leave must be authorised by the line manager. Managers have the discretion to award paid leave of up to one working week in each occurrence of serious difficulty.
- In particularly distressing circumstances, the manager, in discussion with an appropriate member of the Workforce Directorate, and with Senior Manager approval, may extend this by up to a further week of paid or unpaid leave.

Duration Criteria

In considering the amount of leave, the manager should take into account the specific circumstances, e.g. the relationship between the member of staff and the person in question, whether the member of staff has a responsibility for the estate of the deceased, the availability of other relatives or friends and the distance to be travelled in dealing with such matters.

The leave taken need not be taken as one block of leave, nor in full or half days, where the latter can be accommodated with the working arrangements of the service/department. The leave need not be taken at the time of death as the employee may have to attend a fatal accident inquiry/coroner's inquiry.

If a member of staff is on annual leave when bereavement occurs the line manager should be contacted as soon as is reasonably practicable. This is to agree whether or not annual leave will continue or bereavement leave is being requested instead.

4.2 DOMESTIC EMERGENCY LEAVE

Definition

Leave under this heading can be defined as arrangements granted when members of staff need to be absent from work under circumstances **not covered** by sick leave, annual leave, bereavement leave, maternity leave, paternity leave, parental leave, adoption and fostering leave, or flexible working arrangements. The leave must be urgent and unforeseen.

This leave is **provided as a short-term solution only** to help members of staff to balance the demands of their work and home responsibilities. The purpose of the leave is to allow the member of staff to deal with the immediate aftermath of the emergency and make whatever longer term arrangements are necessary.

Entitlement

- Up to one working week, over a period of 12 months, can be allocated as paid leave by the manager, taking into consideration the amount of the time reasonably required to attend to the situation which has arisen.
- In cases of exceptional difficulty, the manager can extend this period for up to a further working week and, in discussion with an appropriate member of the Workforce Directorate team, has the discretion to determine whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the member of staff to utilise annual leave under circumstances where the situation, while still important, has ceased to be an emergency.
- In exceptional circumstances, a member of staff may be faced with long-term difficulties and the manager, in discussion with an appropriate member of the Workforce Directorate Team, should consider other options to assist in the situation. This may include a reduction in hours, an alteration to the employee's shift pattern, a move to another post, etc.
- There should be no requirement for the approved number of days to be taken in one block.

Notification

Members of staff must make their manager aware of their potential need for leave at the earliest opportunity and should keep in regular contact throughout this period.

4.3 UNFORESEEN or EMERGENCY CARERS LEAVE - Short Term and Long Term

Definition

This provision is primarily for those staff who are required to provide care for a dependant.

Where members of staff are responsible for caring for a spouse or civil partner, child, parent or a person who lives within the same household (not a lodger) work and home life can cause conflicting pressures. Carer leave is designed to encourage managers to adopt flexible working practices at times when employees need assistance to balance their caring responsibilities with their work commitments.

Short periods of time off

There may be circumstances when an employee needs a short period of time off, e.g. to deal with an emergency situation or to attend hospital, etc., In these circumstances, one of the arrangements shown in Section 4.1 can be utilised to allow the employee time off.

Short term - Entitlement

- Short Term Carer Leave allows for up to one working week's paid leave, over a period of 12 months, which can be extended by up to a further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave, or unpaid leave.

Long-term arrangements

There may, however, be times when the caring demands on the employee are such that s/he is forced to consider more extreme measures, such as a long-term reduction in working hours, in order to meet their caring commitments.

While each case must, quite obviously, be judged on its individual merits, this organisation is committed to ensuring that where the reason for an employee requesting a reduction in contracted hours is for the provision of care, his/her case will be considered sympathetically and will not be unreasonably denied.

Employees with caring responsibilities, who recognise the need to alter their contracted working hours on a long-term basis, should discuss the matter with their manager in the first instance. It may be considered appropriate for a member of the Workforce Directorate Team to be involved in these discussions.

Where the manager feels unable, because of the needs of the service, to accede to the employee's request, the employee should contact an appropriate member of the Workforce Directorate Team in order to investigate other alternatives, e.g. secondment, redeployment, etc. Under circumstances where it is agreed that redeployment is an option, the employee concerned will be entitled to the full range of provisions available under this organisation's Redeployment Policy.

Entitlement

- Long Term Carer Leave allows for the possibility of altering contractual work patterns to enable the employee's family life and work requirements to be balanced for an appropriate period.

Other Assistance

Employees with caring responsibilities are encouraged to take advantage of other facilities which already exist within the organisation and which may provide them with support or access to coping mechanisms, e.g. stress management initiatives, the Occupational Health Service who can arrange access to counselling, etc.

4.4 UNPAID CARERS – ‘CARER POSITIVE’

Definition

A Carer is “A person of any age who provides unpaid help and support to a relative, friend or neighbour who cannot manage to live independently without the Carer’s help due to frailty, illness, disability or addiction.” (Scottish Government 2016)

The Health Board is committed to supporting employees who have a caring responsibility for individuals who may not reside in the same household and has signed up to be ‘**Carer Positive**’ to ensure Carers have a voice, and are able to obtain support for their rights, health and wellbeing.

Carer Referral Form and the Adult Carers Support Plan

Completing a ‘Carer Referral Form’ enables Carers who fall within the above definition to access appropriate information, advice and support relating to their caring role. Carers can choose to complete the form or get help from family, friends, a Carers Support Worker or any organisation of their choosing.

Carers will also be given the chance to access an Adult Carer Support Plan which enables their caring situation to be looked at in more depth. (This service is not just for NHS Employees) Call: 01387 248 600 or access www.dgalcarers.co.uk

Flexible Working

Employees who have a caring responsibility don’t necessarily have to give up work. Carers should speak to their line manager about the possibility of flexible working; including part time hours, utilising flexi-time, compressed hours (working agreed hours over fewer days), job sharing or working from home. Please also refer to the Flexible Working Policy.

Advice for staff and managers on balancing work and care is also from www.staffgovernance.scot.nhs.uk/carers

4.5 HOSPITAL, DOCTOR AND DENTAL APPOINTMENTS

For General Practitioner (GP) or dental appointments, with the exception of those detailed in the paragraph below, staff must attempt to book these appointments where possible out with normal working hours. Where this is not possible staff must speak to their line manager to have approved time off to attend by using time off in lieu, annual leave, flexi leave or change of shift. Managers will not unreasonably withhold approval to attend such appointments but staff are reminded that this is dependent upon the needs of the service

Where staff are required to attend regular and on-going GP, hospital, medical or dental clinics and/or where the appointment time is predetermined and there is no ability to change this, then managers should make an assessment dependant on the individual circumstances whether it is appropriate to grant special paid leave.

This provision does not apply to those matters for which "time off" is governed by statute e.g. to attend ante-natal appointments.

4.6 OTHER TYPES OF SPECIAL LEAVE

Definition

Another type of special leave is where an organisation is required to make available special leave with pay for staff to be absent from work to perform 'essential civic and public duties'.

The legislative requirement for this is contained within the Employment Rights Act 1996 and covers a wide range of circumstances, a number of which are given below as examples:-

- Justice of the Peace
- Members of a variety of public bodies including Children's Panels
- Training with Volunteer Forces

This list is illustrative, not exhaustive. (Please see below a list of policies linked to this).

Entitlement

Up to one working week per year can be allocated as paid leave by the manager taking into account the amount of time reasonably required and service needs. In exceptional circumstances the manager can extend this period for up to a further full working week utilising paid leave, unpaid leave or annual leave.

- Jury Service and Appearance as a Witness.

Employees who are cited for Jury Service, or as a Court Witness will be granted normal paid leave, in accordance with the terms of their contract i.e. relevant enhancements will be paid. Where employees are required to attend jury duty in excess of 5 working days, NHS Dumfries & Galloway will require the employee to reclaim the daily Court Allowance payable. To facilitate this recovery, Line Managers should contact the Payroll Department to verify the employee's earnings position. Employees will be required to pass a copy of the completed citation to their Line Manager as soon as is reasonably possible.

5. RECORD KEEPING

Leave should be recorded on the appropriate record card for future reference and to enable monitoring of its fair application throughout this organisation. It must also be notified to Payroll/SSTS/HR.NET/EESS to ensure appropriate payment and recording.

6. RESOLUTION OF DISGREEMENTS

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may

be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the Workforce Directorate Team and a Trade Union/or Professional Organisation representative.

7. CONSISTENCY

Managers should aim to be fair, consistent and sympathetic in applying this policy.

8. EXPECTATION

This policy provides employees with discretionary paid leave to deal with a specific domestic emergency; a sudden and immediate need to provide care; to attend an appointment or take bereavement leave. There is an expectation that employees will not use this time to work (including undertaking bank work). Should there be a requirement for an employee to work either in their substantive role or complete other work during this agreed paid leave, prior permission must be obtained from the manager who granted the leave.

Where there is suspicion of an employee defrauding the organisation in respect of special leave, they should be referred, with details, to the Workforce Directorate where the matter will be dealt with in accordance with current organisational protocol.

9. EXCEPTIONAL CIRCUMSTANCES

During extended periods of national emergency or other exceptional circumstances, such as a flu pandemic, special leave may need to be postponed. Where such circumstances occur, management are required to agree such action with individual employees involved and ensure that employees are not disadvantaged in the long term.

10. MONITORING

Amendments or variations to the Special Leave Policy will only be made by agreement with the Area Partnership Forum.

Special paid leave is provided as an employee benefit and abuse of the policy or unauthorised absence will be treated seriously and may lead to disciplinary action.

11. EQUALITY AND DIVERSITY

NHS Dumfries and Galloway is committed to the elimination of discrimination, harassment and victimisation in relation to the nine protected characteristics (Race, Disability, Sexual Orientation, Religion and Belief, Gender, Gender Reassignment, Age, Pregnancy and Maternity and Marriage and Civil Partnership) as per the requirement in the Equality Act 2010. The Board is committed to ensuring that all employees have equitable access to the provisions of this policy and recognises the

different needs of staff who may require additional support due to the impact of the various forms of inequality.

An Impact Assessment has been carried out on this policy.

12. LINKS TO OTHER POLICIES:

- Adverse Weather /Staff Attendance During Extreme Weather Conditions Policy
- Flexible Working Policy
- Flexi Time Policy
- Grievance Policy
- Maternity Policy
- Parental Leave Policy
- Reserve Forces Training and Mobilisation Policy

13. RETENTION OF RECORDS – HOW LONG TO KEEP RECORDS

All records pertaining to special leave and payments made to an employee under this policy must be held in accordance with both the Data Protection Act 1998 and the Health and Administration Records Management Policy (This document stipulates how long records can be held for).

13. DOCUMENT CONTROL SHEET

1. Document Status

Title	Special Leave Policy
Author	Margot Martin - Based on Supporting the Work-life Balance PIN Policy, Model Special Leave, Appx. I, July 2015
Approver	Caroline Sharp
Document reference	Corporate Register No.27
Version number	6.0

2. Document Amendment History

Version	Section(s)	Reason for update
1.0	Original Policy 2002	Separate policies and guidelines on Special Leave and Bereavement were formed into a new policy.
2.0	Reviewed October 2008	Policy reviewed to encompass AfC, PIN Guidelines as at agreed review date.
3.0	Reviewed April 2009	Policy reviewed in light of Section 5 where staff are required to attend regular and ongoing hospital, medical or dental appointments.
4.0	Reviewed November 2010	Policy reviewed in line with Version 2.0 above, e.g. review scheduled for October 2010
5.0	Reviewed June 2014	Policy reviewed in line with PIN Policy document, 'Supporting the Work-Life Balance' guidelines.
5.0	Reviewed June 2015	Policy reviewed to ensure consistency. Who would be entitled to time off for Serious Illness and Bereavement leave – and not live in the same household – refer to:- Page 4, Section (3) - <i>Policy Aims & Example</i> Page 5, Section (4.1) – <i>Serious Illness/Bereavement, Definition.</i>
6.0	Reviewed Aug 2017	Removed dental appointments as automatically paid 2 x p.a. Added in Carer Positive information and Section 8.Expectation.

3. Distribution

Name	Responsibility	Version number
Board Secretary	Place on policy register	6.0
Communications Team	Place on intranet and in 'latest news'	6.0
Board Management Group	Dissemination to all staff through line management	6.0

4. Associated documents

The Employment Rights Act 1996 & the Carers (Scotland) Act 2016

5. Action Plan for Implementation

Action	Lead Officer	Timeframe
Place on policy register	Board Secretary	Following APF approval
Place on intranet	Communications Team	Following APF approval
Dissemination to senior staff through line management	Board Management Group	Following APF approval
Raise awareness and inform staff	All line managers	Following APF approval and through Workforce Directorate Paper
Use policy	All staff	Following APF approval