

Special Leave Policy

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DOCUMENT TRACKING SHEET

Special Leave Policy

Version	Status	Date	Issued by	to/approved	Comments
	December 2022 Policy was archived and included within the Staff Handbook – Our People Policies. Decision made to separate all policies and re-instate as individual policies in April 2023				
0.1	Draft	August 2023			Review of document to ensure it is up to date and fit for purpose
1.0	Approved	August 2023	Joint Negotiating Forum/ Chief People Officer		Approved Assurance given to Workforce and OD Committee – Sept 23
2.0	Approved	June 2024	Joint Negotiating Forum/ Chief People Officer		Approved Assurance given to Workforce and OD Committee – July 2024

REFERENCES

[Employment Act 2002](#)
[ACAS Code of Practice 2003](#)

RELATED POLICIES/PROCEDURES/protocols/forms/leaflets

Shared Parental Policy	
Annual Leave policy	

SUMMARY OF CHANGES

Date	Author	Page	Changes (brief summary)
August 23	M Cheeseman	5	Inclusion of Disability Leave
May 24	M Cheeseman	5	Unpaid carers leave added in post legislation change in April 24
May 24	M Cheeseman	5	Updated bereavement leave entitlement
			Leave for cadets training 18+

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1 WHAT THIS POLICY COVERS

- 1.1 The purpose of this policy is to ensure that when employees are genuinely in need of time off to deal with an emergency or to carry out a public or civic duty, they are treated fairly and consistently.
- 1.2 This policy sets out common reasons for needing special leave, informs employees how much time they can take off and explains the reporting processes and pay arrangements.

2 DEFINITIONS

- 2.1 For the purposes of this policy a dependant is:
 - A person who may reasonably rely on you for care or arrangements for the provision of care.

3 PRINCIPLES

- 3.1 KMPT is sensitive to employee commitments and responsibilities and will try to maintain flexible working arrangements and help employees to balance their work and personal lives to optimise their work attendance.
- 3.2 This policy attempts to balance the requirements of delivering a brilliant service with employees' needs to find the most effective way to support those with carer responsibilities, as part of a wider NHS commitment to improve working life quality.

4 RESPONSIBILITIES

- 4.1 KMPT will aim to ensure that employees in need of time off to deal with an emergency are treated fairly and consistently, while minimising impact on service delivery.
- 4.2 Managers will treat all requests made by employees under this policy fairly and equally, giving due consideration to the particular circumstances of each request.
- 4.3 Employees wishing to apply for special leave should follow the procedures explained within this policy, giving the maximum possible notice. They must inform their manager as soon as possible of their unavailability for work, the reason for it and how long they expect to be away from work.
- 4.4 Please note: Applications for special leave cannot be applied for during annual leave/scheduled days off. For instance, an employee who has planned annual leave and finds themselves unexpectedly having to look after a dependent during their leave cannot request for the annual leave to be changed to special leave. Special leave is for periods when the employee is scheduled to work.

5 POLICY IN PRACTICE

- 5.1 When considering requests for special leave managers will judge each case on its own merits and consider: the urgency of problem/issue; the nature of the crisis and; the impact on the employee. The amount of annual leave remaining and the number of special leave days granted within the last 12 months will also be considered.
- 5.2 Listed below are common circumstances where special leave is requested. If the request does not fall into any of these categories, please discuss the matter with the manager who will, if necessary, seek advice from the Employee Relations (ER) Department.

5.3 Applications for special leave should be made using the Special Leave Application form (available on iconnect). It is recognised that in some circumstances the form may need to be completed retrospectively.

5.4 **Bereavement**

In all cases of bereavement leave the individual circumstances should be taken into account and handled sensitively. Employees' managers may approve up to ten days (75 hours) (per bereavement), pro rata for part time staff in the event of the death or serious unexpected illness of a family member. These ten days (75 hours) may be taken at one time or on separate dates within a reasonable timeframe.

5.5 **Emergency Leave**

5.5.1 In the event that a minor child, partner or dependant is taken ill or there is a need to accompany them to an emergency medical appointment or in order to deal with unforeseen matters, such as an unexpected breakdown in planned care arrangements, an employee can request time off.

This will be up to three days paid leave (22.5 hours) in any twelve-month period (pro rata for part time employees) and must be agreed by the manager prior to being taken. In exceptional circumstances the manager may grant a further period of leave, which would be either unpaid leave, time owing to be made up as agreed by the manager, or annual leave.

5.5.2 **Unpaid Carers leave**

- In addition, an employee is entitled to unpaid leave to give or arrange care for an '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
- The dependant does not have to be a family member. It can be anyone who relies on
- them for care.
- This will be up to five days unpaid leave (37.5hours) in any twelve-month period (pro rata for part time employees) and must be agreed by the manager prior to being taken.

5.5.3 **Unpaid leave**

- Requests for unpaid leave should be considered by an employee's manager on an individual basis. Unpaid leave should not normally be granted to employees until paid annual leave has been exhausted; however, there may be exceptional circumstances where a manager thinks it appropriate to grant unpaid leave without exhausting annual leave e.g. looking after a terminally ill relative, where a holiday is planned/will be needed later in the year, (in these circumstances details should be given to the manager in writing and agreed leave will be confirmed in writing).
- The maximum amount of unpaid leave that would normally be granted in any one leave year is four weeks. Additional unpaid leave in excess of four weeks in any one leave year will be at the discretion of the relevant Director.
- Unpaid leave can be granted for the following reasons:
 - Nursing sick relatives.

- In the case of staff wishing to visit relatives in other countries at intervals of not less than two years.
 - For newly appointed staff joining the Trust within the present leave year who have leave commitments and not sufficient annual leave entitlement.
- Unpaid leave up to 10 days per annum or two working weeks in the above categories can be authorised by managers by completing the Special Leave request form which is available on i-connect. Once approval has been given, managers must ensure that leave details are notified by completing a change form and sending to Workforce Information so that the necessary adjustment to pay can be made.
 - Applications for unpaid leave and not in the above categories, must be authorised by the Head of Service or Service Director or Assistant Executive Director.
 - The decision should be notified to the employee and, in cases where an application has been approved, the payroll team must be notified accordingly.
 - Where unpaid leave is approved for periods of more than four weeks, annual leave will not accrue during the unpaid leave period in excess of four weeks.

6 PARENTAL LEAVE

- 6.1 All employees (male and female) with more than 1 year's continuous service with the Trust are entitled to 18 weeks unpaid parental leave per child, which is to be taken at any time up until the child's 18th birthday.
- 6.2 Employees are required to give at least 28 days' notice of their intention to take parental leave, and leave must be taken in either full weeks or multiple weeks.
- 6.3 There is a limit to how much parental leave can be taken in each leave year. The total amount that each parent can take in each leave year is four weeks for each child. You must take parental leave as whole weeks rather than individual days.
- 6.4 In cases of adoption, Parental Leave may be taken prior to the date of adoption. To complete the necessary documentation however the employee must provide written proof from the adoption agency that they have been accepted and that an adoption is taking place. (see Adoption Leave Policy).
- 6.5 Managers must respond to written requests within 7 days of receiving the letter.

7 MEDICAL APPOINTMENTS

- 7.1 Employees are encouraged to arrange (non-emergency) medical appointments e.g. doctor, dentist, optician appointments outside the normal working hours. If appointments are made during working time, time off work may be granted but must be taken or owed as time in lieu.
- 7.2 It is expected that reasonable arrangements for time off should be made between employees and managers.
- 7.3 This section does not apply to appointments with the Trust's Occupational Health Service, nor appointments relating to ante-natal care. (see the Trust's Maternity Leave Policy)

8 INTERVIEWS

- 8.1 If an employee has an interview for another post within the Trust they will be given appropriate paid time off to attend that interview. However, a manager may request the employee to re-arrange shifts/days off so that interviews are in the employees own time. Where possible, this will be the manager's first option.

9 CIVIC/PUBLIC DUTIES

- 9.1 The Employment Rights Act 1996 requires that employers must give employees who hold certain public positions reasonable unpaid time off to perform the duties associated with them. The amount of time off to be permitted should take into account the amount of leave required to perform the public duty, and any specific occasions when such leave will be necessary.

- 9.2 These covers:

- A magistrate (also known as a justice of the peace).
- Local councillor.
- School governor.
- Member of a police authority.
- Member of any statutory tribunal (e.g. an employment tribunal).
- Member of the managing or governing body of an educational establishment.
- Member of a health authority.
- Member of the General Teaching Councils for England and Wales.
- Member of the Environment Agency.
- Member of the prison independent monitoring boards (England or Wales).
- Member of a Water Customer Consultation Panel.
- Trade Union member (for Trade Union duties and activities)

- 9.3 Time off for Trade Union representative duties and activities is covered by the Recognition Agreement.

10 DISABILITY LEAVE

- 10.1 Disability leave is time when an employee is able to work and is present at work (is not absent due to sickness or ill health), but needs to be absent from work for a disability-related reason. Disability leave is considered a reasonable adjustment under the Equality Act. All disabled employees are able to request disability leave for specific reasons, such as appointments, treatment or tests. Some examples of disability leave include (but are not limited to):

- Hospital, doctor, or other health practitioners' appointments.
- Hospital treatment or follow up appointments as an outpatient.
- Medical or related assessments.
- Hearing aid tests.
- Training with guide, hearing or assistance dog
- Counselling/therapeutic treatment.

- Recovery time after blood transfusion or dialysis treatment.
- Physiotherapy (sessional or residential).

- 10.2 Managers are authorised to grant up to 37.5 hours paid leave (pro rata for part time employees) of absence in an annual leave year.
- 10.3 A doctor's note or appointment letter may be required. This leave of absence will not impact on annual leave entitlements or other special leave requests.
- 10.4 Disability leave is agreed in advance once the date for the appointment is known. It may be taken as a number of separate occasions each year. Typically, this would be for treatment, rehabilitation or assessment related to a disability. It may also be a block of time needed for a specific reason. The employee should give as much notice as possible of the appointment, although it is recognised that there may be circumstances when this is not possible. Disability leave cannot be taken retrospectively, and needs to be agreed by a manager in advance.

11 RECORDING DISABILITY LEAVE

- 11.1 All Disability leave should be recorded on Health Roster. To record Disability leave, add a period of absence to the roster for the individual concerned of the type 'Other Leave', selecting 'Disability leave' as the reason for absence. Disability leave can be taken as part of a day (e.g. two hours) or as whole individual or consecutive days. Taking and recording Disability leave on Health Roster will not affect annual leave, pay, pension or any other entitlements and will not be recorded as sickness absence.
- 11.2 Time spent on Disability leave is counted as continuous service for all contractual benefits, including accruing annual leave, sick leave and pension rights.
- 11.3 Disability leave will not be included for the purposes of assessing performance, promotion, attendance, selection for redundancy, or any other similar issues.

12 DISABILITY LEAVE AND SICKNESS ABSENCE

- 12.1 Disability leave is distinct from sickness absence, and applies to employees who are at work. If an employee is absent from work due to ill health related to their disability, this will continue to be counted as sickness absence and Disability leave will not apply.

13 JURY AND WITNESS SERVICE

- 13.1 Any employee that is summoned to attend jury service must inform their manager at the earliest opportunity. A juror is normally summoned for a two-week period but in some cases, this may be longer.
- 13.2 Although there is no statutory entitlement to pay, KMPT will grant up to two continuous weeks paid leave to fulfil the requirement to attend court on the conditions that:
- Evidence of the court jury summons is shown to the manager
 - That the employee makes no claim to the court for loss of earnings
 - If the employee is not required to attend on any days or part days during the jury service period, they attend work as normal.

- 13.3 Employees who need to attend Court as the Plaintiff are not covered by this Policy. Annual leave or unpaid leave may be used by agreement.
- 13.4 If employees are required to undertake jury service for a case that they are advised will last more than two weeks they will be required to make claims to the court for loss of earnings
- 13.5 Where it is possible for KMPT to obtain exclusions from Jury Service, employees will be required to take annual leave should they still choose to attend.
- 13.6 On return from jury service the employee must provide their manager with evidence of payment made by HMCS and the manager will then notify Payroll of this amount which will then be deducted from their pay for that month or the following month. Apart from payment, all terms and conditions of service, including annual leave, remain unaffected whilst an employee is on jury service.
- 13.7 An employee may be asked to give evidence in court or at a tribunal as a witness. Although the employee has no contractual right to be released for such a purpose, managers must release the employee if they have been served with a witness summons / subpoena requiring them to attend court / tribunal as a witness or attending on behalf of KMPT. In general, unpaid special leave will be granted (on completion of a 'Special leave and other leave request form'), and either the employee's manager or the Payroll Department will be required to supply the court with salary details, to enable them to pay the employee. However, where an employee receives special payment to be an expert witness in a court case (e.g. clinicians), annual leave should be taken to cover these purposes.

14 RESERVE FORCES

- 14.1 Time off with basic pay will be granted subject to needs of the service for reserved forces, including cadets over the age of 18, training at a maximum of ten working days per year. The notification document from the Territorial Service must be produced when making the request.

15 EQUALITY IMPACT ASSESSMENT

- 15.1 The Equality Act 2010 places a statutory duty on public bodies to have due regard in the exercise of their functions. The duty also requires public bodies to consider how the decisions they make, and the services they deliver, affect people who share equality protected characteristics and those who do not. In KMPT the culture of Equality Impact Assessment will be pursued in order to provide assurance that the Trust has carefully considered any potential negative outcomes that can occur before implementation. The Trust will monitor the implementation of the various functions/policies and refresh them in a timely manner in order to incorporate any positive changes.

16 HUMAN RIGHTS

- 16.1 The Human Rights Act 1998 sets out fundamental provisions with respect to the protection of individual human rights. These include maintaining dignity, ensuring confidentiality and protecting individuals from abuse of various kinds. Employees and volunteers of the Trust must ensure that the trust does not breach the human rights of any individual the trust comes into contact with.