



# Special Leave Procedure

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## DOCUMENT CHANGE HISTORY

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Operational HR	February 2011	HR Policy Group
V0.1	11 July 2011	Reviewed by HR Policy Group
V0.2	28 July 2011	Amendments made by HR Policy Group

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V0.3	5 August 2011	Sent to SPF for approval
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V2.0		Approved
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V5.0	31 July 2020	Approved
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<b>Equality Analysis</b>	Completed on 11/05/2020
<b>Linked procedural documents</b>	Flexible Working Arrangements Policy Annual Leave Policy Equality, Diversity and Inclusion Policy Disciplinary Policy (Managing Conduct and Performance) Maternity Leave Trade Union Time off and Facilities Agreement Adoption Leave Employment Break Policy
<b>Dissemination requirements</b>	All Trust employees by intranet
<b>Part of Trust's publication scheme</b>	Yes

The East of England Ambulance Service NHS Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity between

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people from different groups and foster good relations between people from different groups. This policy applies to all individuals working at all levels and grades for the Trust, including senior managers, officers, directors, non-executive directors, employees (whether permanent, fixed-term or temporary), consultants, governors, contractors, trainees, seconded staff, homeworkers, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with the Trust.

All Trust policies can be provided in alternative formats.

East of England Ambulance Service recognises our obligation of supporting the requirements of the Modern Slavery Act 2015 and any future legislations. EEAST prime objective is to eradicate modern slavery and human trafficking and recognises the significant part EEAST must play in both combatting it and supporting victims. EEAST is also committed to ensuring that its supply chains and business activities are free from any ethical and labour standards abuse.

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## 1. Procedure Statement

1.1 This procedure acknowledges that there are occasions when employees will need to request official leave for domestic, personal and family matters or are required to be absent from duty for essential civil and public duties.

1.2 This Procedure applies to all Trust employees who can request leave from work for the following reasons:

- Civic/Public Duties Leave.
- Time off for Territorial Army, Reserve or Cadet Forces activities.
- Parental Leave.
- Carer's Leave (Time off for Dependants).
- Bereavement/ Compassionate Leave.
- Domestic Emergencies Leave.
- Time off for Religious Holidays.
- Other special circumstances.

## 2. Procedure for Requesting Leave

2.1 An employee must notify their line manager and/or Scheduling/Rostering Department of planned leave as soon as is reasonably practicable with the reason for their absence and how long they expect to be away. Where this is not possible or the leave

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is an emergency, employees should follow their local absence reporting procedure. Employees are to assume that at the time of request any authorised leave will be unpaid.

2.2 It shall be at the subsequent discretion of an appropriate senior manager within their functional area to determine whether the leave taken, either in full or in part, should attract pay where this is applicable under this procedure.

2.3 In circumstances where special leave requests have been approved without pay it will be necessary for the line manager to complete an HR2 to enable the appropriate salary deduction to be made through payroll.

2.4 The purpose of this policy is to provide additional support to employees who need time away from work, often at short notice. If employees are found to be using Special Leave inappropriately for any other circumstance, this may be dealt with through the Trust's Disciplinary Policy (Managing Conduct and Performance).

2.4 Managers will be mindful that individual circumstances vary, and previous decisions will not set a precedent for future decisions.

2.5 Part-time employee's approval for paid special leave will be on a pro rata basis according to their contractual weekly hours.

### 3. Public Duties Leave

3.1 Employees have a right to unpaid time off if they are a:

- Justice of the Peace (see paragraphs 3.2 and 3.3 below).
- Member of a local authority/local councillor.
- Member of a police authority.
- Member of any statutory tribunal.
- Member of the managing or governing body of an educational establishment (see paragraph 3.3 below);
- Member of a prison independent or monitoring board.
- Member of the Environment Agency.



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- Member of General Teaching Councils for England and Wales.
- Member of a water customer consultation panel.

3.2 The Trust is required to grant reasonable time off for any of the duties of Justices of the Peace and as regards membership of the above committees, to:

- Attend meetings of the body or any of its committees or subcommittees.
- Perform duties approved by the body.

3.3 The Trust may authorise up to 97.5 hours paid leave to undertake duties as a Justice of the Peace and/or a member of the managing or governing body of an educational establishment responsibilities.

3.4 In addition to the statutory bodies above, the Trust will allow Public Duties Leave for:

- Attendance in Court as a witness.
- Attendance at Staff Council meetings.
- Attendance at Professional Registration meetings/hearings.

3.5 Leave to carry out Jury Service must be granted where an employee has received notice from the courts that they have been called. The employee reclaims lost earnings directly from the court, except where the Trust has provided paid leave to attend. In these circumstances, arrangements will be made with the employee to repay any duplicated payments back to the Trust.

3.6 Employees must complete and submit the Special Leave Form to their line manager for approval of Public Duties Leave. Authorisation of any paid element of the requested Public Duties Leave will be determined by an appropriate senior manager within their functional area. This will normally cover reimbursement of salary costs, together with reasonable expenses incurred, for example, travel and accommodation, unless reimbursed by the HCPC or other public body concerned.

## **4. Territorial Army, Reserve or Cadet Forces**

4.1 The Trust has a responsibility to provide its services and requires a full complement of staff to support its obligations before the armed services.

4.2 Any employee who wishes to volunteer for service with the Reserve or Cadet Forces must obtain the permission of the Trust before doing so, or if applying for an appointment with the Trust, must declare their membership of such forces and obtain the consent of the Trust for their continued membership.

4.3 Employees who are required to attend periods of training, including annual camps and are unable to arrange such training during off-duty or annual leave, may be granted special leave for the purpose by their line manager. In instances where this is granted, this would not exceed 3 days in any personal leave year. The employee must complete and submit the Special Leave Form to their line manager. Where the employee is paid by the TA, reserve or cadet force for attendance, the special leave will be unpaid. Where it is unpaid, payment will again be determined by an appropriate senior manager within their functional area.

4.4 Where employees are formally requested to mobilise overseas each case will be considered on an individual basis.

4.5 Employees absent from duty owing to sickness or injury caused by or arising from their own off-duty activities as members of the Reserve or Cadet Forces will not be entitled to occupational sick pay. However, in exceptional circumstances, the Trust may, at its absolute discretion, authorise occupational sick pay for the whole or part of such absence, on the authority of an appropriate Senior Manager or Director as appropriate, in consultation with the Human Resources Department.

## 5.0 Parental Leave

5.1 Parental leave is a separate provision from maternity, paternity or adoption leave, which provides for an un-transferable individual right to 18 weeks unpaid leave.

5.2 Parental leave is available to any employee who has nominated caring responsibility for a child under the age of 18 (For each child including those adopted and those who are disabled)

5.3 Parental leave is an individual right and, therefore, if both parents are employed by the Trust, both parents may apply and take parental leave. Parental leave entitlement applies to each individual child, so if twins are born each parent will be entitled to 18 weeks' leave for each child.

5.4 Parental leave is to be used for planned events in the child's life, rather than as a response to an immediate care need, when carer leave may be more appropriate (see Section 6).

5.5 Parental leave must normally be taken in periods of no less than one working week. However, parents of children who qualify for Disability Living Allowance or personal independence payment for their child can take leave in blocks or as individual days.

5.6 A maximum of four weeks' parental leave can be taken in any one personal leave year. In exceptional circumstances the Trust may consider extending this up to a maximum of 18 weeks.

5.7 Applications for Parental Leave should be made on the Trust Form (Appendix 1). This should normally be submitted to the Trust a minimum of 14 days from the date that they intend to take parental leave.

5.8 During parental leave the employee retains all of their contractual rights, except remuneration. This includes the accrual of annual leave.

5.9 During parental leave the employee retains all of his/her contractual rights, except remuneration and should return to the

same job after it. Pension rights and contributions shall be dealt with in accordance with NHS Superannuation Regulations. Periods of parental leave should be regarded as continuous service.

5.10 In exceptional circumstances, the Trust may postpone the taking of parental leave for up to six months. However, leave cannot be postponed if the employer doesn't have a 'significant reason', eg it would cause serious disruption to the business, it's being taken by the father or partner immediately after the birth or adoption of a child or it means an employee would no longer qualify for parental leave, eg postponing it until after the child's 18th birthday

5.11 If it's postponed, the Trust will explain to the employee why within 7 days of the original request and suggest a new date that must be within 6 months of the requested start date but cannot change the amount of leave being requested

## **6. Carer's Leave (Time Off for Dependants)**

During this COVID-19 period the Trust is amending the carer's leave to a maximum of 5 days paid leave.

Managers are required to first explore options like shift changes, working from home, TOIL and Annual Leave, however if any of these options are not feasible, employees can have up to 5 days paid carer's leave.

This guidance will be kept under review as the situation unfolds. Please check Need to Know for the latest version.

6.1 Carer's leave entitles all employees to take a reasonable period of leave to deal with emergencies involving their dependants.

6.2 Only leave taken to care for a dependant will qualify as Carer's Leave. A dependant is defined as the employee's parent, child, husband, wife, civil partner, partner or someone living in the same household (other than an employee, tenant, lodger or boarder) who is dependent on them for care and anyone else who reasonably

relies on the employee either for assistance or to make care arrangements in the event of illness, injury or assault.

6.3 In the statutory legal definition, an emergency arises when someone who depends on the employee:

- is taken ill unexpectedly and needs the employee's help.
- is involved in an accident, is injured, or assaulted.
- needs the employee to arrange urgent or longer-term care for a dependant who is ill or injured.
- needs the employee to deal with an unexpected disruption or breakdown in care.
- gives birth.
- dies.
- is the employee's child and has an unexpected incident at an educational establishment?

During the COVID-19 pandemic an emergency arises when someone who depends on the employee is required to self-isolate as a result of the Covid-19 pandemic.

6.4 There is no limit as to how many times an emergency can arise. However, this procedure is intended to cover genuine and unforeseen emergencies only. Inappropriate use of this procedure may be dealt with in accordance with the Trust's Disciplinary Procedure (Managing Conduct and Performance).

6.5 See table A for payment, duration and processing.

## **7. Compassionate/Bereavement Leave**

7.1 Employees have a statutory right from day one of their employment to bereavement/compassionate leave.

7.2 The Trust respects different cultures and religions and recognises that some staff may need additional unpaid time off to attend relevant ceremonies.

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7.3 The maximum duration of leave is up to 4 days in total (including the day of the funeral), however managers can use their discretion in exceptional cases, for example the death of a partner.

7.4 If the need for time off continues after the initial period of compassionate leave (normally 3 days), other options such as an employment break may be considered and discussed with the employee.

7.5 One further day's leave may be taken to attend the funeral/memorial Services, taking into account all religious or belief obligations, of an immediate family member, dependant or close friend.

7.6 See table A for payment, duration and processing.

### **8. Domestic Emergencies Leave**

8.1 This form of leave is available to all employees in the event of genuine domestic emergencies, such as fire, being the victim of crime (including hate crime), flood or other similar circumstance.

8.2 See table A for payment, duration and processing.

### **9. Time Off for Religious Activities**

9.1 Employees whose religious beliefs have festival days different to those public holidays currently recognised by the Trust may approach their line manager to request to change some or all of the 8 designated public holiday dates to alternative dates in line with the Trust's Annual Leave Policy.

9.2 Employees wishing to take time off for religious activities should book annual leave in accordance with the Annual Leave Policy.

9.3 Employees with longer-term religious commitments should consider making an application under the Flexible Working Arrangements Policy.

9.10 See table A for payment, duration and processing.

## **10. Bereavement Leave for loss of a child or baby**

Where employees who are parents, experience the death of a child or where a stillbirth has occurred from 24 weeks of pregnancy, they will be entitled to a minimum of 2 weeks statutory leave, irrespective of their length of service. For the purpose of this section, a bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt and any other parent/child relationship that the employing organisation deems to be reasonable. For example, this may include grandparents who have caring responsibilities for a child, or instances where someone other than the biological parent is the primary carer (this could be the case where the parents of the child have separated)

For this agreement, there is no requirement for the child to be under 18 years of age.

All bereaved parents will be eligible for a minimum of two weeks of child bereavement leave. A bereaved parent will not be required to demonstrate any eligibility criteria to access bereavements leave or pay.

All bereaved parents will be entitled to two weeks' occupational child bereavement pay which will include any entitlement to statutory parental bereavement pay. Pay is calculated based on what the employee would have received had they been at work.

This would normally be based on the previous three months at work or any other reference period that may be locally agreed.

Where both parents of a deceased child are employees of the Trust, then the entitlements in this Section will apply to both.

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Bereaved parents do not have to take the two weeks of leave in a continuous block.

The employee should agree with the Trust the leave they wish to take. Taking child bereavement leave is an individual choice, it is not compulsory for the employee to take child bereavement leave.

Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of the child. Should the parent wish to take child bereavement leave immediately following the death of a child they shall be able to do so upon informing the Trust that they will be absent from work for this purpose. Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give the Trust reasonable notice of their intention to take the leave at this time.

There are independent organisations who can offer support in these circumstances, for example, but not limited to:

<https://www.childbereavementuk.org/>

Supports families and educates professionals both when a baby or child of any age dies or is dying and when is facing bereavement.

<https://www.home-start.org.uk/>

A local community network of trained volunteers and expert support helping families with young children through their challenging times.

<https://www.winstonswish.org/>

Support for children and young people who have lost a parent or sibling.

Kays Medical, our occupational health provider, offers a 24/7 employee assistance programme offering support and counselling. They are able to signpost employees to specialist bereavement services, if it is felt this is more appropriate. Contact details are available via EAST24, HR or your Line Manager.



## 11. Other Special Circumstances

11.1 There may be other circumstances in an employee’s working life which may necessitate time away from work, but do not ‘fit’ within one of the categories above, e.g. IVF treatment. Where there is no legal, or other, right to time off for the circumstance, the employee can make a request for special leave under this ‘section’. The employee should speak to their line manager or the Human Resources Department before completing and submitting the special leave request form

11.2 See table A for payment, duration and processing.

**Table A: Non Public Service Related Leave**

Leave Type	Maximum duration of leave within a personalised leave year	Payment	Process
Parental	18 weeks (for child under 18 yrs can normally request 4 weeks per leave year.	Unpaid	Employee must complete Application to Take Parental Leave Form providing 14 days’ notice.
Carers	5 days	Paid	Request leave through Day One Service (emergency) or
Compassionate	3 days + 1 for a funeral		

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		Any paid element requested will be determined by a more senior manager within their area.	line manager if in advance.
Domestic	3 days		The employee must complete the Special Leave Form when back at work and submit it to their line manager for approval of leave.
Other Special Circumstances	3 days		If the leave is unpaid an HR2 will be raised to deduct the appropriate pay.
Religious Activity	3 days	Would be paid if taken from annual leave entitlement	Changes to designated public holidays made prior to taking; see Annual Leave Procedure

## 12. Pensions

12.1 Pension rights and contributions shall be dealt with in accordance with the provisions of the NHS Superannuation Regulations.

### 13. Procedure Review

13.1 This procedure will be reviewed on a three yearly basis or amended in the light of new employment legislation and/or relevant case law or if a significant issue arises with its operation.

**Appendix A**



**Equality Impact Assessment**

EIA Cover Sheet	
Name of process/policy	Special Leave Procedure
Is the process new or existing? If existing, state policy reference number	Existing
Person responsible for process/policy	
Directorate and department/section	HR
Name of assessment lead or EIA assessment team members	EqIA Panel members
Has consultation taken place? Was consultation internal or external?(please state below):	Internal via HR Policy Sub-Group & EQIA Panel

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The assessment is being made on:	Guidelines	
	Written policy involving staff and patients	X
	Strategy	
	Changes in practice	
	Department changes	
	Project plan	
	Action plan	
	Other (please state):  Training programme	

<b>Equality Analysis</b>																							
<p>What is the aim of the policy/procedure/practice/event?</p> <p>To establish a consistent and fair process and sets out what constitutes Special Leave.</p> <p>This procedure acknowledges that there are occasions when employees will need to request official leave for domestic, personal and family matters or are required to be absent from duty for essential civil and public duties.</p>																							
<p>Who does the policy / procedure / practice / event impact on?</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">Race</td> <td style="width: 5%; text-align: center;">X</td> <td style="width: 30%;">Religion / belief</td> <td style="width: 5%; text-align: center;">X</td> <td style="width: 30%;">Marriage / Civil Partnership</td> <td style="width: 5%; text-align: center;">X</td> </tr> <tr> <td>Gender</td> <td style="text-align: center;">X</td> <td>Disability</td> <td style="text-align: center;">X</td> <td>Sexual Orientation</td> <td style="text-align: center;">X</td> </tr> <tr> <td>Age</td> <td style="text-align: center;">X</td> <td>Gender Re-assignment</td> <td style="text-align: center;">X</td> <td>Pregnancy / Maternity</td> <td style="text-align: center;">X</td> </tr> </table>						Race	X	Religion / belief	X	Marriage / Civil Partnership	X	Gender	X	Disability	X	Sexual Orientation	X	Age	X	Gender Re-assignment	X	Pregnancy / Maternity	X
Race	X	Religion / belief	X	Marriage / Civil Partnership	X																		
Gender	X	Disability	X	Sexual Orientation	X																		
Age	X	Gender Re-assignment	X	Pregnancy / Maternity	X																		
<p>Who is responsible for monitoring the policy / procedure / event?</p> <p><b>HR</b></p>																							
<p>What information is currently available on the impact of this policy/procedure/practice/event?</p> <p><b>HR data relating to number of requests and if that data is broken down for individual protected characteristics.</b></p>																							
<p>Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event?</p> <p><b>No</b></p>																							

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Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes, If yes please provide evidence/examples:

Race	X	Religion / belief	X	Marriage / Civil Partnership	X
Gender	X	Disability	X	Sexual Orientation	X
Age	X	Gender Re-assignment	X	Pregnancy / Maternity	X

Please provide evidence:

**Consistent and fair approach – setting out parameters of applicable reasons for special leave**

Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? **No:**

Race	X	Religion / belief	X	Marriage / Civil Partnership	X
Gender	X	Disability	X	Sexual Orientation	X
Age	X	Gender Re-assignment	X	Pregnancy / Maternity	X

Please provide evidence:

Possibly check for any disparity in % of special leave requests being accepted or refused and if any detail available regarding breakdown of protected characteristics.

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% requests approved/refused regarding Religious Activities

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### **Action Plan/Plans - SMART**

Specific

Measurable

Achievable

Relevant

Time Limited

### **Evaluation Monitoring Plan/how will this be monitored?**

Who

How

By

Reported to