

CONTROLLED DOCUMENT

Special Leave Procedure

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Introduction

- 1.1. The purpose of special leave is to support University Hospitals Birmingham NHS Foundation Trust (the Trust) staff and assist them in balancing the responsibilities and demands of work and home. Special leave is discretionary and is provided to cover emergency and unforeseen situations, as well as any pre-arranged public service duties. This procedure provides a framework to be used when dealing with requests for special leave.
- 1.2. Special leave may be paid or unpaid or a combination of both depending on the circumstances.
- 1.3. Part-time staff are entitled to special leave under the same conditions as their full-time colleagues, on a pro-rata basis.
- 1.4. Staff should be aware that, to maintain service delivery to patients and minimise any impact on colleagues, they will be expected to use the Special Leave Procedure only in exceptional circumstances. It is expected that annual leave must be used up in the first instance, prior to the approval of emergency/special leave without pay.

- 1.5. Definitions

For the purposes of this procedure a dependant is defined as either a:

- Spouse or Partner,
- Child;
- Grandchild;
- Parent
- Someone who depends on you for care

- 1.6. All requests for special leave must be submitted to the member of staff's line manager. The decision to approve special leave is at the discretion of the manager. Evidence to support the application may be required.
- 1.7. Managers will act in a fair and reasonable manner in considering and supporting applications for special leave. Managers will, wherever possible, endeavour to facilitate the provision of special leave, in line with service needs, availability of cover.
- 1.8. Applications must be made before the leave is taken where possible. All special leave must be made on the special leave application form or recorded electronically (Appendix A).

- 1.9. In the case of exceptional circumstances e.g. death, child issues during school hours, staff can submit a retrospective Special Leave application form (Appendix A). In these circumstances staff must secure permission to take the time as special leave from their manager or senior member of staff present, before leaving the Trust in order to comply with Health and Safety/Risk Management requirements.
- 1.10. Managers must ensure that the following factors are considered in response to any request for Special Leave:
- Urgency of problem/issue;
 - Nature of domestic issue/family crisis;
 - Impact on the member of staff;
 - Impact on service delivery; and/or
 - Distance to be travelled (Local, UK, Overseas).
- 1.11. Managers must record appropriate details of all special leave requests in the member of staff's personal file. Details recorded will include; reason leave is requested, date leave is needed, the length of the agreed special leave and whether the leave is paid or unpaid.
- 1.12. If an application for special leave is refused, the member of staff will be informed of the reasons for the rejection as soon as practically possible. The decision will be confirmed in writing and kept on the staff member's personal file. If required, the manager can direct the member of staff to seek advice from the People Advisory Service.

2. Bereavement and Funeral Leave

2.1. Bereavement Leave

Following the death of a member of staff's next of kin, immediate family member or someone with whom the member of staff has a close relationship, staff are eligible for up to 5 days of paid special leave within the annual leave year, pro-rata for part-time staff. These days do not need to be taken consecutively. A further 2 days may be granted in exceptional circumstances for travel time if required.

2.2. Child Bereavement Leave

- 2.2.1. Child Bereavement Leave is for any member of staff who suffers child bereavement. The definition of a 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, any other parent/child relationship that the Trust deems to be reasonable e.g. grandparents who have caring responsibilities or a child.
- 2.2.2. Child Bereavement leave applies to any member of staff who suffers child bereavement irrespective of the age of the child, the child doesn't have to be under 18 years of age.
- 2.2.3. The leave is for a maximum of 2 weeks at full pay and the parents will not have to demonstrate any eligibility criteria to access the leave or pay. Further leave would be agreed with management such as; annual leave, sick leave.
- 2.2.4. The pay is calculated based on what the parent would have received if they'd have been at work (normally based on the previous months at work).
- 2.2.5. These provisions will also apply where parents experience a still birth from the 24th week.
- 2.2.6. The 2 weeks do not need to be taken continuously, the parent has up to 56 weeks following the death of the child to take the special leave.

3. Serious Illness of Partner or Member of Immediate Family

- 3.1. Where a member of staff's dependant is critically unwell Managers can, at their discretion, allocate up to 3 days of paid special leave pro rata per annual leave year, depending on the relevant circumstances.

4. Special Leave for Dependants

- 4.1. Managers can allow staff a maximum of 3 days' paid special leave for dependants in any annual leave year. In addition to 3 days' paid special leave the member of staff may request a period of annual leave or a period of unpaid special leave. The line manager must deal sympathetically with these requests and grant approval if possible, subject to service needs.

- 4.2. This time is for emergency situations only and must only be for as long as is necessary for remedial arrangements. It is not intended to cover issues such as minor or common health problems within the member of staff's family or to provide time off where the member of staff had sufficient notice beforehand to enable alternative arrangements to be made e.g. planned medical treatment for a dependant. In such circumstances annual leave or unpaid leave must be used.
- 4.3. Examples of unforeseen emergencies include, but are not limited to:
- The illness of a dependant and the need to make arrangements for care;
 - The breakdown of existing care arrangements for a dependant; and
 - Addressing an unexpected incident involving a child during school hours.

5. Carer's Leave (unpaid)

- 5.1 From the 06 April 2024 staff have the right to take one week (pro-rata for part time staff) of unpaid leave per year to provide or arrange care for a dependant who has:
- a physical or mental illness that means they're expected to need care for more than three months;
 - a disability as defined by the Equality Act 2010; or
 - requires care because of their old age.
- 5.2 The dependant does not have to be a family member. It can be anyone who relies on the member of staff for care.
- 5.3 The leave can be taken flexibly, but only one week of leave can be taken every year.

6. Parental Leave

- 6.1. Employees with more than 1 years' service who have, or expect to have, parental responsibility for a child under the age of 18 have a legal entitlement to a maximum of 18 weeks' unpaid leave in total for each child and adopted child, up to their 18th birthday. This entitlement is set out in more detail at: <http://www.gov.uk/parental-leave>
- 6.2. Parental leave is unpaid and must be taken in 'full weeks'.

- 6.3. During parental leave, staff keep all their contractual rights, except remuneration, and are entitled to return to the same job following any period of parental leave.

7. Urgent Domestic Special Leave

- 7.1. There is no statutory right to domestic special leave, however the Trust recognises that domestic emergencies may require the member of staff to take time off work to resolve the issue.
- 7.2. In such circumstances managers may allow one day's paid special leave to deal with the immediate emergency. If further leave is required unpaid special leave may be agreed at the manager's discretion. Paid leave is limited to one day in any annual leave year.
- 7.3. The types of emergencies defined here include, but are not limited to: flood, fire, burglary or other unexpected serious domestic incidents. It is expected that staff will take annual leave for all non-emergency domestic issues.

8. Health Related Special Leave requests

8.1. Medical Appointments (Routine / non-emergency)

8.1.1. Routine GP, dentist and other health care appointments should normally be made outside of normal working hours. Where this is not possible, staff, with their manager's agreement, will try to arrange appointments so that service disruption is minimised, for example, by arranging appointments at the start or end of their shift. Time away from work will be unpaid, or the time can be made back if agreed between the staff member and their line manager.

8.1.2. Reasonable time off for hospital appointments will be paid. The Trust appreciates that hospital appointments are not as flexible as other health related appointments but where possible staff must arrange these as per 8.1.1 above.

8.2. Fertility Treatment

8.2.1. Time off for fertility treatment may be granted where the member of staff has 12 months' continuous service with the Trust at the time of applying. The staff member must provide documentary evidence from their General

Practitioner or Consultant relating to their treatment schedule.

8.2.2. Staff are requested to arrange appointments outside their working hours. Where this is not possible, with their manager's agreement and subject to service needs, staff must try to arrange appointments so that service disruption is minimised, for example, by arranging appointments at the start or end of their shift.

8.2.3. Staff may be granted up to 5 days (pro-rata for part-time staff) of paid fertility leave during employment with the Trust. This leave does not need to be taken in continuous periods. This leave is intended for the staff member receiving the treatment. Partners supporting an individual receiving treatment will be expected to take annual leave.

8.2.4. In addition to the paid leave the member of staff may request a period of annual leave or a period of unpaid leave. The manager must deal sympathetically with these requests and grant approval if possible, subject to service needs.

8.3. Cosmetic Surgery

8.3.1. Time off and the period of recovery for voluntary cosmetic surgery will not be treated as sickness absence and staff must utilise annual leave. If a member of staff subsequently becomes sick because of voluntary cosmetic surgery, i.e. a complication, this will be recorded as a sickness on their absence record.

8.3.2. Where cosmetic surgery is because of medical advice or religious belief e.g. circumcision, it must be recorded as sickness and the level of sickness absence managed appropriately in accordance with the Sickness Absence and Attendance Procedure.

8.4. Notifiable Disease

If a member of staff is under medical supervision following contact with a notifiable disease, managers must approve Special leave with pay in these circumstances. Managers must liaise with People Partners/ Infection Control/ Occupational Health to determine the duration of special leave necessary.

9. **Unable to Return to Work following Special Leave**

If the member of staff remains unable to return to work following a period of special leave advice must be sought from People Services /Occupational Health as it may be necessary to apply the Sickness Absence and Attendance Procedure or Annual Leave procedure.

10. Job Interviews

- 8.1 Reasonable time off with pay will be granted for staff to attend interviews for other positions within the Trust. Time off for interviews with other employers (including other NHS organisations) must be taken as annual leave.
- 8.2 The member of staff must advise their line manager as soon as the date of the interview is known. Confirmation of the interview arrangements must be produced.
- 8.3 If a member of staff has been placed at risk of redundancy, they will be granted paid time off to attend interviews both within and outside the NHS.

11. Public and Civic Duties Special Leave

- 11.1. The Trust recognises the value of the public and civic duties undertaken by many of its staff. Special leave will be granted for these services wherever possible and in accordance with service needs. Appendix B outlines the amount of special leave granted for various types of public/civil duties.
- 11.2. Applications must be made to the member of staff's line manager as soon as reasonably possible and must include the reasons for making the request and any other necessary information.
- 11.3. Managers have the discretion to approve unpaid time off in addition to the above as appropriate.
- 11.4. When a staff member is appointed to any of the public bodies specified in Appendix B they must notify their line manager and provide written evidence of this.
- 11.5. The Trust recognises that there are staff who carry out unpaid work for voluntary organisations either in this country or abroad on a humanitarian basis. In recognition of this managers can approve up to one-week pro rata of paid special leave to accommodate this, any additional leave required on top of this will need to be taken as either annual leave or unpaid leave as agreed by your manager.

12. Refusal of Special Leave

There is no appeal process for the refusal of special leave. If a staff member does not feel their request has been dealt with fairly, they must refer to the Grievance procedure.

13. References

Employment Rights Act 1996

NHS National Terms and Conditions of Service

Parental Bereavement (Leave and Pay) Act 2018

Carer's Leave Act 2023

14. Associated Policy and Procedural Documentation

Annual Leave Procedure

Grievance Procedure

Parental Leave Procedure

Sickness Absence and Attendance Procedure

Special Leave Application Form

Section 1 – TO BE COMPLETED BY MEMBER OF STAFF							
Name							
Job Title							
Employee Personal Number							
CDG							
Department/Ward							
Category of Special Leave Requested							
Bereavement				Serious Illness of Family Member			
Dependant				Parental Leave			
Urgent Domestic				Health Related			
Army Reservists				Civic / Public Duties			
Other				Carer's Leave (unpaid)			
Reason for Request							
Dates Requested							
I confirm that the above information is accurate							
Employee Signature:				Date:			
Section 2 – TO BE COMPLETED BY MANAGER							
Name of Manager							
Job Title							
CDG							
Dates Requested							
Date Request Received							
Previous Special Leave		Category		Days Paid		Days Unpaid	
Special Leave Approved		Yes	Paid	Unpaid	Number days/nights/shifts of	Paid	Unpaid
		No					
					Number of hours		
If special leave denied state reason							
Manager's Signature:					Date:		

Special Leave Entitlement for Public or Civic Duties

	Days per Year	Paid or unpaid	Degree of Discretion	Special Circumstances
Magistrate	Up to 13 days or 26 x ½ days	Paid	Staff are expected to consider service need when making themselves available and book sessions in advance	
Member of Police Authority	Up to 3 days with pay Any further time unpaid	Paid	In exceptional circumstances, due to service needs, special leave may not be granted	Number of meetings take place during evenings
Councillor				
Staff Governor for other NHS organisations				
School or Educational Governor				
Member of Statutory Tribunal				
Member of General Teaching Council				
Member of Environment Agency				
Member of Prison Monitoring Boards				
Charity Trustee (work of the charity must be related to the Trust)				
Witness at Court	As required	Paid	No discretion if subpoena or witness summons. Otherwise at discretion of Director	Any witness fee (not subsistence or travel) to be reimbursed to Trust
Jury Service	As Required	Paid	Maybe possible to defer if employees services are critical for continuation of NHS service and cannot be released	Any court fee (not subsistence or travel) to be reimbursed to Trust
Attendance as a witness at NHS Social Services or as a witness on behalf of the Trust	As required	Paid	Maybe possible to defer if employees services are critical for continuation of NHS service and cannot be released	Travel expenses will be paid in these circumstances
Army Reservists	2 weeks	Paid	Subject to service needs	