Royal Cornwall Hospitals NHS Trust

POLICY UNDER REVIEW

Please note that this policy is under review. It does, however, remain current Trust policy subject to any recent legislative changes, national policy instruction (NHS or Department of Health), or Trust Board decision. For guidance, please contact the Author/Owner.

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Information Category	Detailed Information
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Controlled Document

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Special Leave Policy

V4.1

November 2023

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Summary

The amounts of leave specified below provide a guide only. Please refer to the Trust's Special Leave Policy for details.

Special leave is not a contractual entitlement and is granted at the manager's discretion subject to the needs of the service.

The key to success of this policy is the open dialogue required between the individual and their line manager.

Type of Leave Provision	Leave That May be Granted by Manager
Special leave for domestic, personal, and family emergencies	
▪ Emergency Special Leave (Section 6.1.2.)	Usually not exceeding one day, normally with pay. However may be extended in specific circumstances to a maximum of three days.
▪ Carer Leave (Section 6.1.3.)	Although no entitlement to special leave with pay, managers are encouraged to adopt flexible working practices at times when their staff need assistance to balance caring responsibilities with their working commitments, e.g.: ▪ Flexible working hours such as altered shifts or earlier/later starting and/or starting times. ▪ Time off in lieu. ▪ Unpaid leave.
▪ Bereavement Leave (Section 6.1.4.)	Depending on circumstances up to six days' paid leave can be granted which need not necessarily be taken in one continuous period. The amount of leave granted will depend on: ▪ The closeness of the relationship to the member of staff. ▪ Whether she/he has responsibility for the funeral arrangements. ▪ The availability of other relatives. ▪ The distance to be travelled to make arrangements and/or attend the funeral. ▪ Any cultural/religious requirements.

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Planned special leave including leave for Public and Civic Duties	
▪ Public duties (Section 6.2.2.) e.g. • Justice of the Peace • School Governor • Clinical Commissioning Group	Subject to the needs of the service, up to a maximum of 12 days annually. (See section 6.2.2. on the potential for unpaid leave).
▪ Jury service (Section 6.2.3)	Dependent on court summons.
▪ Attendance at a court as a witness (Section 6.2.4)	Dependent on court summons.
▪ Reservists' mobilisation and training (Section 6.2.5)	Up to one week's paid leave attendance at annual camp. A second week at camp should count as annual leave or unpaid leave.
▪ Trade union duties and activities (Section 6.2.6.)	Please refer to the Trust Facilities and Time Off for Trade Union Duties Policy available from the document library.
▪ Medical and dental appointments (Section 6.2.7.)	No special leave with pay however the following may be granted: ▪ Flexible working hours. ▪ Annual leave. ▪ Time off in lieu. ▪ Unpaid leave. **Equality Act 2010** - further information concerning staff who have a physical or psychological heath condition covered by the Equality Act 2010 can be obtained from section 6.2.7.4. of the policy. **Antenatal appointments** - please refer to Cornwall Health Community's **Guide to being pregnant at work and maternity leave.**
▪ Interviews (Section 6.2.8.)	Subject to the needs of the service, staff may be granted reasonable facilities for special leave to enable them to attend interviews within the Trust. It will be at the discretion of the manager as to whether the leave is granted with pay. Staff wishing to attend interviews outside the Trust will be required to apply for annual leave unless they have been notified of the cessation of their employment on the grounds of redundancy in which case, they will be granted additional paid leave.

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Planned special leave including leave for Public and Civic Duties	
▪ Unpaid Leave (Section 6.3.)	Unpaid leave under this policy covers one day to three months. For unpaid leave of more than three months please refer to the Trust Employment Break Policy.

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Data Protection Act 2018 (UK General Data Protection Regulation – GDPR) Legislation

The Trust has a duty under the Data Protection Act 2018 and UK General Data Protection Regulations 2016/679 to ensure that there is a valid legal basis to process personal and sensitive data. The legal basis for processing must be identified and documented before the processing begins. In many cases we may need consent; this must be explicit, informed, and documented. We cannot rely on opt out, it must be opt in.

Data Protection Act 2018 and UK General Data Protection Regulations 2016/679 is applicable to all staff; this includes those working as contractors and providers of services.

For more information about your obligations under the Data Protection Act 2018 and UK General Data Protection Regulations 2016/679 please see the Information Use Framework Policy or contact the Information Governance Team

Royal Cornwall Hospital Trust rch-tr.infogov@nhs.net

UNDER REVIEW

1. Introduction

1.1. The Royal Cornwall Hospitals NHS Trust (the Trust) is committed to striking a fair balance between the needs of staff and providing excellent services to patients.

1.2. It recognises that staff members may, at times, need assistance to manage the balance between their work and private lives. They may also have out of work responsibilities towards their wider community.

1.3. This policy sets out the agreed framework for time off, paid, or unpaid for domestic, personal, and family reasons and for carrying out public and civic duties as far as these are not covered by other Trust policies.

1.4. This version supersedes any previous versions of this document.

2. Purpose of this Policy/Procedure

2.1. The aim of this policy is to set out the Trust's approach to special leave and provide clear guidelines for managers and staff to follow when dealing with requests for paid/unpaid special leave.

2.2. Key principles

- The purpose of the Special Leave Policy is to cover domestic emergencies as well as certain planned public and civic duties.
- Special leave is not a contractual entitlement and therefore, when granted, may be paid or unpaid.
- Each request should be considered on its merits and should be dealt with on a consistent basis. No groups should be disadvantaged by the application of the policy. Full consideration should be given to the circumstances of the request and the needs of the service. Managers are encouraged to discuss requests and seek advice from their Employee Relations Advisor as appropriate.
- Special leave requests may be considered in conjunction with other local policies, e.g. flexible working arrangements and a staff member's annual leave entitlement. However, staff are not required to exhaust their annual leave entitlement before special leave is considered or granted.
- Wherever possible, staff should apply for special leave in advance (using the appropriate paperwork) but, in the case of domestic, personal, or family emergencies, they should telephone their manager to make the request and complete the application form as soon as possible after the event.
- It is the responsibility of the staff member to maintain contact during any period of special leave. Failure to maintain contact could result in the staff member's paid leave provision being withdrawn.

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- This policy provides for two main categories of special leave:
  - ❖ Special leave for domestic, personal, and family emergencies.
  - ❖ Planned special leave including leave for public and civic duties.

3. Scope

This policy applies to all employees of the Trust.

4. Definitions / Glossary

- **Dependant** – someone who is married to, is a civil partner or a partner (whether opposite or same sex), a “near relative” to or someone who lives at the same address as the staff member.
- A **relative**, for this purpose, includes parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents, and step relatives or is someone who relies on the staff member in a particular emergency.
- **Paid leave** – paid leave is defined as the equivalent payment which would have applied had the staff member been absent on annual leave.
- Staff members will receive normal full pay for all agreed periods of absence taken under this policy unless otherwise specifically stated as unpaid leave.
- If the staff member receives payment (other than for travel and subsistence) they must declare the payment to the Payroll Department and agree to that deduction from their salary. Failure to do so could, after investigation, result in disciplinary action.

5. Ownership and Responsibilities

5.1. Role of the Chief People Officer

The Chief People Officer has overall responsibility for the implementation, monitoring and review of the policy.

5.2. Role of the Care/Corporate Group General Managers/Heads of Department

To establish consistency of application within their areas, Care/Corporate Group General Managers and heads of department are responsible for monitoring and evaluating special leave requests and outcomes (including number of requests received, granted, or refused).

5.3. Role of Line Managers

Line managers are responsible for ensuring:

- They adopt an understanding approach to the application of special leave in appropriate circumstances.

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- Decisions about special leave requests are made on the basis of the staff member's individual circumstances and are consistent with the policy.
- Requests are dealt with sensitively, fairly, and consistently and that any personal information is retained in complete confidence.
- Advice is sought from their Employee Relations Advisor if they are unsure whether a provision should apply.
- The staff they manage are made aware of the Special Leave and other Trust leave-related policies, e.g., Flexible Working, Employment Break.
- All requests for each period of paid and unpaid leave are made on the correct application forms, i.e., the Public and Civic Proposal form (See Special Leave Policy Supporting Documents, Appendix 1) or the Special Leave Request form (See Special Leave Policy Supporting Documents, Appendix 2).
- Payroll is notified of any period of paid or unpaid special leave taken using the Trust's recording and reporting arrangements (i.e., Roster or paper absence return as appropriate within the department).
- Copies of the completed request form(s) are retained on the staff member's personal file.
- They record all applications and outcomes, noting the number of requests received, granted, or refused, and annually report this data to their Care/Corporate Group General Managers/Heads of Department.

5.4. Role of Individual Staff

All staff members are responsible for:

- They are familiar with this and other Trust leave-related policies.
- They have relevant and appropriate arrangements, including contingency caring arrangements, in place to allow them to fulfil their contractual obligations.
- All requests for Trust approval to take up public and civic duties are made using the Public and Civic Proposal form (See Special Leave Policy Supporting Documents, Appendix 1).
- All requests for each period of paid or unpaid special leave, including leave for public and civic duties, are discussed with their line manager and made using the Special Leave Request form (See Special Leave Policy Supporting Documents, Appendix 2).
- They maintain contact during any period of special leave as agreed with their line manager.

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5.5. Role of People Information

People Information is responsible for producing reports on the number and duration of special leave requests granted in each Care/Corporate Group and for obtaining information (including any refused requests) from the Care/Corporate Group General Managers/Heads of Department.

6. Standards and Practice

6.1. Special Leave for Domestic, Personal and Family

6.1.1. General Principles and Application Procedure

6.1.1.1. The Trust attaches considerable importance to the provision of special leave for domestic, personal, and family reasons. The objective of such leave is to help staff balance the demands of domestic and work responsibilities at times of urgent and unforeseen need through the provision of paid and unpaid leave according to circumstance.

6.1.1.2. Special leave is not an entitlement. However, requests should be considered sensitively and sympathetically in the light of individual circumstances and reflecting the Trust's values of care and compassion.

6.1.1.3. Due to the very nature of urgent and unforeseen need, it is not appropriate to prescribe the extent to which managers may exercise discretion. However, it is essential that they are seen to be fair and consistent in applying this policy and, wherever possible and appropriate, seek to grant requests within its scope and allowing for workplace demands.

6.1.1.4. The key to success of this policy is the open dialogue required between an individual and their line manager. Staff will need to frankly discuss the reasons and circumstances that have led to their special leave request. It is important for them to consider the service requirements of the Trust and acknowledge that special leave may only be granted by the agreement of their line manager.

6.1.1.5. Where paid special leave does not apply, staff should discuss other possible methods of time off in advance with their manager e.g. flexibility in arrangement of working hours, time off in lieu or unpaid leave taking into consideration service requirements.

6.1.1.6. Annual leave is available for staff to use to support the balance between home and working life and there may, therefore, be a need for staff to use annual leave to supplement the provisions within this policy.

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6.1.1.7. The Special Leave Request form (See Special Leave Policy Supporting Documents, Appendix 2) must be completed and signed by the staff member and appropriate manager for every requested period of special leave for domestic, personal, and family leave.

6.1.1.8. Staff members are required to maintain contact during any period of special leave as agreed with their line manager.

6.1.2. **Emergency Special Leave**

6.1.2.1. The aim of this leave is to provide a response to immediate needs. The leave will essentially be short-term (usually not exceeding one day) and normally with pay.

6.1.2.2. The needs covered will be those arising from many and varied domestic situations, e.g.:

- If a dependant falls ill, gives birth or has been injured or assaulted.
- To make longer-term care arrangements for a dependant who is injured or ill (including a mental health impairment such as dementia).
- To deal with the unexpected disruption or breakdown of care arrangements for a dependant.
- To deal with an unexpected incident involving a staff member's child at a time when the child's school has responsibility for him/her.
- To deal with an incident which occurs in the staff member's home (or which affects a family member for whom they are responsible) that needs immediate attention, e.g., fire, flooding, burglary, and attendance during a critical illness.

6.1.2.3. This type of leave is not designed to provide extra time off where circumstances allow sufficient time to plan ahead or where it is reasonable to use alternative forms of leave. In these circumstances emergency special leave will not apply, and staff will be expected to discuss the situation in advance with their line manager to make alternative arrangements for another method of time off, e.g. requesting annual leave, carers' leave, parental leave, utilising flexible working, taking time owing or unpaid leave.

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6.1.2.4. It is not expected that paid time off to cope with immediate need will exceed one day. However, this may be extended in specific circumstances where the manager judges there are particularly urgent and special difficulties that clearly warrant a compassionate response. In such circumstances, paid leave may be extended to a maximum of three days. After this time a further review of the case can be undertaken by the line manager.

6.1.2.5. Due to the nature of the circumstances, it may not be possible for much notice to be given where an individual is required to take time off to care for dependants. However, staff should tell their manager:

- The reason for their absence as soon as is reasonably practicable.
- How long the absence is expected to last.

6.1.2.6. Where anxiety and distress in a staff member is apparent and makes necessary an immediate judgement, the payment or non-payment of emergency special leave may be considered after the event.

6.1.2.7. If the need to take time off becomes a regular occurrence, the manager will discuss and agree alternative arrangements with the staff member. This may include, for example, a permanent or temporary change to contractual hours/working pattern or employment break.

6.1.3. Carer Leave

6.1.3.1. The Trust aims to give staff members with caring responsibilities the same recruitment and career opportunities as other staff and will aim to give as much support as is reasonably practicable, bearing in mind the needs of the service, to achieve this objective.

6.1.3.2. Carers are staff members with significant caring responsibilities for dependants that have a substantial impact on working life. The activities that carers undertake are wide ranging but include:

- ❖ Help with personal care.
- ❖ Help with mobility.
- ❖ Managing medication.
- ❖ Practical household tasks.
- ❖ Emotional support and help with financial matters or administration.

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6.1.3.3. Carers' needs are typically different from the needs of staff members with mainstream childcare responsibilities. Where the circumstances and milestones in the latter are generally more predictable as the children grow older and more independent, the milestones for carers may go in the opposite direction, e.g. an elderly parent may become more frail and dependent over time and a disabled child may continue to require significant support when they become an adult.

6.1.3.4. Carer leave is designed to encourage managers to adopt flexible working practices at times when their staff need assistance to balance their caring responsibilities with their working commitments.

6.1.3.5. The needs of carers can often be simple, e.g. knowing they will be able to leave work on time each day or be able to make a telephone call home during the day to check that all is well. Alternatively, a variation in the working pattern (such as altered shifts or earlier/later starting and/or stopping times) may provide an adequate solution.

6.1.3.6. There may be circumstances when a staff member needs a short period of time off. This may be provided as emergency special leave (see Section 6.1.2.), e.g. to accompany a dependent to hospital in an emergency situation, or consideration can be given to the use of alternative methods of time off in a non-emergency situation, e.g. flexible working, time off in lieu, unpaid leave, or annual leave, subject to the requirements of the service.

6.1.3.7. There may, however, be times when the caring demands on the staff member are such that the individual is forced to consider other more permanent options such as altering contractual work patterns or a long-term reduction in working hours.

6.1.3.8. Staff with caring commitments who recognise the need to alter their contracted hours on a long-term basis should discuss the matter with their manager in the first instance.

6.1.3.9. Carers are encouraged to take advantage of other facilities within the Trust which may help them to access support organisations and coping mechanisms (such as stress resolution initiatives) through, for example, the Carers' network, other relevant policies (e.g. Employment Break, Purchasing Additional Annual Leave, Flexible Working) and health and wellbeing initiatives.

6.1.4. Compassionate/Bereavement Leave

6.1.4.1. In situations where a staff member may wish to take time off to care for a dependant who is nearing the end of life, they may request short-term flexibility to deal with the situation.

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6.1.4.2. Managers should maintain a compassionate and supportive approach pragmatically considering the needs and situation of the individual as well as service requirements.

6.1.4.3. In discussions with the member of staff, managers should monitor their wellbeing and, if required, signpost them to available support at the appropriate time.

6.1.4.4. The amount of paid leave to be granted to a member of staff when bereavement occurs will depend on:

- The closeness of the relationship to the member of staff.
- Whether they have responsibility for the funeral arrangements.
- The availability of other relatives.
- The distance to be travelled to make arrangements and/or attend the funeral.
- Any cultural/religious requirements.

6.1.4.5. The member of staff must make the manager aware of their bereavement for which they request leave. Individual cases will be discussed at the time with the manager, and it will be at the manager's discretion to decide if paid bereavement leave can be taken or if unpaid leave may be more appropriate.

6.1.4.6. Depending on individual circumstances, managers may grant staff up to a maximum of six days' paid leave which may not necessarily be taken in one continuous period. Managers may also grant additional time off in lieu, annual leave, or unpaid leave.

6.1.4.7. These are suggested amounts of leave to support consistency across the Trust. However, in relation to bereavement, individual line managers have discretion to take into account the particular circumstances of the situation and/or the staff member's religious beliefs in determining the amount of leave to be given within these guidelines.

6.1.4.8. The Trust acknowledges that bereavement leave is intended to support individuals in the immediate period around the death of a relative or friend. However, the process of grief, the natural reaction and adjustment to loss and change may take a significant time and will be personal to each individual.

6.1.4.9. Any member of staff with concerns about the grieving process impacting on their work should discuss this in confidence with their line manager or Employee Relations Advisor to ensure that any reasonable adjustments are put in place and that the staff member is supported in their return to the workplace.

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6.1.5. **Child Bereavement**

6.1.5.1. With effect from 1 April 2019, a new provision became available to all staff who suffer a child bereavement.

6.1.5.2. Full details are available from the Trust's Childcare Co-Ordinator.

6.1.6. **Adoption Leave, Maternity Support Leave (Paternal), Shared Parental and Parental Leave**

Staff intending to adopt or apply for maternity support leave or parental leave should discuss their entitlement to the appropriate leave with the Trust's Childcare Co-Ordinator. Additional information can be accessed via the relevant guides on the Childcare Co-ordination Website which can be accessed via the Staff Intranet.

6.2. Planned Special Leave Including Leave for Public and Civic Duties

6.2.1. **General Principles and Application Procedure**

6.2.1.1. Staff may be required to be absent from duty to carry out essential public and civic duties. They are entitled to reasonable time off to perform these duties and this section makes provision for such leave to be taken.

6.2.1.2. To establish the likely amount of special leave required to fulfil the duties of a role and to identify appropriate methods of accommodating requests for special leave in these circumstances (taking into account the needs of the service); staff members must discuss their proposals to take up public duties with their manager before making any commitments.

6.2.1.3. Some roles will require more time off than others and individual agreements must be reached before entering into a role. Following discussion, staff members and their managers must complete the Public and Civic Duties Proposal Form (See Special Leave Policy Supporting Documents, Appendix 1).

6.2.1.4. The Special Leave Request form (See Special Leave Policy Supporting Documents, Appendix 2) must be completed and signed by the staff member and manager for every period of Special Leave for Public and/or Civic duties requested. Leave approval must be obtained at least one week before the special leave is to be taken and notice should normally be given equivalent to double the length of the leave requested as a minimum.

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6.2.1.5. When deciding whether to grant paid leave for public or civic duties the following should be taken into consideration:

- How much time off is required overall to perform the duties including any training required to undertake the role?
- How much time is required to perform the particular duty in question?
- How much time has the staff member already been permitted for the purpose?
- What are the current needs of the service and what impact will the staff member's absence have on the Trust's ability to provide that service in the staff member's absence?
- What individual development opportunities will be derived from the duty and how will this benefit the Trust?

6.2.2. **Public Duties**

Members of staff who undertake magisterial duties (Justice of the Peace) or are members of:

- A local authority.
- A statutory tribunal (e.g. Employment Tribunal).
- Certain educational bodies (e.g., school governor) and health bodies (regulatory authorities, clinical commissioning groups).
- The Environment Agency.
- The prison independent monitoring boards visiting committee.

May, at the discretion of their line manager and subject to the needs of the service, be granted special leave with pay not exceeding12 days annually for the purpose of carrying out these duties (including any associated training to undertake the role). Further leave (annual leave, time owing or unpaid leave) in excess of 12 days may be granted at the discretion of the manager.

6.2.3. **Jury Service**

6.2.3.1. Jury service is a public duty and staff members called for jury service will be granted special leave with pay.

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6.2.3.2. An individual will receive notification of jury service from their local court which will include the dates they are required to attend. Members of staff must inform their line manager as soon as they receive this notification by completing the Special Leave Request form (See Special Leave Policy Supporting Documents, Appendix 2) and supplying a copy of the letter requesting their attendance for inclusion in their personnel file.

6.2.3.3. Staff required to attend for jury service will be supplied with a claim form from the court for loss of earnings and out of pocket expenses. They are required to complete the claim and declare any fees paid by the court. Any court fees received (as distinct from travel and subsistence allowances) must be declared and paid to the Trust. The Payroll Department should be contacted for further information. The Trust will be required to make a statement on behalf of the staff member in relation to the loss of earnings. This will enable the Trust to reclaim their salary on behalf of the NHS.

6.2.3.4. Staff called for jury service should nominate the Trust Payroll Manager as their Trust contact. Managers who receive forms relating to loss of earnings must ensure that the forms are forwarded to the Payroll Manager for completion. Copies of the forms will be retained on file in the Payroll Department for audit purposes.

6.2.3.5. If the court advises a staff member that they are not required for court service on any given day, or if the court finishes early, they must immediately contact their line manager to agree the working arrangements for the period.

6.2.3.6. If a staff member does not contact their manager in these circumstances this may, after investigation, be considered as fraudulent action which could result in disciplinary action being taken in line with the Trust's Disciplinary Policy and Procedure.

6.2.4. Attending a Court, Tribunal or Appeal Hearing as a Witness

6.2.4.1. Staff required to attend a court, tribunal or appeal hearing as a witness, either with the consent of the Trust or on subpoena or witness summons, or otherwise as a legal obligation, shall be granted special leave with pay. Any witness fee received (as distinct from travel and subsistence expenses) must be declared and paid to the Trust. Payroll Services should be contacted for further information.

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6.2.4.2. Where a member of staff is required to attend as an expert witness not necessarily on behalf of the Trust, or where a court or tribunal appearance is made on behalf of the Trust, it is treated as part of normal duties.

6.2.5. Reservist Mobilisation and Training

6.2.5.1. Staff must discuss any proposal to join the Territorial Army or Reserve Forces with their manager in advance of making a commitment. This is to ensure the likely time off required is established and agreed. Failure to do so could result in subsequent requests for leave being refused.

6.2.5.2. Staff must seek the written consent of their immediate manager by completing and submitting the Public and Civic Duties Application Form contained at (See Special Leave Policy Supporting Documents, Appendix 1).

6.2.5.3. Staff who have obtained written consent from their manager will be entitled to one week's paid leave for attendance at annual camp. The second week at camp should count as annual leave, or special leave without pay, subject to the manager's agreement.

6.2.5.4. Staff required to undergo short periods of training (normally on Saturdays and Sundays) in addition to annual camp should arrange to attend in off-duty time or use annual leave.

6.2.5.5. Where Trust staff are called up on active military service, unpaid leave will be granted. Employment will continue without pay unless specified otherwise by the individual. Staff wishing to preserve their pension rights should contact the Pensions Department for clarification of their personal circumstances.

6.2.5.6. Members of the Reserve Forces called up for service should refer to the Trust's Reserved Forces Mobilisation and Training Policy, a copy of which is available from the Trust document library.

6.2.6. Trade Union Duties and Activities

6.2.6.1. Subject to adequate notification and the advance agreement of their line manager, accredited representatives will be permitted reasonable time off with pay during working hours to undertake the duties (including any training required) of their role.

6.2.6.2. For further details please refer to the Trust Facilities and Time Off for Trade Union Duties and Activities Policy, a copy of which is available from the Trust document library.

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6.2.7. Medical/Dental/Counselling/Specialist Appointments

6.2.7.1. Every effort should be made by staff to arrange medical or dental appointments in off-duty time. Where this is not possible, staff should arrange appointments at the beginning or end of the working day and will be required to make the time up. Occupational Health appointments can be attended during working hours.

6.2.7.2. Staff who require time off for medical or dental appointments will be entitled to request the following subject to the needs of the service:

- Flexibility in arrangement of working hours.
- Annual leave.
- Time off in lieu.
- Unpaid leave.

6.2.7.3. In authorising time off managers should consider:

- The amount of time off that is reasonable in the circumstances.
- The notice given for the request for time off.
- Previous time off permitted.

6.2.8. The Equality Act 2010

6.2.8.1. Where a staff member has a physical, psychological health or mental impairment (e.g., dementia) condition covered by the Equality Act 2010, they will still be asked to book regular appointments outside their normal working hours or at the beginning or the end of the working day.

6.2.8.2. Where this cannot reasonably be achieved, the manager and staff member should explore ways to arrange work patterns around regular appointments. Where suitable working patterns to accommodate regular appointments cannot be achieved, there will not be a requirement to make the hours up and this will constitute a reasonable adjustment. (This may, on occasion, apply to regular clinic appointments where the condition does not fall under the Equality Act 2010).

6.2.8.3. Reasonable adjustments for health conditions that fall under the Equality Act 2010 will be considered on a case by case basis.

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6.2.8.4. There are alternative rights for pregnant women. For antenatal care appointments please refer to the Cornwall Health Community's "Guide to being pregnant at work and maternity leave".

6.2.9. **Interviews**

6.2.9.1. Subject to the needs of the service, staff may be granted reasonable facilities for special leave to enable them to attend interviews within the Trust. It will be at the discretion of the manager as to whether the leave is granted with pay.

6.2.9.2. Staff members wishing to attend interviews outside the Trust will be required to apply for annual leave in accordance with their local procedure unless they have been notified of the cessation of their employment on the grounds of redundancy in which case, they will be granted additional paid leave. Please refer to the Trust's Organisational Change Policy for further details, a copy of which is available from the document library.

6.2.9.3. In all cases the staff member is required to provide appropriate proof of the interview (such as a letter or e-mail from the recruiting organisation) and, where necessary and practical, should attend work on the day of the interview.

6.3. Unpaid Leave

6.3.1. Unpaid leave provides staff with additional flexibility to assist them in balancing their contractual responsibilities to the Trust or interests outside of work.

6.3.2. Unpaid leave under this policy covers one day to three months. (For unpaid leave of more than three months, please refer to the Trust's Employment Break Policy, a copy of which is available from the document library).

6.3.3. Staff must make a request to their line manager as soon as is reasonably practicable giving details of the reason for their request and the period of time off required. For episodes of planned unpaid leave, at least one month's notice should be given. This may be less in exceptional circumstances, e.g. a request to take unpaid leave on compassionate grounds.

6.3.4. The responsibility for granting unpaid leave will lie with the staff member's line manager who will take into account the impact this will have on their service when making the decision. Further advice can be obtained from their local Employee Relations Advisor if appropriate.

6.3.5. When their unpaid leave is authorised, the staff member and line manager should complete the Special Leave Request Form (See Special Leave Policy Supporting Documents, Appendix 2).

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6.3.6. During the period of unpaid leave, the staff member will not be in receipt of any pay or contractual benefits. Staff are, therefore, advised to seek full guidance on the impact of the break in relation to certain entitlements including, for example, statutory maternity pay, statutory sick pay, occupational sick pay entitlement, annual leave, and pension.

6.3.7. The Trust is not required to make any NI contributions during the period of unpaid leave, and it is the responsibility of the staff member to contact Her Majesty's Revenue and Customs (HMRC) who can advise on the correct procedure for making voluntary contributions.

6.3.8. Staff on unpaid leave will not normally be allowed to take up paid employment with another employer except where, for example, work overseas or charitable work could broaden experience. In such circumstances, written authority from the Trust would be required.

6.3.9. Staff who wish to delay their return should gain authorisation from their manager as soon as is reasonably practicable. (If the total amount of leave is more than three months the manager and member of staff will need to refer to the Trust's Employment Break Policy).

6.3.10. For periods of absence of one month or more, every effort will be made to enable the member of staff to return to the same job as far as is reasonably practicable.

6.4. Failure to Follow Procedure

6.4.1. Should any unapproved leave be taken, this may, after investigation, be considered as unauthorised absence and be unpaid.

6.4.2. Failure to follow the correct procedure could also result in action being taken in accordance with the Trust's Disciplinary Policy.

6.5. Refusal of a Request for Special Leave

6.5.1. Where a request for special leave is declined by a manager, the reasons for that decision should be set out in writing.

6.5.2. Where a member of staff feels their request has not received full consideration, they have the right to refer to the Trust's Resolution Policy, a copy of which is available on the Trust document library. The issue will be dealt with at Stage Three of the policy.

6.5.3. If a member of staff has requested special leave which has been declined and they are then absent for those days, they may be required to provide a GP 'fit note.' Failure to do so may be investigated under the Trust's Disciplinary Procedure.

6.6. Fraudulent Claims

6.6.1. Any claims made under this policy that are proven to be fraudulent will constitute gross misconduct and will result in action being taken in accordance with the Trust's Disciplinary Policy.

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6.6.2. Likewise, staff are reminded that working whilst on special leave or during time off for a specific purpose may constitute a breach of their employment contract.

6.6.3. Their actions may also be referred to the Local Counter Fraud Specialist for investigation and, if proven, could lead to a criminal prosecution.

7. Dissemination and Implementation

7.1. A brief summary on how the document will be disseminated should be included, together with details of any special arrangements that may be required or help in aiding retrieval. If the document replaces a previous version the summary should refer to archiving arrangements and any process in place ensuring staff are aware of the new version.

7.2. This section should also describe the arrangements for implementing the policy, e.g., provision of training and support for staff; series of roadshows; etc. If there is a training need associated with this policy, the author must ensure that this is noted on the Governance Coversheet above and also that the Learning and Development department are aware of this need.

8. Monitoring compliance and effectiveness

Information Category	Detail of process and methodology for monitoring compliance
Element to be monitored	Requests and outcomes for special leave.
Lead	Head of Employee Relations.
Tool	Applications and outcomes should be recorded (and retained for one year), monitored and analysed for consistency of approach. The evaluated information will be used to review and revise the policy and associated procedures in partnership with local staff representatives to ensure continuing effectiveness.
Frequency	Quarterly.
Reporting arrangements	JCNC – Joint Consultative Negotiation Committee. JLNC – Joint Local Negotiation Committee.
Acting on recommendations and Lead(s)	The Head of Employee Relations will ensure subsequent recommendations are pursued which may include the development of an action plan to address any deficiencies within an agreed time-frame.
Change in practice and lessons to be shared	Any system improvements agreed via the action planning process will be actioned in partnership with Staff-Side within three months. Lessons will be shared with all the relevant stakeholders. Any revision to policy will be communicated to staff.

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9. Updating and Review

The policy will be reviewed three years from approval or earlier in view of any developments which take place that may include legislative changes, national policy instruction (NHS or Department of Health), Trust Board decision, or request by either party.

10. Equality and Diversity

10.1. This document complies with the Royal Cornwall Hospitals NHS Trust service Equality and Diversity statement which can be found in the Equality Diversity And Inclusion Policy or the Equality and Diversity website.

10.2. Royal Cornwall Hospitals NHS Trust is committed to a Policy of Equal Opportunities in employment. The aim of this policy is to ensure that no job applicant or employee receives less favourable treatment because of their race, colour, nationality, ethnic or national origin, or on the grounds of their age, gender, gender reassignment, marital status, domestic circumstances, disability, HIV status, sexual orientation, religion, belief, political affiliation or trade union membership, social or employment status or is disadvantaged by conditions or requirements which are not justified by the job to be done. This policy concerns all aspects of employment for existing staff and potential employees.

10.3. Equality Impact Assessment

The Initial Equality Impact Assessment Screening Form is at Appendix 2.

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Appendix 1. Governance Information

Information Category	Detailed Information
Document Title:	Special Leave Policy V4.1
This document replaces (exact title of previous version):	Special Leave Policy V4.0
Date Issued / Approved:	November 2023.
Date Valid From:	November 2023.
Date Valid To:	May 2026.
Author / Owner:	Nicole Steinkruger, People, Policy, Risk and Governance Manager.
Contact details:	01872 258594.
Brief summary of contents:	To set out the Trust's approach to Special Leave and provide clear guidelines for managers and staff to follow when dealing with requests for paid/unpaid special leave.
Suggested Keywords:	Special leave, bereavement, compassionate leave, carer's leave, domestic emergency, civic and public duties, jury service, reserve forces.
Target Audience:	**RCHT:** Yes **CFT:** No **CIOS ICB:** No
Executive Director responsible for Policy:	Chief People Officer.
Approval route for consultation and ratification:	JCNC – Joint Consultancy Negotiation Committee.
Manager confirming approval processes:	Associate Director of People Services.
Name of Governance Lead confirming consultation and ratification:	Nicole Steinkruger, People. Policy. Risk and People Officer.
Links to key external standards:	None Required.

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Information Category	Detailed Information
Related Documents:	▪ Additional Annual Leave Purchase Scheme. ▪ Adoption Leave and Pay. ▪ Annual Leave Policy. ▪ Attendance Management Policy. ▪ Disciplinary Policy. ▪ Employment Break Policy. ▪ Employment Rights Act 1996 (as amended). ▪ Facilities and Time Off for Trade Union Duties and Activities Policy. ▪ Flexible Working and Work Life Balance Policy. ▪ Resolution Policy. ▪ Maternity Policy. ▪ National Terms and Conditions of Service. ▪ Parental Leave. ▪ Reserved Forces Training and Mobilisation Policy. ▪ Your Guide to Being Pregnant at Work and Maternity Leave.
Training Need Identified:	No.
Publication Location (refer to Policy on Policies – Approvals and Ratification):	Internet and Intranet.
Document Library Folder/Sub Folder:	Human Resources.

Version Control Table

Date	Version Number	Summary of Changes	Changes Made by
May 2013	V2.0	The new combined policy replaces the following previous policies: ▪ Special Leave (Balancing Work and Personal Life). ▪ Special Leave (Civic and Public Duties).	Helen Strickland HR Business Partner.
Nov 2016	V2.1	Minor updates and amendments in respect of formatting and addition of reference to dementia as an example of a mental	Helen Strickland HR Business Partner.

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Date	Version Number	Summary of Changes	Changes Made by
		disability as per request from senior manager.	
December 2019	V3.0	Full update of policy and re-format in line with current Trust template, including: ▪ Addition of summary (page 2). ▪ Reference to GDPR (page 4). ▪ Addition of guidance on Carer Leave (Section 6.1.3.). ▪ Guidance expanded with reference to compassionate/bereavement leave (Section 6.1.4.). ▪ Reference to RCHT Foundation Trust Governors removed. ▪ New section added to include reference to time off for interviews (Section 6.2.8.). ▪ New section 6.3. added in respect of Unpaid Leave (formerly Appendix 5). ▪ Refusal of request for special leave: wording amended to include action that may be taken in respect of staff members who report absent after their special leave request has been declined (Section 6.5). ▪ Fraudulent claims: wording amended to include action that may be taken in respect of staff found to be working whilst on special leave (Section 6.6.).	Helen Strickland HR Business Partner.
May 2023	V4.0	• Transfer to Trust approved template. • Removal of Appendix 3 – Public and Civic Duties Proposal Form and Appendix 4 – Special Leave Request Form to create standalone Special Leave Policy Supporting Documents and all references throughout the Policy updated.	Nicole Steinkruger People, Policy, Risk and Governance Manager.

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Date	Version Number	Summary of Changes	Changes Made by
November 2023	V4.1	6.1.3. Carer Leave – updated title from 'Career' to 'Carer'.	Nicole Steinkruger People, Policy, Risk and Governance Manager.

All or part of this document can be released under the Freedom of Information Act 2000

All Policies, Strategies and Operating Procedures, including Business Plans, are to be kept for the lifetime of the organisation plus 6 years.

This document is only valid on the day of printing.

Controlled Document

This document has been created following the Royal Cornwall Hospitals NHS Trust The Policy on Policies (Development and Management of Knowledge Procedural and Web Documents Policy). It should not be altered in any way without the express permission of the author or their Line Manager.

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Appendix 2. Equality Impact Assessment

Section 1: Equality Impact Assessment (EIA) Form

The EIA process allows the Trust to identify where a policy or service may have a negative impact on an individual or particular group of people.

For guidance please refer to the Equality Impact Assessment Policy (available from the document library) or contact the Equality, Diversity, and Inclusion Team rcht.inclusion@nhs.net

Information Category	Detailed Information
Name of the strategy / policy / proposal / service function to be assessed:	Special Leave Policy V4.1
Department and Service Area:	Human Resources.
Is this a new or existing document?	Existing.
Name of individual completing EIA (Should be completed by an individual with a good understanding of the Service/Policy):	Nicole Steinkruger, People, Risk, Policy, and Governance Manager.
Contact details:	01872 258594.

Information Category	Detailed Information
1. Policy Aim - Who is the Policy aimed at? (The Policy is the Strategy, Policy, Proposal or Service Change to be assessed)	To set out the Trust's approach to special leave and provide clear guidelines for manager and staff to follow when dealing with requests for paid/unpaid special leave.
2. Policy Objectives	To ensure managers adopt a flexible and understanding approach to the application of special leave in appropriate circumstances.
3. Policy Intended Outcomes	Each case will be considered on its merits, and it is recognised that, in considering the circumstances of each case, an appropriate degree of compassion and sensitivity will be required.
4. How will you measure each outcome?	The Care/Corporate Group General Managers, in liaison with People Information, will monitor the requests and outcomes for special leave on an annual basis.
5. Who is intended to benefit from the policy?	Staff.

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Information Category	Detailed Information
6a. Who did you consult with? (Please select Yes or No for each category)	• Workforce: Yes • Patients/ visitors: No • Local groups/ system partners: No • External organisations: No • Other: No
6b. Please list the individuals/groups who have been consulted about this policy.	**Please record specific names of individuals/ groups:** JCNC – Joint Consultative and Negotiation Committee.
6c. What was the outcome of the consultation?	Approved.
6d. Have you used any of the following to assist your assessment?	**National or local statistics, audits, activity reports, process maps, complaints, staff, or patient surveys:** No.

7. The Impact

Following consultation with key groups, has a negative impact been identified for any protected characteristic? Please note that a rationale is required for each one.

Where a negative impact is identified without rationale, the key groups will need to be consulted again.

Protected Characteristic	(Yes or No)	Rationale
Age	No	
Sex (male or female)	No	
Gender reassignment (Transgender, non-binary, gender fluid etc.)	No	
Race	No	
Disability (e.g. physical or cognitive impairment, mental health, long term conditions etc.)	No	
Religion or belief	No	
Marriage and civil partnership	No	

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Protected Characteristic	(Yes or No)	Rationale
Pregnancy and maternity	No	
Sexual orientation (e.g. gay, straight, bisexual, lesbian etc.)	No	

A robust rationale must be in place for all protected characteristics. If a negative impact has been identified, please complete section 2. If no negative impact has been identified and if this is not a major service change, you can end the assessment here.

I am confident that section 2 of this EIA does not need completing as there are no highlighted risks of negative impact occurring because of this policy.

Name of person confirming result of initial impact assessment: Nicole Steinkruger, People, Policy, Risk and Governance Manager

If a negative impact has been identified above OR this is a major service change, you will need to complete section 2 of the EIA form available here:
Section 2. Full Equality Analysis

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