



Human Resources Policy

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Special leave policy statement

Introduction

NHS Borders recognises that many employees successfully balance the demands of work requirements with domestic responsibilities. While each employee is responsible for ensuring that they have appropriate mechanisms in place to meet their personal responsibilities, NHS Borders endeavours to assist in emergency circumstances. For example, where arrangements have unavoidably broken down, or where additional pressures, outwith the norm, arise and for which time off work (or alternative working arrangements e.g. working from home) may be required.

Legislation does not state a set amount of time off which can be taken to deal with emergencies, including those involving a dependent or relative, but it is widely regarded that, in most cases, the amount of leave will be limited to one or two days at the most up to a maximum of the equivalent to 2 working weeks in any 12 month period. The Agenda for Change Terms and Conditions handbook defines a dependent as someone who is married to, or is a partner or civil partner, “a near relative” or someone who lives at the same address as the employee. 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 employee in a particular emergency.

All requests from employees must be dealt with on a strictly confidential basis. NHS Borders respect that an employee may not wish to discuss the specific details of their emergency situation with their line manager. However employees are expected to provide their manager with sufficient information to enable the manager to support the employee.

Principles and aims

The aim of this policy is to allow for an appropriate response to:

- ✦ The sudden and immediate need for an employee to provide care to a dependent or relative
- ✦ A dependent or relative of the employee suffering ill health
- ✦ An employee suffering the bereavement of a dependent or relative
- ✦ The sudden and immediate need for an employee to respond to an emergency situation at home
- ✦ The undertaking of civic and public duties by an employee

This could be where the normal arrangements break down without notice, or where an urgent and unforeseen situation arises.

Examples of this include:

- ✦ A dependent or relative of the employee falling ill, being involved in an accident, or being assaulted, including instances where the victim is distressed rather than being physically injured
- ✦ The need to make longer term care arrangements for a dependent or relative who is ill or injured
- ✦ To deal with the death of a dependent or relative e.g. to make funeral arrangements, or to attend a funeral
- ✦ To deal with an unexpected disruption, e.g. fire, flooding or the effects of adverse weather
- ✦ To deal with a breakdown in care arrangements for a dependent or relative e.g. when a child-minder / nurse fails to turn up or there has been an incident involving the employee's child at school

NHS Borders also recognises that the needs of employees who care for a dependent or relative who is elderly, disabled, or suffer ill health, is particularly important in the NHS because people working in healthcare are often expected to do more than other family members when it comes to caring for a relative.

As always, the extent and duration of such leave must be balanced by service needs. In most cases, the amount of leave will be limited to one or two days to allow employees to respond to the emergency and unforeseen nature of situations, particularly in the early stages.

Scope

The provisions of this policy are applicable to all employees, irrespective of length of service, hours of work, or grade and no employee will be discriminated against as a result of making application for time off under these provisions.

Payment during Special Leave will be made at the basic rate of pay.



Chief Executive



Employee Director

Special leave protocol

1 Summary of provisions for time off

Serious illness and/or bereavement leave

Paid leave in the event of the serious illness, acute need or death of a dependent, relative or close friend. This can be up to one working week extended by up to a further working week and it will be at the discretion of the manager whether this is paid or unpaid. The manager should record leave taken for this reason on the Staff Governance Information System (SGIS) / Scottish Standard Time System (SSTS) as Special Leave - Compassionate.

Domestic emergencies

Paid leave to deal with urgent and predominately unforeseen circumstances to which sick leave, annual leave, or any other form of specified leave is not applicable - in most cases, the amount of leave will be limited to one or two days at the most although up to one working week can be allocated. This can be extended by up to a further working week and it will be at the discretion of the manager, taking into account the circumstances of the specific case, whether this is paid or unpaid. The manager should record leave taken for this reason on SGIS/SSTS as Special Leave – All Others.

Short periods of time off

There may be circumstances when an employee needs a short period of time off (a few hours rather than days) e.g. to deal with an emergency situation, to attend a hospital appointment etc. This will still be recorded on SGIS/SSTS as Special Leave – All Others.

Carer leave

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

- ✦ **Short term carer leave** allows for paid leave to deal with urgent unforeseen care needs. In most cases, the amount of leave will be limited to one or two days at the most although up to one working week can be allocated which can be extended by up to a further working week of paid or unpaid leave. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave, or unpaid leave. Leave for this reason should be recorded by the manager on SGIS/SSTS as Special Leave - Carer
- ✦ **Long term carer leave** allows for the possibility of altering contractual work patterns to enable the employee's family life and work requirements to be balanced for an appropriate period. For more information regarding the alteration of contracted hours please refer to NHS Borders Flexible Working Requests policy.

Note 1: In exceptional circumstances, the amounts of paid leave shown above may be extended by the manager following consultation with an appropriate member of the HR Management Team. Payment during Special Leave will be made at the basic rate of pay.

Note 2: The references above to a ‘working week’ mean the number of hours that an individual employee is contracted to work. For example, the working week of an employee contracted to work 37½ hours per week, is 37½ hours, while the working week for a employee contracted to work 20 hours per week, is 20 hours.

2 Serious illness and/or bereavement leave

Definition

To provide reasonable support to employees at times of distress due to the unforeseen serious illness, or the death, of a dependent, relative or close friend.

Entitlement

Managers have the discretion to award paid leave of up to one working week in each occurrence of serious difficulty. In particularly distressing circumstances, the manager, in discussion with an appropriate member of the HR Team, may extend this by up to a further week of paid or unpaid leave.

Duration criteria

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

Consistency

Managers should endeavour to be fair, consistent and sympathetic in their application of this policy.

Notification

Employees must make their manager aware of the potential need to request leave at the earliest opportunity and should keep in regular contact throughout that period.

Record keeping

Leave should be recorded under the appropriate ‘special leave’ category to enable monitoring of its fair application throughout NHS Borders. It must also be notified to Payroll Department to ensure appropriate payment and recording.

3 Domestic emergencies

Definition

Leave under this heading can be defined as arrangements granted when employees need to be absent from work under circumstances not covered by sick leave, annual leave, maternity/paternity leave, parental leave, adoption and fostering leave, or flexible working arrangements.

This Leave is provided as a short-term solution to help employees to balance the demands of their work and any unforeseen domestic emergencies at home or an unexpected disruption, e.g. fire, flooding or other effects of adverse weather

Entitlement

In most cases, the amount of leave will be limited to one or two days at the most although up to one working week can be allocated as paid leave by the manager, taking into consideration the amount of the time reasonably required to attend to the situation which has arisen.

In cases of exceptional difficulty, the manager can extend this period for up to a further working week and, in discussion with their nominated HR Manager, has the discretion to determine whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the employee to utilise annual leave under circumstances where the situation, while still important, has ceased to be an emergency.

In exceptional circumstances, an employee may be faced with long-term difficulties and the manager, in discussion with their nominated HR Manager, should consider other options to assist in the situation. This may include a temporary reduction in hours, an alteration to the employee's shift pattern (in line with NHS Borders Flexible Working Requests Policy), a move to another post etc.

There should be no requirement for the approved number of days to be taken in one block.

Notification

Employees must make their manager aware of their potential need to request leave at the earliest opportunity and should keep in regular contact throughout this period.

Record keeping

Leave should be recorded under the appropriate 'special leave' category to enable monitoring of its fair application throughout NHS Borders. It must also be notified to Payroll Department to ensure appropriate payment and recording.

4 Carer leave

Definition

Where employees are responsible for caring for a dependent or relative, work and home life can cause conflicting pressures. Carer leave is designed to encourage managers to adopt flexible working practices at times when employees need assistance to balance their caring responsibilities with their work commitments.

Short term carer leave allows for up to one working weeks paid leave, which can be extended by up to a further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave, or unpaid leave.

Local arrangements

The needs of employees who care for dependents or relatives can often be very simple e.g. knowing that they will be able to leave work on time each day, or being 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 stopping times, may provide an adequate solution

Needs such as these may be relatively easy to satisfy and it is expected that the individual's manager will provide sympathetic support and strive to reach a mutually acceptable solution to the employee's requirements.

Long term arrangements

There may, however, be times when the caring demands on the employee are such that s/he is forced to consider more extreme measures, such as a long term reduction in working hours, in order to meet their caring commitments. For more information regarding the alteration of contracted hours please refer to NHS Borders Flexible Working Requests policy.

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

Employees with caring responsibilities, who recognise the need to alter their contracted working hours on a long term basis, should discuss the possibility of utilising the Flexible Working Requests Policy with their manager in the first instance. It may be considered appropriate for a member of the HR Management Team to be involved in these discussions.

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

Other assistance

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

5 Other types of special leave

Other types of special leave are those where it is reasonable to make available, special leave with pay for staff to be absent from work to perform 'essential civic and public duties'. These should be recorded on SGIS/SSTS as Special Leave – Civic and Public Duties.

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

- ✦ Justice of the Peace
- ✦ Attendance at court as a witness
- ✦ Members of a variety of public bodies including Children's Panels
- ✦ Jury Service
- ✦ Training with Volunteer Rescue Forces

This list is illustrative, not exhaustive.

Entitlement

Up to one working week per year can be allocated as paid leave by the manager taking into consideration the amount of time reasonably required to devote to the issue. In exceptional circumstances the manager can extend this period for up to a further working week and in discussion with an appropriate member of the HR Team, has the discretion to determine whether this should be on a paid or unpaid basis. It is recognised that the time required in some circumstances may be outwith the scope of this policy. This should be discussed with the relevant HR Manager - on occasions, it may be considered appropriate for the employee to utilise annual or unpaid leave.

Notification

Employees must make their managers aware of the potential need to request leave at the earliest opportunity and, where appropriate should keep in contact throughout the period.

Record keeping

Leave should be recorded under the appropriate 'special leave' category to enable monitoring of its fair application throughout NHS Borders. It must also be notified to Payroll to ensure appropriate payment and recording.

6 Summary of what is not special leave

Managers must consider every absence from work on an individual basis. This includes making decisions about how leave should be processed. The following examples are of leave that is not covered by this policy and protocol. This will assist managers in identifying the appropriate type of leave in each individual case and therefore applying this policy and protocol consistently and equitably.

The following should not normally be processed as special leave:

- ✦ Routine GP or dental appointments
- ✦ Acting as an escort to a dependent attending a routine appointment or event

Having considered each request for special leave on an individual basis, a manager may decide that an employees request is not covered by this policy, they must discuss this with the employee and keep a record of their decision and the reasons supporting this in the employees personal file. Managers can use the generic Record of Discussion (RoD) template in the HR Intranet site for this.

7 Summary of roles and responsibilities

The responsibilities of every Line Manager in NHS Borders are to:

- ✦ Ensure that they are familiar with NHS Borders special leave policy
- ✦ Ensure that employees are treated fairly and consistently
- ✦ Give careful and reasonable consideration to all requests for time off under the scope of this policy
- ✦ Take in to consideration any requests already made over the last 12 months
- ✦ Balance the needs of the service with that of individual employees
- ✦ Record hours lost as a result of special leave on SGIS/SSTS

The responsibilities of all employees are to:

- ✦ Contact their manager (or, if their immediate line manager is unavailable, an alternative 'senior' member of staff) at their normal place of work as soon as the need to request special leave arises
- ✦ Exercise their rights reasonably and do everything they can to balance their own needs with those of the service, including patients and colleagues
- ✦ Be mindful of previous requests they may have made over the last 12 months and recognise that they may be required to use other forms of leave

The responsibilities of all Staff Side Representatives are to:

- ✦ Represent employees fairly and in line with this policy and protocol
- ✦ Act at all times in line with their responsibilities under the Partnership Agreement

The responsibility of HR is to:

- ✦ Proactively advise, support and guide all employees (in particular, line managers) in this policy and protocol
- ✦ Provide reports on policy application or usage as required

The responsibility of Training and Professional development is to:

- ✦ Develop the skills of managers and staff representatives to allow this policy and protocol to be put into practice effectively

The responsibility of the Staff Governance Committee is to:

- ✦ To ensure appropriate audit of the implementation of this policy and protocol are undertaken

8 Resolution of disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from their nominated HR Manager and a Staff Side Representative.

Policy Working Group membership, 2007:

Geraldine Bouglas	HR Policy Development Manager
Jennifer Hood	HR Manager
Julie Roberts	HR Policy Training Manager
Caroline Thompson	Staff Side

Review Group, 2010:

HR Policies Group