

Special Leave Policy

April 2011

POLICY REFERENCE INFORMATION

Policy Reference Number	
Version Number	1.1
Status	Operational
Author/Lead	HR & Development Manager
Equality Impact Assessment Date	February 2010
Implementation Date	April 2011
Date of Last Review	November 2007
Date of Next Formal Review	April 2013

DOCUMENT REVISION RECORD

Version	Description of change(s)	Reason for Change	Author	Date
1.1	Insertion of revised Paternity Leave Section	Additional Paternity Leave Regulations	S Rawson	February 2011

RELATED POLICIES AND LEGISLATION

Policy Reference Number	Policy Title
	Maternity/Adoption Leave Policy and Guidance for Staff
	Absence Policy

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1. INTRODUCTION

Yorkshire and the Humber Strategic Health Authority (SHA) attaches considerable importance to having a clear policy for managers to follow when they consider and approve special leave for domestic, personal and family matters and other out of work commitments.

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 or unpaid leave according to the circumstances. Leave granted under these arrangements is not intended for long-term domestic and family needs.

Special leave is also needed for other situations such as voluntary public duties, court service when summoned for jury service, and for those staff who require leave for military service and call-out.

The SHA has also made provisions for other leave that may be required at times in order to balance domestic and work responsibilities; these include Paternity and Parental Leave.

2. CARER/COMPASSIONATE LEAVE

The aim of such leave is to provide a compassionate response in situations of urgent domestic distress that may occasionally arise e.g. bereavement, serious illness of a child, close relative or dependant, sudden breakdown of normal care arrangements, and making arrangements for coping with a care problem in the long term.

Procedure

- 2.1 The responsibility for granting this leave will lie with the individual's line manager who will have discretion to grant special leave under this procedure.
- 2.2 The authorised period of absence will be limited to 5 working days (this will be pro rata for part time staff). Only in exceptional circumstances may the period be extended in cases of special difficulty or hardship up to a further 3 working days.
- 2.3 The line manager may grant, at their discretion, additional special leave with pay.

- 2.4 **After taking carer/compassionate leave the member of staff should complete a special leave form in Appendix 1. Managers must ensure they complete an SW2 form where unpaid leave applies.**

3. VOLUNTARY PUBLIC DUTIES LEAVE

The purpose of this is to provide leave for those who undertake public duties as listed below as they are legally entitled to be eligible for reasonable paid special leave. An example of these duties are as follows:

- Serving as a Justice of the Peace
- Membership of a Local Authority
- Membership of a statutory tribunal
- Membership of a Board of Prison Visitors
- Membership of the governing body of a grant maintained school, self governing school, or a further or higher education corporation/college

Procedure

- 3.1 Staff must make their line manager aware of any special leave needed to undertake public duties as soon as possible.
- 3.2 The responsibility for granting this leave will lie with the staff member's line manager who will have discretion to grant special leave under this procedure. All leave must be authorised in advance, giving the SHA 21 days notice where possible.
- 3.3 Staff should inform their line manager in writing outlining dates, times and frequencies of meetings and training commitments, visits etc. Subsequent changes in pattern or frequency of commitments should be communicated in writing.
- 3.4 The line manager will then arrange a meeting to discuss their commitments to public duties, and to discuss what impact this will have on their service.
- 3.5 Up to 6 days paid leave per year will be given for public duties. This will be on a pro-rata basis for part-time employees, and where possible public duty commitments should be arranged during normal days off. If additional days are required, these should be negotiated between the member of staff and their manager.

- 3.6 **To apply for Voluntary Public Duties leave staff should complete the special leave form in Appendix 1. Managers must ensure they complete an SW2 form where unpaid leave applies.**

4. SPECIAL LEAVE FOR JURY SERVICE OR ACTING AS A WITNESS

Any member of staff summoned for Jury Service has a responsibility to attend, and are therefore eligible for paid special leave, however if staff are not selected for Jury Service for any reason, then they are required to report back to work as normal.

Procedure

- 4.1 Staff must let their line manager know as soon as they have received a summons to attend Jury Service to allow adequate cover to be arranged. Any staff summoned to attend court, tribunals, or appeal hearings as witnesses are also eligible for paid leave.
- 4.2 **Employees must claim loss of earnings allowance from the court if their Jury Service continues for longer than a fortnight, and make Payroll aware of this amount so it can be deducted from the individual's salary.**
- 4.3 Subsistence allowance and travel expenses claimed from the courts will not be deducted from the salaries of employees acting as Jurors or witnesses.
- 4.4 **To apply for special leave for Jury Service or acting as a witness, staff should complete the special leave form in Appendix 1. Managers must ensure they complete an SW2 form if applicable.**

5. SPECIAL LEAVE FOR MILITARY SERVICE AND CALL OUT

Staff who are members of the Volunteer Reserve Forces (Royal Naval Reserve, Royal Marines Reserve, Territorial Army (TA) or Royal Auxiliary Air Force) are eligible for paid special leave.

Procedure

- 5.1 Staff must make their line manager aware of any special leave needed for military service and call-outs as soon as possible.

- 5.2 Staff will be given up to 5 days paid leave and 5 days unpaid leave for military service and call-outs.
- 5.3 Reservists should advise Payroll of any Military Allowance received during paid special leave, so that these can be deducted from the individual's salary. Reservists who are mobilised will be granted unpaid leave, and full employment rights will be restored upon return from Military Service.
- 5.4 **To apply for special leave for Military Service and Call Out, staff should complete the special leave form in Appendix 1. Managers must ensure they complete an SW2 form where unpaid leave applies.**

6. PATERNITY LEAVE

Paternity leave applies to biological and adoptive fathers, nominated carers and same sex partners. The leave allows the father to care for their baby and support their partner after the birth or adoption.

Ordinary Paternity Leave

- 6.1 Members of staff with more than 12 months NHS service will be entitled to 10 days paid paternity leave (pro rata for part time staff). Members of staff with less than 12 months NHS service will be entitled to 10 days unpaid paternity leave (pro rata for part time staff). Those not eligible for paid paternity leave may still be entitled to Statutory Paternity Pay.
- 6.2 Paternity leave would normally be taken at the time of the birth or adoption; however, it may be taken at any time during the pregnancy or up to 3 months after the birth or adoption.
- 6.3 Staff applying for paternity leave can take it in one block or two separate blocks if required.
- 6.4 Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. A separate policy, Maternity/Adoption Leave Policy and Guidance for Staff, is available.

Additional Paternity Leave

- 6.5 Eligible staff may take up to 26 weeks additional paternity leave within the first year of their child's life provided that the mother has returned to work before using her full entitlement to maternity leave.
- 6.6 Additional paternity leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work before using his/her full entitlement to adoption leave.
- 6.7 The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.
- 6.8 Salary may be replaced by statutory paternity pay for some of the additional paternity leave period if the employee is eligible to receive it. The remaining period of additional paternity leave is unpaid.
- 6.9 Staff are encouraged to take any outstanding annual leave due to them before the commencement of additional paternity leave. Staff are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during additional paternity leave, the employee should take his/her outstanding entitlement before starting his/her additional paternity leave.
- He/she must have a minimum of 26 weeks service, as at the end of the 15th week before the week in which the child is due to be born, or in respect of an adopted child, as at the end of the 15th week before the week in which he/she was notified of having been matched with the child.
 - The mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay. The mother or primary adopter must have returned to work and forfeited a portion of his/her maternity or adoption leave.

Keeping-in-touch days during additional paternity leave

- 6.10 Members of staff can agree to work for up to 10 days during additional paternity leave without that work bringing the period of his/her additional paternity leave and pay to an end. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.
- 6.11 The SHA has no right to require the member of staff to carry out any work, and the member of staff has no right to undertake any work, during his/her additional paternity leave. Any keeping-in-touch days worked do not extend the period of additional paternity leave.

Returning to work after additional paternity leave

- 6.12 If the member of staff wishes to return to work earlier than the expected return date, he/she must give at least six weeks' notice of his/her date of early return, preferably in writing. If he/she fails to do so, the line manager may postpone his/her return, provided that this is not later than the expected return date.

If the member of staff decides not to return to work after additional paternity leave, he/she must give notice of resignation as soon as possible and in accordance with the terms of his/her contract of employment. If the notice period would expire after additional paternity leave has ended the member of staff may be required to return to work for the remainder of the notice period.

Rights on and after return to work

- 6.13 On resuming work after both ordinary and additional paternity leave the member of staff is entitled to return to the same job as he/she occupied before commencing paternity leave on the same terms and conditions of employment as if he/she had not been absent.
- 6.14 **To apply for paternity leave staff should complete the special leave form in Appendix 1 and submit a copy of their partner's maternity certificate or adoption letter. Managers must ensure they complete an SW2 form where unpaid leave applies.**

7. PARENTAL LEAVE

Parental leave applies to staff who are parents of children, including those adopting a child and others acquiring parental responsibility.

Procedure

- 7.1 Parental leave regulations allow up to **13 weeks unpaid leave** (18 weeks if the child is disabled). This is on a pro rata basis for part time employees.
- 7.2 Parental leave is available to any member of staff provided they have 12 months continuous NHS Service.
- 7.3 Staff applying for parental leave can take it in blocks of **one week or more up to a maximum of 4 weeks per annum.**
- 7.4 Parental leave is for each child so if twins are born, each parent is entitled to 13 weeks for each child (18 weeks if the child is disabled).
- 7.5 **To apply for parental leave staff should complete the special leave form in Appendix 1. Managers must ensure they complete an SW2 form where unpaid leave applies.**

8. APPEALS PROCESS

If a request for special leave is refused and an individual considers the refusal to be unjustified they can refer to the SHA's Grievance Procedure.

9. REVIEW

This policy will be reviewed in 5 years.

10. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment (EQIA) has been carried out on this policy and can be found at Appendix 3.



Yorkshire and the Humber

Application for Special Leave

Name:

Job Title:

Grade:

Directorate:

Base:

Days worked per week:

Hours:

Reasons for Special Leave:

.....
.....
.....
.....
.....

Dates of special leave requested:

From: To:.....

Signature: Date:.....
(Employee)

Signature: Date:.....
(Manager)

Please forward to HR Team, Blenheim House, Leeds.

Please ensure that your manager has completed an SW2 form if applicable for your period of leave.

If the request is for paternity leave, please ensure the SC3 form in Appendix 2 is also completed.

Paternity Leave SC3 Form

Upon completion of the Special Leave form detailing the dates of the paternity leave requested, the following SC3 form also needs to be completed and submitted to the HR team at Blenheim House.

<G:\New Yorks and Humber SHA Business\Payroll Forms & Procedures - HP\SC3 - Paternity Leave.pdf>

Full Equality Impact Assessment

Department/Team: HR

Lead Officer: Steph Rawson, HR Manager

Contact details: steph.rawson@yorksandhumber.nhs.uk

A. Describe the Aims, Purpose, Objectives of the Policy, Strategy, Plan concerned	To support staff to balance the demands of domestic and work responsibilities at times of urgent and unforeseen needs.
B. List the procedures and protocols used to carry out the function	Special Leave Policy
C. List the groups who may be affected (i.e. Patients; Staff; Other Internal or External Stakeholders)	SHA Staff

Gathering Evidence**Step 1 - Who may be affected by the Function/Policy?**

Tip:

Look at baseline information on the general population and the groups the function/policy may affect; e.g.

- *Census data (or more up to date population projections)*
- *Other survey data*
- *Information of social and economic factors, such as age, income levels, health etc which are indicators of need.*

Response & Actions to be taken:

A breakdown of the SHA workforce can be found [here](#).

Step 2 - Do you have monitoring data that relates to the function/policy area concerned?

Tip:

If yes, list the sources of evidence below, then go to step 3. Examples might include:

- *Workforce or service user profile broken down into: Gender, Race, Disability, Religion, Sexual Orientation, Age*
- *Workforce Data*
- *Audit or Review Information*
- *Satisfaction survey results*

If no, list actions required to obtain the data in Actions section below and then go to step 4

Response & Actions to be taken:

No monitoring data available.

Action:

- Amend the policy to include a request form which employees complete and can be either approved or declined by the manager. These requests can then be monitored by HR.
- Input all authorised requests into ESR

Step 3 - What does the monitoring data tell you?

Tip:

- *Are any groups under or over represented compared to what you would expect to see from the baseline data*
- *What does your monitoring data outcomes tell you? E.g. are some groups more likely to be served better by your function, service and policies etc compared to what you would expect to see from the baseline data on their*

<i>needs?</i>
Response & Actions to be taken: N/A

Step 4- Describe any evidence you have that indicates that the impact may be equitable to all groups?

<p><i>Tip:</i></p> <p><i>Look at potential sources of evidence such as:</i></p> <ul style="list-style-type: none"> • <i>Customer Satisfaction Survey results</i> • <i>Local and national research</i> • <i>Consultation process results</i> • <i>Opinion Surveys</i> • <i>Focus Group Evidence</i>
<p>Response & Actions to be taken:</p> <p>No evidence available.</p>

Step 5 - Describe any actions that have been taken to ensure that all groups are all served equitably?

<p><i>Tip:</i></p> <p><i>Have you:</i></p> <ul style="list-style-type: none"> • <i>Communicated the importance through staff training of how to treat individuals with specific needs?</i> • <i>Communicated the importance of ensuring information is produced in a range of formats to assist all groups?</i> • <i>Communicated any changes made to reflect changes in the user profile?</i> • <i>Communicated the importance of stakeholders being consulted prior to planned changes being implemented</i> • <i>Made staff aware of stakeholders who may be disadvantaged by existing policy, practice and procedure.</i> • <i>Ensured staff have been consulted to assess how new policies and procedures may impact on them</i>
<p>Response & Actions to be taken:</p> <p>All SHA staff are required to complete mandatory equality and diversity e-learning.</p>

Analysing the Evidence

Step 6 - Based on the evidence gathered in Steps 2- 5 above, have you identified any potential differential impact for any of the equality groups?

Tip:

If yes, enter a response below and then go to Step 7

If No, enter a response below and then go to Step 9

Response & Actions to be taken:

No evidence available.

Step 7 - Is the differential impact as a result of indirect or direct discrimination?

Tip:

If Yes is the impact as a result of

- *Direct discrimination? If so, this is unlawful and the organisation must decide how to ensure they act lawfully (go to Step 8).*
- *Indirect discrimination? If so is this objectively justifiable or proportionate in meeting a legitimate aim? If yes, provide details here:*

If no, enter a response below and then go to Step 8.

Response & Actions to be taken:

N/A

Determining Action

Step 8 - Based on the above decide on and describe the actions you intend to take to respond to the issues identified

Tip:

Consider things such as

- *Whether a different response needs to be made*
- *Who needs to be consulted/involved in devising a response to the issues identified*
- *The costs involved*
- *The cost of doing nothing*

Response & Actions to be taken:

N/A

Consultation

Step 9 - Identify the groups that need to be consulted and involved on the issues identified and describe how you will carry this out.

Tip:

You need to ensure you involve all those likely to be affected

Ensure you consult and follow the organisation's consultation processes.

Response & Actions to be taken

The Staff Partnership Forum will be consulted on the revisions to the policy.

Decision to Proceed

Step 10 - In view of all of the foregoing, how do you intend to proceed

Tip:

At this stage you need to decide whether you intend to proceed with the proposed course of action. You should base your decision on four factors:

- *The aims of the policy*
- *The evidence you have collected*
- *The results of public involvement and consultations*
- *The relative merits of alternative approaches*

Response & Actions to be taken:

Please refer to Step 2.

Monitoring Arrangements

Step 11 - Identify and describe the monitoring arrangements required

Tip:

You will need to identify the monitoring arrangements you need to put in place to ensure that:

- *The function/policy is equitable.*
- *Any remedial plans you have devised to eliminate or minimize any potential adverse impact are effective.*
- *all groups are being treated equitably.*

Response & Actions to be taken:

Once the actions are implemented, monitoring of authorised requests will be available through the ESR system. Manual monitoring of the request forms to capture those that are not authorised will be undertaken by the HR Team.

Sign Off

Step 12 - As this proforma will be published on the website please insert Electronic signature below

Officer Responsible for Completing the Screening

Name: Steph Rawson

Job Title: HR Manager

Equality Impact Assessment Action Plan

Use the template below to collate all the actions identified when undertaking the full EqIA ;

Department/Section: HR

Lead Officer: Steph Rawson

Issues identified	Action Required	How will impact be measured	Lead & Timescales
Lack of Monitoring Information	Amend the policy to include a comprehensive request form. Input authorised requests into ESR.	Use of policy monitored by HR	January 2011

Please forward the completed EqIA and the supporting Action Plan to the SHA Equality & Diversity Lead for publishing on the SHA website.