

Special Leave Policy

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Linked procedural	Flexible Working Arrangements Policy
documents	Annual Leave Policy
	Maternity Leave and Pay Policy
	Employment Break Policy
	Disciplinary Policy
Dissemination	All Trust employees by intranet
requirements	
Part of Trust's	Yes
publication scheme	

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

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

All Trust policies can be provided in alternative formats.



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1. Introduction

1.1 EEAST recognises there are occasions when you may need to request leave for bereavement, dependants, civil and public duties, or as an immediate response to an emergency situation.

2. Purpose

- 2.1 This policy aims to:
 - ensure leave is applied consistently and fairly to all,
 - provide clarity on which leave to apply for, and the length of leave available, depending on your individual circumstances,
 - outline how to apply for leave,
 - confirm whether leave is expected to be paid or unpaid.

3. Scope

3.1 This policy applies to all EEAST employees. It does not apply to agency or casual workers.

4. Duties

- 4.1 **The Budget Holder** is responsible for making any final decisions on whether leave is to be paid or unpaid, where applicable to the leave requested.
- 4.2 **Managers** are responsible for:
 - actioning requests for special leave fairly and equally in accordance with this policy and giving due consideration to the employee's individual circumstances.
 - acknowledging the situation that has happened and understanding that the person may or may not want to talk in detail.
 - asking how the employee would like to stay in contact and maintain regular but non-intrusive contact with them while they are away from work.
 - ensuring the correct leave type, and whether it is paid or unpaid, is recorded correctly on GRS.



- arranging completion of a HR2a and obtaining the employee's signature for any unpaid leave taken.
- 4.3 **Employees** are responsible for:
 - requesting leave in good faith and with as much notice as possible given the circumstances,
 - keeping your line manager informed of any changes to your circumstances,
 - completing the relevant application form (retrospectively if necessary) and signing a HR2a form for any unpaid leave.
- 4.4 **Managers, HR and trade union representatives** are responsible for providing advice and guidance to employees around the application of this policy, including current legislation.

5. Policy in Practice

- 5.1 Special leave provides additional support to you if you need time away from work, often at short notice. As individual circumstances vary, previous decisions will not set a precedent for future decisions.
- 5.2 You must submit an application form for any planned special leave to your line manager, providing the appropriate notice period, your reason for absence, and confirm how long you expect to be away, so that your manager can consider the best way to support you. Where this is not possible, or the leave is due to an emergency, please make contact with your line manager, or follow your local absence reporting procedure, as soon as reasonably practicable.
- 5.3 If you work part time, paid or unpaid leave will be on a pro rata basis according to your contractual weekly hours.
- 5.4 **Appendix A** provides a quick reference guide for each type of special leave, leave entitlements where applicable, payment and process details. When any requested special leave is unpaid, your line manager will arrange completion of a HR2a form which you both must sign to enable the appropriate salary deduction.

Periods of special leave are regarded as continuous service.



5.5 If anyone is found to be using special leave inappropriately, this may be managed in accordance with the Disciplinary Policy.

6. Definitions (for the purposes of this policy)

Parent	Anyone who has responsibility as one of the primary carers, including adoptive parents, legal guardians, and any other parent/child relationship we deem reasonable, e.g., grandparents who have caring responsibilities for a child, or instances where someone other than the biological parent is the primary carer.
Spouse / partner	Your partner (whether opposite or same sex) including spouse, civil partner, or a person you are in a long-term relationship with).
Close family member	Any person who you have a close family relationship with. This could be, but is not limited to a sibling, grandchild, or grandparent.
Dependant	Is anyone who is dependant on you for care, including your parent, your partner (whether opposite or same sex) including spouse, civil partner or a person you are in a long-term relationship with), child, or someone living in the same household (other than an employee, tenant, lodger or boarder) and anyone else who reasonably relies on you either for assistance or to make care arrangements in the event of illness, injury or assault.
Childcare	For children from birth up to age 16 years and a child with disabilities up to the age of 18 years.



7. Bereavement Leave

- 7.1 Bereavement leave allows you time off to deal with your personal grief and related practical arrangements, primarily, but not limited to, when a family member dies.
- 7.2 We recognise that bereavement impacts all individuals differently and you may not need to take the full allowance, or you may need additional time depending on your relationship with the person who has died and the circumstances of their death. The guidelines below are intended to show the leave you are entitled to request in different circumstances.
- 7.3 You may choose to keep your bereavement private, and your manager will not inform anyone who does not need to know without first asking what, if anything, you would like shared, e.g., with colleagues.

7.4 Child or Baby Bereavement Leave

- 7.4.1 If you are a parent (see section 6) and you experience the death of a child, or a stillbirth from 24 weeks of pregnancy, you are eligible for:
 - two weeks paid Child or Baby Bereavement Leave, which will include any entitlement to statutory child bereavement pay,
 - Pay which will be calculated based on what you would have received had you been at work.

The entitlements under this section applies to both parents of a deceased child if you both work for EEAST.

- 7.4.2 There is no requirement for the child to be under 18 years of age, and you are not required to demonstrate any eligibility criteria to access child or baby bereavement leave or pay.
- 7.4.3 You can request to take this leave at any point within 56 weeks after your bereavement. You do not have to take the leave as a continuous block but can choose to take it as:
 - a single block of two weeks,
 - two separate blocks of one week at different times,
 - or speak to your line manager if you would like to take it a different way.



7.4.4 This leave is an individual choice, and is not compulsory. You should speak to your line manager to inform them of your intentions to either take the leave immediately, or at another time instead.

7.4.5 **Stillbirth**

If your child is stillborn after 24 weeks of pregnancy, and you are the:

- birth mother,
- birth father / partner,
- partner of the adopter,

you will be entitled to take 2 weeks of child / baby bereavement leave after you finish any maternity or paternity (new parent support) leave.

7.4.6 You must complete a **Bereavement Leave Form (POL097-01)** and let your line manager know as soon as reasonably practicable when you intend to take the leave. The form can also be completed retrospectively if you choose to take the leave immediately.

7.5 Spouse or Partner Bereavement Leave

- 7.5.1 If you experience the death of a spouse or partner (see Section 6) we will support you with:
 - Two weeks paid spouse or partner bereavement leave,
 - Pay which will be calculated based on what you would have received had you been at work.
- 7.5.2 You can request to take this leave at any point within 56 weeks after your bereavement. You do not have to take the leave as a continuous block but can choose to take it as:
 - a single block of two weeks,
 - two separate blocks of one week at different times,
 - or speak to your line manager if you would like to take it a different way.
- 7.5.3 This leave is an individual choice, and is not compulsory. You should speak to your line manager to inform them of your intentions to either take the leave immediately, or at another time instead.



7.5.4 You must complete a **Bereavement Leave Form (POL097-01)** and let your line manager know as soon as reasonably practicable when you intend to take the leave. The form can also be completed retrospectively if you choose to take the leave immediately.

7.6 Other Dependant / Close Family Bereavement Leave

- 7.6.1 If you experience the death of a close family member or dependant (see Section 6) you are entitled to request up to 5 days paid leave, to include the day of the funeral (where Section 7.4 or 7.5 does not apply).
- 7.6.2 This leave is intended to support you if you need to make personal arrangements, and to allow time for you to grieve.
- 7.6.3 You should speak to your line manager to discuss taking leave as soon as reasonably practicable, and at the latest, on the first day of absence. Your next of kin or family member can also let your line manager know on your behalf. You should also complete a **Bereavement Leave Form** (POL097-01) either before the leave, or retrospectively where the leave is taken immediately.

7.7 Additional time off

7.7.1 If your need for time off continues after the initial period of bereavement leave, you will be able to request short notice annual leave to supplement your bereavement leave or request unpaid leave on compassionate grounds up to a maximum of a further 10 days. You must speak to your line manager to discuss and make necessary arrangements before starting unpaid leave.

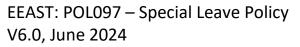
7.8 Additional support

7.8.1 See **Appendix A** for additional bereavement support.

You can also discuss additional support with your line manager, including options under the Employment Break and Flexible Working Policies.

7.9 Culture and diversity

7.9.1 We respect different cultures, religions and beliefs and recognise that you may need additional time off, sometimes at short notice, to attend relevant ceremonies, which may sometimes be abroad. Line managers will check whether your religion, belief or culture requires you to





observe any particular practices or make special arrangements which would require you being off work at a particular time. You should not assume that your line manager is aware of any such requirements and should draw this to their attention as soon as possible.

8. Parental Leave

- 8.1 If you have parental responsibility (see Section 6) you are eligible for unpaid parental leave to look after your child's welfare, e.g., to spend more time with your children, look at new schools, settle children into childcare arrangements or to spend more time with family, such as visiting grandparents.
- 8.2 Parental leave is separate to maternity, paternity, shared parental, or adoption leave entitlements, and:
 - is for a total of 18 weeks' leave for each child and adopted child, up to their 18th birthday,
 - is to be used for planned events in your child's life rather than as a response to an immediate care need, when Dependant / Childcare Emergency Leave may be more appropriate (see Section 9),
 - both parents can apply to take parental leave for each child,
 - applies to each child not to your job, e.g., if you have used 10 weeks with a previous employer, you can use up to 8 weeks with EEAST.
- 8.3 Your entitlement to parental leave:
 - is limited to 4 weeks for each child in a personal leave year,
 - must be taken as whole weeks, e.g., 1 week or 2 weeks rather than individual days, unless your child is disabled when it can also be taken as individual days,
 - in exceptional circumstances and at your line managers discretion, may be extended to up to your full entitlement of 18 weeks in one personal leave year.
- 8.4 You should apply by completing and submitting a **Parental Leave Application Form (POL097-02)** to your line manager, giving a minimum of 14 days' notice.



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During parental leave you retain all contractual rights, except pay. You will continue to accrue annual leave and should return to the same job.

- 8.5 In exceptional circumstances, your line manager may need to postpone your leave, e.g., due to operational pressures, causing a serious disruption to the business, or another significant reason.
- 8.6 Your leave cannot be postponed if it means you would no longer qualify for parental leave, e.g., by postponing it until after the child's 18th birthday.
- 8.7 If your leave is postponed, your line manager will:
 - explain why by meeting you within 7 days of your request,
 - suggest a new start date, which must be within 6 months of your requested start date,
 - will not change the amount of leave that you requested,
 - write to confirm the reasons for postponement and agreed outcomes.

9. Emergency Leave

- 9.1 We recognise that there may be occasions when you need to deal with an emergency situation. Your line manager will support you with a reasonable amount of time off, depending on your individual circumstances, and will be as flexible as they can be with the following leave types:
 - Dependant / Childcare Emergency Leave enables you to request a short period of leave to care for a dependant or for childcare reasons (see Section 6) in an unforeseen emergency, such as when a child minder fails to turn up, a dependant is injured or unwell, or there is an unexpected breakdown in their care.
 - **Domestic Emergency Leave** enables you to request a short period of leave in order to deal with an immediate domestic crisis, such as a fire or being a victim of a crime.
- 9.2 You should speak to your line manager as soon as reasonably practicable to discuss taking leave. Prior to authorising any time off, managers will consider the request and where appropriate discuss



alternative options, for example, short notice annual leave, using accrued lieu time (TOIL), working from home. If alternative options are not feasible, emergency leave for either dependants or domestic reasons may be granted.

- 9.3 The budget holder will determine whether the emergency leave is paid either in full or in part. Depending on the circumstances, it is expected that:
 - the first 24 hours of leave would be paid,
 - any subsequent days approved on each occasion would be unpaid,
 - paid leave would be restricted to a maximum of 3 days per personal leave year.
- 9.4 There is no limit as to how many times an emergency can arise, however, this leave is intended to cover genuine and unforeseen situations only. Your line manager will meet with you if the number of requests is affecting your work, and discuss alternative methods of supporting you, e.g., a flexible working application.
- 9.5 This leave is not applicable if you knew about the situation beforehand, e.g., if you wanted to take your child to hospital for an appointment. Where applicable, you could consider a request for Parental Leave instead.
- 9.6 You should complete and submit a **Special Leave Application Form (POL097-03)** to your line manager, which can be retrospectively where the leave is taken immediately. Your line manager will arrange completion of a HR2a form for any unpaid leave for you to sign in line with section 4.2.

10. Public Duties Leave

- 10.1 If you have received a summons for jury service, you are entitled to paid special leave while you attend court. You should let your line manager know as soon as possible that you have been summoned.
- 10.2 Jury service usually lasts up to 10 days, and you must let your line manager know as soon as possible if this is likely to be reduced or extended.



- 10.3 You can request a reasonable amount of unpaid time off to carry out other public duties, such as to attend hearings/meetings, if you are a:
 - magistrate (also know as a justice of the peace) see Section 10.4,
 - member of the managing or governing body of an educational establishment (see Section 10.4),
 - local councillor,
 - school governor,
 - member of any statutory tribunal (e.g., employment tribunal),
 - member of a health authority,
 - member of the Environment Agency,
 - member of the prison independent monitoring boards,
 - member of General Teaching Councils for England and Wales.
 - member of a Water Customer Consultation Panel.
- 10.4 We may authorise up to 97.5 hours paid leave for you to undertake duties as a magistrate and/or for responsibilities of the managing or governing body of an educational establishment. Any decision for paid leave will be made by the budget holder.

10.5 EEAST related hearings

In addition to the statutory bodies above, your line manager will support you with special leave for:

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

This will normally cover reimbursement of salary costs, together with reasonable expenses incurred, for example, travel and accommodation, unless reimbursed by the HCPC or other public body concerned.

10.6 Any public duties leave should be applied for in advance, by completing and submitting a **Special Leave Application Form (POL097-03)** to your line manager. Your line manager will arrange completion of a HR2a form for any unpaid leave for you to sign in line with Section 4.4.



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11. Other special circumstances

- 11.1 There may be circumstances in your life necessitating time away from work, which do not fit within one of the categories above, such as:
 - To attend your partners antenatal appointments (see Maternity Leave and Pay Policy). You are eligible for unpaid time off of up to six and a half hours per appointment to accompany your partner to two antenatal appointments).
 - To attend pre-adoption meetings if you are the co-adopter (see Adoption Leave and Pay Policy). You are eligible for unpaid time off of up to six and a half hours per meeting.
 - To undertake fertility treatment (including IVF). Please refer to our Maternity Leave and Pay Policy (Fertility Treatment section) for further information.
- 11.2 Whether there is a legal right or not, you can make a request for special leave under this section by submitting a completed Special Leave Application Form (POL097-03) to your line manager for consideration. Every request will be assessed on an individual basis.
- 11.3 Any decision for paid leave will be made by the budget holder.
- 11.4 For further advice and support on your individual circumstances please speak to your line manager or HR Representative. Sometimes an alternative option such as a flexible working application, or an employment break may be more suitable.

12. Pensions

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

13. Policy Review

13.1 This policy will be reviewed on a three-yearly basis or amended in the light of new employment legislation and/or relevant case law.



Appendix A – Quick reference guide to leave types / pay

Leave Category	Length of Leave	Payment	Application Process
Child or Baby Bereavement	Two weeks	Paid	Submit a completed
Spouse or Partner Bereavement	Two weeks	Paid	Bereavement Leave Form (POL097-01) to line manager
Other dependant / close family bereavement	Up to 5 days, to include the day of the funeral.	Paid	(can be completed retrospectively).
Parental	 A total of up to 18 weeks for each child, up to their 18th birthday, which can be requested as: blocks of 1 week or more (not individual days), up to 4 weeks in one personal leave year. can be extended up to the total of 18 weeks in exceptional circumstances. More flexibility applies if child is disabled, please refer to Section 6. 	Unpaid	Submit a completed Parental Leave Application form (POL097-02) to line manager providing at least 14 days' notice. Line manager to arrange completion of HR2a, to be signed by employee and manager, and submitted to HR Payroll Forms for processing.

Leave Category	Length of Leave	Payment	Application Process
Emergency	A short period of leave to support you during genuine and unforeseen situations.	It is expected that: Initial 24 hour period will be paid , with any subsequent days unpaid * Up to maximum of 3 paid days per leave year.	Submit a completed Special Leave Application Form (POL097-03) to line manager (can be completed retrospectively).
Other special circumstances	Requests will be assessed on an individual basis.	Unpaid*	Employee to submit a completed Special Leave Application Form (POL097-03) to line manager.
submitted to HR Payroll F	e completion of a HR2a for unpaid leave orms for processing. onsible for deciding whether leave / ad		

Appendix B

Additional Support for Bereavement

Our occupational health provider Kays Medical offer a 24/7 employee assistance programme offering support and counselling. Kays are also able to signpost you to specialist bereavement services to help you. Contact details are available on EEAST24 or via your line manager and HR Department.

The Wellbeing Team are always here for you and can also offer a range of support, e.g., Chaplaincy Support. You can email the team at <u>wellbeing@eastamb.nhs.uk</u> or refer to the wellbeing section on east24 for the latest updates.

Additionally, please see below information on some independent organisations who can offer support.

- <u>Cruse Bereavement Support</u> offer support via their website, national helpline, one to one support and in person support via a dedicated team of bereavement volunteers.
- <u>Child Bereavement UK</u> offer free, confidential bereavement support for individuals, couples, children, young people and families.
- <u>The Good Grief Trust</u> is run by the bereaved for the bereaved, and want to help you find the support you need as quickly as possible.
- <u>The Loss Foundation</u> is a UK national cancer bereavement charity who are dedicated to providing bereavement support to adults who have had a loved one die from cancer.
- <u>The Compassionate Friends</u> provides support to bereaved parents and their families
- <u>Baby loss information and support | Tommy's</u> provides information and support for anyone who has experienced the loss of a baby, whether through miscarriage, stillbirth, neonatal death, or termination for medical reasons.



Appendix C

Equality Impact Assessment

EIA Cover Sheet					
Name of process/policy	Special Leave Policy				
Is the process new or existing? If existing, state policy reference number	Existing (POL097)				
Person responsible for process/policy	HR				
Directorate and department/section	People Services				
Name of assessment lead or EIA assessment team members	EIA Panel				
Has consultation taken place? Was consultation internal or external? (please state below):	Internal consultation through HR Policy Subgroup members				
	Guidelines				
	Written policy involving staff and patients	X			
	Strategy				
The assessment is being made on:	Changes in practice				
The assessment is being made off.	Department changes				
	Project plan	Х			
	Action plan				
	Other (please state)				



	Equality Analysis				
What is the aim of the policy/procedure/practice/event? This policy aims to ensure special leave is applied consistently and fairly to all, provide clarity on which leave to apply for, the length of leave available, outline how to apply for leave, and confirm whether leave is expected to be paid or unpaid.					
Who does t	he pol	icy/procedure/practice/ev	/ent	impact on?	
Race	\boxtimes	Religion/belief	\boxtimes	Marriage/Civil Partnership	\boxtimes
Gender	\boxtimes	Disability	\times	Sexual orientation	\boxtimes
Age	\boxtimes	Gender re-assignment	\times	Pregnancy/maternity	\boxtimes
Who is resp	onsibl	e for monitoring the polic	y/pro	ocedure/practice/event? HR	
is no negati	ve imp	pact.		th the evidence available the	ere
		e guidance before you can ′ practice/event? No	mak	e an assessment about this	
is having a p	ositiv		lowir	olicy/procedure/practice/event of protected characteristics? s:	
Race	\boxtimes	Religion/belief	\boxtimes	Marriage/Civil Partnership	\boxtimes
Gender	\boxtimes	Disability	\boxtimes	Sexual orientation	\boxtimes
Age	\boxtimes	Gender re-assignment	\boxtimes	Pregnancy/maternity	\boxtimes
	s desig	gned to be inclusive of all e	-	oyees applying for special lear re/practice/event could have	
negative impact on any of the following characteristics? Yes/No, if so please					
provide evidence/examples: No					
		19 Decial Leave Policy			



Race		Religion/belief	Marriage/Civil Partnership	
Gender		Disability	Sexual orientation	
Age		Gender re-assignment	Pregnancy/maternity	
-	wed a negati /e imp	nd updated the policy a ve impact was raised, ar act.	mpleted a full consultation th the evidence available ther	e
S pecific				
M easurable				
A chievable				
R elevant				
Time Limited	ł			

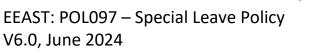
Evaluation	Monitoring	Plan/how	will this be	e monitored?
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Who – see	Monitoring	Table
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How

Ву

Reported to





Appendix D - Monitoring Table

What	Who	How	Frequency	Evidence	Reporting arrange- ments	Acting on recommendations	Change in practice and lessons to be shared
Audit of employee experience, and that the policy and procedure is being applied consistently, fairly and accurately for all employees applying for special leave.	Head of HR People Partnering	Monitor GRS to ensure leave recorded correctly, and review ER Tracker data for any cases relating to special leave.	Annually	GRS reports detailing unpaid / paid special leave, and number of grievances/ complaints received in relation to the special leave policy /procedure	Reported to and discussed at SPF where required	Head of HR People Partnering will address any actions or changes required.	 Any change in practice will be identified and: process updated with HR People Partnering team HR People Partnering / line manager training implemented policy updated where required