



# Procedure on Special Leave

Policy on Special Leave		Page:	Page 1 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

Recommended by	Executive Management Team
Approved by	Executive Management Team
Approval date	18 October 2017
Version number	3.0
Review date	October 2020
Responsible Director	Director of Organisation Development
Responsible Manager (Sponsor)	Deputy Director Organisational Development
For use by	All Trust Employees

This policy is available in alternative formats on request. Please contact the Corporate Governance Office on 01204 498400 with your request.

Policy on Special Leave		Page:	Page 2 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

## Change record form

Version	Date of change	Date of release	Changed by	Reason for change
x.1	-	December 2009	Becky Powell	Document creation
0.2	8 <sup>th</sup> November 2010	9 <sup>th</sup> November 2010	Lisa Ward	HR comments
0.3	2 <sup>nd</sup> December 2010	2 <sup>nd</sup> December 2010	Lisa Ward	T&C Group
0.4	31 <sup>st</sup> December 2010	31 <sup>st</sup> December 2010	Lisa Ward	T&C Group
0.5	9 <sup>th</sup> February 2011	9 <sup>th</sup> February 2011	Lisa Ward	T&C Group
0.6	24 <sup>th</sup> June 2011	24 <sup>th</sup> June 2011	Lisa Ward	Resolution Group
0.7	13 <sup>th</sup> October 2011	13 <sup>th</sup> October 2011	Emma Forsyth	Resolution Group
1.0	17 <sup>th</sup> October 2011	26 <sup>th</sup> October 2011	Emma Forsyth	EMT Approval
1.1	3 <sup>rd</sup> February 2012	6 <sup>th</sup> February 2012	Jill Hetherington	Clarification for claiming allowances whilst on Jury Service
1.2	2 <sup>nd</sup> August 2013	2 <sup>nd</sup> August 2013	Vickie Camfield	Amendment to parental leave entitlement
1.3	3 <sup>rd</sup> October 2014	3 <sup>rd</sup> October 2014	Vickie Camfield	Policy Group
2.0	22 <sup>nd</sup> October 2014	23 <sup>rd</sup> October	Vickie Camfield	EMT Approval
2.1	6 <sup>th</sup> October 2017	6 <sup>th</sup> October 2017	Angela Tinsley	Consultation and sign off at Policy Group
3.0	18 <sup>th</sup> October 2017	26 <sup>th</sup> October 2017	L Ward	EMT approval

Policy on Special Leave		Page:	Page 3 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

# Procedure on Special Leave

## Contents

Introduction	Page 5
Principles / Application	Page 5
Scope	Page 6
Roles and Responsibilities	Page 6
Urgent and Emergency Leave	Page 7
Carer's Leave (Time off for Dependents)	Page 7
Domestic Emergencies	Page 8
Bereavement Leave	Page 8
Other Special Leave	Page 10
Parental Leave	Page 10
Foster Carer Leave	Page 11
Leave to attend Medical Appointments	Page 11
Disability Leave	Page 12
Time off for Religious Activities	Page 13
Leave to Attend Interviews	Page 13
Study Leave	Page 13
Public Duties	Page 13
School Governor Duties	Page 13
Magisterial Duties	Page 14
Jury Service	Page 14
Attendance at Court as a Witness	Page 14
Leave for a Parliamentary Candidate	Page 15
Other Public Duties	Page 15
Reserve Forces	Page 15
Appendix A: Application to take Special Leave	Page 17
Appendix B: Common Religious Festivals	Page 19

Policy on Special Leave		Page:	Page 4 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

## 1. Introduction

- 1.1 The North West Ambulance Service NHS Trust values its staff and recognises that there will be occasions when employees may require special leave to attend to dependent responsibilities or public duties outside the workplace. The aim of this procedure is to formally make provision for the many and varied circumstances that can arise. This procedure will also incorporate the provisions within the Employment Rights Act for the statutory provision of dependents leave.
- 1.2 This procedure applies to requests for leave from work for the following reasons:
- Parental Leave
  - Carers leave (Time off for Dependents)
  - Compassionate Leave
  - Domestic Emergencies Leave
  - Time off for medical appointment
  - Public Duties Leave
  - Time off for Religious Holidays
  - Time off for Reserve Forces
  - Other Special Circumstances
- 1.3 When considering requests for special leave managers will be mindful that individual circumstances vary. Previous decisions will not set a precedent for future decisions.
- 1.4 All applications for special leave will be considered sensitively and every employee will be treated equally in accordance with the Trust's Equality, Diversity and Inclusion Policy.
- 1.5 All requests must be approved by the employee's line manager. Where operational staff cannot contact their line manager they should contact the Rostering Department / Control or duty manager. It shall be at the subsequent discretion of the manager as to whether leave is to be paid in full, in part or be unpaid in line with guidance in this procedure.
- 1.6 Whilst the aim of this procedure is to provide a comprehensive framework for different types of leave, it is not possible to account for all incidences that staff may experience. If there is a request for leave that is not covered within the procedure employees should contact their manager with as much detail as possible as to why the leave is required. The manager will then contact Human Resources for advice on the issue.

## 2. Principles / Application

- 2.1 Whilst recognising that some requests for special leave will initially be made over the telephone, this must be followed up by completing the Special Leave Request Form (appendix one) on your return to work and submitting it to your line manager. Employees must give as many details as necessary for the manager to decide on the extent of leave and whether or not this should be paid. Where possible the Special Leave Request Form should be completed prior to special leave being granted.
- 2.2 The Trust recognises the requirement for fairness and consistency when applications for special leave are submitted. All applications for special leave will be examined on an individual basis.

Policy on Special Leave		Page:	Page 5 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

2.3 It is the responsibility of the employee to provide sufficient details to their manager to enable a judgement to be made regarding the application. A manager can refuse special leave where s/he does not believe that it is covered by this procedure but a manager should provide reasons for the application being declined. If the request is urgent and issues between the manager and employee cannot be resolved then the employee should be granted the emergency leave as annual leave, hours owed (emergency services) or unpaid leave. Once the employee returns to work then the issue surrounding the leave should be resolved through informal discussions. If the employee remains dissatisfied with the decision they should raise this through the grievance procedure.

2.4 Fraudulent use of this procedure could result in disciplinary action.

2.5 Any employee who wishes to appeal against the decision of a manager regarding the allocation of special leave has recourse through the NWS Individual and Collective Grievance Policy and Procedure.

### 3. Scope

3.1 This procedure applies to NWS employees.

3.2 Employees and managers may also wish to consult related Trust policies and procedures.

### 4. Roles and Responsibilities

4.1 The manager will ensure that:

- All the circumstances surrounding the request are clear;
- That they respond to the request in a timely manner, and in the case of emergency leave that they provide an immediate response to the request
- The department / operations are minimally disrupted;
- The procedure is consistently applied;
- The relevant documentation is completed by the employee, either prior to or when they return to work.

4.2 The Human Resources Department will:

- Provide advice and support to managers in the decision making process;
- Provide advice to staff
- Review the consistency of application of the procedure across NWS;
- Review the procedure to ensure compliance with employment legislation, principles of best practice and NHS guidelines.

4.3 Employees should:

- Notify their manager or the Rostering Department / Control or duty manager, as soon as is reasonably practicable of the need for special leave and providing as much information as possible;
- Understand that failure to notify their manager or the Rostering Department / Control or duty manager prior to or at the start of a shift could result in special leave being declined;
- Only use the procedure for genuine needs;
- It is encouraged that the shortest amount of hours as possible is taken to deal with urgent and emergency leave situations in order to ensure service provision is maintained.

Policy on Special Leave		Page:	Page 6 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

- Complete the relevant documentation prior to taking the leave, or if this is not possible, as soon as possible on their return to work.

## 5. Urgent and Emergency Leave

Where possible urgent and emergency leaves situations should be dealt with within period of time that would enable the staff member to come in for part of their shift / working day.**5.1 Carer's Leave (Time Off For Dependents)**

- 5.1.1 Under the provisions of the Employment Relations Act 1999, an employee has the right to take a reasonable amount of unpaid time off to deal with an emergency involving a dependent.
- 5.1.2 Only leave taken to care for a dependent will qualify as Carer's Leave. A dependent is defined as a spouse, partner, child, parent or a person who lives with the employee as part of the family (but not a lodger, tenant or boarder), who is dependent on them for care or who reasonably relies on the employee for assistance or to make care arrangements in the event of injury or illness.
- 5.1.3 An emergency is defined as a sudden or unexpected problem involving a dependent (as defined in 5.2). Situations where carer's leave is required could include:
- a dependent is taken ill unexpectedly and needs the employees help;
  - a dependent is injured or has been assaulted
  - a dependent gives birth
  - an unexpected disruption or breakdown of care arrangements of the dependent
  - an unexpected incident involving an employee's child during school hours.
- 5.1.4 Should an emergency situation arise, an employee must notify their manager as soon as is reasonably practical and detail the reason for their absence from work and the likely duration they expect to be absent. Where this is not possible for operational staff, they should contact the Rostering Department, Control or duty manager to provide the same information.
- 5.1.5 There is no statutory right to pay during Carer's Leave. Employees should therefore assume that all Carer leave is unpaid until such point that the leave is confirmed and part or whole payment is authorised. If agreed, payment during Carer's Leave would normally be limited to a maximum of three working days (shifts) in any one rolling year.
- 5.1.6 Normally Carer's leave is granted for the purpose of dealing with the immediate emergency. There is therefore, an expectation that Carer's leave requests will be limited to the time required to deal with the emergency only e.g. if there is a breakdown in carer arrangements or illness of a child, there will be an expectation that the Carer's leave will be used to respond to the emergency and to make alternative arrangements for care following that initial day. Where there are no alternatives to care then the individual must contact their manager to discuss this and a manager may use discretion to extend carer's leave (up to the maximum of 3 paid days) or may discuss flexible working, annual or unpaid leave options with the employee to cover additional absence from work.
- 5.1.7 Normally no more than three days emergency carer's leave will be granted in any 12 month rolling period, however in exceptional circumstances additional time off may be granted by the manager (based on the individuals' circumstances). Employees can request to take unpaid leave or alternatively, employees may make an application for short notice annual leave or time owing. This would be in addition to the emergency carer's leave authorised and would be considered sympathetically whilst ensuring the needs of the service or department can be met.

Policy on Special Leave		Page:	Page 7 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

- 5.1.8 There may be occasions where the health or status of a dependent is likely to cause disruption to an employee's working pattern over a number of weeks and Carer's Leave is not appropriate. In these circumstances the employee must discuss the situation with their manager with the aim of facilitating a solution which avoids sickness absence. These may include a combination of flexible working, short term changes to hours, changes to shift patterns, annual and unpaid leave or arrangements to work time back.
- 5.1.9 Carer's leave requests will be monitored. Where a pattern of emergency Carer's Leave requests emerges, then it may be indicative of a longer term problem. Given the level of disruption that frequent emergency leave can cause, the Trust would in these circumstances discuss the underlying issues with the employee with the aim of finding a longer term solution to the problem.
- 5.1.10 There is no limit as to the number of times an emergency can arise. However the Procedure is intended to cover genuine and unforeseen emergency situations only. Any abuse if this Procedure will be dealt with via the Trust's Disciplinary Policy and Procedure.
- 5.1.11 On return from a period of emergency carer's leave, employees must complete and submit the trust form (Appendix 1) to their manager for approval of carer's leave. On receipt of this form authorisation of any paid element of the requested carer's leave will be determined by the employees line manager or a more senior manager within the department if more appropriate. This response should be provided within 7 days. Should the manager not authorise paid Carers Leave the leave will be unpaid. In such circumstances the employee may request to work additional hours to compensate for the hours lost. If it is not possible to work additional hours the employee's leave will remain unpaid.
- 5.1.12 There is no qualifying service requirement for emergency carer's leave.
- 5.1.13 Carer's leave is intended as a response to emergencies and not for planned caring responsibilities, for example, a known hospital appointment for a dependent. In these circumstances the individual should discuss this with their local manager with a view to release being facilitated through annual leave or other appropriate local arrangement.

## 5.2 Domestic Emergencies

- 5.2.1 An employee who experiences a genuine domestic emergency or unexpected crisis, such as fire, burglary, flood or similar circumstances that require immediate attention and where it has not been possible to make arrangements in advance, can request short notice annual leave.
- 5.2.2 Although the arrangements for operational staff booking annual leave do not normally allow for it be granted at very short notice, a genuine domestic emergency should be considered as a legitimate exception to the normal arrangements and short notice annual leave should be allowed. The number of days annual leave which may be approved for Domestic Emergency Leave will depend on the individual circumstances, but normally this should be limited to the leave required to deal with the immediate emergency.
- 5.2.3 An employee may also discuss with the manager alternatives such as working additional hours to compensate for hours lost but where this is not appropriate or cannot be facilitated, then a manager can require that time off to be taken as annual leave. As stated above, where possible, staff are encourage to return for part of their shift / working day, once the domestic issue has been dealt with.
- 5.2.4 In exceptional circumstances consideration will be given to extending leave on an unpaid basis. Circumstances will be assessed on an individual basis and the manager should seek guidance from Human Resources.

Policy on Special Leave		Page:	Page 8 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

### 5.3 Bereavement Leave

- 5.3.1 Bereavement leave may be authorised to provide a sympathetic response to staff who suffer the bereavement of a close relative, partner or significant other close person. The period of leave granted would normally be limited to a maximum of five days (or the equivalent of a working week) in any one rolling year with managers able to exercise discretion in circumstances of the death of more than one close relative. The duration of leave approved will be dependent on the closeness of the relationship the employee has with the deceased (further details provided in 5.3.7).
- 5.3.2 When granting a period of bereavement leave managers will consider the closeness of the relationship, whether the employee has a responsibility for the funeral arrangements and where the funeral will be held (including whether it is necessary to travel a distance). Such considerations should take account of religious differences related to funeral arrangements and periods of mourning.
- 5.3.3 It is recognised that in an emergency, bereavement leave may have to be applied for and granted at short notice and that this is likely to be by telephone. In these circumstances, the relevant application form should be completed once the employee resumes work.
- 5.3.4 It is accepted that staff in some cases where there is a sudden deterioration in the condition of a relative, partner etc that other leave arrangements may need to accompany bereavement leave. In these circumstances managers should use discretion and consider Carer's or short notice annual leave in addition to bereavement leave.
- 5.3.5 There is no qualifying service requirement for bereavement leave.
- 5.3.6 An application for an extension to the period of paid bereavement leave may be made, particularly where the individual is solely responsible for arrangements and management of the estate. Such an application will be considered on an individual basis and the circumstances pertinent to the situation. If required an employee could request to take additional unpaid leave, annual leave or time owing in addition to bereavement leave. Authorisation would be granted at the manager's discretion in consideration of the needs of the service or department.
- 5.3.7 The guidance on bereavement leave is intended to provide assistance to managers to ensure a consistent approach is applied to all staff. However, there is an element of discretion due to the sensitive nature of this leave and so individual family circumstances should always be taken account of.

#### Guidelines on appropriate leave:

- *Immediate / Close Relationships:*  
This would generally include (but is not exclusive) parent, sibling, child, spouse/partner, spouse/partner's parents or children, grandparents/grandchild or significant other close relationship. Paid leave may be granted up to a maximum of five days.
- *Other Relations*  
One day paid leave to attend the funeral.
- *Colleague*  
Up to a maximum of one day paid leave may be granted. However when employees wish to attend the funeral of a colleague, special arrangements have to be made to ensure there are adequate staff to meet the operational or departmental requirements. In these circumstances managers will aim to ensure that the maximum number of staff can attend funerals.

Policy on Special Leave		Page:	Page 9 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

5.3.8 Where bereavement leave is requested for attendance at the funeral only, account will be taken of the time and place of the funeral and associated travel arrangements.

5.3.9 5.3.9 The Trust respects different cultures and religions and recognises that some staff may need additional time off in connection with relevant ceremonies. Such requests should be discussed with the manager and if full bereavement leave has already been granted then this may be facilitated through unpaid leave, annual leave or time owing depending on the circumstances.

## 6 Other Special Leave

### 6.1 Parental Leave

6.1.1 Parental leave is defined as leave to care for a child. This means looking after the welfare of the child and can include making arrangements for the good of the child. It does not necessarily mean being with the child for twenty four hours a day. Examples of this include;

- To spend more time with the child
- To accompany a child during a stay in hospital.
- To support the new mother immediately following the birth
- Help settle the child into new child care arrangements
- To enable the family to spend more time together

6.1.2 Parental leave is a separate provision from maternity, shared parental, paternity and adoption leave, which provides for an non-transferable individual right to 18 weeks unpaid leave for each child. If both parents are employed by the Trust both may apply to and take parental leave.

6.1.3 All employees who have a nominated caring responsibility for a child who is under 18 years old are entitled to take periods of unpaid parental leave. This will include parents not living with the child, where they have retained parental responsibility.

6.1.4 Qualification: An employee has the right to parental leave if:

- s/he has one year's continuous service with the NHS at the date from when s/he wishes to take the first period of leave;
- is the parent (named on the birth certificate) of a child who is under fourteen years old (or under eighteen if the child is in receipt of Disability Living Allowance); or
- has adopted a child under the age of eighteen.
- has acquired formal parental responsibility for a child who is under 18 years old.

6.1.5 An employee may take parental leave in periods of no less than one week. However, parents of children who qualify for Disability Living Allowance can take leave in blocks or individual days. Where an individual requires time off in connection with a dependent which is less than one week in duration they should discuss the circumstances with their manager and it can be dealt with under other relevant sections of this procedure.

6.1.6 A maximum of four weeks' parental leave can be taken in any one year in respect of any individual child up to the age of 18 years old. The year is defined as the annual leave year.

Policy on Special Leave		Page:	Page 10 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

- 6.1.7 Applications for Parental Leave should be made on the Trust Form (Appendix 2). Employees must submit their application to their manager a minimum of twenty one days from the date they intend to take parental leave. Their manager will liaise directly with Human Resources.
- 6.1.8 In exceptional circumstances, the Trust reserves the right to postpone the period of parental leave for up to six months. In these circumstances the Trust will provide the employee with the reasons for the postponement in writing within 7 days of receipt of the original request. However, leave cannot be postponed if an application is made by an employee to take leave immediately after a child is born or placed for adoption, or if postponing it means an employee would no longer qualify for parental leave, eg postponing it until after the child's 18th birthday provided the notice requirements have been met. If postponed the Trust cannot change the amount of leave being requested.
- 6.1.9 During parental leave the employee retains all of their contractual rights, except remuneration. This includes the accrual of contractual paid holiday entitlement during parental leave.
- 6.1.10 Employees who are members of the NHS Pension Scheme must maintain their membership during this period and will be liable for payment of outstanding contributions on their return. Membership will be concurrent as long as the unpaid leave does not exceed 3 months.
- 6.1.11 An employee who takes parental leave of up to 4 weeks which has not been added on to any period of additional maternity leave or additional adoption leave is entitled to return to their same job under the terms and conditions of their original contract. However if the leave period is longer than four weeks or is preceded or followed by consecutive periods of leave which include additional maternity leave or additional adoption leave, the employee is entitled to return to the same job where it is reasonably practical to do so. If it is not reasonably practical to return to the same job then a similar job must be offered with the same or better terms and conditions as the former job or with the appropriate protection arrangements.

## 6.2 Foster Carer Leave

- 6.2.1 There is no statutory right to time off work or pay to care for foster children. Employees with a minimum of twelve months service will be entitled to reasonable time off for formal pre-fostering procedures, e.g. meetings with social workers, attendance at court and case conferences. Such appointments are not anticipated to take a full day and where possible employees are expected to attend work before and/or after the appointment.
- 6.2.2 An employee should discuss with their manager, in advance, any training that needs to be undertaken to become a foster parent. Where possible such training should take place during the employees own time. Where this is not possible the employee's manager should arrange a review meeting with the employee and a representative from HR for an agreement to be reached.
- 6.2.3 Employees will be granted a maximum of 3 days paid leave when they accept foster children. This is to support the transition and registration that needs to be undertaken.
- 6.2.4 Before any Foster Carer Leave can be authorised an employee must provide the appropriate documentation confirming the appointment to their manager.
- 6.2.5 Staff who wish to become involved in short term foster care should arrange to discuss the implications of this with their manager so that the implications for the individual's role can be discussed. The Trust reserves the right to object to the proposal where there is likely to be significant disruption to attendance.

Policy on Special Leave		Page:	Page 11 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

## 6.3 Leave to attend Medical Appointments

- 6.3.1 The Trust expects that routine GP and Dental appointments should be arranged during an employee's own time. Consideration will be given to swap shifts, flexible working or working time back to accommodate an appointment. Staff working a five day week should arrange appointments near the beginning and end of shift to minimise disruption.
- 6.3.2 It is recognised that staff may have limited influence on the timing of hospital appointments and appropriate support will be given to facilitate attendance. Time off for planned out-patient appointments / hospital referrals / physiotherapy treatment extending half a day or longer may be taken as annual leave. Consideration will be given to shift swaps, flexible working or working time back to accommodate appointments. . If an employee is incapacitated by the treatment and requires further time off, the normal arrangements for sick leave apply.
- 6.3.3 The Trust's approach in relation to time off for medical appointments will always be to first consider whether a flexible working option would be appropriate. However, it is recognised that where Service provision requires a rigorous organisation of hours with specific start and finish times, this may not be possible.
- 6.3.4 In circumstances that require ongoing appointments e.g. a course of physiotherapy, consideration should be given to temporarily changing the individual's working patterns if at all possible.
- 6.3.5 In circumstances where there is a genuine emergency requiring immediate medical treatment or assessment but where the individual is otherwise fit to be in work e.g. a dental emergency, then consideration will be given to paid release to attend an appointment where there is only minimal impact on service. Staff must ensure that any impact is minimised, arrangements are discussed with their manager or duty manager and where possible appointments are at the start or end of shift. Where the medical emergency renders the individual unfit for duty then normal sick pay arrangements will apply.

## 6.4 Disability Leave

- 6.4.1 The Equality Act specifically identifies the provision of leave as a reasonable adjustment where a disabled person is absent from work for rehabilitation, assessment or treatment (e.g. routine specialist appointments, routine assessment of equipment). Not all disabled people will require disability leave, either because their disability is managed without regular medical assessment or treatment or because employees are able to work around their shift patterns, negating the need for leave.
- 6.4.2 Disability is defined as a 'mental or physical impairment that has a substantial or long term effect on a person's ability to carry out normal day to day activities. Long term typically means longer than 12 months or where the condition can reasonably be expected to last more than 12 months. Certain conditions such as cancer, HIV or MS are considered to be a disability from the point of diagnosis. Disability leave is only applicable to employees who would be considered as having a disability under the terms of legislation. Where there is no clear diagnosis that would immediately identify an individual as disabled then advice will be sought from Occupational Health.
- 6.4.3 Disability leave is paid leave which may be granted for the following types of reasons:
- hospital, doctor or complementary medicine appointments (by an accredited practitioner) that are related to the declared disability
  - regular treatment relating to a disability e.g. renal dialysis
  - the need for equipment or aids to be adjusted , repaired or replaced
  - training with guide or hearing dog

Policy on Special Leave		Page:	Page 12 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

- counselling or therapeutic treatment
- physiotherapy, speech or language therapy, occupational therapy
- patient education

A longer period of disability leave may be granted in certain circumstances. For example, where there has been a substantial change in a disability or a newly diagnosed disability, where an individual may remain at home, whilst adjustments in the workplace can be made.

6.4.4 Disability leave should be agreed in advance between an employee and their line manager using the form in Appendix 1 and providing reasonable notice of the appointment. Where the employee feels uncomfortable in submitting the request on the form provided s/he should arrange to discuss the issue in person with their manager. The employee may be required to provide copies of relevant appointment cards. Where there are a series of appointments the employee and manager should agree how these will be managed to meet the employee's needs and minimise disruption to the service or department

## 6.5 Time off for Religious Activities

6.5.1 Employees will be expected to take annual leave to celebrate religious festivals and recognised holidays. Requests for annual leave will be subject to normal management authorisation to ensure service demand can be met. Annual leave arrangements for Christian holidays at Easter and Christmas are dealt with under the Annual Leave procedure.

6.5.2 A list of common religious festivals for managers to be aware of is attached but it should be noted that the date of some religious festivals varies each year. Guidance can be sought from the HR Advisor – Workforce and Equality

## 6.6 Leave to attend interviews

6.6.1 Paid release will be awarded to employees invited to attend a job interview for a post with the NWS Trust. The employee must provide the interview letter before the manager can authorise the release.

6.6.2 Employees who are invited to attend a job interview external to the NWS Trust should apply to take annual leave unless the interview is related to the individual being at risk of redundancy, in which case paid release will be granted.

## 6.7 Study Leave

6.7.1 Study leave will be facilitated for employees who are on a study programme supported by the NWS Trust, where they are required to sit examinations as part of their course.

6.7.2 Two half days study leave will be granted per exam – half a day for study and half a day to sit the exam.

## 7. Public Duties Leave

7.1 Special leave is available to staff who are required to be absent for essential civic and public duties.

7.2 Where staff are considering taking up public office, they should advise their manager so that there can be a discussion regarding the plans and the impact on future working arrangements.

## 7.3 School Governor Duties

Policy on Special Leave		Page:	Page 13 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

7.3.1 The Trust recognises that some employees have commitments with local schools in the role of School Governor. Depending on the nature of the duties involved, reasonable leave will be granted to enable the member of staff to perform their School Governor duties. The employee must discuss the circumstances of their duties and provide evidence (such as correspondence confirming meeting details) to their manager in advance of the leave. The manager's permission must be obtained before leave is taken. A maximum of three days unpaid leave per year can be granted for School Governor duties but flexible working arrangements can also be explored to facilitate the time.

#### 7.4 Magisterial duties

7.4.1 An employee who is a justice of the peace may, in keeping with the Employment Rights Act 1996, be granted reasonable time off during working hours, for the purpose of carrying out the duties of the office.

7.4.2 The Trust will grant, subject to the needs of the service, special leave with pay (less attendance allowance) for a period not exceeding 26 half days per year (equating to 1 day per month). This may be taken in half days or days.

7.4.3 Employees granted paid special leave for the purpose of magisterial duties should undertake to refund the Trust any fees or attendance allowances received other than fees or allowance claimed for travelling or subsistence.

#### 7.5 Jury Service

7.5.1 An employee who is called for jury service shall be granted time off upon submitting a copy of the court's request for attendance. Whilst jury service usually requires attendance over two consecutive weeks, it should be recognised that this will not always be the case depending on the nature of the court proceedings.

7.5.2 The employee is required to remain in regular contact with their manager regarding the length of their absence. Should the employee not be required to attend court on a particular day, having first checked with the court, they must contact their manager who will confirm whether they are to return to work. A member of staff on jury service will be assumed only to be available for day shifts. If the individual is not required to return to work they will not be considered to owe hours.

7.5.3 The Courts are liable to cover an employee's loss of earnings for their time on jury service. The employee must complete the Certificate of Loss of Earnings which allows employees to claim the allowance for loss of earnings to which they are entitled under the Juror's Allowance Regulations. With the exception of travelling and subsistence expenses claimed from the court, the employee will then arrange with Finance for an amount equal to the allowance received to be repaid to the Trust.

7.5.4 The employee will be provided with the relevant claim information when advised of their jury service and should arrange for their manager or HR to complete the Certificate of Loss of Earnings before their jury service commences and should provide a copy of the allowance sheet to their manager, so that the appropriate claim can be determined. The manager will arrange for the appropriate deduction to be made from the next available salary payment after the completion of jury service.

#### 7.6 Attendance at Court as a Witness

7.6.1 Should an employee be requested to attend Court as a witness via subpoena, witness request or legal obligation, leave will be granted as follows;

- An employee who is required to attend court or coroner's court as a witness on behalf of the Trust shall be granted paid leave. In such circumstances the employee must repay any court allowances/fees to the Trust (with the exception of travel and subsistence expenses).

Policy on Special Leave		Page:	Page 14 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

- An employee who is required to attend court or coroner's court as a witness for any other reason shall be granted unpaid leave.

7.6.2 If an employee attends court on a day when they are required to attend work they may be required to return to work once they have fulfilled their requirement at court. In these circumstances they should contact their manager, who will confirm whether they are required to return. A member of staff who has attended court will be assumed only to be available for the remainder of a day shift. If the individual is not required to return to work they will not be considered to owe hours.

7.6.3 Should an employee attend court on behalf of the Trust and on a day when they are not due to work they will be entitled to claim overtime or time off in lieu (at the appropriate rates) for the time spent at court. If staff are reserves they may also request that the time be offset against hours owing.

7.6.4 Should an employee be required to attend an Employment Tribunal relating to their employment and on behalf of the Trust, paid leave will be granted with the submission of relating documentation.

## 7.7 Leave for a Parliamentary Candidate

7.7.1 An employee who is adopted as a candidate at a parliamentary election must seek approval of leave from the Director of Organisational Development

## 7.8 Other Public duties

7.8.1 Employees have a right to unpaid time off if they have;

- Membership of a local authority
- Membership of a police authority
- Membership of any statutory tribunal
- Membership of the managing or governing body of an educational establishment
- Membership of the General Teaching Council
- Membership of the Environment Agency
- Membership of a prison visiting committee
- Health and Care Professionals Council (HCPC) participation

7.8.2 The Trust will grant reasonable time off for any of the duties detailed above (20.1) to attend meetings/committees/sub-committees and to perform duties approved by the body. The period of leave must be agreed in advance.

7.8.3 The employee's manager must obtain evidence pertaining to the leave request before special leave can be authorised (e.g. agenda of the meeting etc.)

## 7.9 Reserve Forces

7.9.1 Any employee who wishes to volunteer for service with the Reserve or Cadet Forces must obtain the permission of the Trust before doing so, or if applying for an appointment with the Trust, must declare their membership of such forces and obtain the consent of the Trust for their continued membership.

Policy on Special Leave		Page:	Page 15 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

- 7.9.2 Employees who are required to attend periods of training including annual camp will be permitted to take special leave for one working week. Permission will only be authorised on receipt of the completed special leave form (appendix 1) and a letter from the Sergeant Major confirming the details of the training / camp.
- 7.9.3 Employees requesting more than one weeks leave may apply to take annual leave or unpaid leave.
- 7.9.4 Employees absent from duty due to sickness or injury caused by or arising from their own off duty activities as a member of the TA, Reserve Forces or Cadet Forces will not be entitled to Occupational sick pay. However, in exceptional circumstances the Trust may authorise full or half pay for such an absence. Such a payment would be at the discretion of the Trust and if awarded would not set precedent.
- 7.9.5 Staff who are given a formal Notice of Call Up as a reserve of the armed forces, should contact their manager immediately and provide the appropriate Call Up papers. The line manager in conjunction with the HR department will consider the application and whether the service can permit the individual to serve their Call Up.
- 7.9.6 If the application is approved the individual and their line manager will agree the process. Annual leave will be calculated on a pro-rata basis up to the point that they are due to leave. They will not accrue annual leave during their absence. During the Call Up the employee retains all of their contractual rights, except remuneration.
- 7.9.7 If the Trust considers that it cannot release the employee they reserve the right to appeal the Call Up. If this appeal is upheld the employee will not be released. In these circumstances the employee will be kept fully informed of the reasons for and progress of the appeal.

Policy on Special Leave		Page:	Page 16 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

## Appendix A

### Special Leave Application Form

SECTION A (To be completed by employee)			
Last Name <i>(Surname)</i>		First name	
Assignment Number		Post Title	
Department / Station		Base	
Type of leave requested		Please state if this request is for paid or unpaid leave	
Carer's Leave	<input type="checkbox"/>		
Bereavement Leave	<input type="checkbox"/>		
Disability Leave	<input type="checkbox"/>		
Public Duties Leave	<input type="checkbox"/>		
Territorial Army / Reserve / Cadet Forces	<input type="checkbox"/>		
Other Special Leave <i>(please state)</i>	<input type="checkbox"/>		
Date requested			
Reason for Request			

Policy on Special Leave		Page:	Page 17 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

<b>Total number of working days absence</b>				
From: _____ to _____				
I confirm I have read a copy of the North West Ambulance Service NHS Trust Special Leave Procedure and undertake to abide by the conditions <i>(please tick to confirm)</i>	Yes <input type="checkbox"/>			
I confirm the above is a true and accurate record <i>(please tick to confirm)</i>	Yes <input type="checkbox"/>			
Signed: _____ Date: _____				
<b>SECTION B (to be completed by manager)</b>				
Of the total of days special leave was requested:	Number of <u>paid</u> days approved:		Number of <u>unpaid</u> days approved:	
If special leave application was <u>not</u> approved please provide reasons why:				
Name (Print): _____				
Signed: _____ Date: _____				

*Copy to be returned to staff member and a copy will be retained on the personal file*

Policy on Special Leave		Page:	Page 18 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

## Appendix B

### Common Religious Festivals

#### Bahai

**Naw Ruz** – 21<sup>st</sup> March preceded by 21 days of fasting  
This celebrates the Bahai New Year

**Ridvan Festival** – 21<sup>st</sup> April until 2<sup>nd</sup> May with 21<sup>st</sup> April, 29<sup>th</sup> April and 2<sup>nd</sup> May as the most important days in the festival  
This celebrates Baha'u'llah's declaration that he was the prophet foretold by Bab.

**Declaration of the Bab** – 22<sup>nd</sup>-23<sup>rd</sup> May

**Ascension of Baha'u'llah** – 29<sup>th</sup> May (3am)

**Martyrdom of Bab** – 9<sup>th</sup> July

**Birth of Bab** – 20<sup>th</sup> October

#### Buddhism

**Parinirvana Day** – 8<sup>th</sup> or 15<sup>th</sup> February (depending on strand of Buddhism)  
Commemorates the death of Buddha

**Sangha Day** – variable date each year but generally celebrated in February  
Commemorates the first sermon delivered by Buddha

**Wesak or Buddha Day** – variable date but usually held in May  
Commemorates the birth of Buddha

#### Christianity

**Easter** – variable date usually falling in March or April  
Commemorates the death and resurrection of Jesus Christ and is preceded by Lent, a period of 40 days sometimes involving fasting and followed by Ascension Day marking the day when Jesus Christ ascended to heaven

**Christmas** – 25<sup>th</sup> December  
Commemorates the birth of Jesus Christ. There are several other important religious days associated with Christmas including Advent celebrated on the 4 Sundays leading up to Christmas and Epiphany in early January.

#### Hinduism

**Holi** – Variable in February or March  
Festival of Colours celebrating spring.

**Rama Navami** – variable March/April  
Celebrates the birth of Lord Rama

**Krishna Jayanti** - 48 hour period usually falling in August or September

Policy on Special Leave		Page:	Page 19 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

Celebrates the birth of Krishna and preceded by Raksha Bandhan a period of 8 days of various celebrations

**Navaratri** – beginning of October

Period of 9 nights which can involve fasting and culminating in Dasera a celebration on the 10<sup>th</sup> day.

**Divali** – 5 days during October or November

Festival of Lights

Hinduism is also marked by festivals celebrating each of the gods but the extent to which these are celebrated will depend on the strand of Hinduism and the local community.

## Islam

**Eid ul Fitr** – variable between August and October

This is the celebration which takes place at the end of Ramadan, a period of one month of fasting which is a period of reflection, self-control and greater religious observance.

**Eid ul Adha** – variable date in October or November

Commemorates the willingness of Ibrahim to sacrifice his son to Allah

**Al-Hijara** – variable in October or November

Islamic New Year

**Ashura** – variable November or December

Commemorates the martyrdom of Mohamed's grandson

## Jehovah's Witnesses

**Memorial of Christ's Death** – variable in March or April

Commemorates the death of Jesus Christ on the date of the last supper

## Judaism

**Passover** – variable in March or April

Festival commemorates the liberation of the children of Israel by Moses and takes place over 8 days. Jews should refrain from work on the first two days and the last two days of Passover.

**Tisha B'av** – variable in July or August

Commemorates a number of tragedies which have befallen the Jewish people.

**Rosh Hashanah** – variable in September

A 2 day festival celebrating the Jewish New Year

**Sukkot** - 7 days taking place in September or October

Feast of the Tabernacles commemorates the years spent in the desert. Jews should refrain from work on the first two days of the festival.

**Yom Kippur** – variable in September or October

The Day of Atonement which falls at the end of a 10 day period of fasting and reflection known as the Days of Repentance.

**Hanukkah** – variable in December

Policy on Special Leave		Page:	Page 20 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020

This is the Jewish festival of lights covering an 8 day period and commemorates the struggle for religious freedom.

## Sikhism

**Vaisakhi** – April 13<sup>th</sup> or 14<sup>th</sup>  
Sikh New Year celebration

**Diwali** – variable in October or November  
Festival of Lights

**Gurpurbs** – these are celebrations associated with the lives of the Gurus. Some of the most important are as follows:

- Birthday of Guru Nanak – April 14<sup>th</sup> or a date in November depending on which calendar is used
- Birthday of Guru Gobind Singh – January 5<sup>th</sup>
- Martyrdom of Guru Arjan – June 16<sup>th</sup>
- Martyrdom of Guru Tegh Bahadur – November 24<sup>th</sup>

Policy on Special Leave		Page:	Page 21 of 21
Author:	HR Advisor	Version:	3.0
Date of Approval:	18 October 2017	Status:	Final
Date of Issue:	26 October 2017	Date of Review	October 2020