

Special Leave Policy and Procedure

Classification:	Policy		
Authors Name:			
Authors Job Title:	HR Business Partner		
Authors Division:	Human Resources		
Departments/Group this Document applies to:	All Departments – all Trust payroll employees except zero hours staff.		
Approval Group: JCNC Management/Workforce Board	Date of Approval:	July 2020	
	Last Review:	April 2023	
	Review Date:	Sep 2024	
Unique Identifier: HR/GL/13	Status: Approved	Version No: 6.2	
Policy to be followed by (target staff): All Trust employees except zero hours staff.			
To be read in conjunction with the following documents:			
Flexible Working Policy and Procedure Family Leave Policy and Procedure Annual Leave Policies Mobilisation of Reservists Policy and Procedure			
CQC Fundamental standards:			
Regulation 10 – Dignity and respect Regulation 17 – Good governance Regulation 18 – Staffing Regulation 19 – Fit and proper			

Contents Page

Policy Statement	3
Purpose and Scope	3
Definitions	3
1.0. Roles and Responsibilities	3
2.0. Implementation and Dissemination of Document	4
3.0. Processes and Procedures	4
3.1. Introduction	4
3.2. Types of Unplanned Leave	4
3.2.1. Emergency Carer's/Dependent's Leave	4
3.2.2. Bereavement Leave	5
3.2.3. Funeral Leave	5
3.2.4. Adverse Weather	6
3.2.5. Long Term Leave for Unplanned Emergencies	6
3.2.6. Other Unplanned Leave	6
3.3. Procedure for the Application, Recording and Monitoring of Unplanned Leave	7
3.3.1. Applying for Unplanned Leave	7
3.3.2. Recording of Unplanned Leave	7
3.3.3. Monitoring of Unplanned Leave	7
3.4. Types of Planned Leave	8
3.4.1. Planned Carer's/Dependent's Leave	8
3.4.2. Parental Leave	8
3.4.3. Leave for Medical Appointments	10
3.4.4. Leave for Fertility Treatment	10
3.4.5. Shared Parental Leave	11
3.4.6. Jury Service	11
3.4.7. Parliamentary Candidate Leave	11
3.4.8. Military Reservists and Members of the Cadet Forces	12
3.4.9. Other Public Duty Service	12
3.4.10. Unpaid Leave	12
3.5. Planned Quarantine Leave	13
3.5.1. Planned Quarantine Leave Following a Holiday Abroad	13
3.5.2. Planned Quarantine Leave Prior to a Household Member's Elective Surgery	14
4.0. Statement of Evidence/References	14
5.0. Governance	15
Appendix 1: Special Leave Recording Form	18
Appendix 2: Unplanned Leave Meeting Document	19
Appendix 3: Summary Record of Special Leave Types	20
Appendix 4: Allowance Calculator	23

Policy Statement

This policy aims to ensure that all employees are dealt with consistently and fairly in relation to balancing work and home responsibilities. Milton Keynes Hospital NHS Foundation Trust (hereafter known as “The Trust”), is committed to providing a fair and timely procedure which supports staff in having leave arrangements which assist them in balancing their work responsibilities with their personal commitments. This policy and procedure is the means by which a request for special leave will be addressed.

Purpose and Scope

This policy and procedure applies to all staff employed by the Trust on a substantive contract of employment, either full or part-time, including those on fixed term contracts. It does not currently apply to contractors, agency, or bank staff but this would be reviewed in the light of any change in legislation in relation to temporary staff.

Definitions

A **dependent** is a parent, parent-in-law, spouse, partner (whether opposite or same sex), civil partner, child, or foster child (anyone up to the age of 18), a co-habitee, or someone who reasonably relies on the employee for assistance or provision of care in an emergency.

A **disability** is a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on an employee’s ability to do normal daily activities.

E-Rostering is the electronic system which enables managers to quickly build rosters, defining the number of employees (by skill-mix) needed at any one time to meet the needs of the service

Positive Returns are paper forms for reporting paid or unpaid absence from duty as appropriate

1.0 Roles and Responsibilities:

The **Director of Human Resources** is ultimately responsible for the update of this policy and procedure.

The **Human Resources Business Partners and Advisors** are responsible for supporting this policy and procedure and providing guidance where issues are raised.

All Line Managers are responsible for:

- Ensuring this policy and procedure is available to their team members
- Ensuring this policy is used fairly and consistently when relevant events arise
- Ensuring that employees only take sickness absence when they themselves are genuinely unable to attend work due to their own sickness [i.e. that this policy is appropriately used]

All employees are responsible for:

- Following the specific procedures, set out within this policy, when applying for special leave;
- Raising concerns about the policy application through Human Resources, a Trade Union representative or through the Trust’s Grievance Policy & Procedure.
- Ensuring no colleague is treated unfairly [victimised] as a result of using this policy; such concerns can be raised through the Trust’s Grievance Policy & Procedure.

2.0 Implementation and Dissemination of Document

Employees will be aware of this policy via their line managers and the Human Resources Department. The policy will be accessible to everyone through the Trust's intranet, departments where printed and also by request to the Human Resources Department.

3.0 Processes and Procedures

3.1. Introduction

Special Leave is broadly separated into two parts and this policy will address each in turn: -

- **Unplanned Leave:** unexpected, unanticipated leave where the employee requires immediate support.
- **Planned Leave:** leave from work which can be reasonably foreseen.

A summary of the types of special leave and how to apply for them, and record them, can be found in **Appendix 3**.

The Trust understands that there are unique circumstances which fall outside the types of leave specified within this policy. Where an employee requests leave that is not governed by this policy, this should be raised to the HR team for review. In exceptional circumstances, there is discretion to approve such leave, subject to the approval of the Director of Workforce.

3.2. Types of Unplanned Leave

3.2.1. Emergency Carer's/Dependent's Leave

This type of leave is for managing cases of urgent domestic distress involving a dependent; examples of such cases may be an emergency breakdown of normal care arrangements; an unforeseen care problem arising where time is required to put in place longer term care arrangements; a dependent falling ill or being in hospital; a child being unwell at school and requiring collection.

Carer's / Dependent's Leave is not granted for pre-planned situations or for events where the employee had prior knowledge of the situation (for example to care for dependents who are having planned surgery). These situations would require the use of some other type of leave as agreed by the line manager i.e. annual leave, unpaid leave, making the time back or parental leave or home working (where appropriate).

Employees can request a total of 0.8 WTE of one week's hours based on basic full-time contracted hours per year (for full-time staff on Agenda for Change terms and conditions this would be 30 hours per year; for Medical Staff it would be 32 hours). To confirm; this annual amount should not all be allocated on one occasion. Special leave is only to be allocated for an initial 24-hour period following the emergency. Beyond that other types of leave (unpaid leave, annual leave etc.) would need to be granted if appropriate.

Where the annual amount of paid leave has been exhausted an employee can request annual leave and, beyond that, unpaid leave. There is a guidance sheet in **Appendix 4** to demonstrate how to calculate an individual's maximum carer's / dependents leave.

Managers should agree requests for carer's/ dependent's leave in a non-discriminatory manner, specifically taking account of:

- The reason for absence
- The relationship between the employee and their dependent
- Whether anyone else is available to help with the incident

3.2.2. Bereavement Leave

All employees, regardless of their length of service, are entitled to request bereavement leave. Managers have the discretion to look at each individual employee's case and to assess his/her needs and the needs of the service. Bereavement leave will normally be taken on consecutive days, but this may be varied according to the circumstances. The relationships described below have been provided as a guide, as it is recognised that closeness of relationships may vary in individual circumstances however, managers are responsible for monitoring requests for leave for the "equivalent" relationship to ensure that the policy is not being misused. The definitions below include step and half family members.

The leave entitlements are as follows:

- Death of a spouse or child (or equivalent relationships): paid leave for up to three (3) months.
- Death of an immediate family member such as a sibling or parent (or equivalent relationships): paid leave for up to one (1) month.
- Death of other family members or for very close friends paid leave up to one (1) week (as required).
- Executor of an estate: paid leave for up to one (1) week (if required).

The periods of leave detailed above will not necessarily commence from the day of the death but from the first day of absence if the employee requires time off to be at the bedside of their dying relative. Where requests are made to extend the period of absence beyond what is detailed above, agreement will be at the discretion of the manager, and this will need to be authorised by the Director of Workforce and the Executive Director responsible for the service.

This paid leave relates to no more than two bereavements per year and managers are responsible for monitoring the number of requests that are made by employees. Should more than two periods of bereavement leave be requested per year, agreement will be at the discretion of the manager, and this will need to be authorised by the Director of Workforce and the Executive Director responsible for the service.

Managers should sensitively agree / negotiate requests for bereavement leave in a non-discriminatory manner, specifically taking account of:

- The responsibility the individual has for the circumstances (i.e. if they are organising the funeral)
- The distance, if applicable, that the employee has to travel to manage such circumstances
- The availability of others to assist with any relevant arrangements

Where an employee experiences multiple bereavements in a short space of time, including if they are already on compassionate leave, then each episode should be considered and recorded separately and independently.

The amounts of bereavement related leave an employee can access are set out above and should not be deviated from.

3.2.3. Funeral Leave

Employees can receive a total of one working day's paid leave to attend the funeral of a direct family member (direct family members being: spouses/ partners, parents, children, or siblings: this definition includes step, half family members, grandparents, and close friends also). This paid leave relates to no more than two episodes per year.

Funeral leave for any other type of relationship may be given at the discretion of the manager; advice on allocating leave in these circumstances can be sought from the Human Resources Team although ultimately it is the line manager's decision. Any requests above the two episodes per year will need to be authorised by the line manager and the HR Business Partner.

Management should try to be flexible with annual leave requests in circumstances where an employee has to travel in order to attend a funeral.

3.2.4. Adverse Weather

There may be events where employees have tried to attend work, but weather conditions prevent them from doing so (for example if they cannot get into work or they have no childcare as a result). These types of issues are not covered through the Carer's / Dependents Leave element of this policy (section 14). They instead require use of other options including (but not limited to) annual leave, unpaid leave or making the time up, as agreed by the line manager depending on the circumstances. Further details on this matter can be found in the Trust's Extreme Winter Weather Policy.

3.2.5. Long Term Leave for Unplanned Emergencies

There may be examples where employees are unable to attend work, although they have made every effort, due to unplanned emergencies that last for more than a period of 24 hours, such as:

- transport problems
- adverse weather
- national crises.

This list is illustrative and not exhaustive and can include occasions where the employee is stuck overseas and unable to return home.

On such occasions staff should contact their manager prior to their next expected shift to confirm the appropriate form of leave to be taken. This period can be worked from home, taken as annual leave/TOIL, unpaid special leave, paid special leave to be worked back over a maximum of 12 weeks, or a combination of the above.

Employees are expected to make reasonable attempts to attend work and managers can request evidence of this. Any leave must be authorised by the manager.

The manager and the employee should agree a plan for the leave. If the leave should continue past the date at which the agreed plan is due to end, any further request for leave would need to be authorised by the line manager.

Periods of leave cannot be indefinite.

3.2.6. Other Unplanned Leave

Should an individual be unable to attend work, unexpectedly, for any other reason than that set out above, then they should discuss the type of leave directly with their manager – the type of leave may include annual leave, unpaid leave or making the time up.

3.3. Procedure for Application, Recording and Monitoring of Unplanned Leave

3.3.1. Applying for Unplanned Leave

Where an employee is absent from work, for an urgent and unplanned reason, they should phone their line manager (or deputy in their absence) as soon as is reasonably practicable and in line with local reporting arrangements. During this phone call they should discuss the reason for absence and agree the type of leave which is being applied.

3.3.2. Recording of Unplanned Leave:

As soon as possible after an individual returns from unplanned leave (and ideally face to face) the employee's line manager (or deputy) should undertake a Return-to-Work discussion with them (informally and confidentially) to:

1. complete the Special Leave Record Form which should be retained, for each year, on the employee's personal file. The Special Leave Record Form can be found in **Appendix 1** (a Word version can be found in the Special Leave Policy & Procedure Toolkit)
2. discuss any future support the employee may require with regards to their absence

It is a management responsibility to ensure this recording process is undertaken. However failure to reasonably engage with management, to this end, may lead to an employee being investigated / managed through the Trust's Disciplinary Policy & Procedure.

The line manager should report the unplanned leave through the relevant payroll mechanism - E-Rostering or the Positive Returns, whichever is appropriate to their working area (reference paragraph 5 and 6).

3.3.3. Monitoring of Unplanned Leave

Line managers should normally instigate an Unplanned Leave Meeting where an individual has three episodes of unplanned absence in six months. The meeting is intended as a supportive tool to assist employees in balancing their personal and work lives. It should take place at the same time as the appropriate Return to Work discussion where the trigger has been reached. The meeting should be undertaken in a sensitive manner and in summary:

1. identify any patterns of absence with regards to unplanned absences
2. use the information available to identify if any particular mechanisms could be put in place to reduce the future levels of unplanned absences; options around this may include considering changes to contracted hours where feasible; looking at whether any reasonable adjustments are required; and considering whether CareFirst (the Trust's Employee Assistance Programme) may be of use at this time.

The Unplanned Leave Meeting should normally be informal (just the manager and the employee) however HR attendance (and right to representation to the employee) may be offered if both parties believe it would be helpful and appropriate.

Appendix 2 should be completed during the Unplanned Leave Meeting and a copy should be provided to the employee for their personal records.

If an individual has nine episodes of unplanned absence in twelve months a line manager should contact their HR Advisor or HR Business Partner for any appropriate guidance.

3.4. Types of Planned Leave

3.4.1. Planned Carer's/Dependent's Leave

This leave is for employees with dependents who have become acutely unwell and time off is required to take their dependents for treatment during the initial treatment phase. This type of leave does not apply to dependents that have long-term chronic conditions where regular appointments are required as it is expected that these appointments are scheduled at the beginning or end of their working day to reduce the impact to their department.

Employees can request a total of 1-week WTE of one week's hours, based on basic full-time contracted hours per year (for full-time staff on Agenda for Change terms and conditions this would be 37.5 hours per year; for Medical Staff it would be 40 hours). To confirm; this annual amount should not all be allocated on one occasion. Beyond that other types of leave (unpaid leave, annual leave etc.) would need to be granted if appropriate.

If an employee requires an extended break to care for a disabled dependent longer-term, or a timeframe of more than the allowed paid leave is required (for example if someone is caring for a terminally ill dependent) then the manager and employee should consider other options which may include the following (please reference the Trust's Flexible Working Policy or Annual Leave Policy for more details):

- Temporary adjustment of working hours
- Unpaid leave
- A career break- career breaks can affect continuous service and pension arrangements- further guidance can be sought from Human Resources and the Trust's Pensions Advisors as appropriate
- Annual leave

3.4.2. Parental Leave

Parental Leave gives employees the right to take unpaid time off work to look after a child or make arrangements for the child's welfare. It is planned and agreed in advance. Parental Leave should not be confused with Shared Parental Leave, which is a further type of planned paid leave, referenced in paragraphs 61 and 62.

Parental Leave can be used by employees for a wide number of reasons, for example:

1. To enable staff to spend more time with their children
2. To look at a new school
3. To accompany children during a stay in hospital
4. To settle children into new childcare arrangement
5. To spend more time with family – e.g. visiting grandparents

To qualify for Parental Leave employees must:

1. have been continuously employed by the Trust for 12 months; and

2. be named on the relevant child's birth or adoption certificate or they have or expect to have parental responsibility; and
3. have a child under 18; and
4. provide (if requested) evidence of eligibility before a Parental Leave request is approved (i.e. a child's birth certificate; certification confirm a child's date of adoption or placement).

The amount of Parental Leave a qualifying employee can qualify for in total, and can take at any time, is as follows:

- A total of 18 weeks leave for each child can be claimed until the child's 18th birthday. Any leave taken with a previous employer must be disclosed to the Trust and will count towards the 18-week limit.
- The 18 weeks leave is normally limited to 4 weeks, per child, in any year however this may be extended in exceptional circumstances, determined on a case-by-case basis
- Parental Leave must be taken as whole weeks (e.g. 1 week or 2 weeks) rather than individual days unless the employee's manager agrees otherwise or if child is disabled (in which case this would be a reasonable adjustment). A "week" equals the length of time the employee normally works over 7 days.
- Although it is unpaid, parental leave does not require the use of annual leave before it can be taken.

Periods of Parental Leave are regarded as continuous service.

During Parental Leave, staff retain all their contractual rights, except remuneration, and have the right to return to the same job under their original contract and on no less favorable terms and conditions, unless an organisational change situation has taken place during their period of absence, in which case the "Management of Organisational Change Policy" will be applied. Pension rights and contributions are dealt with in accordance with the NHS Pension Scheme and employees are advised to seek further guidance from the Trust's Pensions Team. Employees are also bound by all other Trust policies whilst on Parental Leave.

Where employees transfer to other areas in the Trust, line managers must ensure their files including details of parental leave, taken to date, transfer to their new line manager (and for new staff that they are in receipt of historic records, where appropriate).

Requests for Parental Leave are either subject to approval or postponement. Leave cannot be postponed (delayed) if:

1. the line manager doesn't have a 'significant reason', e.g. it would cause serious disruption to the business; or
2. it is being taken by the father or partner immediately after the birth or adoption of a child; or
3. it means an employee would no longer qualify for parental leave, e.g. postponing it until after the child's 18th birthday

If Parental Leave is postponed, the line manager:

1. must write explaining why within 7 days of the original request; and
2. must suggest a new start date - this must be within 6 months of the requested start date; and
3. cannot change the amount of leave being requested.

The employee must follow the Trust's Parental Leave application process in the paragraph below:

1. The employee must notify their line manager of their intention to take Parental Leave, in writing, normally at least 21 calendar days' before the intended start date.
2. The line manager must normally confirm the written outcome of the request in writing within 7 calendar days of receipt of the request.
3. Granted Parental Leave should be recorded on the Special Leave Record Form which must be located on the employee's file. The Special Leave Record Form can be found in **Appendix 1**.
4. Line managers will report Parental Leave to Payroll through E-Rostering, positive returns, or any other relevant payroll documentation.

3.4.3. Leave for Medical Appointments

This section refers for leave to attend medical appointments such as doctor, dentist, hospital, optician, and blood donation appointments.

On occasions, employees will be required to attend medical or dental appointments. Wherever possible, these appointments should be booked outside of the employee's working time however, in the event that this is not possible, employees should endeavor to make bookings at the beginning or end of their working day to reduce the impact to their department.

In all cases the employee must request permission from their line manager to attend a medical or dental appointment. The employee's line manager may request proof of the appointment prior to agreeing to allow the employee to attend. It is the expectation of the Trust that any time taken for a medical appointment is made up at a time agreed by the employee and the line manager.

On some occasions, employees will be required to attend regular medical or dental appointments or attend appointments that require the employee to be absent from work for an extended period of time. On these occasions the line manager and the employee should agree an arrangement as to how the appointments will be taken. It may be appropriate for the line manager to refer the employee for an assessment with the Staff Health & Wellbeing Department to ascertain whether any reasonable adjustments are required.

3.4.4. Leave for Fertility Treatment

An employee who is undergoing fertility treatment would be entitled to time off to attend appointments, which are within working hours, subject to the needs of the service. Time off for such appointments may be granted as one of the following: -

1. Allowing the employee to make the time up
2. Using time off in lieu already accrued
3. Annual leave where all other options, above, have been used up
4. Unpaid leave where the above is not possible

Time off for this type of leave should be requested by the employee directly to the line manager with as much notice as possible. Approved requests should be recorded on the Special Leave Record Form (**Appendix 1**) which must be located on the employee's file; such leave should also be reported to Payroll, as appropriate, through E-Rostering, positive returns, or any other relevant payroll documentation.

Where such appointments are regular and ongoing then employees may wish to discuss

temporary flexible working options with their manager (in order to amend their contracted hours / pattern of working in the interim). Management may ask for appointments cards to support applications for this type of leave if required.

3.4.5. Shared Parental Leave

Shared parental leave enables eligible mothers, fathers, partners, and adopters to choose how to share time off work after their child is born or placed for adoption. This could involve returning to work for part of the time and then resuming leave at a later date. Further details on Shared Parental Leave can be found in the Trust's Family Leave Policy and Procedure.

3.4.6. Jury Service

Employees called for Jury Service should advise their line manager in the first instance and provide them with a copy of the official communication from the Clerk to the Court to verify the dates.

Conditions of Jury Service are such that:

- Employees will be granted basic time off with pay for jury service provided they are not claiming expenses from the Courts for loss of earnings.
- Employees would need to claim any loss of additional earnings (shift enhancements etc.) directly through the Court using their documentation.
- No travelling or subsistence expenses, associated with Jury Service, are paid by the Trust. Expenses would need to be claimed by the court if applicable.
- In exceptional circumstances where granting time off would be detrimental to the service and patient care, employees may be asked by their manager to request a postponement of jury service. However, it will be the Court's decision as to whether the request is agreed. Postponement of jury service is normally only allowable once in 12-month period.
- Line managers must record service on the Special Leave Record Form (**Appendix 1**) which must be located on the employee's file; such leave should also be reported to Payroll, as appropriate, through E-Rostering, positive returns, or any other relevant payroll documentation.
- Employees are normally expected to attend work if they are not required to appear in court on whole or half days in the jury service period.

3.4.7. Parliamentary Candidate Leave

Employees who are elected as a candidate for Parliamentary election are entitled to four weeks special leave without pay to enable them to undertake required duties to support their potential election.

If subsequently elected as a Member of Parliament then an employee would be required to resign from their substantive post in order to undertake those duties. The resignation is unconditional and would not give any right to re-employment at a later date. If successful election is to a part time position then continuation of the employee's substantive contract with the Trust depends on the individual's ability to successfully request (if necessary) a reduction in hours via the Trust's Flexible Working Policy; it also depends on the individual's ability to successfully continue to meet the requirements of their substantive position.

Time off for this type of leave should be requested by the employee directly to the line manager with as much notice as possible. Line managers must record this type of leave on the Special Leave Record Form (**Appendix 1**) which must be located on the employee's file; such leave should also be reported to Payroll, as appropriate, through E-Rostering, positive returns, or any

other relevant payroll documentation.

3.4.8. Military Reservists and Members of the Cadet Forces

Information on leave for Military Reservists & Cadet Force Members can be found in the Trust's Mobilisation of Reservists Policy and Procedure.

3.4.9. Other Public Duty Special Leave

Employees may apply to their manager for special leave if they are required to undertake public duties. These duties might include serving as:

- a Magistrate
- a Justice of the Peace
- a membership of a local authority
- a member of a relevant health body
- a membership of a Police Authority
- a membership of a Board of Prison Visitors
- a member of statutory Tribunal
- a membership of the managing or governing body of an educational establishment maintained by local education authority of further or higher education corporation
- a witness in court

This type of leave is limited to 18 days in any 12-month period (leave can be taken in whole days or half days). If individuals undertake these public duties and they are not paid by the relevant body for their duties then they will receive basic pay for those days which are approved; if however they are paid by the relevant body then the Trust will not pay them additionally.

Employees wishing to apply for special leave under this heading must inform their manager in writing as soon as they become aware of the dates needed and should show their manager the official letter of notice.

Line managers must record this type of leave on the Special Leave Record Form (**Appendix 1**) which must be located on the employee's file; such leave should also be reported to Payroll, as appropriate, through E-Rostering, positive returns, or any other relevant payroll documentation.

3.4.10. Unpaid Leave

Employees are not entitled to unpaid leave from work; unpaid leave should not be granted where an employee still has annual leave to take.

Requests for planned unpaid leave should be made to the individual's line manager, in writing, and should be considered in a fair and non-discriminatory manner; managers should be consistent in the application of the policy.

Requests for planned unpaid leave for a period of three months or more should be made in line with the Career Break section within the Trust's Flexible Working Policy.

Where planned unpaid leave is granted – for periods of less than three months – line managers should record the absence on the employee's file (Special Leave Record Form), and on Payroll through E-Rostering, positive returns, or any other relevant payroll documentation.

Employees who are considering requesting unpaid leave should be mindful of the potential impact on pensions and service; guidance can be sought from the Trust's Pensions Advisors and Human Resources if required.

3.5. Planned Quarantine Leave

3.5.1. Planned Quarantine Leave Following a Holiday Abroad

When requesting annual leave with a plan to travel abroad for non-work-related reasons i.e., a holiday, to see relatives or a period of study, all employees must also complete an application form for additional leave to be taken following re-entry into the UK where a 10-day quarantine may be mandated. Applications for planned leave for quarantine must be made for a 10-day absence regardless of whether the visiting country is on the green, amber, or red list; if the status changes to red whilst employees are abroad, employees are bound by the new stipulations regarding quarantine upon return to the UK. The planned leave for a period of quarantine will no longer apply if quarantine is not needed upon an employee's return to the UK and the employee should return to work upon confirmation for a negative test result.

The applicant and manager must consider the impact on the service that the extended period of leave will have in addition to whether the quarantine is worked from home, taken as annual leave/TOIL, unpaid special leave, paid special leave to be worked back over a maximum of 12 weeks, or a combination of the above. Consideration must be given to the length of annual leave and any quarantine rules that apply to the country being visited. There is no right for the employee to be paid for planned periods of quarantine following a trip overseas.

The manager will however make every consideration to allow the employee to have the extended period of leave as long as service provision is not adversely affected. Where the employee is not employed in a role that would transfer into one that could be worked from home, line managers are advised to consider assigning specific tasks that could be carried out by the employee for some of the quarantine such as statutory/mandatory training, appraisal paperwork, departmental SOPs etc. Employees will also be given the opportunity to identify work that could be carried out from home.

The application for leave for planned quarantine is dependent on the country being visited and the list of countries exempt from the quarantine rules as updated nationally and at the time of travel. The application of granting planned leave for quarantine is also dependent on the UK's rules for essential and non-essential international travel, which could fluctuate over time. Non-essential travel overseas must not be made by employees during periods of time when the UK advises against it and therefore leave for quarantine following periods of annual leave taken for overseas travel during these times is unlikely to be granted.

Where the application is refused or agreement on the type of leave cannot be agreed upon, the application and decision must be reviewed by a senior manager. Advice can be sought from an HR Advisor on this for consistency purposes.

All employees must follow any covid testing required for travel abroad as stipulated by the government, both when abroad and upon returning to the UK. If an employee chooses to use the 'test to release' scheme, they will not be able to return to work until they have received a negative test result. A copy of the notification of the negative test result must be shared with their line manager in order for the employee to return to work early. Positive test results must be reported to the Trust in line with reporting guidelines so that it can be recorded accurately, and a longer absence planned for.

Employees must comply with the testing schedule mandated by the government in order to prevent any unplanned delay in a return to work. Failure to test in line with this schedule and/or

comply with this policy and process could result in unpaid and unauthorised absence and referral to the Disciplinary Policy. The application form and manager guidance is available as part of the Special Leave Toolkit.

3.5.2. Planned Quarantine Leave Prior to a Household Member's Elective Surgery

If a member of staff has a household member who needs to self-isolate prior to an elective surgery, they are able to request planned leave for quarantine for the period of self-isolation. The employee must provide evidence of the surgery date and the period of self-isolation required. The applicant and manager must consider the impact on the service that the period of leave will have in addition to whether the quarantine is worked from home, taken as annual leave/TOIL, unpaid special leave, paid special leave to be worked back over a maximum of 12 weeks, or a combination of the above. The manager will make every consideration to allow the employee to have the extended period of leave in the same way they would for considering overseas travel (see para 81).

The application form is available as part of the Special Leave Toolkit.

4.0 Statement of Evidence/References

Statement of Evidence: None

References:

2020, '*Family Leave Policy*', Milton Keynes, Milton Keynes University Hospital Foundation Trust

2020 '*Mobilisation of Reservists Policy and Procedure*', Milton Keynes, Milton Keynes University Hospital Foundation Trust

2017, '*Recognition Agreement*', Milton Keynes, Milton Keynes University Hospital Foundation Trust

2019, '*Flexible Working Policy and Procedure*', Milton Keynes, Milton Keynes University Hospital Foundation Trust

2017, '*Management of Organisational Change Policy*', Milton Keynes, Milton Keynes University Hospital Foundation Trust

2018, '*NHS Terms and Conditions of Service Handbook*', The NHS Staff Council

External weblink references:

2021, www.acas.gov.uk

2021, www.gov.uk

Please note that although Milton Keynes University Hospital NHS Foundation Trust may include links to external websites, the Trust is not responsible for the accuracy or content therein.

5.0 Governance

5.1. Document Review History

Version number	Review date	Reviewed by	Changes made
4	April 2018		<p>The policy has been refreshed and, in place, re-written – broadly all previous sections still exist (albeit refreshed) with some additions such as: -</p> <ul style="list-style-type: none"> • Domestic / Crisis / Carer Leave now split into Carer's/ Dependent's leave (amount reduced) and Compassionate leave • The inclusion of a section on Transport Problems and other unplanned leave • A section on Dentist / Doctors / Hospital / Optician / Blood Donation Appointments • A section on Fertility Treatment • A section on parliamentary candidates • A clear section and procedural split between planned and unplanned special leave.
5	August 2019		<p>In light of changes to staff benefits, some entitlements have changed albeit, the policy headings have largely remained the same:</p> <ul style="list-style-type: none"> • Bereavement Leave: entitlement has been clearly defined as per the relationship as well as the signing off process • Funeral Leave: now includes close friends and the number of episodes allowed. Process for funeral leave above the entitlement • Planned Carer's / dependent's leave: new section for time off to support dependents who are acutely unwell in the initial phase.
5.1.	July 2020		Added sections on leave following planned quarantine due to Covid-19 pandemic.
5.2	May 2021		Updated sections on leave for planned quarantine following travel overseas due to Covid-19 pandemic and changes in government guidance.
6	July 2021		The policy has been refreshed. Also added clarity on how Bereavement leave should be taken i.e. on consecutive days.
6.1	September 2021		Section 3.2.5. changed to reflect long term emergency leave such as adverse weather, transport issues and national crises.
6.2	April 2023		Section 3.1 amended to add in discretion to approve leave in unique circumstances outside of this policy with signoff from Director of Workforce

5.2. Consultation History

Stakeholders Name/Board	Area of Expertise	Date Sent	Date Received	Comments	Endorsed Yes/No
Policy Review Group	Staff Side	Apr-23	Jun-23	Approved	Yes
JCNC	Staff Side	Jul-23	Jul-23	Approval	Yes
TEC	Executive	Aug-23	Aug-23	Approved	Yes

5.3. Audit and monitoring

Monitoring Criteria	Tool	Audit Lead	Frequency of Audit	Responsible Committee/Board
Grievances related to Special Leave allocation	ESR	HRBP for Employee Relations	Annual	WFB

5.4. Equality Impact Assessment

As part of its development, this policy and its impact on equality has been reviewed. The purpose of the assessment is to minimise and if possible remove any disproportionate impact on the grounds of race, gender, disability, age, sexual orientation, religion or belief, pregnancy and maternity, gender reassignment or marriage and civil partnership. No detriment was identified.

Equality Impact Assessment			
Division	Human Resources	Department	Human Resources
Person completing the EqlA		Contact No.	01908996685
Others involved:		Date of assessment:	01 July 2021
Existing policy/service	Special Leave Policy v5.2	New policy/service	Special Leave Policy v6.1
Will patients, carers, the public or staff be affected by the policy/service?		Staff	
If staff, how many/which groups will be affected?		All staff	
Protected characteristic	Any impact?	Comments	
Age	NO		
Disability	NO		
Gender reassignment	NO		
Marriage and civil partnership	NO		
Pregnancy and maternity	NO		
Race	NO	Consideration has been specifically given to employees from overseas who may wish to travel countries that are unlikely to be in the travel corridor for some time and that they may need to use the quarantine aspects of policy more than those who are not from overseas, or do not have family overseas.	
Religion or belief	NO		
Sex	NO		
Sexual orientation	NO		
What consultation method(s) have you carried out?		Consultation with staff side groups	
How are the changes/amendments to the policies/services communicated?		Via the HR Business Partners / Advisors	

Appendix 1: Special Leave Recording Form for:

[This document should be completed as soon as possible prior to / following the leave as appropriate and to be retained on the employee's file]

Start date of absence	End date of Absence	Number of Working Hours or Days Lost	Planned / Unplanned Leave	Special Leave Code	Reason for leave	Leave used if a/l, time owing, unpaid	Line manager initials	Employee initials

Page: _____

Special Leave Codes

Unplanned Leave:

CDL - Carers / Dependents Leave

CL - Compassionate Leave

AW - Adverse Weather

TP - Transport issues

OPR – Other personal reason

Planned Leave:

PL – Parental Leave

DDHOBD- Dentist / doctor/ hospital/ optician / blood appointment

FT – Fertility Treatment

SPL – Shared Parental Leave

JS – Jury Service

PC – Parliamentary Candidate

ML – Military / Cadet Duties

OSP - Other Public Duty Special Leave (policy paragraph 72)

UL –Unpaid leave



employee when an individual has had

Appendix 2: Unplanned Leave Meeting Document

*This informal meeting should normally take place between the line manager and three episodes of **Unplanned Leave** (excluding sickness) in six months; where an individual has had nine episodes in 12 months the individual should contact the HR Advisor or HR Business Partner.*

Section 1: Absences which have led to the meeting (dates / reason)

1.

2.

3.

Section 2: Support to be provided by the manager to assist in a reduction of unplanned absence

Empty box for Section 2 content.

Section 3: Outcomes of meeting

Empty box for Section 3 content.

Date of Meeting: _____

Manager signature: _____

Employee signature: _____

Appendix 3: Summary Record of Special Leave Types

Unplanned Special Leave Summary

Type of leave	Paid?	How requested?	How recorded?
Carer's / Dependent's Leave	0.8 of basic contracted hours (30 hours for Full time staff on AFC terms) in 12 months	By phone to line manager as soon as is reasonably practicable and in line with local reporting arrangements.	<ul style="list-style-type: none"> • Special Leave Record Form completed by employee and line manager upon return to work (Appendix 1) • To payroll through E-Rostering or positive returns as appropriate
Bereavement Leave	Death of a spouse or child (or equivalent relationships): paid leave for up to three (3) months. Death of an immediate family member such as a sibling or parent (or equivalent relationships): paid leave for up to one (1) month. Death of other family members or for very close friends paid leave up to one (1) week (as required). Executor of an estate: paid leave for up to one (1) week (if required).		
Funeral Leave	1 working day when such an absence occurs – no more than two episodes per year– annual leave and then unpaid leave may be requested beyond that		
Adverse Weather Leave	No unless using annual leave or making the time back		
Transport problems leave	No unless using annual leave or making the time back		
Other Unplanned Leave	No unless using annual leave or making the time back		

An unplanned leave meeting should take place between the line manager and employee when an individual has had three episodes of unplanned absence in six months; where an individual has had nine episodes in twelve months the individual should contact the HR Advisor or HR Business Partner

Appendix 3 continued: Summary Record of Special Leave Types
Planned Special Leave Summary

Type of leave	Paid?	Summary of how requested (details in policy)	How recorded?
Planned Carer's Leave / Dependent's Leave	1 WTE of one week's hours based on full-time contracted hours per year.		
Parental Leave	No	In writing to the line manager at least 21 calendar days before the intended start date	<ul style="list-style-type: none"> • In writing to the employee within 7 calendar days of receipt of the request • Special Leave Record Form completed by employee and line manager • To payroll through E-Rostering or positive returns as appropriate
Dentist /Doctor /Optician / Blood Donation Appointments Leave	No unless using annual leave or making the time back or time off in lieu or shift swapping	Directly to the line manager with as much notice as possible	<ul style="list-style-type: none"> • Special Leave Record Form completed by employee and line manager
Fertility Treatment Leave	No unless using annual leave or making the time back or time off in lieu or shift swapping	Directly to the line manager with as much notice as possible – appointment cards may be requested	<ul style="list-style-type: none"> • To payroll through E-Rostering or positive returns as appropriate
Jury Service Leave	Yes for basic pay as long as no claims already made to the court	Employee to provide court documentation to line manager	



Parliamentary Candidates Leave	No – maximum of four weeks	Directly to the line manager with as much notice as possible	
Other Public Duties Special Leave	Yes – for basic pay if not already being paid by the relevant public body	Directly to the line manager with as much notice as possible	
Shared Parental Leave	See the Trust's Family Leave Policy and Procedure	See the Trust's Family Leave Policy and Procedure	
Military Reservists & Cadet Force Members Leave	See the Trust's "...Procedure for Mobilisation of Reservists: Employing Staff in the Reserved Forces".	See the Trust's "...Procedure for Mobilisation of Reservists: Employing Staff in the Reserved Forces".	See the Trust's "...Procedure for Mobilisation of Reservists: Employing Staff in the Reserved Forces".
Other Unpaid Leave	No	Directly to the line manager (specific process in Flexible Working Policy if a career break request)	<ul style="list-style-type: none"> • Special Leave Record Form. • To Payroll – as above.

Appendix 4: How do I calculate the maximum Carer's/Dependent's Leave Allowance for a 12-month rolling period?

- Carer's / Dependent's Leave for Employees (Excluding Bank Workers) is now 0.8 WTE of basic contracted hours in a rolling 12 months*
- The table below gives examples of what weekly contracted hours equates to in carer's/ dependent's leave hours: -

Basic weekly contracted hours	Paid Carer's Leave per rolling 12 months (hours)
40	32
39	31
38	30
37.5	30
37	30
36	29
35	28
34	27
33	26
32	26
31	25
30	24
29	23
28	22
27	22
26	21
25	20
24	19
23	18
22	18
21	17
20	16
19	15
18	14
17	14
16	13
15	12

- Are your required weekly hours not shown above? Then simply multiply the basic weekly contracted hours by 0.8 to get the maximum annual amount of carer's/ dependent's leave hours per 12 rolling months.

*** The new Carer's / Dependent's maximum leave allowance starts from 1st January 2019 – leave already taken over the new annual entitlement, as at 1st January 2019, will not be reclaimed by the Trust but no further leave can be granted until the rolling 12 months allows it.**