

Worcestershire Acute Hospitals NHS Trust

Leave and Pay Policy

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What this policy covers

This policy provides managers and colleagues with guidance on the application and management of Annual Leave and Special Leave entitlements.

Please refer to separate guidance relating to Annual Leave ([Appendix 1](#))

Special Leave

To help colleagues balance the demands of domestic and work responsibilities at times of urgent and unforeseen needs, paid or unpaid special leave may be provided according to the circumstances as defined below.

This Policy covers:

- Special Leave for urgent Domestic issues/ Carers Leave
- Compassionate / Bereavement Leave
- Time off for Routine Doctor/Hospital/Dental appointments
- Time off for elective cosmetic surgery
- Attendance at court as a witness
- Jury Service
- Time off due to bad weather/disruption
- Time off for religious festivals and spiritual observance days
- Time off for civic and public duties
- Leave for training with the Reserve and Cadet Forces/Territorial
- Employment Break/Career Break ([Guidance document Appendix 2](#))

All supporting documents, forms and checklists are available in the [Leave and Pay Toolkit](#).

This policy applies to Trust colleagues ONLY not agency, NHSP Bank or self-employed contractors.

Responsibilities

The Trust Board has overall responsibility for this policy. The lead Executive Director will be the Director of People and Culture with responsibility for ensuring that the policy is applied in a fair and consistent way and is monitored effectively.

Managers and Supervisors

Managers and Supervisors carry responsibility for effectively and fairly implementing and operating this Policy within their department.

They are responsible for keeping accurate records regarding allocation of leave. In addition, all managers will be responsible for ensuring that colleagues are informed of this Policy and its operation.

Line managers are responsible for ensuring that this policy is applied fairly to all in their teams, that colleagues are made aware of the procedure for requesting leave within their own department, and ensuring that everyone is aware of their own entitlement

Your responsibilities

Colleagues are responsible for requesting annual leave in line with their workplace procedures. This should be planned and requested in line with departmental arrangements.

Policy in Practice

Special Leave – Urgent Domestic Circumstances & Carers Leave

The Trust recognises that there may be times when a colleague may require time off to respond to an urgent or unforeseen incident relating to **the home or caring for a dependent**. Examples of such circumstances include fire, flood, burglary, or to respond to immediate carer needs.

This is meant to apply in abnormal and urgent circumstances which cannot be foreseen.

A dependant for the purposes of carer's leave is the spouse, partner, child, parent, or person living in the same household (other than a tenant, lodger, boarder or colleague such as a live-in housekeeper). In addition, a dependant is any person who reasonably relies on the member of staff for primary support and care or to plan for the provision of care when that person is ill, injured or assaulted.

Colleagues may be granted **up to 5 days paid Special Leave (pro rata)** for urgent domestic issues/carers issues per rolling year. 5 days is equivalent to a maximum of a 37.5 hours working week. **For colleagues who work part time the 5 days will be pro rata and will be equivalent to the part time weekly hours.**

Reasons for requesting this Leave may include:

- Flood, burglary, fire
- The urgent care of a dependant relative/significant other i.e. unforeseen breakdown of childcare arrangements
- Unforeseen Illness of a dependant relative/significant other, and to make longer term arrangements for their ongoing care
- An incident involving the colleague's child during school hours
- In most cases associated with disruption as a result of bad weather as notice is given, colleagues have the opportunity to make limited plans. Therefore, time off in these circumstances would be via annual leave, unpaid leave, or time in lieu if flexibility allows.

Special Leave is not intended for normal minor illnesses.

Carer's Leave

In addition, colleagues who are carers may also take up to one week unpaid leave per year (pro rata) if they have caring responsibilities. Carers are defined as above and examples of when a colleague could use carer's leave include:

- taking their disabled child to a hospital appointment
- moving their parent who has dementia into a care home
- accompanying a housebound dependant on a day trip
- providing meals and company for an elderly neighbour while their main carer is away with work for the day carers.

Compassionate and Bereavement Leave

The aim of this leave is to provide a compassionate response to a colleague relating to the death of a close family member/relative/significant other. Depending upon the circumstances, **between 1 - 5 days paid leave (pro rata)** will be granted in the case of a death of a close relative such as Husband or wife, partner (irrespective of sexual orientation) child, parent, parent-in-law, grandparent, brother or sister and any relative living with the colleague. A significant other is any other person, whether related or not to the colleague and who has a sufficiently close relationship with the colleague.

When considering a request for bereavement leave, the following factors will be considered:

- The relationship between the colleague and deceased
- Responsibility for the affairs of the deceased. This may include direct involvement in funeral arrangements, sorting out the will, letters of administration etc. Account will be taken as to whether this is a sole responsibility of the colleague or is shared with other family members.
- If relevant, the location of the funeral/deceased's solicitor.
- Other special circumstances, for example, the sudden death of a partner may result in a need to make child care arrangements.

Child Bereavement Leave

All bereaved parents will be eligible for a minimum of two weeks' paid child bereavement leave. A bereaved parent will not be required to demonstrate any eligibility criteria in order to access bereavement leave or pay.

There is no requirement for the child to be under 18 years of age.

Dealing with Grief

The Trust is aware that grief can affect colleagues in different ways, and therefore managers need to be aware of this. Where there is a clear medical reaction to grief, resulting absences will be treated as sick leave and not special leave. Appropriate medical certificates must support absences. If appropriate, colleagues may be encouraged to visit their GP, the Occupational Health Department and/or use any other psychological support services provided by the Trust.

Routine Doctor/ Hospital/ Medical/ Dental Appointments

Routine appointments should be made outside working hours wherever possible. If this is not possible then time off may be granted if flexibility with working hours is possible. More than a few hours would need to be requested as annual leave.

If flexibility is not possible then time will be unpaid or annual leave should be taken.

Disability leave

Disability leave is a form of paid leave under an employer's sickness absence pay provisions. Line managers may grant a reasonable amount of paid time off for pre-planned appointments or treatments related to a colleague's disability (please refer to guidance document on Disability Leave under the Trust Sickness Absence Health and Wellbeing Policy)

Time off for elective cosmetic surgery

Time off for elective cosmetic surgery would need to be requested as annual leave or unpaid leave. Where surgery has been medically recommended by a medical practitioner, normal sick pay provisions will apply.

Attendance at court as a witness

Paid leave is provided if on Trust business, via a subpoena, witness summons or a legal obligation. The Trust will not be able to support paid leave if you are accompanying another individual, are the subject of the case, have personally initiated the case or are the person on trial.

Jury Service

Paid time off will be granted for attendance at court for jury service upon production of evidence of the requirement to attend

Time off for religious festivals and spiritual observance days

All colleagues who need time off for religious or cultural observance will be entitled to request the following, subject to the needs of the service:

- General flexibility in arrangement of working hours; and/or,
- Annual Leave, time off in lieu or unpaid leave.

All managers should be sympathetic to requests and should accommodate them wherever it is reasonably practicable to do so. Priority should be given to those colleagues who observe the religious ceremony, and time allocated in a fair manner.

Time off due to bad weather/disruption

Colleagues are expected to attend for work and if unable to attend for work on any site, must use annual leave, work from home (only if the role allows and the manager agrees) or the time is to be paid back or accrued time in lieu may be used. If the alternatives of annual leave etc. are not available, time taken will be unpaid.

Time off for Civic and Public duties

Whilst there is no legal requirement to pay for leave for civic/public duties, up to a maximum of 8 working days per annum will be granted for this purpose, at the discretion of the line manager after the application has been considered. Further unpaid leave may be granted at the discretion of the manager.

Examples are as follows:

- Justice of the peace
- A member of a local authority
- A member of a statutory tribunal

Leave for training with the Reserve and Cadet Forces/Territorial Army

The Trust is committed to employ colleagues who are in the Reserve Forces and who may be subject to call up and mobilisation to areas of conflict. The Trust has actively demonstrated their commitment to the Armed Forces by pledging their support and signing the Armed Forces Covenant. The Trust recognises the vital role of the Reserved Forces and the valuable contribution that Reservists make to our Defence, their communities, and the civilian workplace. The Trust has appointed an Armed Forces Champion (details are on the intranet), a Board Level Executive lead for Armed Forces, and an Armed Forces Strategy Group who are available to provide support and guidance to veterans, reservists, and families of serving personnel. Reservists are required to inform the Trust that they are a member of the Reserve Forces and the specific Force that they belong to so that The Trust can provide the appropriate level of support to the Reservist.

Reservists are entitled to **two working weeks paid leave** for Reserve Forces training or duty. Permission will only be authorised on receipt of the completed special leave form and a letter from the Regimental Sergeant Major/ Commanding Officer or equivalent, confirming the details of the training / camp. Colleagues should give as much notice as possible, please note that whilst every attempt will be made to accommodate the leave request, permission can only be granted if the Trust can satisfy their operational requirements. Colleagues requesting more than two weeks paid leave entitlement may apply to take annual leave or unpaid leave, following the required approval process.

If you are a reservist and are asked to take part in operational duties, you should let your line manager know as soon as possible.

You should provide:

- Details of your call-out notice, The MoD aims to give at least 28 days' notice of the date that the Reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation
- The employer pack provided by MoD
- Notification of the date and likely duration of mobilisation and deployment
- Any statutory information related to your deployment

Your manager will arrange a meeting to discuss the deployment in detail. At the meeting they will:

- Confirm the details of your absence and duration
- Discuss any concerns or impact on the service
- Discuss your annual leave, pay and pension implications

Where possible the Trust will agree call-out requests. However, it is key to note that in all cases of mobilisation Reservists along with employer's have the right to seek an exemption or deferral. The Trust will apply for exemption or deferral from mobilisation within seven days of the call out notice being received if the Reservist's mobilisation may hinder service delivery. The Trust will not pay the Reservists salary or benefits during the time that they are mobilised and the Reservist will not accrue leave during mobilisation.

The MoD will:

- Assume responsibility for the Reservist's salary for the duration of their mobilisation
- Pay a basic salary according to the Reservist's military rank. If this basic element is less than the salary element, they receive from the Trust, it is the Reservist's responsibility to apply to the MoD for the difference to ensure that they suffer no loss of earnings.
- Cover the cost of contractual benefits.

If the Reservist is a member of the NHS pension scheme, and chooses to remain in it, then the MoD will make the employer contributions for the period of mobilisation, as long as the Reservist continues to make their personal contributions.

Where mobilisation occurs, the colleague will be given special unpaid leave of absence and continuity of employment remains.

During mobilisation the Colleague or their parent unit must keep in touch with The Trust as agreed and is obliged to inform The Trust should their circumstances change i.e., length of mobilisation or any health concerns. If a Reservist is ill or injured whilst mobilised, they will be treated by Defence Medical Services and will remain mobilised until treatment is completed. After active duty you will be given a period of post-operational tour leave (POTL). If you want to return to work before the end of this leave period, you must get permission from your Commanding Officer or demobilisation centre.

When you are given notice to return to work, you must inform your line manager of the date of your return to work and your current contact details.

Support for family members

A colleague who is a spouse/partner or close family member of active service personnel including Reservists is encouraged to contact their line manager, HR Manager and or the Armed Forces Champion in the event of mobilisation. The Trust endeavours to provide support during any transition of mobilisation/deployment, this support is also extended to post mobilisation. The type of support given may vary depending in the requirements of the colleague. Where possible, the Trust will accommodate counselling provisions, flexibility with shift patterns/working hours at key times during deployment. This may be at the time of deployment or a return from tour of duty. The Trust will support **5 days** paid special leave per period of mobilisation/deployment (including post mobilisation) details can be found in the special leave section.

Employment break scheme (Additional Guidance Appendix 2)

- Minimum of one year's NHS service to be eligible.
- Application should be submitted to line manager in writing 3 months prior to the start of the proposed employment break. In exceptional circumstances (e.g. urgent requirement to provide care to a dependent), less notice may be considered.
- Break can be for between 3 months and 2 years and taken as a single period or as more than one period.
- The length of any break should balance the needs of the applicant and the needs of the service.
- Paid work overseas or charitable work will need prior written authority from the Trust prior to being accepted.
- Requires written agreement between the Manager and the colleague.
- Please refer to Appendix 2 for further information.

Requests for Special Leave

Colleagues requesting leave under the sphere of this policy must consult their manager. In an emergency and where it is not possible to speak with the manager, a colleague must speak to the designated line manager on duty. Authorisation for Special Leave must be given by the appropriate Manager/Head of Department and entered onto E Roster.

Additional Leave

The Trust understands that a colleague in relation to any of the circumstances in the sphere of this policy may require additional leave or flexibility. If additional leave is required by the colleague, the following options should be considered in the order below:

- Flexible working arrangements (please refer to guidance on Flexible Working)
- Time Off in lieu (please refer to Annual Leave Policy)
- Unpaid Leave

Unpaid leave would normally only be approved when annual leave entitlement has been exhausted. Agreement to unpaid leave in special cases is discretionary and will not usually exceed the standard working week of the colleague.

The Trust provides colleagues with an opportunity to purchase additional annual leave (further information contained within the Annual Leave Guidance – Appendix 1).

Appeals

Given the potential urgent nature of the need to take leave, if a colleague feels aggrieved by any decision relating to the request to take leave, they can request that the line manager's decision be reconsidered by the next in line manager. The next in line manager must give an immediate decision to the colleague. Advice may be sought from the Human Resources Department if necessary. If the colleague remains aggrieved with the decision, they have the right to progress a grievance through the Trust's Grievance Procedure.

Implementation Plan

This policy will be available on the Trust Intranet.

A policy briefing will be developed for Divisional Management Boards, Directorate Meetings and Worcestershire weekly.

[Leave and Pay Supporting Documents](#)