



Work/Life Balance	
Special Leave Policy	
Summary	This policy has been written in line with NHS Supporting the Work/Life Balance PIN and supersedes the NHS Health Scotland Annual Leave and Other Time Off Policy. NHS HS recognises the need for flexibility in the workplace and acknowledges that there will be circumstances out with the norm when time off is required; or staff may require compassionate or special leave. This policy addresses this need in a fair and consistent manner. The policy does not remove the responsibility of all staff to have appropriate care provisions in place to meet their personal needs.
Status	This is a new policy using the Supporting the Work-Life Balance PIN Policy dated July 2015
Alternative format	This policy is available in other formats on request. Please contact the Policy team for more details
Impact Assessment Date	11/01/2017
Partnership Forum Sign Off	29/06/2017
SGC Approval	18/08/2017
Review	This policy was reviewed in September 2016
Review Date	September 2019 or earlier if there are any material changes in either PIN guidelines or legislation.
Contact	Ann Sweeney, Senior HR Officer

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1. Introduction

NHS Health Scotland recognises that many staff balance the demands of work requirements with domestic responsibilities. While each member of staff is responsible for ensuring that they have appropriate care mechanisms in place to meet their personal responsibilities, NHS HS will endeavour to assist in circumstances where these arrangements have unavoidably broken down, or where additional pressures, out with the norm, arise and for which time off work may be required.

All requests from staff must be dealt with on a strictly confidential basis and no undue pressure will be exerted on staff to divulge details which might breach their personal privacy.

2. Legal Framework

Employment Rights Act 1996 This Act provides for the right to time off for a variety of different reasons, for example, public and civic duties, ante-natal care, care of dependants and parental leave. Parents and carers of children under 17, and of disabled children under 18, and carers of certain adults, may request flexible working arrangements and their employers have a duty to seriously consider such requests.

3. Purpose

The purpose of this policy is to allow for an appropriate response to a variety of situations, including:

- The necessary and unexpected need for a member of staff to provide care to a spouse or civil partner, child, parent, a person who lives within same household or any other person who reasonably relies on the employee for assistance on any occasion where the person falls ill or is injured or to make arrangements for the provision of care in the event of illness or injury
- Suffering a bereavement
- Civic and public duties.

This could be where normal arrangements break down without notice, or where an urgent and unforeseen situation arises. Examples of this include:

- The spouse or civil partner, child, parent or a person who lives within the same household (not a lodger) falling ill, being involved in an accident, or being assaulted, including instances where the victim is distressed rather than being physically injured

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- The need to make longer term care arrangements for a spouse or civil partner, child, parent or a person who lives within the same household (not a lodger) who is ill or injured
- To deal with the death of a spouse or civil partner, child, parent, close relative or a person who lives within the same household (not a lodger), e.g. to make funeral arrangements, or to attend a funeral
- To deal with an unexpected disruption, or breakdown, in care arrangements for a spouse or civil partner, child, parent or a person who lives within the same household (not a lodger), e.g. when a child-minder/carer or nurse fails to turn up; or
- To deal with an incident involving the employee's child during school hours, e.g. if the child has been involved in a fight, or is being suspended from school.

The provisions of this policy are applicable to all staff, irrespective of length of service, hours of work, or grade and no employee will suffer any detriment as a result of making application for time off under these provisions.

As always, the extent and duration of such leave must be balanced by service needs. It is acknowledged that there will be occasions where requests relate to situations which are entirely unforeseen and this will be borne in mind when requests are considered.

4. Roles and Responsibilities

4.1 Line Managers

Line Managers will:

- Consider all options available when a request is made for Special Leave ensuring that the leave is not covered by another type (i.e. use of flexi time, paid/unpaid parental leave
- Adopt a fair and consistent approach when considering and approving Special leave requests for all staff
- Complete the Leave Authorisation Form with the correct code and return to the HR Department in a timely manner

4.2 Employees

Employees will:

- recognise that with rights come responsibilities
- make use of local policy fairly and reasonably

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- c) be prepared to agree solutions and working arrangements that take account not only of the individual's needs, but also of the needs of colleagues and the service.

4.3 HR Team

The HR Team will:

- a) Provide advice and guidance to managers on the application of this policy.
- b) Maintain records of requests for Special Leave and the results of such requests, for recording, monitoring and reporting purposes

4.4 Partnership Forum

The Partnership Forum will:

- a) Monitor and evaluate the implementation of this policy and make recommendations for improvements as necessary.
- b) work in partnership with trade unions and professional organisations to put and keep in place this policy and procedures that meet or exceed the minimum PIN standards
- c) ensure management and trade union representatives at all levels are familiar with agreements and arrangements to support the work-life balance through joint training; and
- d) audit the implementation of agreements

5. Time Off

The provisions for time off are as follows:

1. Serious Illness/Bereavement Leave
Up to one working week's paid leave in the event of the serious illness, acute need or death of a family member, dependant, close friend or colleague. This can be extended by up to a further working week and it will be at the discretion of the manager whether this is extended and whether it is paid or unpaid.
2. Domestic Emergencies
Up to one working week can be allocated as paid leave to deal with urgent and predominately unforeseen circumstances to which sick leave, annual leave, or any other form of specified leave is not applicable. This can be extended by up to a further working week and it will be at the discretion of the manager, taking into account the circumstances of the specific case and the needs of the service, whether this is paid or unpaid.

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3. Carer Leave – Short & Long Term

This provision is primarily for those who are required to provide care for a dependant.

Short term Carer Leave allows for up to one working week's paid leave, which can be extended by up to a further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave, or unpaid leave.

Long term Carer Leave allows for the possibility of altering contractual work patterns to enable the employee's family life and work requirements to be balanced for an appropriate period. Note: The references above to a "working week" mean the number of hours that an individual member of staff is contracted to work. For example, the working week of a member of staff contracted to work 37½ hours per week, is 37½ hours, while the working week for a member of staff contracted to work 20 hours per week, is 20 hours.

All requests for special leave will be recorded on the appropriate system for future reference and to enable monitoring of its fair application throughout NHS HS. When appropriate the HR Team will notify the Payroll Department to ensure correct payment.

6. Serious Illness/Bereavement Leave

6.1 Definition

To provide reasonable support to members of staff at times of distress due to the unforeseen serious illness, or the death, of a spouse or civil partner, child, parent, close relative or a person who lives within the same household (not a lodger).

6.2 Entitlement

Managers have the discretion to award paid leave of up to one working week in each occurrence of serious difficulty. In particularly distressing circumstances, the manager, in discussion with an appropriate member of the HR Team, may extend this by up to a further week of paid or unpaid leave.

6.3 Duration Criteria

In considering the amount of leave, the manager should take into account the specific circumstances, e.g. the relationship between the member of staff and the person in question, whether the member of staff has a responsibility for the estate of the deceased, the availability of other relatives or friends and the distance to be travelled in dealing with such matters.

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6.4 Consistency

Managers should aim to be fair, consistent and sympathetic in applying this policy.

6.5 Notification

Members of staff must make their manager aware of the potential need for leave at the earliest opportunity and should keep in regular contact throughout that period.

7. Domestic Emergencies

7.1 Definition

Leave under this heading can be defined as arrangements granted when members of staff need to be absent from work under circumstances not covered by sick leave, annual leave, bereavement leave, maternity leave, paternity leave, parental leave, adoption and fostering leave, or flexible working arrangements. It is urgent and unforeseen. This leave is provided as a short-term solution to help members of staff to balance the demands of their work and home responsibilities.

7.2 Entitlement

Up to one working week can be allocated as paid leave by the manager, taking into consideration the amount of the time reasonably required to attend to the situation which has arisen.

In cases of exceptional difficulty, the manager can extend this period for up to a further working week and, in discussion with an appropriate member of the HR Team, has the discretion to determine whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the member of staff to utilise annual leave under circumstances where the situation, while still important, has ceased to be an emergency.

In exceptional circumstances, a member of staff may be faced with long-term difficulties and the manager, in discussion with an appropriate member of the HR Team, should consider other options to assist in the situation. This may include a reduction in hours, an alteration to the employee's shift pattern, a move to another post, etc.

There should be no requirement for the approved number of days to be taken in one block.

7.3 Notification

Members of staff must make their manager aware of their potential need for leave at the earliest opportunity and should keep in regular contact throughout this period.

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8. Carer Leave

8.1 Definition

Where members of staff are responsible for caring for a spouse or civil partner, child, parent or a person who lives within the same household (not a lodger) work and home life can cause conflicting pressures. Carer leave is designed to encourage managers to adopt flexible working practices at times when employees need assistance to balance their caring responsibilities with their work commitments.

Short-term Carer Leave allows for up to one working week's paid leave, which can be extended by up to a further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave, or unpaid leave.

8.2 Local arrangements

The needs of staff who care for spouse or civil partner, child, parent or a person who lives within the same household (not a lodger), can often be very simple, e.g. knowing that they will be able to leave work on time each day, or being able to make a telephone call home during the day to check that all is well. Alternatively, a variation in the working pattern, such as altered shifts, or earlier/later starting and stopping times, may provide an adequate solution. Again this must take into consideration the needs of the service.

Needs such as these may be relatively easy to satisfy and it is expected that the individual's manager will provide sympathetic support and strive to reach a mutually acceptable solution to the employee's requirements that balances these with the needs of the service.

8.3 Short periods of time off

There may be circumstances when an employee needs a short period of time off, e.g. to deal with an emergency situation, to attend hospital, etc. In these circumstances, one of the arrangements shown in Section 5 can be utilised to allow the employee time off.

8.4 Long-term arrangements

There may, however, be times when the caring demands on the employee are such that the individual is forced to consider more extreme measures, such as a long-term reduction in working hours, in order to meet their caring commitments. While each case must, quite obviously, be judged on its individual merits, NHS HS is committed to ensuring that where the reason for an employee requesting a reduction in contracted hours is for the provision of care, the individual's case will be considered sympathetically and will not be unreasonably denied.

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Employees with caring responsibilities, who recognise the need to alter their contracted working hours on a long-term basis, should discuss the matter with their manager in the first instance. It may be considered appropriate for a member of the HR Team to be involved in these discussions.

Where the manager feels unable, because of the needs of the service, to agree to the employee's request, then consideration may be given to other alternatives, and in exceptional circumstances this may include secondment or redeployment

In circumstances where it is agreed that redeployment is the only viable option, the employee concerned will be entitled to the full range of provisions available under this organisation's Redeployment Policy.

8.5 Other assistance

Employees with caring responsibilities are encouraged to take advantage of other facilities which already exist within NHS HS and which may provide them with support or access to coping mechanisms, e.g. the Occupational Health Service or employee counselling.

9. Other Types of Special Leave

9.1 Definition

Also covered under special leave, is leave with pay for staff to be absent from work to perform 'essential civic and public duties'. The legislative requirement for this is contained within the Employment Rights Act 1996 and covers a wide range of circumstances, a number of which are given below as examples:

- Justice of the Peace;
- Attendance at court as a witness;
- Members of a variety of public bodies including Children's Panels.

If a manager receives an application for special leave and is unsure if the request meets the criteria, they should, in the first instance, contact the HR Team for clarification and guidance.

9.2 Entitlement

Up to one working week per year can be allocated as paid leave by the manager to undertake essential civic and public duties, taking into consideration the amount of time reasonably required to devote to the issue. In exceptional circumstances the manager can extend this period for up to a further working week and in discussion with an appropriate member of the HR Team, has the discretion to determine whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the member of staff to utilise annual or unpaid leave.

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NHS HS is pleased to support employees who are members of, or wish to join, the Volunteer Reserve Forces. The training undertaken by Reservists enables them to develop skills and abilities that can be of benefit not just to the armed forces, but also to the NHS patients they serve.

The NHS Scotland Reserve Forces Training & Mobilisation Policy has been developed, in line with legislation, to enable NHS Scotland and its employees to get the maximum benefit from time spent in the Reserve Forces.

http://www.sehd.scot.nhs.uk/mels/CEL2009_42.pdf

Whilst NHS HS is under no legal obligation to pay employees who undertake jury service, any staff who are called to fulfil the role of a juror will be paid their normal basic pay with enhancements for unsocial hours. Further information on Jury Service is available at: <https://www.scotcourts.gov.uk/coming-to-court/jurors>

9.3 Notification

Members of staff must make their managers aware of the potential need for leave at the earliest opportunity and, where appropriate should keep in regular contact throughout the period.

9.4 Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the individual has the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from an appropriate member of the HR Team and a Trade Union/or Professional Organisation representative.

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Appendix 1 – Summary of Leave Request and Entitlement

Leave Request	Leave Entitlement
Serious Illness/Bereavement Leave	Up to one working week's paid leave in the event of the serious illness, acute need or death of a family member, dependant, close friend or colleague. This can be extended by up to a further working week and it will be at the discretion of the manager whether this is extended and whether it is paid or unpaid.
Domestic Emergencies	Up to one working week can be allocated as paid leave to deal with urgent and predominately unforeseen circumstances to which sick leave, annual leave, or any other form of specified leave is not applicable. This can be extended by up to a further working week and it will be at the discretion of the manager, taking into account the circumstances of the specific case and the needs of the service, whether this is paid or unpaid.
Carer Leave – Short Term	Short term Carer Leave allows for up to one working week's paid leave, which can be extended by up to a further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave, or unpaid leave.
Carer Leave – Long Term	<p>Occasionally the caring demands on the employee are such that the individual is forced to consider more extreme measures, such as a long-term reduction in working hours, in order to meet their caring commitments. While each case must, be judged on its individual merits, NHS HS is committed to ensuring that where the reason for an employee requesting a reduction in contracted hours is for the provision of care, the individual's case will be considered sympathetically and will not be unreasonably denied.</p> <p>Another option available is a career break; and in the first instance advice should be sought from the HR Team.</p>
Civic Duties: Justice of the Peace Attendance in Court as a Witness	Up to one working week per year can be allocated as paid leave by the manager to undertake essential civic and public duties, taking into consideration the amount of time reasonably required to devote to the

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Public Bodies (i.e. The Children's Panel)	issue. In exceptional circumstances the manager can extend this period for up to a further working week and has the discretion to determine whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the member of staff to utilise annual or unpaid leave. Further advice should be sought from the HR Team.
The Volunteer Reserve Forces	Please follow the link below, and further guidance can be sought from the HR Team: http://www.sehd.scot.nhs.uk/mels/CEL2009_42.pdf
Jury Service	Whilst NHS HS is under no legal obligation to pay employees who undertake jury service, any staff who are called to fulfil the role of a juror will be paid their normal basic pay with enhancements for unsocial hours. Further information on Jury Service is available at: https://www.scotcourts.gov.uk/coming-to-court/jurors

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