



## Special Leave Policy

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## 1. INTRODUCTION

Special Leave can be defined as arrangements granted when staff need to be absent from work in circumstances not covered by sick leave, annual leave, compassionate/bereavement leave, maternity leave, paternity leave, dependants leave or flexible working policies. While each member of staff is responsible for ensuring that they have the appropriate care mechanisms in place to meet their personal responsibilities NHS 24 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 to help achieve a better work-life balance.

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. SCOPE

- 2.1 This policy applies to all staff regardless of grade, length of service or hours worked.
- 2.2 This policy should be used when a staff member is seeking to apply for:
  - Domestic Emergency (e.g. flood, fire);
  - Compulsory Court Attendance (including Jury Duty);
  - Civic and Public Duties (including Children's Panel);
  - Voluntary Emergency Services (Auxiliary Fire Service, Coastguard, Mountain Rescue); and
  - Reserve Services.

## 3. PRINCIPLES

- 3.1 NHS 24 recognises the requirement for special leave to help staff balance the demands of domestic and work responsibilities at times of urgent and unforeseen need through the provision of paid or unpaid leave according to circumstances.
- 3.2 Leave granted under these arrangements is not intended for long term domestic and family needs, but rather to give staff specific time off when it is needed urgently.
- 3.3 Special leave is, therefore, of a short term nature to help staff deal with unforeseen domestic emergencies (e.g. fire, flood, house break-in). It can also be used where a staff member has experienced domestic violence and time is needed to, for example, secure alternative home living arrangements.
- 3.4 This type of leave can be used when emergency circumstances do not fit under other NHS 24 policies.

- 3.5 Line managers must consider that the policy is intended to assist staff with short term emergencies rather than long term domestic needs.
- 3.6 NHS 24 expects staff to use such leave not only to allow them to be available in an urgent domestic situation, but also to make arrangements to allow them to return to work within a reasonable time.
- 3.7 Special leave is also available for other circumstances as outlined in Section 6.

#### **4 LENGTH OF SPECIAL LEAVE**

- 4.1 Staff will initially be entitled to up to one working week, 37.5 hours for a full-time staff member and pro rata for part-time staff, paid leave where an example of special leave arises. Any subsequent applications for the same or similar reason will be reviewed on an individual basis and a decision reached on whether special leave is applicable, paid or unpaid. The overriding principle is to give sufficient time off to deal with the problem.
- 4.2 In cases of exceptional difficulty, it may be extended by a further working week and will be at the discretion of the manager whether this is extended and whether it is paid or unpaid. The relevant Director / Associate Director of Operations and Nursing/Head of Clinical Services will be required to authorise any extended periods of special leave whether paid or unpaid. It may, however, be considered appropriate for the staff member to utilise annual leave under circumstances where the situation, while still important, has ceased to be an emergency.
- 4.3 If a staff member is facing long term difficulties, or recurring unforeseen circumstances, the line manager may consider other options to allow them to meet their domestic and work responsibilities. This may include a longer period of unpaid leave, reduced working hours or a different shift pattern. Discussion with the local Human Resource Department will normally take place, prior to any decision being reached. The relevant Director/Associate Director of Operations and Nursing/Head of Clinical Services will be required to authorise any further periods of special leave whether paid or unpaid.

#### **5. PROCEDURE**

- 5.1 It is accepted that advance notice will be unlikely due to the nature of the situation. In order to ensure that the granting of special leave is fair to all staff in all parts of the organisation, the following procedure should be followed :-
  - The staff member should make a request for special leave to their appropriate line manager/team leader or, if unavailable, duty line manager/team leader. The 'Approved Authorised Leave Pro Forma' (see Appendix A) should then be completed. If the staff member is not at work

at the time of request, the team leader or line manager will complete the form and the signature of the staff member must be obtained immediately upon their return to work. In cases where unpaid leave has been granted, the staff member's signature must be obtained where possible before the unpaid leave is granted, or immediately upon their return to work.

- The line manager must ascertain the full circumstances relating to the request and determine the amount of leave to grant. The staff member should be advised in writing, using the Approved Authorised Leave Pro Forma, of the duration of the leave granted and details as to whether it is paid or unpaid. Where paid Special Leave has been granted for short term emergency situations, staff members will be paid "as if at work" receiving any enhancements that would normally be paid. The line manager must obtain authorisation from the relevant Director/Associate Director of Nursing/Head of Clinical Services where further periods of extended leave is being sought, whether paid or unpaid.

- 5.2 Line managers should record the granting of Special Leave using the Approved Authorised Leave Pro Forma, obtaining any further authorisation from the relevant Director/Associate Director of Operations and Nursing/Head of Clinical Services as necessary. The line manager should then update the electronic HR system and forward a copy of the Approved Authorised Leave Pro Forma immediately to the Central Resource Team (CRT) (if applicable), and HR Business Support. Upon receipt of this pro forma, HR Business Support will notify Payroll of any periods of unpaid leave.

## **6. OTHER FORMS OF SPECIAL LEAVE**

### **6.1 Leave for Jury Service**

Staff who are cited to attend court as a witness or juror shall be granted Special Leave. Whilst NHS 24 is under no legal obligation to pay staff 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/comingto-court/jurors>

Any other expenses such as travel should be claimed from the Court. Staff are required to attach a copy of the court citation form to the Approved Authorised Leave Pro Forma.

The staff member should speak with their line manager to discuss expectations should the court advise them they are not required for court service on any given day or if the court finishes early. For example, the staff member should immediately return to work or contact their line manager to agree the working arrangements, as per previous discussion. Further, as jury duty is not considered working time, the staff member would be expected to attend their next shift, and they should discuss the expectations regarding continuation of their shift pattern following jury service with their line manager.

If a staff member does not attend work as required, or contact their manager, this may, after investigation, be considered as fraudulent action which could result in disciplinary action being taken in line with the NHS 24's Management of Staff Conduct: Disciplinary Policy.

Although Jury Service is not considered working time under the Working Time Regulations, NHS 24 appreciates that staff could be selected for Jury Service and chosen as a juror Monday-Friday and rostered to also work on the weekend. Under these circumstances, cases will be reviewed on an individual basis in conjunction with their line manager. Staff will be granted Special Leave, providing the appropriate Court Citation documentation has been produced and discussed with the line manager. It should also be noted that nurses may be excused 'as of right' from Jury Service if they apply within 7 days of receiving the Jury Citation.

## **6.2 Civic and Public Duties**

Special Leave with pay may be granted, subject to service requirements, for staff who are required to attend essential civic or public duties as provided for under the Employment Rights Act 1996 (as amended). In this respect, 15 working paid days in any 12 month period will be granted in respect of the following duties (this list is illustrative, not exhaustive)

:

- Serving as a Justice of the Peace
- Membership of a Local Authority
- Membership of any Statutory Tribunal
- Membership of the managing or governing body of an educational establishment maintained by a local Education Authority
- Attendance at court as a witness
- Members of a variety of public bodies including Children's Panels

## **6.3 Leave for Training with the Reserve and Cadet Forces**

NHS 24 is pleased to support staff who are members of, or wish to join, the Volunteer Reserve Forces. The training undertaken by Reservists enables staff 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 NHSScotland Reserve Forces Training & Mobilisation Policy has been developed, in line with legislation, to enable NHS Scotland and its staff members to get the maximum benefit from time spent in the Reserve Forces.

Staff, who with the consent of their line manager, volunteer for the Reserve Forces, (or who at the time of appointment declare their membership and their Manager does not object) should refer to CEL 42 (2009): NHS Scotland Reserve Forces Training and Mobilisation Policy, [http://www.sehd.scot.nhs.uk/mels/CEL2009\\_42.pdf](http://www.sehd.scot.nhs.uk/mels/CEL2009_42.pdf), for information on the

procedure for staff who are called up to duty. Staff may also wish to contact HR Business Support in the first instance for some initial advice.

Time off for training and annual camp will be granted in line with the provisions set out within CEL 42: NHS Scotland Reserve Forces Training and Mobilisation Policy.

Staff who are required to undergo further short periods of additional training, and are unable to arrange for such training in off duty times, may be granted additional unpaid time off for this purpose, subject to the discretion of their line manager who will take into account the amount of time off which is reasonable in the circumstances and previous time off permitted.

#### **6.4 Leave for Activities with Emergency Services (e.g. Auxiliary Fire Service, Coastguard, Mountain Rescue)**

NHS 24 recognises that the auxiliary emergency services rely on volunteer input and play a valuable role in the local community. Leave (paid or unpaid) for these purposes may be granted at the discretion of line managers taking into account the needs of the service.

The same procedure for leave approval should be followed as detailed in 5.1.

### **7. RESOLUTION OF DISAGREEMENTS**

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

### **8. REVIEW**

The Policy will be reviewed on a 2 year basis by the Partnership Policy Review Group.

**APPENDIX A****APPROVED AUTHORISED LEAVE PRO FORMA – SPECIAL LEAVE****Part A: To Be Completed By Staff Member**  
**(or Line Managers or Duty Team Leaders in staff members absence)**

This form should be completed when you wish to request leave in the following circumstances for any of the categories of leave noted in section 2.2 of the policy. Please note this form should **not** be used for Annual or Parental Leave.

Once complete this form should be forwarded to your line manager or the duty team leader. If leave request extended for more than 5 consecutive working days (pro rata for part-time staff) the relevant Director/Associate Director of Operations and Nursing/Head of Clinical Services will be required to authorise.

Staff Member Name		Payroll Number	
Location		Job title	

CATEGORY OF LEAVE	TICK
<b>Domestic Emergency</b> (e.g. flood/ fire)	
<b>Compulsory Court Attendance*</b> (e.g. Jury Service)	
<b>Civic and Public Duties</b> (e.g. Children's panel)	
<b>Voluntary Emergency Services</b> (e.g. Coastguard, Mountain Rescue)	
<b>Reserve Services</b>	
<b>Other reason</b> _____	

\*paid as if at work

Start Date	End Date	Status	Days leave	Hours Leave
		<b>Paid Leave</b>		
		<b>Unpaid Leave</b>		

I wish to apply for the above leave and confirm that any unpaid element can be recovered from my next available salary.

<b>Signed</b>		<b>Dated</b>	
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**Part B To Be Completed By Team Leaders/Line Managers**

- I wish to confirm that this staff member took the following leave.
- I have updated the relevant electronic HR systems to reflect this information.
- I have only authorised a maximum of one working week (37.5 hours for a full-time staff member, pro rata for part-time staff).



Start Date	End Date	Status	Days leave	Hours Leave
		Paid Leave		
		Unpaid Leave		
Signed			Dated	
Print Name			Job Title	

**Part C To Be Completed By appropriate Director/ADON/Head of Clinical Services**

Additional authorisation only needed if the leave request exceeds one working week (37.5 hours for a full-time staff member, pro rata for part-time staff).

I consider this request for more than one working week (37.5 hours for a full-time staff member, pro rata for part-time staff) necessary on this occasion and therefore authorise the additional leave detailed below.				
Start Date	End Date	Status	Days leave	Hours Leave
		Paid Leave		
		Unpaid Leave		
Signed			Dated	
Print Name			Job Title	

**To be returned to HR Business Services**