



Special Leave Policy

Contents

1. Objectives	2
2. Scope	2
3. Principles	2
4. Roles and Responsibilities	3
5. Special Leave for Domestic Reasons	4
6. Special Leave for Public Duties and Activities.....	5
7. Special Leave for Jury Service, Court, Tribunal or Hearing Attendance	6
9. Monitoring Compliance	7
10. Audit and Review (evaluating effectiveness)	7
12 Financial Checkpoint.....	8
Appendix A	9
Appendix B	10

1. Objectives

- 1.1. South East Coast Ambulance Service NHS Foundation Trust is committed to helping colleagues balance the demands of both their work and personal needs in order to maintain an effective work performance and the continued provision of high-quality services.
- 1.2. As such this policy and procedure recognises that from time-to-time colleagues will need to request special leave for time away from the workplace to fulfil other responsibilities.
- 1.3. To this end, the purpose of this policy and procedure is to provide a framework for managers to take a fair and equitable approach in the consideration of special leave requests and reasonable (paid or unpaid) time off, given each individual's circumstances balanced with the needs of the business.

2. Scope

- 2.1. This policy will apply to all colleagues directly employed by the Trust.
- 2.2. **This policy covers the following leave requests:**
 - Special Leave for Public Duties and Activities.
 - Jury Service, Court, Tribunal or Hearing Attendance.

3. Principles

- 3.1. Whilst there is no statutory obligation for special leave to be paid, the provisions within this policy and procedure provide for certain requests to receive a set amount of paid leave over a set period and further flexibility for unpaid leave/annual leave.
- 3.2. This policy outlines guiding principles in determining fair and reasonable practices in the provision of special leave balanced with service needs. Such leave may be paid or unpaid. To ensure managers apply a fair, objective and equitable approach to each special leave request, appropriate documentation must be produced to enable transparency of the decision.
- 3.3. Managers will be mindful that individual circumstances vary and previous decisions will not set a precedent for future decisions and that all requests should not be unreasonably refused or postponed without sound business grounds.

- 3.4. Where possible, a flexible approach will be adopted to enable colleagues to meet these different demands. Colleagues considering taking special leave should also refer to the Trust's [Flexible Working Policy](#). This provides a range of alternative working patterns to support a balance between work and personal commitments.

4. Roles and Responsibilities

4.1. Managers

- Ensuring this policy and procedure is disseminated effectively to their teams and that teams are aware of the procedures for requesting special leave.
- Ensuring a fair, objective and equitable approach to each special leave request.
- Accurately record special leave requests, in conjunction with Scheduling, where applicable.
- Monitoring the total amount of special leave/ time off being taken by each individual.
- Ensuring notification of any period of paid or unpaid special leave is sent to the HR Service Centre.
- Providing written reasons for exceptionally refusing a request for special leave and seeking guidance from Human Resources where necessary.

4.2. All Colleagues

- Have awareness of this policy and procedure and how to request special leave.
- Informing their Line Manager as soon as is practicable of their requirement to take a period of special. They should also ensure they complete the relevant special leave application form.
- Should colleagues be considering taking on public duties, they should advise their Line Manager before first entering into such commitments and discuss the extent of the commitment and the implications for their work.
- Where a colleague is already undertaking such duties prior to commencing employment with the Trust, they should notify their Line Manager as soon as possible after commencement and discuss the implications.

4.3. **Human Resources**

- Ensuring the effective implementation and embedding of the policy through education and monitoring activity.
- Providing advice and support in the application of this policy in individual cases; and
- Ensuring that the policy and procedure are maintained and updated accordingly in line with any organisational or legislative changes.

4.4. **Trade Unions**

- Trade Union representatives have an important role to play generally in providing advice, support and, if required, representation to their members and working in partnership with managers and Human Resources in looking to ensure that the Trust's Special Leave Policy is applied reasonably and fairly.

5. Special Leave for Domestic Reasons

5.1. **General Principles**

5.2. Such leave is intended to provide a compassionate response to cases of genuine domestic emergencies.

5.3. Leave granted under these arrangements is intended to assist in those urgent and unforeseen situations where a short period of leave will help to resolve the colleague's issue. There is no qualifying length of service applicable to leave outlined in this section.

Domestic Leave	<ul style="list-style-type: none">• For an unexpected domestic emergency	Up to a maximum of 1 day
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5.4. For further periods beyond this, colleagues may request to use annual leave, unpaid leave, TOIL or other flexible working option.

5.5. Colleagues must notify their Line Manager at the earliest opportunity of the circumstances giving rise to the need for special leave and should explain:

- The reason for the absence; and
- How long they expect to be absent from work.

- 5.6. If the colleagues Line Manager is unavailable, they must speak to a deputy or an equivalent manager. For operational colleagues, individuals should also contact their Scheduling Department who will in turn contact the appropriate on duty officer.
- 5.7. Following discussion, the Special Leave Request Form (see Appendix A) should be fully completed. It is recognised that due to the nature of the circumstances the forms may have to be completed retrospectively to the special leave being taken. Entitlement to paid leave could be affected if this process is not undertaken.

6. Special Leave for Public Duties and Activities

6.1. Public Duties

- 6.1.1. Colleagues may be required to be absent from duty in order to carry out civic and public duties. Colleagues should discuss their proposals to take up public duties with their manager before making such commitments in order to establish the likely time required for the colleague to fulfil them and to identify appropriate methods of accommodating requests for special leave in these circumstances.
- 6.1.2. Colleagues undertaking public duties are entitled to reasonable time off in respect of specific activities, however, wherever possible, public duties should be undertaken outside of the individual's normal working hours.
- 6.1.3. Colleagues would be allowed reasonable time off to attend meetings of the body or any of its committees or sub committees. Appendix B outlines duties/activities for which it is considered paid time off should be allowed.
- 6.1.4. Colleagues must seek authorisation to take leave for any forthcoming commitments as far in advance as possible and in any case at least 1 week before the event. If adequate notice is not given, this may result in leave not being granted.
- 6.1.5. Where paid leave has been granted and a daily fee is paid to the individual for carrying out a public duty the fee should be remitted to the Trust.
- 6.1.6. Application Process for Special Leave for Public Duties or Activities
- 6.1.7. Any colleague wishing to participate in any of the duties/activities entitling special leave should notify their manager of their wishes, by using the 'Special Leave Request Form' (see Appendix A). This should be done as far in advance as possible.

- 6.1.8. Where applicable, individuals requesting special leave to undertake ongoing public duties or activities should provide their Line Managers with an outline of their expected involvement throughout the year.

7. Special Leave for Jury Service, Court, Tribunal or Hearing Attendance

7.1. General Principles

- 7.1.1. Colleagues who are called for jury service or as a witness in court, hearing or tribunal case will be granted paid leave (see Appendix B) for the duration of this duty and should inform their manager immediately and provide a copy of the notification.

7.2. Jury Service

- 7.2.1. Whilst paid leave will be granted for colleagues required to attend jury service it is done so on the understanding that it will be deducted from a colleague's pay once the colleague has been reimbursed by the Court Service.
- 7.2.2. It is a requirement that colleagues claim their maximum entitlement for loss of earnings at the end of the jury service (or earlier where this is permitted by the Court Service). This figure will be agreed with Human Resources and the amount of expenses related to loss of earnings paid by the court service must be declared to the Trust by the colleague and the subsequent amount will be deducted from the colleague's salary.
- 7.2.3. Where a colleague fails to claim expenses from the court service within 3 months of the end of the jury service, the equivalent value of the paid leave taken for jury service will be deducted from the colleague's salary.
- 7.2.4. Line Manager's may request that colleagues defer jury service due to a reasonable business need within the constraints of the potential juror's obligation (usually 10 working days within a 12- month period from the summons), but this would be subject to approval from the court service.
- 7.2.5. If on any days, the colleague's services are not required at the court they will be required to return to work that day.
- 7.2.6. If jury service, court hearing or tribunal attendance is during pre-arranged annual leave colleagues may attend and take annual leave at a later date providing they furnish proof of this.

7.3. Notification of Jury Service

- 7.3.1. As soon as an individual receives notification that they are required to undertake jury service, they should advise their manager in writing using the

Special Leave Request Form (Appendix A) and provide a copy of their letter of notification.

7.4. Court, Tribunal or Hearing Attendance

- 7.4.1. Any colleague summoned to attend court, tribunals, or hearings on behalf of the Trust, during working hours, are eligible for paid leave unless they are the subject of the court case when this will have to be taken in their own time.
- 7.4.2. Where the colleague has been the victim of, or witness to a crime and is required to give a statement to the police they will be eligible for paid leave if this cannot be arranged outside of working hours. Any witness fee received (except for travel and subsistence) must be reimbursed to the Trust.

8. False Declarations

- 8.1. If a colleague is found to have abused their right to time off under the conditions listed in any of the types of leave listed in this policy, they may be referred for investigation under the Trust's Disciplinary Procedure. If the breach is so serious as to amount to a dishonest act and cause a financial loss to the Trust the matter may be referred to the Local Counter Fraud Specialist for investigation, which may lead to a criminal sanction.

9. Monitoring Compliance

- 9.1 The HR SLT is responsible for monitoring compliance with this policy. Human Resources (HR) will monitor the application of the policy and procedure through feedback from staff and managers. Feedback, legislature and changes to terms and conditions will be used to inform and improve policies, as well as provide recommendations for improving working practices. HR will provide relevant reports, based on this data, as required.

10. Audit and Review (evaluating effectiveness)

- 10.1 All policies have their effectiveness audited by the HR SLT at regular intervals, and initially six months after a new policy is approved and disseminated.
- 10.2 Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).
- 10.3 This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced, or if feedback from employees indicates that the policy is not working effectively.

- 10.4 All changes made to this policy will go through the governance route for development and approval as set out in the Policy on Policies.

12 Financial Checkpoint

- 12.1. To ensure that any financial implications of changes in policy or procedure are considered in advance of document approval, document authors are required to seek approval from the Finance Team before submitting their document for final approval.
- 12.2. This document has been confirmed by Finance to have no unbudgeted financial implications.

Appendix A

Special Leave Request Form

Name:		Employee / Payroll No:	
Job Title:		Station/ Department:	
Dates		From:	To:
Type of Leave	Domestic Reasons		
	Public Duties or activities		
	Jury Service		
	Attendance at court/ hearing		
	Details of Request		
Signature:		Date:	
Special Leave Request Outcome			
Request Approved:	Paid	From:	To:
	Unpaid	From:	To:
Request not Approved / Postponed	Reasons:		
Name:		Job Title:	
Signature:		Date:	
Return completed form to:	sicknessandmaternity@secamb.nhs.uk		

Appendix B

Public Duties/ Activities

Public duty/activity	Levels of paid leave per year*
Court Attendance/Attendance at Hearings for a Statutory Body (e.g. NMC, HCPC, Coroners etc.)	As required
Witness in In-House Hearings	As required
Jury Service	As required by the court
Justice of the Peace/Magistrates	10 days
Member of a Local Authority	5 days
Member of a Police Authority	1 day
Member of Housing Association	1 day
Membership of a Statutory Tribunal	1 day
Member of a Board of Prison Visitors	1 day
Member of a health service or education body	1 day
Members of the managing, or governing body of an educational establishment	5 days
Member of Environment Agency	1 day

*A year is the anniversary from the start of the last special leave period

This is not an exhaustive list. Colleagues who are unsure as to whether an activity may be considered under this policy and procedure should consult their manager or Human Resources.