



# Special Leave Policy (Incorporating Carer's and Emergency Leave)

This procedural document supersedes: CORP/EMP 47 v.5 – Special Leave Policy  
 (Incorporating Carer's and Emergency Leave)



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## Amendment Form

Please record brief details of the changes made alongside the next version number. If the procedural document has been reviewed **without change**, this information will still need to be recorded although the version number will remain the same.

Version	Date Issued	Brief Summary of Changes	Author
Version 6	October 2022	<ul style="list-style-type: none"> <li>• Removal of references to SBS and replaced with Victoria Pay Services.</li> <li>• Update of Appendix 3:               <ul style="list-style-type: none"> <li>4.2.4 – Addition of Child Bereavement Leave</li> <li>4.2.6 – Change to Carer’s Leave entitlements in line with proposed legislation.</li> </ul> </li> </ul>	Rebecca Reed
Version 5	December 2017	<ul style="list-style-type: none"> <li>• Re-named to reflect extension of policy to all types of special leave.</li> </ul>	John Scott
Version 4	August 2010	<ul style="list-style-type: none"> <li>• Format changed in line with CORP/COMM 1 v 5.</li> <li>• New Sections:-               <ul style="list-style-type: none"> <li>- Section 2 Equality Impact Assessment</li> <li>- Section 5 Duties &amp; Responsibilities</li> <li>- Section 11 Monitor and Compliance</li> </ul> </li> </ul>	Keeley Cromwell
Version 3	August 2007	<ul style="list-style-type: none"> <li>• Section 2 – Replace sentence “staff (of either sex)” to “all staff regardless of gender”.</li> </ul>	Rosalind Sullivan
Version 2	March 2005	<ul style="list-style-type: none"> <li>• Many changes made in line with Agenda for Change Terms &amp; Conditions – please read in full.</li> </ul>	Nicola Hellewell

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## 1 INTRODUCTION

Our staff are key to the continuing and future success of Doncaster and Bassetlaw Teaching Hospitals NHS Foundation Trust (DBTHFT). Our aim is to become an employer of choice and our approach to people management is clearly summarised in the phrase Develop. Belong. Thrive. Here.

We want to support you to deliver our service for patients by providing you with clear and accessible guidance on your employment terms, entitlements and arrangements. By providing you and your manager with a clear, up-to-date and accurate policy, you can make informed decisions. To support this, we need a fair and consistent approach to leave entitlements.

If you feel the policy has not been applied correctly, you should talk to your line manager and, if necessary, you should follow the Trust's agreed Grievance Policy.

## 2 PURPOSE

This document outlines the various types of special leave, both paid and unpaid which may be granted at management discretion. It also details how to apply and in what circumstances the request may be agreed. Not all special leave granted is paid. Managers have a responsibility to ensure that unpaid leave is correctly recorded and reported to payroll promptly to ensure that the necessary adjustments to salary are made and that overpayment is avoided.

## 3 DUTIES AND RESPONSIBILITIES

For the policy and procedure to be effective, all DBTH staff need to be aware of this policy and follow it. Ultimately, it is the responsibility of the senior management of the Trust (including the Chief Executive, Executive Team and Divisional Directors); in conjunction with People & Organisational Development to ensure that this is the case. A table of responsibilities is included at **Appendix 1**.

## 4 PROCEDURE

### 4.1 Requesting and Approving Special Leave

- 4.1.1 Requests for all leave must be made to your line manager using the form included at **Appendix 2**, giving as much notice as possible. Line managers will consider the needs of the service to ensure there is no adverse impact on service or patient care. In the case of an emergency, this form can be completed retrospectively provided that a verbal discussion with the line manager has taken place.

- 4.1.2 If the leave is granted, managers must record this using the form at **Appendix 2**. A copy should be placed on the personal file. The line manager will need to contact Victoria Pay Services (VPS) to stop pay, where appropriate. The line manager should input all approved special leave (both paid and unpaid) into E-roster by selecting the relevant category (e.g., compassionate). If E-roster is not in use the manager should notify the agreed special leave by completing the "Sickness Absence Spreadsheet" and email this to [dbth.eroster.dbh@nhs.net](mailto:dbth.eroster.dbh@nhs.net). The form can be found here: <https://extranet.dbth.nhs.uk/people-organisational-development-pod/human-resources-hr/pay-services-sbs/>
- 4.1.3 All reasonable requests for special leave will be given due consideration. However, if your request has been rejected, and you fail to attend work, this may be regarded as an unauthorised absence and unpaid. It may also be regarded as misconduct and may be managed under the disciplinary procedure.
- 4.1.4 If an employee knowingly provides false information to secure any paid absence referred to in this policy, then it will be treated as fraudulent behaviour. Such occurrences will be referred to the Local Counter Fraud Specialist in line with the Counter Fraud, Bribery and Corruption Policy and Response Plan, which could lead to disciplinary action, civil recovery and/or criminal proceedings.

## 4.2 Types of Special Leave

Information on the following types of leave is included at **Appendix 3**.

- 4.2.1 Time Off for Medical or Dental Appointments
- 4.2.2 Bereavement
- 4.2.3 Emergency Leave
- 4.2.4 Child Bereavement Leave
- 4.2.5 Parental Leave
- 4.2.6 Carer's Leave and Support for Carers
- 4.2.7 Jury Service
- 4.2.8 Leave for Other Public Duties
- 4.2.9 Military Reservists and Cadet Force Members
- 4.2.10 Magisterial Duties / Justice of the Peace
- 4.2.11 Other Special Leave (Paid)
- 4.2.12 Other Special Leave (Unpaid)

All paid special leave is pro-rata for part-time employees and paid at basic pay unless specified otherwise in **Appendix 3**. Basic pay refers to your salaried rate excluding any overtime or enhancements.

Type of leave	Entitlement	Paid/unpaid
<b>Medical/dental appointments</b>	<ul style="list-style-type: none"> <li>Should be arranged in own time, unpaid leave may be approved at discretion of manager</li> </ul>	<ul style="list-style-type: none"> <li>Unpaid - may use time in lieu or annual leave at discretion of manager</li> </ul>
<b>Bereavement</b>	<ul style="list-style-type: none"> <li>Immediate relative – 6 days</li> <li>Close relative – 2 days</li> </ul>	<ul style="list-style-type: none"> <li>Immediate relative - paid</li> <li>Close relative - unpaid</li> </ul>
<b>Emergency Leave</b>	<ul style="list-style-type: none"> <li>1 day in the first instance.</li> <li>Total of 6 days (45 hours) in a 12 month period</li> </ul>	<ul style="list-style-type: none"> <li>Paid</li> </ul>
<b>Child Bereavement Leave</b>	<ul style="list-style-type: none"> <li>2 weeks (10 working days)</li> </ul>	<ul style="list-style-type: none"> <li>Paid</li> </ul>
<b>Carer's Leave/Support for Carers</b>	<ul style="list-style-type: none"> <li>1 week (5 working days)</li> </ul>	<ul style="list-style-type: none"> <li>Unpaid</li> </ul>
<b>Jury Service</b>	<ul style="list-style-type: none"> <li>As long as required by courts</li> </ul>	<ul style="list-style-type: none"> <li>Paid</li> </ul>
<b>Leave for other public duties</b>	<ul style="list-style-type: none"> <li>Reasonable amount of leave</li> </ul>	<ul style="list-style-type: none"> <li>Unpaid</li> </ul>
<b>Military Reservists</b>	<ul style="list-style-type: none"> <li>1 week</li> </ul>	<ul style="list-style-type: none"> <li>Paid, however, mobilisation is unpaid</li> </ul>
<b>Magisterial Duties/Justice of the Peace</b>	<ul style="list-style-type: none"> <li>13 days</li> </ul>	<ul style="list-style-type: none"> <li>Paid</li> </ul>

## 5 TRAINING/SUPPORT

There is no formal training in support of this policy. Support in the interpretation and application of the policy can be obtained in the first instance from your line manager or from People and Organisational Development (P&OD)

Please note: The training requirements of staff will be identified through a learning needs analysis (LNA). Role specific education will be co-ordinated/ delivered by the topic lead. Alternatively, training may be accessed via an approved e-learning platform where available.

## 6 MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT

What is being Monitored	Who will carry out the Monitoring	How often	How Reviewed/ Where Reported to
Non-compliance of policy by Divisions and Directorates	People & Organisational Development	On-going	Issues to be reported to respective Divisional and Directorate management teams.
Review of Policy	People & Organisational Development	On-going	Amendments to reflect guidance from NHS Employers, changes in best practice, or changes to legislation.
Compliance at Divisional/Directorate level	Divisional/ Directorate Senior Management	On-going	Managers review with Divisional and Directorate management teams as part of staff monitoring.
Compliance of Policy	Internal Audit	Annual Audit Practice	As per annual audit practice.
Compliance with Policy	Senior Management responsible for approval of annual leave	On-going	Review of staffing levels and workforce issues.

## 7 DEFINITIONS

Basic pay – salaried rate excluding any enhancements or overtime.

## 8 EQUALITY IMPACT ASSESSMENT

The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are disadvantaged over others. Our objectives and responsibilities relating to equality and diversity are outlined within our equality schemes. When considering the needs and assessing the impact of a procedural document any discriminatory factors must be identified.

An Equality Impact Assessment (EIA) has been conducted on this procedural document in line with the principles of the Equality Analysis Policy (CORP/EMP 27) and the Fair Treatment for All Policy (CORP/EMP 4).

The purpose of the EIA is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified. (See **Appendix 4**).

We are committed to equal opportunities for all. This policy does not discriminate on the grounds of race, gender, disability, sexual orientation, religious belief, age, work pattern or Trade Union membership. The philosophy of the organisation is one that supports the development of all staff, enabling individuals to fulfil their full potential, expanding their knowledge and skill base whilst enabling the Trust to develop services. This policy has been assessed for equality and diversity as described in CORP/EMP 27 and the equality impact assessment is provided at **Appendix 4**.

## 9 ASSOCIATED TRUST PROCEDURAL DOCUMENTS

- [Equality Analysis Policy \(CORP/EMP 27\)](#)
- [Fair Treatment for All Policy \(CORP/EMP 4\)](#)
- [DBHFT Leave Policy \(including Annual, Study, Professional and Duty for all staff, including medical\) CORP/EMP 49\)](#)
- [Parenting Leave Policy \(CORP/EMP 15\)](#)
- [Grievance and Dispute Procedure \(CORP/EMP 3\)](#)
- [Disciplinary Procedure \(CORP/EMP 2\)](#)
- [Fraud, Bribery and Corruption Policy and Response Plan – \(CORP/FIN1 \(D\)\)](#)

## 10 DATA PROTECTION

Any personal data processing associated with this policy will be carried out under 'Current data protection legislation' as in the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR) 2021.

For further information on data processing carried out by the trust, please refer to our Privacy Notices and other information which you can find on the trust website:

<https://www.dbth.nhs.uk/about-us/our-publications/information-governance/>

## 11 REFERENCES

NHS Employers - <http://www.nhsemployers.org/home>



## APPENDIX 1 – ROLES AND RESPONSIBILITIES

<b>Chief Executive</b>	Formal overall responsibility for ensuring that all leave processes and procedures within the Trust are consistent.
<b>Chief People Officer</b>	Responsible for ensuring that there are robust leave processes and procedures in place.
<b>Division &amp; Corporate Directorate</b>	Each area should establish clear, fair and equitable ways of applying this policy which are communicated regularly to all staff. This is to make sure that their core business and safe patient care is maintained.
<b>All Managers</b>	<p>A manager's first responsibility is to ensure the continuity of services for our patients. This needs balancing with the responsibility to ensure all staff have access to appropriate support in terms of time off to address situations and maintain a work/life balance.</p> <p>Secondly managers are responsible for ensuring they apply this policy consistently and fairly across their area, escalating any issue with covering the service or any unresolved disputes regarding application of this policy as soon as possible to their line manager with ultimate discretion lying with the Division or Corporate Management Teams.</p> <p>To do this, line managers should deal promptly with requests for leave, view any applications with an open mind and follow a fair and justifiable decision making process, and maintain appropriate records of applications in line with best practice for information governance.</p>
<b>All Staff</b>	We all share a responsibility to make sure that we organise our time and plan our time away from work. Part of this means reading and understanding this, and related policies, following the guidance and co-operating with the requirements of the leave procedures, and working with your line manager to avoid disruption to our services.

## APPENDIX 2 – APPLICATION FORM FOR SPECIAL LEAVE

Please refer to the Trust's Special Leave Policy for details of eligibility, entitlement, application process and requirements for supporting documentation.

Employee Name \_\_\_\_\_ Job Title \_\_\_\_\_

Type of Leave requested:

Reason for request:

Dates of leave:

(Dependent upon circumstances, this may be in retrospect or in advance and the dates may be actual or estimated – please make this clear).

I certify that the information that I have provided is correct. I understand that providing false information may be deemed to be fraudulent and may result in disciplinary action being taken against me by the Trust in accordance with the Trust's Disciplinary Procedure.

I understand that for any requested unpaid leave, I will receive no pay for the number of requested days.

Signature \_\_\_\_\_ Date \_\_\_\_\_

### **Manager's Comments:**

No. of days taken in last 12 months under this category of special leave:

Manager's Name \_\_\_\_\_ Job Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

c.c. Employee  
Personnel File

### **Manager Checklist**

Form stored on personal file

Details entered onto/emailed to E-roster

## APPENDIX 3 – TYPES OF SPECIAL LEAVE

### 4.2.1 Time Off for Medical or Dental Appointments

There is no automatic right for paid time off to attend medical or dental appointments and whenever possible appointments should be arranged in your own time. If you cannot arrange an appointment outside of normal working hours, or, in an emergency situation, your manager may use their discretion and authorise time off, which may be time in lieu, for the time to be made up later or using annual leave

The authorisation of the time off should be agreed in advance. You should make your manager aware of all appointments as soon as you have confirmation of these. You will need to show your manager any letters, or appointment cards, confirming the procedure.

Failure to follow this procedure and/or provide relevant evidence of procedures or appointments may result in the time off being unpaid, treated as unauthorised absence and as a conduct issue and will be managed in accordance with the Trust's Disciplinary Procedure.

### 4.2.2 Bereavement

Leave can be granted on compassionate grounds in the event of a death involving either your immediate or close relatives. This leave entitlement is available to all employees regardless of length of employment.

In the event of a death involving an immediate relative, (normally defined as a spouse, civil partner, child, parent, stepparent or sibling of the employee) up to six days paid special leave may be granted to give time off to make funeral arrangements. Leave entitlement for parents following the death of their child is covered separately in section 4.2.4.

If a death involves a close relative (normally defined as a grandparent, niece, nephew, aunt/uncle, or immediate relative of a partner) up to two days unpaid special leave may be granted.

Further time off may be granted at the discretion of your manager, which may be taken as annual or unpaid leave.

If you request leave to attend a funeral of an immediate relative (as defined above), paid leave should normally be granted for the day of the funeral. This is in addition to the provision made for bereavement.

Managers should consider individual circumstances and the needs of the service when granting special leave to attend a funeral, taking into account that some employees may have to travel long distances including going to another country. In these circumstances further unpaid special leave may be granted at the discretion of the manager, or you may choose between taking annual leave or unpaid leave or a combination of each.

The definitions above are not an exhaustive list and managers should be mindful of individual circumstances including the staff members faith and family situation/relationships to ensure the policy is applied appropriately. Managers should seek advice from their People Business Partnering Team if they are unsure.

Paid time off to attend a funeral for a work colleague as a representative of the Trust may be given when possible and subject to service delivery and standards being maintained.

#### **4.2.3 Emergency Leave**

The Trust recognises that there may be other occasions when you may need emergency leave to deal with unexpected unforeseen situations and make necessary longer term arrangements.

You may be able to take 1 day paid leave at short notice in the first instance to deal with an emergency situation. In exceptional circumstances, managers have the discretion to allow a further day paid leave. If more leave is required this may be granted at the discretion of the manager as annual leave or unpaid leave. There is no right to paid emergency leave.

Emergency leave is intended for urgent situations that could not be foreseen. It may be agreed when care for dependants breaks down e.g. child care or, there are other urgent domestic crises. A dependent is described as a partner, or “a near relative” or someone who lives at the same address as the employee. A relative for this purpose includes: parents, children, siblings or is someone who relies on the employee in a particular emergency.

Examples of when Emergency Leave may be granted:

- If a dependent falls ill or has been involved in an accident or assaulted.
- To make longer term arrangements for a dependent who is ill or injured.
- To deal with the unexpected breakdown in care arrangements for a dependent.
- To deal with an incident involving the employee’s child during school hours.
- Urgent and distressing domestic situations such as fire, flood or burglary.

Emergency leave is intended to cover unforeseen matters. If an employee knows in advance that they require time off, i.e. for a planned operation of a child, this should be taken as annual leave. One day should normally be sufficient to make arrangements for the emergency situation, although more time may be required depending on the circumstances. Towards the end of the day you should contact your line manager to discuss the circumstances and the plan for the

following day. At this point a decision on taking annual leave or unpaid leave could be made or your manager can defer the decision until your return to work.

There is normally a limit of six days (45 hours) paid leave in any rolling 12 month period (pro rata for part time employees). If you need a longer period of absence, talk to your line manager who may be able to offer alternative support (for example additional unpaid leave; time off in lieu; or a career break). The manager will record the amount of Emergency Leave, and whether it is paid or unpaid on the appropriate information system.

#### **4.2.4 Child Bereavement Leave**

Child Bereavement leave is available to support staff that are parents and experience the death of a child. There is no requirement that the child be under the age of 18.

It is recognised that there are many different family configurations. For the purposes of child bereavement leave, a bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This may include adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship as discussed and agreed with the manager.

A bereaved parent is not required to demonstrate any eligibility criteria in order to access bereavement leave or pay. In the event that both parents of the child work for the Trust, the entitlements will apply to both members of staff.

Bereaved parents will be entitled to two weeks' occupational child bereavement leave which will include any entitlement to statutory parental bereavement pay. Pay is calculated on the basis of what the individual would have received had he/she been at work.

A request to take child bereavement leave can be made at any point up to 56 weeks following the death of the child. Should the parent wish to take child bereavement leave immediately following the death of a child they shall be able to do so upon informing their manager that they will be absent from work for this purpose. Should the parent wish to take child bereavement leave at another time, they should give their manager reasonable notice of their intention to take the leave at this time. The leave does not have to be taken in a continuous block and the employee should discuss with their manager the leave they wish to take. This should be taken as either a two week block or two separate one week blocks rather than individual days.

Parents who experience a still birth from the 24<sup>th</sup> week of pregnancy will be eligible for child bereavement leave in addition to the provisions set out in section 5 of the Parenting Leave Policy. Child bereavement leave will also apply to staff who were hoping to become parents under surrogacy arrangements if the baby is stillborn after 24 weeks of pregnancy.

Bereaved parents will not be required to produce the child's Death Certificate or any other official documents in order to access leave or pay. However, a written declaration may be required to meet statutory pay requirements.

#### **4.2.5 Parenting Leave**

Any requests relating to parenting leave are covered under the Trust's [Parenting Leave Policy \(CORP/EMP 15\)](#). This includes guidance surrounding antenatal appointments.

#### **4.2.6 Carer's Leave and Support for Carers**

If you are the carer of a dependent who has a long-term care need, for example, a physical or mental health condition, disability or issues related to old age you can request unpaid carer's leave of up to one working week (5 working days) per year, pro rata for part time employees. A dependent is described as a spouse, civil partner, child, parent, someone who lies in the same household (excluding employee, tenant, lodger, boarder) or someone who reasonably relies on the employee for care. This leave can be taken flexibly, either as individual or half days, up to a block of one week. This leave entitlement is available to all eligible colleagues regardless of length of employment. You should give as much notice as possible of your intention to take carer's leave but as a minimum you must give notice that is twice the length of time being requested as leave, plus one day.

A request for carer's leave cannot be refused, however, managers do have the discretion to postpone a request where the operation of the business will be unduly disrupted.

Situations may occur where your normal caring arrangements fall through or you need to undertake further caring duties that impact on your usual working hours. This might include covering school drop off/pick up, checking on an ill relative, attending hospital appointments that cannot be arranged outside of working hours.

In these cases, you can request short term flexibility to deal with the situation. Agreement is subject to the manager's discretion and dependent on service requirements. If the agreed flexibility is for less than 1 month and the hours worked are staying the same, the arrangement will be classed as informal.

For longer periods of time and where hours will change, please refer to the Flexible Working Policy and Procedure to apply for a change of hours.

Carers may need to check on the person they care for on a regular basis. In these circumstances carers may seek permission from their line manager to make a private call. Frequency and duration of calls will be at the discretion of the manager but it is recommended that calls are limited to twice a day at agreed times.

#### **4.2.7 Jury Service**

Jury Service is a public duty and jurors are usually called for a period of two weeks or ten working days. If a trial exceeds ten working days, the juror is expected to remain until the trial finishes. Employees who receive a summons to serve on a jury must notify their line manager as soon as possible, providing documentary evidence.

You will be granted time off with pay for jury service and, therefore, you should not claim loss of earnings allowance from the court. In exceptional circumstances, where granting time off would be detrimental to the service and patient care, you may be asked to request a postponement of jury service. However, it will be the Court's decision as to whether the request is agreed. If a postponement is granted and you are called for jury service again, it is not usually possible to obtain a second postponement, again the final decision will rest with the Court.

If your jury service goes ahead you will receive pay from the Trust for the duration of the jury service. Your manager will record the length of time taken for jury service on your file.

#### **4.2.8 Leave for Other Public Duties**

Reasonable unpaid leave will be granted for essential civic and public duties, (e.g., for membership of statutory tribunals). What may be classed as reasonable time off will depend on what duties are carried out, the time that is needed to carry out the duties, the impact on the business and how much time the employee has already taken for public duties. If you wish to apply for special leave under this heading, you must inform your manager as soon as you know the dates needed, by showing the official letter of notice.

#### **4.2.9 Military Reservists and Cadet Force Member**

The Trust employs staff who are members of the Reserve or Cadet Forces and recognise the valuable contribution that reservists and Cadet Force Adult Volunteers make to the Armed Forces and their civilian workplace. The Reserve Forces consist of the Royal Naval Reserve, the Royal Marines Reserve, Army Reserve and the Reserve Air Forces. The Cadet Forces consist of adult volunteer instructors who provide training to Cadets within Sea Cadets, the Army Cadet Force, the Air Cadets and Combined Cadet Force.

The Trust recognises the importance of the training undertaken by reserve and cadet forces that enable them to develop skills which are of benefit to the individual, the Trust and their respective Reserve Force. Training commitments vary for reservists but are usually between 9 and 27 days per year and include:

- Weekly training – around two and a half hours for one evening a week at a local reserve centre.

- Weekend training – expected to attend a couple of training weekends throughout the year.
- Annual training – two-week continuous training camp (annual camp) which takes place each year, either in the UK or abroad.

Reservists are required to inform the Trust that they are a member of the Reserve Forces upon appointment, allowing the Trust to provide the relevant support. The Ministry of Defence (MoD) provides an employer notification each year in the form of a written confirmation that the employee is a reservist. This letter also provides the details of mobilisation obligations, rights as an employee and an employer and details of any annual training commitments. It is the reservist's responsibility to ensure that the employer details are correct. A copy of this letter should be stored on their personal file and you should inform [dbth.esrpayrollapprovals@nhs.net](mailto:dbth.esrpayrollapprovals@nhs.net) who can update ESR to record their reservist status. Upon receipt of this letter, managers should meet with the colleague to confirm the required training dates. Any confirmed training dates should be recorded on E-roster.

Members of the reserve or cadet forces are entitled to one week's additional paid leave per year in order to attend annual camp, pro rata for part time staff. You should advise your line manager of your intention to volunteer for service and provide documentary evidence of membership and confirmed dates of annual camp, giving as much notice as possible but, as a minimum, the notice outlined under the annual leave policy. Additional unpaid leave or annual leave may be used for other short periods of training, providing adequate notice is given and where training cannot be undertaken in off-duty time.

Mobilisation is the process of calling reservists into full-time service and normally lasts for between 3 and 12 months. This can be with the Regular Forces on military operations or to fulfil their part of the UK's defence strategy or humanitarian operations. In the past, this has usually been done on a voluntary basis with the prior agreement of employers but can involve compulsory mobilisation of selected personnel. Compulsory mobilisation cannot be refused but the Trust may make an application for an exemption, deferral or revocation if your absence is likely to have a serious impact on delivering our service. Details of how to apply for an exemption will be included in the call-out pack. Reservists will normally be given 28 days' notice of mobilisation, although there is no statutory requirement for a warning period prior to mobilisation. Application must be made within 7 days of the employee's receipt of the mobilisation notice and employees must provide a copy of their mobilisation letter. If you want to volunteer for mobilisation, you must seek prior agreement from the Trust. We are not obliged to give consent for voluntary mobilisation.

Mobilisation is unpaid and annual leave will not accrue during this period. Reservists will have a period of 'post tour' leave which is accrued at the rate of 2.5 days per month of service from the MoD. This leave will be taken by the employee before they are demobilised. The MoD will assume responsibility for the reservist's salary for the duration of their mobilisation. Where



applicable the MOD will pay the employer's contributions to the reservist's NHS pension subject to the employee continuing to pay their own individual pension contributions.

The Trust may seek compensation from the MoD where an employee's mobilisation results in additional costs, for example:

- Any costs of hiring a temporary replacement that exceeds the reservist's earnings
- Advertising for replacement or agency costs
- Overtime costs if another employee is used to cover the work of the reservist
- Costs of temporary replacement
- Training costs for any training the employee needs as a result of having been mobilised when they return to work

The maximum claim available is £110 per day which can be made for every normal working day that the reservist is away on service.

In order to claim financial assistance, the employer must provide the MoD with the appropriate supporting documentary evidence along with the completed application form. The latest date for submitting claims for financial assistance, other than for training, is within four weeks of the date the reservist is demobilised. Each region has a dedicated Defence Relationship Management Director who can help support employers with financial claims when a reservist has been mobilised. If you are considering making a claim, please contact your People Business Partnering Team for further support and guidance.

After mobilisation you have the right to be reinstated to your former job within 6 months of mobilisation on terms and conditions that are no less favourable. Where this is not possible you will be offered an alternative position with same terms and conditions. To preserve the right to reinstatement, you must write to your manager no later than the third Monday after demobilisation confirming your intention to return within 13 weeks. In exceptional circumstances this may be extended up to a maximum of a further 13 weeks.

Mobilisation will not be a break in employment if you are reinstated within 6 months of demobilisation, and the service will be considered as continuous. For further details please refer to [www.sabre.mod.uk](http://www.sabre.mod.uk) the [NHS Employers toolkit](#).

#### **4.2.10 Magisterial Duties / Justice of the Peace**

Magistrates (Justices of the Peace) are volunteers who sit in courts in their local areas, hear criminal cases and help to solve disputes. The Trust recognises that Magistrates (Justices of the Peace) are a critical part of the justice system and will aim to give as much support as possible to employees who carry out these duties.

If you undertake magisterial duties you may be granted special leave with pay for 13 days (pro rata for part time staff) in any period of 12 months to meet the minimum sitting requirement, subject to the needs of the service.

Where further time off is required within a 12 month period, unpaid leave or annual leave may be used where adequate notice is provided, as outlined in the annual leave policy.

#### **4.2.11 Other Special Leave (Paid)**

You may apply to your manager for special leave with pay if you are required to undertake public duties, which might include:

- membership of a local authority
- membership of a Police Authority
- membership of a Board of Prison Visitors
- membership of the managing or governing body of an educational establishment maintained by local education authority of further or higher education corporation
- attendance at court as a witness – this applies where the employee has witnessed a crime and is summoned to court

You will be entitled to reasonable time off which is based on how long the duties might take, the amount of time you have already had off for public duties and how the time off will affect the business. The Trust can refuse a request for time off if they think it is unreasonable.

If you are required to attend court in connection with your employment with the Trust or to represent the Trust (e.g., coroners court or employment tribunal) this should be done in works time and you will, therefore, receive your basic salary.

Attendance at court for a personal matter (e.g., divorce hearings) should be conducted in your own time.

#### **4.2.12 Other Special Leave (Unpaid)**

Special leave without pay for other reasons may be granted in exceptional circumstances and, normally, only when the employee's annual leave has been exhausted. Line managers should discuss the amount of leave granted with a member of their senior management team and/or their People Business Partner.

### APPENDIX 4 - EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING

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Service/Function/Policy/Project/ Strategy	Division	Assessor (s)	New or Existing Service or Policy?	Date of Assessment
CORP/EMP 47 Special Leave Policy	People and Organisational Development	Rebecca Reed	Updated Policy	October 2022
<b>1) Who is responsible for this policy?</b> Name of Division/Directorate: People and Organisational Development				
<b>2) Describe the purpose of the service / function / policy / project/ strategy?</b> Process/guidance on implementation of special leave requirements.				
<b>3) Are there any associated objectives?</b> Provide consistent approach to implementation and application of annual leave processes across the Trust				
<b>4) What factors contribute or detract from achieving intended outcomes?</b> – Staff may be unaware of their roles & responsibilities				
<b>5) Does the policy have an impact in terms of age, race, disability, gender, gender reassignment, sexual orientation, marriage/civil partnership, maternity/pregnancy and religion/belief?</b> Details: [see Equality Impact Assessment Guidance] - No				
<ul style="list-style-type: none"> <li>• If yes, please describe current or planned activities to address the impact [e.g. Monitoring, consultation] – N/A</li> </ul>				
<b>6) Is there any scope for new measures which would promote equality?</b> [No				
<b>7) Are any of the following groups adversely affected by the policy?</b>				
<b>Protected Characteristics</b>	<b>Affected?</b>	<b>Impact</b>		
a) Age	No			
b) Disability	No			
c) Gender	No			
d) Gender Reassignment	No			
e) Marriage/Civil Partnership	No			
f) Maternity/Pregnancy	No			
g) Race	No			
h) Religion/Belief	No			
i) Sexual Orientation	No			
<b>8) Provide the Equality Rating of the service / function /policy / project / strategy – tick (✓) outcome box</b>				
<b>Outcome 1 ✓</b>	<b>Outcome 2</b>	<b>Outcome 3</b>	<b>Outcome 4</b>	
<i>*If you have rated the policy as having an outcome of 2, 3 or 4, it is necessary to carry out a detailed assessment and complete a Detailed Equality Analysis form – see CORP/EMP 27.</i>				
<b>Date for next review:</b>		<b>October 2025</b>		
<b>Checked by: Ashish Kaushik</b>		<b>Date: October 2022</b>		