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# **Special Leave Procedure (Including the Trust's Career Break Scheme)**

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**Status: Approved**

**Document type: Procedure**

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## 1 Introduction

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The Trust recognises that on occasion employees need access to leave arrangements which support them in balancing their work responsibilities with personal commitments. This procedure will provide details on what staff are entitled to, give an explanation on the different types of special leave available to staff, and will support staff in the application of requesting a period of special leave.

This procedure is critical to the delivery of [Our Journey To Change \(OJTC\)](#) and our ambition to co-create safe and personalised care that improves the lives of people with mental health needs, a learning disability or autism. It helps us deliver our strategic goals, in particular and in relation to our second goal, which is to Co-Create a great experience for our colleagues.

We will do this by:

- Valuing the hard work, skills, compassion and experience of our staff and recognising, that on occasion employees need access to leave arrangements which support them in balancing their work responsibilities with personal commitments.
- Creating a respectful and compassionate culture when supporting staff who are experiencing personal circumstances that require supported time away from the workplace.

## 2 Purpose

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Following this procedure will help the Trust to:

- Provide a flexible response to the needs of staff at times of emergency or urgent attention.
- Provide a range of options relating to special leave to enable staff to manage and balance their work commitments with their personal commitments
- Provides information on employees' statutory entitlements.
- Ensure fairness and consistency

## 3 Who This Procedure Applies to

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This procedure applies to all staff employed by the Trust (excluding staff employed as a Temporary Casual Worker).

## 4 Related documents

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This procedure refers to:

- ✓ [Flexible Working Procedure](#)
- ✓ [Leave and Pay for New Parents Procedure](#)

- ✓ [Staff Health, Wellbeing and Attendance Procedure](#)
- ✓ [Annual leave guidance](#)
- ✓ [Leavers Procedure](#)
- ✓ [Our Journey To Change and Trust Values](#)

## 5 Applying for Special Leave

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Authorisation for Special Leave must be obtained from your line manager. To make a request for special leave, staff must:

**Guidance – Flowchart can be found at [Appendix 3](#)**

- |   |
|---|
| <ul style="list-style-type: none"><li>• Complete <a href="#">Appendix 4</a> and submit to your manager for all types of special leave (both paid and unpaid).</li></ul>   |
| <ul style="list-style-type: none"><li>• If applying for parental leave, submit your application at least 21 days before the date you want the leave to start. Applications submitted with less than 21 days' notice will be subject to manager's discretion. It may be reasonable for you to provide your manager with evidence that you have responsibility for the child.</li></ul> |
| <ul style="list-style-type: none"><li>• In emergency situations, it is not always possible to give advance notice of special leave required. In these circumstances, telephone your manager for approval of special leave, and follow this up by completing <a href="#">Appendix 4</a> as soon as is practical. This will be held on your personal file.</li></ul>                    |

## 6 Types of Special Leave

There are a number of different types of special leave available for staff within the Trust, some of which are paid and some are unpaid. The table below provides a summary of this:

Unpaid Special Leave	Paid Special Leave
Parental Leave - This is unpaid leave taken to look after a child or to make arrangements for a child's welfare. – Parental leave applies to each child not to an individuals job.	Carer / Bereavement (including miscarriage prior to 24 weeks) / Child Bereavement Leave/ Domestic (including support for emergency leave for Domestic abuse situations)/ Time off for medical appointments
Up to an additional 5 days unpaid carers leave	Time off for Fertility Treatment
Time off for Surrogacy appointments (intended parents)	Gender Reassignment
Essential Civic and Public Duties	Absence from duty following contact with a case of notifiable disease (reference Infection Control Policy)
Voluntary Services – School Governor: Special Constables	Interview within the same Trust or other NHS Organisation
Career break	Attendance at court as a witness
	Voluntary Services – Reserved Forces: Magistrates
	Jury Service
	Attendance as a witness at appeal hearings
	Membership of the committee of a professional regulatory body
	Governor of an NHS Foundation Trust



There may be situations, at the discretion of the authorising manager where paid special leave is granted where it would usually be unpaid, e.g. Organisational Change or for some essential civic and public duties.

## 6.1 Paid - Carer / Bereavement Leave/ Child Bereavement Leave / Domestic Emergency Leave/ Reasonable time off for Medical appointments

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This type of leave is available to all employees and should cover a range of needs, from genuine domestic emergencies through to bereavement.



Managers should seek advice from the People and Culture HR Operational Team, where there are extenuating circumstances and they are unsure on how much special leave to grant. Ensuring they adopt a consistent approach.

### 6.1.1 Carer Leave would usually cover

- The breakdown of usual carer arrangements, including the illness / absence of the usual carer.
- Making longer-term plans for coping with a care problem, not to provide care themselves.

### 6.1.2 What can I take?

There is no service qualification for this type of leave and it is usually short term and normally with pay.

- Line Managers may grant 1 initial day to address the immediate breakdown of usual carer arrangements and to allow longer term plans for coping with the care problem to be made.
- In exceptional cases a Line Manager may grant up to maximum of 3 days – paid carers leave (pro rata for part time staff)
- An individual may request an additional 5 days **unpaid carers leave**
- Managers should exercise discretion and common sense in the assessment of each request, the emphasis being on the emergency aspect and the time required to make alternative arrangements.

### 6.1.3 Bereavement Leave will cover

- Cases of bereavement involving the death of a close family member, which may include the need to make funeral arrangements. Bereavement leave will also cover miscarriage prior to 24 weeks (including surrogates). Parents who experience still birth beyond 24 weeks are eligible for Child Bereavement Leave – see S 6.1.5

### 6.1.4 What can I take?

There is no service qualification for this type of leave and it is usually short term and normally with pay.

- In cases of bereavement a Line Manager may grant up to 10 working days (pro rata for part time staff).
- Discretion should be exercise, taking the following into consideration
  - The closeness of the deceased to the individual
  - The amount of distress suffered by the individual.
  - Activities the individual will necessarily have to undertake, for example are they responsible for making funeral arrangements
  - Any geographical/travel requirements
  - Any religious or cultural customs

### 6.1.5 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 includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that is deemed to be reasonable.
- There is no requirement for the child to be under 18 years of age.
- Parents who experience a still birth (including surrogates) from the 24th week of pregnancy will be eligible for these provisions and will subsequently still be eligible for the provisions set out in the Agenda for Change Handbook at Section 15.
- Bereavement leave and pay may be extended to members of staff, by local arrangement, for example where they were hoping to become parents under surrogacy arrangements.

### 6.1.6 What can I take?

There is no service qualification for this type of leave

- A Line Manager may grant up to 10 working days bereavement leave (pro rata for part time staff) in line with 6.14 above.
- In addition all bereaved parents are entitled to two weeks' occupational child bereavement pay 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. This would normally be based on the previous three months at work or any other reference period that may be locally agreed.
- A bereaved parent will not be required to demonstrate any eligibility criteria in order to access bereavement leave or pay.
- Where both parents of a deceased child work for the organisation, the entitlements in this Section will apply to both members of staff.
- Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their Line Manager the leave they wish to take. Taking child bereavement leave is an individual choice, it is not compulsory for an employee to take.
- Bereaved parents may request to take child bereavement leave 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 Line Manager that they will be absent from work for this purpose.
- Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give their Line Manager reasonable notice of their intention to take the leave at this time.
- Bereaved parents will at no point be required to produce the child's Death Certificate, or any other official documents, in order to access child bereavement leave or pay. A Line Manager may ask for a written declaration from the employee, within a reasonable timeframe, in order to satisfy statutory requirements.

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## 6.2 Paid Special Leave for – Domestic Emergencies (Including support as a result of a Domestic Abuse situation)

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- Domestic disasters such as fire, flood or burglary.
- To support an emergency situation as a result of a Domestic abuse situation – for example arranging alternative living, making emergency contact with services, i.e. Police, Social Services, Safeguarding, Domestic Abuse support/charity organisations, attending A & E .

### 6.2.1 What Can I take?

There is no service qualification for this type of leave

- Line Managers may grant 1 initial day to address the immediate domestic emergency.
- In exceptional cases a Line Manager may grant up to maximum of 3 days – paid special Leave for Domestic Emergencies and emergency situations as a result of a Domestic abuse situation.
- Managers should exercise discretion and common sense in the assessment of each request, the emphasis being on the emergency aspect and the time required to make alternative arrangements.

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## 6.3 Reasonable Paid time off for medical appointments

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Where possible staff should book any medical appointments either outside of their working hours, however it is acknowledged that this is sometimes difficult and therefore Line Managers may grant reasonable time off for staff to attend a medical appointment, for example an emergency/non planned GP or Dental appointment, or where hospital consultant appointments fall within the working day and

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## 6.4 Paid Special Leave for - Fertility Treatment

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There is no service qualification for this type of leave

### 6.4.1 What Can I take?

- Staff undergoing fertility treatment are entitled to up to a maximum of 5 days paid leave in a rolling 12 month period. This can be taken in a block or on an individual basis. Any further leave would need to be covered by annual leave, unpaid leave and/or flexi-time. This entitlement would be pro rata for part time employees.
- Where possible, appointments should be made outside working hours. If the appointment falls on a day off, staff will not be entitled to compensation.
- It is recognised that staff may need to take time off work at short notice either prior, during or immediately following the treatment depending on the individuals circumstances. In such instances this would be utilising annual leave, time owing or flexi time.
- Should you become ill as a result of such treatment the Trust Sickness Absence Management procedure would apply.

## 6.5 Paid Special Leave for - Gender Reassignment appointments

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### 6.5.1 What Can I take?

- Staff undergoing gender reassignment (transitioning from one gender to another. See section 7 for definitions) are entitled to up to a maximum of 5 days paid leave in a rolling 12 month period. This can be taken in a block or on an individual basis. Any further leave would need to be covered by annual leave, unpaid leave and/or flexi-time. This entitlement would be pro rata for part time employees.
- Where possible, appointments should be made outside working hours. If the appointment falls on a day off, staff will not be entitled to compensation.
- It is recognised that staff may need to take time off work at short notice either prior, during or immediately following any treatment / appointment depending on the individuals circumstances. In such instances this would be utilising annual leave, time owing or flexi time.
- Should you become ill as a result of any such treatment or appointment the Trust Health, Wellbeing and Attendance procedure would apply.



Managers should be mindful that any information relating to a staff members transition or intention to transition is special category information and must not be shared with anyone else without the express, written consent of the individual.


When using [Appendix 4](#), any requests for special leave due to gender reassignment the criteria 'other' should be selected. Do not include any details

referencing gender reassignment on the form (in section A or B) to ensure confidentiality. The form should make clear that the special leave has been discussed and agreed with the manager.

## 6.6 Paid Time off for Voluntary Purposes

The following gives examples of how the needs of volunteers can be accommodated by the Trusts existing leave arrangements. All leave arrangements need to balance the needs of the individual and the needs of the service

- Reserve Forces are entitled to 10 days paid leave (pro rata for part time staff) in order to fulfil any annual training. Any further leave should be unpaid and negotiated with the line manager.
- School Governors usually take 6-8 hours per month to fulfil this duty. This is normally carried out in employees own time, however flexible working can be used to accommodate this.
- Magistrates are entitled to paid leave for up to 18 days per year. Any leave authorised for this purpose may be taken in days or half days as required
- Special Constables should discuss time needed with their line manager and subsequently may wish to use flexible working to accommodate this.
- Voluntary Services Overseas, leave may be taken for short, medium or long term contracts through the Trust's career break scheme.

 Staff who are called for duty by the Territorial Army / Reserve forces on active service will retain their incremental date.

## 6.7 Paid Time off for Interviews

Reasonable time off will be granted to attend interviews within TEWV and elsewhere within the NHS. Paid time off to attend interviews outside of the NHS would only be provided where an employee is formally 'at risk'.

## 6.8 Unpaid - Parental Leave

- This is unpaid leave taken to look after a child or to make arrangements for a child's welfare. – Parental leave applies to each child not to an individuals job.

### 6.8.1 Who can take it?

You may be eligible for Parental Leave if:

- You have a child under the age of 18 (including if the child is adopted or disabled)
- You have responsibility for the child's upbringing;

- You have 12 months' service with the Trust.

### 6.8.2 What can I take?

- You can take up to 18 weeks (pro rata for part time staff).
- A maximum of 4 weeks parental leave can be taken in any one year in respect of each child and should be taken in blocks or multiples of one week.
- In the cases of disabled children, leave can be taken in single days.

### 6.8.3 When can I take it?

Parental Leave should be taken as follows:

- Before your child's 18th birthday.
- If your child is adopted this can be taken up to the 18th anniversary of the child's placement.



You must submit your request for parental leave, in writing on the attached application form [Appendix 4](#) at least 21 days before the date you wish the leave to start

### 6.8.4 Service Needs

- Parental Leave can only be postponed in exceptional circumstances and only if the needs of the service make this necessary.
- Should this occur, you will be informed in writing for the reason for the postponement within 7 days from the date of your original request. You will be informed of the dates when the leave can be granted, this should be within 6 months of the original requested start date and the length of time should remain unchanged.
- Leave cannot be postponed where the employee is taking leave immediately after the birth or adoption of a child or if a postponement would mean that the employee no longer qualifies for the parental leave, e.g. after a child's 18th birthday.

## 6.9 Unpaid Special Leave for - Surrogacy antenatal appointments

Staff who intend to apply for a parental order have the right to unpaid time off work to accompany the birth mother to 2 antenatal appointments.



Information regarding this will be found in the Leave and Pay for New Parents Procedure [Leave and Pay for New Parents Information Pack](#)

## 6.10 Unpaid Special Leave for - Essential Civic and Public Duties

The Trust allows reasonable, unpaid time off for employees who are members of any of the bodies listed in section 5.7.1, undertake essential civic and public duties of the kinds listed below and:

- Attend meetings of the body or any of its committees / sub committees
- Perform duties approved by the body which need to be done in discharging its functions or those of any of its committees / sub committees.

### 6.10.1 Types of Civic and Public Duty

Civic and public duties that can apply to an employee are if they are:

- a magistrate (also known as a justice of the peace) please also see 5.8
- a local councilor
- a member of any statutory tribunal (e.g. an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland
- a member of the General Teaching Councils for England and Wales
- a member of the Environment Agency or the Scottish Environment Protection agency
- a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- a member of Scottish Water or a Water Customer Consultation Panel
- a trade union member (for trade union duties)

## 6.11 Unpaid Leave

- You can apply for a maximum of 6 weeks unpaid leave in any leave year.
- Any periods greater than 6 weeks are subject to consultation between your Line Manager and relevant People and Culture Operational HR contact.



Individuals may wish to extend or substitute this period of unpaid leave by using their annual leave entitlement to cover their needs or consider other flexible working options. See the Trusts [Flexible Working Procedure](#).

## 6.12 Career Break Scheme


The career break scheme aims to give staff the opportunity to leave their employment on a fairly long term basis **without pay** and return to work at a later date. Status, skills and career prospects are aimed to be maintained although cannot be guaranteed.

### 6.12.1 How do I apply?

The career break scheme is an option for staff who have 12 months continuous service with the Trust.

Guidance - flowchart can be found in [Appendix 5](#).


**To make a request for a Career Break, you must: Complete and Submit [Appendix 6](#) to your Manager**

 All breaks should be subject to an agreement between the Trust and the employee before the break commences and should balance the needs of the employee and the needs of the Trust.

Applications for career breaks can be split into two types as detailed below, however cases which appear to fall outside of these types will be considered based on individual merit by the manager: For example if an individual is on a period of long term sick, due to the illness of family member or someone they have caring commitments for, it may be beneficial to their health and wellbeing to take some time away from the workplace by utilising the Career Break scheme.

**Caring commitments** of staff who have the prime responsibility for the care of children, the elderly or another dependent such as disabled relatives.

**Non-carer reasons** such as a course of training, study leave or an opportunity to travel or work abroad on a specific project e.g. to fund travel or voluntary / charity work.

 Staff on career breaks would not normally be allowed to take up paid employment with another employer, except for example work overseas, charitable work or to undertake a research fellowship which could broaden experience. In such circumstances, written permission from the Trust is required.

Applications will **not** be considered where individuals are intending to emigrate, i.e. seeking residency in another country.

Staff wishing to undertake bank work to maintain professional registration during a career break must submit this as part of their application.

### 6.12.2 Terms and Conditions of Career Breaks

The following need to be considered and agreed in writing by all parties before starting a career break:

Terms and Conditions	Information
Length of Time	<ul style="list-style-type: none"> <li>A single break without pay should normally be available for a minimum period of 3 months to a maximum period of 5 years. The duration is at the discretion of the Care Group Director.</li> </ul>
Notice	<ul style="list-style-type: none"> <li>Employees should give a minimum of 3 months' notice before starting a career break. This can be varied in exceptional</li> </ul>

	<p>circumstances after discussion with the People and Culture Operational HR department.</p> <ul style="list-style-type: none"> <li>The notice period required before the return to work should be two months if the break is less than a year and six months if the break is more than 1 year.</li> </ul>
Job Role	<ul style="list-style-type: none"> <li>If the career break is for less than 1 year, as far as reasonably practicable an individual will return to the same post. If this is not possible the staff member will be offered a 1:1 interview where appropriate alternatives will be discussed. Employees can be accompanied by a staff side representative if they wish.</li> <li>If the career break is for longer than 1 year, the individual will be registered within the Trust's redeployment process 3 months prior to the end of their career break. The Trust will make every effort to find an alternative role, at the individuals equivalent salary (reflecting any cost of living increase awarded during the period of the career break)</li> <li>Staff will retain the terms and conditional applicable to the Trust</li> <li>In the event where an alternative role cannot be found, this may result in progression to a management meeting on the ground of Some other substantial reason (SOSR) This meeting will be held in line with the Trust's Leavers procedure</li> </ul>
Maintaining contact	<ul style="list-style-type: none"> <li>This may vary dependent on circumstances and should be agreed before starting the career break. The employee and manager may agree up to ten "Keep in Touch" days which will be paid at the grade for the post.</li> <li>Employees must confirm in writing annually a commitment to remain on the career break scheme if the break is over 1 year.</li> </ul>
Changes to the career break	<ul style="list-style-type: none"> <li>Any requests to change the terms of the career break must be made in writing and will be considered by the manager. If the employee wishes to return earlier than agreed, every effort will be made to find a suitable post with the Trust. It is, however, very unlikely that employees can return to their original post before the original return date as alternative cover arrangements will have been put in place.</li> </ul>
Professional Registration & Development	<ul style="list-style-type: none"> <li>It is the individual's responsibility to maintain their relevant professional registration during any periods of career break. This includes attendance at specified training courses and conferences as appropriate.</li> </ul>
Contractual Issues	<ul style="list-style-type: none"> <li>A career break is not treated as a resignation. It is viewed as a variation to contract and authorised unpaid leave.</li> <li>The period of the break will count towards continuous service for statutory purposes.</li> <li>There is no entitlement to sick pay and other related benefits accrued.</li> <li>Other provisions (depending on length of service) should be suspended for the period of the break e.g. contractual redundancy payments, leave entitlements etc.</li> </ul>

	<ul style="list-style-type: none"> <li>Any other contractual benefits such as lease cars need to be discussed and agreed with the line manager before starting the career break. Advice can be obtained from the HR department as required.</li> <li>Staff who take leave for the Territorial Army / Reserve forces on active service will retain their incremental date.</li> </ul>
Pension	<ul style="list-style-type: none"> <li>Employees should seek advice from the pensions department to ensure they understand the implications on superannuation.</li> <li>Staff who have 2 or more years pensionable service will have that service automatically preserved for pensions purposes. They will not incur a disqualifying break in service.</li> <li>Staff with less than 2 years pensionable service may have a refund of contributions if they wish.</li> <li>Staff with more than 12 months but less than 2 years pensionable service may choose not to obtain a refund of contributions if they chose to opt out of the scheme. In such cases, on return to work, earlier service will be linked to service.</li> <li>During this period of authorised leave, members can remain pensionable for a period of up to 6 months.</li> <li>Where the authorised leave is to be pensionable, arrangements must be put in place to ensure that the employee and the employer pension contributions are paid continuously through the 6 month period.</li> <li>Regulations may allow a member who has already paid contributions continuously for the first 6 months to continue to make contributions for the next 18 months. Should they wish to do this, they are liable for both the employee and employer contributions.</li> <li>It is the employer's responsibility to ensure that all relevant contributions are collected continuously throughout the leave and paid promptly to the NHS pension agency should the employee chose to take either of the above options. It is the employee's responsibility to request this in writing and to arrange with the employer how these monies will be collected before starting any career break. Arrears cannot be allowed to accumulate.</li> </ul>
Other	<ul style="list-style-type: none"> <li>Anyone who wishes to apply for a promotion whilst on career break may do so, however the post would be offered subject to the candidate taking up the post at the time of the offer. The career break would therefore be terminated early.</li> </ul>

## 7 Definition

Term	Definition
Parental Leave	This is unpaid leave taken to look after a child or to make arrangements for a child's welfare.



Essential Civic or public duties	This covers a range of duties that an employee may undertake. This is usually unpaid. See section 5.9.1
Dependent	Someone who is an employee's parent, spouse, partner or child, who lives as part of the employees family or is someone who relies on the employee in a particular emergency
Parent	The mother, father, adopter, guardian, special guardian, foster parent or private foster carer of the child or a person who has been granted a residence order in respect of a child; married to or the partner or civil partner.
Relative	A person who is related by blood, marriage (including Civil Partnerships) or is a legal guardian, as are adoptive relationships and relationships which would have existing but for an adoption, i.e. an employee's natural relatives.
Carer	An employee who is or expects to be caring for an adult who: <ul style="list-style-type: none"> <li>• Is married to, or the partner or civil partner of the employee; or</li> <li>• Is a relative of the employee; or</li> <li>• Falls into neither category but lives at the same address as the employee</li> </ul>
Gender Reassignment or transitioning	Transitioning or gender reassignment is the process by which someone strives to align their internal knowledge of their gender with their outward appearance. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognised as another gender. Others undergo physical transitions in which they modify their bodies through medical interventions. It may also include attending counselling sessions. The process of transitioning is different for each person and can take months or years to complete. For some, the process of transitioning involves medical intervention and for others it does not.

## 8 How this procedure will be implemented

- This procedure will be published, on the Trust Intranet and Trust Website.
- Communication on the amended procedure will be done via Trust Briefing, Updates on HR Operational Service Reports.

### 8.1 Training needs analysis

Staff/Professional Group	Type of Training	Duration	Frequency of Training
All	Awareness of new procedure	NA	NA

## 8.2 How the implementation of this procedure will be monitored

number	Auditable Standard/Key Performance Indicators	Frequency/Method/Person Responsible	Where results and any Associate Action Plan will be reported to, implemented and monitored; (this will usually be via the relevant Governance Group).
1	Staff Satisfaction Responses	P&C to monitor and identify any themes trends	Any changes required will be done as part of a procedure review
2	Yearly Focus Groups	P&C Obtain staff feedback	Any changes required will be done as part of a procedure review
3	Monitor Legislation changes	P&C	Any changes required will be done as part of a procedure review

## 9 References

NHS Employers website: [www.nhsemployers.org](http://www.nhsemployers.org)

NHS pensions: [www.nhsbsa.nhs.uk/pensions](http://www.nhsbsa.nhs.uk/pensions)

HM Custom and Revenue website: [www.hmrc.gov.uk/](http://www.hmrc.gov.uk/)

## 10 Document control (external)

To be recorded on the policy register by Policy Coordinator

Date of approval	16 March 2023
Next review date	16 March 2026
This document replaces	Special Leave Procedure HR-0028-v6
This document was approved by	People and Culture Policy Working Group
This document was approved	20 January 2023
This document was approved by	Joint Consultative Committee
This document was approved	16 March 2023
An equality analysis was completed on this policy on	01 February 2023
Document type	Public
FOI Clause (Private documents only)	n/a

### Change record

Version	Date	Amendment details	Status
v7	16 Mar 2023	<p>New Procedure format – some sections moved around to flow easier Paid and then unpaid</p> <p>Section headings include if paid or unpaid</p> <p>Addition of the right to request an additional 5 days unpaid carers leave. Inclusion of miscarriage before 24 weeks</p> <p>Inclusion of Child Bereavement Leave including 10 days bereavement and 10 days Child bereavement leave – Occupational Child Bereavement pay – 10 days</p> <p>Gender Reassignment – time off – agreed to change from unpaid to 5 days paid . Definition of Gender Reassignment added plus blue box S6.5.1 action re maintaining confidential records</p> <p>Addition of 5.3 Reasonable time off for medical appointments</p>	Approved

		<p>Addition of potential management meeting under SOSR in the event alternative role not found after career break.</p> <p>Inclusion of surrogates – following comments from full consultation</p>	
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## Appendix 1 - Equality Analysis Screening Form

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**Please note: The Equality Analysis Policy and Equality Analysis Guidance can be found on the policy pages of the intranet**

Section 1	Scope
Name of service area/directorate/department	People and Culture
Title	Special Leave Procedure
Type	Procedure
Geographical area covered	Trust Wide
Aims and objectives	<p>Following this procedure will help the Trust to:-</p> <ul style="list-style-type: none"> <li>Provide a flexible response to the needs of staff at times of emergency or urgent attention.</li> <li>Provide a range of options relating to special leave to enable staff to manage and balance their work commitments with their personal commitments</li> <li>Provides information on employees' statutory entitlements.</li> <li>Ensure fairness and consistency</li> </ul>
Start date of Equality Analysis Screening	31 July 2022
End date of Equality Analysis Screening	01 February 2023
Section 2	Impact

Who does the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan benefit?	All permanent employees including those covered by fixed term and part time workers regulations
Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan impact negatively on any of the protected characteristic groups?	<ul style="list-style-type: none"> <li>• <b>Race</b> (including Gypsy and Traveller) <b>NO</b></li> <li>• <b>Disability</b> (includes physical, learning, mental health, sensory and medical disabilities) <b>NO</b></li> <li>• <b>Sex</b> (Men, women and gender neutral etc.) <b>NO</b></li> <li>• <b>Gender reassignment</b> (Transgender and gender identity) <b>NO</b></li> <li>• <b>Sexual Orientation</b> (Lesbian, Gay, Bisexual and Heterosexual etc.) <b>NO</b></li> <li>• <b>Age</b> (includes, young people, older people – people of all ages) <b>NO</b></li> <li>• <b>Religion or Belief</b> (includes faith groups, atheism and philosophical beliefs) <b>NO</b></li> <li>• <b>Pregnancy and Maternity</b> (includes pregnancy, women who are breastfeeding and women on maternity leave) <b>NO</b></li> <li>• <b>Marriage and Civil Partnership</b> (includes opposite and same sex couples who are married or civil partners) <b>NO</b></li> <li>• <b>Armed Forces</b> (includes serving armed forces personnel, reservists, veterans and their families) <b>NO</b></li> </ul>
Describe any negative impacts	No known
Describe any positive impacts	<p>The procedure now includes –</p> <ul style="list-style-type: none"> <li>• the option for all staff to request an additional 5 unpaid days carers leave</li> <li>• bereavement leave acknowledges that extra time may be required due to cultural religious beliefs</li> <li>• a section on child bereavement leave for all parents who lose a child (including the loss of a child after 24 weeks into the pregnancy)</li> <li>• bereavement leave to now include miscarriage prior to 24 weeks</li> </ul>

	<ul style="list-style-type: none"> <li>• emergency domestic to now include support for staff experiencing domestic abuse</li> <li>• reasonable time off for emergency medical appointment</li> <li>• time off for gender reassignment appointments has been changed from unpaid to paid. <a href="#">Appendix 4</a> amended to ensure that there is no specific record of staff requesting special leave for this purpose as this data would be special category data.</li> </ul>
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<b>Section 3</b>	<b>Research and involvement</b>
What sources of information have you considered? (e.g. legislation, codes of practice, best practice, nice guidelines, CQC reports or feedback etc.)	<p>Focus groups</p> <p>The Big Conversation</p> <p>Agenda for Change Terms and Conditions of Service</p> <p>Individual feedback from staff into the Operational HR Team, EDI &amp; HR team and Information Governance in respect of gender reassignment record keeping.</p> <p>To go to full consultation for 3 weeks.</p>
Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the protected groups?	Yes all staff were invited to attend a number of focus groups focused on the HR Procedures. All staff were invited to comment on the Big Conversation – in relation to HR procedures.
If you answered Yes above, describe the engagement and involvement that has taken place	As above Policy working group and JCC

If you answered No above, describe future plans that you may have to engage and involve people from different groups	NA
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Section 4	Training needs
As part of this equality analysis have any training needs/service needs been identified?	No
Describe any training needs for Trust staff	Awareness information/sessions for existing managers. In-depth session for new managers (on all of the HR procedures) as part of their local induction.
Describe any training needs for patients	Na
Describe any training needs for contractors or other outside agencies	NA

**Check the information you have provided and ensure additional evidence can be provided if asked**



## Appendix 2 – Approval checklist

To be completed by lead and attached to any document which guides practice when submitted to the appropriate committee/group for consideration and approval.

	Title of document being reviewed:	Yes / No / Not applicable	Comments
<b>1.</b>	<b>Title</b>		
	Is the title clear and unambiguous?	Y	
	Is it clear whether the document is a guideline, policy, protocol or standard?	Y	
<b>2.</b>	<b>Rationale</b>		
	Are reasons for development of the document stated?	Y	
<b>3.</b>	<b>Development Process</b>		
	Are people involved in the development identified?	Y	
	Has relevant expertise has been sought/used?	Y	
	Is there evidence of consultation with stakeholders and users?	y	Staff were invited to attend a focus group as part of the review of this procedure, all comments received including those received outside of the focus group have been given consideration as part of the review
	Have any related documents or documents that are impacted by this change been identified and updated?	n/a	
<b>4.</b>	<b>Content</b>		
	Is the objective of the document clear?	Y	
	Is the target population clear and unambiguous?	Y	
	Are the intended outcomes described?	Y	
	Are the statements clear and unambiguous?	Y	
<b>5.</b>	<b>Evidence Base</b>		
	Is the type of evidence to support the document identified explicitly?	y	See reference section
	Are key references cited?	y	

	Title of document being reviewed:	Yes / No / Not applicable	Comments
	Are supporting documents referenced?	y	
<b>6.</b>	<b>Training</b>		
	Have training needs been considered?	Y	
	Are training needs included in the document?	Y	
<b>7.</b>	<b>Implementation and monitoring</b>		
	Does the document identify how it will be implemented and monitored?	Y	
<b>8.</b>	<b>Equality analysis</b>		
	Has an equality analysis been completed for the document?	Y	
	Have Equality and Diversity reviewed and approved the equality analysis?	Y	01 Feb 2023
<b>9.</b>	<b>Approval</b>		
	Does the document identify which committee/group will approve it?	Y	
<b>10.</b>	<b>Publication</b>		
	Has the policy been reviewed for harm?	y	No harm
	Does the document identify whether it is private or public?	y	public
	If private, does the document identify which clause of the Freedom of Information Act 2000 applies?	n/a	

## Appendix 3 – How to apply for Special Leave (Flowchart)

### Step 1 – Apply in writing

Employee completes the relevant application form [Appendix 4](#) for Special Leave and submits to manager. This must state reasons for the request and general indication of timescales (In emergency situations, it is not always possible to give advance notice of special leave required. In these circumstances, telephone your manager for approval of special leave, and follow this up by completing [Appendix 4](#) as soon as is practical. This will be held on your personal file).



### Step 2 – Manager discusses with Employee

Discussion to take place to consider if/how request can be accommodated.



### Step 3 – Confirm arrangements

Manager confirms with the employee the arrangements for the Special Leave. Manager completes application for Special Leave and retains on employee's personal file. Manager updates ESR to reflect that the individual is on Special Leave.



### Step 4 – Return from Special Leave

Manager updates ESR to inform of employees return to work.

- ⓘ If the employee remains dis-satisfied/aggrieved with the outcome or their application for Special Leave is refused, they may wish to make a complaint under the Trust Grievance Procedure.

## Appendix 4 – Application for Special Leave

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### Application for Special Leave

To be completed by the member of staff and Line Manager in order to apply for any kind of special leave.

#### **SECTION A (TO BE COMPLETED BY EMPLOYEE)**

Name: ..... Job Title

.....

Assignment Number: ..... Department/Ward:

.....

Directorate: .....

Period of Special Leave requested / taken (inclusive)

From: ..... To: ..... Number of days:

.....

*Please indicate type of Special Leave:*

Carer Leave  Domestic Leave  Bereavement Leave  Child

Bereavement Leave

Fertility Treatment

Surrogacy Ante Natal A

Essential Civic & Public Duties  Parental Leave

Other  (please state, if appropriate) .....

Brief Description of reason

.....

Signature: ..... Date: .....

HAND THIS FORM TO YOUR LINE MANAGER FOR AUTHORISATION IN **SECTION B** BELOW.

#### **SECTION B (TO BE COMPLETED BY LINE MANAGER)**

Number of Special Leave days approved: .....

I authorise **PAID** Special Leave from: ..... To: .....

I authorise **UNPAID** Special Leave from: ..... To: .....

Relevant Comments from Line Manager:

.....

Signature: ..... Job Title: ..... Date: .....

Copies to: 1. Employee 2. Personal File 3. Payroll (FLC)

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## Appendix 5 – How to apply for a Career Break (flowchart)

### Step 1 – Apply in writing

Employee completes the relevant application form [Appendix 6](#) for Career Break and submits to manager. This must state reasons for the request and general indication of timescales



### Step 2 – Manager meets with Employee

Meeting to take place to consider if/how request can be accommodated. HR should be present at the meeting. It may take several meetings to agree the framework for the Career Break, taking into account the needs of the service and the individual.



### Step 3 – Request referred to Director

Request for Career Break referred to relevant Director for final approval.



### Step 4 – Employee advised to seek Pensions and National Insurance Advice

Employee should seek advice about their pensions from the pensions officer and contact Department of Social Security for up to date advice about their national insurance contributions.



### Step 5 – Confirm arrangements in writing

Manager confirms the arrangements for the career break in writing ensuring all areas within [terms and conditions](#) have been addressed. Manager updates A B form / ESR to reflect that the individual is going on Career Break and this is signed by the individual.



### Step 6 – Return from Career Break

If career break is for less than a year, the individual where possible will return to their previous role, the manager will update ESR to inform of employees return to work.

Where the career break is for more than one year, the individual will be registered within redeployment – 3 months prior to the intended date of return. – The Trusts redeployment process will commence.

**!** If the employee remains dis-satisfied/aggrieved with the outcome or their application for Career Break is refused, they may wish to make a complaint under the Trust Grievance Procedure.

## Appendix 6 – Career Break Scheme Application

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### **SECTION A (TO BE COMPLETED BY EMPLOYEE)**

Name: .....

Job Title: .....

Assignment Number: .....

Department/Ward: .....

Directorate: .....

#### 2. Reason for Break:

3. Proposed Commencing Date of Break: .....  
(N.B. Should be at least three months from current date)

Proposed date of Return to Work: .....

4. I wish to apply for a Career Break and have read the Tees Esk and Wear Valleys NHS Trust Career Break Policy. I undertake to abide by the terms and conditions of the policy.

Whilst on the Career Break I agree not to engage in activities which may be detrimental to the work of Tees, Esk and Wear Valleys NHS Trust.

5. I understand that if the break is for less than one year, where possible I will be able to return to my current role.

6. I understand that if the break is for longer than a year – I will be registered within the Trusts redeployment process 3 months prior to my intended date of return. If an alternative role is not secured, this may result in progression to a management

meeting – in line with the Trust’s Leavers procedure – to consider my future employment with the Trust

Signed: ..... Date: .....



**SECTION B (TO BE COMPLETED BY THE DEPARTMENT HEAD / MANAGER)**

Please tick one of the following:

- I can confirm I have discussed the above employee's application with him/her and **do agree** to a Career Break being granted.
- I can confirm that the career break requested is for less than a year and therefore where possible the individual will return to their current role
- I can confirm that the career break requested is for longer than one year and the individual has been advised that they will be registered within the Trust Redeployment Process – 3 months prior to the intended return date.
- I can confirm I have discussed the above employee's application with him/her and **do not** agree to a Career Break being granted.

Please indicate the proposed method of covering the post, **or** if refused please indicate reasons and provide a full explanation for non-approval:

Signed: .....

Date: .....