SUPPORTING THE WORK-LIFE BALANCE
(G) Special Leave Policy

1. Introduction

Greater Glasgow Health Board (NHS Greater Glasgow & Clyde) recognises that many employees balance the demands of work requirements with domestic responsibilities. While each employee is responsible for ensuring that they have appropriate care mechanisms in place to meet their personal responsibilities, the Board will endeavour to assist in circumstances where these arrangements have unavoidably broken down, or where additional pressures, outwith the norm, arise and for which time off work may be required.

All requests must be dealt with on a strictly confidential basis and no undue pressure will be exerted on staff to divulge details which might breach their personal privacy. However sufficient information is required to allow managers to make an informed decision on the amount of leave granted.

2. Legal Framework

(i) The Employment Relations Act, 1999

All employees are provided with the right to take a reasonable period of unpaid time off work to deal with an emergency involving a dependant and not to be dismissed, or victimised, for doing so.

For these purposes, a dependant is defined as someone who lives in the same home as the member of staff and who is a spouse, partner, child, parent, grandparent, or other relative or person living in the same house, with whom the member of staff has a similar relationship.

This legislation does not provide a set amount of time off which can be taken but it is widely regarded that, in most cases, the amount of leave will be limited to one or two days at the most.

(ii) The Employment Act, 2002

Parents of children aged under 6 and of children with a disability aged under 18, are provided with the right to apply to work flexibly and their employers have a duty to consider requests seriously.
This legislative right does not apply in the case of any other category of dependant.

3. Policy Rationale

The purpose of this policy is to allow for an appropriate response to:

(a) the sudden and immediate need to provide care to a family member, dependent, close friend or colleague;
(b) a family member, dependent, close friend or colleague of the employee suffering ill health;
(c) a family member, dependent, close friend or colleague of the employee suffering a bereavement;
(d) civic and public duties.

This could be where the normal arrangements break down without notice, or where an urgent and unforeseen situation arises.

Examples of this include:

- a family member, dependent, close friend or colleague of the employee falling ill, being involved in an accident, or being assaulted, including instances where the victim is distressed rather than being physically injured;
- the need to make longer term care arrangements for a family member, dependent, close friend or colleague, who is ill or injured;
- to deal with the death of a family member, dependent, close friend or colleague (e.g. to make funeral arrangements, or to attend a funeral);
- to deal with an unexpected disruption, or breakdown, in care arrangements for a family member, dependent, close friend or colleague (e.g. when a childminder or nurse fails to turn up); or
- to deal with an incident involving the employee’s child during school hours (e.g. if the child has been involved in a fight, or is being suspended from school).

NHS Greater Glasgow & Clyde also recognises that the needs of employees who care for a family member, dependent or close friend who is elderly, disabled, or suffer ill health, is particularly important in the NHS because people working in healthcare are often expected to do more than other family members when it comes to caring for a relative.
The provisions of this policy are applicable to all employees, irrespective of length of service, hours of work, or grade and no employee will suffer any detriment as a result of making application for time off under these provisions.

As always, the extent and duration of such leave must be balanced by service needs accepting the emergency and unforeseen nature of requests particularly in the early stages.

4. Time Off

The provisions for time off are as follows:

(i) **Serious illness/Bereavement Leave**
Up to one working week paid leave in the event of the serious illness, acute need or death of a family member, dependent, close friend or colleague. This can be extended by up to a further working week and it will be at the discretion of the manager whether this is paid or unpaid.

(ii) **Domestic Emergencies**
Up to one working week can be allocated as paid leave to deal with urgent and predominately unforeseen circumstances to which sick leave, annual leave, or any other form of specified leave is not applicable. The level of leave granted will vary depending on the seriousness and scale of the incident. Leave may be extended by up to a further working week and it will be at the discretion of the manager, taking into account the circumstances of the specific case, whether this is paid or unpaid.

(iii) **Carer Leave - Short & Long Term**
This provision is primarily for those who are required to provide care for a dependant.

- **Short Term Carer Leave** allows for up to one working weeks paid leave, which can be extended by up to a further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on the specific circumstances, a manager may agree a period of annual leave, or unpaid leave.
• **Long Term Carer Leave** allows for the possibility of altering contractual work patterns to enable the employee’s family life and work requirements to be balanced for an appropriate period.

*Note:* The references above to a “working week” mean the number of hours that an employee is contracted to work. For example, the working week of a member of staff contracted to work 37½ hours per week, is 37½ hours, while the working week for a member of staff contracted to work 20 hours per week, is 20 hours.

5. **Serious Illness/Bereavement Leave**

5.1 **Definition**

To provide reasonable support to employees at times of distress due to the unforeseen serious illness, or the death of a family member, dependent, close friend or colleague.

5.2 **Entitlement**

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

5.3 **Duration Criteria**

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

5.4 **Consistency**

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

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

5.6 Record Keeping

Leave should be recorded on the appropriate record card for future reference and to enable monitoring of its fair application throughout NHS Greater Glasgow & Clyde. It must also be notified to Payroll Department to ensure appropriate payment and recording.

6. Domestic Emergencies

6.1 Definition

Leave under this heading can be defined as arrangements granted when employees need to be absent from work under circumstances not covered by sick leave, annual leave, bereavement leave, maternity leave, paternity leave, parental leave, adoption and fostering leave, or flexible working arrangements.

This leave is provided as a short-term solution to help members of staff to balance the demands of their work and home responsibilities.

6.2 Entitlement

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

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

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

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

6.3 Notification

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

6.4 Record Keeping

Leave must be recorded in the appropriate record card for future reference and to enable monitoring of its fair application throughout NHS Greater Glasgow & Clyde. It must also be notified to Payroll Department to ensure appropriate payment and recording.

7. Carer Leave

7.1 Definition

Where employees are responsible for caring for a family member, dependent or close friend, work and home life can cause conflicting pressures. Carer leave is designed to encourage managers to adopt flexible working practices at times when employees need assistance to balance their caring responsibilities with their work commitments.

As recorded in 4 (iii), short-term Carer Leave allows for up to one working week’s paid leave, which can be extended by up to a further working week of paid or unpaid leave, to deal with urgent unforeseen care needs. Thereafter and depending on
the specific circumstances, a manager may agree a period of annual leave, or unpaid leave.

7.2 Local arrangements

The needs of employees, who care for family members, dependants or close friends, can often be very simple (e.g. knowing that they will be able to leave work on time each day, or being able to make a telephone call home during the day to check that all is well). Alternatively, a variation in the working pattern, such as altered shifts, or earlier/later starting and stopping times may provide an adequate solution.

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

7.3 Short periods of time off

There may be circumstances when an employee needs a short period of time off (e.g. to deal with an emergency situation, to attend hospital, etc). In these circumstances, one of the arrangements shown in Section 4 can be utilised to allow the employee time off.

7.4 Long-term arrangements

There may, however, be times when the caring demands on the employee are such that they are forced to consider more extreme measures, such as a long term reduction in working hours, in order to meet their caring commitments.

While each case must, quite obviously, be judged on its own merits, NHS Greater Glasgow & Clyde is committed to ensuring that where the reason for an employee requesting a reduction in contracted hours is for the provision of care, their case will be considered sympathetically and will not be unreasonably denied.

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

Where the manager feels unable, because of the needs of the service, to agree to the employee’s request, the employee should contact Human Resources in order to investigate other alternatives (e.g. secondment, redeployment etc). Under circumstances where it is agreed that redeployment is an option, the employee concerned will be entitled to the full range of provisions available under the Board’s Redeployment Policy.

7.5 Other assistance

Employees with caring responsibilities are encouraged to take advantage of other facilities which already exist within NHS Greater Glasgow & Clyde and which may provide them with support or access to coping mechanisms (e.g. stress management initiatives, the Occupational Health Service who can arrange access to counselling, etc).

8. Other types of Special Leave

8.1 Definition

Other types of special leave are those where it is required to make available, special leave with pay for an employee to be absent from work to perform ‘essential civic and public duties’.

The legislation requirement for this is contained within the Employment Rights Act, 1996 and covers a wide range of circumstances, a number of which are given below as examples:

- Justice of the Peace
- Attendance at court as a witness
- Members of a variety of public bodies including Children’s Panels
- Jury Service
- Training with Volunteer Forces

This list is illustrative, not exhaustive.
8.2  Entitlement

Up to one working week per year can be allocated as paid leave by the manager taking into consideration the amount of time reasonably required to devote to the issue.

In exceptional circumstances the manager can extend this period for up to a further working week and in discussion with Human Resources, has the discretion to determine whether this should be on a paid or unpaid basis. It may, however, be considered appropriate for the employee to utilise annual or unpaid leave.

8.3  Notification

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

8.4  Record Keeping

Leave should be recorded on the appropriate record card for future reference and to enable monitoring of its fair application throughout NHS Greater Glasgow & Clyde. It must also be notified to Payroll to ensure appropriate payment and recording.

9.  Resolution of Disagreements

No request for leave under this policy will be unreasonably withheld. Should a disagreement arise, the employee has the right to raise a formal grievance. It may be preferable, before progressing to formal procedure, for the manager to seek advice on resolving the matter with Human Resources and a senior trade union/professional organisation representative. This approach will not preclude the employee’s right to raise a formal grievance in the event that they consider that the matter has not been satisfactorily resolved.
10. **Monitoring and Review**

The application of this Policy will be monitored jointly by the Director of Human Resources and the Area Partnership Forum to ensure equitable treatment of all employees.

The Board is required by Law and under the European Union Employment regulations, to gather monitoring information relating to ethnicity, religion and faith, sexual orientation, age, disability and gender for all aspects of employee relations.

You may be asked for information relating to the above in connection with this policy.

You do not have to give the monitoring information if you do not wish to. However, for some of the above diversity strands it is a legal requirement that we ask you for it, and good practice to ask for monitoring information for all diversity strands.

**Any equalities monitoring information will be held separately and not used to inform any proceedings that occur in relation to this Policy.**

The operation of this Policy will be regularly reviewed by the Area Partnership Forum to ensure its continued effective operation, and formally no later than 30th June 2009.