

Our Ref: NG/RM/24411  
Date: 12<sup>th</sup> December 2024

Nicola Griffiths  
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Lawton House  
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Trentham  
ST4 8HH

Reception: 0300 123 1535

Dear

### **Freedom of Information Act Request**

I am writing in response to your e-mail of the 15<sup>th</sup> November 2024. Your request has been processed using the Trust's procedures for the disclosure of information under the Freedom of Information Act (2000).

#### ***Requested information:***

I am currently updating our records and would like to know if you have an Armed Forces Champion/Lead and a dedicated point of contact that focuses on Special Leave Policy for Armed Forces Reservists working in your organisation. If so, I would be grateful if you could provide me with their contact details or any relevant information about the support or services you provide for Reservists. Thank you for your assistance and I look forward to your response.

**Armed Forces Champion for the Trust is the Chief Operating officer.**

Information relating to members of the Board can be found at <https://www.combined.nhs.uk/about-us/our-board/our-board/>

**Staff names and email addresses are exempt as they constitute personal data and would contravene the principles of the Data Protection Act 2018 (in accordance with qualified exemption S40 (2)(a) of the FOI Act).**

**Special Leave for Armed Forces Reservists working in the Trust is covered in the Trust's Compassionate and Special Leave Policy.**

**The Trust also has an Armed Reservist and Cadet Policy.**

**Please see Appendices 1 and 2 attached.**

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review of the management of your request. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Dr Buki Adeyemo, Chief Executive, North Staffordshire Combined Healthcare Trust, Trust Headquarters, Lawton House, Bellringer Road, Trentham, ST4 8HH. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision.

The Information Commissioner can be contacted at: Information Commissioner's Office,  
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely



**Nicola Griffiths**  
**Deputy Director of Governance**

**Document level: Trust**  
**Code: 3.52**  
**Issue number: 1**

## Armed Forces Reserves/Cadet Policy

Lead executive	Director of People, OD and Inclusion
Authors details	People Operations Team

Type of document	Policy
Target audience	NSCHT Staff (exclusive of bank and agency workers)
Document purpose	These guidelines provide clarification for Trust new and existing employees and managers (both under Agenda for Change and Medical & Dental Terms and Conditions) on entitlements and process for being an Armed Forces Reserve or Cadet.

Approving meeting	PCDC Trust Board	Meeting date	3 <sup>rd</sup> October 2022 13 <sup>th</sup> October 2022
Implementation date	27 <sup>th</sup> October 2022	Review date	31 <sup>st</sup> October 2025

Trust documents to be read in conjunction with	
<a href="#">3.03</a>	Compassionate and Special Leave Policy
<a href="#">3.25</a>	Flexible Working and Employment Break Policy
<a href="#">3.45</a>	Temporary Staffing Policy
<a href="#">3.47</a>	E-Rostering Management Policy

Document change history		Version	Date
What is different?	- This is a new policy.		
Appendices / electronic forms	-		
What is the impact of change?	-		

Training requirements	No specific requirement, general awareness via usual communication channels
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Document consultation	
Directorates	JNCC Policy Working Group meetings
Corporate services	JNCC Policy Working Group meetings / SLT
External agencies	JNCC and JLNC Policy Working Group Meeting / ICS partners

Financial resource implications	
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#### External references

1. The Reserve Forces Act 1996
2. The Reserve Forces (Safeguard of Employment) Act 1985
3. Supporting Armed Forces reservist staff to benefit your trust
4. Armed Forces Reservists Toolkit

Monitoring compliance with the processes outlined within this document

NSCHT Workforce information Systems Team to monitor the number of Reservist employees across the organisation annually, the number mobilised and the amount of special leave taken.

#### Equality Impact Assessment (EIA) - Initial assessment

Yes/No

Less favourable /  
More favourable /  
Mixed impact

Does this document affect one or more group(s) less or more favorably than another (see list)?

- **Age** (e.g. consider impact on younger people/ older people)
- **Disability** (remember to consider physical, mental and sensory impairments)
- **Sex/Gender** (any particular M/F gender impact; also consider impact on those responsible for childcare)
- **Gender identity and gender reassignment** (i.e. impact on people who identify as trans, non-binary or gender fluid)
- **Race / ethnicity / ethnic communities / cultural groups** (include those with foreign language needs, including European countries, Roma/travelling communities)
- **Pregnancy and maternity, including adoption** (i.e. impact during pregnancy and the 12 months after; including for both heterosexual and same sex couples)
- **Sexual Orientation** (impact on people who identify as lesbian, gay or bi – whether stated as 'out' or not)
- **Marriage and/or Civil Partnership** (including heterosexual and same sex marriage)
- **Religion and/or Belief** (includes those with religion and /or belief and those with none)
- **Other equality groups?** (may include groups like those living in poverty, sex workers, asylum seekers, people with substance misuse issues, prison and (ex) offending population, Roma/travelling communities, and any other groups who may be disadvantaged in some way, who

No

No

No

No

No

No

No

No

No

may or may not be part of the groups above equality groups)		
If you answered yes to any of the above, please provide details below, including evidence supporting differential experience or impact.		
NOT APPLICABLE		
If you have identified potential negative impact:		
<ul style="list-style-type: none"> <li>- Can this impact be avoided? Staff are required to complete mandatory education to ensure a safe service provision</li> <li>- What alternatives are there to achieving the document without the impact? Can the impact be reduced by taking different action?</li> </ul>		
Do any differences identified above amount to discrimination and the potential for adverse impact in this policy?	NOT APPLICABLE	
If YES could it still be justifiable e.g. on grounds of promoting equality of opportunity for one group? Or any other reason	NOT APPLICABLE	
Enter details here if applicable		
<p>Where an adverse, negative or potentially discriminatory impact on one or more equality groups has been identified above, a full EIA should be undertaken. Please refer this to the Diversity and Inclusion Lead, together with any suggestions as to the action required to avoid or reduce this impact.</p> <p>Discussed the above with the Inclusion &amp; Diversity Lead – adjustments offered and made ensured equality and inclusion.</p> <p>For advice in relation to any aspect of completing the EIA assessment, please contact the Diversity and Inclusion Lead at <a href="mailto:Diversity@northstaffs.nhs.uk">Diversity@northstaffs.nhs.uk</a></p>		
Was a full impact assessment required?	NO	
What is the level of impact?	NOT APPLICABLE	

## Training Needs Analysis for the policy for the development and management of Trust wide procedural / approved documents

Please tick as appropriate

There <b>is no</b> specific training requirements- awareness for relevant staff required, disseminated via appropriate channels (Do not continue to complete this form-no formal training needs analysis required)	✓
There <b>is</b> specific training requirements for staff groups (Please complete the remainder of the form-formal training needs analysis required-link with learning and development department.	

Staff Group	✓ if appropriate	Frequency	Suggested Delivery Method (traditional/ face to face / e-learning/handout)	Is this included in Trust wide learning programme for this staff group (✓ if yes)
Career Grade Doctor				
Training Grade Doctor				
Locum medical staff				
Inpatient Registered Nurse				
Inpatient Non-registered Nurse				
Community Registered Nurse				
Community Non Registered Nurse / Care Assistant				
Psychologist / Pharmacist				
Therapist				
Clinical bank staff regular worker				
Clinical bank staff infrequent worker				
Non-clinical patient contact				
Non-clinical non patient contact				

Please give any additional information impacting on identified staff group training needs (if applicable)

Please give the source that has informed the training requirement outlined within the policy i.e. National Confidential Inquiry/NICE guidance etc.

Any other additional information

Completed by

Date

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## 1. POLICY STATEMENT

This policy supports application of our Trust Values which guide our actions and behaviour as an employer and provider of services.

These are: Proud to CARE:

<b>Compassionate</b>	Caring with compassion, it's about how we listen, what we say, what we do.
<b>Approachable</b>	Friendly, welcoming, sharing ideas and being open
<b>Responsible</b>	Taking personal and collective responsibility, being accountable for our actions
<b>Excellent</b>	Striving for the best, for high-quality safe care and continually improving

## 2. DIVERSITY & INCLUSION STATEMENT

The implementation and application of this policy is intended to ensure that no job applicant or employee receives less favourable treatment because of their race, colour, nationality, ethnic or national origin, or on the grounds of their gender, gender reassignment, marital status, disability, age, sexuality, religion or trade union membership, or is disadvantaged by conditions or requirements which are not justified by the requirements of the job. This applies to all aspects of employment for existing staff and potential employees.

This policy has had an Equality Impact Assessment which has been completed by the HR Team and signed off by the Trust's Diversity and Inclusion Lead.

## 3. INTRODUCTION

- 3.1 North Staffordshire Combined Healthcare Trust employ staff who are members of the Reserve or Cadet Forces and recognise the valuable contribution that reservists and Cadet Force Adult Volunteers (CFAV) make to the Armed Forces and their civilian workplace.
- 3.2 The NHS employs a number of staff who are in the Reserve Forces and who may be subject to call up and mobilisation. These staff members also require regular time off for training to maintain their skills and readiness for deployment.

There are two main types of Reservist:

- Volunteer Reservists - civilians recruited into the Royal Naval Reserves, Royal Marines Reserves, Army Reserve and Royal Auxiliary Air Force.

- Regular Reservists - ex-regular servicemen who may retain a liability to be mobilised depending on how long they have served in the Armed Forces.
- 3.3 The [mandate from the government to Health Education England: April 2014 to March 2015](#) states that there are clear advantages to the NHS, its staff and the Armed Forces for healthcare professionals and other staff contributing to the armed services as reservists.
- 3.4 The Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), Army Reserve and the Reserve Air Forces (RAFR and RAuxAF).
- 3.5 The Cadet Forces consist of adult volunteer instructors that provide training to Cadets within Sea Cadets, the Army Cadet Force, the Air Cadets and Combined Cadet Force.
- 3.6 The training undertaken by reservists or CFAV enables them to develop skills and abilities that can be of benefit to them as employees, and to the employer in terms of service delivery.

#### **4. SCOPE**

- 4.1 This policy applies to all staff employed by the Trust.

The Reservist will not be disadvantaged as a result of notifying the Trust of their Reserve status.

The Trust also recognises the additional skills that being a reservist brings to the civilian workplace and therefore useful to understand where these particular skill sets are within the workforce.

#### **Roles and Responsibilities**

Line Manager:

- Line Managers will facilitate work rosters to allow attendance at annual training and other training commitments (e.g. weekly or weekend training sessions) unless there are exceptional circumstances.
- To meet with Reservist employee(s) and complete relevant paperwork for pre mobilisation and agree arrangements for keeping in touch.
- To remain in contact with Reservist employee(s) during mobilisation.
- To meet with Reservist employee(s) upon return and post mobilisation to discuss and offer any support required.
- To Complete a Change Form via EASY to confirm the absence as Suspend No Pay pre mobilisation, putting in the comments 'Armed

Forces Reservist'. Change form will also need completing for return from mobilisation.

- To keep NSCHT Workforce information Systems Team informed about any changes to Reservist employee(s), providing the date of the change.

Employee:

- It is the responsibility of the Reservist to ensure their personal details are kept up to date e.g. if they change employer or leave their respective Reserve Force.
- Reservist employees should give as much notice as possible of training commitments to allow appropriate planning for absences. Permission once given will not be rescinded unless there are exceptional circumstances.

Employment Services (Payroll and Pensions):

- Upon receipt of Easy change form will amend the employee's status on ESR upon mobilisation and return.

Workforce Information Systems Team:

- To keep a central log of all Reservists in Electronic Staff Records (ESR).
- To monitor the number of Reservist employees across the organisation annually, along with the number mobilised and the amount of special leave taken.

People Operations Team:

- To provide support and advice on the policy to Managers and Trust employees, as required.

## **5. LEGAL FRAMEWORK**

- 5.1 North Staffordshire Combined Healthcare Trust pledges support towards members of, or those wishing to join the Reserve Forces or Cadet Forces and acknowledges the training undertaken by reservists that enables them to develop the skills that benefit both the individual and employer.
- 5.2 This policy defines the obligations towards members of the Reserve or Cadet Forces and states that the organisation will not disadvantage any reservist or CFAV who has notified of their status or who are made aware directly by the Ministry of Defence (MoD) through reserve status notification.
- 5.3 An employer's relationship with a reservist member of staff should be like that of any other employee. However, there are areas where a reservist's status

may affect the operations of the organisation. Legislation exists to define the rights and liabilities that apply to both parties.

5.4 There are two main pieces of legislation relating to employers and the Volunteer Reserve Forces:

- [The Reserve Forces Act 1996](#) (RFA 96) which provides the powers under which reservists can be mobilised for full-time service and also provides for other categories, such as:
  - Full Time Reserve Service -Reservists who wish to serve full time with regulars for a predetermined period in a specific posting
  - Additional Duties Commitment - part-time service for a specified period in a particular post
  - Sponsored Reserves - These are personnel employed by a contractor to provide a service to the Ministry of Defence (MoD).
  - High Readiness Reserves – These are Reserves, usually with a particular skill set, that are available at short notice (with written agreement from their employer)
- [The Reserve Forces \(Safeguard of Employment\) Act 1985](#) (SOE 85) which provides protection of employment for those liable to be mobilised and reinstatement for those returning from mobilised service.

5.5 Reservists are required to inform the Trust (Line Manager) at the time of their appointment to the organisation that they are a member of the Reserve Forces, allowing the organisation to provide the relevant support.

Reservists are also required to grant permission for the Ministry of Defence (MoD) to write directly to their employer. This is known as 'Employer Notification' and ensures the Trust is made aware that the employee is a Reservist and the benefits, rights and obligations that apply.

The Line Manager is responsible for raising a Change Form via Easy when a Reservist employee's status changes. When a Reservist employee is due to be mobilised, the Line Manager should confirm the absence as Suspend No Pay along with date of mobilisation including details should the employee require paying for accrued leave up to this point, putting in the comments 'Armed Forces Reservist'. A change form will also need completing when return from mobilisation date known. The Trust's Workforce Information System Team will need to be emailed via [workforceinformationesr@combined.nhs.uk](mailto:workforceinformationesr@combined.nhs.uk) to keep them informed of Reservist status.

5.6 Existing employees who are interested in joining the Reserve Forces or Cadets or those who are already a reservist/cadet instructor and are

considering renewing their commitment are required to discuss this with their line manager prior to any action being taken.

- 5.7 The Ministry of Defence (MoD) provides an employer notification each year in the form of a written confirmation that the employee is a reservist. The letter will also provide detail of mobilisation obligations, rights as an employer and employee, details of financial assistance available upon mobilisation and where possible, details of any annual training commitments. A follow up letter will be sent each year confirming these details, it is the reservist's responsibility to ensure that the employer details are correct.

## **6. SUPPORT FOR TRAINING**

- 6.1 Training commitments for reservists vary but are usually between 19 and 27 days a year. This training usually takes place on evenings and weekends but can also be completed on weekdays. Reservists will be given training dates one year in advance and typically include:
- Weekly training – around two and half hours for one evening a week at a local reserve centre.
  - Weekend training – expected to attend a couple of training weekends spread throughout the year.
  - Annual training – two-week continuous training camp that takes place each year, either in the UK or abroad.
- 6.2 North Staffordshire Combined Healthcare Trust is committed to granting additional paid leave of two weeks per annum, (pro rata for part time staff) to enable reservists to attend their annual camp training commitments
- 6.3 North Staffordshire Combined Healthcare Trust is committed to granting additional paid leave of two weeks per annum, (pro rata for part time staff) to enable Cadet Force Adult Volunteer (CFAV) to attend their annual camp or cadet training.
- 6.4 Additional unpaid leave or annual leave from the employee's normal annual allocation may be granted for short periods of training, provided adequate notice is given and where such training cannot be undertaken in off-duty time. Attendance at weekend camps, which cannot be undertaken during off-duty, will be subject to the same arrangements.
- 6.5 Line managers will as far as possible facilitate work rosters to allow attendance for annual camp and other training commitments, e.g. weekly or weekend training sessions.
- 6.6 Reservist and CFAV employees are required to give as much notice as possible to allow appropriate planning for absences. This should include detail of all planned military training that will require absence from the workplace at

the beginning of each year. Permission will be granted where possible in line with service needs. Once given, permission will not be rescinded except in exceptional and extreme circumstances.

- 6.7 Any disputes should be referred to the Deputy Director of Operations in the first instance. Employees who remain dissatisfied may thereafter use the grievance procedure.

## **7. MOBILISATION**

- 7.1 Mobilisation is the process of calling reservists into full-time service. This can be with the Regular Forces on military operations or to fulfil their part of the UK's defence strategy or humanitarian operations. The Reserve Forces Act 1996 provides the legal basis for mobilisation. 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.
- 7.2 Mobilisation will normally be for between 3 and 12 months, depending on their role and specialism. The Call-out papers for mobilisation are sent by post to the Trust or sometimes in person by the Reservist to their line manager. The documentation will include the call-out date and the anticipated timeline. For operational reasons the MoD is unable to give the employer a precise return date. Subject to the severity of the crisis and whenever possible, the MoD would normally be a minimum of 28 days' notice of the date that a reservist will be required to report for mobilisation, although there is no statutory requirement for a warning period prior to mobilisation.

A period of mobilisation comprises three distinct phases:

- Pre-mobilisation: Medical and pre-deployment training;
- Mobilisation: Operational tour;
- Post-Mobilisation: Post-operational tour leave

### **Pre-mobilisation**

Line manager to meet with Reservist to ensure all mobilisation paperwork completed (including pay, benefits & pension arrangements).

Line manager to assist with any claims for financial assistance as appropriate (see section 9 of policy).

Arrangements between Reservist and Line Manager re: keeping in touch.

### **During mobilisation**

Reservist and line manager to keep in touch as arranged.

### **Post-mobilisation**

Line manager to meet with reservist on return to employment and discuss any after care and support requirements as necessary (see section 15 for further information).

For advice on managing and supporting employees in the NHS who are members of the Reserve Forces, please see

<http://www.nhsemployers.org/case-studies-and-resources/2016/11/a-guide-to-employing-reservists-in-the-nhs>

- 7.3 An employee who wishes to volunteer for mobilisation must seek prior agreement of their employer via the designated contact and line manager. Any such request will be considered within 28 days.

Where there are multiple requests in a single department/unit these will be referred to the appropriate senior manager.

- 7.4 A period of mobilisation comprises three distinct phases:

- medical and pre-deployment training
- operational tour
- post-operational tour leave.

- 7.5 When a reservist is called up for mobilisation you will receive:

- a copy of the call-out notice
- notification of the expected return date and likely duration of mobilisation
- details of employers' and reservists' statutory rights and obligations
- information about financial assistance
- information about exemption and deferral.

Where there is compulsory mobilisation of any employee, the employer is entitled to apply for deferral, revocation or exemption from the call out. Suitable and timely evidence will need to be provided to support an application to defer, revoke or seek exemption from the call out. Additional information regarding exemption and deferral from mobilisation is contained in the call-out pack.

The employer can also apply for financial assistance, if they believe that the loss of their employee would have an exceptionally severe impact on their ability to provide services.

## **8. APPLYING FOR EXEMPTION/DEFERRAL/REVOCATION**

- 8.1 In the majority of cases of mobilisation, the Trust will release the Reservist to report for duty unless there are exceptional circumstances, whereby the decision and reasoning will be explained to the Reservist.



- 8.2 In such circumstances, the line manager will have the right to seek exemption, deferral or revocation if the Reservist's absence would be considered to cause serious harm to service delivery.
- 8.3 Definitions of 'harm' will vary, but may include; a) loss of reputation, goodwill or other financial harm b) impairment of the ability to provide services c) harm to the research and development of new products, services or processes (which could not be prevented by the granting of financial assistance under sections 83 and 84 of The Reserve Forces Act 1996).
- 8.4 Details of how to apply for exemption will be included in the call-out pack. The application must reach the Adjudication Officer within 7 days of the reservist receiving a call-out notice. If this timescale is not met, permission to make a late application will need to be obtained from the Adjudication Officer. The reservist also has the right to apply for exemption or deferral if the call-out papers arrive at a difficult time. In all circumstances all correspondence must be copied to the Human Resources Department.
- 8.5 If an unsatisfactory decision is received following the application for a deferral, the Trust can appeal to the Reserve Forces Appeals Tribunal. Appeals must reach the Tribunals Secretary within 5 days receipt of written notice of the decision. If the tribunal rejects the application for exemption or deferral, the Trust will be required to release the Reservist for mobilisation

## 9. FINANCIAL ASSISTANCE FOR EMPLOYERS

- 9.1 While a reservist is mobilised, the civilian employer is not obliged to pay their earnings as whilst staff are mobilised they will receive their full salary paid by the MoD. However, employers are entitled to pay the reservist's salary from the time of call-up until the first full monthly salary has been paid during mobilisation. The designated contact should ensure that the pay department is notified that the employee is being mobilised and the date when their pay should stop.

Where mobilisation occurs, the employee will be given special unpaid leave of absence within the organisation.

- 9.2 Financial assistance for employers in the event of an employee who is a reservist being mobilised is governed by the Reserve Forces (Call out and recall) (Financial Assistance) Regulations 2005. Where an employee's mobilisation results in additional costs, the employer may seek compensation from the MoD, for example:

**One-off costs** (no cap on claims but must be supported by relevant documentation)

- Any costs of hiring a temporary replacement that exceeds the reservist's earnings.



- Advertising for replacement or agency costs.

### **Recurring 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 MoD will not pay for training that would have been carried out anyway).

The maximum claim available is £110 per day (£40,000 per annum) which can be made for every normal working day that the reservist is away on service. In order to claim financial assistance, the employer will provide the MoD with appropriate supporting documentary evidence.

The latest date for submitting claims for financial assistance, other than for training, is within four weeks of the date the reservist is demobilized.

### **Training award**

If a returning Reservist has to undertake additional training as a direct result of their mobilisation (routine training excluded), then the Trust can make an application for the financial assistance.

## **10. NHS PENSION WHILST ON ACTIVE SERVICE**

- 10.1 A reservist who is called-up is entitled to remain a member of the NHS Pension Scheme. The MoD will pay the employer's pension contributions whilst the individual is mobilised provided they continue to pay their individual contributions.

The employee's pension contributions would be calculated and held over until the employee returns, these would then be recovered monthly from salary and over the same period as the employee was absent. The employer will continue, on request of the employee, to pay employer's contributions to the NHS Pension Scheme for the period of mobilisation and invoice the MoD to recover this amount.

## **11. ANNUAL LEAVE WHILST MOBILISED**

- 11.1 Reservists have no entitlement to accrue annual leave or unpaid leave whilst mobilised and should be encouraged to take any accrued leave before mobilisation.

Reservists will have a period of 'post tour' leave which they accrue at the rate of 2.5 days per month of service from the MoD. This leave will be taken before the individual is demobilized.

- 11.2 All annual leave accrued up to the date of mobilisation (and where reasonably practicable), should be taken. However, where this is not possible due to service demands, accrued leave may either be carried over into the following leave year or alternatively, a Reservist/Cadet could opt to be paid for it, prior to mobilisation. This needs to be agreed between Line Manager and staff member. The “up to a maximum of five days” rule associated with untaken annual leave being carried forward is waived in the case of a reservist.

## **12. PAY PROGRESSION & APPRAISALS**

- 12.1 The organisation will continue to treat the contracts of employment of employees mobilised for Reserve Service as operable throughout the period of such service, which will be considered continuous and an employee will not be penalised if it coincides with their pay band gateway. This would be completed on the employees return and backdated to the employee’s normal incremental date.
- 12.2 Line managers who carry out appraisal meetings with a reservist should be made aware that the Reserve Forces activities undertaken by an individual (either through training or mobilisation) bring essential skills into the workplace such as leadership, communication, team working and organisational ability, which ultimately lead to improved performance in the workplace.

It is therefore good practice that the organisation and managers recognises these skills and abilities in an individual’s appraisal meeting and acknowledge that the activities can be regarded as evidence of achievement or in some circumstances contribute towards an individual being in a position to evidence application of knowledge and skills.

## **13. SICK PAY**

- 13.1 During the period of mobilisation the Reservist will continue to accrue any rights to service-related Trust sick pay. Should a Reservist become sick or injured during mobilisation they will be covered by Defence Medical Services and any financial assistance will continue to be received (including pay) until demobilised. If the sickness or injury continues and this results in early demobilisation, the Reservist will remain covered by Defence until the last day of paid military leave.
- 13.2 After this time The Reservist will be covered by the Trust sickness arrangements (in line with local policy).
- 13.3 If the Reservist becomes ill post mobilisation, and a notional return to work date has been agreed, they will be covered by the Trust Sickness arrangements (in line with local policy).

## **14. DISMISSAL/REDUNDANCY**

- 14.1 A Reservist's employment cannot be terminated on the grounds of their military duties or their liability to be mobilised. To do so would be a criminal offence under [Section 17 of The Reserve Forces \(Safeguarding of Employment\) Act 1985](#).
- 14.2 Reservists can be included in the redundancy pool if this is necessary. However, all employees should be treated consistently, and redundancy criteria should not discriminate against Reservists on the grounds of their Reserve service or call-up liability.

## **15. SUPPORT ON RETURN TO WORK (DEMOBILISATION)**

- 15.1 Demobilisation with a reservist returning to work after a period in deployment requires a smooth reintegration into the workplace/team, including the following considerations:
- The need to update them on changes and developments in the organisation.
  - The need to offer specific refresher training where it is sought/considered necessary.
  - Where the job duties have changed since mobilisation, a period of skills training may be required to assist them with new aspects of the job.
  - Whether the reservist can meet up with colleagues informally or socially (if appropriate) before or after return to work to prevent any feeling of dislocation, if this is sought.
  - Reasonable time off to seek therapeutic treatment if required.
- 15.2 When an employer is advised by a reservist that they want to return to work, the employer is obliged under The Reserve Forces (Safeguarding of Employment) Act 1985 to reinstate the reservist with their former role. Where this is not possible, they must be offered an equivalent position with the same terms and conditions of service. The right to return to work lasts for six months after demobilisation.

The reservist should be reinstated with six weeks of the last day of their full-time service as part of mobilisation.

- 15.3 To enable the employer to plan for their return to work after their military service has ended, reservists must advise the designated contact in writing, copied to their line manager, the date they will be available to start work.

This communication should be made no later than the third Monday after the completion of military service.

## **16. USEFUL SOURCES OF HELP**

- [DRM \(Defence Relationship Management\)](#) provides support for employers of reservists, veterans, cadet force adult volunteers and military spouses and families.

Helpline: 0800 389 5459

Email: [employerrelations@rfca.mod.uk](mailto:employerrelations@rfca.mod.uk)

- [Royal Navy Reserves](#)
- [Army Reserves](#)
- [Royal Air Force Reserves](#)
- [The Cadet Forces GOV.UK](#)
- [Sea Cadets](#)
- [Army Cadet Force](#)
- [Air Training Corps](#)
- [Combined Cadet Force](#)

**Appendix A** (please copy and paste the wording below the dotted line on to your site/dept letter headed paper and complete, as appropriate)

## Letter of Mobilisation

.....

Dear [Insert name]

### Re: Employment arrangements during mobilisation

Following the notification of your forthcoming mobilisation with the Reserve Forces, I am writing to set out employment related arrangements which will apply prior to, during, and immediately after your period of mobilisation, as agreed at our meeting of [Insert date].

### Special Leave

- During mobilisation you will be on unpaid special leave from the Trust, which will count as a period of continuous service. The period of mobilisation will count as reckonable service for the purposes of entitlements to certain terms and conditions, such as annual leave, occupational sick pay, incremental credit and redundancy.
- Your period of special leave will commence on [Enter date]. Your anticipated date of return to work is [Enter date].

### Pay Arrangements

Your salary will be suspended whilst you are mobilised. Your Reserve Force will assume responsibility for your salary for the duration of your mobilisation.

### Employment Benefits

As you will not be in receipt of any salary from the Trust during mobilisation, you will need to decide which benefits you wish to continue, suspend or amend during the mobilisation period.

For those benefits that you wish to stop, suspend or amend during mobilisation, it is your responsibility to notify the Trust of the intention to stop, suspend or amend any arrangements. Such notifications must be provided to your line manager prior to mobilisation.

Where you have suspended/cancelled any benefits prior to mobilisation, it is your responsibility to contact your line manager to make any arrangements to restart once you return to work.

## **Annual Leave**

- Prior to mobilisation you will accrue Trust annual leave under normal arrangements and you are required to take this leave where possible prior to mobilisation. If it is not possible to do so, you should discuss this with your line manager and agree whether this accrued leave will be paid or carried over.
- During the period of mobilisation accrual of Trust annual leave will cease and you will accrue annual leave with the Ministry of Defence (MoD). MoD annual leave arrangements will apply during mobilisation. There is no requirement to advise the Trust of any annual leave taken during the period of mobilisation.
- Upon return to work you will start to accrue Trust annual leave. Any untaken accrued Trust annual leave should be taken prior to the end of the annual leave year in which your return from mobilisation.

## **Pension**

You are entitled to remain a member of the NHS Pension Scheme. Your Reserve Force will pay the employer contributions for the period of mobilisation provided that you continue to pay your employee contributions and complete the necessary forms that are contained within your Call Out papers.

You must contact Jane Boon, the Trust's Pension Lead to discuss your pension, contributions and benefits. If you have opted to join the Reserve Forces Pension Scheme, you will not accrue reckonable service for your NHS Pension Scheme during your period of mobilisation.

## **Keeping in Touch**

During our meeting we agreed the most appropriate way of keeping in touch whilst you are away. This will be by [Insert method,]. We have also agreed that we will aim to keep in touch [Insert frequency]. Please can you ensure that you update your next of kin details (name and their telephone number) by logging into ESR via [Home - ESR Hub - NHS Electronic Staff Record](#). Guidance/short online training providing details of updating next of kin information is available [HERE](#).

## **Sick Pay**

During the period of mobilisation you will continue to accrue any service related Trust sick pay. However, should you become sick or injured during mobilisation you will be covered by MoD's healthcare arrangements (including pay) until you are demobilized. If the sickness or injury continues and this results in early demobilisation, you will remain covered by MoD until the last day of paid military leave.

After this time you will be covered by the Trust sickness arrangements (in accordance with 3.11 Supporting Attendance at Work Policy).

If you become ill post mobilisation on the expected date of return to work, you will be covered by the Trust Sickness arrangements (in accordance with the Trust's 3.11 Supporting Attendance at Work Policy).

### **Return to work**

You should provide the Trust with as much notice as is practicable of your return to work date. This can take place at any time once you know the expected date of demobilisation and the amount of Post-Operational Tour leave plus any other leave to be taken.

Such notification should be made in writing to me as your line manager as soon as practically possible so that I can raise a change form noting return to work date.

You should maintain contact with the Trust and provide notification should the expected return to work date change.

I will advise Payroll and the relevant Pension Scheme of your return to work date.

### **Formal Notification Requirements**

Once a Reservist reaches their last day of paid military service, under the Reserve Forces (Safeguarding of Employment Act 1985), they have an obligation to formally write to the Trust to request a return to work, such letter should be forwarded to the Reservists Line Manager and the People Operations Department ([humanresources@combined.nhs.uk](mailto:humanresources@combined.nhs.uk)). The Trust has an obligation under this act to reinstate the Reservist.

In accordance with the legislation you must write to the Trust no later than the third Monday after your last day of paid military service to inform the Trust that you are available to return to work. The Trust (Line Manager) will acknowledge receipt.

### **Return to Work**

Upon return to work you will be entitled to return to the same job or a reasonable and suitable alternative.

Following mobilisation the Trust may require you to be passed fit by Occupational Health.

### **Return to Work Meeting**

A Return to Work meeting will be scheduled upon your return to work. The purpose of this meeting is to discuss the mobilisation experience; the role you are returning to and any associated handover arrangements; confirm relevant administrative activities relating to pay and identify any support that the Trust can offer to ensure a smooth reintegration back into work, including any assistance from Occupational Health.

If you would like to discuss this letter, please do not hesitate to contact me.

Yours sincerely

[insert name and Trust position]

Cc [insert HR representative details]



## Declaration in response to Letter of Mobilisation

I understand and accept the arrangements set out above including those variations to my terms and conditions of employment during my period of Reservist Mobilisation.

---

### PART A – To be signed by Employee:

Signed by  
Employee: ..... Dated: ...../...../.....

Print Full  
Name: .....

---

### PART B – To be signed by Manager (on behalf of the Trust):

Signed: ..... Dated: ...../...../.....

Print Full  
Name: .....

**PLEASE NOTE: COPIES SHOULD BE RETAINED BY LINE MANAGER/PEOPLE OPERATIONS & RESERVIST**

**Appendix B** (please copy and paste the wording below the dotted line on to your site/dept letter-headed paper. Acknowledgement to be sent within 7 calendar days of receipt of formal notification of intention to return to work following Reservist Mobilisation)

.....

Dear [Insert Name],

### **Re: Acknowledgment of Return to Work**

I am writing to acknowledge your formal notification of intention to return to work following your Reservist Mobilisation.

It has been agreed that you will return to work on [insert date]. In support of this, a return to work meeting has been scheduled for [Time] on [Date] and will be held [Location]. The meeting will be attended by [Line manager] and [People Operations].

The purpose of this meeting is to welcome you back to work and to discuss a number of practical matters to support a smooth reintegration back into the workplace which may include training and/or re-induction.

I appreciate that this may be a difficult and stressful time for you, therefore I would like to remind you of some of the support available:

#### **Staff support - self referral:**

Contact us: Monday to Friday 9am to 5pm

- Phone: 0300 124 0104

- Email: [staffsupportandcounsellingservice@combined.nhs.uk](mailto:staffsupportandcounsellingservice@combined.nhs.uk)

#### **Out of hours staff support and counselling:**

24 hours per day, 7 days per week

- Telephone: Vivup Employee Assistance Programme (EAP): 033303 800658

#### **Urgent support helplines:**

- Combined healthcare access team: 0300 123 0907 option 1
- Staffordshire mental health helpline: 0808 800 2234

#### **Self support:**

- <https://web.ntw.nhs.uk/selfhelp/>
- <https://www.mind.org.uk/>
- <https://hubofhope.co.uk/>

#### **Staff Psychological Wellbeing Hub:**

Open Monday to Friday 9am to 5pm

- Telephone: 0300 303 5406

- Email: [twb.staffwellbeinghub@nhs.net](mailto:twb.staffwellbeinghub@nhs.net)

Occupational Health – provided by TP Health

- Telephone: 01327 226920
- Website: [www.tphealth.co.uk](http://www.tphealth.co.uk)
- Email: cs-c@tphealth.co.uk

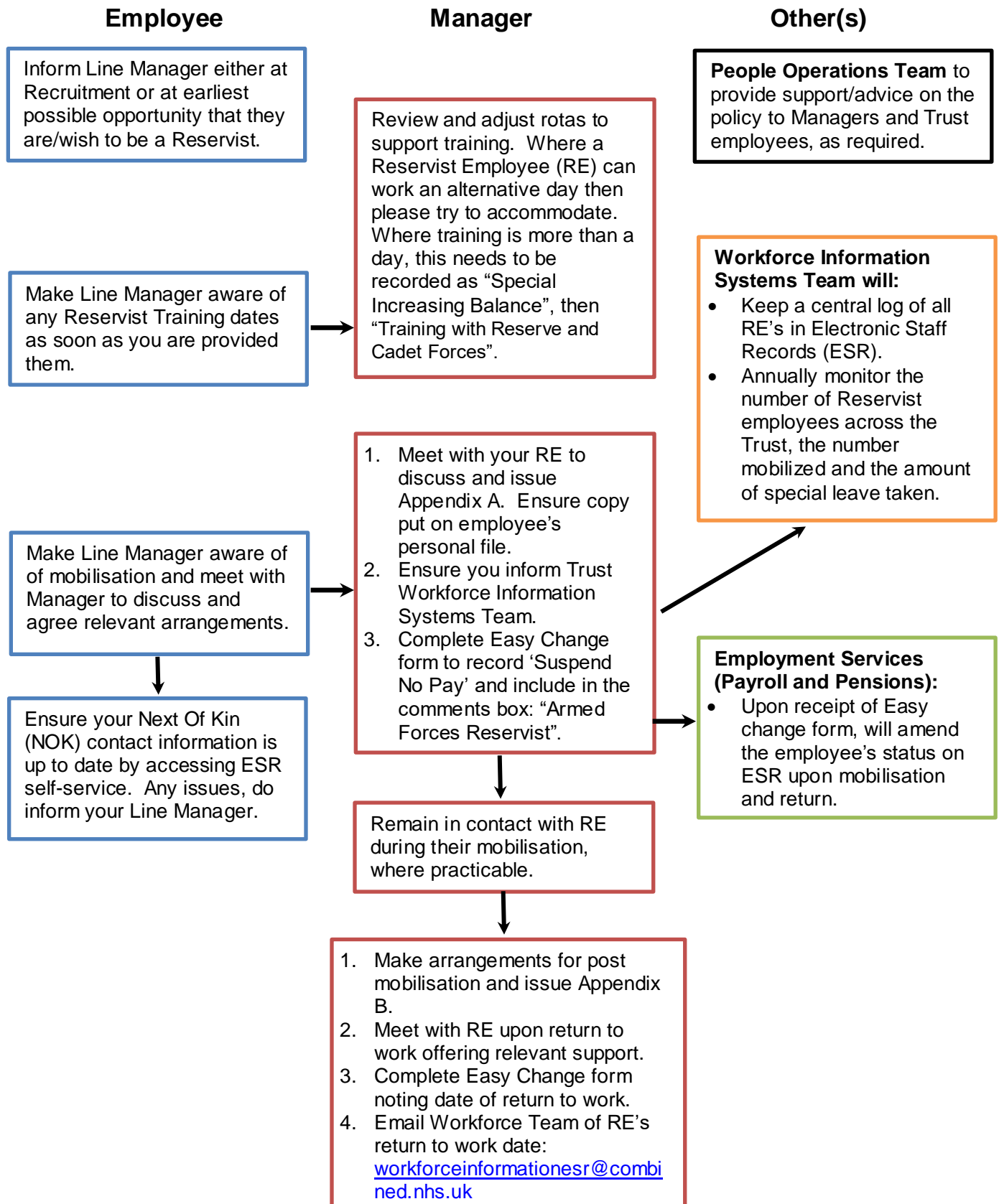
In the meantime if you have any queries, please do not hesitate to contact either me [line manager] or [HR].

Yours sincerely

[Insert name and Trust position]

Cc [insert HR representative details]

## Appendix C - Process Flow



**Document level: Trust**  
**Code: 3.03**  
**Issue number:**

## Compassionate and Special Leave Policy

Lead executive	Director of Workforce, OD and Inclusion
Authors details	HR Advisor

Type of document	Policy
Target audience	This procedure applies to all areas of the Trust and all individuals employed by the Trust including voluntary workers, students, locum and agency staff, ensuring that there is no discrimination on the grounds of age, disability, race, ethnicity, gender, gender reassignment, sexual orientation, religion, belief, offending background, trade union activities, family circumstances or domestic/care arrangements.
Document purpose	This document describes the procedure for applying for special leave (including compassionate and child bereavement leave) and gives guidance on the circumstances in which it is appropriate to grant these forms of leave.

Approving meeting	PCDC Trust Board	Meeting date	15 <sup>th</sup> July 2019 25 <sup>th</sup> July 2019
Implementation date	31 <sup>st</sup> July 2019	Review date	30 <sup>th</sup> June 2025

Trust documents to be read in conjunction with	
<a href="#">3.11</a>	Supporting Attendance at Work Policy
<a href="#">3.16</a>	Maternity, Paternity & Adoption Policy
<a href="#">3.25</a>	Flexible Working and Employment Break Policy
	Agenda for Change Terms and Conditions of Service

Document change history		Version	Date
What is different?	<ul style="list-style-type: none"> <li>- Move to new template</li> <li>- Inclusion of Child Bereavement Leave</li> <li>- Update of policy references</li> </ul>		
Appendices / electronic forms	- Request for Special (Paid/Unpaid) Leave	2	18/04/19
	- General Principles of Annual Leave	1	13/07/17
What is the impact of change?	- Option of 2 weeks paid child bereavement leave		

Training requirements	NA
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Document consultation	
Directorates	JNCC and JLNC Policy Working Group
Corporate services	JNCC and JLNC Policy Working Group
External agencies	JNCC and JLNC Policy Working Group

Financial resource implications	
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External references
1. <a href="http://www.nhsemployers.org">www.nhsemployers.org</a>

Monitoring compliance with the processes outlined within this document	
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Equality Impact Assessment (EIA) - Initial assessment	Yes/No	Less favourable / More favourable / Mixed impact
Does this document affect one or more group(s) less or more favorably than another (see list)?		
– <b>Age</b> (e.g. consider impact on younger people/ older people)	No	
– <b>Disability</b> (remember to consider physical, mental and sensory impairments)	No	
– <b>Sex/Gender</b> (any particular M/F gender impact; also consider impact on those responsible for childcare)	No	
– <b>Gender identity and gender reassignment</b> (i.e. impact on people who identify as trans, non-binary or gender fluid)	No	
– <b>Race / ethnicity / ethnic communities / cultural groups</b> (include those with foreign language needs, including European countries, Roma/travelling communities)	No	
– <b>Pregnancy and maternity, including adoption</b> (i.e. impact during pregnancy and the 12 months after; including for both heterosexual and same sex couples)	No	
– <b>Sexual Orientation</b> (impact on people who identify as lesbian, gay or bi – whether stated as ‘out’ or not)	No	

<ul style="list-style-type: none"> <li>– <b>Marriage and/or Civil Partnership</b> (including heterosexual and same sex marriage)</li> <li>– <b>Religion and/or Belief</b> (includes those with religion and /or belief and those with none)</li> <li>– <b>Other equality groups?</b> (may include groups like those living in poverty, sex workers, asylum seekers, people with substance misuse issues, prison and (ex) offending population, Roma/travelling communities, and any other groups who may be disadvantaged in some way, who may or may not be part of the groups above equality groups)</li> </ul>	No	
<p>If you answered yes to any of the above, please provide details below, including evidence supporting differential experience or impact.</p>		
<p>If you have identified potential negative impact:</p> <ul style="list-style-type: none"> <li>- Can this impact be avoided? Staff are required to complete mandatory education to ensure a safe service provision</li> <li>- What alternatives are there to achieving the document without the impact? Can the impact be reduced by taking different action?</li> </ul>		
Do any differences identified above amount to discrimination and the potential for adverse impact in this policy?	NA	
If YES could it still be justifiable e.g. on grounds of promoting equality of opportunity for one group? Or any other reason	NA	
Enter details here if applicable		
<p>Where an adverse, negative or potentially discriminatory impact on one or more equality groups has been identified above, a full EIA should be undertaken. Please refer this to the Diversity and Inclusion Lead, together with any suggestions as to the action required to avoid or reduce this impact.</p> <p>Discussed the above with the Inclusion &amp; Diversity Lead – adjustments offered and made ensured equality and inclusion.</p> <p>For advice in relation to any aspect of completing the EIA assessment, please contact the Diversity and Inclusion Lead at <a href="mailto:Diversity@combined.nhs.uk">Diversity@combined.nhs.uk</a></p>		
Was a full impact assessment required?		
What is the level of impact?		

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## 1. Policy Statement

- 1.1. This policy supports application of our Trust Values which guide our actions and behaviour as an employer and provider of services.

These are:

Proud to CARE:

<b>Compassionate</b>	Caring with compassion, it's about how we listen, what we say, what we do
<b>Approachable</b>	Friendly, welcoming, sharing ideas and being open
<b>Responsible</b>	Taking personal and collective responsibility, being accountable for our actions
<b>Excellent</b>	Striving for the best, for high-quality safe care and continually improving

This policy recognises the breadth and diversity of families and relationships and reaffirms that the Trust's Compassionate Leave Policy will be applied equitably to all regardless of sexuality and gender identity.

## 2. Duties

- 2.1. Employees requesting special leave will do so as early as possible and will receive appropriate authorisation prior to taking any special leave. Unreasonable deviation from standard processes will result in the absence being classified as unauthorised and unpaid absence and may be considered as a misconduct.
- 2.2. Line managers will process such requests in a sensitive and timely manner, ensuring that appropriate documentation is retained on file and recorded in ESR. Line managers find it necessary to sensitively contact employees whilst they are absent through special/compassionate leave as appropriate (e.g. to provide support, or to confirm a return to work date). Line managers will ensure that staff understand the request process.
- 2.3. A nominated manager (usually the Associate Director / Deputy Director unless they delegate this responsibility - or an equivalent manager for corporate or senior staff) will countersign all requests to ensure a consistent and fair approach has been taken.
- 2.4. The Human Resources department will advise on specific issues or queries, and monitor usage of special leave across the Trust, reporting trends to Associate Director /Deputy Directors and the Executive team as appropriate.
- 2.5. Staff side and Trade Union representatives will support employees as

required.

### **3. Definition**

- 3.1. A dependant would normally be classified as a person living in the same household as the employee, someone who lives as part of the 'family unit' AND/OR who reasonably relies upon the employee as their carer. The carer will be expected to share responsibility with their spouse and/or other family members as far as possible and may be requested to demonstrate that there is no other individual available at that time to provide the care required.
- 3.2. It could also apply to someone who relies on an employee for their care or for help during an emergency, such as an elderly neighbour.
- 3.3. 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 the Trust deems to be reasonable. For example, this may include grandparents who have had caring responsibilities for a child, or instances where someone other than the biological parent is the primary carer (this could be the case where the parents of the child have separated).
- 3.4. For child bereavement leave there is no requirement for the child to be under 18 years of age.

### **4. Framework**

- 4.1. The Trust recognises that employees are individuals with lives, families and problems outside of work and that it should act in a flexible manner to help them to balance external demands with the demands of their job. As a result paid or unpaid leave will be available at the discretion of the employee's Line Manager (in line with section 6 below) to help them deal with urgent or unforeseen circumstances that may arise.
- 4.2. It is the responsibility of managers to determine what leave is appropriate in each individual case, dependent upon the circumstances that are presented, and they will need to balance the needs of the individual with operational requirements. Line Managers should take into account the guidance given below on the amount of leave that may be granted to staff. Line Managers and employees should also consider alternative options, for example parental leave or shared parental leave (see Maternity, Paternity & Adoption Leave Policy) may be more appropriate in some circumstances.
- 4.3. In the event that employees feel that their request for special leave has not been appropriately dealt with, their route for addressing this is through the Grievance Policy.

- 4.4. All leave falling under the remit of this policy requires the completion of the form in Appendix A. This may be completed at the point the employee returns to work, if completion in advance is unfeasible, provided that the employee has taken reasonable steps to contact their Line Manager.

## **5. Paid Compassionate Leave**

- 5.1. This entitlement is designed to help employees at a time of urgent or unforeseen need due to bereavement. Up to a maximum of 5 days on full pay may be granted per unrelated occasion.
- 5.2. The personal circumstances of the individual employee should always be considered when deciding upon the number of days of compassionate leave to be given. This means that the same compassionate leave will not always be given in the same or similar circumstance to different employees, although managers should aim to be consistent wherever possible.
- 5.3. Paid leave will be considered in cases of bereavement and will be influenced by the following factors:
- 5.4. Relationship with the deceased in real terms, not simply by reference to blood ties, given that leave may be appropriate for cases where the deceased is not a close or blood relative
- The need to make funeral arrangements and whether the employee has been appointed as executor of an estate
  - The distance to be travelled
  - Support to dependants
  - The availability of other relatives or friends, particularly those more able to assist in the necessary arrangements

## **6. Child Bereavement Leave**

- 6.1. All bereaved parents will be eligible for a minimum of two weeks of child bereavement leave. A bereaved parent will not be required to demonstrate any eligibility criteria in order to access bereavement leave or pay.
- 6.2. All bereaved parents will be 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 they been at work. This would normally be based on the previous three months at work as a reference period.
- 6.3. Where both parents of a deceased child work for the Trust, the entitlement

to child bereavement will apply to both members of staff.

- 6.4. Parents who experience a still birth from the 24th week of pregnancy will be eligible for these provisions, and will subsequently still be eligible for the provisions set out in 3.16 Maternity, Paternity, Adoption Leave Policy. Bereavement leave and pay may be extended to members of staff, with managerial approval, in circumstances where they were hoping to become parents under surrogacy arrangements.
- 6.5. Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their manager the leave they wish to take. Taking child bereavement leave is an individual choice, it is not compulsory for the employee to take child bereavement leave.
- 6.6. 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 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 manager reasonable notice of their intention to take the leave at this time.
- 6.7. 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. The Trust may ask for a written declaration from the employee, within a reasonable timeframe, in order to satisfy statutory requirements.
- 6.8. It is acceptable for the manager to complete the leave form on behalf of the individual or complete a file note of this leave to manage the situation in a compassionate, considerate manner.

## **7. Paid Emergency Leave**

- 7.1. Paid leave will be considered in cases of unforeseen serious illness of a dependant (see section 4 above) where the employee is required to make urgent arrangements (e.g. on admission to hospital through emergency portals). This will usually be no more than one day to enable the employee to make alternative arrangements and is limited to 5 days per leave year.

## **8. Authorised Unpaid Absence**

- 8.1. If a request is made for leave with regard to minor or continuing illness

occurring in dependants, managers should wherever possible support the employee to take the required time off to enable the appropriate care. However this absence should be taken as annual leave, flexi-time, unpaid leave, parental leave or shared parental leave (see Maternity, Paternity & Adoption Policy).

- 8.2. Where an employee wishes to accompany a dependant for planned minor surgery or to a planned hospital appointment, managers should wherever possible enable them to take this time. However this absence should be taken as annual leave, unpaid leave, flexi-time, or parental leave (see Maternity, Paternity & Adoption Policy).
- 8.3. Where there is a sudden or severe setback in an employee's domestic environment such as burglary, fire or flood, this absence should be taken as annual leave, flexi-time, or unpaid leave.
- 8.4. There is no upper limit on the amount of unpaid leave an employee may request however the amount approved will depend on the ability of the service to accommodate it.

## **9. Breakdown of Normal Care Arrangements**

- 9.1. It may be necessary to grant short term unpaid leave as an immediate response in circumstances where regular care arrangements are disrupted which affect the health, safety and welfare of the dependant, such as:
  - A school nursery, childcare establishment or school fails to open due to unforeseen circumstances. Note that strike action effecting schools will not be classed as unforeseeable
  - Illness of the normal carer for a dependant adult or child where alternative arrangements need to be made
- 9.2. This will usually be no more than one day to enable the employee to make alternative arrangements. Staff may use annual leave, Time off in Lieu (TOIL) or request that their rota be rearranged so their day off is moved, all subject to their line manager's approval.

## **10. Extended Compassionate Leave**

- 10.1. The Trust recognises that situations may occur where employees may require a longer period of absence, for example to nurse a relative during terminal illness. It is important that the Trust is sensitive to the distressing nature of such situations for employees and to handle the matter with compassion.

10.2. In such circumstances, other arrangements should be explored, these could include, unpaid compassionate leave, parental leave, part time working, annual leave or short career breaks.

10.3. Managers have the discretion to grant unpaid leave in any circumstances where they support that an additional period of time is required by an employee to resolve personal difficulties. Any arrangement should always take account of service needs.

## **11. Special Leave**

11.1. The Trust will consider reasonable applications for special leave with pay for employees who are required to be absent for civic or public duties in line with the Employment Rights Act 1996 as outlined below:

11.2. Justices of the peace - Up to a maximum of 18 days per leave year (pro- rata for part time employees) can be allowed with Managers approval.

11.3. Reasonable amounts of paid time off will also be granted for:

- Members of a local authority
- Members of a police authority
- Members of a statutory tribunal
- Members of a National Health Service Trust, Health Authority or Board Members of a managing or governing body of an educational establishment maintained by a local education authority
- Members of a governing body of a grant maintained school
- Members of a board of visitors, to prisons, remand centres and / or young offender institutions
- Absence from duty following contact with a case of notifiable disease
- Attendance at court or professional body hearings (e.g. NMC) as a witness only. Note that the subject of the hearing is excluded from this provision
- Attendance at NHS Staff Council meetings
- Jury Service

11.4. Training with the Territorial Army (annual training camp) or other comparable reserve and emergency forces

11.5. Where there is (or is likely to be) an on-going commitment, all Special Leave will be reviewed with the employee on at least an annual basis for the agreement to be renewed, amended or withdrawn. The form at Appendix A will be used to record the outcome of the meeting and to document the agreement.

## **12. Approval of leave for Police Special Constables**

12.1. Staff must discuss any proposal to become a Special Constable with their

Line Manager in advance of being sworn in. The relationship between patient and health practitioner could be inhibited by the practitioner holding the office of constable in terms of information given or received within this relationship, therefore in these circumstances the Trust may refuse an application to become a Special Constable. This may be a particular concern in a small community with little choice of medical services. If an employee is a Special Constable prior to appointment with the Trust, this information must be provided on appointment.

- 12.2. If a Special Constable is required to attend court in line with their Special Constable duties, this leave will be unpaid, and wherever possible employees must give reasonable notice. Any earnings lost due to this may be recoverable by the employee through the force.
- 12.3. If an employee is retained on special constable duty for whatever purpose and unable to attend work, this absence from the Trust will be unpaid as it is the responsibility of the employee to ensure that shifts at the Trust are not planned immediately after Special Constable Duty.
- 12.4. If a Special Constable is called out, the only time that it is compulsory for them to attend is in times of war. For any other reasons, Trust commitment must take priority.
- 12.5. Special Constables may be called out for other emergency reasons. If an employee on shift at the Trust wishes to report for duty as a special constable, this will be at the discretion of the Line Manager. The employee must inform their manager as soon as practicably possible and where appropriate arrange shift cover personally. This leave may be denied due to Trust service needs; it should be noted that it is not compulsory for Special Constables to report to duty if work commitments do not allow. If leave is granted, it will be unpaid as Police Reform Act 2002 provides for Special Constables to be paid, however this may vary between forces.
- 12.6. A special leave record form (Appendix A, below) must be completed and signed by the employee and the manager in all instances of leave.

### **13. Severe Weather/Commuting Problems**

- 13.1. Where severe weather conditions prevent employees attending work, or require employees to leave work early to ensure that they or dependants are not stranded, lost time is to be considered as time owing, unpaid or annual leave. Working from home or from alternative bases is appropriate only with clear line manager approval in advance.
- 13.2. The same provisions will apply in similar situations (e.g. national fuel



shortages, clouds of volcanic ash etc.) and where an employee's normal method of commuting is unavailable, such as the breakdown of a vehicle.

- 13.3. Time Owing - Time owing (accrual or expenditure) will only be recognised where prior line manager approval has been sought and this has been appropriately documented for audit purposes. Any accrued Time off in Lieu (TOIL) that has been accrued must be taken within 3 months of accrual. Please refer to Section 3 of the Agenda for Change Terms and Conditions Handbook for more information.
- 13.4. Medical or Dental Appointments - please refer to the Supporting Attendance at Work Policy.
- 13.5. Time off for interviews - Employees, who attend an internal interview for a vacancy within the Trust, will be entitled to receive reasonable paid time off for attending an interview which falls within working hours. Travelling expenses will be met by the employer for such interviews.
- 13.6. Employees who attend an external interview will be required to take annual leave, unpaid leave or use time off in lieu. Travelling expenses may not be claimed in such circumstances.
- 13.7. In cases of potential redundancy or formal 'at risk' situations paid time off will be authorised to attend external or internal interviews and may be authorised to arrange internal or external training for a new job. In these circumstances please refer to Management of Change Policy. Reasonable expenses will be met by the employer for such interviews/training.
- 13.8. All time off must be agreed with the line manager in advance at the earliest opportunity.

## **14. Fertility Treatment**

- 14.1. This section provides guidance for both managers and staff and applies to employees who are undertaking Assisted Conception treatment or have a partner who is receiving treatment. It outlines the procedure to be followed when a member of staff requests leave to attend appointments for treatment and how to apply for fertility treatment leave. At all times managers will be expected to treat the matter with sensitivity and with the appropriate level of confidentiality.
- 14.2. Employees who are undertaking assisted conception treatment are asked, wherever possible, to arrange appointments outside of work, however where this is not possible, an employee may be granted paid leave up to the equivalent of an individual's contracted working week in any 12 month period to undertake fertility treatment. The fertility treatment leave can be taken in



one block, separate days or ½ days. If an employee should require any additional time off, employees should utilise other types of leave including accrued Time off in Lieu, flexi-time, annual leave or unpaid leave in agreement with their line manager.

- 14.3. If it is an essential requirement within the course of treatment **for the partner or other third party** to attend a specific appointment, the Trust will allow up to 2 (pro rata for part time staff) days of fertility treatment leave in any 12 month period to undertake fertility treatment. This leave can be taken in one block, separate days or part days. Where partners are not receiving treatment but would like to attend appointments with their partner they will be expected to utilise other types of leave as outlined above.
- 14.4. Should the employee require time off due to side effects of the treatment, which may include recommended periods of rest, this will be managed in line with the Trust's staff Supporting Attendance at Work Policy. Once the employee is pregnant the Trust Maternity, Paternity & Adoption Policy applies.
- 14.5. Employees should advise their manager as soon as possible that they are undergoing treatment and wish to apply for fertility treatment leave. Employees should provide documentary evidence of all appointments (letter or appointment card). Employees should complete the Special Leave Form (Appendix A, below) and should meet with their manager to inform them of the appointment schedule and acquire authorisation. One copy of the completed form is to be returned to the individual and a copy retained in the individual's Personal File.
- 14.6. Where ever possible employees should try and arrange for appointments that will cause minimum amount of inconvenience to the service.

## 15. Transitioning At Work

- 15.1. A member of staff who is transitioning at work may be considered to receive up to 5 days paid compassionate leave to support their transition.

## 16. Review and Monitoring

16.1. This policy will be reviewed 3 yearly or earlier in light of new national guidance/other significant changes. Compliance with this policy will be monitored through the mechanisms detailed in the table below. Where compliance is deemed to be insufficient and the assurance provided is limited an action plan will be developed to address the gaps. Progress against the action plan will be monitored at the specified group/committee.

Minimum requirement to be monitored	Process / Method	Responsible individual / group / committee	Frequency of monitoring	Responsible individual / group / committee for review of results	Responsible group / committee for monitoring action plan
Organisational	Report	HR	Monthly	Directorate	Quality and Governance Committee
Special Leave Usage	Report	HR	As required	Associate Director / Deputy Director Executive Team	Quality and Governance Committee
Individual Special Leave requests	Application form	Line Manager	On submission of form	Associate Director/ Deputy Director	Associate Director / Deputy Director

## Appendix A - REQUEST FOR SPECIAL (PAID/UNPAID) LEAVE Section A.

NAME .....POST.....  
CONTACT NUMBER..... DEPARTMENT.....  
..... BASE.....  
**Amount of Time Requested:** From .....To .....

No of Working Days/Hours .....Return time & date (if known).....  
Have you had any other special leave in the last twelve months? Yes / No  
(If yes, give details)

Reason for application (give brief details of circumstances. If bereavement, state name, relationship and who is responsible for funeral arrangements.)

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Section B. TO BE COMPLETED BY LINE MANAGER  
(then pass to Associate Director / Deputy Director or equivalent – see Paragraph 5 of Policy) Type of Special Leave (circle one):

Paid Compassionate Leave	Unpaid Unauthorised Leave
Unpaid Authorised Leave	Attendance at Public Bodies
Emergency Leave	Fertility Treatment Leave
Interview Leave Court Appearance (as witness only)	Time off In Lieu
Child Bereavement Leave	

Have you discussed the request with the employee and confirmed the above details?  
Yes / No

What is your recommendation?

Signed .....Date.....  
Countersigned..... Date.....

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IF MORE THAN THREE DAYS SPECIAL LEAVE REQUESTED, COMMENT:

**C. TO BE COMPLETED BY AUTHORISING OFFICER:** The form should be countersigned at 'B' by the Associate Director/ Deputy Director (or equivalent) and copied to the personal file. Please add any additional comments for file/for attention of Associate Director/Deputy Director below:

## Appendix B – General Principles of Annual Leave

1. For details regarding annual leave eligibility and entitlements, please refer to your contract of employment and the relevant Terms and Conditions of Service Handbook.
2. Annual leave must be booked in advance and authorised by an appropriate person (e.g. ward manager, team manager or equivalent). The use of annual leave to as an alternative to sick leave is not allowed under any circumstance. In all cases, annual leave must be requested and authorised before employees book flights, make hotel reservations or make any similar commitment.
3. Calculation of accrual is based on complete months worked and contracted hours.
4. Bank Holiday hours are accrued monthly, rather than when the bank holidays actually fall. For example a fixed term contract could run from 01/09/15 – 30/11/15 where no bank holidays fall; however, the employee would still gain entitlement to 3/12 (i.e. 1/4) of the full year entitlement.
5. Bank holiday accrual is not affected by which specific day a part-time worker does or does not work; for example, someone that works 3 days Monday to Wednesday has the same entitlement as someone that works Tuesday to Thursday. However, employees are only required to deduct the hours that they would have worked on that day from their annual leave entitlement.
6. Annual leave is booked on the basis of what would have been worked if the employee had been present. So if an employee books leave on a day they would have worked an 08:00 – 20:00 shift they book off 12 hours of annual leave.
7. Teams may develop their own arrangements regarding the booking of annual leave, such that the principles in this policy remain in place. Such arrangements may include the withholding of Annual leave at certain times of the year to meet service needs and ensure patient safety.
8. Pre-booked annual leave should only be cancelled in exceptional circumstances; however, this should not happen on a regular basis.

An example of this would be during crisis situations where the Trust or local health economy is responding to a major event. General staff shortages are unlikely to qualify as good reasons to cancel an employee's annual leave.

There are further limitations that apply to cancelling annual leave, for example where cancellation of travel plans would incur a financial penalty to the employee (other examples exist). Accordingly, as much notice of cancellation as possible should be given and this should be no less than one calendar week, unless this is not reasonably practicable.

9. The booking of annual leave is an employee's responsibility as they need to ensure that they have sufficient rest and recuperation time planned throughout the year.

Managers also have a duty to ensure that employees are taking responsibility for booking their leave and also support employees to plan their leave where required.

It is not acceptable for an employee not to book, or be allowed to not to book, any leave for several months at a time (e.g. April to September) and then expect to take, or indeed be expected to take, all of their entitlement at the end of the financial year.

Line Managers (i.e. the person that authorised the annual leave) can instruct staff to take annual leave in cases where an employee is not planning/booking sufficient leave; the intention of such a practice is to allow employees to have sufficient rest and recuperation throughout the year and to also avoid employees losing their annual leave entitlement (see section 10). However, any such arrangements should be discussed in advance with the employee.

Such instances should be exceptionally rare (as it is expected that discussions regarding annual leave should take place throughout the financial year); advice should always be sought from the HR department in order to ensure that the proposed course of action is appropriate.

10. Carry-over of annual leave from one leave year to the next will not be allowed except in the following situations:
  - a) In cases of sickness absence (please refer to the Supporting Attendance at Work Policy and Procedure; you must also seek advice from the HR Department)
  - b) In cases where leave has been requested (and this can be evidenced) but refused by the line manager
  - c) In cases where an individual has been prevented from taking annual leave due to suspension. Suspension is a neutral act and therefore staff experiencing this should not be penalised by losing their annual leave. Full carry-over of untaken leave will be appropriate in these circumstances.
  - d) In cases where maternity leave (or equivalent, such as adoption leave) has precluded the taking of annual leave. Full carry-over of untaken leave will be appropriate in these circumstances. Note that bank holidays do still accrue during maternity leave.
11. Untaken leave cannot be paid out, except on termination of appointment. Even in such cases there will be an expectation that leave be booked and taken during the notice period where possible.
12. Under normal circumstances, no leave will be granted lasting more than 2 weeks. Exceptions to this will be considered on a case-by-case basis.
13. Annual Leave may be taken during periods of sickness absence, at the request of the employee. This may be beneficial to the employee if, due to the length of their

absence, their rate of sick pay has dropped to 50%, since annual leave is paid at normal rates. Further advice must be sought from the HR Department.

14. If an employee is suspended from duty or absent through long term sickness then they are required to be available to meet with Trust managers (in accordance with the Supporting Attendance at Work Policy). If they wish to take a holiday that will prevent them from being available to attend meetings, then this time must be recorded as annual leave and deducted from the annual entitlement as normal. Staff absent from work through suspension or sickness absence are entitled to take holidays, and often it will be beneficial for them to do so, however they do need to inform their manager that they will be taking this time as annual leave.
15. Annual leave accrual continues during periods of absence, subject to the following exceptions. No annual leave will be accrued during career breaks or any other period of unpaid leave. E.g. if an employee were to take a month of authorised unpaid leave, this would reduce their annual leave entitlement for that year by  $\frac{1}{12}$ . Reservists do not accrue annual leave during any period of time in which they are mobilised. Please refer to the Flexible Working Policy, Maternity, Paternity and Adoption Policy and the Supporting Attendance at Work Policy for more specific information. *For the avoidance of doubt, Bank holiday leave does not accrue during periods of sickness absence.*
16. Staff with term time only working patterns are not entitled to take/book annual leave. The calculations involved in setting up a term-time only contract will automatically include paid periods of leave.
17. Additional annual leave may be bought at the beginning of the leave year subject to this scheme being approved each year by the Trust's Executive Committee and subsequent approval being granted by line managers.
18. Employees covered by Medical and Dental Terms and Conditions of Appointment should refer to Senior Medical Staff - Management of Leave policy in the first instance. The provisions of this policy will apply to Medical and Dental staff unless superseded by the terms of the Senior Medical Staff - Management of Leave policy.
19. This policy does not apply to Bank staff as their leave accrual and recognition does not operate in this manner.

## Training Needs Analysis for the policy for the development and management of Trust wide procedural / approved documents

Please tick as appropriate

There <b>is no</b> specific training requirements- awareness for relevant staff required, disseminated via appropriate channels (Do not continue to complete this form-no formal training needs analysis required)	✓
There <b>is</b> specific training requirements for staff groups (Please complete the remainder of the form-formal training needs analysis required-link with learning and development department.	

Staff Group	✓ if appropriate	Frequency	Suggested Delivery Method (traditional/ face to face / e-learning/handout)	Is this included in Trustwide learning programme for this staff group (✓ if yes)
Career Grade Doctor				
Training Grade Doctor				
Locum medical staff				
Inpatient Registered Nurse				
Inpatient Non-registered Nurse				
Community Registered Nurse				
Community Non Registered Nurse / Care Assistant				
Psychologist / Pharmacist				
Therapist				
Clinical bank staff regular worker				
Clinical bank staff infrequent worker				
Non-clinical patient contact				



Non-clinical non patient contact				
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Please give any additional information impacting on identified staff group training needs (if applicable)

Please give the source that has informed the training requirement outlined within the policy i.e. National Confidential Inquiry/NICE guidance etc.

Any other additional information

Completed by	Eileen Wedgwood	Date	24/04/19
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