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<b>Policy Validity Statement</b>
This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

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### 1. POLICY STATEMENT

The CCG recognises that from time to time employees will require time away from work for certain matters that require their urgent attention. The organisation is committed to helping employees balance the demands of domestic and work responsibilities by the provision of paid and unpaid leave subject to exigencies of the service.

## 2. PRINCIPLES

This policy will be applied to all permanent and fixed term employees within the organisation (this policy does not apply to agency workers). The fair and equitable implementation of this policy will be monitored locally by Human Resources and will be regularly checked against legislative requirements and best practice to ensure that no person is treated less favourably on the grounds of their race, gender, religion or belief, disability, age, marriage or civil partnership, pregnancy or maternity, sexual orientation or gender reassignment.

Where possible the organisation will consider flexible working on a case by case basis, taking into consideration the service needs. Flexible working may include, working from a different base, working from home or swapping days and working on non-contractual day to accommodate the needs of the employee and service needs.

For the purpose of this policy, all entitlements will be pro rata for part time employees.

## 3. DEFINITIONS

For the purpose of this paper, the definitions are as follows:

3.1	A dependant'	is someone who is married to, is a civil partner, or a partner (whether opposite or same sex) or is a child, a parent or a person who lives at the same house as the employee (other than a lodger, tenant, boarder or employee) or could be someone who would reasonably rely on the employee for assistance, or arrangements for the provision of care in the event of an illness or injury
3.2	A 'relative'	includes: parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives in a particular emergency.
3.3	'Next of kin'	may be taken to include a partner, close family member or dependant
3.4	'A Carer'	are employees with significant caring responsibilities that have a substantial impact on their working lives. These employees are responsible for the care and support of disabled, elderly or sick child, parents, relatives or friends who are unable to care for themselves
3.5	'Adverse weather'	can be defined as snow, ice, volcanic eruptions, fog and floods which render journeys by road as extremely hazardous. This can be both public and private transport.
3.6	Disability	an employee may be registered as disabled under the Equality Act 2010, if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities. <b>'substantial'</b> is more than minor or trivial – e.g. it takes much longer than it usually would to complete a daily task like getting dressed. <b>'Long term'</b> means 12 months or more, e.g. a breathing condition that develops as a result of a lung infection

### 3.7 TYPES OF LEAVE

This policy provides leave in the following circumstances:

Compassionate Leave	is to help an employee come to terms with the death of a dependant, relative or next of kin
Emergency Domestic Leave	is short term leave to deal with an emergency situation relating to a dependant
Carers' Leave	is to deal with longer term problems (in addition to time off for emergencies) such as to look after someone who has a serious illness or who is terminally ill.
Ante-natal appointments	Is time off for mothers and their partners to attend ante-natal appointments.
Parental Leave	is to allow working parents request a period of unpaid leave during the first 14 years if a child's life. (18 in the case of adoption or disabled child)
Medical and Dental Leave	Allows arrangements for employees to attend medical and dental appointments during a working day
IVF /other Fertility treatment	Allows arrangements to be made to attend medical appointments when undertaking/ pursuing IVF treatment
Gender Re-assignment	Allows arrangements to be made when an employee is undergoing gender re-assignment and is required to attend medical appointments and undergo transition
Adverse weather	Allows for alternative arrangements to be made when there is adverse weather, which may include flexible working, annual leave or unpaid leave.
Time off for study	When employees are taking time from their duties to study or train.
Sabbatical/ Employment Break scheme	Allows the employee to request leave from their employment on a temporary basis.
Reserves/ TA/ Cadet forces	Where there is a need for time off for activities and training or where an employee is 'called up' for military operations,
Public/ Civic duties	Where the employee is required to be absent for essential civic and public duties
Attendance at court/witness	May be required to attend court for service as a juror, character witness of witness of fact
Emergency Services	Leave to support activities of retained Fire Fighters, Special constables, RNLI, Search and Rescue and similar activities
Religious Observance	When an employee seeks leave for a religious festival or cultural observance
Employment Interviews	To attend an internal/external interview with the organisation
Volunteering	Allows employees time off to do volunteer work within the community or for charitable institutions

#### 4. COMPASSIONATE LEAVE

The purpose of compassionate leave is to help an employee come to terms with the death of a dependant, relative or next of kin. It also covers time off to make arrangements for attending funerals of a dependant, relative or next of kin.

It is acknowledged that family situations differ and there may be circumstances when the 'next of kin' fall outside of these categories. E.g. if an employee's parent died when they were younger and their grandparents brought them up. In this instance the grandparents would be the 'next of kin'

#### 4.1 ELIGIBILITY

All employees regardless of their length of service, may be granted leave

Each case should be viewed sympathetically and the amount of leave granted will depend on the individual's circumstances. For example, relationship, domestic responsibilities and travel.

4.2 Managers may grant up to 5 days paid leave (this should be pro-rated for part time staff) to accommodate the time required for the individual to plan and arrange the funeral following the death of their dependant, relative or next of kin.

4.3 In the case of a death of a relative/close friend (who is not the 'next of kin') the employee may request 1 day paid leave to attend the funeral. This will be agreed by the Line Manager depending on the circumstances.

4.4 Any further absence required by the individual will be managed in accordance with the relevant organisational policy (Absence Management Policy HR02 or Annual leave Policy HR04)

4.5 The employee must make any requests for compassionate leave to their Line Manager. If it is not feasible prior to the period of leave, this should be completed retrospectively (See Appendix 1).

### 5. EMERGENCY DOMESTIC LEAVE

All employees are entitled to take a reasonable amount of time off to deal with an emergency situation relating to a dependent.

The leave can be taken for example to:

- Deal with a breakdown in childcare
- To put longer term care in place for children or elderly relatives
- If a dependant fall ill or is taken into hospital
- To deal with an incident that involves their child and occurs unexpectedly while the child is at school/ other education.

It may also deal with any unforeseen domestic emergencies including:

- Flood
- Fire
- Burglary

#### 5.1 ELIGIBILITY

All employees regardless of their length of service may be granted leave.

5.2 A Manager may grant 1 paid day (or part of a day) to deal with the domestic or dependant emergency. A further day can be agreed with the Line Manager depending on the circumstances. However, the total number of days should not exceed more than 3 days in any rolling 12 month period. It may also be considered by the Line Manager whether during the time off, the employee can work from home, or change their working hours where possible. If a longer period of time away from work is required to deal with the emergency, it may be necessary to consider carer's leave (Section 6) which would be discussed with the Line Manager.

Employees who are not able to attend work or unable to work from home will have the option to also consider:

- Flexible working (manager may agree revised working hours to enable the employee to fulfil their contracted hours)
- Annual leave
- Unpaid leave

5.3 Once the immediate emergency has been addressed, the employee is expected to return to work or, if further time off is necessary, further annual leave, unpaid leave or alternative working hours could be agreed with the employee's Line Manager.

5.4 The employee must make any request for leave directly to their Line Manager in the first instance, detailing the reasons for the request. If this is not feasible prior to the period of leave, this should be completed retrospectively. (Appendix 1)

## **6. CARERS' LEAVE**

Carers' leave is provided as an alternative form of leave in addition to time off for emergencies (which is for short term/ emergencies only). Such a request for leave does not provide an automatic right to time off, however the employee's Line Manager will consider each case carefully.

An example of when carers' leave could be considered is when an employee is required to look after someone who has a serious or terminal illness, or has a disability.

### **6.1 ELIGIBILITY**

Employees must have a minimum of 12 months service with the CCG before being considered for extended carers' leave.

6.2 A manager may grant the employee up to 5 days paid leave and a further 5 days unpaid based on a full time worker (20 in exceptional circumstances, which will be decided on a case by case basis by the Line Manager) in one leave year. If necessary additional unpaid leave may be granted, up to a combined period of 6 months in total. For any additional leave required for a longer period, the employee may wish to consider an Employment Break. The length of the break will normally be for a minimum of 3 months up to a maximum of 5 years. (Please refer to HR05 Career Break Policy for further information).

6.3 The employee must make the request for any leave directly to their Line Manager in the first instance, detailing the reasons for the leave. (Appendix 1)

## **7. ANTE-NATAL APPOINTMENTS**

7.1 Pregnant employees are entitled to reasonable time off to attend ante-natal appointments; please see the

maternity policy for full details.

7.2 Certain others are also entitled to unpaid time off to attend up to two ante-natal appointments. Further attendance at appointments will be at manager's discretion.

### 7.3 ELIGIBILITY

In order to qualify for unpaid leave to attend up to two ante-natal appointments the member of staff must be one of the following;

- the spouse or civil partner of the pregnant woman,
- living with the pregnant woman in an enduring family relationship but not a relative (i.e. not a parent, grandparent, sibling or uncle/aunt),
- the father of the expected child,
- the intended parent of a child in a surrogacy arrangement where they expect to be entitled to, and intend to apply for, a parental order in respect of that child

There is no qualifying period of service for employees, whilst agency workers must have completed their 12-week qualifying period under the Agency Worker Regulations.

## 8. DOCTOR / DENTIST/ MEDICAL APPOINTMENTS

8.1 Employees will, from time to time, need to attend medical, hospital, dental, optician, and other similar appointments. Wherever it is possible to do so, employees (both full time and part time) should endeavour to be flexible and arrange such appointments in their own time or if this is not possible, at times that will cause the minimum amount of absence from work.

8.2 Where an employee has no alternative but to attend such appointments during working hours options available are flexibility in working hours, annual leave or unpaid leave. The Line Manager will work with the employee to come to a flexible agreement which supports the employee and the needs of the service.

When the appointments become more frequent or the employee has a disability and is required to attend regular appointments (i.e. regular physiotherapy/attending on-going treatment) the individual should advise their Line Manager in advance of the appointments. The manager shall consider reasonable adjustments to accommodate the disability related requirements including variation of working hours, flexible working hours or using a combination of unpaid and annual leave or paid time off to attend appointments.

Employees must inform their Line Manager of any appointments where possible at least one week in advance of the appointment. The employee should also bring in their appointment card and pass to their Line Manager when requesting time off to attend an appointment.

8.3 Employees who are pregnant have a statutory right not to be unreasonably refused time off work with pay for antenatal appointments. Paid time off in such circumstances will automatically be granted. Please refer to the organisation's Maternity Policy HR17 for further guidance.

8.4 Any other medical or dental appointment which the employee is requested to attend which is not directly related to their health or wellbeing should be discussed with their Line Manager or alternatively please contact HR department for further guidance.

8.5 Should an employee be required to attend an appointment with a dependant, the employee is required to follow, section 8.1 and 8.2 when requesting time off.

8.6 Any Occupational Health appointments which an individual is requested to attend can be taken during working hours unless the employee is already absent from work. All Occupational Health appointments should be managed in accordance with the Absence Management Policy

## **9.0 SPECIAL LEAVE FOR IN VITRO FERTILISATION (IVF) AND OTHER FERTILITY TREATMENT**

9.1 The CCG recognises the emotional pressure of undergoing IVF treatment and wishes to support any employee during the process where possible. The organisation will allow the employee to use a reasonable number of days leave using annual leave or unpaid leave during the course of the treatment or where possible to work flexibly in line with the service needs. Any agreement will be made by the Line Manager.

9.2 Any leave requested for appointments will be managed in accordance with Section 8 of this policy (doctors/dentist and medical appointments) up until the point of pregnancy when this will then be managed in accordance with the organisation's Maternity Policy (HR 17). The employee must notify their Line Manager to advise them of any on-going appointments that they will be required to take due to the treatment.

## **10.0 SPECIAL LEAVE FOR GENDER RE-ASSIGNMENT**

10.1 The CCG recognises the emotional and psychological pressure involved in undergoing gender re-assignment and wishes to support any employee during the process where possible. The organisation will allow the employee to use a reasonable number of days leave using annual leave or unpaid leave during the course of the process or where possible to work flexibly in line with service needs. Any agreement will be made with the Line Manager.

10.2 Any leave requested for appointments will be managed in accordance with Section 8 of this policy (doctors/dentist and medical appointments).

## **11. ADVERSE WEATHER**

11.1 It is the duty of each employee to make their own arrangements to get to work at the normal time. However it is recognised at times that employees may experience severe difficulties in getting to and from work as a result of adverse weather and disruption to travel.

11.2 For the purpose of this section, 'adverse weather' can be defined as snow, ice, volcanic eruptions, fog, floods and extreme winds which render journeys by road as extremely hazardous. This can be both public and private transport. However employees are expected to make reasonable attempts to attend work for services to be maintained even if this means they arrive late.

11.3 If it is not possible for the employee to attend work at their normal base, it should be considered whether there is another base closer to home that they can work in, or work from home. This should be discussed with their direct Line Manager in this instance.

Employees not able to attend work or unable to work from home or a separate base will have the option of:

- Flexible Working (manager may agree revised working hours to enable the employee to fulfil their contracted hours).
- Annual leave
- Unpaid leave

## **12 TIME OFF FOR STUDY**

Employees may submit requests in relation to any type of study or training that they believe will improve their effectiveness in their organisation and the performance of the business. Please refer to the Policy for Further Education and CPD for further information (HR10).

### **13 MEMBERS OF THE RESERVE FORCES / CADET FORCES**

The reserve forces include The Maritime Reserve Forces, Army Reserve and the Royal Air Force Reserves.

The CCG recognises that many of the skills that reservists gain during their training are transferable to the workplace.

It is a requirement that employees advise their line manager as soon as possible of their intention to become a reservist. This requirement is to allow the department/organisation to deal with the practical implications.

#### **13.1 ELIGIBILITY**

These provisions apply to all employees.

13.2 Employees who need time off for activities as reservists are expected to use days out of their normal holiday entitlement. To avoid reservists being unable to take time off when needed, they should apply for any leave they require as soon as possible. This should be submitted in the usual manner to the employee's Line Manager in accordance with the Annual Leave Policy.

13.3 An additional 5 days paid leave and 5 days unpaid leave in any 12 month rolling period will be given to help the reservist meet their commitments. This includes attendance at the annual camp.

13.4 Reservists may be 'called up' for military operations, with notice typically given 28 days before mobilisation. Should this occur the employee should present their MOD papers to their Line Manager as soon as possible after receipt, outlining the date and possible duration of the employee's mobilisation. During this period of active service, unpaid leave will be granted. Employment will continue without pay, unless specified otherwise by the employee. Staff wishing to preserve pension rights should contact the Pension Officer within Payroll for clarification of their personal circumstances.

13.5 Reservists have the right to return to their former posts on terms and conditions no less favourable than those that would have applied if they had not been 'called up'. To exercise the right to be reinstated, the reservist must write to the organisation confirming the employee's intention to return to work within 13 weeks of a return.

13.6 The continuity of a reservist's employment is not broken by the period of voluntary mobilisation, if the employee is reinstated within their employment within 6 months of the demobilisation.

### **14. PUBLIC / CIVIC DUTIES**

The CCG will allow reasonable unpaid time off to staff required to be absent from work for essential civic and public duties of the kinds listed in Section 18 of the Employment Rights Act 1996 and as required by other legislation. Any agreed paid time off will be at the discretion of the Line Manager and agreed locally. The duties for which an employer is required to permit reasonable time off, without pay, are with regard to employees who are members of any one of the bodies listed in 14.2, in order to:

- Attend meetings of the body or any of its committees or sub-committees.

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

14.1 In deciding what is reasonable, the manager needs to take into account the time required to perform these duties, the amount of time off which has already been taken, and the effects of the absence on the needs of the service.

14.2 Public duties apply to employees who, in an unpaid role, are:

- a member of a local authority,
- Justice of the Peace/Magistrate
- a member of any statutory tribunal,
- a member of a National Health Service Trust or organisation.
- Members of the managing or governing body of an educational establishment maintained by a local education authority.
- members of the governing body of a grant-maintained school, further or higher education corporation or of a school board or board of management of a college of further education or self-governing school
- a member of the National Rivers Authority
- members of the Broads Authority,
- members of a Board of Prison Visitors.

This list is not exhaustive and other roles may be determined locally.

14.3 Employees are requested to inform their Line Manager in writing outlining the dates, times and frequency of meetings, visits and training commitments in advance.

## **15 ATTENDANCE AT COURT/ WITNESS IN COURT (which includes attendance at Professional Tribunal, Employment Tribunal or Fitness to Practice Hearings)**

### **15.1 Jury service**

15.2 Employees may be required to attend court for service as a juror, character witness or witness of fact.

15.3 The employee will continue to be paid while on jury service at the normal rate of pay.

15.4 In the event that an employee is called up for jury service they should provide their Line Manager with a copy of the court summons and any relevant documentation at the earliest opportunity in order to discuss cover for the period they will be required for Jury service. The employee will also be provided with a 'Certificate of Loss of Earnings' which will need to be completed by the employee and their Line Manager. Once submitted the organisation can be reimbursed for the loss of earnings incurred due to being absent.

15.5 If it is practicable for the individual to return to work at any point during the period of jury service, they should do so.

### **15.6 Attending as a witness**

15.7 Where an employee is required to give evidence at court on behalf of the organisation, paid leave will be

granted for as long as required.

15.8 Where an employee is called as a witness by another NHS organisation, leave will be granted which will be paid. The pay will be reclaimed from the relevant organisation.

15.9 Unpaid leave will be granted for attendance at court as a witness in respect of matters arising from outside of work, i.e. personal matters. Individuals can claim for expenses occurred and loss of earning through the courts. Please refer to the Crown Prosecution Service website for further information current rates and guidance on how to claim. [www.cps.gov.uk](http://www.cps.gov.uk)

## **16 EMERGENCY SERVICES**

Leave to support activities of retained Fire-fighters, Special Constables, RNLI, Search and Rescue or similar activities and services.

### **16.1 Eligibility**

These provisions apply to all employees.

16.2 Where possible, duties should be undertaken outside of the individual's normal working hours. Annual leave may however be requested where activities impact in working time.

16.3 In addition, to annual leave, a provision of up to 5 days unpaid leave in any rolling 12 month period may be granted to carry out the duties required.

## **17 RELIGIOUS OBSERVANCE**

When an employee seeks leave for a religious festival or cultural observance, employees will be entitled to request the following, subject to the needs of the service:

- Flexibility in arrangement of hours
- Annual leave
- Time off in lieu
- Unpaid leave

17.1 When requesting time off/leave for a religious observance, employees should provide as much notice as possible to their Line Manager.

## **18. EMPLOYMENT INTERVIEWS**

18.1 To attend an internal interview within the organisation, paid leave will be granted with the Line Manager's approval and within the needs of the service.

18.2 Paid leave will be granted to attend interviews external to the organisation if the employee is under notice of redundancy or have been notified that they are 'at risk'.

18.3 For any other interviews external to the organisation, annual or unpaid leave may be requested. Any requests for annual leave should be submitted to the Line Manager in accordance with the organisation's Annual Leave Policy.

## **19. VOLUNTEERING**

19.1 All employees regardless of length of service may request time off to volunteer within the community or for charitable institutions.

19.2 Line managers may grant up to three days unpaid leave (pro-rata for part-time staff) within any 12 month rolling period.

19.3 Each request for time off to volunteer will be considered by the Line Manager taking into account the needs of the service and the circumstances of the volunteering opportunity.

19.4 Consideration may be given to flexible working arrangements or the taking of annual leave as an alternative to unpaid leave or to extend beyond the maximum three days unpaid leave that may be granted. Any requests for annual leave should be submitted to the Line Manager in accordance with the organisation's Annual Leave Policy.

19.5 In addition, where a volunteering opportunity is for longer than three months an employee may request an unpaid career break. Such a request is subject to the eligibility criteria and application procedure outlined in the organisation's Career Break Policy.

19.6 Time off for duties associated with reserve forces and volunteer emergency services is outlined separately in Sections 13 and 16 of this policy, respectively.

## **20. APPEAL PROCESS**

20.1 If the employee feels that an application for other leave has been unreasonably declined, they should discuss the matter with their Line Manager in the first instance, putting their case in writing within 5 days. If the manager upholds the original decision s/he should respond in writing setting out the reasons for the decision within 5 days.

20.2 If the employee still feels aggrieved by this decision the employee should appeal through the grievance procedure.

## **21. EQUALITY STATEMENT**

The CCG recognises its responsibility to ensure that no individual is discriminated against, disadvantaged or given preference, through membership of any particular group, particularly including people with disabilities, people from different ethnic backgrounds or religions, or on the grounds of their race, gender, religion or belief, disability, age, marriage or civil partnership, pregnancy or maternity, sexual orientation or gender reassignment.

An Equality Analysis has been carried out on this policy – Appendix 2

## **22. MONITORING AND REVIEW**

This policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

## **23. ASSOCIATED DOCUMENTS**

HR02 Absence Policy

- HR03 Adoption Leave Policy
- HR04 Annual Leave Policy
- HR05 Career Break Policy
- HR09 Flexible Working Policy
- HR10 Further Education & CPD Policy
- HR11 Grievance Policy
- HR17 Maternity Policy
- HR20 Parental Leave
- HR22 Paternity Leave

Agenda for Change Terms and Conditions Handbook

**Appendix 1 - APPLICATION FORM FOR SPECIAL LEAVE**

Please refer to the Other Leave Policy for details of eligibility, entitlement, application process and requirements for supporting documentation.

Employee Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Assignment Number: \_\_\_\_\_

Type of Leave requested: \_\_\_\_\_

Reason for request: \_\_\_\_\_

\_\_\_\_\_

Number of days/ hours leave requested: \_\_\_\_\_

Paid \_\_\_\_\_ Unpaid \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_

**To be completed by Line Manager**

Manager's Comments: \_\_\_\_\_

Manager's Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

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

c.c. Employee Personnel File

**Copy to be provided to applicant**