

Other Leave Policy

HWHR05

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1. Introduction

1.1. The Herefordshire and Worcestershire Clinical Commissioning Group (CCG) recognises that from time to time employees will require time-off 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. Equality Statement

2.1. Herefordshire and Worcestershire CCG aim to design and implement policy documents that meet the diverse needs of our services, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex, gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.

2.2. In carrying out its functions, Herefordshire and Worcestershire CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Herefordshire and Worcestershire CCGs are responsible, including policy development, review and implementation.

3. Purpose and Scope

3.1. This policy sets out a consistent and fair approach to the application and management of all aspects of leave paid and unpaid.

3.2. The policy provides guidance to managers on the application and management of the varied types of leave/ time off. Leave in this policy is to enable employees to balance their work responsibilities and personal commitments.

3.3. This policy and procedure is applicable to all employees' on Agenda for Change terms and condition (this policy does not apply to agency workers) and Very Senior Managers.

3.4. The leave options are as follows:

- Emergency leave for urgent Domestic issues
- Carer Leave
- Compassionate / Bereavement Leave
- Short term unpaid leave

- Employment break
- Time off for Routine Doctor / Hospital / Medical / Therapy / Optical / Legal / Dental appointments
- Time off for elective cosmetic surgery
- Special Leave for IVF and other fertility treatment
- Time off for civic and public duties
- Leave for training with the Reserve and Cadet Forces/Territorial Army
- Membership of Reserve forces
- Emergency related services
- Jury Service
- Attendance at court as a witness
- Honours and civic ceremonies
- Civic and public duties
- Time off for religious festivals and spiritual observance days
- Time off for study
- Time off to attend interviews

3.5. Reference should be made to the CCGs Annual Leave Policy this type of leave which is not covered by this policy.

4. Responsibilities

4.1. Line Manager Responsibilities:

- To understand and to ensure the policy is adhered to and implemented fairly
- To record, monitor and authorize the leave of their employees referred to within this policy.
- To consider all leave requests fairly, taking into consideration an employee's entitlement and the CCG's needs.
- Monitor the uptake of annual leave to ensure staff take regular breaks from work

4.2. Employee responsibilities:

- To request leave from the manager in a timely manner wherever possible giving adequate notice.
- Request leave by completing the form at the earliest opportunity

4.3. Executive Directors:

All Executive Directors will be responsible for ensuring that:

- All employees are informed of the terms of the procedures that apply to them
- The procedure is implemented and operated effectively within their directorates

Both employees and line managers have a responsibility to read and understand the policy, any breaches of this policy may be investigated and may

result in the matter being treated as a disciplinary issue under the CCG's disciplinary procedure.

4.4. The Role of Human Resources

The responsibility of the Human Resources Department is to ensure that the policy and procedure is applied, maintained and updated accordingly in line with any organisational or legislative changes; as well as provide support for managers and employees in dealing with the management of leave.

5. Definitions

5.1. For the purpose of this policy, the definitions are as follows:

'A dependant': For the purposes of carer leave for critical illness is someone who the spouse, a civil partner, a partner (whether opposite or same sex) or a child, a person who lives at the same house as the employee (other than a lodger, tenant, boarder or employee). In addition, a dependent is someone who reasonably relies on the employee for primary support and care or to make arrangements for the provision of care in the event of an illness or injury. Time off for dependants is to deal with unexpected situations. For example:

- to deal with a breakdown in the care of a dependant
- to put longer term care in place for children or elderly relatives
- if a dependant falls ill or is taken into hospital

5.2. **A 'carer'**: are employees with caring responsibilities that have a substantial impact on their working lives. These employees are responsible for the care and support of disabled, elderly person or sick child, parents, relatives or friends who are unable to care for themselves.

5.3. **'Disability'**: an employee may be registered as disabled under the Equality Act 2010, if they have a physical or mental health condition that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities. **'Substantial'** is more than minor or trivial –e.g. it takes much longer than it usually would to complete a daily task like getting dressed.

5.4. **'A relative'**: includes: parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents, grandchildren and step relatives in a particular emergency.

6. Employee leave Policy and Procedure

6.1. Applying for Special Leave / Carer's leave

You should:

- Consider which leave arrangement is suitable for your situation
- Discuss your situation with your manager
- Many of the policies are ultimately discretionary to your manager and therefore it is worth discussing your need for leave at the earliest opportunity.
- Check your eligibility for leave. The policy clearly states who is eligible
- Ensure that you are aware how taking leave may affect your terms and conditions of employment, if at all. All the policies and procedures clearly outline how your terms and conditions may be affected by taking such leave.
- Complete the application form for leave attaching any relevant documentation and forwarding to your manager for approval.

However please be aware of certain notice periods required for different types of leave.

6.2. How will my manager deal with my application?

Depending on the nature of your request your manager will discuss your situation with you. In cases where a certain amount of flexibility exists, your request will be considered in light of your own needs, balanced with the needs of the service.

The application form will be used which your manager is required to sign if authorised, or to state the reasons if a request is refused. This form will be returned to you and a copy sent to Human Resources.

Your manager will record the nature of your absence on the payroll returns as well as maintaining a departmental absence record.

6.3. What do I do in an emergency?

It is acknowledged that it is not always possible to request leave in advance as often it is required to deal with unforeseen, emergency situations. For unforeseen situations and urgent requests the form may be completed on return to work.

In such cases you should always contact your manager as soon as you can to make them aware of your situation. Your manager should then be able to sanction a short- term absence and advise what sort of leave is appropriate to your circumstance. If this is not possible you may be allowed the time off but the confirmation of the type of leave to be taken may be confirmed at the next suitable

opportunity once your manager has had time to consider your request. You will be asked to sign an absence form on your return to work.

If your absence has longer-term implications you should arrange to meet with your manager as soon as possible to discuss the situation further.

6.4. What if I need to make frequent use of the employee leave policies and procedure?

If you need to make frequent or repeated use of the employee leave provisions over a 12 month period your manager will review this with you. Initially this is likely to be in the form of an informal discussion with your manager. It may be that alternative support can be offered– for example if you are frequently requesting to use Emergency Leave because you are caring for a sick relative it may be more appropriate to reduce your hours for a temporary basis to help you accommodate your responsibilities outside of work.

Depending on the circumstances this review may then need to take a more formal nature involving your representative if you wish, and a member of Human Resources.

6.5. Confidentiality

The CCG is aware that details of a personal nature may be disclosed by an employee in requesting Special/Carer Leave within the sphere of this policy. Confidentiality regarding any information will be respected and maintained.

6.6. Emergency Leave for Urgent domestic distress

There are times when employees need time off to respond to a sudden and urgent unanticipated problems such as dealing with a domestic crisis

For domestic needs that can be reasonable planned in advance you are expected to request annual leave or request to work your hours flexibly on a temporary basis to make up time. Such requests will only be approved subject to service requirements.

6.7. Reasons for requesting Emergency Leave may include:

Leave for extreme, urgent and unforeseen crises and emergencies which require immediate attention and to enable staff to resolve the situation or make temporary arrangements, for example:

- Making arrangements following a theft at your home or of your vehicle
- Making arrangements for repairs to your home following accidental damage from a fire, flood or storm
- The urgent care of a dependent relative/significant other i.e. unforeseen breakdown of childcare arrangements

- Unforeseen illness of a dependent relative/significant other, and to make longer term arrangements for their ongoing care
- An incident involving the employee's child during school hours

6.8. Am I eligible for emergency leave for urgent domestic distress?

Yes. This provision is available for all members of staff to use if necessary regardless of length of service.

In order to qualify for the right to take emergency leave, an employee is required to request the leave from their manager as soon as reasonably practicable of the reason for their absence.

Where an emergency situation would not require a whole days' leave then there would be an expectation that the employee would return to work

6.9. How much emergency leave can I take?

For times when an employee may require time off to respond to an urgent or unforeseen incident relating to **the home**. Examples of such circumstances include fire, flood, burglary, or to respond to immediate carer needs.

This is meant to apply in abnormal and **urgent circumstances** which **cannot be foreseen**.

As a guide and to ensure consistency, up to 1 days paid leave may be taken at any one time. Unpaid leave of up to 5 days may be granted by your manager if paid leave has been exhausted.

No more than 5 days paid and 5 days unpaid pro-rata should be taken in any 12 month period (beyond this limit the provisions of the Parental Leave Policy or Short Term Unpaid Leave Policy may apply).

This should normally be a few hours but a whole day may be provided dependent on the nature of the emergency and in discussion with the line manager.

If this entitlement has already been exhausted then alternative provisions may apply such as the use of annual leave, work from home, time to make up.

Where an emergency situation would not require a whole days' leave then there would be an expectation that the employee would return to work

6.10. How will emergency leave affect my pay and contract?

If you are being paid you will receive your normal rate of pay in the usual way. If receiving unpaid leave the number of days absent will be deducted from your salary accordingly.

Your contract will be unaffected by taking Emergency leave.

6.11. How do I apply for emergency leave?

In order to qualify for the right to take emergency leave, an employee is required to request the leave from their manager as soon as reasonably practicable of the reason for their absence.

By the nature of such leave, Emergency leave will normally have to be requested and granted at short notice. You should contact your manager at the earliest opportunity to make them aware of your circumstances. There is no guarantee that emergency leave will be approved as is subject to managerial discretion.

You will be asked to sign the attached application form (Appendix 1) on your return to work.

7. Carers Leave

Many staff have responsibility for dependents. A dependent is defined above at section 4.1 above

Carer's leave may apply where: -

- A dependent falls critically ill, has been in an accident or unexpected incident
- There is a need to make longer-term arrangements for a dependent who is ill or injured

Carers' leave is very short term and is given to make arrangements to cover the needs arising from the above circumstances. Employees may be granted up to 2 days paid leave in any one rolling 12 month period.

The circumstances in which reasonable time off may be granted are:

- To assist a dependent, who falls critically ill, is injured or assaulted
- To make arrangements for the long term care of a critically ill or injured dependent

This leave is for staff who may have responsibilities for dependents and on occasion may need time off to respond to a critical illness. This is applicable on the day the issue arises and in cases of emergency and urgent circumstances only.

This leave is not intended for normal minor illnesses. If employees are aware that they require time off to support a dependent in terms of other appointments e.g. hospital or dental appointment they should ask for annual leave in the usual way, which may involve flexible working, or taking time in lieu. Employees must contact line manager as soon as reasonably practicable to request the time off, the absence reason

8. Compassionate/ Bereavement Leave

8.10. What is compassionate leave?

Compassionate Leave is paid time off available to employees to cope with a bereavement.

Applies in the case of bereavement following the death of a dependent or close relative. Where no blood or marriage relationship exists, the manager should use their discretion in determining whether compassionate leave should apply.

Time off is to help facilitate arrangements and to attend the funeral of a spouse, dependent, partner or close relative (if there are no other relatives available to make the necessary arrangements).

Managers should use their discretion when allocating time and to contact HR if further advice is required.

8.11. Am I eligible for compassionate leave?

Yes. This provision is available to all staff employed by the organisation regardless of length of service.

8.12. How much compassionate leave can I take?

Granting Compassionate Leave is at managerial discretion. The examples below are intended to help allow managers to **make informed decisions** regarding the approval of compassionate leave:

- 1 days paid leave to attend the funeral of a close relative.
- Up to 1 working week upon the death of a partner or dependant.
- Up to a further 2 days leave if you are responsible for the funeral arrangements or other activities related to the death of a close relative.
- Up to 2 days paid leave if it is necessary to travel a considerable distance or abroad, or where travelling is unusually difficult, to attend a funeral.
- Up to 1 working week in circumstances where a partner, dependant or close relative has a terminal illness. You may also take up to three months unpaid leave, which may be taken in a block or as separate days depending on your needs and the needs of the service. See section 9 below.

A close relative is defined as a sibling (including those who are in-laws, uncles, aunts or grandparents and step relatives).

A dependent is a parent, parent in law, adult child, adopted adult child or children (including stepchildren).

8.13. How will compassionate leave affect my pay and contract?

Your contract will be unaffected by taking Compassionate Leave and receive your normal rate of pay in the usual way.

8.14. How do I apply for compassionate leave?

You should discuss with your manager the need to take Compassionate Leave at the earliest opportunity. Your manager will ask you to sign the application form either before taking leave, or on your return to work if more appropriate.

8.15. Support available

The CCG recognises that individuals who need to request compassionate leave may be facing a difficult time in their lives and therefore would encourage individuals to access the support provided by occupational health. Referrals to occupational health can be accessed through your manager.

9. Short-Term Unpaid Leave

9.1. What is short-term unpaid leave?

Short-Term unpaid leave may be granted for a variety of reasons such as:

- 9.1.1. A period of study not covered by paid study leave.
- 9.1.2. To visit relatives or travel/work abroad.
- 9.1.3. Family illness or domestic problems extending beyond the provisions of the Emergency Leave policy and procedure.
- 9.1.4. Voluntary work

Unpaid leave should only be taken when no other policy exists which is more relevant to the circumstances.

The advice of your Human Resources Department should always be sought in the application of unpaid leave.

9.2. Am I eligible for short-term unpaid leave?

Short-term unpaid leave is discretionary to your manager and depending on the circumstances may be granted to you irrespective of length of service.

If you have outstanding unplanned annual leave this should be used before taking unpaid leave.

9.3. How much short-term unpaid leave can I take?

Short-term unpaid leave is defined as up to 3 months in any 12 month period. For breaks exceeding 3 months please refer to the Employment Break Policy.

9.4. How will short-term unpaid leave effect my pay and contract?

- Unpaid leave will not count as a break in continuous service.
- Unpaid leave in excess of one month will not count as reckonable service as defined in your contract of employment for purposes of annual leave, sick leave, entitlement to redundancy pay or incremental credit.
- You have the right to return to your existing job, on no less favourable terms and conditions.
- If you are a member of the NHS Pension Scheme contributions will normally be expected to continue during unpaid leave which may result in payment of contributions in arrears. Any queries about this should be discussed with your Pensions Adviser.
- Periods of unpaid leave may affect your entitlement to State Benefits (e.g. statutory maternity pay, unemployment benefits, state pensions) and therefore you are advised to make enquiries with your local Benefits Office.

9.5. How do I apply for short- term unpaid leave?

- Ideally you should use the attached application form.
However it is recognised that it is not always possible to give written notice of the need to take unpaid leave but you should always discuss your situation with your line manager at the earliest opportunity.
- Your immediate line manager may approve unpaid leave of up to 5 days.
- Applications for unpaid leave in excess of 5 days and up to 1 month should be directed to your line manager and approved in discussion with the relevant senior manager.
- Except in exceptional circumstances, applications for unpaid leave in excess of 1 month must be made in writing at least 1 month before the first day of the leave period requested. Applications need to be approved by the Senior Manager/Director who will consider the request in light of the needs of the service and the individual.

10. Employment Break

10.1. What is an employment break?

An employment break is an extended period of unpaid leave from the organisation with a guarantee of returning to employment with the organisation. It ensures that employees do not lose their place within their career and the organisation does not lose trained and skilled staff.

An employment break may be taken for a variety of reasons such as:

10.1.1. Care for dependants

10.1.2. Study

10.1.3. To do voluntary work

10.1.4. Travel

(This list is not exhaustive and there may be other reasons for an employment break)

10.2. Am I eligible for an employment break?

You should have at least one years' continuous service with the organisation to be considered for an employment break. Continuous service includes service with another employing authority from which you may have statutorily transferred.

10.3. How long can the employment break be?

An employment break will be a minimum of 3 months and up to a maximum of 1 year (For breaks of less than 3 months please refer to section 8 short term unpaid leave).

The actual period of your break will be subject to agreement between yourself and your manager and is based on the needs of the individual balanced against the needs of the service.

10.4. How will an employment break affect my pay and contract?

- The period of leave will be unpaid but your contract of employment will not be terminated. This means that all pay and benefits will be suspended from the start of your employment break, e.g. annual leave, sick leave, maternity benefits, and will be reactivated again on return to work.
- Absence due to an employment break will not be regarded as a break in service, although the period of the break will not count as reckonable service. This is defined in the contract of employment for the purposes of:
 - incremental dates
 - annual leave entitlements
 - sick pay
 - redundancy payments
- During employment breaks longer than 3 months, pension contributions will not be payable and will therefore result in a break in pensionable service.
- Employment breaks may affect your entitlement to state benefits. You are advised to contact your local Benefits Office for advice.

10.5. How do I apply for an employment break?

To formally apply for an employment break you should complete the attached application form for your manager, enclosing a covering letter stating your reasons

for the break and the ideal duration. You should give at least 3 months' notice of your intention to take an employment break.

Your manager will discuss your request with the appropriate senior manager/ director and Human Resources if necessary, and consider it in light of the following selection criteria:

- 10.5.1. The likely benefits to be gained by you and the organisation
- 10.5.2. Your length of service with the organisation
- 10.5.3. The demands of the service

If your application for a break is successful your manager will confirm this to you in writing stating the duration of the break, the dates and that you have a commitment to return to work with the organisation for a minimum period equal to the period of the break, subject to a maximum commitment of 1 year.

If your application is declined your manager should confirm this in writing stating the reasons for the refusal. Employee can appeal against the decision not to approve an employment break by using the organisation's Grievance Policy.

10.6. Other things to note about taking an employment break

10.6.1. Maintaining contact whilst you are on employment break

It is important that contact with the organisation, colleagues and your profession is maintained whilst on your employment break. You must leave a contact address before beginning your employment break and should notify your manager of any changes to this during your break.

Newsletters and appropriate literature will be sent to you by your manager to keep you in touch and aware of organisational changes and work development.

To enable contact to be maintained you will be expected to undertake paid work with the organisation for up to 10 days per year. This may include seminars, departmental and professional meetings, training courses or you may be asked to cover a period of annual leave within your department. If you are unable to attend work, for example if you are travelling abroad, other methods will be used to help keep you in contact.

You will be expected to maintain any professional registration and continue subscriptions to professional journals (if applicable) to ensure that up to date knowledge is maintained.

10.6.2. Returning to work

If your employment break was originally agreed as being for a period of twelve months or less you need to give at least 2 months' notice of your intention to return

to work earlier than originally agreed.

If you have taken a break of 12 months or less you will ideally return to your original post or a similar post at the same grade.

If your break has extended beyond 12 months you are guaranteed a similar post within the organisation but not necessarily the same as was held previously. As far as possible, suitable alternative work will be offered on the same grade and terms as the date of leaving. If this is not possible, short-term protection will apply. This will result in a change to your contract of employment when you accept the new role.

Every effort to find suitable alternative employment will be made but should you reject three offers of suitable permanent employment at an equivalent salary level, the organisation is under no obligation to offer further posts and the commitment to you will cease.

Where necessary you will be given refresher training prior to resuming your full duties. You are expected to return to work with the organisation for at least the equivalent period of your break up to a maximum commitment of 1 year.

10.6.3. What happens if I need to end the employment break earlier than expected?

In exceptional circumstances it may be necessary to terminate your Employment Break and return to work earlier than expected. Such circumstances could include for example, long term illness or crisis in a country you are visiting.

In cases such as this you would be advised to contact your manager at the earliest opportunity to discuss the situation. He/she would have discretion as to when you return and the notice periods outlined above apply but the organisation will try to reduce the notice period to support you if feasible to do so. It may be likely that someone would have been employed temporarily to cover your post whilst you were away so it may not be possible to put you back into your substantive post straight away but suitable alternative employment will be found for you in the interim.

Incidentally if you are ill and return to work to exercise your sickness benefits you would be expected to return to work once you have recovered rather than continuing with your Employment Break.

11. Medical Appointments

11.1. Doctor, Dental and Other Appointments

Routine appointments to attend doctors, dentists, hospital, optician and other similar appointments should be made outside of normal working hours. If this is not possible, appointments should be made at either the beginning or end of a normal working day whenever possible that will cause the minimum amount of

absence and time should be paid back.

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.

Appointments of more than a few hours would need to be requested as annual leave.

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 1 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.

Employees who are pregnant have a statutory right not to be unreasonably refused time off work with pay for antenatal appointments on medical advice. Paid time off in such circumstances will automatically be granted. Please refer to the CCG's Maternity, Paternity and Adoption policy for further guidance.

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.

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.

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 Management of Sickness Absence Policy.

As per the CCG's Management of Sickness Absence Policy any appointment or absence for planned elective medical treatment, which is for cosmetic reasons alone, must be taken as annual leave and not sick leave. Where planned medical treatment has a cosmetic and health improvement purpose, absence should be reported as sick leave.

12. Special Leave for IVF and other Fertility treatment

The CCG recognises the emotional pressure of undergoing IVF treatment and wishes to support any employee during the process where possible.

The CCG 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.

Any leave requested for appointments will be managed in accordance with section 10 of this policy (doctors/ dentist and medical appointments) up until the point of pregnancy when this will then be managed in accordance with the CCG's Maternity, Paternity and Adoption Policy. 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.

13. Civic and Public Duties

Paid leave may be given if you are required to undertake essential civic and public duties during your working hours as below. This is at managerial discretion and there is an expectation that flexible working arrangements and making up the hours are explored in the first instance. Staff must adhere to the Secondary Employment Policy where they have a Secondary Employment.

The provisions described below are intended to clarify and extend as appropriate the statutory right of employees to take time off for public duties as set out in Section 50 of the Employment Rights Act 1996.

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

- Member of a local authority
- Justice of the Peace/Magistrate
- Member of any statutory tribunal
- Member of, in England and Wales, a National Health Service Trust or organisation
- Members of, in England and Wales, 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
- Member of, in England and Wales, the National Rivers Authority
- Members of the Broads Authority
- Members of a Board of Prison Visitors (England and Wales)

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

Any employee intending to become involved in public duties which will require leave, must obtain the agreement of their line manager before they agree to accept the position. Some roles will require more time than other and individual agreements must be reached before making any commitments. Where the employee is already undertaking such duties on commencement with the CCG, they should make this clear prior to taking up the post so the commitment can be agreed in advance.

When requesting time off for undertaking public duties the employee must provide their manager with an outline of their expected involvement and agree and plan their leave without disruption to the service.

Leave approval for civic and public duties must be obtained at using the special /carers leave form at Appendix;

When deciding whether to grant paid leave for public or civic duties the following should be taken into consideration;

1. How much time off is required overall to perform the duties, including any training required to undertake the role?
2. How much time is required to perform the particular duty in question?
3. How much time has been permitted for this purpose?
4. What individual development opportunities will be gained from this duty?

14. Members of the Reserve Forces/ Territorial Army/ Cadet Forces

The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Territorial Army and the Royal Auxiliary Air Force.

Payments are received for undertaking reservist duties from the Ministry of Defence.

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.

These provisions apply to all employees:

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.

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.

Unpaid leave can be requested if undertaking training (including annual camps) with the reserved forces/Territorial Army.

14.1 Mobilisation:

Reservists may be 'called up' for military operations, with notice typically given 28 days before mobilisation. Should this occur the employee should present their papers from the MOD to the organisation, 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 Department for clarification of their personal circumstances.

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.

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.

15. Emergency Retained Services

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

These provisions apply to all employees. 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.

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

16. Jury Service

Paid time off will be granted for attendance at court for Jury Service upon evidence that the attendance is required. You are expected to return to work or take annual leave should you be not required on the day. Staff are expected to give Managers as much notice as possible if they are required for Jury Service.

In exceptional business circumstances an employee may be asked to defer their jury

service, for example if their absence from work is likely to cause substantial injury to the business. This is not necessarily always allowed.

There is an expectation that the employee will return to work on days of half-days they are not required at court.

The employee will reimburse the CCG with any court fees received.

17. Attendance at Court/ Witness

An employee receiving a summons to appear as a witness must report the fact to their line manager.

An employee attending at court as a witness should receive forms to claim for loss of earnings from the court. An amount equal to the allowance received will be deducted from the employee's pay. In the event of an employee not being required to appear on a particular day/part day, should attend work as normal.

Paid leave will be granted for attendance at court as a witness in respect of matters arising from work, on a Subpoena or witness summons or as a legal obligation.

Paid leave will not be granted if the member of staff is accompanying another individual, is the subject of the case, has personally initiated the case or is the person on trial.

Please refer to the Crown Prosecution Service website for further information current rates and guidance on how to claim expenses incurred as a result of attending court. www.cps.gov.uk.

18. Honours and Civic Awards / Award Ceremonies

You can request one days leave with pay if you are receiving an honours or civics award. If you wish to attend an award ceremony for studies relating to work you can request time off in lieu, study leave or annual leave all of which are subject to managerial discretion.

19. Religious observations

When an employee seeks leave for a religious festival or spiritual/ 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.

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

All managers should be sympathetic to requests and should accommodate them wherever it is reasonably practicable to do so.

20. 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 CCG's Training and Development Policy.

21. Employment Interviews

Paid leave is only granted for the purpose of attending interviews within the CCG. Anyone wishing to attend external interviews must do so by booking annual as appropriate. There are different arrangements for staff under notice of redundancy or have been notified that they are 'at risk'.

22. Adverse Weather

There will be a few occasions during the year when some staff can either not get to work on time, need to go home early, are unable to travel, or cannot come into work as their child's school has shut due to snow or other severe weather conditions.

All staff are expected to attend for work however whilst the CCG will make every effort to assist staff and be sympathetic to their circumstances, it is NOT reasonable to expect these employees to be treated more favourably than those who attend for work despite the difficulties caused by the weather. The following leave will be available for absences in these exceptional circumstances:

- **Annual Leave** - Although the normal policy is for this to be agreed in advance, in the exceptional circumstances of heavy snow etc, it is acceptable for staff to take a day's annual leave from their existing entitlement.
- **Unpaid Leave** - Although the normal policy is for this to be agreed in advance, in the exceptional circumstances of heavy snow etc, it is acceptable for unpaid leave to be agreed on the day that the employee is unable to travel into work due to bad weather.
- **Flexible Hours** - A manager may agree revised working hours in order to enable the employee to fulfil their contracted hours, e.g., a missed or short day one week can be made up over the next week(s).

- **Mutually agreed working from home** – A manager may agree working from home, if the individual is able to complete the necessary work fulfilling their contracted hours.

23. Applying for Leave

Please complete the relevant form as included as Appendix 1.

24. Appeals

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.

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

25. Associated Documents

- Agenda for Change Handbook
- Training and Development Policy
- Maternity, Paternity and Adoption Leave Policy
- Grievance Policy
- Annual Leave Policy

26. Due Regard

This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) of the Equality Act 2010 to eliminate discrimination, harassment, victimisation; to advance equality of opportunity; and foster good relations between the protected groups

27. Monitoring and Review

The policy will be reviewed in line with the review date or before in the case of where there are legislative changes. Monitoring of the policy will be carried out by Corporate Governance.

28. Implementation and Dissemination of the Document

This document has been fully ratified by the Finance, Performance and Resources Committee (Herefordshire CCG) and the Clinical Executive Team (Worcestershire CCGs) and will be published and made available to all employees via the CCGs intranet.

APPENDIX 1

Application for Special / Carer's Leave

Personal Details			
Name:		Job Title:	
Assignment		Department:	
Base:		Manager:	
Start Date within the CCG:		Start Date within the NHS:	

Type of Other Leave being requested:

Number of days requested:

Please include below the reason for your leave request:

Please detail the amount of leave being requested:

I would like this period of leave to commence from	
I would like this period of leave to end on date:	

Have you taken any of 'other leave' within the last 12 months?	Yes	No
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(If yes please include details below)

I confirm that I fully understand any affects this request will have on my pay and pension:

Employee Signature		Date	
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Management Decision (this should be completed when meeting with the employee)			
Application discussed with employee:		Yes	No
Decision on Application:		Approved	Declined
Reason for decision (Please detail below, including any mitigation that may be applicable):			
Agreed contact frequency:			
Employee / Manager Signature			
By signing this you are confirming that you understand and accept the terms of this request, if accepted, this includes implications to my pay and pension			
Employee		Print Name	
Date			
Manager Signature		Print Name	
Date			
Senior Manager/ Director Signature (where applicable):		Print Name	
Date			
For Employment Break Only			
By signing this you are confirming that you understand that although the CCG will make every reasonable effort to allow you to return to your substantive role, it may be a reasonable action for the CCG to offer a suitable alternative role upon your return.			
Employee		Print Name	
Date			

Once complete please keep the application on the employees personal file. For situations where the request is accepted please ensure SBS Payroll (Worcestershire CCG) / MLCSU Payroll (Herefordshire CCG) are made aware of the change through recording on ESR and completing a changes forms in periods of extended unpaid leave such as an employment break.