



Wandsworth Clinical Commissioning Group

# **ANNUAL LEAVE AND SPECIAL LEAVE POLICY**

**v 1.0**

# ANNUAL LEAVE & SPECIAL LEAVE POLICY

**THIS POLICY WAS APPROVED BY WANDSWORTH CCG ON 3<sup>rd</sup> MARCH 2015 , AND WILL HAVE EFFECT AS OF 3<sup>rd</sup> MARCH 2015**

<b>Target Audience</b>	Governing Body members, committee members and all staff working for, or on behalf of, the CCG
<b>Brief Description (max 50 words)</b>	This policy sets out the principles by which the CCG will ensure a uniform and equitable approach to the calculation of annual leave and general public holiday entitlements. The CCG is committed to helping employees balance the demands of domestic and work responsibilities by the provision of paid and unpaid leave.
<b>Action Required</b>	<p>Following approval at the CCG Governing Body, The Chief Officer will ensure that the requirements of this policy will be raised at all team meetings, and confirm the requirements with the chairs of each committee, and with CCG executives.</p> <p>Chairs of committees will identify the programme of review with the Accountable Executive for each policy within their committee remit.</p> <p>Accountable Executives will identify policy owners for each policy within their remit.</p> <p>The Corporate Business Manager will establish and maintain a corporate register of all policies and their status, and will ensure that these are appropriately reflected on the website.</p>

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<b>Stakeholders engaged in development or review</b>	
<b>Equality Analysis</b>	<p><b>Equality Analysis</b></p> <p>This policy applies to all permanent and fixed term employees within the CCG. This document has been assessed for equality impact on the protected groups, as set out in the Equality Act 2010. This document demonstrates Wandsworth CCG's commitment to create a positive culture of respect for all individuals, including staff, patients, their families and carers as well as community partners.</p> <p>The intention is, as required by the Equality Act 2010, to identify, remove or minimise discriminatory practice in the nine named protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is also intended to use the Human Rights Act 1998 and to promote positive practice and value the diversity of all individuals and communities.</p>
<b>Contact details for further information</b>	

**This policy progresses the following Authorisation Domains and Equality Delivery System (tick all relevant boxes).**

Clear and Credible Plan	<input type="checkbox"/>	Commissioning processes	<input type="checkbox"/>
Collaborative Arrangements	<input type="checkbox"/>	Leadership Capacity and Capability	<input type="checkbox"/>
Clinical Focus and Added Value	<input type="checkbox"/>	Equality Delivery System	<input type="checkbox"/>
Engagement with Patients/Communities	<input type="checkbox"/>	NHS Constitution Ref:	<input type="checkbox"/>

**Associated Policy Documents**

Reference	Title
	CCG Constitution V*.*

**Glossary**

Term	Definition
Accountable Executive	CCG Executive accountable for development, implementation and review of the policy
Policy Owner	Post holder responsible for the development, implementation and review of the policy
Document definitions	These are provided in Section 1

## Contents

<b>SECTION 1: INTRODUCTION</b>	
1.1 Introduction	6
<b>SECTION 2: ANNUAL LEAVE</b>	6
<b>SECTION 3: SPECIAL LEAVE</b>	
3.1 Definitions	9
3.2 Compassionate Leave	9
3.3 Emergency Domestic Leave	10
3.4 Carers Leave	11
3.5 Doctor/Dentist/Medical Appointments	11
3.6 Special Leave for In Vitro Fertilisation (IVF) and other Fertility Treatments	12
3.7 Adverse Weather	12
3.8 Sabbatical/Employment Break Scheme	13
3.9 Members of the Reserve Forces /Territorial Army/Cadet Forces	14
3.10 Emergency Services	14
3.11 Public/Civic Duties	15
3.12 Attendance At Court/Witness In Court (which includes Attendance at Professional Tribunal, Employment Tribunal or Fitness to Practice Hearing's)	15
3.13 Religious Observance	16
<b>Section 4: PARENTAL LEAVE</b>	16
<b>Section 5: APPEALS</b>	18
<b>Section 6: REVIEW</b>	19
Appendix 1: Application Form for Special Leave	20
Appendix 2: Application Form for Sabbatical/Employment Law Break	21
Appendix 3: Application Form for Parental Leave	22

## Section 1: Introduction

- 1.1 The aim of the Annual Leave and Special Leave Policy is to ensure a uniform and equitable approach to the calculation of annual leave and general public holiday entitlements which take into account the arrangements as defined under NHS Terms and Conditions. The organisation 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.

This policy will be applied to all permanent and fixed term employees within Wandsworth CCG. This policy does not apply to agency workers.

## Section 2: Annual Leave

- 2.1 The annual leave period runs from 1 April to 31 March each year.
- 2.2 An employee's annual leave entitlement will be determined by the length of reckonable NHS service with leave entitlements increasing on the completion of 5 and 10 years reckonable NHS service.
- 2.3 Support will be provided to all Line Managers in the implementation and application of this policy.
- 2.4 Procedure

The annual leave provisions under NHS Terms and Conditions are contained in Table 1 below.

Length of Service	Annual Leave plus general public holidays
On appointment	27 days plus 8 days
After 5 years service	29 days plus 8 days
After 10 years service	33 days plus 8 days

- 2.5 Annual leave entitlement for part time staff or staff who work non-standard shifts will be calculated in hours, not days. The benefit of this is to ensure that staff who work variable hours or shifts, do not receive either more or less leave than colleagues who work a standard pattern.
- 2.6 Annual leave entitlement is calculated based on contractual hours.
- 2.7 For staff who work full days, annual leave may only be taken in periods of not less than ½ day.
- 2.8 Previous service with an NHS employer, regardless of whether or not there has been a break in service, will count as reckonable service for annual leave.
- 2.9 In order to have previous service regarded as reckonable service, it will be the employee's responsibility to provide formal documentary evidence of any relevant, reckonable service.

- 2.10 On joining the organisation, all staff will be entitled to annual leave plus general public holidays, in the year of joining on a pro rata basis. Entitlement is accrued from the first day of employment and for the first year is calculated to the end of the annual leave year. Entitlement in the first year is dependent on the number of full complete calendar months worked after the date of joining and before the end of the annual leave year.
- 2.11 Where employees reach an anniversary which will increase their annual leave entitlement, the new entitlement will be calculated from the 1<sup>st</sup> day of the month following the anniversary.
- 2.12 Employees are entitled to 8 paid general public holidays. In the case of part time staff, this entitlement is pro rata to the full time allowance. The calculation of this entitlement is always proportional to the number of basic contracted hours worked. This removes the potential for inequity in cases where staff work varying days.
- 2.13 The general public holiday hour's entitlement will be pro rata based on the number of general public holidays remaining in the current leave year from the date of joining.
- 2.14 On each occasion an employee takes paid time off on a general public holiday as part of their basic week, the appropriate deduction of their normal basic hours per day will be made from their overall entitlement. For part time staff, where operationally possible, and subject to mutual agreement, an employee may change their days of working during a general public holiday week and therefore retain their leave entitlement in respect of a general public holiday. This leave could then be taken at another time.
- 2.15 There will be some years where more or less than 8 general public holidays fall in the leave year. When this situation arises, the appropriate hours adjustment will need be made.
- 2.16 It is expected that all employees will be provided with the opportunity to take all their leave within a leave year. In exceptional circumstances, 5 days annual leave may be carried over to the following year, with the agreement of the Line Manager and in the following circumstances:-
- i) Where employees are prevented from taking the full allowance of annual leave before the end of the leave year because of business needs.
  - ii) On application and consideration of an individual's personal circumstances subject to the exigencies of the service.
  - (iii) Where long term sickness has prevented an employee from taking their annual leave entitlement.
- 2.17 Where staff change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed months on the new and the old contracted hours to give the full year entitlement. Where staff change their contracted hours part way through a month they should not lose entitlement. Therefore, in these cases the entitlement for the first month will be calculated on the basic weekly contracted hours that they predominantly worked for that initial month.
- 2.18 All employees are expected to take their outstanding annual leave entitlement prior to leaving the CCG's employment. However, if on leaving the organisation, there is any outstanding holiday leave and general public holiday leave this will be paid to the employee. Holiday leave entitlement will be calculated to the date of leaving based

on completed months of service.

- 2.19 When calculating annual leave owed on leaving, the figure is not rounded (i.e. if the calculation is 2.66 days leave that is what they will be paid for).
- 2.20 Where staff leave on the 31<sup>st</sup> March they will only be entitled to be paid for up to 5 days leave they may have carried over into the next leave year.
- 2.21 On leaving the organisation any leave taken (including general public holiday entitlement) which is in excess of that which the staff member would have been entitled to (on a pro-rata basis) will be deducted from the final salary payment.
- 2.22 All annual leave requests must receive management approval, in line with the CCG's arrangements, before being taken. An employee taking annual leave that has not been previously approved may be subject to disciplinary action.
- 2.23 All requests for annual leave should be made to an employee's manager, via the workforce system, providing as much notice as possible. Employees wishing to take more than 2 weeks leave in any one block must put their request in writing to their manager at least 3 months in advance.
- 2.24 The employee will undertake reasonable steps to ensure any impact to the organisation during their absence is minimised (for example re-scheduling meetings, arranging suitable cover, ensuring work is completed before annual leave starts). The manager will make reasonable adjustments in expectations to ensure the employee can take annual leave requested.
- 2.25 The manager must consider the application taking into account the needs of the service. All applications for annual leave are approved or rejected on the workforce system.
- 2.26 The manager will respond to the employee indicating whether the leave has been "approved" or "not approved". In the event of the leave not being approved the reasons for refusal will be clearly explained.
- 2.27 Employees should not commit themselves to any holiday plans until they have received approval of their holiday requests.
- 2.28 **Sickness during Annual Leave**  
If an employee falls sick during a period of annual leave and the period of incapacity seriously interrupts the period of leave, they may count the annual leave as sick leave provided they follow the instructions with section 3.12 of the Sickness Absence Policy.
- 2.29 **Sickness Prior to Taking Annual Leave**  
If an employee is absent on sick leave and has pre-booked annual leave then they must adhere to the instructions within section 3.13 of the Sickness Absence Policy.
- 2.30 **Accrual of Annual Leave during Sickness**  
Employees on sick leave continue to accrue annual leave. Please refer to section 3.11 of the Sickness Absence Policy for more information.

## Section 3: Special Leave

### 3.1 Definitions



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

‘dependant’	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
‘relative’	includes parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives.
‘Next of kin’	may be taken to include a partner, close family member or dependant
‘Carer’	An employee with significant caring responsibility which has a substantial impact on their working life. 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
‘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.
‘Disability’	<p>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.</p> <p>‘<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.</p> <p>‘<b>Long term</b>’ means 12 months or more, e.g. a breathing condition that develops as a result of a lung infection</p>

## 3.2 Compassionate Leave

3.2.1 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 grandparent would be the ‘next of kin’.

### 3.2.2 Eligibility

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

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

- 3.2.3 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.
- 3.2.4 In the case of a death of a relative/ close friend (who is not the 'next of kin') the employee may request 1 days' paid leave to attend the funeral. This will be agreed by the line manager depending on the circumstances.
- 3.2.5 Any further absence required by the individual will be managed in accordance with the relevant CCG Policy.
- 3.2.6 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)

### **3.3 Emergency Domestic Leave**

- 3.3.1 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, frail and/ or elderly relatives
- If a dependant falls 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.
- To deal with an incident that involves their frail and/ or elderly relative that occurs unexpectedly while the employee, as a principle carer is at work

It may also deal with any unforeseen domestic emergencies including:

- Flood
- Fire
- Burglary
- Attack

- 3.3.2 Eligibility

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

- 3.3.3 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 will 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 3.4) which would be discussed with the line manager.
- 3.3.4 Once the immediate emergency has been addressed, the employee is expected to return to work or, if further time off is necessary, annual leave, unpaid leave or alternative working hours could be agreed with the employee's line manager.

- 3.3.5 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)

### **3.4 Carers Leave**

- 3.4.1 Carers leave is provided as an alternative form of leave in addition to time off for emergencies (which is for short term/ emergencies only). As 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 illness, terminally ill or has a disability.

#### **3.4.2 Eligibility**

Employees must have a minimum of 26 weeks service with the CCG before being considered for carers leave.

- 3.4.3 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 the Section 3.8, Sabbatical/Employment break scheme for further information).

- 3.4.4 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)

### **3.5 Doctor / Dentist/ Medical Appointments**

- 3.5.1 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

- 3.5.2 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/ or Long Term Condition (LTC) 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 these 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/ letter for their line manager to review, when requesting time off to attend an appointment/ treatment

- 3.5.3 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 Policy for further guidance.
- 3.5.4 Any other medical or dental appointment which the employee is requesting to attend which is not directly related to their health or wellbeing should be discussed with their line manager or alternatively please contact HR for further guidance.
- 3.5.5 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 Sickness Absence Policy.

### **3.6 Special Leave for In Vitro Fertilisation (IVF) and other Fertility Treatment**

- 3.6.1 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.
- 3.6.2 Any leave requested for appointments will be managed in accordance with section 3.5 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 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.

### **3.7 Adverse Weather**

- 3.7.1 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.
- 3.7.2 For the purpose of this section, 'adverse weather' can be defined as snow, ice, fog and floods 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.
- 3.7.3 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, unable to work from home or at 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

### **3.8 Sabbatical/Employment Break Scheme**

3.8.1 An employment break allows the employee to leave their employment on a temporary basis. It can be used for various reasons including, travel, care of an elderly relative or dependant or voluntary work. The purpose of the break is normally linked to personal development outside the usual confines of the job, allowing the employee to return to work with new ideas and enhanced skills which can benefit both the employee and the organisation.

### 3.8.2 Eligibility

Please refer to section 36 of the Agenda for Change Terms and Conditions Service Handbook for information and guidance relating to taking an employment break. In brief:

- Applications should be submitted in writing
- All breaks should be subject to an agreement between the employer and the employee before the break begins
- Open to all employees who have 12 months service
- Max length of the break is 5 years, minimum break is 3 months
- If the employee returns to work within one year, as far as is reasonably practicable, the same job will be available, ;
- If the break is longer than one year they will return to as similar a job as possible.

Employees should submit their application to their line manager. The application will be considered on its individual merit, whether it is in the interest of the service and the CCG's ability to offer suitable employment after the break (Appendix 2).

The period of the break will continue to count towards continuous employment for statutory purposes. However, any contractual entitlements will be suspended for the period of the break. Please refer to Agenda for Change, Terms and Conditions handbook section 30 (36, 17/36, 18) for further information. The employee shall take advice directly from the Pensions Agency.

## 3.9 Members of the Reserve Forces / Territorial Army / Cadet Forces

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

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 CCG to deal with the practical implications.

### 3.9.2 Eligibility

These provisions apply to all employees.

3.9.3 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.

- 3.9.4 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.
- 3.9.5 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 Ministry of Defence (MOD)/ Government department to the CCG, 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 employer. Staff wishing to preserve pension rights should contact the Pensions Agency for clarification of their personal circumstances.
- 3.9.6 Reservists have the right to return to their former post 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 CCG confirming their intention to return to work within 13 weeks of a return.
- 3.9.7 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.

### **3.10 Emergency Services**

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

3.10.2 Eligibility

These provisions apply to all employees.

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

3.10.4 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 and/ or training required.

### **3.11 Public / Civic Duties**

3.11.1 The CCG shall allow reasonable unpaid time off to staff required to be absent from work for essential civic and public. 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 3.11.3, 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.

3.11.2 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.

3.11.3 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, 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
- a 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)
- members of a Board and/ or Trustee of a UK registered charity or charities

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

3.11.4 Employees are requested to inform their line manager in writing outlining the dates, times and frequency of meetings, visits and training commitments in advance.

### **3.12 Attendance At Court/ Witness In Court (which includes attendance at Professional Tribunal, Employment Tribunal or Fitness to Practice Hearing's)**

#### **3.12.1 Jury service**

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

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

3.12.4 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.

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

#### **3.12.6 Attending as a witness**

3.12.7 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.

3.12.8 Where an employee is called as a witness by another NHS organisation, leave will be granted which will be paid.

3.12.9 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)

### **3.13 Religious Observance**

3.13.1 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

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

## **Section 4: Parental Leave**

Parental Leave is provided to enable employees to take time off work to look after a child or make arrangements for a child's welfare. Parents or those who have formal parental responsibility can use it to spend more time with children and strike a better balance between their work and family commitments.

### **4.1 Entitlement to Leave**

Employees who have nominated caring responsibility for a child under 5 (or 18 in cases of adoption or a disabled child) are eligible for Parental Leave. The entitlement is 18 weeks unpaid leave per child and 18 weeks for each adopted child or child entitled to a disability living allowance. In the case of twins, each parent will be entitled to 18 weeks for each child (18 weeks for parents of each adopted or disabled child).

4.2 The right to parental leave entitles all employees who have completed 12 months continuous NHS service to take a period of up to 18 weeks' unpaid leave to care for each child under 5, (or 18 in cases of adoption or a disabled child).

4.3 The leave must be taken in periods of at least one week at a time unless the child is disabled.

4.4 A maximum of four weeks can be taken in any one year unless this is immediately after the birth or adoption of a child, where it may be taken as one period. Both parents can take parental leave.

### **4.5 Timescales for Taking Parental Leave**

4.5.1 Up to 18 weeks leave up until the child's 5th birthday; or if the child is disabled (defined as being eligible to receive Disability Living Allowance) or adopted up to 18 weeks leave up until the child's 18th birthday.

4.5.2 Parents can start taking parental leave as soon as a child is born or placed for adoption, or as soon as they have completed one year's continuous NHS service, whichever is later.

### **4.6 Requests for Parental Leave**



All requests for parental leave must be made on the appropriate form, Appendix 3, and signed by the line manager and forwarded to Payroll with a cc to HR for monitoring, recording and payment purposes.

#### 4.7 Applying for Parental Leave

4.7.1 When applying for parental leave the employee must, where possible, complete and hand in Appendix 3 (attached) and

- specify the length of leave required;
- give at least 21 days' notice before the beginning of the period of leave.

#### 4.8 Postponing Parental Leave

4.8.1 Parental Leave may be postponed in exceptional circumstances where the timing would cause significant operational problems.

4.8.2 If a request for leave is postponed:

- it will only be deferred once and alternative dates will be offered;
- postponement will be for no longer than three months;
- deferred leave offered will be for the same length of time as that requested, and the start and end dates of deferred leave will be mutually agreed;
- an employee will be given reasonable written notice of a deferral together with the reasons. The minimum notice will be:
  - two weeks before the start of the requested leave where the leave is for two weeks or less;
  - where the leave is more than two weeks, the same length as the parental leave requested;

An employee may appeal if he/she considers that their request for leave has been unreasonably postponed.

#### 4.9 Arrangements during Parental Leave

4.9.1 Whilst taking parental leave, employees are on unpaid leave.

4.9.2 During the period of parental leave, the employee will retain all contractual rights except remuneration, including entitlement to annual leave, eligibility for an annual incremental payment, and pension rights. Pension contributions will continue to be payable during periods of parental leave. Arrears of contributions will be deducted by the Salaries department over an agreed period of time.

#### 4.10 Returning from Parental Leave

4.10.1 On resuming work after a period of parental leave, employees will return to their job on remuneration and other terms and conditions no less favourable than if they had not taken parental leave.

4.10.2 If the employee's job has been changed in his/her absence, the employee must be notified in writing of this change prior to their return and allocated a similar job with no less favourable remuneration and terms and conditions.

## **Section 5: Appeals**

- 5.1 If a Special Leave request is rejected an employee has the right to appeal against the decision. If an employee feels that an application for Special Leave has been unreasonably declined they should discuss the matter with their line manager in the first instance.
- 5.2 The right of appeal must be exercised by the employee within 10 working days of the receipt of the outcome letter, in writing to the manager above the line manager who made the decision, stating the grounds on which he or she is making the appeal.
- 5.3 A meeting to discuss the appeal will be held within 10 working days of the manager receiving the appeal letter from the employee. The employee should be given a minimum of 5 working days' notice of the meeting.
- 5.4 Appeals will be heard by the line manager above the line manager who made the decision to reject the Special Leave request. The line manager will be required to attend the meeting to explain their decision.
- 5.5 Human Resources must be informed that an appeal has been raised and a member of Human Resources will attend the meeting.
- 5.6 The employee has the right to be accompanied at the meeting by a trade union representative or work colleague.
- 5.7 The senior manager will write to the employee within 5 working days of the meeting to confirm the outcome.
- 5.8 If an appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply. The decision made at the end of this appeal is final.

## **Section 6: Review**

Unless there are major changes in legislation this policy will be reviewed every three years.

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

Employee Name: \_\_\_\_\_  
(PLEASE PRINT)

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

Payroll Number: \_\_\_\_\_

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

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

Number of days/ hours leave requested:

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

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

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**To be completed by Line Manager**

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

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

Request Approved \_\_\_\_\_ Request Not Approved \_\_\_\_\_

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

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

C.c. Employee Personnel File

**One copy to be provided to the applicant**

## Appendix 2: APPLICATION FOR SABATICAL/ EMPLOYMENT BREAK SCHEME

Please complete Part A and then ask your line manager to complete Part B

### Part A: Staff Details

Name:	
Address	
Contact details: Tel: _____ Email: _____	
Job title:	
Proposed Start date:	
Length of break:	
Reason for break:	<ul style="list-style-type: none"><li>• Care responsibility for child(ren)</li><li>• Care responsibility for other dependants</li><li>• Personal</li><li>• Study/training/development (relevant to operational/service needs of the CCG)</li><li>• Other (Please Specify)</li></ul>

I confirm that I wish to apply for a sabbatical/ employment break. I have read and understood the Policy. I agree to participate in the scheme under the terms stated within the policy and I can confirm that I have contacted the Pensions office with regard to my pension. Following this **I wish / do not wish** (delete as appropriate) to remain in the Pension scheme for the duration of the employment break.

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

### Part B - Manager Approval

Please indicate whether you approve this application

Yes  No

If **No** please give reasons:

If **Yes**, have you agreed with the scheme member their commitment to yearly professional updating/work experience whilst they are on an employment break?

Yes  No

If **Yes** please give details:

### APPENDIX 3: APPLICATION FORM FOR PARENTAL LEAVE

<b>NAME:</b>	
<b>JOB TITLE:</b>	
<b>PAYROLL NO:</b>	
<b>DATE OF COMMENCEMENT WITH ORGANISATION:</b>	
<b>AMOUNT OF LEAVE REQUESTED:</b>	
<b>DATE LEAVE IS TO START:</b> (you must endeavour to give at least 21 days' notice)	
I request authority for the above parental leave and I accordingly authorise deduction from my pay. I understand that leave requested can be postponed in exceptional circumstances and a written explanation will be provided.	
<b>TO BE COMPLETED BY MANAGER</b>  I authorise this application for Parental Leave  <b>OR</b>  I wish to defer this application until _____ (new date) for the following exceptional reasons:          I have discussed this with the applicant and the new date has been agreed.	
<b>Signed – Employee</b>	<b>Date:</b>
<b>Signed – Manager</b>	<b>Date:</b>

*Completed form to be sent to Payroll, HR and Workforce*