Nottingham and Nottinghamshire
Clinical Commissioning Group

Leave Policy

2019-2022

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CONTROL RECORD				
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			Sponsor Executive Director of Transition	
			Team Human Resources	
Title	Leave Policy			
Amendments	Update to v1.3 to adopt new Review Dave			
Purpose	To provide full details on options for leave for all employees			
Superseded Documents	Other Leave policy Special Leave policy			
Audience	All staff within the Nottingham and Nottinghamshire CCG			
Consulted with	Staff Engagement Group and Trade Unions			
Equality Impact Assessment	July 2019			
Approving Body	Remuneration and Terms of Service Committees		**Date approved**	July 2019 (adopted by Governing Body in April 2020)
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1. Introduction

1.1 NHS Nottingham and Nottinghamshire CCG (hereafter known as 'the CCG') recognises that many of its employees combine their working lives with the responsibilities for raising a family, caring for dependant relatives and other domestic commitments. It understands that there will be occasions when urgent domestic, personal and family matters compete with work commitments and responsibilities.

1.2 The objective of this policy is to help employees to manage these demands through the provision of various leave arrangements, which may be paid or unpaid, according to the circumstances and to ensure that the needs of the CCG have been considered.

2. Purpose and Scope

2.1 This policy applies to all the CCG's employees at all levels and in all areas of work, regardless of their length in service. There is no qualifying period.

2.2 Due to the nature of urgent and unforeseen need, it is not possible or appropriate to set out comprehensive procedures for all situations. Managers and employees are encouraged to use this policy for guidance, and where necessary seek further advice from the HR Team.

2.3 The amount of time off should generally be agreed in advance with the Line Manager. The CCG may refuse the request if it is not considered reasonable.

2.4 The CCG will ensure that the application of any part of this policy does not have the effect of discriminating, directly or indirectly, against employees on the grounds of race, colour, age, nationality, ethnic (or national) origin, sex, sexual orientation, marital status, religious belief or disability. The application of this policy will apply equally to full and part time, substantive and fixed term employees.

3. Responsibilities

3.1 Line Managers

3.1.1 It is the responsibility of Line Managers to:

- Understand the different types of leave available to ensure you are using the appropriate mechanism.
- Support the employee.
- Consider the requirements of the employee and the Line Manager when agreeing leave allowances.
- Ensure that there is the appropriate resilience in the team to cope with the loss of a staff member via other leave.

- Ensure records are accurately kept of the leave awarded via the Electronic Staff Record programme (ESR).

3.2 **Employees**

3.2.1 It is the responsibility of employees to:

- Understand the different types of leave available to ensure you are requesting the appropriate one.
- Ensure you liaise with your manager in a timely manner.

3.3 **Human Resources**

3.3.1 It is the responsibility of Human Resources to provide Line Managers with advice and support on the aspects of this policy.

4. Annual Leave

4.1 The CCG annual leave year runs from 1 April to 31 March.

4.2 The entitlement to paid annual leave and paid public holiday provision is stipulated in the NHS Terms and Conditions of Service Handbook. The amounts are pro-rata for part time employees.

4.3 Please refer to the Annual Leave guidance note or the HR Team for further information including information on term time only arrangements, compressed hours, bank holiday accrual and death in service.

5. Family Leave

5.1 For details regarding maternity, paternity, parental and adoption leave, please refer to the Family Leave policy.

6. Eligibility to Other Leave

6.1 The possibility of leave is available to all employees, although there is no universal right or entitlement to this type to leave. Each request will be treated on its own merits, taking into account any qualifying conditions.

6.2 Ideally, special leave arrangements must be discussed and agreed with the Line Manager before it is taken. Where, due to the urgent nature of the situation, this is not possible, retrospective approval for the leave must be sought from the Line Manager before any claim for paid leave will be granted.

6.3 Line Managers have the discretion to approve up to a maximum of six working days paid Emergency/Urgent Carer's Leave for an employee in a rolling 12-

month period (pro-rata for part time staff); and up to ten working days paid Compassionate Leave in a rolling 12 month period (pro-rata for part time staff). Managers are required to record all special leave that has been approved, both paid and unpaid in ESR. Requests for paid leave that exceed this limit must be approved by a member of the Executive Team.

6.4 A dependent for the purposes of this policy is:

6.4.1 An employee's spouse, civil partner, parent or child;

6.4.2 A person who lives in the same household as the employee, but who is not their tenant, lodger, boarder or employee; or

6.4.3 Anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to below.

7. Emergency/Urgent Carer's Leave

7.1 It is expected that employees will have made reasonable arrangements to cover any caring commitments they may have. Emergency/Urgent Carer's Leave is intended to enable employees to take a reasonable amount of time off work to deal with an unexpected or sudden problem concerning a dependent or a domestic emergency and allow them to make any necessary long-term arrangements.

7.2 A reasonable amount of time off during work hours, paid or unpaid, will be granted in response to an urgent, unforeseen family need. This form of leave will be short-term and ordinarily no more than one or two days in duration, to deal with an immediate crisis.

7.3 Examples of such circumstances are (this is not an exhaustive list):

7.3.1 To provide care to a child, close relative or dependent who has taken ill.

7.3.2 To make the necessary arrangements for the provisions of care for an unwell child, close relative or dependent.

7.3.3 To deal with the disruption or termination of arrangements for the care of a child or dependent and to make the necessary arrangements for longer term solutions.

7.3.4 To deal with an incident which involves the employee's child and which occurs unexpectedly whilst the child is at school.

7.3.5 To deal with an emergency that involves a family member and which occurs unexpectedly.

7.3.6 To secure the employee's home in the event of accidental damage, burglary, household hazard.

7.4 In considering what leave is immediately necessary in a particular situation, the employee should discuss this with their Line Manager who will consider the full circumstances before reaching a decision. Where circumstances require longer absences, consideration should be given to utilising other leave provisions such as annual leave, parental or unpaid leave or an employment break.

7.5 If the employee knows in advance that they wish to take time off to care for a dependent, rather than arrange for someone else to do so, this policy will not apply. However, carer's leave may be appropriate to support routine medical appointments when the employee is the main carer and no other arrangements can be made. This will be unpaid.

8. Bereavement/Compassionate Leave

8.1 Compassionate Leave is available in the event of serious illness or the death of an immediate relative, i.e. parent, partner, children, grandparent or close friend (where there is a different family configuration then the manager will sympathetically consider the application).

8.2 Leave granted under this scheme must be specifically to spend time with an immediate relative or close friend who is seriously ill, or following the death of a relative or close friend, i.e. in order to attend a funeral, to support grieving relatives or to act as an executor of a dischargeable Will.

8.3 Managers may grant up to ten working days' paid compassionate/ bereavement leave (pro-rata for part time employees). Additional leave due to exceptional circumstances may be considered after discussion with a member of the Senior Management Team.

8.4 The following factors will be accounted for when determining the duration of leave and pay arrangements:

8.4.1 The closeness of the employee's relationship with the deceased.

8.4.2 Whether the employee is responsible for the funeral arrangements.

8.4.3 The availability of other relatives or friends, particularly those more able to assist in the necessary arrangements.

8.4.4 The distance the employee needs to travel to make arrangements and/or attend the funeral.

8.4.5 The needs of the individual's case and the requirements of the CCG.

8.5 There may be circumstances where it is appropriate for Emergency/Urgent Carer's Leave and Compassionate Leave to be used in conjunction. Each case will be considered individually.

8.6 The amount of paid Emergency/Urgent Carer's Leave and Compassionate Leave cannot be extended beyond entitlement (i.e. six working days for Emergency/Urgent Carer's Leave and ten working days for Compassionate Leave). In cases where employees have exhausted their entitlement and require further time off, then the employee may request to use annual leave at short notice or take unpaid leave.

9. Public Duties Leave

9.1 Employees have a right to a reasonable amount of unpaid time off if they are any of the following:

- Justice of the Peace (Magistrate).
- Member of a Local Authority.
- Member of a Police Authority.
- Member of any statutory tribunal.
- Member of the managing or Governing Body of an educational establishment.
- Member of a health service or educational body.
- Member of a prison visiting committee (Scotland) or a member of a prison independent monitoring board (England/Wales).
- Member of the Environment Agency.
- Member of a recognised Trade Union – Trade Union activities are unpaid. For Trade Union duties, training or acting as a Learning Representative, payment will be made in line with ACAS Code of Practice (Partnership Arrangement).

9.2 The CCG is required to grant reasonable time off for employees to:

- Attend meetings of the bodies listed in 9.1 or any of its committees and sub-committees.
- Perform duties approved by the bodies.

9.3 In addition to the statutory bodies above, the CCG may extend public duties leave for:

- Attendance in Court or tribunal as a witness.
- Attendance at Professional Registration meetings hearings.

9.4 Employees must discuss their intentions and potential implications with their Line Manager before applying to join a public body and obtain agreement in principle to the amount of paid/unpaid time off to be granted.

10. Jury Service

10.1 Leave to carry out Jury Service must be granted where an employee has received notice from the Courts that they have been called. The employee should claim loss of earnings from the Court. Arrangements will be made with the employee to deduct this amount from their salary.

10.2 Employees should note that where, due to the nature of certain roles, there may be difficulties to back fill their role, they have the right to appeal against the request to undertake Jury Service and the CCG may ask them to do so.

11. Religious Activities

11.1 There is no statutory right to time off for religious festivals. Employees wishing to take time off for religious activities should book annual leave in accordance with the Annual Leave guidance or alternatively apply for unpaid leave.

11.2 Employees with longer term religious commitments should consider making an application under the Flexible Working Policy.

11.3 Every effort should be made by Line Managers to meet religious commitments in accordance with the principles of the CCG's Equality, Diversity and Inclusions Policy.

12. Territorial Army, Reserve or Cadet Forces

12.1 Any employee who wishes to volunteer for service with the Reserve or Cadet Forces must obtain permission from the CCG before doing so, or if applying for an appointment with the CCG, must declare their membership of such forces with the CCG.

12.2 Employees who are required to attend periods of training, including annual camps and are unable to arrange such training during off duty or annual leave, may be granted special leave for that purpose by their Line Manager of up to five working days' paid leave within a 12 month period. Relevant documentation detailing the dates for leave should be provided by the employee.

12.3 Employees absent from duty owing to sickness or injury caused by or arising from their own off-duty activities as members of the Reserve or Cadet Forces will not be entitled to Occupational Sick Pay. However, in exceptional circumstances the CCG may, at its discretion, authorise Occupational Sick Pay for the whole or part of such absence, on the authority of a member of the Executive Team as appropriate and in consultation with the HR Team.

12.4 Where employees are formally requested to mobilise overseas, each case will be considered on an individual basis.

12.5 Employees must obtain the consent of their Line Manager before volunteering for a Reserve Force. Consent will not be unreasonably refused, but it must be recognised that in time of emergency certain services managed by the organisation will be under pressure and therefore there may be a need to limit the number of employees who may be called away from these services in a time of emergency.

13. Medical and Dental Appointments

13.1 Wherever possible employees should ensure that they make appointments for their doctor, dentist, hospital etc. outside of their working hours. Where this is not possible, time off for medical/dental appointments should be scheduled for the beginning or the end of the working day. This also applies to appointments for dependents where possible.

13.2 Employees are expected to complete their day's work and to make up time taken to attend the appointment or to use owed time off in lieu (if appropriate) or to take annual leave.

13.3 For entitlement to attend antenatal appointments, please refer to the Family Leave Policy.

13.4 All appointments should be supported by an appointment card or some other documentary proof and agreed with the Line Manager in advance.

14. Inclement Weather

14.1 There will be occasions when it is difficult to get to work safely due to exceptionally severe inclement weather conditions such as snow, flooding, etc.

14.2 Employees not able to get to work must inform their Line Manager of their absence as close as possible to the beginning of their work day.

14.3 When employees are unable to get into work (or their nearest base) due to inclement weather, they will be required to take annual leave, unpaid leave or time off in lieu where appropriate (unless otherwise directed by the Executive Team in cases of severe weather).

14.4 Where practicable, employees may work from home with the agreement of their Line Manager.

15. Equality of Opportunity

15.1 No-one who makes a request for, or is granted, special leave pursuant to this policy will be discriminated against or suffer any detriment on the grounds that they requested or were granted such leave.

16. Grounds for Complaint

16.1 Any employee who feels that their request for Other Leave has not been given full consideration by their Line Manager may refer the request to the manager's manager.

16.2 The majority of matters requiring Other Leave after a brief discussion of the circumstances can be resolved. Employees who are dissatisfied with the application of this policy may raise the matter through the CCG's Grievance Policy.

16.3 Any employee who has apparently abused the right to Emergency/Urgent Carer's, Compassionate, or short notice leave will be subject to the CCG's Disciplinary Policy.

17. Equality and Diversity Statement

17.1. The Nottingham and Nottinghamshire CCG pays due regard to the requirements of the Public Sector Equality Duty (PSED) of the Equality Act 2010 in policy development and implementation, both as a commissioner and as an employer.

17.2 As a commissioning organisation, we are committed to ensuring our activities do not unlawfully discriminate on the grounds of any of the protected characteristics defined by the Equality Act, which are age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

17.3 We are committed to ensuring that our commissioning activities also consider the disadvantages that some people in our diverse population experience when accessing health services. Such disadvantaged groups include people experiencing economic and social deprivation, carers, refugees and asylum seekers, people who are homeless, workers in stigmatised occupations, people who are geographically isolated, gypsies, roma and travellers.

17.4 As an employer, we are committed to promoting equality of opportunity in recruitment, training and career progression and to valuing and increasing diversity within our workforce.

17.5 To help ensure that these commitments are embedded in our day-to-day working practices, an Equality Impact Assessment has been completed for, and is attached to, this policy.

18. Communication, Monitoring and Review

18.1 The CCG will establish effective arrangements for communicating the contents of this Policy and will provide guidance and support as required to line management in relation to their responsibilities.

18.2 This Policy will be reviewed periodically every three years, or earlier if changes in employment law or any other circumstances require it.

18.1 Any individual who has queries regarding the content of this policy, or has difficulty understanding how this policy relates to their role, should contact the HR Team on email – ncccg.hr.greaternottingham@nhs.net

19. Interaction with other Policies

19.1 This policy should be read in conjunction with the following:

- NHS Terms and Conditions of Service Handbook.
- CCG's Family Leave Policy.
- CCG's Equality, Diversity and Inclusions Policy.
- CCG's Grievance Policy.
- CCG's Disciplinary Policy.

Appendix A – Equality Impact Assessment

Date of assessment:	**July 2019**			
For the policy, and its implementation, please answer the questions against each of the protected characteristic and inclusion health groups:	Has the risk of any potential adverse impact on people in this protected characteristic group been identified, such as barriers to access or inequality of opportunity?	If yes, are there any mechanisms already in place to mitigate the adverse impacts identified?	Are there any remaining adverse impacts that need to be addressed? If so, please state any mitigating actions planned.	Are there any positive impacts identified for people within this protected characteristic group? If yes, please briefly describe.
Age[1]	No	N/A	N/A	N/A
Disability[2]	Yes	Mechanisms are in place via the Communications and Engagement Team to enable the policy to be received in other accessible formats.	N/A	N/A
Gender reassignment[3]	No	N/A	N/A	N/A
Marriage and civil partnership[4]	No	N/A	N/A	N/A
Pregnancy and maternity[5]	No	N/A	N/A	N/A
Race[6]	No	N/A	N/A	N/A

[1] A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

[2] A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

[3] The process of transitioning from one gender to another.

[4] Marriage is a union between a man and a woman or between a same-sex couple.

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'.

[5] Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

[6] Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Appendix A – Equality Impact Assessment

Date of assessment:	**July 2019**			
For the policy, and its implementation, please answer the questions against each of the protected characteristic and inclusion health groups:	Has the risk of any potential adverse impact on people in this protected characteristic group been identified, such as barriers to access or inequality of opportunity?	If yes, are there any mechanisms already in place to mitigate the adverse impacts identified?	Are there any remaining adverse impacts that need to be addressed? If so, please state any mitigating actions planned.	Are there any positive impacts identified for people within this protected characteristic group? If yes, please briefly describe.
Religion or belief[7]	No	N/A	N/A	N/A
Sex[8]	No	N/A	N/A	N/A
Sexual orientation[9]	No	N/A	N/A	N/A
Carers[10]	No	N/A	N/A	N/A

[7] Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

[8] A man or a woman.

[9] Whether a person's sexual attraction is towards their own sex, the opposite sex, to both sexes or none. https://www.equalityhumanrights.com/en/equality-act/protected-characteristics

[10] Individuals within the CCG which may have carer responsibilities.