
Leave of Absence Policy

Version:	1.0
Ratified by:	SMT
Date ratified:	July 2017
Name of originator /author (s):	People Services
Responsible Committee / individual:	People Services
Date issued:	July 2017
Review date:	Planned Feb 2020
Target audience:	NHS Bury Clinical Commissioning Group Members and Staff
Impact Assessed:	TBC

Further information regarding this document

Document name	Leave of Absence Policy CCG.HRM.003.1.0
Category of Document in The Policy Schedule	HR
Author(s) Contact(s) for further information about this document	People Services
This document should be read in conjunction with	Shared Parental Leave Policy, Flexible Working Policy and Maternity, Paternity and Adoption Leave Policy
Supersedes	Special Leave Policy Annual Leave Policy
This document has been developed in consultation with	Local Partnership Forum
Published by	NHS Bury Clinical Commissioning Group 21 Silver Street Bury BL9 0EN
Copies of this document are available from	The Corporate Office

Version Control

Version History:		
Version Number	Reviewing Committee / Officer	Date
0.1	Local Partnership Forum	2013
0.1	SMT	April 2017
0.2	Amended following discussion through SMT	April 2017 and July 2017
1.0	Agreed by Staff Side	July 2017
1.0	Published	July 2017

Leave of Absence

Contents

Section	Contents	Page
1	Policy Statement	5
2	Principles	5
3	Procedure	5
4	Responsibilities	6
5	Equality Statement	6
6	Monitoring & Review	7
PART 2	LEAVE OF ABSENCE CATEGORIES	
1	Introduction	8
2	Adoption Leave	8
3	Annual Leave	8
4	Bereavement	9
5	Career Break/Sabbatical	10
6	Dependent Leave	11
7	Examination & Study Leave	11
8	Flexi Leave	11
9	Interview Leave	12
10	Maternity/Maternity Support (Paternity) Leave	12
11	Medical Appointments	14
12	Non regular forces/territorial army	14
13	Parental Leave	15
14	Public Duties	16
15	Religious Observance	16
16	Special Leave (Domestic Emergency/Emergency Carer)	17
17	Trade Union Activities	

Appendices

A	Equality Assessment	18
B	Annual leave Application Form	19
C	Special Leave Application Form	24
D	Parental/Dependent's Leave & Response Form	25
E	Career Break/Sabbatical Application Form	26
F	Voluntary Public Service Leave Application Form	29
G	Religious Observance Table	30
H	Additional Annual Leave Purchase form	31

1.0 Policy Statement

- 1.1 The overall objective of this policy is to:
- provide a process by which employees can make a request for leave of absence; and
 - identify the major circumstances where leave of absence may be appropriate.

2.0 Principles

- 2.1 The CCG is committed to ensuring the service delivers efficiently, effectively and economically to its service users.
- 2.2 Equally, the CCG wishes to preserve its reputation as a fair and equitable employer who provides good working conditions where the highest standards of service delivery can be achieved and maintained.
- 2.3 The CCG is mindful of its responsibility to balance the needs of the individual employee with the requirement to deliver high standards of service to its service users.
- 2.4 The CCG recognises that there are occasions where an employee may be absent for reason other than sickness absence.
- 2.5 All employees will be expected to minimise the leave of absence that they apply for.
- 2.6 This guidance applies equally to all employees except where nationally or locally agreed terms and conditions allow for a differing provision.
- 2.7 Where reference is made to another policy or procedure it is the processes within that procedure that shall take precedence.

3.0 Procedure

- 3.1 Where practical, all applications for leave of absence should be made in writing to the Line Manager in good time to facilitate reaching a reasonable decision and for any contingency arrangements to be made.
- 3.2 Examples of absence categories are provided in part 2 of this policy, however this is not an exhaustive list.
- 3.3 Where possible the appropriate leave request form should be completed prior to leave of absence being granted.
- 3.2 The Line Manager will review the application and will be mindful that individual circumstances vary. Previous decisions will not set a precedent for future decisions. The employee will be informed of their decision as soon as practical especially in those cases where leave of absence is not granted. When leave of absence is not granted, the Manager should provide reasons for the application being declined and offer alternative options such as annual leave or unpaid leave. Whilst decisions will normally be communicated verbally a decision will also be confirmed in writing to the employee. All relevant paperwork can be found in the Appendices of this policy.

- 3.3 The granting of leave of absence, be this paid or unpaid, is at the discretion of the Line Manager as appropriate.
- 3.4 The Line Manager can authorise paid leave of absence. This would not normally exceed the days specified in the policy on any one occasion but will depend on the individual circumstances. This will be pro-rata for part-time employees, for example, if an employee works 4 days / 30 hours per week (80% of a working week), they will be entitled to 80% of the allowance for other leave, this varies depending on the nature of the leave.
- 3.5 If an application for leave of absence (paid or unpaid) is refused the employee will be notified of the reason in writing. Appeals against the decision should be taken up through the CCG's Grievance Procedure.
- 3.6 Should an employee fail to return to work or to make contact on the expected date of return, all circumstances will be fully investigated and this could lead to disciplinary action under the CCG's Disciplinary Policy.
- 3.7 Whilst the aim of this policy and procedure is to provide a comprehensive framework for different types of leave, it is not possible to account for all incidences that staff may experience. If there is a request for leave that is not covered within the procedure employees should contact their Line Manager with as much detail as possible as to why the leave is required. The Line Manager may contact People Services for further advice on the issue.

4.0 Responsibilities

4.1. The following responsibilities are applicable in respect to this policy:

- **CCG**

4.2. The CCG is responsible for:

- ensuring that policy is reviewed and amended as necessary and that Line Managers have access to appropriate training and/or advice on the application of the policy.

- **Line Managers**

4.3. Line managers are responsible for ensuring that:

- employees are made aware of and given access to the CCG's Leave of Absence Policy and that the policy is applied consistently and fairly within their area of responsibility;
- all of the circumstances surrounding the request are clear;
- they respond to the request in a timely manner, and in the case of emergency leave that they provide an immediate response to the request;
- The department/ operations are minimally disrupted.;
- The procedure is consistently applied as far as reasonably practicable;
- The relevant documentation is completed by the employee, either prior to or when they return to work and a copy placed on the employees personnel file;
- If an application for leave of absence is refused, ensure that the outcome is confirmed in writing to the employee and a copy placed on the employees personnel file; and
- the ETAD return which is completed on a monthly basis, captures the leave of absence agreed.

- **Employees**

- 4.4. Employees are responsible for ensuring that:
- they are aware of the location of the policy and procedural documents and how to access them;
 - complying with the requirement to request leave as soon as possible and take responsibility for making alternative arrangements to cover longer periods of absence that may be required;
 - Completing the relevant documentation prior to taking the leave of absence, or if this is not possible, as soon as possible on their return to work.

5.0 Equality Statement

- 5.1 In applying this policy, the CCG will have '**due regard**' for the need to eliminate unlawful discrimination, harassment, and victimisation, **advance** equality of opportunity, and foster good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.
- 5.2 An Equality Analysis has been carried out on this policy and can be viewed at Appendix A.
- 5.3 As part of the CCG's equal opportunities monitoring, all leave of absence requests are monitored on a rolling annual basis. Subsequently information may be held on the absence monitoring register longer than the duration of the leave year.

6.0 Monitoring and Review

- 6.1 CCG policies, procedures and other activities shall be reviewed regularly and also undergo an Equality Analysis to ensure that they promote EDHR and comply with equality, human rights and employment legislation.
- 6.2 The policy and procedure will be reviewed every 3 years by the CCG in conjunction with operational managers and trade union representatives. Where review is necessary due to legislative change, this will happen immediately.
- 6.3 All key areas within this policy will be monitored and reported on an annual basis in the Equality Workforce Report and the NHS Workforce Race Equality Standards Report.

Part 2 – Leave of Absence Categories

1.0 Introduction

- 1.1 Examples of circumstances where leave of absence may be appropriate are outlined below.
- 1.2 As this list is not exhaustive leave of absence in a circumstance not outlined below may be granted. As with the granting of any leave of absence this will be at the discretion of the Line Manager as appropriate.

2.0 Adoption

- 2.1 Leave of absence in respect of adoption Leave is outlined in more detail within the CCG's Maternity, Maternity Support (Paternity) & Adoption Policy.

3.0 Annual Leave

- 3.1 Annual Leave is an employee's right to paid leave when they are not expected to attend work or engage in any work related activity for the CCG.
- 3.2 All applications for annual leave must be submitted in writing on the appropriate form (Appendix B) and in good time to the line manager.
- 3.3 Calculation of annual leave entitlement is dependent upon length of reckonable NHS service. 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. i.e. take all NHS employment and add up the months irrespective of any breaks in service. Leave entitlements increase on completion of 5 and 10 years reckonable service.
- 3.4 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.
- 3.5 Employees who have flexible working arrangements such as Term Time Only or Annualised Hours should be aware that annual leave may be incorporated into their pay arrangements and therefore is "taken" during closure periods only.
- 3.6 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+ public holidays
After 5 years' service	29 days + public holidays
After 10 years' service	33 days + public holidays

- 3.7 Annual leave entitlement is calculated based on contractual hours except in the case of Zero Hours Bank Contract staff, whose remuneration is enhanced to incorporate annual leave allowance.
- 3.8 For full time employees, annual leave can only be taken in full or half days.
- 3.9 Annual leave entitlement for part time employees will be calculated in hours, not days. The benefit of this is to ensure that employees, who work variable hours or shifts, do not receive either more or less leave than colleagues who work a standard pattern.
- 3.10 The calculation of leave entitlement using the annual leave calculator on People Matters includes a calculation for general public holidays.
- 3.11 Employees are entitled to 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 employees work varying days.
- 3.12 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.
- 3.13 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 hour's adjustment will need to be made.
- 3.14 It is expected that all employees will be provided with the opportunity to take all their leave within a leave year. In exceptional circumstances, 1 week of annual leave equivalent to the employees working week may be carried over to the following leave year, with the agreement of the Line Manager and in the following circumstances:
- where employees are prevented from taking the full allowance of annual leave before the end of the leave year because of business needs. (CCG to decide if this is allowed);
 - on application and consideration of an individual's personal circumstances subject to the exigencies of the service.
- 3.15 Where employees change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on the new and the old contracted hours to give the full year entitlement. Where employees change their contracted hours part way through a month they should not lose entitlement.
- 3.16 On leaving, all outstanding annual leave accrued up to the point of leaving should normally be taken prior to leaving unless there are business reasons why this is not practicable. If this is not possible, an employee will be paid for any outstanding annual leave or alternatively the organisation can reclaim any annual leave overtaken. Holiday leave entitlement will be calculated to the date of leaving.

- 3.17 When calculating leave due on leaving the CCG, the figure is not rounded i.e. if the calculation says someone is entitled to 2.66 days leave that is what they will be paid for.
- 3.18 Where staff leave on 31 March they will only be entitled to be paid for a maximum of the number of days equivalent to one of their working weeks which they may have carried over into the next leave year.
- 3.19 Employees who have a Term Time working pattern have their annual leave accrual accommodated in their pay. As such their annual leave is taken during school closure periods and employees should not request annual leave during term time.
- 3.20 Where an agreement has been made that staff will work during term time only, holiday entitlement will be calculated based on the average number of hours worked per week across the whole year. The calculation is the number of hours worked multiplied by the number of weeks worked then divided by 52.143 (the number of weeks in a year). This gives the average hours worked per week.
- 3.21 The annual leave entitlement is then calculated by taking the average hours per week, divided by the full time equivalent for a week and then multiplying by the number of days entitlement.
- **Purchase of Additional Leave**
- 3.22 At the CCG's discretion, an employee can purchase up to 10 days (pro rata for part time staff) additional leave for a specific need e.g. extended absence/holiday abroad. This is subject to the needs of the service and should be booked early in the new leave year. The CCG will reduce the annual salary by the amount of extra annual leave requested and will continue to pay the employee monthly. All applications must be submitted on the form at Appendix H.
- **Requesting Annual Leave**
- 3.23 All annual leave requests must receive management approval, in line with local/departamental arrangements, before being taken. An employee taking annual leave that has not been previously approved may be subject to disciplinary action.
- 3.24 All requests for annual leave should be made by the employee on an annual leave request form (Appendix B) and submitted to their line manager, in line with local/departamental arrangements, giving 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.
- 3.25 The manager must consider the application taking into account the needs of the service.
- 3.26 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.
- 3.27 Employees should not commit themselves to any holiday plans until they have received approval of their holiday requests.
- 3.28 The manager should record the request and update the employee's Annual Leave Record, in line with local/departamental arrangements.

- **Sickness and Annual Leave**

- 3.29 Employees still accrue annual leave whilst on sick leave. Therefore, in the event that an employee has remaining annual leave following a period of sickness, reasonable opportunity should be given to allow the employee to take this leave within the same holiday year.
- 3.30 Where an employee is considered long term sick between the months of January and March and annual leave is still outstanding, with no likely return to work date during this period, employees will be given the opportunity to take their annual leave as opposed to sick leave during this period.
- 3.31 If an employee on sick leave does not have the opportunity to take their annual leave entitlement because of illness, within the current holiday year, they may have the opportunity to carry their statutory holiday entitlement (currently 20 days for full time employees) over to the next holiday year.
- 3.32 Carrying over the statutory entitlement of 20 days will only be agreed in exceptional circumstances, by their line manager and any outstanding leave must be taken at the end of the sickness period. Where possible any outstanding holidays should be used as part of any phased return to work plan.
- 3.33 No lieu of bank or public holidays will be given if an employee is off sick on a statutory holiday year.
- 3.34 An employee falling sick during a period of annual leave or who is absent on sick leave and has pre-booked annual leave should refer to the Managing Attendance Policy. . If a worker is sick at any point during paid annual leave, he or she may be entitled to retake those sick days as paid annual leave on another occasion, so long as they can provide a Fit Note covering the period in question.

4.0 Bereavement

- 4.1 Paid leave of absence may be granted to a member of CCG in the event of the death of a relative, up to a maximum of 5 days in any one rolling year with Managers able to exercise discretion in circumstances of the death of more than one relative as set out in the table below.

Relation	Maximum Days – All CCG
Spouse	5 days with pay
Civil partner	5 days with pay
Child	5 days with pay
Parent	5 days with pay
Brother/Sister	3 days with pay
Grandparent	1 day with pay
Aunt/Uncle	1 day without pay
Cousin	1 day without pay
Parent in law	1 day without pay

Relation	Maximum Days – All CCG
Friend	1 day without pay

- 4.2 The actual period of paid absence would depend on the circumstances of the case and the nature of the deceased's relationship with the employee.
- 4.3 When granting a period of bereavement leave, Managers will consider the closeness of the relationship, whether the employee has a responsibility for the funeral arrangements and where the funeral will be held. (including whether it is necessary to travel a distance) Such considerations should take account of religious differences relating to funeral arrangements and periods of mourning.
- 4.4 Additional unpaid leave may be granted in excess of any paid leave granted under in the above arrangements.
- 4.5 There is no qualifying service requirement for bereavement leave.
- 4.6 The CCG respects different cultures and religions and recognises that some staff may need additional time off in connection with relevant ceremonies. Such requests should be discussed with the Manager and if full bereavement leave has already been granted then this may be facilitated through unpaid leave, annual leave or time owing depending on the circumstances.

5.0 Career Break/Sabbatical

- 5.1 A career break is an extended period of absence of between 3 months and 5 years from the workplace without pay. There is no guarantee that a post will be available for the member of CCG to return to.
- 5.2 Career breaks are not to be used for working on paid employment elsewhere.
- 5.3 A sabbatical is a period of up to twelve months unpaid absence from the workplace with a guaranteed return to work at the end.
- 5.4 An employee must have a minimum of 12 months service NHS service or their current employer (reckonable/continuous service to qualify to apply).
- 5.5 Applications should be made using the form in Appendix E giving a minimum of 3 months' notice before the date on which the break would begin.
- 5.6 Before a break is agreed, the method of communication, a commitment to work for short periods during the break, maintaining professional registration, undertaking a medical health check before recommencing employment, any requirement to attend refresher course or other regular training commitment and continuing social contact should be agreed and confirmed in writing.
- 5.7 Where the break is for one year or less, an employee will be required to give two months' notice of intention to return to work. Where the break is for longer than one year the employee will be required to give six months' notice.

5.8 Employees should note that all pensions' contributions will cease during the period of the break and they should seek independent advice with regard to impact this may have on their pension. Employees should also note that a career break will be a break in service and should refer to section 12 and section 16 of the AFC Handbook or take advice.

6.0 Dependant Leave

6.1 Employees may request dependent care leave if they look after a partner, parent or child who need their help because they are seriously ill, frail or have a disability.

6.2 Dependant Leave is requested to enable the employee to take time off work to care for a dependent or to make arrangements for a dependent's welfare.

6.3 Employees are entitled to unpaid leave of absence up to a maximum of 18 weeks during the course of the dependant's life. No more than 4 weeks can be taken in any one year, however in exceptional long term cases, a special case may be made to the line manager? to extend the period of unpaid leave beyond 18 weeks.

6.4 Part time employees will be entitled to dependant's leave on a pro rata basis.

6.5 The CCG requires employees to produce evidence of entitlement for dependant leave. Evidence that may be requested includes:

- Dependants entitlement to disability living allowance
- Copies of the dependant's medical certificates confirming their illness.

6.6 Applications for dependant's leave should be made on the form in Appendix D.

6.7 As with parental leave, the CCG reserves the right to postpone the leave for up to 6 months where the service would be particularly disrupted if the leave were taken at the time requested, Leave cannot be postponed when the employee gives notice to take it immediately after the time a dependant is released from hospital or residential care.

7.0 Examination and Study Leave

7.1 For those courses of study which the CCG is supporting the employee to undertake, paid study leave will normally be granted in order to sit each examination. The line manager will determine whether this would cover just the examination or the rest of the day taking into account time and location of the examination and how reasonable it would be for the employee to attend work prior or after the examination. Additional study leave for examinations will only usually be granted where the CCG has requested that the individual undertake the course and where approved by a Senior Manager.

7.2 Examination and study leave for other occupational courses will be at the discretion of a Snr Manager and if granted may be paid or unpaid. As it may not be granted employees will need to allocate annual leave or request unpaid leave. It must be stressed that where an employee has chosen to study a course they will have no automatic right to study leave and must reach an agreement with their Line Manager.

7.3 Leave of absence for non-occupational subjects will not normally be granted.

8.0 Flexi-Leave

8.1 Leave of absence in respect of Flexi-Time is outlined in more detail within the CCG's Flexi-Time Policy.

9.0 Interview Leave

9.1 All employees are entitled to paid leave of absence to attend for interview if the prospective employer is within the NHS.

9.2 This would only cover the actual time required to attend the interview and should the employee wish to not attend work before or after must come to an arrangement with their line manager to use Flexi-time, annual leave or unpaid leave.

9.3 Annual leave, flexi time or unpaid leave of absence would need to be used to attend for an interview external to the NHS.

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

10.0 Maternity and Maternity Support (Paternity) Leave (See the Maternity and Maternity Support Policy)

10.1 Leave of absence in respect of adoption Leave is outlined in more detail within the CCG's Maternity, Maternity Support (Paternity) & Adoption Policy.

11.0 Medical Appointments

11.1 Leave of Absence in respect of medical appointments is provided for as follows:

- **Hospital/Consultant Appointments**

11.2 The CCG expects that routine GP and Dental appointments should be arranged during an employee's own time. This is not paid leave however consideration will be given to use of flexi-time or working time back to accommodate an appointment.

11.3 It is recognised that staff may have limited influence on the timing of hospital appointments and appropriate support will be given to facilitate attendance. Time off for planned outpatient appointments/ hospital referrals/ physiotherapy treatment extending half a day or longer may be taken as annual leave, however consideration should also be given to flexible working arrangements in order to work back the appointment where the appointment is less than half a day.

11.4 Where the appointment extends for a full day it will be considered as sick leave in accordance with the Attendance Management Policy. If the employee is incapacitated by the treatment and requires further time off, the normal arrangements for sick leave apply.

11.5 In circumstances that require on-going appointments e.g a course of physiotherapy, consideration should be given to temporarily changing the individuals working patterns if at all possible.

- **Cosmetic Surgery**

11.6 Time off for cosmetic surgery will only be treated as sick leave if the treatment is needed on medical or psychological grounds. Cosmetic surgery of this type must be supported by a letter from a GP outlining the reasons for the surgery in order to be treated as sick leave and receive sick pay. If after surgery an employee becomes unwell and unable to attend work normal sick pay provisions will apply.

11.7 If the surgery is undertaken purely due to the employee's wish to change their appearance, this should be taken as annual leave. Only cosmetic surgery for purely medical reasons will be permitted as paid sick pay.

- **Fertility Treatment**

11.8 The CCG recognises that employees who are undergoing fertility treatments such as IVF will need to attend appointments and hospital visits in order to receive their treatment. Employees who wish to undergo this treatment are expected to arrange their appointments outside of work wherever possible, however when this is not possible employees will be entitled up to 5 days paid leave per treatment cycle (with a maximum of 2 treatment cycles). Employees who wish to have further treatment may use their annual leave or apply for unpaid leave to cover their appointments.

11.9 Applications for fertility treatment should be made as soon as possible (at least 2 weeks in advance) using the special leave application form (see Appendix C). Confirmation of their appointment for fertility treatment from their GP or hospital/clinic should be attached to this form.

11.10 If an employee becomes ill and requires time off as a result of the treatment, this will be recorded as sickness absence, but will not be included for the purposes of triggering the sickness absence policy.

11.11 If the treatment requires the partner of an employee receiving fertility treatment to attend an appointment, they will be entitled to ½ a day of fertility treatment leave per treatment cycle. If the employee is not receiving treatment but would like to accompany their partner they will be expected to take annual leave, time owing or unpaid leave where agreed with their line manager.

12.0 Non Regular forces / Territorial Army / Adult Cadet Instructor

12.1 The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Territorial Army and the Royal Auxiliary Air Force. NHS Bury CCG also recognises that employees may be Adult Instructors within the Cadet Force.

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

12.3 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.

- 12.4 Where an employee provides information to their line manager in respect of their role as a reservist or Adult Instructor of the Cadet Force , the following arrangements will apply:
- 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;
 - any activities undertaken as a reservist are expected to be taken from this additional allowance and normal holiday entitlement.
- 12.5 The CCG is committed to supporting colleagues who are reservists, however 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.
- 12.6 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. If necessary due to the needs of the organisation, the CCG has the right to request that the employee's mobilisation is deferred for a period of time.
- 12.7 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 their intention to return to work within 13 weeks of a return.
- 12.8 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.

13.0 Parental leave

- 13.1 Parental leave is defined as leave to care for a child. This means looking after the welfare of the child and can include making arrangements for the good of the child.
- 13.2 Examples include:
- To spend more time with the child;
 - To accompany a child during a stay in hospital;
 - To support the new mother immediately following the birth;
 - Help settle the child into new child care arrangements;
 - To enable the family to spend more time together.
- 13.3 An employee has the right to parental leave if they have one year's continuous service at the date they wish to take the first period of leave, and is the named parent/adopter of a child who is under 18 years old.
- 13.4 The amount of parental leave is 18 weeks for each child under the age of 18.

- 13.5 Parental leave is unpaid.
- 13.6 The nature of the job to which an employee is entitled to return after leave periods will depend on the length and timing of their parental leave.
- 13.7 Leave of four weeks or less - the employee must be given their job back at the end of the leave.
- 13.8 Leave of greater than four weeks- the employee must be given their job back or, if this is not possible, then a job which is suitable and appropriate (i.e. same terms and conditions).
- 13.9 Leave four weeks or less but taken immediately after additional maternity leave (AML) -The employee must be given their job back or, if this was not possible at the end of the AML period and continues to be impossible, then a job which is suitable and appropriate (i.e. same terms and conditions).
- 13.10 Seniority and pension rights built up by an employee before taking leave are retained, Membership will be concurrent as long as the unpaid leave does not exceed 3 months. Employees may be liable for payment of outstanding contributions on their return.
- 13.11 The employee is required to give at least 21 days' notice in writing. If requested, an employee must confirm the age of the child and their relationship to them as per the requirements on the form at Appendix D.
- 13.12 The employer will have the right to postpone the leave for up to six months from the date the employee wished to take the leave. This right arises if the employer's business would be "unduly disrupted" by the employee's absence, e.g. at year end, inspections or at other important periods in the CCG year.
- 13.13 The employer must give notice of postponement within seven days of the request for leave confirming: the reasons for postponement; and the period of rescheduled leave. Leave cannot be postponed when the employee gives notice to take it immediately after their maternity leave or the adoption of a child.
- 13.14 Any part of a week which is taken as parental leave will constitute a whole week. However, parents of children who qualify for Disability Living Allowance can take leave in blocks or individual days. When an individual requires time off in connection with a dependent which is less than one week in duration they should discuss the circumstances with their manager and it can be dealt with under other relevant sections of this procedure.
- 13.15 An employee cannot take more than four weeks' leave for each child in any year. For these purposes, a year commences on the date of adoption or birth or the date on which the employee satisfies the qualifying condition of one year's employment. The form to be completed is at Appendix D.
- 13.16 During parental leave the employee retains all of their contractual rights, except remuneration. This includes the accrual of contractual paid holiday entitlement during parental leave.

14.0 Public Duties

- 14.1 All requests for leave of absence for the following or similar public duties will require the prior approval of the Deputy Director / Director as appropriate through completion of the form at Appendix F.
- 14.2 If an employee occupies more than one role, they will be entitled to only receive paid leave for carrying out one of the duties listed, if they sit on different bodies.
- 14.3 Leave entitlements will be pro rata for part time employees.
- 14.4 A maximum of 6 days unpaid leave per annum can be authorised for the following public duties:
- Member of a Local Authority or a committee or subcommittee;
 - School Governor
 - Member of a Statutory Tribunal
 - Member of a Police Commissioning Body
 - Member of a board of Prison Visitors or a prison visiting committee
 - Member of Board of a CCG
 - Volunteer of a Community Service Project
- 14.5 For other public duty roles, the following arrangements apply:
- **Magistrates /Justice of the Peace**
- 14.6 A maximum of 1 day's paid leave per month will be granted in line with the magistrate's cycle and can be applied for using the form at Appendix F.
- **Jury Service & Witnesses**
- 14.7 An employee who is called for jury service shall be granted time off upon submitting a copy of the court's request for attendance. Whilst jury service usually requires attendance over two consecutive weeks, it should be recognised that this will not always be the case depending on the nature of the court proceedings.
- 14.8 The employee is required to remain in regular contact with their manager regarding the length of their absence. Should the employee not be required to attend court on a particular day, having first checked with the court, they must contact their manager who will confirm whether they are to return to work.
- 14.9 The Courts are liable to cover an employee's loss of earnings for their time on jury service. The employee must complete the Certificate of Loss of Earnings (which can be completed by payroll) and submit this to their Line Manager in order that the organisation can be reimbursed for the loss of earnings incurred due to being absent.

15.0 Religious observance

- 15.1 The CCG recognises the personal commitment of individuals to observe their religious duties. Appendix G provides further details on religious festivals.
- 15.2 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
- Unpaid leave

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

16.0 Domestic Emergency and Emergency Carer Leave

16.1 The extent and type of leave provided depends on the details of each case. The needs of the service will be considered. Part time staff will receive a pro rata amount of special leave according to hours worked and converted into hours where appropriate. The leave must be taken in blocks of ½ day (where less taken i.e. where employee arrives late/leaves early it will be rounded up to a half day or single days). If further time is required then the manager may grant annual leave or unpaid leave as appropriate.

- **Domestic emergency**

16.2 The CCG recognises that unavoidable domestic emergencies can arise that will require the immediate attention of the employee. In such circumstances the CCG should be contacted as soon as possible to allow alternative cover arrangements to be made.

16.3 To allow suitable alternative domestic arrangements to be made, up to 5 days paid leave of absence may be granted in a rolling 12 month period.

16.4 A Special Leave Form (Appendix C) should be completed in advance of the leave where ever possible, however, due to the nature of the leave this may need to be completed retrospectively.

- **Emergency Carer**

16.5 The CCG recognises the employees may require leave to provide carer support to children and/or elderly, disabled or seriously ill relatives. Emergency carer leave is designed to cover:

- Unanticipated illness or injury of children/ dependants; and
- Unanticipated breakdown of normal caring arrangements

16.6 The purpose of such leave is to help the employee to take time off work to resolve a situation or to arrange for the longer term care of the dependent and up to 3 days paid leave of absence can be granted in any rolling 12 month period.

16.7 Paid Emergency Carer Leave will only be granted solely for the purposes of dealing with urgent carer responsibilities, such as:

- where a dependent suddenly falls ill / injured during the working day
- to make arrangements when caring arrangements for a dependent break down; or
- an unexpected incident involving a dependent child during school hours or on a school trip

16.8 Emergency Carer Leave is not intended to cover normal family sickness or known/planned carer commitments.

- 16.9 Normal family sickness will usually be covered by the employee taking either annual leave, making up the hours at a later date or taking unpaid leave.
- 16.10 The Line Manager may insist that annual leave is used before unpaid leave is granted.
- 16.11 Regarding known/planned carer commitments, employees are expected to provide for any such absences as part of their annual leave entitlement.
- 16.12 As a basis for planning, employees will be expected to declare normal carer responsibilities to their managers at the earliest opportunity following commencement in role.

17.0 Trade union activities

- 17.1 Representatives engaging in employee relations business on behalf of their members who work for the CCG will be permitted to take reasonable time off during working hours for Trades Union duties and activities for such purposes as negotiating on terms and conditions and attending disciplinary and grievance interviews.
- 17.2 For further information please see the Partnership Agreement, which can be accessed from People Services.

Appendix A

Equality Impact Assessment

Currently being created

Annual Leave Form

Calendar Year	
Name	
Job Title	
Base	
Annual Leave Entitlement (part time to be calculated in hours)	
Bank Holiday Entitlement (part time to be calculated in hours)	
Total	

Leave Dates		Number of Days		Authorised by
From	To	Taken	Remaining Balance	Line manager / director signature

- Requests for leave should be made where possible at least one month in advance of dates required.
- Completed forms should be authorised by the immediate line manager and the passed to the appointed Administration Officer within your department for recording.
- No leave should be taken, or holidays booked without prior authorisation
- This form must be used for all annual leave taken in current holiday year
- Please count working days only. All dates to be inclusive.

Special Leave Form

Calendar Year	
Name	
Job Title	
Base	
Type of Leave requested	Emergency Leave (EC) Compassionate / Bereavement Leave (C) Domestic Leave (D) Fertility Leave (F) Interview Leave (I) Medical Appointments (M)

Dates Requested			Type of Leave	Authorised by :	
From	To	No. days requested		Signature	Date

Details of any addition / alternative leave granted (e.g. annual leave / flexi-time)

The period of leave is; (please tick as appropriate)

Paid		Unpaid	
-------------	--	---------------	--

- Please count working days only. All dates to be inclusive.
- Please ensure the above dates are included on the monthly ETAD submission
- Please add a copy to employees personnel file

Parental or Dependant Leave Form

Name	
Job Title	
Base	
Employment Start Date	
Type of Leave applied for	<p>Parental Leave (P)</p> <p>Copy of the child birth / adoption certificate to be attached</p> <p>Leave must be applied for 21 days in advance</p>
	<p>Dependants Leave (D)</p> <p>Evidence of entitlement of be supplied</p> <p>Leave must be applied for 21 days in advance</p>

Dates		Type of Leave	Reason for request		Managers decision (approved, denied, postponed)
From	To				

Details of reasons for Managements Decision;

Managers Signature		Date	
---------------------------	--	-------------	--

Employee Signature		Date	
---------------------------	--	-------------	--

- Please ensure the above dates are included on the monthly ETAD submission
- Please add a copy to employees personnel file
- Please email a copy to hr.businessservices@nhs.net

Career Break / Sabbatical Form

Calendar Year	
Name	
Job Title	
Base	
Employment Start Date	

Reason for Request	
Signed (Employee)	
Dated (Employee)	
Mangers confirmation of receipt of request	
Meeting dated arranged to discuss request	
Signed (Manager)	
Dated (Manager)	

- Please ensure the above dates are included on the monthly ETAD submission
- Please add a copy to employees personnel file
- Please complete an ESR Notification of Change form and email to hr.businessservices@nhs.net along with a copy of this form

Voluntary / Public Service Leave Form

Calendar Year	
Name	
Job Title	
Base	
Type of Leave Requested	Jury Service (J) Character Witness (C) Witness of Fact (W) Volunteer Reservists (V) Magistrates / Justice of the Peace (JP) Member of a Local Authority (LA) Member of a Statutory Tribunal (T) Member of Police Authority (P) Member of a board of Prison Visitors or a Prison Visiting Committee (PVC) Member of a Strategic Health Authority (M) Member of a Managing or Governing Body of an Education Establishment (G) Member of the Environment Protection Agency (PA)

Dates Requested		Type of Leave requested	Reason for request	Managers decision (approved, denied, postponed)
From	To			

Details of reasons for Managements Decision:

Managers Signature		Date	
---------------------------	--	-------------	--

Employee Signature		Date	
---------------------------	--	-------------	--

- Please ensure the above dates are included on the monthly ETAD submission
- Please add a copy to employees personnel file
- Please email a copy to hr.businessservices@nhs.net

	<p>Day</p> <p>Buddha Day May</p> <p>The Ploughing Festival May</p> <p>Buddhist New Year Varies</p> <p>Asalha Puja Day June</p> <p>Ulambana July</p> <p>Abhidhamma Day October</p> <p>Kathina Day October</p> <p>The Elephant Festival November</p> <p>Loy Krathong December</p> <p>Bodhi Day December</p> <p>Uposatha Quarterly Observance Days</p> <p>Avalokitesvara's Birthday</p>	
Christianity	<p>There are a wide variety of Christian churches and organisations. Many dates of festivals are set by the lunar calendar:</p> <p>Ash Wednesday February/March</p> <p>Maundy Thursday March/April</p> <p>Good Friday March/April</p> <p>Easter Sunday March/April</p> <p>All Saints Day 1 November</p> <p>Christmas Eve 24 December</p> <p>Christmas Day 25 December</p> <p>In addition there are a number of “holy days of obligation” when Christians may wish to attend a church service and request a late start to the working day, or an early finish in order they can attend their local church. Many practicing Christians will wish to attend their Church on Sundays throughout the year.</p>	No special requirements beyond normal bereavement leave.
Hinduism	<p>Hinduism is diverse and not all Hindus will celebrate the same festivals:</p> <p>Maha Shiva Ratri February</p> <p>Holi March</p> <p>Ramnavami April</p> <p>Rakshabandham August</p> <p>Janmashtami August</p> <p>Ganesh Chaturthi August/September</p> <p>Navarati September/October</p> <p>Dushera September/October</p> <p>Karava Chauth October</p> <p>Diwali Late October/early November</p> <p>New Year Late October/early November</p>	Following cremation, close relatives of the deceased will observe a 13 day mourning period during which they will wish to remain at home. The closest male relatives may take the ashes of the deceased to the Ganges, in India. They may therefore request extended leave.

<p>Islam</p>	<p>The festivals are reliant on a sighting of the new moon and will therefore vary from year to year. Whilst approximate dates will be known well in advance, it is not always possible to give a definitive date until much nearer the time:</p> <p>Ramadam The festival takes place in the 9th month of the Muslim lunar calendar. Most Muslims will attend work in the normal way. Fasting is required from dawn and sunset.</p> <p>Eid Al-Fitr 3 days to mark the end of Ramadan. Annual Leave may be requested for these days.</p> <p>Eid Al-Adha This is a 3 day festival that takes place 2 months and 10 days after the Eid Al-Fitr. Annual leave may be requested for this time.</p> <p>Pilgrimage All Muslims are required to make a pilgrimage to Mecca once in their lifetime. Muslims may therefore request an extended leave period in which to make a pilgrimage.</p>	<p>Burial must take place as soon as possible following death and may therefore occur at short notice.</p>												
<p>Jainism</p>	<table border="0"> <tr> <td>Oli</td> <td>April and October</td> </tr> <tr> <td>Mahavira Jayanti</td> <td>April</td> </tr> <tr> <td>Paryusan</td> <td>August/September</td> </tr> <tr> <td>Samvatsari</td> <td>September</td> </tr> <tr> <td>Diwali</td> <td>October/November</td> </tr> <tr> <td>Death anniversary of Lord Mahavira</td> <td></td> </tr> </table>	Oli	April and October	Mahavira Jayanti	April	Paryusan	August/September	Samvatsari	September	Diwali	October/November	Death anniversary of Lord Mahavira		<p>Cremation will take place as soon as practical after death (usually 3-5 days). There is no specified mourning period and normal bereavement leave arrangements will suffice.</p>
Oli	April and October													
Mahavira Jayanti	April													
Paryusan	August/September													
Samvatsari	September													
Diwali	October/November													
Death anniversary of Lord Mahavira														
<p>Judaism</p>	<table border="0"> <tr> <td>Passover (2 sets of 2 days)</td> <td>March/April</td> </tr> <tr> <td>Pentecost (2 days)</td> <td>May/June</td> </tr> <tr> <td>New Year (2 days)</td> <td>September/October</td> </tr> <tr> <td>Day of Atonement (1 day)</td> <td>September/October</td> </tr> <tr> <td>Tabernacles (2 sets of 2 days)</td> <td>September/October</td> </tr> </table>	Passover (2 sets of 2 days)	March/April	Pentecost (2 days)	May/June	New Year (2 days)	September/October	Day of Atonement (1 day)	September/October	Tabernacles (2 sets of 2 days)	September/October	<p>Funerals must take place as soon as possible following death – the same day where possible – and therefore take place at short notice. Following a death, the immediate family must stay at home and mourn for 7 days. Following the death of a Father or Mother, an observant Jewish man will be required to go to a</p>		
Passover (2 sets of 2 days)	March/April													
Pentecost (2 days)	May/June													
New Year (2 days)	September/October													
Day of Atonement (1 day)	September/October													
Tabernacles (2 sets of 2 days)	September/October													

			synagogue to pray morning afternoon and evening for 11 months of the Jewish calendar.
Rastafarianism	Birthday of Haile Selessie Ethiopian New Year Anniversary of the Crowing of Haile Selassie	23 July 11 September 2 November	No special requirements beyond normal bereavement leave.
Sikhism	Birthday of Guru Gobind Singh Vaisakhi Martyrdom of Guru Arjan Dev Sri Guru Granth Sahib Day Divali Martyrdom of Guru Tegh Bahadur Bithday of Guru Nanak	5 January 14 April 16 June 1 September October/November 24 November November	Cremation takes place as soon after the death as practical. There are no specific mourning periods although an additional ceremony takes place on the 10 th day after cremation.

Additional Leave Application Form

Calendar Year	
Name	
Job Title	
Base	

Reason for Request	No. Days requested (max 10)	Decision of Manager (approved / denied)

Details or reasons for Management Decision

Managers signature		Date	
---------------------------	--	-------------	--

- Please email a copy to hr.businessservices@nhs.net to ensure this is processed with payroll for salary adjustments to be made
- Please add a copy to employees personnel file