

## LEAVE POLICY & PROCEDURE

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|-----------|--|--|-----|---------------------------|-----|
| <b>1</b>  | <b>SUMMARY</b>   | Leave Policy & Procedure   |     |                           |     |
| <b>2</b>  | <b>RESPONSIBLE PERSON:</b>   | NCL Director of Corporate Services   |     |                           |     |
| <b>3</b>  | <b>ACCOUNTABLE DIRECTOR:</b>   | Chief Operating Officer, Haringey & Islington CCGs   |     |                           |     |
| <b>4</b>  | <b>APPLIES TO:</b>   | All employees  |     |                           |     |
| <b>5</b>  | <b>GROUPS/ INDIVIDUALS WHO HAVE OVERSEEN THE DEVELOPMENT OF THIS POLICY:</b> | HR, NEL CSU  |     |                           |     |
| <b>6</b>  | <b>GROUPS WHICH WERE CONSULTED AND HAVE GIVEN APPROVAL:</b>                  | NCL Joint Partnership Group – 30 January 2015  |     |                           |     |
| <b>7</b>  | <b>EQUALITY IMPACT ANALYSIS COMPLETED:</b>                                   | <b>Policy Screened</b>   | Yes | <b>Template completed</b> | Yes |
| <b>8</b>  | <b>RATIFYING COMMITTEE(S) &amp; DATE OF FINAL APPROVAL:</b>                  | Executive Management Team, Haringey & Islington CCGs – 20 March 2018   |     |                           |     |
| <b>9</b>  | <b>VERSION:</b>  | 1  |     |                           |     |
| <b>10</b> | <b>AVAILABLE ON:</b>   | <b>Intranet</b>  | Yes | <b>Website</b>            | No  |
| <b>11</b> | <b>RELATED DOCUMENTS:</b>  | Employment Break Scheme<br>Flexible Working Policy & Procedure<br>Ordinary Parental Leave Policy & Procedure |     |                           |     |
| <b>12</b> | <b>DISSEMINATED TO:</b>  | All employees  |     |                           |     |
| <b>13</b> | <b>DATE OF IMPLEMENTATION:</b>   | 20 March 2018  |     |                           |     |
| <b>14</b> | <b>DATE OF NEXT FORMAL REVIEW:</b>   | Every three years or earlier should there be national NHS terms & condition/ legislative changes             |     |                           |     |

# Leave Policy & Procedure

## Leave Policy & Procedure

| <b>Contents</b>                            | <b>Page Number</b> |
|--|--------------------|
| Introduction                               | 4                  |
| Scope                                      | 4                  |
| Types of Leave                             | 4                  |
| Definitions                                | 4                  |
| Compassionate Leave                        | 5                  |
| Emergency Leave                            | 5                  |
| Time off for Dependents Leave/Carers Leave | 5                  |
| Extended Carers Leave                      | 6                  |
| Medical/Dental Appointments                | 6                  |
| Disability Leave                           | 7                  |
| Time off for Public Duties                 | 7                  |
| Religious/Cultural Observance Leave        | 7                  |
| Leave to Visit Relatives Abroad            | 8                  |
| Foster Leave                               | 8                  |
| Other Special Leave                        | 8                  |
| How to Request Leave                       | 9                  |
| Appeal Procedure                           | 9                  |
| Exemption from Working Whilst on Leave     | 9                  |
| Leave & Unauthorised Absence               | 9                  |
| Monitoring & Review                        | 9                  |
| Application form for leave                 | 10                 |
| Equality Analysis Initial Assessment       | 11                 |

## **1. Introduction**

- 1.1 The CCG recognises that from time to time employees will require time-off work for certain matters that require their urgent attention. The CCG is committed to helping employees balance the demands of domestic and work responsibilities.
- 1.2 This policy outlines the provision of access to leave arrangements which support CCG employees in balancing their work responsibilities with their personal commitments by the provision of paid and unpaid leave, subject to exigencies of the service. Decisions regarding special leave should be applied consistently and fairly.
- 1.3 This policy and procedure also details eligibility requirements for each type of leave how requests should be made.
- 1.4 Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar request.

## **2. Scope**

- 2.1 This policy applies to all employees of Islington CCG.

## **3. Types of Leave**

This policy and procedure outlines the provision of the following types of leave:

- Compassionate Leave
- Emergency Leave
- Time Off For Dependents
- Extended Carers Leave
- Time off for Medical/Dental Appointments
- Fostering Leave
- Disability Leave
- Religious/Cultural Observance Leave
- Leave to Visit Relatives Abroad
- Time Off For Public Duties
- Other Special Leave

## **4. Definitions**

For the purpose of this policy & procedure, the definitions are as follows:

- 4.1 A Dependant is someone who is married to, is a civil partner, or a partner (whether opposite or same sex) or is a child, a parent or a person who lives at the same house as the employee (other than a lodger, tenant, boarder or employee) or could be someone who would reasonably rely on the employee for assistance, or arrangements for the provision of care in the event of an illness or injury
- 4.2 A Relative includes: parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives in a particular emergency.
- 4.4 A Carer are employees with significant caring responsibilities that have a substantial impact on their working lives. These employees are

responsible for the care and support of a disabled, elderly or sick child, parents, relatives or friends who are unable to care for themselves

## **5 Compassionate Leave**

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

5.2 **Leave Provision** - Managers have the discretion to grant paid leave of initially a maximum 3 days but in exceptional circumstances a maximum of 6 days in a 12 month rolling period may be granted.

If a longer period is required by the employee they may, at the manager's discretion and within the exigencies of the service take annual leave or unpaid leave.

5.3 **Eligibility** – Compassionate leave is available for all employees, regardless of length of service.

## **6 Emergency Leave**

6.1 The CCG recognises that there may be occasions when an employee may need emergency leave to deal with unexpected situations and make longer term arrangements.

Examples of when Emergency Leave may be granted include:

- If a dependent falls ill or has been involved in an accident
- To make longer term arrangements for a dependent who is ill
- To deal with unexpected breakdown in care arrangements for a dependent
- To deal with an incident involving the employee's child during school hours
- Urgent domestic situations such as fire, flood or burglary

6.2 **Leave Provision** – Managers may grant employees up to 1 day emergency leave to deal with unexpected urgent domestic situations. Managers have the discretion to grant further paid leave in exceptional circumstances at their discretion and within the exigencies of the service.

If a longer period is required by the employee they may, at the manager's discretion and within the exigencies of the service take annual/unpaid leave and/or work from home.

6.3 **Eligibility** – Emergency leave may be granted to all employees, regardless of length of service.

## **7. Time Off For Dependents/Carer's Leave**

7.1 The CCG recognises that employees may have caring responsibilities and may need to take a short amount of time off to care for dependents. This may include:

- Illness of a dependent;
- Accompaniment of a dependent to a medical/dental appointment.

The above is not an exhaustive list and carers leave may be granted for other purposes which fall under the spirit of this leave.

- 7.2 Carers leave is provided as an alternative form of leave in addition to Emergency Leave (which is for short term/ emergencies only).
- 7.3 **Leave Provision** – Managers may grant a maximum of 3 days paid leave and in exceptional circumstances a maximum of 6 days carer's leave in a 12 month rolling period. This is at the manager's discretion and within the exigencies of the service.

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.

In exceptional circumstances managers may grant a short term variation to hours/annual/unpaid leave/time off in lieu to deal with caring situation, subject to the exigencies of the service.

**Eligibility** – Dependants/carers leave may be granted to all employees, regardless of length of service.

## **8. Extended Carer's Leave**

Employees may require extended carer leave where a dependent is recovering from a serious illness, is terminally ill or disabled.

- 8.1 **Leave Provision** – Unpaid Carer Leave may be granted for a period of up to one year at manager's discretion and within the exigencies of the service.
- 8.2 **Eligibility** – Employees must have at least one year continuous NHS service by the start of the leave period requested. Employees may be asked to provide a medical certificate from the dependent's doctor.

Please refer to the Flexible Working Policy & Procedure for details of further support/flexible working patterns available.

## **9. Medical/Dental Appointments**

- 9.1 Medical/dental appointments should usually be scheduled outside of normal working hours or core hours. If this is not possible, appointments should be scheduled for start or end of the working day to cause minimal disruption of the service.
- 9.2 **Leave Provision** - Where it is not possible to arrange medical/dental appointments outside of working hours, if Departments operate flexi leave or Time Off In Lieu [TOIL]. Where such schemes are not in operation the line manager may use their discretion and authorise time off, or for the time to be made up later, which will be in agreement with and supports the employee and the needs of the service.

When the appointments become more frequent or the employee has a disability and is required to attend regular appointments the individual should advise their Line Manager in advance of the appointments. The manager shall consider reasonable

adjustments following advice from occupational health to accommodate a disability/medical condition in accordance with the Absence Policy.

Please refer to the Maternity Policy & Procedure for information on ante-natal appointments.

- 9.3 **Eligibility** – Leave for medical/dental appointments may be granted to all employees, regardless of length of service.

Employees must inform their Line Manager of any appointments where possible at least 1 week in advance of the appointment. The employee may also be asked to bring in their medical/dental appointment card/letter.

## 10. **Disability Leave**

Employees can request disability leave if they require time off for a reason related to their disability but are fit for work and therefore unable to claim sick pay and leave for example for rehabilitation purposes.

**Leave Provision** – Employees can request between 6 months to a maximum of 1 year unpaid disability leave.

**Eligibility** – Disability leave may be granted to a employees regardless of length of service.

## 11. **Time Off For Public Duties**

Employees may require time off for public duties such as jury service, attendance at court as a witness, training with the reserve or cadet forces, serving as a justice, membership of a local authority, statutory tribunal, board of prison visitors or NHS Trust, governing body of a grant maintained school, school or college board.

Please note that this list is not exhaustive and further advice should be sought from Human Resources if the public duty you would like time off for is not listed here.

**Leave Provision** – Managers should grant reasonable paid time off for public duties. 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.

**Eligibility** – Time off for public duties may be granted to all employees. Evidence of attendance to public duty activities may be required.

Employees called for jury service will be provided with a 'Certificate of Loss of Earnings which will need to be completed by the employee and their line manager. The completed form should be submitted to HR. Once submitted the CCG can be reimbursed for the loss of earnings incurred due to being absent.

## 12. **Religious/Cultural Observance**

Employee may seek leave for a religious festival or cultural observance.

**Leave provision** - Employees can request flexibility in arrangement of hours; annual leave; time off in lieu and unpaid leave which will be considered in line with the needs of the service.

**Eligibility** – Leave for religious/cultural observance may be granted to all employees, regardless of length of service.

### 13. **Leave to Visit Relatives Abroad**

The CCG recognises that employees may have relatives abroad whom they wish to visit for an extended period.

**Leave provision** – Employees may apply to take an extended period of annual leave for a maximum of 6 weeks. If an employee does not have sufficient annual leave a combination of annual/unpaid leave may be granted subject to the exigencies of the service.

**Eligibility** - Leave to visit relatives abroad may be granted to all employees, regardless of length of service.

### 14. **Fostering Leave**

**Leave provision**

| <b>Age of Child</b>  | <b>Foster Leave &amp; Pay</b>                                      |
|----------------------|--|
| Up to 5 years old    | Up to 18 weeks paid leave [8 weeks full pay and 10 weeks half pay] |
| 5 to 6 years old     | Up to 6 weeks paid leave at full pay                               |
| 6 years old and over | Up to 2 weeks paid leave at full pay plus 11 weeks unpaid leave    |

Paid time off may be granted during and after the fostering process for official meetings, such as legal, medical or social services appointments. An appointment card/letter will be required as proof of attendance together with adequate notice and approval from the manager.

**Eligibility** – The employee must:

- be the approved main foster carer by the Fostering Agency
- have 12 months continuous with Islington CCG at the date fostering commences
- provide a letter of agreement from the Fostering Agency and proposed leave dates at least 28 days before the leave commences, or as soon as reasonably practicable using the form in appendix 1 and submit this to the line manager & HR.
- return to work for the CCG or any other NHS employer for a minimum of 3 months to retain pay paid during the foster leave.
- Make one application for fostering leave within a 2 year rolling period.

### 15. **Other Special Leave**

Where all other leave entitlements have been exhausted or do not apply to the circumstances affecting an employee, a request for unpaid leave can be made to the manager.

**Leave provision** – there is no specific provision for this type of leave, each request will be considered in line with the needs of the employee and the service.

**Eligibility** – All employees can request unpaid special leave, regardless of length of service.

#### **16. How to Request Special Leave**

Employees should submit requests for special leave to their line manager using the special leave request form contained in Appendix 1.

As much notice should be given as possible when requesting leave or as specified in the eligibility under the relevant leave section in the policy.

In some cases, such as Emergency Leave, approval should be obtained verbally from the line manager on the day the leave is required and the special leave request form should be completed retrospectively.

Managers should take into account the needs of the employee and the needs of the service when considering requests for special leave.

#### **17. Appeal Procedure**

If an employee feels that an application for other leave has been unreasonably declined they should discuss the matter with their line manager in the first instance. If the employee considers that this policy & procedure has not been applied fairly in respect of their request they should appeal via the Grievance Procedure.

#### **18. Exemption from Working whilst on Leave**

Employees should note that unless otherwise notified, they are not permitted to work for any other employer or be self-employed whilst on leave granted under this policy and procedure. This is because you would be deemed to be falsely claiming pay and/or leave from the CCG, which could be deemed a gross misconduct matter and therefore could result in a referral to the Local Counter Fraud Service and the Disciplinary Procedure.

#### **19. Leave & Unauthorised Absence**

All requests for leave will be given due consideration, however, if it is not possible to grant a request due the needs of the service and an employee does not subsequently attend work on the day/period the leave was requested this may be classed as unauthorised unpaid absence. Unauthorised absence and/or misuse of the policy may be deemed a misconduct matter and therefore may result in a referral to the Disciplinary Procedure.

#### **20. Monitoring and Review**

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

**Appendix 1**

**Request for Leave Form  
[to be completed by employee and manager]**

On completion the form should be sent to the line manager to approve and then forwarded to [nelcsu.payroll@nhs.net](mailto:nelcsu.payroll@nhs.net) Please refer to the Leave Policy & Procedure for confirmation of leave provision and eligibility requirements.

| <b>Personal Details</b>  |      |        |  |
|--|------|--------|--|
| Name   |      |        |  |
| Job Title  |      |        |  |
| Employee Number  |      |        |  |
| Directorate  |      |        |  |
| Contact Number   |      |        |  |
| Line Manager   |      |        |  |
| <b>Section A: Details of Leave Request</b>   |      |        |  |
| Type of leave requested:   |      |        |  |
| Reason for the request:  |      |        |  |
| The dates of leave I would like to take leave are:   |      |        |  |
| <b>Declaration: I confirm I meet the eligibility requirements for the type of leave I have requested.</b>                                      |      |        |  |
| Signature [Employee]   |      | Date   |  |
| <b>Section B: To be completed by manager</b>   |      |        |  |
| I have approved the above request for leave  | Yes  | No     |  |
| Will the period of leave be paid/unpaid?   | Paid | Unpaid |  |
| If the request for leave has been turned down, please provide the reason[s] below and confirm the reasons have been explained to the employee: |      |        |  |
|  |      |        |  |
| Signature [Manager]  |      | Date   |  |
| HR Approval for processing   |      | Date   |  |

## Equality Analysis Initial Assessment

### **Title of the change proposal or policy:**

Leave Policy & Procedure

### **Brief description of the proposal:**

The Policy aims to recognise that from time to time staff will require time off work for certain matters that require their urgent attention. The organisation is committed to helping staff balance the demands of domestic and work responsibilities and sets out the provision of paid and unpaid leave subject to the demands of the service.

### **Name(s) and role(s) of staff completing this assessment:**

Darshna Pankhania, HR Business Partner

**Date of assessment:** 22 January 2015

**Please answer the following questions in relation to the proposed change:**

**Will it affect employees, customers, and/or the public? Please state which.**

Yes it will affect employees.

**Is it a major change affecting how a service or policy is delivered or accessed?**

No

**Will it have an effect on how other organisations operate in terms of equality?**

No

**If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:**

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC Terms and Conditions, is legally compliant and takes account of best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

**Please return a copy of the completed form to the Equality & Diversity**