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1.0		Adoption by CCG	Nov 14	HR	

LEAVE POLICY

1. POLICY STATEMENT

- 1.1 The organisation recognises the importance and value of assisting staff to achieve a balance between their work and home life responsibilities. In support of this commitment, a range of leave options are available to help employees achieve an appropriate balance between work and personal commitments.
- 1.2 The aim of this policy is to provide a uniform and fair approach when dealing with requests for both annual leave and special leave.
- 1.3 In addition, the policy will also provide a framework (please refer to appendix 2) that enables employees to take reasonable time off for special leave, where the following occur:
- to care for a child or make arrangements for a child's welfare;
 - to provide care and attention to a dependant;
 - to deal with emergencies or unexpected events;
 - to take compassionate leave;
 - for public duties.

2. SCOPE OF THE POLICY

- 2.1 For the purposes of annual leave entitlement, this policy applies to all staff employed by the organisation under NHS Agenda for Change Terms and Conditions of Service. It does not, however, include Medical and Dental staff or Very Senior Managers (VSMs), for whom different arrangements apply.
- 2.2 Where special leave may be requested, the policy will apply to all employees of the organisation. For purposes of policy clarity, a dependent is someone who is married to, is a civil partner, or a partner (whether opposite or same sex) "a near relative" or someone who lives at the same address as the employee. A relative for this purpose includes: parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives or is someone who relies on the employee in a particular emergency.
- 2.2.1 Appendix 1 provides examples of the types of leave available under this policy. This list is not exhaustive.

3. GENERAL PRINCIPLES

3.1 Annual Leave

- 3.1.1 Managers will consider all applications for annual leave in the context of balancing the needs of the individual with the needs of the service

- 3.1.2 Employees should ensure they take a reasonable amount (and in any case the statutory entitlement) of their annual leave during the annual leave year and that it is spread evenly throughout the year as far as possible.
- 3.1.3 All leave applications must be approved by the line manager in advance and before employees make any firm holiday arrangements.
- 3.1.4 Line managers should ensure that the employee's absence on leave will not adversely affect the service and should ensure that booking rules are in place to maintain satisfactory service levels.
- 3.1.5 Line managers should deal with requests for annual leave as speedily as possible and without undue delay.
- 3.1.6 The annual leave year runs from 1 April to 31 March

3.2 Special Leave

- 3.2.1 Employees should ensure that all requests are provided to their line manager as earlier as is reasonably practicable.
- 3.2.2 Managers are obliged to consider all reasonable requests where this does not adversely affect the performance of the team/department. Advice and guidance can be sought from your HR team, if required.

4 **ROLES AND RESPONSIBILITIES**

4.1 Role of managers

It is the responsibility of the manager to:

- Ensure that both annual/special leave is managed equitably, balancing the needs of the service and the needs of individual employees, where required. Any request for leave should not be unreasonably refused.
- Confirm and authorise leave taken with employees and where requests for any leave have been declined then the manager should provide a clear explanation.
- All leave records should be accurately maintained by line managers in line with organisational entitlements to ensure effective monitoring and allocation.
- Managers are also responsible for identifying, and acting on, any abuse of this policy. This action may include disciplinary action.

4.2 Role of employees

It is the responsibility of all employees to:

- Comply with policy and processes for all leave requests and in circumstances relating to special leave to provide appropriate documentary.
- Give reasonable notice to their manager in requesting annual/special leave
- Ensure that any leave requested is authorised by their manager before it is taken
- Understand that failure to follow policy, will result in disciplinary action being taken.
- Inform their manager on the first day of sickness absence if they fall sick during their annual leave (please refer to sickness absence policy for reporting procedure).
- Should an employee be considering taking on public duties, they should advise their line manager before first entering into such commitments and discuss the extent of the commitment and the implications for their work. Where an employee is already undertaking such duties prior to commencing employment with the CCG, they should notify their line manager as soon as possible after commencement and discuss the implications.

5. ANNUAL LEAVE ENTITLEMENT

5.1 Annual leave entitlement will be based on reckonable NHS service. This means that any period of time that has been worked in the NHS, regardless of whether there has been a break in service, will count towards annual leave entitlement, providing that employees provide formal documentary evidence of any relevant service to their manager.

5.2 Employees will normally be entitled to the following annual leave in a complete leave year:

On appointment	After 5 years' service	After 10 years' service
27 days + 8 General Public Holidays	29 days + 8 General Public Holidays	33 days + 8 General Public Holidays
262.5 hours total	277.5 hours total	307.5 hours total

5.3 A General Public Holiday is defined as a period of 24 hours from midnight to midnight on the following days:

Good Friday	Easter Monday	May Day
Spring Bank Holiday	August Bank Holiday	Christmas Day
Boxing Day	New Year's Day	

- 5.4 There will be some years where more or fewer than eight General Public Holidays fall within the leave year because the Easter holidays can be in March or April. Leave entitlement will, therefore, be calculated each year based on the actual number of General Public Holidays falling within 1 April to 31 March.
- 5.5 Part time employees and new appointees who start or leavers who terminate their employment part way through the leave year will have a pro rata entitlement to leave.
- 5.6 Annual leave can be calculated in hours for part time staff to ensure that they do not receive less favourable treatment than colleagues who work standard hours.
- 5.7 Employees will normally be expected to take their leave in multiples of whole or half days, although by calculating leave in hours, it does provide an opportunity for leave to be taken in smaller blocks. Managers should, however, ensure that employees are taking adequate leave to provide appropriate rest.

6. PAY DURING ANNUAL LEAVE

- 6.1 Pay during annual leave will include basic salary plus regularly paid supplements, including any recruitment and retention premia, payments for work outside normal hours and high cost area supplements. Pay is calculated on the basis of what the individual would have received had he/she been at work, based on earnings during the previous three months at work.
- 6.2 If employees have not taken their full holiday entitlement at the end of the holiday year, the Director or VSM directly responsible may consider a request to carry forward a maximum of 5 days leave to the next holiday year due to business pressures. However, this excess must be taken within 3 months of the new holiday year. Failure to do so will result in holidays being forfeited. Employees cannot be given pay in lieu of the holiday not taken.

7. GUIDANCE RELATING TO ANNUAL LEAVE

- 7.1 Guidance on entitlements in a variety of circumstances is attached as Appendix 1

GUIDANCE IN RELATION TO THE CALCULATION AND ENTITLEMENT TO LEAVE

1. Entitlement on Appointment

- 1.1 All new members of staff will be entitled to annual leave plus General Public Holidays in the year of joining the CCG on a pro-rata basis.
- 1.2 Entitlement in the first year is dependent on the number of days worked from the date of commencement and before the end of the annual leave year, calculated based on 1/365th (1/366th in leap years) for each day worked in the current annual leave year.

2. Holiday entitlement on termination of employment during the holiday year

- 2.1 If an employee leaves the organisation during an annual leave year, annual leave entitlement will be calculated on a pro-rata basis from the start of the leave year to the date of leaving as above.
- 2.2 If the employee has outstanding annual leave entitlement, they will be required to be taken as part of their notice period. However, where this may significantly impact on team/departmental performance then the line manager and budget holder may consider payment as part of the final salary payment.
- 2.3 If the employee has taken more than the pro-rata annual leave entitlement, this amount of money will be deducted from the employee's final salary payment.

3. Entitlement on changing contracted hours/completing 5 or 10 years' service

- 3.1 When employees change their contracted hours or complete 5 or 10 years' reckonable service, this will result in a recalculation of their annual leave entitlement based on completed days on the new and the old contracted hours/leave entitlement to give the full year entitlement.

4. Sickness during holiday

- 4.1 If an employee is unwell during a period of time that has been booked as annual leave, then employees should follow the normal sickness absence procedures. Medical documentary evidence should be provided in such circumstances in order for leave to be reimbursed to the employee. It is only with the agreement of the line manager that documentary evidence can be provided upon the employee's return to the workplace. Exceptions may apply where hospitalisation has taken place, and in such circumstances each case will be taken on its own merits.

- 4.2 Any days of sickness during a time of booked annual leave will be counted as sickness absence, and not annual leave, providing that the notification and certification procedures have been followed. The employee will be entitled to take those days as annual leave at another time.
- 4.3 If the employee is unable to take the full annual leave entitlement during a leave year due to sickness the employee will be entitled to carry outstanding leave forward to the next leave year.
5. Holidays during school holidays
- 5.1 It is accepted that many employees have children at school, and hence want to take leave within the school holidays. Every attempt will be made to meet such requests, but the operational efficiency of the organisation has to be the highest priority and managers will aim to make sure that time off is granted equitably and fairly.
6. Maternity/Adoption leave
- 6.1 When an employee is on maternity/adoption leave their annual leave entitlement continues to accrue. Employees are encouraged to take their leave entitlement up to the date of starting maternity leave in advance and will be entitled to take annual leave accrued during her maternity leave on return to work.
7. Cancellation of annual leave
- 7.1 In rare circumstances the organisation might ask the employee to cancel previously agreed annual leave due to business pressures. The employee has the right to refuse such a request, and will suffer no detriment as a result of any such refusal.
- 7.2 If the employee will incur any cost as a result of cancelling a holiday this should be discussed with the organisation before making the cancellation. The organisation may be prepared to meet the costs of any such cancellation.
8. Carry over of annual leave
- 8.1 The CCG expects that within the annual leave year employees should be provided with the opportunity to take all their annual leave and believes that this is important to staff health and well-being.
- 8.2 However, up to one week of basic contracted hours may be carried over to or brought forward from the following leave year, with the agreement of the manager.
10. Additional/Unpaid Leave
- 10.1 Requests for additional leave, which will be unpaid, should be considered on an individual basis. Unpaid leave should not normally be granted to employees, until paid annual leave has been exhausted. However, there may be exceptional circumstances where a manager thinks it appropriate to grant unpaid leave without exhausting annual leave.

Appendix 2

4 Procedure for Special Leave

- 4.1 Employees wishing to apply for special leave under this policy must provide enough information about their request in writing to enable their manager to make an informed decision. A maximum of 5 days special leave in any 12 month rolling period will be available.
- 4.2 Managers must give appropriate consideration to all requests for Special Leave, meeting with the employee if possible and explain their decision in those cases where it is refused. In making their decision, managers must act in accordance with the CCG's Equal Opportunities policy and ensure each request is treated with fairness and equity and has due consideration for the individual circumstances of each employee. In making their decision managers must obtain any available / appropriate information to validate the request. Managers must advise the employee of the outcome their request in writing.
- 4.3 It is acknowledged that certain types of leave cannot be planned for, and therefore where urgent requests for leave are made, managers are expected to deal with these flexibly. Verbal requests should be followed up in writing as soon as appropriate to the circumstances.

Type of leave	Eligibility	Paid entitlement	Unpaid entitlement	Guidance notes
Leave for urgent domestic reasons (Carer leave)	<p>All staff irrespective of length of service</p> <p>Cases of urgent domestic need when alternative arrangements cannot be made in the short term</p> <p>Urgent domestic reasons include:</p> <ul style="list-style-type: none"> • Unexpected breakdown in carer arrangements for a dependent • Arranging care for a dependent who is ill or injured • Providing assistance for a dependent who is taken ill or injured • Dealing with flood, fire, burglary or other distressing situation at home <p>This list is not exhaustive and each application should be considered on an individual basis</p>	<p>As long as is necessary to deal with the immediate situation. This will usually be no more than one day.</p>	<p>At manager's discretion</p>	<p>When approving leave, managers should take account of the following:</p> <ul style="list-style-type: none"> • Amount of carer leave already taken • Flexibility of working arrangements to accommodate requirements • Availability of annual leave, lieu time for on-going needs

Compassionate leave	<p>All staff irrespective of length of service</p> <p>Circumstances for compassionate leave are:</p> <ul style="list-style-type: none"> • Serious illness, imminent death or immediately following bereavement • To make arrangements for a funeral • To attend a funeral <p>Compassionate leave is available for the above situations involving a dependent or close relative or friend</p>	<p>Up to one working week depending on the nature of the employee's involvement in the situation</p> <p>In exceptional circumstances, eg death occurring overseas, further leave may be granted at the manager's discretion</p>	At the discretion of the line manager	<p>Up to 1 week for; spouse/partner, mother, father, child or other named dependent (as advised to the organisation).</p> <p>Up to 1 week for brother, sister, grandparents (depending on employee's involvement).</p> <p>1 day for all other relatives including in-laws.</p>
Jury Service	<p>Employees called to attend jury service.</p> <p>Employees may request to defer jury service in certain circumstances, but the decision to grant deferment does not rest with South West Lincolnshire CCG</p>	<p>Up to 10 days.</p> <p>For cases lasting longer than 10 days, employees should submit a claim for loss of earnings to the Court</p>	n/a	<p>Employees should provide a copy of the notification from the Court</p>
Training with Reserve Forces	Members of TA or other reservists	<p>5 working days per year for camps in addition to annual leave</p>		<p>Employees should provide copies of relevant correspondence</p>

<p>Mobilisation with Reserve Forces</p>		<p>n/a Reservists are paid a basic salary by the UK Ministry of Defence (MOD). If this basic salary is less than the employee's NHS salary, employees can apply to the MOD for the difference to ensure they suffer no loss of earnings. The Company does not contribute.</p>		<p>Employees should produce mobilisation papers.</p> <p>The maximum period of mobilisation depends on the scale and nature of the operation.</p> <p>Within the TA, a period of mobilisation contains three distinct phases: pre-deployment training dependent on the nature of the conflict, the operational tour itself and post-tour leave. The timescales are likely to be between 3 and 12 months.</p> <p>Employees have the right to return to work after a period of mobilisation, if possible to their old job. If it is not reasonable and practicable to reinstate into the previous job role, the organisation will offer the most favourable alternative role on the most favourable terms and conditions, which are reasonable and practicable.</p>
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<p>Time off for public duties:</p> <ul style="list-style-type: none"> • Justices of the Peace, and members of the following bodies: • a local authority • a statutory tribunal • a probation board • a police authority • youth offender panel • a registered housing board • a registered social landlord and tenant management organisation • the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad • a board of prison visitors or a prison visiting committee • a relevant health body • a relevant education body • the Environment Agency, the Scottish Protection Agency or a relevant Scottish water and sewage authority 	<p>Employees who are appointed or elected to a public body</p>	<p>By agreement with the line manager to cover attendance at meetings of the body or any of its committees or sub committees and to perform duties approved by the body to be done in discharging its function</p>	<p>At manager's discretion</p>	<p>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 and/or unpaid time off to be granted</p>
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Religious holidays and holy days	All staff irrespective of length of service	Annual leave	At manager's discretion	The CCG will respect, wherever possible, requests for variation of work arrangements and/or leave requests to enable employees to observe religious occasions
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