

## **Nene Clinical Commissioning Group**

### **SPECIAL LEAVE POLICY**

#### **NENE CCG: HR28**

Version:	4
Ratified by:	CCG Governing Body
Date ratified:	1 October 2013
Name of originator / author:	Andrew Utley, Senior Solicitor, DAC Beachcroft LLP / Stephen Wright, Deputy Head of Human Resources Business Partners, GEM CSU
Name of responsible committee/individual:	Corporate Services
Date of issue:	February 2014
Review date:	January 2016
Target audience:	All Staff

## ASSISTANCE WITH THE APPLICATION OF THIS POLICY AND UPDATES

This policy has been prepared so as to reflect the law as at 1 June 2013. The policy will require periodic review to reflect subsequent changes to the law. Changes to employment law have generally been made on 1 February, 1 April and 1 October in any given year.

For advice and assistance in relation to the application of this policy and to obtain updates please contact:

Your line manager in the first instance or Corporate Services, Nene CCG, Summerhouse Road, Moulton Park, Northampton, NN3 6BF.

### VERSION CONTROL SHEET

VERSION No.	DATE	WHO	STATUS	COMMENT
1	16.07.13	Stephen Wright	Draft	
2	21.08.13	Julie Fitzpatrick	Draft	
3	30.12.13	Julie Fitzpatrick	Final	Post Union Consultation
4	03.02.14	Julie Fitzpatrick	Final	Post equality review

<b>Contents</b>	<b>Page</b>
1. Introduction	4
2. Scope	4
3. Eligibility	5
4. Equality of Opportunity	5
5. Grievance Procedure	5
6. Urgent Carers Leave	6
7. Compassionate Leave	7
8. Bereavement Leave	7
9. Domestic Violence	8
10. Appointments	8
11. Public Duties Leave	9
12. Time off for Religious Activities	9
13. Territorial Army, Reserve or Cadet Forces	10
14. Other Types of Leave	10
15. Due Regard	

## 1. INTRODUCTION

- 1.1 **Nene Clinical Commissioning Group** (“CCG”) is committed to promoting equality of opportunity in employment.
- 1.2 The CCG recognises that many of its employees combine their working lives with the responsibilities for raising a family, caring for dependant relatives and other domestic commitments. It also understands that there will be occasions when urgent domestic, personal and family matters compete with work commitments and responsibilities. The objective of this policy and procedure is to help employees to manage these demands through the provision of various leave arrangements, which may be paid or unpaid, according to the circumstances.
- 1.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

## 2. SCOPE

- 2.1 This policy applies to all CCG employees, at all levels and in all areas of work.
- 2.2 Eligible employees will be able to request leave from work for the following reasons:
  - 2.2.1 Urgent Carer's Leave
  - 2.2.2 Compassionate Leave
  - 2.2.3 Bereavement Leave
  - 2.2.4 Domestic Violence
  - 2.2.5 Appointments
  - 2.2.6 Public Duties Leave
  - 2.2.7 Time off for religious holidays
  - 2.2.8 Territorial, Reserves or Cadet Forces
- 2.3 Due to the nature of urgent and unforeseen need, it is not possible or appropriate to set out comprehensive procedures for all situations. Managers and employees should use this policy for guidance, and where necessary seek further advice from Corporate Services.

- 2.4 The amount of time off should generally be agreed in advance with the Line Manager. The CCG may refuse a request if it does not consider it to be reasonable. Such assessment is likely to be influenced by circumstances such as:
- 2.4.1 how long a period of leave is required
  - 2.4.2 the length of time any duties may take
  - 2.4.3 the amount of time the employee has already had off for such reasons
  - 2.4.4 how the time will affect the work of the CCG.
- 2.5 The CCG considers that time off in excess of 10 days per year is likely to have an adverse effect on the work of the CCG and is less likely to be agreed.

### **3. ELIGIBILITY**

- 3.1 Access to the possibility of special leave is available to all employees, although there is no universal right or entitlement to this type of leave. Each request will be treated on its own merits, taking into account any qualifying conditions.
- 3.2 Ideally, special leave arrangements must be discussed and agreed with the Line Manager before they are taken. Where, due to the urgent nature of the situation, this is not possible, retrospective approval for the leave must be sought from the Line Manager before any claim for paid leave will be granted.
- 3.3 Line Managers have the discretion to approve up to a maximum of 10 working days paid special leave for an employee in a rolling 12-month period (pro rata for part time staff). Managers are required to record all special leave that has been approved, either paid or unpaid. Requests for paid leave that exceed this limit must be approved by an Executive Director or equivalent.

### **4. EQUALITY OF OPPORTUNITY**

- 4.1 No-one who makes a request for, or is granted, special leave pursuant to this policy will be discriminated against or suffer any detriment on the grounds that they requested or were granted such leave.
- 4.2 Nene Clinical Commissioning Group (CCG) aims to design and implement policy documents that meet the diverse needs of our services, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Action 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less

favourable treatment due to their reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.

In carrying out its functions, Nene CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Nene CCG is responsible, including policy development, review and implementation.

## **5. GRIEVANCE PROCEDURE**

- 5.1 Employees who are dissatisfied with the application of this policy may raise the matter through the CCG's Grievance Policy and Procedure.

## **6. URGENT CARER'S LEAVE**

- 6.1 A reasonable amount of time off during work hours, paid or unpaid, depending on circumstances, will be granted in response to an urgent, unforeseen family need. The main purpose of this type of leave is to enable the employee to take the necessary action to cope with the situation at the time. This form of leave will be short-term and ordinarily no more than a week in duration, to deal with the immediate crisis.
- 6.2 Examples of such circumstances may include:
- 6.2.1 to provide care to a child, close relative or dependant who has been taken ill.
  - 6.2.2 to make the necessary arrangements for the provision of care for an unwell child, close relative or dependant.
  - 6.2.3 to deal with the disruption or termination of arrangements for the care of a child or dependant and to make the necessary arrangements for longer term solutions.

- 6.2.4 to deal with an incident which involves the employee's child and which occurs unexpectedly whilst the child is at school.
- 6.2.5 to deal with an emergency that involves a family member and which occurs unexpectedly.
- 6.3 A dependant for the purposes of this policy is:
  - 6.3.1 an employee's spouse, civil partner, parent or child;
  - 6.3.2 a person who lives in the same household as the employee, but who is not their tenant, lodger, boarder or employee; or
  - 6.3.3 anyone else who reasonably relies on the employee to provide assistance, make arrangements or take action of the kind referred to above.
- 6.4 In considering what leave is immediately necessary in a particular situation, the employee should discuss this with their Line Manager who will consider the full circumstances before reaching a decision.
- 6.5 If the employee knows in advance that they wish to take time off to care for a dependant, rather than arrange for someone else to do so, this policy will not apply.

## **7. COMPASSIONATE LEAVE**

- 7.1 Managers may grant, at their discretion, compassionate leave in response to urgent domestic distressing needs e.g. house burglary, fire or household hazard. Special paid leave on compassionate grounds would not normally be for more than one or two days, but this will depend on the circumstances and severity of the situation. Employees may also require limited periods of unpaid leave or annual leave to deal with the situation.

## 8. BEREAVEMENT LEAVE

- 8.1 Managers may grant up to 10 days' paid bereavement leave. Additional leave due to exceptional circumstances may be considered after discussion with an Executive Director or equivalent.
- 8.2 The following factors will be taken into account when determining the duration of leave and pay arrangements:
  - 8.2.1 Closeness of the employee's relationship with the deceased.
  - 8.2.2 Whether the employee is responsible for funeral arrangements.
  - 8.2.3 The availability of other relatives or friends, particularly those more able to assist in the necessary arrangements.
  - 8.2.4 The distance the employee needs to travel to make arrangements and/or attend the funeral.
  - 8.2.5 The needs of the individual's case and the requirements of the CCG.
- 8.3 Short periods of paid time-off to enable employees to attend funerals should always be considered. The above criteria should also be considered by Line Managers.

## 9. DOMESTIC VIOLENCE

- 9.1 In cases where an employee has been the victim of domestic violence, consideration will be given to granting the individual special leave with pay rather than recording any associated absence as sickness absence. The following should also be considered and offered:
  - 9.1.1 Provision of Counseling services to support the employee.
  - 9.1.2 Referral to Occupational Health prior to the employee's return (depending on severity of the case).
  - 9.1.3 Return to work interview with the employee.

## 10. APPOINTMENTS

- 10.1 Wherever possible employees should ensure that they make appointments for their doctor, dentist, hospital etc. outside of their working hours. Where an employee requires time off to attend an appointment, this should be approved by

their Line Manager, prior to the appointment. Depending on the circumstances, time off for appointments can be paid or unpaid as agreed with your line manager. Alternatively, an employee may be required to make the time up or take annual leave.

10.1.1 A failure to seek a Line Manager's approval prior to arranging an appointment may influence whether the leave is paid or unpaid.

10.2 For entitlement to attend antenatal appointments please refer to the CCG's Maternity, Paternity, Adoption and Parental Leave Policy

## 11. PUBLIC DUTIES LEAVE

11.1 Employees have a right to unpaid time off if they are a:

11.1.1 Justice of the Peace (magistrate)

11.1.2 Member of a local authority

11.1.3 Member of a police authority

11.1.4 Member of any statutory tribunal

11.1.5 Member of the managing or governing body of an educational establishment

11.1.6 Member of a health service or educational body

11.1.7 Member of a prison visiting committee

11.1.8 Member of the Environment Agency

11.1.9 Member of a Trade Union (for trade union duties and activities)

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

11.2.1 Attend meetings of the body or any of its committees and subcommittees

11.2.2 Perform duties approved by the body.

- 11.3 In addition to the statutory bodies above, the CCG may extend public duties leave for:
  - 11.3.1 Attendance in Court or tribunal as a witness
  - 11.3.2 Attendance at Staff Council meetings
  - 11.3.3 Attendance at Professional Registration meetings hearings.
- 11.4 Leave to carry out Jury Service must be granted where an employee has received notice from the courts that they have been called. The employee can reclaim lost earnings from the court, except where the CCG has provided paid leave to attend. In these circumstances, arrangements will be made with the employee to repay any duplicate payments back to the CCG.
- 11.5 Employees should note that where, due to the nature of certain roles, there may be difficulties to back fill their role, they have the right to appeal against the request to undertake jury service and the CCG may ask them to do so.

## **12. TIME OFF FOR RELIGIOUS ACTIVITIES**

- 12.1 Employees, whose religious beliefs have festival days different to those public holidays currently recognised by the CCG, may approach their Line Manager to request to change the designated public holiday dates to alternative dates in line with their religious festivals/holidays. No employee will be given a total of more than the number of recognised public holidays in the annual leave year.
- 12.2 Employees wishing to take time off for religious activities should book annual leave in accordance with the annual leave guidance.
- 12.3 Employees with longer term religious commitments should consider making an application under the Flexible Working Policy.

## **13. TERRITORIAL ARMY, RESERVE OR CADET FORCES**

- 13.1 Any employee who wishes to volunteer for service with the Reserve or Cadet Forces must obtain permission from the CCG before doing so, or if applying for an appointment with the CCG, must declare their membership of such forces with the CCG.
- 13.2 Employees who are required to attend periods of training, including annual camps and are unable to arrange such training during off duty or annual leave,

may be granted special leave for that purpose by their Line Manager.

- 13.3 Employees absent from duty owing to sickness or injury caused by or arising from their own off-duty activities as members of the Reserve or Cadet Forces will not be entitled to occupational sick pay.
- 13.4 Where employees are formally requested to mobilise overseas each case will be considered on an individual basis.

#### **14. OTHER TYPES OF LEAVE**

- 14.1 There are other categories of leave that employees have a statutory right to take. These are Maternity, Paternity, Parental and Adoption Leave.
- 14.2 Entitlement and procedures for taking this type of leave are detailed in the Maternity, Paternity, Parental and Adoption Leave Policy.

#### **15. DUE REGARD**

This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) if the Equality Act 2010 to eliminate discrimination, harassment, victimisation; to advance equality of opportunity; and to foster good relations.