



**West Hampshire**  
Clinical Commissioning Group

# **LEAVE AND FLEXIBLE WORKING POLICY**

**Version 3.4**

<b>Subject and version number of document</b>	Leave and Flexible Working Policy Version 3.4
<b>Serial number</b>	HR/007/V3.04
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<b>Author</b>	HR Department, NHS South Central & West Commissioning Support Unit
<b>CCG owner</b>	Chief Officer
<b>Links to other policies</b>	<ul style="list-style-type: none"> <li>• Conduct, Performance, Grievance &amp; Absence Management Policy</li> <li>• Maternity, Paternity, Adoption Leave &amp; Shared Parental Leave and Pay Guidance Policy</li> <li>• Learning &amp; Development Policy</li> <li>• Lone Working Policy</li> <li>• Domestic Violence &amp; Abuse Policy for CCG Staff</li> </ul>
<b>Review date</b>	May 2020
<b>For action by</b>	All employees
<b>Policy statement</b>	<p>This policy will be applied to all employees and covers the provision of paid or unpaid leave requested under the following categories:</p> <ul style="list-style-type: none"> <li>• Annual leave</li> <li>• Compassionate leave</li> <li>• Child bereavement leave</li> <li>• Carer leave</li> <li>• Special leave (where carer leave is not appropriate)</li> <li>• Special leave for public duties</li> <li>• Flexible working requests and arrangements</li> <li>• Study leave</li> <li>• Unpaid leave</li> <li>• Annual leave purchase scheme</li> <li>• Employment break scheme</li> <li>• Disruption to travel – adverse weather and other emergency conditions.</li> </ul>
<b>Responsibility for dissemination to new staff</b>	Line Managers
<b>Mechanisms for dissemination</b>	This policy will be promoted via the CCG internal newsletter and intranet, and published on the CCG website.
<b>Training implications</b>	All employees, at induction. Managers will receive training about this policy and how to manage the different aspects of leave for the organisation.

<b>Resource implications</b>	There are no resource implications arising from this policy.
<b>Further details and additional copies available from</b>	Website <a href="https://westhampshireccg.nhs.uk/document-tag/hr-policies/">https://westhampshireccg.nhs.uk/document-tag/hr-policies/</a>
<b>Equality analysis completed</b>	In line with CCG policy, an equality analysis has been completed. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or trade union membership or non-membership in relation to the application of this policy.
<b>Consultation process</b>	Executive Team Senior Management Team Staff Forum Equality and Diversity Lead Staffside Representative Policy Sub Group
<b>Approved by</b>	Policy Sub Group (via Chair's Action)
<b>Date approved</b>	20 November 2019

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Website	Location in FOI Publication Scheme	<a href="https://westhampshireccg.nhs.uk/document-tag/hr-policies/">https://westhampshireccg.nhs.uk/document-tag/hr-policies/</a>
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### Amendments Summary:

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1	02.04.13	App E	EQIA	
2	29.10.13	10, 13 and 14	Additional section on Special Leave for Domestic Emergencies, Equality Analysis and Policy Monitoring (HR/007/V1.06)	28.10.2013
3	14.04.14	15	Paragraph 16.2 deleted	14.04.2014
4	3.07.17	22,27, 28	Minor amendments to reflect latest CCG policy titles and contact details and the inclusion of an additional paragraph referencing the Flexible Working Plus project	3.07.2017
5	30.01.18	13, 14, 29 and 30	References to Whistleblowing & Concerns Policy amended to Conduct, Performance, Grievance & Absence Management Policy. Update re contact details	30.1.18 (not through Policy Sub Group as minor amends)
6	20.04.19	13,14 and EIA	Additional section on child bereavement / parental leave and addition of EIA template	15.5.19
7	23.10.19	11, 28, 29 and EIA	Additional sections on religious holidays and updated EIA (V3.04)	5.11.19

### Review Log:

Include details of when the document was last reviewed:

Version Number	Review Date	Reviewer	Ratification Process	Notes
HR/007/V1.05	April 2013	HR	Chair's Action. On behalf of Corporate Governance Committee.	Fully reviewed and updated.
HR/007/V2.00	October 2014	Business Manager	Policy Sub Group and Corporate Governance Committee November 2014, ratified by CCG Board December 2014.	Reviewed throughout to make policy more robust.
HR/007/V3	April 2015	HR	Policy Sub Group / Corporate Governance Committee September 2015	Combined with flexible working guidance, reviewed throughout and extra sections added.
HR/007/V3.01	June 2017	HR	Policy Sub Group / Board July 2017	See amendment 4 above
HR/007/V3.03	May 2019	HR	Policy Sub Group/Board June 2019	Fully reviewed and updated, see amendment 6 above

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# LEAVE POLICY

## 1 INTRODUCTION

- 1.1 The success of the CCG depends upon its employees and we understand that employees work at their best when they are able to strike a good balance between work and life outside of work. We recognise that in order to attract and retain good employees, the CCG needs to demonstrate our commitment to achieve a healthy 'work life balance' that will enable employees to work more productively and happily. This policy has been developed to help employees achieve a more healthy work life balance whilst ensuring that they are working optimally in maintaining and promoting the best possible service.

## 2 PURPOSE

- 2.1 This policy aims to maintain consistent management practice defined under the Agenda for Change NHS Terms and Conditions. This may not entail identical decisions in all cases, as each individual case will be assessed according to circumstances.
- 2.2 The CCG believes, as an organisation committed to eliminating discrimination and providing equal opportunities for all, it should support flexible working practices. It seeks to help employees balance the demands of domestic and work responsibilities, particularly at times of urgent and unforeseen need, providing paid or unpaid leave as appropriate. Employees have a range of leave options under this policy and so should discuss and agree leave / flexible working arrangements with their line manager.
- 2.3 The policy is in accordance with the Working Time Regulations (1998; Amended 2003), the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000), Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002), Flexible Working Regulations 2014 and Agenda for Change NHS Terms and Conditions.
- 2.4 The provisions do not confer any contractual rights.

## 3 SCOPE

- 3.1 This policy will be applied to all employees and covers the provision of paid or unpaid leave requested under the following categories:
- Annual leave
  - Compassionate leave
  - Child Bereavement leave
  - Carer leave
  - Special leave (where carer leave is not appropriate)

- Special leave for public duties
- Flexible working requests and arrangements
- Study leave
- Unpaid leave
- Annual leave purchase scheme
- Employment break scheme
- Disruption to travel – adverse weather and other emergency conditions.

3.2 The scope of the policy allows for leave to be granted at the discretion of the manager based on employee entitlement and organisational requirements.

3.3 If leave is requested at short notice, every effort should be made to cover the individual concerned during a time of crisis, but managers must be aware of safe staffing levels and take decisions accordingly.

## **4 COMPLIANCE WITH STATUTORY REQUIREMENTS**

### **4.1 Working Time Regulations (1998; Amended 2003)**

The CCG recognises the entitlements of its workers to request annual leave in accordance with The Working Time Regulations (1998; Amended 2003).

### **4.2 Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000)**

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000) legislates that part-time employees should not be treated less favourably than full-time employees. The CCG endeavours to ensure the prevention of discrimination or less favourable treatment in the provision of annual leave.

### **4.3 Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002)**

The Fixed-Term Staff (Prevention of Less Favourable Treatment) Regulations (2002) prevent fixed term employees being treated less favourably than similar permanent employees. The CCG endeavours to ensure the prevention of discrimination or less favourable treatment in the provision of annual leave.

### **4.4 Flexible Working Regulations 2014**

The Flexible Working Regulations 2014 legislates that all employees have the legal right to request flexible working – not just parents and carers. This is known as 'making a statutory application'. The CCG can refuse a request but only if they have a good business reason for doing so.



## **5 RESPONSIBILITIES**

### **5.1 Employees**

It is the responsibility of all employees to:

- Consider the needs of the service and, where possible, minimise disruption to service provision
- Ensure requests for all leave are made to an employee's line manager
- Provide as much notice as possible when requesting leave
- Ensure requests are authorised prior to making arrangements, for example, when booking holidays
- Not assume leave requests will be automatically approved. The CCG is not responsible for any costs incurred by employees who enter into travel agreements which have a financial implication or cancellation cost prior to authorisation
- Make proper arrangements on systems to communicate absence (such as 'out of office' messages on emails: please refer to the CCG Style Guide for a template)
- Inform his / her manager as soon as possible in accordance with the local sickness reporting procedure if they fall sick during their leave.

### **5.2 Managers**

It is the responsibility of managers to:

- Ensure employees are aware of the provisions of this policy
- Ensure that they record annual leave for all employees correctly and ensure proper arrangements are made on systems to communicate absence in unforeseen circumstances, such as sickness prior to leave
- Ensure that annual leave is managed equitably, balancing the needs of the service and the needs of individual employees, especially over holiday periods
- Confirm and authorise annual leave entitlements with the employee as appropriate
- Respond to all annual leave requests at the earliest opportunity, generally this should be no later than a week after receipt of the request
- Implement a system whereby individuals may set out their requests for leave in good time for popular national and cultural holiday/festival times such as Christmas, ensuring that leave is distributed equitably
- Record and monitor annual leave of employees so as to ensure that the appropriate annual leave is taken each leave year and that in the exceptional circumstances of any annual leave to be carried over, this is appropriately recorded
- Monitor and ensure that there are appropriate cover arrangements to meet service needs

- Calculate (and re-calculate as appropriate) annual leave entitlements for their employees including part-time and fixed-term employees and employees whose annual leave entitlement has increased due to length of service or increased / decreased due to a change in hours
- Record sickness if the employee reports sickness during the granted annual leave period
- Managers should not normally approve a period of leave of more than three weeks. Any longer period of leave must be approved by an associate director / director or equivalent. If annual leave is declined, managers need to give clear reasons to the individual.

5.3 To support the entitlements outlined below, employees may be required to supplement special leave with annual leave.

## 6 ANNUAL LEAVE

6.1 Employee's entitlement to paid annual leave will be in accordance with Agenda for Change terms and conditions of service and depend on their length of service. The annual leave year period applied by the CCG is from 1 April to 31 March inclusive.

<b>Length of service</b>	<b>Entitlement</b>
On appointment	27 days (202.5 hours) plus 8 days (60 hours) bank holidays
After 5 years' service	29 days (217.5 hours) plus 8 days (60 hours) bank holidays
After 10 years' service	33 days (247.5 hours) plus 8 days (60 hours) bank holidays

6.2 Annual leave and bank holiday entitlement should be calculated on an hourly basis for all employees, regardless of whether individuals work full-time or part-time.

6.3 Part-time employees will be entitled to paid public holidays no less than pro-rata to the number of public holidays for a full-time worker, rounded up to the nearest half day.

6.4 Part-time employees: public holiday entitlement shall be added to their annual leave entitlement, and they shall take public holidays they would normally work as annual leave.

6.5 Where an employee's annual leave entitlement increases partway through a leave year, due to length of NHS service, their new entitlement is calculated on a pro-rata basis for the rest of the leave year.

6.6 Other than in exceptional circumstances, following authorisation of an employee's application to take annual leave, this will not normally be

withdrawn. However, the CCG reserves the right to withdraw such authorisation should circumstances so warrant. Withdrawal of annual leave must be communicated to the affected employee with as much notice as possible and with notice no less than the duration of the period of annual leave requested.

- 6.7 Any leave taken without following the local reporting procedure or not authorised in advance by the appropriate manager will be considered unauthorised absence. The CCG reserves the right to withhold payment or deduct from an employee's salary payment for all periods of unauthorised absence. The CCG also reserves the right to take action under its disciplinary policy in regard to any un-authorised absence, including, if appropriate, dismissal without notice (see Conduct, Performance, Grievance & Absence Management Policy).
- 6.8 In circumstances where an employee has a particular cultural or religious need which may be different to existing work requirements, the CCG will consider and where it is reasonable practicable, vary or adapt these requirements to enable such needs to be met. For example, an employee may request either the accumulation of annual leave or unpaid leave in order to visit relative's overseas. The CCG will sympathetically consider such requests.
- 6.9 Similarly, if any employee wishes to take time off work for religious holidays additional to the English public holidays, then annual leave should be requested. However, consideration will be given to requests for unpaid leave, or other alternative arrangements.

## **7 ENTITLEMENT ON JOINING**

- 7.1 The CCG will make every effort to meet the needs of new employees in respect of commitments to holidays made prior to the commencement of employment. Prospective/new employees should notify their manager at the earliest opportunity and giving the required notice periods of any pre-booked holidays in order to seek early authorisation of their leave request.
- 7.2 All new employees will be entitled to annual leave plus bank holidays in the year of joining the CCG, on a pro-rata basis.

## **8 ENTITLEMENT ON CHANGING CONTRACTED HOURS**

- 8.1 Where employees change their contracted hours, this will result in a recalculation of their annual leave entitlement. This will be based on completed months on the new and the old contracted hours to give the full year entitlement.
- 8.2 Where employees change their contracted hours part way through a month they should not lose entitlement. Therefore, in these cases the entitlement for

the first month will be calculated on the basic weekly contracted hours that they predominantly worked for that initial month.

## **9 ENTITLEMENT ON LEAVING**

- 9.1 Where total leave taken exceeds the earned total leave entitlement an appropriate deduction will be made from the final salary payment.

## **10 MINIMUM ANNUAL LEAVE NOT TO BE WORKED**

- 10.1 The CCG actively encourages individuals to take all their annual leave and bank holiday entitlement. In complying with Working Time Regulations 1998, individuals should ensure that they take a minimum of 210 hours (28 days) of their leave strictly for leave/rest purposes and should not undertake any bank/agency work or duties within all localities of the CCG or elsewhere during this time.

## **11 CARRYING OVER OF ANNUAL LEAVE**

- 11.1 It is expected that within the annual leave year employees should be provided with the opportunity to take all their annual leave. Subject to the requirements of the service, up to 37.5 hours (five days) annual leave (pro-rata for part time employees) may be carried forward and taken in the subsequent leave year within the first three months. This would have to be agreed by the manager and failure to comply with this requirement may result in the loss of any untaken annual leave.
- 11.2 Where individuals have, exceptionally, been prevented from taking their leave before the end of the leave year due to service demands or other exceptional circumstances, then they shall be allowed to make up the deficiency during the ensuing leave year at a time to be mutually agreed with their manager.
- 11.3 Payment in lieu of untaken leave will not be made whilst individuals are employed by the CCG. Annual leave may be paid in lieu when an employee is leaving the organisation and is unable to take leave. This would need to be in agreement with the line manager.
- 11.4 Individuals moving internally between team/directorates will carry forward their remaining annual leave allowance for that holiday year.
- 11.5 Please refer to [Section 30, Contacts](#) for support services available to employees.

## **12 ANNUAL LEAVE DURING SICKNESS / MATERNITY / PATERNITY / ADOPTION / SUSPENSION**

- 12.1 Please refer to the Conduct, Performance, Grievance & Absence Management Policy: Absence Management Procedure and the Maternity, Paternity, Adoption Leave & Shared Parental Leave and Pay Guidance Policy.

## **13 TIME-IN-LIEU**

- 13.1 The CCG does not actively encourage 'time-in-lieu' working. Whilst it is understood that there may be some circumstances which would see employees work over their contracted hours, all efforts should be made by the line manager to ensure that this only occurs in exceptional circumstances and is taken back within the next available opportunity. 'Time-in-lieu' should not be allowed to be accrued in substantial numbers and used to supplement annual leave. A Time off in Lieu (TOIL) Claim Record can be found at [Appendix A](#) / on the [HR Portal](#) if required.

## **14 COMPASSIONATE LEAVE**

- 14.1 This is intended to provide a compassionate response to cases of urgent domestic distress such as bereavement or serious illness in the immediate family. The immediate family will include:
- Child
  - Partners (including same-sex partners)
  - Parents
  - Parents of partner ('in-laws' - if the employee is responsible for funeral arrangements)
  - Siblings
  - Step-families.
- 14.2 Leave for bereavements beyond the list above (for example, grandparents, close friends or extended family) will be reviewed and usually be based on whether there were exceptionally close links.
- 14.3 The manager has the discretion to grant paid leave, normally up to three days in any leave year, however, in exceptional circumstances, the manager has the discretion to extend this to a maximum of five days paid leave. Any further leave may be granted at the manager's discretion in liaison with HR.
- 14.4 If it is not appropriate to take compassionate leave then annual leave or unpaid leave may be utilised in agreement with the manager.
- 14.5 In all cases, managers should assess the individual circumstances of the request for leave and consider the levels of stress experienced by the

employee and whether it is likely to affect his/her work. Advice should also be taken from the HR team if necessary.

- 14.6 Where an employee is requiring time off over a longer period of time the manager may consider a change in working hours in discussion with the individual, on either a temporary or permanent basis.
- 14.7 Please refer to [Section 30, Contacts](#) for support services available to staff.

## **15. CHILD / PARENTAL BEREAVEMENT LEAVE**

***(N.B. no requirement for child to be under 18)***

- 15.1 In the circumstances where staff, who are parents, experience the death of a child. The provisions below are designed to set out leave and pay in these circumstances.
- 15.2 A bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that the CCG deems to be reasonable. For example, this may include grandparents who have had caring responsibilities for a child, or instances where someone other than the biological parent is the primary carer (this could be the case where the parents of the child have separated). There is no requirement for the child to be under 18 years of age.
- 15.3 All bereaved parents will be eligible to a minimum of two weeks of child bereavement leave. A bereaved parent will not be required to demonstrate any eligibility criteria in order to access bereavement leave or pay. Any further leave may be granted at the manager's discretion in liaison with HR.
- 15.4 All bereaved parents will be entitled to two weeks' occupational child bereavement pay which will include any entitlement to statutory parental bereavement pay. Pay is calculated on the basis of what the individual would have received had he/she been at work. This would normally be based on the previous three months at work or any other reference period that may be locally agreed.
- 15.5 Where both parents of a deceased child work in West Hampshire CCG, the entitlements in this Section will apply to both members of staff.
- 15.6 Parents who experience a still birth from the 24th week of pregnancy will be eligible for this leave. In the case of the mother, this would be in addition to other paid leave i.e. maternity leave. Bereavement leave and pay may be extended to members of staff, by local arrangement, in these circumstances where they were hoping to become parents under surrogacy arrangements
- 15.7 Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their manager the leave they wish to

take. Taking child bereavement leave is an individual choice, it is not compulsory for the employee to take child bereavement leave.

- 15.8 Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of the child. Should the parent wish to take child bereavement leave immediately following the death of a child they shall be able to do so upon informing their manager that they will be absent from work for this purpose. Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give their manager reasonable notice of their intention to take the leave at this time.
- 15.9 Child bereavement leave should be requested on a special leave form ([Appendix B](#)) and be given to the line manager to process. Bereaved parents will at no point be required to produce the child's Death Certificate, or any other official documents, in order to access child bereavement leave or pay. The CCG may ask for a written declaration from the employee, within a reasonable timeframe, in order to satisfy statutory requirements.

## 16 CARER LEAVE

- 16.1 This provision is intended for circumstances where individuals with parental or carers status of dependants face immediate and unexpected problems in their caring arrangements such as dependant is sick, unexpected closure of nursery, school or care home.
- 16.2 ACAS has provided clarity on the following:
- **Parental status**

To qualify the employee must have parental responsibility for the child. This includes biological parents, legal guardians, adoptive and foster parents and spouses of these, including same sex partners as long as they have parental responsibility for the child.
  - **Carers status**

The Work and Families Act defines a carer as an employee who is or expects to be caring for an adult who:

    - Is married to, or the partner or civil partner of the employee; or
    - Is a relative of the employee; or
    - Falls into neither category but lives at the same address as the employee.
- 16.3 A 'dependant' would normally be classified as a person living in the same household as the person providing care, including spouse, partner, parent, child, someone who lives as part of the family unit, or reasonably relies upon the employee as their carer.

- 16.4 Managers should assess individual circumstances during times of domestic difficulty and have the discretion to grant leave with pay (up to a maximum of three days in a leave year). In exceptional circumstances, a further period of unpaid leave may be granted.
- 16.5 It is recognised that employees may need to take leave at short notice in order to care for a dependant and therefore may not be able to use the normal care arrangements in place. Where possible, employees are encouraged to make alternative care arrangements and a manager should grant paid carer leave in order for these to be made. It is important that individuals are not compelled to take sick leave to care for a sick dependant when they are fit for work and therefore an open discussion with the manager in these situations is encouraged. If alternative arrangements cannot be made then the manager has the discretion to allow annual leave, time off in lieu or grant a period of unpaid leave. Employees should also take into account the potential need to take leave in these circumstances and should be encouraged to plan their annual leave accordingly.
- 16.6 For part-time employees, carer leave should be granted on a pro-rata basis depending on the number of days worked in a week.
- 16.7 There is no requirement that the requested leave should be taken consecutively. The manager and employee should agree a pattern which allows for appropriate cover.
- 16.8 For longer term carer demands the individual concerned should discuss other options with their manager including unpaid leave, parental leave or a temporary change to working hours.

## **17 SPECIAL LEAVE FOR DOMESTIC EMERGENCIES (WHEN CARER LEAVE IS NOT APPROPRIATE)**

- 17.1 The CCG recognises that employees occasionally have to respond to domestic emergencies. Managers may therefore, at their discretion, grant special leave under these circumstances.
- 17.2 Special leave for emergencies may be used during times of unforeseen domestic crisis when carer leave is not applicable, for example when dealing with a burst water pipe or when a burglary or fire has occurred. When an employee is prevented from returning to work due to transportation issues such as delayed flights or a natural disaster, unpaid leave may be granted at the manager's discretion.
- 17.3 Managers should assess individual circumstances during times of emergency and have the discretion to grant leave, which would be without pay. Depending upon the emergency this should not normally be more than one day and should not exceed more than three days in any leave year. Individuals and managers should agree how time may be made up, or notify payroll if pay is to be deducted. A request form can be found at [Appendix B](#) / the [HR Portal](#).



## 18 SPECIAL LEAVE FOR PUBLIC DUTIES

- 18.1 Employees undertaking essential civil or public duties are entitled to paid leave in respect of specific activities. Also included in these guidelines are duties or activities for which it is considered paid time off should be allowed, although there is no legal requirement to give it.
- 18.2 The CCG wishes to allow the widest possible discretion when faced with requests for leave therefore only indicative amounts of leave with pay that may be agreed for each duty or activity have been stipulated.
- 18.3 Any employee wishing to participate in any of the duties/activities entitling special leave should discuss their wishes with their manager before committing themselves. Entitlement to paid leave could be affected if this process has not been undertaken.
- 18.4 Where absence on a public duty or activity would cause considerable disruption to a department, with the exception of jury service, the manager has the right to refuse permission for special leave with or without pay. In doing so the manager must ensure that any decision to refuse permission is reasonable in all circumstances.
- 18.5 Managers should ensure that the employee's personal file contains a record of the request for special leave, the date granted or refused, the amount agreed if any, and any special conditions agreed with the manager in respect of that duty or activity. A request form can be found at [Appendix B](#) / the [HR Portal](#).
- 18.6 **Duties and activities for which special leave may be granted**
- 18.6.1 Employees requesting special leave for the following duties or circumstances may be granted leave as indicated. Managers have discretion to grant paid or unpaid leave in excess of the amount stipulated in consultation with the individual. Please see below for minimum Indicative levels of paid leave per year.

Type of Special Leave	Indicative Levels of Paid Leave Per Year
Court attendance as a witness	As required
Jury service	75 hours (2 weeks)
Training with reserve and cadet forces	37.5 hours (1 week)
Witness in in-house appeal hearings	As required
Service as magistrate	112.5 hours (10 days or 20 half days)
Membership of a local authority	112.5 hours (10 days or 20 half days)

<b>Type of Special Leave</b>	<b>Indicative Levels of Paid Leave Per Year</b>
Membership of the broads authority	7.5 hours (1 day)
Membership of a statutory tribunal	7.5 hours (1 day)
Membership of a board of prison visitors	7.5 hours (1 day)
Membership of the governing body	37.5 hours (5 days or 10 half days)
Membership of the governing body of an LEA maintained school	37.5 hours (5 days or 10 half days)
Membership of the governing body of a grant maintained school or self-governing school or college of further education	37.5 hours (5 days or 10 half days)
For the purposes of redeployment, attendance as a candidate for interview within the NHS	As agreed with line manager (refer to the Organisational Change Policy)
Work in the community	As agreed with line manager **
Professional activities	As agreed with line Manager***

18.6.2 In other circumstances not outlined above, paid or unpaid leave may be allocated at the discretion of the manager in consultation with HR.

\* Training with the reserve or cadet forces

It is recognised that the individual may be called at short notice to serve in a national or international emergency. Absence on unplanned service will not break continuity of service.

\*\* An example of work in the community may include membership or management of a local charitable organisation.

\*\*\* Examples of professional activities may include:

- Acting as an assessor for appointments for other NHS employers
- Speaking at relevant conferences
- Participating in the work of a specialist professional organisation

## **19 STUDY LEAVE**

19.1 Please refer to the Learning and Development Policy for detailed information regarding how to apply for courses and agree funding arrangements.

## **20 UNPAID LEAVE**

20.1 Unpaid leave of absence requests must be agreed by the line manager. Once approved a variation form should be submitted to HR. HR will make the necessary adjustments and stop payments to the employee for the duration of the unpaid period.

### **20.2 Pension rights during unpaid leave**

20.2.1 Prior to committing to a period of unpaid leave, employees must contact the pensions officer in the payroll department, to discuss the implications of the unpaid leave on their pension and options for pension arrangements.

## **21 ANNUAL LEAVE PURCHASE SCHEME**

21.1 West Hampshire CCG recognises that some employees may wish to take more than their standard contractual annual leave entitlement.

21.2 The purpose of the annual leave purchase scheme is to give employees who would like to have additional annual leave entitlement the option to do so in a way that spreads the financial consequences of purchasing the leave. This may be preferable as an alternative to taking unpaid leave and suffering a reduction in salary at the end of that month.

### **21.3 Buying Additional Leave**

21.3.1 This scheme enables employees to buy up to a maximum of 75 hours (10 days) additional annual leave (pro-rata for part time employees), with the cost of buying that annual leave being spread over the rest of the financial year.

21.3.2 Staff are encouraged to request to buy annual leave in preparation for the start of each financial year. This will allow pay to be reduced for 12 consecutive months and is better for workforce / activity planning.

21.3.3 For example, an employee who wishes to buy two weeks (10 days) annual leave will have their pay reduced by  $14/365$  resulting in their monthly pay being based on 12 equal payments of  $351/365$  divided by 12. This will mean that the employee receives monthly remuneration that is the same throughout the year. The actual repayment will depend on any increments and pay rises occurring at the time the bought annual leave was taken.

21.3.4 In exceptional circumstances (e.g. if something unforeseen arises) staff can purchase annual leave at any time throughout the year. If this is the case, the repayment will be spread over the remainder of the financial year, from when the leave was purchased and not over a 12 month period.

## 21.4 Formal Request

21.4.1 Employees who wish to buy additional annual leave will need to make a formal request to their line manager in writing.

21.4.2 Employees will have the option, if they wish, of buying up to a maximum of 75 hours additional leave (10 days). They will require the permission of their line manager to take that annual leave at a time that is mutually convenient i.e. all annual leave will continue to be approved in accordance with the requirements of the service.

21.4.3 The line manager will be responsible for completing the request form in [Appendix C](#) (on the [HR Portal](#)) and requesting approval by their Associate Director/Director.

## 21.5 Carry Forward of Unused Leave

21.5.1 If for any reason it is not possible for an employee who has bought extra leave to take the leave in the year in which the leave has been bought, it may be permitted for that individual to carry forward that unused leave to the next leave year at the manager's discretion.

## 21.6 Termination of Contract

21.6.1 Should an employee leave before the end of the leave year and they have purchased additional annual leave, any leave that has been taken over and above the entitlement for the period of employment remaining, will need to be repaid and this should be marked clearly on the termination form.

21.6.2 Equally, where an employee has purchased additional leave and has not taken such leave, repayment of such leave will be included in their final payment.

## 21.7 Refusal of Application

21.7 West Hampshire CCG reserves the right to refuse an employee's application on the basis of operational or technical reasons related to their job or service needs. This will be recorded on [Appendix C](#).

## 22 EMPLOYMENT BREAK SCHEME

22.1 This is intended to provide employees with a longer period of unpaid leave than is provided by parental or other leave arrangements without losing continuity of employment or the right to return to the same or similar job. The aim is to retain employees who may otherwise choose to leave the workforce permanently.

22.2 The employment break scheme may be used to look after dependants, to travel, for study leave, to work abroad or to undertake training. Other reasons will be considered on their merits.

22.3 The scheme is open to all employees on permanent contracts but a break will only be granted at the manager's discretion. To be eligible for an employment break the employee must have the following:

- A minimum of one year's continuous service with the CCG
- A satisfactory attendance record

#### 22.4 **Duration**

22.4.1 Subject to eligibility and approval, employment breaks are available for a maximum of five years and should be negotiated between the manager and the individual concerned, balancing the needs of the applicant with the needs of the service. More than one break is possible provided that the total absence on employment breaks does not exceed five years. The minimum length of break is three months. There must be at least one year's service between breaks. Breaks may be shortened or extended within the five year maximum by agreement in writing between the manager and the employee.

22.4.2 In all cases the manager will endeavour to balance the needs of the service with the needs of the individual requesting the leave. During the break the individual remains an employee of the CCG and signs an agreement varying the terms and conditions of employment.

22.5 This scheme should be viewed with other sections of this policy, particularly those relating to:

- Flexible working, [Section 24](#)
- Carers leave, [Section 16](#)

#### 22.6 **Keeping in touch**

22.6.1 Employees on employment breaks may be asked to return to paid work for short periods of time in their own or other departments to maintain skills and professional competencies and stay in touch with changes in procedures in their area of work. This may be to enable specific professional updating to occur or to provide holiday and sickness cover. Additional working arrangements that are mutually beneficial may be agreed. The employee will be issued with either a short term contract or a bank contract for these periods depending on the regularity of the work. Periods of paid employment will be counted in calculating continuous service.

22.6.2 Employees are expected to maintain any professional links such as membership of professional organisations and keep up to date with knowledge in their field. Failure to ensure currency of skills and

knowledge may preclude the possibility of a return to work. Employees are therefore advised to keep a record of any professional updating, work related courses or conferences attended during the break.

22.6.3 Employees taking an employment break will need to understand that to maintain the benefits of trade union membership, it will be necessary to maintain subscriptions to their trade union

22.6.4 Managers have the responsibility of keeping in touch on a regular basis in order to ensure that the employee is kept abreast with relevant department and organisational information.

## 22.7 Return to Work

### 22.7.1 Breaks of one year or less

22.7.1.1 Employees who return within one calendar year will be guaranteed a return to their former post within their own department as far as is reasonably practicable, at an equivalent salary or as negotiated with the manager. Exceptions to this may be where cover for the post is essential and recruitment to a fixed term post is difficult to achieve. Employees should be kept informed of cover arrangements in this situation.

22.7.1.2 If an employee intends to return within one year, a minimum of two months' written notice is required. The notice period may be varied in exceptional circumstances in consultation with the manager.

### 22.7.2 Breaks of more than one year

22.7.2.1 For any period of leave taken in excess of one year, every effort will be made to find a position similar in grade and responsibility to that held before the break and on an equivalent salary point. Options including part-time work and job sharing will always be considered. A minimum of six months' notice is required of a return to work although this may be varied in consultation with the manager.

22.7.2.2 An individual returning from an employment break will be offered a structured refresher course to re-introduce and update them on changes made to practice and procedures. During this time the manager has the discretion to offer the post at a lower grade in the first instance until they are able to demonstrate their skills and ability to work at their original grade. The length of time required should be agreed between the manager and employee. After the agreed training period the employee

will be paid an equivalent salary to when they first took a break, reflecting any cost of living increases which were awarded in that period.

22.7.2.3 A process exists whereby all professional employees who have a significant gap in practice are supported to return to practice. The relevant professional leads within each directorate are able to provide managers and employees with further information and advice and should be contacted in the first instance, both before the individual takes extended leave and when they are due to return.

22.7.2.4 If a change of circumstances prevents the employee from returning to work, they are required to inform the manager in writing as soon as is reasonably practicable before the agreed expected date of return.

## 22.8 Application Process

22.8.1 Employees wishing to apply for an employment break should do so by completing the form supplied at [Appendix D](#) / on the [HR Portal](#). A written application for the break must be made three months in advance (although in exceptional cases approval may be given with less notice). Refusal to allow an employment break must be based on sound, objective reasons. Managers are advised to seek guidance from their HR business partner on how a break might be managed. A director must give final approval for a break. Please refer to [Section 20](#), unpaid leave process, for recording employment break.

## 22.9 Failure to Comply

22.9.1 The CCG retains the right to remove an employee from the scheme who fails to comply with the arrangements detailed above, subject to the CCG's disciplinary procedures (refer to Conduct, Performance, Grievance & Absence Management Policy: disciplinary procedure).

## 22.10 Monitoring and Review

22.10.1 Applications and decisions should be kept for a minimum of twelve months.

22.10.2 Operation of the scheme will be monitored annually in partnership with local employee representatives.

## 22.11 Conditions of Service

### 22.11.1 Employment status

22.11.1.1 During the employment break, individuals will remain employees of the CCG. Periods of paid employment will be notified to the payroll department, via HR by the variation to contract Change of Assignment form which can be found on the [HR Portal](#).

22.11.1.2 Employees on employment breaks will not normally be allowed to take up paid employment with another employer except where, for example, work overseas or charitable work could broaden experience. In such circumstances written authority from a director would be necessary. Breach of this condition will result in termination of contract.

### 22.11.2 Reckonable service

22.11.2.1 On return to work, employees benefit from the service accrued before they took the break. Periods of paid employment with the CCG during the break will count as reckonable service.

22.11.2.2 Breaks of one year or less will count towards continuous employment for deciding length of service for: long service leave, maternity pay, occupational sick pay, statutory and redundancy payments.

22.11.2.3 Breaks of longer than one year will count towards continuity of employment for statutory purposes only. Other provisions depending upon length of service, i.e. contractual redundancy payments, pensions, leave entitlements, etc. will be suspended for the period of the break. Periods of service before and after the break will be aggregated to determine the appropriate length of service to be used for these purposes.

### 22.11.3 Maternity leave

22.11.3.1 In the case of an employment break following maternity leave, the break will commence no later than when paid maternity leave ends.

### 22.11.4 Sick leave/pay

22.11.4.1 Employees will not be entitled to occupational sick pay during the employment break.

22.11.4.2 As individuals remain employees of the CCG during the employment break, they will still have access to employee



support services such as Occupational Health and the Employee Assistance Programme

#### **22.11.5 Annual leave**

22.11.5.1 On return to work, individuals will receive the appropriate amount of annual leave for their post according to their length of service prior to the break. The break itself does not count towards the accrual of long service leave unless the break is for less than one year.

#### **22.11.6 Lease cars**

22.11.6.1 For breaks of one year or less, employees who are party to lease car arrangements may retain the leasing arrangements provided that they meet the whole cost of the lease during their absence (as there will be no business miles).

22.11.6.2 For breaks of more than one year, the lease car will need to be returned and the user will be responsible for any charges incurred in relation to early termination of the agreement

22.11.6.3 Please refer to the Lease Car Policy.

#### **22.11.7 Pension rights whilst on an 'employment break'**

22.11.7.1 Prior to committing to an employment break, employees must contact the pensions officer in the payroll department, to discuss the implications of the employment breaks on their pension sand options for pension arrangements.

### **23 DISRUPTION TO TRAVEL – ADVERSE WEATHER AND OTHER EMERGENCY CONDITIONS**

23.1 It is the duty of each employee to make their own arrangements to get to work on time. It is recognised that at times employees may experience severe difficulties in getting to and from work as a result of inclement weather and/or disruption to travel services. However, employees are expected to make all reasonable attempts to attend work in order for services to be maintained even if this means they will arrive late.

23.2 'Inclement weather' can be defined as snow, ice, fog, floods, resulting in extremely hazardous journeys by road, using public or private transport.

23.3 'Extremely hazardous' is defined as those conditions in which the police and/or appropriate motoring organisations advise people not to travel at all as a result of severe local weather conditions. If schools/nurseries are closed due to inclement weather, the employee may request emergency leave (refer

to [paragraph 17.3](#)). Employee's living within reasonable walking distance of their base will be expected to make every effort to get to work.

23.4 Disruption to travel services can be caused by:

- Severe weather conditions resulting in delays/cancellations to public/private transport
- Major disruption to public services and private transport due to major accidents
- Industrial action by public transport services i.e. road/rail
- Fuel crisis
- Other major incidents involving police, fire and ambulance services

23.5 To ensure that all employees are treated consistently throughout the CCG during inclement weather/disruption to travel services, the CCG will provide options for employees. It will be up to individual line managers to make a decision unless overruled by a corporate decision. Employees not able to attend work may have the option of:

- Taking time off in lieu using hours already worked
- Agreeing to work the hours lost at another time
- Taking annual leave
- Taking special leave without pay
- Requesting emergency leave if a child's school/nursery is closed.

23.6 If instructed by the police or armed forces (or any other authority) to not attempt to leave their homes because it is unsafe to do so due to adverse weather conditions, employees should adhere to these instructions and not attempt to attend work. Employees should notify their manager immediately or at the earliest opportunity. If this is the case, managers have the discretion to grant special leave with pay.

23.7 Employees may report for work at premises other than their normal base, or alternatively work from home if they have Portwise access. They should inform their line manager of their intention to attend a different site.

23.8 It is the responsibility of each employee to inform their line manager if they are unable to attend for work because of the inclement weather, and to keep their manager regularly informed.

## **24 FLEXIBLE WORKING ARRANGEMENTS**

24.1 The CCG is committed to promoting the well-being of all employees and supporting them in achieving a balance between work and life outside of work, through flexible working arrangements, wherever reasonably practicable. Subsequently, improving employees' well-being and work-life

balance can enable the provision of a high quality efficient and effective service.

- 24.2 All employees (with a contract of employment) with 26 weeks continuous service has the 'right to request' flexible working. A Flexible Working Application Form can be found at [Appendix E](#) / on the [HR Portal](#).
- 24.3 The line manager should arrange a meeting with the employee within 28 days of receiving the application to discuss the request. This meeting is not required if the manager agrees to the terms of the application and notifies the employee accordingly within 28 days of receiving the application. The employee has a right to be accompanied by a trade union representative or workplace colleague if they so wish. Employees will be notified of the decision within 14 days of the date of the meeting. Employees will be entitled to appeal against the decision within 14 days from the date of the letter.
- 24.4 Where there is reason to grant short term changes to working patterns to cover a fixed and defined period of change in the employees' situation, the options available should be discussed by the manager and the employee and agree a timescale for the change, confirming all arrangements in writing with the employee. Under these circumstances the working pattern shall return to its normal form following the fixed period stated. If the change in working pattern needs to be extended for an indefinite amount of time then it shall be subject to this guidance and process, this includes a request to work from home.
- 24.5 Flexible working arrangements will need to be reviewed on a periodic basis by the employer and the employee in line with changing business needs or personal situations. A review of existing flexible working arrangements should form part of the appraisal process at least annually, but may be reviewed between appraisals if the need arises. The organisation has a right to review the flexible working arrangements in line with changing business needs. The employee can request a review or indicate if a flexible arrangement put in place is no longer required due to a change in circumstances or there has been a change in personal circumstance.
- 24.6 A flexible working request may be refused, for example, on one or more of the following business related reasons (this list is not exhaustive):
- Burden of additional costs
  - Detrimental effect on the ability to meet customer demand
  - Inability to reorganise work among existing employees
  - Inability to recruit additional employees
  - Detrimental impact on quality
  - Detrimental impact on performance
  - Insufficiency of work during the periods the applicant proposes to work
  - Planned structural changes.

- 24.7 The reason for refusal must also ensure that it complies with the Equality Act (2010), so as not discriminate on any protected characteristics.
- 24.8 'Flexible working' incorporates a wide variety of working practices that are different from standard practice. In many cases, flexible working practices will be individually tailored to suit the needs of the individual and the department. These may include the following:
- **part-time working**, where a person works to a pattern and number of hours by mutual agreement
  - **job sharing**, where two or more people share the responsibilities of one or more full-time job(s), dividing the hours, duties and pay between them
  - **flexi-time**, where employees can choose their own start and finish time around fixed core hours (but maintains the full working hours within their contract)
  - **annual hours contracts**, where people work a specific number of hours each year, with the hours being unevenly distributed throughout the year
  - **flexible rostering**, using periods of work of differing lengths within an agreed overall period
  - **term-time working**, where people work during the school term but not during school holidays
  - **home working**, where people work from home for all or part of their hours with a computer or telecommunication link
  - **voluntary reduced working time**, where people work reduced hours by agreement at a reduced salary
  - **fixed work patterns**, where, by agreement, days off can be irregular to enable, for example, access by separated parents to their children and flexible rostering
  - **condensed hours**, where by agreement people can work their current contractual hours over a reduced number of days i.e. working 37.5 hours over a 4 day period.
- 24.9 Any of the above may be agreed as part of informal, ad-hoc or short term measures to cover a sudden and short term change in circumstances. Whilst these will not be subject to the full consideration of this process, these must be agreed with the line manager and a fixed period of time agreed, with normal working patterns resumed following this period.
- 24.10 The CCG will sympathetically consider requests from employees who require short spells out of the working day in order to pray. This can usually be accommodated through flexible working. There is a quiet room on the third floor at Omega House that staff can use for prayer.

- 24.11 The CCG will also consider requests for adjusted working days or hours during periods of fasting.
- 24.12 West Hampshire CCG has developed a 'Flexible Working Plus' project which promotes remote working and better use of office space. Flexible Working Plus or remote working is not a contractual agreement and does not affect existing terms and conditions, or the application of this policy. All staff have access to flexible working under the terms of this policy; arrangements for remote working are assessed on a team by team and individual basis according to business needs.

## **25 APPEAL**

- 25.1 An employee may use the grievance procedure (please refer to Conduct, Performance, Grievance & Absence Management Policy) if they feel that they have been treated unfairly in relation to the application of this policy.

## **26 EQUALITY ANALYSIS**

- 26.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations for all employees, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.
- 26.2 Where English is not the first language or there are difficulties in understanding this policy, employees should contact their line / other appropriate manager or senior officer within their organisation, an HR or employee representative for advice and guidance.
- 26.3 In line with CCG policy, an equality analysis has been completed. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or trade union membership or non-membership in relation to the application of this policy.

## **27 TRAINING IMPLICATIONS**

- 27.1 This will be achieved by the policy being available to all employees via the CCG website.

## 28 SUCCESS CRITERIA / MONITORING THE EFFECTIVENESS OF THE POLICY

- 28.1 The effectiveness of this policy will be monitored by the HR team to ensure the correct procedures have been followed and time scales met. Any learning points and trends will be identified by the HR business partners who will make recommendations to the CCG Policy Sub Group about changes which need to be made.
- 28.2 Policy monitoring and review will include analysis of the available equality characteristics of employees who request and take leave using this policy. This analysis will help identify any differential treatment or bias in the implementation of the policy.
- 28.3 To ensure that the additional leave purchase scheme and employment break scheme are implemented fairly and no employee is discriminated against, the CCG will monitor the protected characteristics of individuals that apply for these schemes, those that are approved and those that are turned down. We will also monitor the working pattern, directorate and pay grade.

## 29 REVIEW

- 29.1 The policy may be reviewed at any time at the request of either staff side or the CCG but will be reviewed automatically in the event of new legislation or guidance emerging or annually.

## 30 CONTACT INFORMATION

<u>Position</u>	<u>Name</u>	<u>Tele No.</u>	<u>Email Address</u>
Human Resources	South, Central & West CSU	0300 123 6220	For recruitment: <a href="mailto:scwcsu.recruitment@nhs.net">scwcsu.recruitment@nhs.net</a> For general HR queries: <a href="mailto:scwcsu.hrsupport@nhs.net">scwcsu.hrsupport@nhs.net</a> For payroll and HR input queries: <a href="mailto:scwcsu.hrinput@nhs.net">scwcsu.hrinput@nhs.net</a> For e-expenses: <a href="mailto:scwcsu.expenses@nhs.net">scwcsu.expenses@nhs.net</a>
Occupational Health	Solent Occupational & Wellbeing Service	023 8071 3300	<a href="mailto:Snhs.ohservices@nhs.net">Snhs.ohservices@nhs.net</a>
Employee Assistance Programme	Health Assured	0800 783 2808	<a href="http://www.healthassuredeap.com">www.healthassuredeap.com</a>

## **31 REFERENCES AND LINKS TO OTHER DOCUMENTS**

- Conduct, Performance, Grievance & Absence Management Policy
- Maternity, Paternity, Adoption Leave & Shared Parental Leave and Pay Guidance Policy
- Learning & Development Policy
- Lone Working Policy
- Domestic Violence & Abuse Policy for CCG Staff





**Manager's Signature**

Q8.	Manager's Signature	
Q9.	Date	<a href="#">Click here to enter a date.</a>

## APPENDIX B Special Leave Application Form



**FOR OFFICE USE ONLY**

Date Received:

Date Actioned:

Actioned by:

### Special Leave – Application Form

Please refer to the Other Leave Policy for details of eligibility, entitlement, application process, and requirements for supporting documentation.

Employee Details			
Q1.	Employee's Full Name		
Q2.	Assignment Number		
Q3.	Address		
Q4.	a) Organisation	b) Name of CCG	
Q5.	a) Department	b) Directorate	
Q6.	Line Manager's Name	Line Manager's Tel. No.	

Special Leave Details			
Q7.	Type of Leave Requested		
Q8.	a) Number of Days/ Hours leave requested	b) Paid / Unpaid	<input type="radio"/> Paid <input type="radio"/> Unpaid
Q9.	Date(s) of Leave		
Q10.	Reason for Special Leave		

Employee's Signature		
Q11.	Employee Signature	
Q12.	Date	<a href="#">Click here to enter a date.</a>

Line Manager's Signature		
Q13.	Line Manager's Comments (if any)	
Q14.	Line Manager's Name	

Q15.	Line Manager's Job Title	
Q16.	Line Manager's Signature	
Q17.	Date	<a href="#">Click here to enter a date.</a>

**APPENDIX C Annual Leave Purchase Scheme Request and Approval Form**

**ANNUAL LEAVE PURCHASE SCHEME REQUEST AND APPROVAL FORM**

To be completed in full (Please delete as appropriate)

<b>Name:</b>		
<b>Department:</b>		
<b>Assignment number:</b>		
<b>Grade:</b>		Full-time/part-time
<b>Current annual leave entitlement:</b>		
<b>Current annual leave balance:</b>		
<b>Number of hours requested to purchase:</b>		
<b>From:</b>		
<b>To:</b>		
<b>Reason for request</b>		
<b>Is this request linked to caring responsibilities?</b>		Yes/No
<b>Approved:</b>		Yes/No
<b>Reason if not approved:</b>		
<b>Authorised Line Manager</b>	<b>Signature:</b>	
	<b>Name:</b>	
	<b>Date:</b>	
<b>Authorised by Director/Associate Director</b>	<b>Signature:</b>	
	<b>Name:</b>	
	<b>Date:</b>	

**Please send the original signed request to Human Resources and keep one copy on your own employee file.**

**APPENDIX D Employment Break Request and Approval Form**



<p><b>FOR OFFICE USE ONLY</b> Date Received: Date Actioned: Actioned by:</p>
--

**Employment Break or Sabbatical Scheme – Application Form**

<b>Employee Details</b>			
Q1.	Employee's Full Name		
Q2.	Assignment Number		
Q3.	Address		
Q4.	a) Organisation	b) Name of CCG	
Q5.	a) Department	b) Directorate	
Q6.	Line Manager's Name	Line Manager's Tel. No.	

<b>Part One – To be completed by the employee</b>		
Q7.	Proposed Start Date of Break	<a href="#">Click here to enter a date.</a>
Q8.	Length of Break	
Q9.	Reason for Break	<input type="radio"/> Care responsibility for child(ren) <input type="radio"/> Care responsibility for other dependants <input type="radio"/> Personal <input type="radio"/> Study/Training/Development (relevant to operational/service needs of the CSU) <input checked="" type="radio"/> Other (please specify below)
Q10.	If Other, please specify	

<b>Employee's Signature</b>		
<p>I confirm that I wish to apply for a sabbatical/employment break. I have read and understood the Policy. I agree to participate in the scheme under the terms stated within the policy and I can confirm that I have contacted the Pensions office with regard to my pension. Following this <b>I wish / do not wish</b> (delete as appropriate) to remain in the Pension scheme for the duration of the employment break.</p>		
Q11.	Employee Signature	
Q12.	Date	<a href="#">Click here to enter a date.</a>

**Part Two – To be completed by the manager**

Q13.	Approve or Reject	<input type="radio"/> Approve	<input type="radio"/> Reject
Q14.	If rejected, please give reason		
Q15.	If approved, have you agreed with the scheme member their commitment to yearly professional updating/ work experience whilst they are on an employment break?	<input type="radio"/> Yes	<input type="radio"/> No
Q16.	If yes, please give details		

**Manager's Signature**

Q17.	Manager's Name	
Q18.	Manager's Signature	
Q19.	Date	<a href="#">Click here to enter a date.</a>

## APPENDIX E Flexible Working – Application Form



<b>FOR OFFICE USE ONLY</b> Date Received: Date Actioned: Actioned by:
--

### Flexible Working – Application Form

Please refer to the Other Leave Policy for details of eligibility, entitlement, application process, and requirements for supporting documentation.

Employee Details			
Q1.	Employee's Full Name		
Q2.	Assignment Number		
Q3.	Address		
Q4.	a) Organisation	b) Name of CCG	
Q5.	a) Department	b) Directorate	
Q6.	Line Manager's Name	Line Manager's Tel. No.	

Type of Application			
I wish to apply for a flexible working pattern that is different from my current working pattern.			
Q7.	a) I wish to apply under my right provided by the Employment Rights Act 1996 as outlined in the Flexible Working Policy	<input type="checkbox"/> Option A	PLEASE COMPLETE SECTION ONE & TWO
	b) I wish to apply under the provisions of the Organisation's Flexible Working Policy	<input type="checkbox"/> Option B	PLEASE COMPLETE SECTION TWO

Section ONE (Option A Only)			
I am making this request to help me care for the child.			
Q8.	a) I have the responsibility for the upbringing of	<input type="radio"/> a child aged 16 or under <input type="radio"/> a disabled child under 18	b) I am <input type="radio"/> the mother, father, adopter, guardian or foster parent of the child <input type="radio"/> married to, or the partner or civil partner of, the child's mother, father, adopter, guardian, special guardian or foster parent
<b>OR</b>			
I am making this request to help me care for the adult in need of care.			
Q9.	a) I am, or expected to be, caring for	<input type="radio"/> an adult	b) I am <input type="radio"/> the spouse, partner, civil partner, or relative of the adult in need of care

				<input type="radio"/> not the spouse, partner, civil partner, or relative of the adult, but live at the same address
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**Section TWO (Option A & Option B)**

Q10.	My current working pattern is <i>(days, hours, times, etc)</i>	
Q11.	The pattern I would like to work is <i>(days, hours, times, etc)</i>	
Q12.	I would like this working pattern to commence from	<a href="#">Click here to enter a date.</a>
Q13.	I think this change in my working pattern will affect Organisation and my colleagues as follows	
Q14.	I think this change on Organisation and my colleagues can be dealt with as follows	

**Employee's Signature**

Q15.	Employee Signature	
Q16.	Date	<a href="#">Click here to enter a date.</a>



# Equality analysis

<b>Title of policy, project or proposal:</b>
LEAVE AND FLEXIBLE WORKING POLICY

<b>Name of lead manager:</b> Human Resources Business Manager
<b>Directorate:</b> ConsultHR – South Central and West Commissioning Support Unit

<p><b>Q1 What are the intended outcomes of this policy, project or proposal?</b></p> <p>This policy is intended to promote an employee’s awareness of their rights and entitlements to various forms of leave and conforms to the NHS Staff Council Conditions of Service, the Employment Act 2002 and other current legislation.</p> <p>This policy will be applied to all employees, and provides managers and staff with guidance on the provision of paid or unpaid leave requested under the following categories:</p> <ul style="list-style-type: none"> <li>• Annual leave</li> <li>• Compassionate leave</li> <li>• Child bereavement leave</li> <li>• Carer leave</li> <li>• Special leave (where carer leave is not appropriate)</li> <li>• Special leave for public duties</li> <li>• Flexible working requests and arrangements</li> <li>• Study leave</li> <li>• Unpaid leave</li> <li>• Annual leave purchase scheme</li> <li>• Employment break scheme</li> <li>• Disruption to travel – adverse weather and other emergency conditions.</li> </ul> <p>The policy aims to have a positive impact for all protected groups but we do not have definitive evidence to confirm this. This is because we do not currently have a way to collate from across the organisation, information about the number of leave requests, type of leave requested, and the characteristics of staff that request each form of leave.</p> <p>This policy takes into account the Equality Act 2010 the Working Time Regulations (1998; Amended 2003), the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000), Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002), Flexible Working Regulations 2014 and Agenda for Change NHS Terms and Conditions.</p>
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## Q2 Who will be affected by this policy, project or proposal?

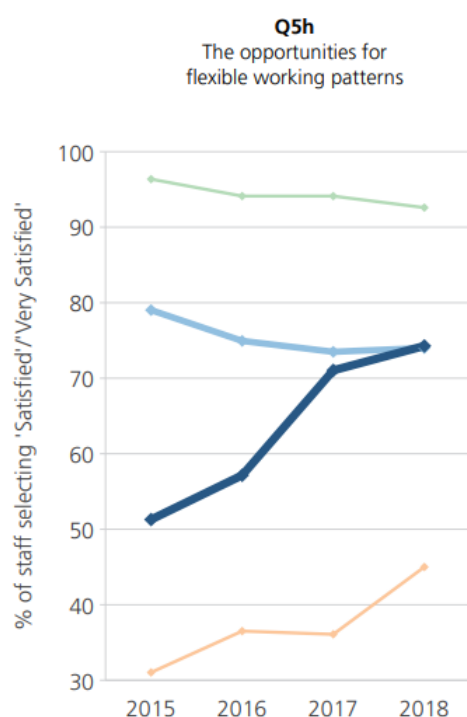
The policy affects all West Hampshire Clinical Commissioning Group (CCG) employees (including hosted teams).

## Evidence

### Q3 What evidence have you considered?

- CCG Workforce Diversity Profile
- NHS Staff Survey results for the CCG
- Anecdotal staff experiences

Evidence from Staff Survey results for West Hampshire CCG



<b>Best</b>	96.4%	94.1%	94.1%	92.6%
<b>Your org</b>	51.3%	57.1%	71.0%	74.3%
<b>Average</b>	79.0%	74.9%	73.5%	74.0%
<b>Worst</b>	31.0%	36.5%	36.1%	45.0%

In 2018, 74.3% of CCG staff were satisfied/ very satisfied with opportunities for flexible working. This includes leave provided under this policy.

This result reflects the CCG average across the country and suggests the majority of CCG employees are happy with the opportunities to work flexibly provided by the CCG. The policy therefore is having a positive impact overall.

## Age

The CCG Workforce Diversity Profile 2018/19 gives an indication of the age profile of employees (snap shot date 31 December 2018):

	2013	2014	2015	2016	2017	2018	Comparator
<b>Total number of employees</b>	190	197	204	229	275	<b>322</b>	
<b>Age group</b>							<b>National CCG workforce</b>
16-24	3.7%	2%	1.5%	1.7%	2.2%	<b>4%</b>	2%
25-44	28.9%	35.5%	35.3%	37.6%	40%	<b>42%</b>	43%
45-64	65.8%	60.4%	60.8%	59.4%	56.4%	<b>53%</b>	53%
65+	1.6%	2%	2.5%	1.3%	1.5%	<b>1%</b>	2%

- The age profile of the CCG workforce has been shifting year-on-year with a gradual increase in 25-44 year olds, and a decrease in staff aged 45-64 (although this older age group still make-up the majority the workforce).
- Employees aged less than 24 years and over 65 years, make-up a small proportion of the workforce at just 4% and 1% respectively.

Staff of any age can request leave under this policy so it is expected that the policy will have a positive impact for all age groups. We do not have data to confirm this.

### Disability (physical and mental)

The CCG Workforce Diversity Profile 2018/19 gives an indication of disability amongst employees (snap shot date 31 December 2018):

	2013	2014	2015	2016	2017	2018	Comparator
<b>Total number of employees</b>	190	197	204	229	275	<b>322</b>	
<b>Disability</b>							<b>National CCG workforce</b>
No disability	-	31%	72.5%	76.4%	77.1%	<b>78%</b>	71%
Yes I have a disability	-	1%	2%	4%	3%	<b>4%</b>	3%
Prefer not to say	-	19.8%	21.1%	16.2%	10.9%	<b>8%</b>	0%
Undefined	-	48.2%	4.4%	3.9%	8.7%	<b>10%</b>	26%*

- The proportion of declared disability in the CCG workforce remains low and does not reflect levels of disability in the local population (7%).

The Workforce Disability Equality Standard (WDES) (baseline 2019) highlights that:

**WDES Metric 8:** *Percentage of Disabled staff saying that their employer has made adequate adjustment(s) to enable them to carry out their work.*

	2019
	Disabled
<b>Percentage of Disabled staff saying that their employer has made adequate adjustment(s) to enable them to carry out their work.</b>	81.3%

Members of staff who have a disability may request reasonable adjustments including some form of flexible working arrangement. For this reason, employees with a disability may be more likely to be impacted by this policy. Reasonable adjustments in relation to work environment / support will be covered by the Reasonable Adjustments Policy (currently in development).

The Leave and Flexible Working Policy aims to have a positive impact for staff with a disability. We are not able to confirm that this is the case as we do not currently have robust data.

### **Dementia**

As far as we know no employees have a diagnosis of dementia.

### **Gender reassignment (including transgender)**

The policy aims to have a positive impact for all staff regardless of gender (including transgender). An employee who decided to transition whilst working for the CCG may request flexible working to support the process. The CCG will consider individual needs on a case by case basis.

### **Marriage and civil partnership**

Policy aims to have a positive impact in relation to this protected characteristic. Wording in policy reflects diversity of relationships.

### **Pregnancy and maternity**

The policy aims to have a positive impact for staff.

We have anecdotal evidence that female staff members returning after maternity leave may be more likely to request flexible working to balance caring and work responsibilities. Flexible working can be considered to enable breast feeding staff to express milk.

Leave arrangements for maternity, paternity, adoption, shared parental, fostering and fertility treatment are detailed within the Maternity, Paternity, Adoption Leave & Shared Parental Leave and Pay Policy i.e. annual leave including public holiday entitlement will continue to accrue during paid or unpaid maternity leave/ ordinary paternity leave periods.

## Race

The CCG Workforce Diversity Profile 2018/19 gives an indication of the ethnic make-up of employees:

	2013	2014	2015	2016	2017	2018	Comparator
<b>Total number of employees</b>	190	197	204	229	275	<b>322</b>	
<b>Ethnic background</b>							<b>Local population</b>
White British	-	69.6%	80.9%	86.5%	84.7%	<b>84%</b>	93%
Any other White background	-	2%	3.5%	3.1%	3.3%	<b>3%</b>	3.1%
Mixed ethnicity	-	0.5%	1%	1%	1%	<b>2%</b>	1.2%
Black, Asian and Minority Ethnic	-	2.5%	3%	3%	4%	<b>5%</b>	4.1%
Other specified	-	0%	0.5%	0.4%	1.8%	<b>0%</b>	0.2%
Undefined/ not stated	-	25.3%	11.3%	6.1%	4.7%	<b>6%</b>	0%

- The proportion of staff from 'White other' ethnic backgrounds reflects the ethnic diversity of local population. This includes staff from European backgrounds
- For the first time since 2013, this year the proportion of employees from 'Black, Asian and Minority Ethnic' and 'Mixed' ethnic backgrounds is higher than the ethnic diversity of the local population. Previously these groups were under-represented in the workforce.

The policy aims to have a positive impact in relation to this protected characteristic. Currently we do not have data to confirm this.

## Religion or belief

The CCG Workforce Diversity Profile 2018/19 shows there remain significant data gaps for the employee protected characteristic of religion or belief. This means we do not know the exact faith profile of the workforce.

	2013	2014	2015	2016	2017	2018
<b>Religion or belief</b>						
Atheism	-	5.1%	6.4%	7%	11.6%	14%
Christianity	-	15.2%	33.8%	37.6%	40.7%	41%
Other	-	0%	10.3%	12.6%	11.6%	13%
Prefer not to say	-	33.5%	48.5%	40.2%	30.9%	25%
Undefined	-	45.2%	1%	3%	5%	7%

The equality analysis highlighted that we need to reflect the following from the CCG Equality and Diversity policy in the Leave and Flexible Working Policy:

*In circumstances where an employee has a particular cultural or religious need which may be different to existing work requirements, the CCG will consider and where it is reasonably practicable, vary or adapt these requirements to enable such needs to be met. For example an employee may request either the accumulation of annual leave or unpaid leave in order to visit relative's overseas. The CCG will sympathetically consider such requests.*

*Similarly, if any employee wishes to take time off work for religious holidays additional to the English public holidays, then annual leave should be requested. However, consideration will be given to requests for unpaid leave, or exchanging English public holidays for other religious holidays.*

*The CCG will sympathetically consider requests from employees who require short spells out of the working day in order to pray. This can usually be accommodated through flexible working. There is a quiet room on the third floor at Omega House that staff can use for prayer.*

*The CCG will also consider requests for adjusted working day or hours during periods of fasting.*

## Sex (gender)

The CCG Workforce Diversity Profile shows that on 31 December 2018:

- 79.5% of employees were female
- 20.5% were male.

The gender balance of the workforce has remained similar since 2013, at around 80% female and 20% male.

The policy aims to have a positive impact irrespective of employee gender. We are currently not able to confirm this as we have no easily collectable data.

### **Sexual orientation**

The policy aims to have a positive impact regardless of sexual orientation.

### **Carers**

The CCG does not keep records about whether employees are unpaid carers for children, grandchildren, partners, parents, other relatives or friends who have a disability or long term health conditions.

The policy makes provision for Compassionate Leave (Section 14) in order to respond to cases of urgent domestic distress such as bereavement or serious illness in the immediate family. This includes:

- Child
- Partners (including same-sex partners)
- Parents
- Parents of partner ('in-laws' - if the employee is responsible for funeral arrangements)
- Siblings
- Step-families.

The policy also makes provision for Carers Leave (Section 16) for circumstances where individuals with parental or carers status of dependants face immediate and unexpected problems in their caring arrangements such as dependant is sick, unexpected closure of nursery, school or care home.

ACAS has provided clarity on the following:

- **Parental status**

To qualify the employee must have parental responsibility for the child. This includes biological parents, legal guardians, adoptive and foster parents and spouses of these, including same sex partners as long as they have parental responsibility for the child.

- **Carers status**

The Work and Families Act defines a carer as an employee who is or expects to be caring for an adult who:

- Is married to, or the partner or civil partner of the employee; or

- Is a relative of the employee; or
- Falls into neither category but lives at the same address as the employee.

A 'dependant' would normally be classified as a person living in the same household as the person providing care, including spouse, partner, parent, child, someone who lives as part of the family unit, or reasonably relies upon the employee as their carer.

For longer term carer demands there are other options available such as unpaid leave, parental leave, a temporary change to working hours or employment break scheme, which should be discussed with a line manager.

The equality analysis has highlighted that the introduction of the new Parental Bereavement Leave and Pay Act which gives all employed parents a day-one right to 2 weeks' leave if they lose a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy creates a differential treatment under the policy.

Although this is positive for bereaved parents, and we recognise why this law has been brought in, it creates an entitlement disparity with staff that have an adult relative die. For example, an employee whose child dies is entitled to two weeks child bereavement leave, plus potentially up to another 5 days compassionate (subject to manager's discretion). A staff member whose adult relative dies is entitled to 3 days compassionate leave and a further 2 days on discretionary basis. Anecdotal evidence suggests that staff may take sick leave to cope following loss.

Discussion as part of the equality analysis has also highlighted whether we should amend policy to include discretion if caring for a terminally ill child and/or parent or dependant? Further consideration needed of compassionate approach, business need and costs.

### **Serving Armed Forces personnel, their families and veterans**

The CCG does not have data about whether staff are reservists, veterans or living with serving Armed Forces personnel.

The policy does include details of provision for Special Leave for Public Duties which includes training with reserve and cadet forces.

There has been a proposal that we develop a reservists policy, however CCG Executive agreed that this was something that should be developed across Hampshire, and so, put development of this policy on hold pending clarification of future arrangements e.g. if all policies across HIOW CCGs are to be aligned.

### **Meeting psychological needs**

Policy aims to have a positive impact for all staff. All members of staff may request reasonable adjustments in relation to flexible working arrangements e.g. if they have a psychological need, such as experiencing stress / depression.



### **Other identified groups**

We do not have evidence about other groups within the workforce.

## **Involvement and consultation**

### **Q4 How have you involved stakeholders with an interest in protected characteristics in gathering evidence or testing the evidence available?**

We have convened a group to review, gather evidence and complete the equality impact assessments for Human Resources policies including the Leave and flexible Working Policy.

### **Q5 How have you involved stakeholders in testing the policy or programme proposals?**

As above.

### **Q6 For each involvement activity, please state who was involved, how and when they were engaged, and the key outputs:**

CCG staff involved in equality impact assessment process:

- Business Manager (Omega House)
- Business Manager (CHC Fareham Civic Offices)
- Equality and Diversity Manager
- Governance Manager
- Head of Organisational Development
- HR Advisor

## **Equality statement**

The Leave and Flexible Working Policy is intended to have a positive impact for employees with all protected characteristics.

The equality analysis highlighted that we have limited evidence to demonstrate whether this is the case for each characteristic group. The evidence we do have suggests that policy implementation is having a positive impact:

- The 2018 Staff Survey results highlight that 74.3% of CCG staff stated they were 'satisfied' or 'very satisfied' with opportunities for flexible working
- Metric 8 of the Workforce Disability Equality Standard (2019 baseline) identifies that 81.3% of staff with a disability state that the CCG has made adequate adjustments to enable them to carry out their work.

We are not currently able to collate information about take up of different types of leave covered by the policy. We cannot therefore demonstrate definitively that the policy is implemented fairly for different staff groups. Given this, we intend to create a survey to gather feedback from employees.

**Positive impacts**

- The policy allows all employees to be aware of the benefits and leave they can receive in relation to leave and flexible working arrangements.
- Part time staff have the same entitlement to leave as full-time employees, on a pro rata basis.
- In light of this equality analysis, the policy has been amended to include consideration requests due to religious or cultural needs (section 6 and 24).

**Negative impacts**

No negative impacts identified. However there is a disparity introduced now the policy reflects Parental Bereavement Leave entitlements. It is proposed that employee engagement and consideration of feedback by Learning and Growth be undertaken (see action plan).

**Health inequalities**

None identified.

## Action planning for improvement, and to address health equalities and discrimination

Please give an outline of the key actions based on any gaps, challenges and opportunities you have identified. Include here any general action to address specific equality issues and data gaps that need to be addressed through consultation or further research.

Action	Person responsible	By date	Progress/ review (Add new actions if required)
<p>1. Survey to be developed/ focus group to be run to gain feedback from staff on the application of this policy e.g. if they were supported, was the policy clear, were requests for flexible working considered fairly. Suggestion that this could be developed in such a way that there will be a series of generic questions that could be asked in relation to all HR policies when they are scheduled for review, with additional generic questions specific to the policy e.g. in this case to engage with staff on their return from maternity / paternity leave etc.</p>	<p>Equality and Diversity Manager</p>	<p>20 November 2019</p>	<p>Draft survey questions to be reviewed at HR Policy EIA group on 20 November 2019</p>
<p>2. Once feedback gathered from staff, collate and discuss at Staff Forum and Learning and Growth to decide if policy should be changed.</p>	<p>Equality and Diversity Manager</p>	<p>14 January 2020</p>	<p>Note: This to include consideration of disparity caused by implementation of child bereavement leave, and whether we should amend policy to include discretion if caring for a terminally ill child and/or parent or dependant.</p>

<b>Action</b>	<b>Person responsible</b>	<b>By date</b>	<b>Progress/ review</b> (Add new actions if required)
3. To ensure the provisions within this policy are promoted to staff.	HR Adviser, Line Managers, Head of Organisational Development, Communications and Engagement Team	Ongoing	
4. Policy to be amended to reflect leave and flexible working arrangements that can be requested to accommodate different religions / beliefs e.g. visit family abroad, religious festivals, fasting.	Equality and Diversity Manager	17 October 2019	Completed.
5. Subject to future configuration of CCGs in Hampshire, develop a Reservists Policy for all organisations.		On hold	
6. To amend the policy to reflect which leave requests should be submitted via ESR for approval and which via another route.	HR Adviser	29 November 2019	
7. Define data monitoring to support future review of this policy and add this to Monitoring and Effectiveness section			

## For your records

**Name(s) of person who carried out this assessment:**

Paula Barrett, Human Resources Adviser

Nick Birtley, Equality and Diversity Manager

Kate Hardy, Head of organisational Development

Trudie Higby, Business Manager Omega House

Jackie Pointer, Business Manager Fareham

Jackie Zabiela, Governance Manager

**Date assessment completed:** 4 October 2019

**Date to review actions:** Action tracker to be reviewed at ongoing HR Policy EIA Group

**Name of responsible Director:** Director of Quality and Board Nurse

**Date assessment was approved:**