



## HR POLICIES & PROCEDURES (HR/C13A)

# PAID & UNPAID LEAVE POLICY

*(incorporating Special Leave for Public Duties Policy)*

DOCUMENT INFORMATION	
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### Equality Impact Assessment

## **1. INTRODUCTION**

- 1.1 The Trust values of Teamwork, Caring, Professional and Innovation underpin everything we do to support our vision of saving lives and enabling patients to get the care they need. SCAS aims to nurture a healthy culture, based on all staff demonstrating their role-relevant values-based behaviours within their working lives. All staff are expected to model their behaviours to support SCAS with its strategic aims to become an Employer, Partner and Provider of Choice.
- 1.2 This policy details the circumstances in which leave from work can be granted.
- 1.3 It does not include the following leave so please consult the relevant policy as required:
- Sickness Absence
  - Maternity, Paternity, Adoption and Shared Parental Leave, Annual Leave
  - Flexible Working
  - Reservists
- 1.4 This policy incorporates the terms and conditions included in:
- NHS Terms and Conditions Handbook
  - Employment Relations Act 2002

## **2. PURPOSE**

- 2.1 To clarify the time off to which SCAS employees are entitled; to explain how it is defined and how to access it.
- 2.2 To give clear guidance to all managers about the application and purpose of different kinds of leave and absence from the Trust.

## **3. SCOPE**

- 3.1 This policy applies to all employees of SCAS.
- 3.2 This policy does not apply to Bank workers, Agency Staff, Contractors, Honorary Contract holders or volunteers.
- 3.3 All leave will be pro-rata as per terms and conditions

## **4. EQUALITY STATEMENT**

- 4.1 The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marriage and civil partnership, disability, race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity or any other basis not justified by law or relevant to the requirements of the post. The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of the aforementioned protected characteristics, whether full or part-time or employed under a permanent or a fixed-term contract or any other irrelevant factor.

- 4.2 By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.
- 4.3 Where there are barriers to understanding; eg, an employee has difficulty in reading or writing, or where English is not their first language, additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the HR Department.

## 5. TRUST VALUES

The Trust values of Teamwork, Caring, Professional and Innovation underpin everything we do to support our vision of saving lives and enabling patients to get the care they need. SCAS aims to nurture a healthy culture, based on all staff demonstrating their role-relevant values-based behaviours within their working lives. All staff are expected to model their behaviours to support SCAS with its strategic aims to become an Employer, Partner and Provider of Choice.

## 6. RESPONSIBILITIES

### Managers

- 6.1 Ensure you have a thorough understanding of this policy and that your staff are also aware of it and understand their responsibilities in relation to it.
- 6.2 Enter discussions with an open mind, with a view to reaching an accommodation that suits both the employee and the Trust.
- 6.3 Keep a written record of all meetings with staff applying for any kind of special leave and retain it on their personal file.
- 6.4 Complete relevant ESR form(s) and ensure ESR system is kept up-to-date with any changes to working patterns/payments *including end dates*.
- 6.5 Involve your HR representative for advice, support and guidance.
- 6.6 Provide written feedback on the reason for leave being accepted or declined

### Employees

- 6.7 Familiarise yourself with this policy and come fully prepared to a meeting with your manager, anticipating the provision of as much “evidence” as you can.
- 6.8 Arrange medical and dental appointments with a view to creating the least disruption to the working day possible; in other words, arrange them out of working hours or at the beginning or end of the working day, wherever possible;
- 6.9 Discuss in detail your requirements, demonstrating an understanding and appreciation of the impact your request may have on the service.
- 6.10 If you are planning to apply for a voluntary public position such as magistrate or school

governor (etc), discuss this in detail with your manager as early as you can in the interests of openness, clarity and honesty.

- 6.11 If you already hold such a post, consult with your manager as soon as you know you are going to require time off and that it is covered under this policy.

## **7. SPECIAL LEAVE**

- 7.1 **UNPAID LEAVE** – may be used for reasons not covered by employment law or other policies – will not be granted unless paid annual leave allocation has been exhausted. Annual leave without pay may be granted by managers in the following circumstances:

- To honour pre-booked leave for a new member of staff who does not have enough paid leave in their first year of employment.
- Any other exceptional circumstances.

- 7.1.1 Although managers will consider requests for a period of unpaid leave, sympathetically, it is not a right. The reason for any refusal will be explained to the employee.

- 7.1.2 During periods of authorised unpaid leave, the employee remains employed and the employer's and employee's pension and national insurance contributions may still be payable. A form to register change of circumstances on ESR must therefore be completed to ensure appropriate payments are made. Mutually acceptable return dates will also be entered on ESR. Both manager and employee should sign this application to confirm that the employee wants this to happen. Managers are advised to seek advice from Human Resources.

## **7.2 PARENTAL LEAVE**

- 7.2.1. Parental leave is a legal right for working parents who qualify who may take a period of unpaid parental leave until their child is 18. .

### **7.2.2 Eligibility**

After one year's service with the NHS, all employees with responsibility for a child are entitled to parental leave. This includes adoptive parents and those with responsibility under the provisions of The Children Act (2004 and as amended).

### **7.2.3 Entitlement**

- Eligible employees are entitled to total of 18 weeks' unpaid leave for each child up to their 18th birthday.
- A week is calculated on the contractual number of days/hours per week worked by the employee.
- Up to 4 weeks can be taken in one year per child. This should be taken in blocks of at least one week or multiples of a week, and should not be taken as single days, unless agreed otherwise or the child is disabled.
- If a period of parental leave is going to disrupt the business, the Trust has the option of postponing the leave for up to six months after the original requested start date. If an employee is going to postpone the leave they must write to the employee within seven days of receiving their request stating why the leave is being postponed and giving new dates for the leave to be taken. Parental leave cannot be postponed

immediately following a birth or adoption. If an employer postpones a period of parental leave, they must ensure that the requested period of leave is completed before the child's 18<sup>th</sup> birthday, even if this is less than six months away from the date of the original request

#### 7.2.4 Taking Parental Leave

Full detail on parental leave is contained in the Maternity/Paternity/Adoption & Shared Parental Leave Policy

### 7.3 TIME OFF FOR DOMESTIC REASONS/ EMERGENCY TIME OFF FOR DEPENDANTS

- 7.3.1 This form of leave should cover a range of needs for genuine domestic emergencies, and where there is a sudden breakdown in the normal arrangements. The expectation is that a relatively short period of leave for emergencies, to enable alternative arrangement to be put in place, will be paid.
- 7.3.2 Leave would normally be granted at the time of need and when the member of staff is able to return to work, the type of leave will be agreed retrospectively with their line manager. This could be a combination of leave dependant on individual circumstances.
- 7.3.3 A dependant is defined as a parent, spouse, child or co-habitee, a close relative or someone who relies solely on the employee for help in an emergency or for specific caring needs.
- 7.3.4 As well as sorting out child- and elder-care arrangements, this could include accompanying the dependant to an emergency appointment with their GP, clinic, hospital consultant or dentist.
- 7.3.5 Verification of appointments may be requested by the line manager.
- 7.3.6 Part-time or jobshare staff would be granted such time off on a pro rata basis as per contracted hours.

### 7.4 CARER'S LEAVE

- 7.4.1 What is a carer? Someone who is responsible for a dependant (see s6.3.2 above) or other family member who lives with them. For the purposes of this policy, it may also include instances where the employee is the primary carer or the only person who can help in an emergency.
- 7.4.2 What is carers' leave? A short-term response to a crisis relating to a dependant, which can be taken when there has been a breakdown in the normal care arrangements for anyone falling within the above definition. It is for occasions where there has been little or no warning of a problem.
- 7.4.3 Is it paid? Paid leave may be authorised in any financial leave year (April to March). It would be based on contractual hours (a maximum of weekly contracted hours), .
- 7.4.4 When might it apply? Here are a few examples:
  - An unexpected disruption or breakdown in care arrangements;
  - a dependant falls ill or has been involved in an accident;

longer-term arrangements need to be made for a dependant who is ill or injured;  
an incident involving a dependant child occurs during school hours;  
other, similar incidents.

**7.4.5** How do I apply for carers' leave? The emergency nature of this leave means that you will probably either make initial contact by phone to your manager or scheduling department; or notify them in a rush on leaving work. On return to work, complete form ESR12 retrospectively and give it to your manager or the scheduling department (as applicable).

## **7.5 COMPASSIONATE LEAVE**

**7.5.1** Paid time off granted to all employees in relation to the death of a close relative; by definition:

- Parent/Guardian
- Child\*
- Adult child / adopted adult child
- Spouse / Partner / civil partner
- Siblings
- Parents-in-law
- Grandparents
- Where the employee has the main responsibility for funeral arrangements (to be considered on a case by case basis)

**7.5.2** Up to 3 days' compassionate leave will be allowed , pro rata hours for part time staff, paid leave may be authorised in any leave year.

**7.5.3** In exceptional circumstances, a maximum of 2 days' extra leave, pro rata hours for part time staff, would also be granted, in order to arrange, or provide necessary assistance with the arrangement of, the above and matters relating to the death of the individual.

**7.5.4** An ESR 14 should be completed by the employee at the first available opportunity.

**7.5.5** Further leave may be granted with annual leave or unpaid leave if no annual leave is available, should an employee need to travel abroad for the funeral. This would be at the discretion of managers.

**7.5.6** NB the Trust now also recognises the new Parental Bereavement Leave and Pay Act now enshrined in law and due to come into force in 2020. This gives all employed parents the right to 2 weeks' leave if they lose a child or suffer a stillbirth from 24 weeks of pregnancy

## **7.6 TRAINING**

**7.6.1** You have a statutory right to request time off for training – for instance, towards a qualification or job-related skill.

**7.6.2** The Trust tries to support personal development whenever possible – depending on available funding and time available. Please contact your line manager to discuss your needs and the potential support available.

## **7.7 TRADE UNION DUTIES**

Please refer to the current recognition agreement

## **7.8 JURY SERVICE**

- 7.8.1 Jury service is an important civic duty of all UK residents eligible to vote, any of whom may be called on for jury service. Employers are legally obliged to release them to carry out this duty.
- 7.8.2 Normal attendance is for 2 calendar weeks but is likely to be extended where a case continues beyond this.
- 7.8.3 NB. Employees will be paid as normal during jury service – there is no need to make a claim at court for loss of earnings although you should claim for travel and food expenses.
- 7.8.4 Once released from jury duty you must make yourself available for work, however working time directive and overall hours for the week must be considered.

## **7.9 RESERVISTS (REFER TO RESERVISTS POLICY FOR ALL TERMS AND CONDITIONS)**

2 weeks paid time off may be granted to members of the above for necessary annual training camp.

## **7.10 MAGISTRATES/JUSTICES OF THE PEACE**

- 7.10.1 The Trust is required to grant reasonable time off for any of the duties of Justices of the Peace. The Trust may grant, subject to the needs of the service, unpaid leave for a period up to 195 hours per annum.
- 7.10.2 Employees granted special paid leave for this purpose should undertake to refund to the Trust any fees or attendance allowances received other than fees or allowances claimed for travelling or subsistence.
- 7.10.3 Meeting dates and other scheduled events should be shared with and agreed as far in advance as possible with management.

## **7.11 FOUNDATION TRUST GOVERNORS**

- 7.11.1 These duties should be carried out in the individual's own time; however:
- 7.11.2 Reasonable unpaid time off up to a maximum of 75 hours per annum may be granted to carry out the duties of a foundation trust governor – whether with this Trust or any other NHS Trust – and any relevant training.
- 7.11.3 Meeting dates and other scheduled events should be shared with and agreed as far in advance as possible with management.

## **7.12 LOCAL AUTHORITY COUNCILLORS**

- 7.12.1 Generally speaking, these duties should be carried out in the individual's own time; however:

7.12.2 Reasonable unpaid time off up to a maximum of 75 hours per annum is granted to carry out the duties of a local authority councillor and any relevant training.

7.12.3 Meeting dates and other scheduled events should be shared with and agreed as far in advance as possible with management.

### **7.13 SCHOOL GOVERNORS**

7.13.1 Generally speaking, these duties should be carried out in the individual's own time; however:

7.13.2 Reasonable unpaid time off up to a maximum of 75 hours per annum may be granted to carry out the duties of a school governor and any relevant training.

7.13.3 Meeting dates and other scheduled events should be shared with and agreed as far in advance as possible with management.

### **7.14 RETAINED FIREFIGHTERS**

7.14.3 A retained firefighter has to live and/or work within one mile of the fire station.

7.14.4 A retained firefighter has to leave his/her post immediately when called out. A good relationship and communications with managers is imperative for this arrangement to work well.

7.14.5 Where time off is required for training or other scheduled events, this should be discussed and agreed as far in advance as possible with management.

7.14.6 An application for additional employment is required to be approved by management prior to engaging in any additional employment.

7.14.7 Employees must comply with the Working Time Regulations 1998 referred to in the Working Time Regulations Policy and to adhere to an 11 hour abstention from 'call out' prior to commencement of following ambulance shifts as to not compromise ambulance service.

### **4.4 OTHER SPECIAL LEAVE**

Managers may, at their discretion, and subject to the needs of the service, grant special leave; this may be a mixture of paid and unpaid leave. This type of leave can be used for reasons such as, training, attendance of appointments, funerals (not covered by compassionate leave) etc. although the list is not exhaustive.

### **7.15 APPEALS**

8.1 Any employee dissatisfied with any decision made in respect of this policy has one right of appeal under this policy.

8.2 Appeals should be logged in writing within 10 days of being informed of the decision not to approve their leave request.

8.3 Appeals should be made to the Line Manager of the Manager taking the decision..

## **9 RECORDING & MONITORING**

9.1 It is the responsibility of Line Managers/Department Heads and/or Scheduling Departments to

ensure that full and accurate records are kept in relation to the entitlement due and amount of leave granted in respect of their staff.

- 9.2 A written record of all decisions taken in accordance with this policy should be retained on the employee's personnel file and recorded on GRS.
- 9.3 Documentation relating to employees will be treated with the utmost confidentiality and in accordance to the General Data Protection Regulation (GDPR) (Regulation (EU) 2018) and the Lifecycle Policy.
- 9.4 Employees have the right to access any documentation held on them in accordance with the General Data Protection Regulation (GDPR) (Regulation (EU) 2018)
- 9.5 The effectiveness of this policy will be monitored regularly by HR who will provide data on the use of the policy as and when required. Annual report will be provided to the Trust board at the end of each financial year. The results of the annual staff survey will also provide a valuable indicator of any problems.
- 9.6 In advance of the review date, the HR team will review and produce recommendations which will be shared via the recognised policy approval process (HR Policy Review Group) in time for the policy review date. An early review can be triggered by the Trust Board, HR or joint staff side if they have serious concerns about the policy or its implementation.

## 10 RELATED POLICIES

Please read this policy in conjunction with the following:

- Annual leave
- Attendance Policy
- Maternity, Paternity, Adoption and Shared Parental Leave
- Additional Employment
- Working Time Regulations
- Trade Union Recognition Agreement
- Reservists

## 11 REFERENCES

- [www.directgov.uk](http://www.directgov.uk) search Time off Work.
- [www.bis.gov.uk](http://www.bis.gov.uk): Department for Business, Innovation and Skills
- [www.acas.org.uk](http://www.acas.org.uk)
- [www.cipd.co.uk](http://www.cipd.co.uk)
- NHS Terms & Conditions Handbook

## WHAT DO I DO IF UNABLE TO COME TO WORK DUE TO AN UNEXPECTED EVENT

How do I apply for emergency/compassionate leave out of hours

**Operational staff-** You should phone Scheduling who will provide the name and contact for Duty Silver Officer.

**EOC/999** – You should phone into your workplace, speak to the Duty EOC Shift Officer and request that the Duty EOC Manager contact you

**CCC111** - You should phone into your workplace and speak to the Duty Shift Manager

**PTS** - You should phone the relevant Commercial On Call Manager and if leave is authorised the On Call Manager will notify the respective supervisor number and discuss direct with a Team Leader or relevant Manager.

**Corporate staff** - You should contact your line manager as soon as possible the following day.

It is accepted that crisis' occur, and there are occasions that employees cannot attend their shift at short notice at the time of emergency. If the employee is able to hold a reasonable discussion about seeking suitable shifts or working arrangements a discussion should be held with their manager at this point. If this is suitable the absence will be accepted and recorded and a meeting or phone call will be held as soon as practicable to discuss details of the absence.

During this meeting or phone call options for repaying absence hours will be explored. Consideration may be given to flexi hours or alternative shifts.

At this point every option for repaying the absent hours should be explored, This may be flexi hours gathered, an alternative shift(s) worked or time taken out of leave allowance, If none of these are appropriate a request put forward by the Team Leader/Line Manager to their Head of Department for an alternative form of leave, should be made (i.e. carer's leave, unpaid leave, parental leave etc.). Once the circumstances have been explained the Head of Department can decide to authorise the Special leave, (see s6 above).

Part-time or job share staff would be granted such time off on a pro rata basis.

Equality Impact Assessment Form Section One – Screening

Name of Function, Policy or Strategy: ..... **Paid & Unpaid Leave Policy** .....

Officer completing assessment: ..... **Gemma Hames** .....

Telephone: ..... **01869 365143** .....

1.	What is the main purpose of the strategy, function or policy?
	<p>To provide clear and consistent rules in relation to the provision of time off not covered by the annual leave, sickness absence or family leave policies.</p> <p>To bring together in one place those disparate elements of time off that have been covered in several policies.</p>
2.	List the main activities of the function or policy (for strategies list the main policy areas)
	<ul style="list-style-type: none"> <li>• Defines time off as mentioned in 1, above;</li> <li>• Explains the purpose of the leave and what is allowed.</li> </ul>
3.	Who will be the main beneficiaries of the strategy/function/policy?
	All SCAS staff
1.	Use the table overleaf to indicate the following:-
	<p>a. Where do you think that the strategy/function/policy could have an adverse impact on any equality group, i.e. it could disadvantage them?</p> <p>b. Where do you think that there could be a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relations within equality target groups?</p>



		<b>Positive Impact</b>	<b>Negative Impact</b>	<b>Reasons</b>
<b>GENDER</b>	Women	N/A	N/A	
	Men	N/A	N/A	
<b>AGE</b>	Older People (60+)	N/A	N/A	
	Younger People (17 to 25) and children	N/A	N/A	
<b>RACE</b>	Asian or Asian British People	N/A	Yes	Non-native English speakers may have difficulty understanding the procedure.
	Black or Black British People	N/A	Yes	Non-native English speakers may have difficulty understanding the procedure.
	Chinese people and other people	N/A	Yes	Non-native English speakers may have difficulty understanding the procedure.
	People of Mixed Race	N/A	Yes	Non-native English speakers may have difficulty understanding the procedure.
	White (inc Irish) people	N/A	N/A	
	<b>Disabled People</b>	Yes	N/A	Ability to understand policy and/or procedures may be affected by disability
	<b>Lesbians, gay men and bisexuals</b>	N/A	N/A	
	<b>Transgender</b>	N/A	N/A	
	<b>Faith Groups</b>	Yes	N/A	.
	<b>Equal Opps and/or improved relations</b>	N/A	N/A	Yes – ensuring that a fair and consistent process is followed for all Trust staff.

Notes: Faith groups cover a wide range of groupings, the most common of which are Muslims, Buddhists, Jews, Christians, Sikhs and Hindus. Consider faith categories individually and collectively when considering positive and negative impacts.

The categories used in the race section refer to those used in the 2001 Census. Consideration should be given to the specific communities within the broad categories such as Bangladeshi people and to the needs of other communities that do not appear as separate categories in the Census, for example, Polish.

5. If you have indicated that there is a negative impact, is that impact:		
	<b>Yes</b>	<b>No</b>
<b>Legal</b> (it is not discriminatory under anti-discriminatory law)	X	
<b>Intended</b>		X
<b>Level of Impact</b>	<b>High</b>	<b>Low</b>
		X
If the negative impact is possibly discriminatory and not intended and/or of high impact then please complete a thorough assessment after completing the rest of this form.		
6(a). Could you minimise or remove any negative impact that is of low significance? Explain how below:		
Clear, simple language used. Line managers support and guide their staff to understand what has been written in the policy and the impact/effect it would have on them.		
6(b). Could you improve the strategy, function or policy positive impact? Explain how below:		
By using clear and simple language.		
7. If there is no evidence that the strategy, function or policy promotes equality, equal opportunities or improves relations – could it be adopted so it does? How?		
N/A		

Please sign and date this form, keep one copy and send one copy to the Trust's Equality Lead.
Signed: .....
Name: <b>Gemma Hames</b> .....
Date: <b>December 2018</b> .....

# Equality Impact Assessment Form Section Two – Full Assessment

Name of Function, Policy or Strategy:     **Paid & Unpaid Leave Policy**    

Officer completing assessment:     **Gemma Hames**    

Telephone:     01869 365143    

## Part A

1. Looking back at section one of the EqIA, in what areas are there concerns that the strategy, policy or project could have a negative impact?

Gender	<input checked="" type="checkbox"/>
Race	<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>
Sexuality/Transgender	<input type="checkbox"/>
Age	<input type="checkbox"/>
Faith	<input type="checkbox"/>

2. Summarise the likely negative impacts:-

    Difficulties with understanding relating to language problems and/or learning disabilities    

    No perceived issues relating to other groups; actively addresses some    

3. Using the table below, give a summary of what previous or planned consultation on this topic, policy, function or strategy has or will take place with groups or individuals from the equality target groups and what has this consultation noted about the likely negative impact?

Equality Target Groups	Summary of consultation planned or taken place
Gender	
Race	
Disability	

Equality Target Groups	Summary of consultation planned or taken place
Sexuality/Transsexuality	
Older People	
Younger People	
Faith	

4. What consultation has taken place or is planned with Trust staff including staff that have or will have direct experience of implementing the strategy, policy or function?

..... No specific E&D consultation – regular 21-day policy consultation .....

.....

5. Check that any research, reports, studies concerning the equality target groups and the likely impact have been used to plan the project and guide or indicate what research you intend to carry out:-

Equality Target Groups	Title/type of/details of research/report
Gender	
Race	
Disability	
Sexuality/Transsexuality	
Older People	
Younger People	
Faith	

6. If there are gaps in your previous or planned consultation and research, are there any experts/relevant groups that can be contacted to get further views or evidence on the issues?

Yes (Please list them and explain how you will obtain their views)

.....

.....

No

**Part B**

Complete this section when consultation and research has been carried out

- 7a. As a result of this assessment and available evidence collected, including consultation, state whether there will be a need to be any changes made/planned to the policy, strategy or function.
- 7b. As a result of this assessment and available evidence, is it important that the Trust commissions specific research on this issue or carries out monitoring/data collection?

(You may want to add this information directly on to the action plan at the end of this assessment form)

.....

.....

.....

.....

8. Will the changes planned ensure that negative impact is:

Legal?   
(not discriminatory, under anti-discriminatory legislation)

Intended?

Low impact?

9a. Have you set up a monitoring/evaluation/review process to check the successful implementation of the strategy, function or policy?

Yes  No

9b. How will this monitoring/evaluation further assess the impact on the equality target

groups/ensure that the strategy/policy/function is non-discriminatory?

Details:

.....

.....

.....

.....

Please complete the action plan overleaf, sign the EQIA, retain a copy and send a copy of the full EQIA and Action Plan to the Trust's Equality Lead.

Signed: .....

Name: .....

Date: .....

