

Other Leave Policy

July 2020

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CONTENTS

		Page
1.	INTRODUCTION	5
2.	SCOPE	5
3.	POLICY PURPOSE AND AIMS	5
4.	GENERAL DATA PROTECTION REGULATION (GDPR)	5
5.	IMPACT ANALYSIS	5
5.1	Equality	
5.2	Bribery Act 2010	
6.	NHS CONSTITUTION	6
6.1	The ICB is committed to:	
6.2	This Policy supports the NHS Constitution and	
7.	ROLES / RESPONSIBILITIES / DUTIES	7
8	IMPLEMENTATION	7
9.	TRAINING AND AWARENESS	7
10.	MONITORING AND EFFECTIVENESS	7
11.	POLICY REVIEW	7
12.	DEFINITIONS	8
	PART 2: ELEGIBILITY AND PROCEDURE	10
1	COMPASSIONATE LEAVE	10
2	EMERGENCY DOMESTIC LEAVE	10
3	CARERS LEAVE	11
4	PARENTAL LEAVE	12
5	PARENTAL BEREAVEMENT LEAVE	12
6	DOCTORS / DENTIST / MEDICAL APPOINTMENTS	13
7	SPECIAL LEAVE FOR IN VITRO FERTILISATION (IVF) AND OTHER FERTILITY TREATMENT	14

8	ADVERSE WEATHER	14
9	TIME OFF FOR STUDY/PROFESSIONAL REGISTRATION	15
10	SABBATICAL/ CAREER BREAK SCHEME	15
11	MEMBERS OF THE RESERVE FORCES / TERRITORIAL ARMY / CADET FORCES	15
12	PUBLIC / CIVIC DUTIES	16
13	ATTENDANCE AT COURT/ WITNESS IN COURT	17
14	EMERGENCY SERVICES	17
15	RELIGIOUS OBSERVANCE	18
16	EMPLOYMENT INTERVIEWS	18
17	RELOCATION LEAVE	18
18	FOSTER LEAVE	18
APPENDICES		19
Appendix 1	Other Leave Application Form	20
Appendix 2	EQIA Screening	21

1. INTRODUCTION

The ICB recognises that from time to time employees will require time-off work for certain matters that require their urgent attention. The ICB is committed to helping employees balance the demands of domestic and work responsibilities by the provision of paid and unpaid leave subject to exigencies of the service.

2. SCOPE

- 2.1 This policy and procedure is applicable to all permanent and fixed term employees on Agenda for Change terms and conditions. Please see the section detailing the procedure for further details regarding eligibility.
- 2.2 Bank staff and contractors should refer to their contracts of employment for information as to whether or not this policy is applicable to them. This Policy is not applicable to Agency workers.

3. POLICY PURPOSE AND AIMS

- 3.1 The purpose of this policy is to provide guidance to managers in order to ensure a consistent approach to enquiries and applications in respect of leave as referred to within this policy.
- 3.2 The ICB is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the ICB's Data Protection and Confidentiality and related policies and procedures.

4. GENERAL DATA PROTECTION REGULATION (GDPR)

The ICB is committed to ensuring all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the ICBs Data Protection and Confidentiality and related policies and procedures.

5. IMPACT ANALYSIS

5.1 Equality

The ICB is committed to eliminating discrimination and promoting equality and diversity in its Policies, Procedures and Guidelines.

In applying this policy, the ICB will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, 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 developing this policy, an Equality Impact Analysis has been undertaken and is attached as an appendix. As a result of the initial screening, the policy does not appear to have any adverse effects on people who share protected characteristics and no further actions are required at this stage. However, monitoring the use of the policy will be essential in order to ensure it is implemented equitably.

5.2 Bribery Act 2010

The ICB has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from The Bribery Act 2010.

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed. The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

For further information see <http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>.

If you require assistance in determining the implications of the Bribery Act please contact the Local Counter Fraud Specialist on telephone number 07872 988939 or email at nikki.cooper1@nhs.net.

Due consideration has been given to the Bribery Act 2010 in the review of this policy. Consistent application and monitoring of this policy will mitigate bribery in relation to this policy.

6. NHS CONSTITUTION

6.1 The ICB is committed to:

Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

6.2 This Policy supports the NHS Constitution as follows:

The NHS aspires to the highest standards of excellence and professionalism in the provision of high-quality care that is safe, effective and focused on patient experience; in the planning and delivery of the clinical and other services it provides; in the people it employs and the education, training and development they receive; in the leadership and management of its organisations; and through its commitment to innovation and to the promotion and conduct of research to improve the current and future health and care of the population.

7. ROLES / RESPONSIBILITIES / DUTIES

7.1 **HR**

- The HR team will support both managers and individuals in ensuring this policy is followed and implemented equitably

7.2 **Employees**

- Ensure leave is taken in accordance with the processes outlined in this policy.
- To request leave in a timely manner, where the requirement for time off is known in advance this should be agreed with the line manager as soon as possible.

7.3 **Line Manager**

- To ensure this policy is adhered to.
- To record, monitor and authorise the leave of their employees referred to within this policy.
- To consider all leave requests on an individual basis, taking into consideration an employee's situation and the ICB's needs.
- To apply this policy consistently across the ICB.

Both employees and line managers have a responsibility to read and understand the policy, any breaches of this policy may be investigated and may result in the matter being treated as a disciplinary issue under the ICB's disciplinary procedure.

8. **Implementation**

- 8.1 All employees will receive notification that the policy has been approved and will receive confirmation of where the policy is located.
- 8.2 This policy should be incorporated as part of the employee induction process for all new employees joining the ICB.

9. **Training and awareness**

Guidance and support will be provided to all Line Managers, by the HR Team, in the implementation and application of this policy upon request.

10. **Monitoring and effectiveness**

The implementation of this policy will be monitored on an annual basis by the ICB and reported to the Senior Leadership Team.

11. **Policy review**

The policy (and procedure) will be reviewed every 4 years following implementation by the Human Resources Team in conjunction with operational managers and trade union representatives. Where review is necessary due to legislative change, or changes to the NHS national terms and conditions of employment, this will happen immediately.

12 **DEFINITIONS**

For the purpose of this paper, the definitions are as follows:

- 12.1 A 'dependant' is someone who relies on the employee, especially a family member, including step and foster children for financial support, or could be someone who would reasonably rely on the employee for assistance (other than a lodger, tenant, boarder or employee) , or arrangements for the provision of care in the event of an illness or injury.
- 12.2 A 'relative' includes: parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents, grandchildren and step relatives in a particular emergency.
- 12.3 'Next of kin' may be taken to include a partner, close family member or dependant
- 12.4 A 'Carer' are employees with significant caring responsibilities that have a substantial impact on their working lives. These employees are responsible for the care and support of disabled, elderly person or sick child, parents, relatives or friends who are unable to care for themselves
- 12.5 'Adverse weather' can be defined as snow, ice, volcanic eruptions, fog and floods, or any condition which render journeys by road extremely hazardous. This can be both public and private transport.
- 12.6 Disability an employee may be registered as disabled under the Equality Act 2010, if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.
'**substantial**' is more than minor or trivial – e.g. it takes much longer than it usually would to complete a daily task like getting dressed.
'**Long term**' means 12 months or more.

12.7 OTHER TYPES OF LEAVE

This policy provides leave in the following circumstances:

- Compassionate Leave is to help an employee come to terms with the death of a dependant, relative or next of kin
- Emergency Domestic Leave is short term leave to deal with an emergency situation relating to a dependant
- Carers Leave is to deal with longer term problems (in addition to time off for emergencies) such as to look after someone who has a serious illness or injury or who is terminally ill.

Parental Leave	is to allow working parents to request a period of unpaid leave during the first 18 years of a child's life.
Parental Bereavement Leave	is to allow parents who have lost a child a period of two weeks statutory parental bereavement leave to help them come to terms with the death of their child
Medical and Dental Leave	Allows arrangements for employees to attend medical and dental appointments during a working day. Time off to support appointments for dependants should be taken by requesting annual leave, flexi time etc.
IVF /other Fertility treatment	Allows arrangements to be made to attend medical appointments when undertaking/ pursuing IVF treatment
Adverse weather	Allows for alternative arrangements to be made when there is adverse weather, which may include working flexibly, or taking annual leave or unpaid leave.
Time off for study	For when employees are taking time from their duties to study or train.
Sabbatical/ Career Break scheme	Allows the employee to request leave from their employment on a temporary basis.
Reserves/ TA/ Cadet forces	Where there is a need for time off for activities and training or where an employee is 'called up' for military operations,
Public/Civic duties	Where the employee is required to be absent for essential civic and public duties
Attendance at court/witness	May be required to attend court for service as a juror, character witness or witness of fact
Emergency Services	Leave to support activities of retained Fire Fighters, Special constables, RNLI, Search and Rescue and similar activities
Religious Observance	When an employee seeks leave for a religious festival or cultural observance
Relocation Leave	Employees entitled to relocation assistance may be granted leave without pay or choose to take annual leave to cover the time.
Employment Interviews	To attend an internal/external interview

PART 2: ELIGIBILITY AND PROCEDURE

This policy will be applied to all permanent and fixed term employees within the ICB (This policy does not apply to agency workers). The fair and equitable implementation of this policy will be monitored locally by the HR team and will be regularly checked against legislative requirements and best practice to ensure that no person is treated less favourably on the grounds of their protected characteristic.

1 COMPASSIONATE LEAVE

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

It is acknowledged that family situations differ and there may be circumstances when the 'next of kin' fall outside of the definition above. e.g. if an employee was brought up by their grandparents. In this instance the grandparent would be the 'next of kin'.

1.1 ELIGIBILITY

All employees regardless of their length of service, may be granted leave.

Each case should be viewed sympathetically and the amount of leave granted will depend on the individual's circumstances, for example, relationship, domestic responsibilities and travel.

- 1.2 The employee must make any requests for Compassionate leave to their Line Manager. If it is not feasible prior to the period of leave, this should be completed retrospectively (See Appendix 1).
- 1.3 Managers may grant up to 5 days paid leave (this should be pro-rata for part time staff) to allow the employee both time to come to terms with the loss and also accommodate the time required for the individual to plan and arrange the funeral following the death of their dependant, relative or next of kin. Additional paid leave may be granted, however, this request must be approved by the Chief Operating Officer. Further guidance is available from the HR team.
- 1.4 In the case of a death of a relative/ close friend (who is not a dependant or next of kin as described above) the employee may request 1 days' paid leave to attend the funeral. This will be considered on an individual basis and agreed by the line manager depending on the circumstances.
- 1.5 Any further absence required by the individual may be requested as unpaid leave or managed in accordance with the relevant Organisational Policy (Absence Management Policy HR02 or Annual Leave Policy HR04)

2 EMERGENCY DOMESTIC LEAVE

All employees are entitled to take a reasonable amount of time off to deal with an emergency unplanned situation and make arrangements for any longer term requirements, see 2.2 below.

The leave can be taken for example to:

- Deal with a breakdown in childcare
- To put longer term care in place for children or elderly relatives
- If a dependant falls ill or is taken into hospital
- To deal with an incident that involves their child and occurs unexpectedly while the child is at school/ other education.

It may also deal with any unforeseen domestic emergencies including, for example:

- Flood
- Fire
- Burglary
- Safeguarding issues, including domestic violence

2.1 ELIGIBILITY

All employees regardless of their length of service may be granted leave.

- 2.2 A Manager may grant 1 paid day (or part of a day) to deal with the domestic or dependant emergency. A further day can be agreed with the line manager depending on the circumstances. However, the total number of days will not exceed more than 3 days in any rolling 12 month period. It may also be considered by the line manager whether during the time off, the employee can work from home, or change their working hours where possible. If a longer period of time away from work is required to deal with the emergency, it may be necessary to consider Carer's leave (Section 3) which would be discussed with the Line Manager.

Employees who are not able to attend work or unable to work from home will have the option to also consider:

- Flexible working (manager may agree revised working hours to enable the employee to fulfil their contracted hours)
- Annual leave
- Unpaid leave

When approving leave or alternative working arrangements the Manager must document details including the agreed/ expected timescales for resuming normal working hours/ practice.

- 2.3 Once the immediate emergency has been addressed, the employee is expected to return to work. If further time off is necessary the employee should request annual leave, unpaid leave or where appropriate agree alternative working hours with their line manager.
- 2.4 Employees must follow the normal reporting procedures for absence and make any request for leave directly to their Line Manager in the first instance, detailing the reasons for the request. If this is not feasible prior to the period of leave, this should be completed retrospectively. (Appendix 1)

3 CARERS LEAVE

Carers leave is provided as an alternative form of leave in addition to time off for emergencies (which is for short term/ emergencies only). As such a request for

leave does not provide an automatic right to time off, however the employee's line manager will consider each individual case carefully.

An example of when carers leave could be considered is when an employee is required to look after someone who has a serious injury or illness, is terminally ill or has a disability.

3.1 ELIGIBILITY

Employees must have a minimum of 26 weeks service with the ICB before being considered for extended carers leave.

3.2 A Manager may grant the employee up to 5 days paid leave based on a full time worker, pro rata for part time employees. Additional paid leave may be granted in exceptional circumstances however, this request must be approved by the Chief Operating Officer or Director. Further guidance is available from the HR team.

A further 5 days unpaid leave based on a full time worker may be requested, (20 in exceptional circumstances, which will be decided on a case by case basis and must be approved by the Chief Operating Officer or Director) in one leave year. If necessary additional unpaid leave may be granted, up to a combined period of 6 months in total. If additional leave is required for a longer period, the employee may wish to consider a career break. The length of a career break will normally be for a minimum of 3 months up to a maximum of 5 years. (Please refer to the Section 9, Sabbatical/Career Break scheme for further information).

3.3 The employee must make the request for any leave directly to their Line Manager in the first instance, detailing the reasons for the leave. (Appendix 1). When approving leave the Manager must document details including the agreed/ expected timescales for resuming normal working hours/ practice.

4 PARENTAL LEAVE

Parental leave is where working parents can request a period of unpaid leave during the first 18 years of a child's life.

For further information please see the Maternity, Maternity Support (Paternity), Adoption and Parental Leave Policy (HR17).

5 PARENTAL BEREAVEMENT LEAVE

The purpose of parental bereavement leave is to allow working parents' time away from work to grieve the loss of their child and help them come to terms with it.

5.1 ELIGIBILITY

All employees regardless of their length of service who lose a child or suffer from a stillbirth from 24 weeks of pregnancy will be eligible for parental bereavement leave.

Parental bereavement leave provides for 2 weeks of leave following the death of the child which can be taken as either a single block of two weeks or as 2 separate blocks of 1 week each, in the 56 weeks following the death. This is to allow time to be taken off for events such as birthdays or the anniversary of the child's death

For the purpose of this section, 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. This may include grandparents who have had caring responsibilities for a child, or instances where someone other than the biological parent is primary carer.

There is no requirement for the child to be under 18 years of age.

A bereaved parent will not be required to demonstrate any eligibility criteria in order to access bereavement leave or pay.

All bereaved parents will be entitled to two weeks' occupational child bereavement pay which will include any entitlement to statutory parental bereavement pay.

6 DOCTOR / DENTIST/ MEDICAL APPOINTMENTS

- 6.1 Employees will from time to time need to attend medical, hospital, dental, optician, and other similar appointments. Other appointments needed to deal with situations of domestic distress should be considered sympathetically, such as; appointments with support agencies, arranging re-housing, meetings with solicitors and other appointments which may be associated. Wherever it is possible to do so, employees (both full time and part time) should endeavour to be flexible and arrange such appointments in their own time or, if this is not possible, then at times that will cause the minimum amount of absence from work.
- 6.2 Where an employee has no alternative but to attend such appointments during working hours, options available are flexibility in working hours, annual leave or unpaid leave. The line manager will work with the employee to come to a flexible agreement which supports the employee and the needs of the service.
- 6.3 When the appointments become more frequent or the employee has a disability and is required to attend regular appointments (i.e. regular physiotherapy/ attending on-going treatment) the individual should advise their Line Manager in advance of the appointments. The manager shall consider reasonable adjustments to accommodate the disability related requirements including variation of working hours, flexible working hours or using a combination of unpaid and annual leave or paid time off to attend appointments, i.e. at the start or end of the working day.

Employees must inform their Line Manager of any appointments where possible at least 1 week in advance of the appointment. The employee must also show their appointment card to their line manager as confirmation of an appointment when requesting time off to attend. The Line Manager does not need to take a copy as any agreed time off is recorded on the form in Appendix 1.

- 6.4 Employees who are pregnant have a statutory right not to be unreasonably refused time off work with pay for antenatal appointments on medical advice. Paid time off in such circumstances will automatically be granted. Please refer to the ICB's Maternity, Maternity Support (Paternity) and Adoption and Parental Leave policy for further guidance (HR17).
- 6.5 Any other medical or dental appointment which the employee is requested to attend

which is not directly related to their health or wellbeing should be discussed with their line manager or alternatively contact the HR team for further guidance.

- 6.6 Should an employee be required to attend an appointment with a dependant, the employee is required to follow section 5.1 and 5.2 when requesting time off.
- 6.7 Any Occupational Health appointments which an individual is requested to attend can be taken during working hours unless the employee is already absent from work. All Occupational Health appointments should be managed in accordance with the Attendance Management Policy. If an employee feels unable to return to work after such an appointment e.g. where they have attended a counselling session, the employee may make a request for annual leave or unpaid with their line manager. Alternatively such an absence may be managed under the ICB's Attendance Management Policy.

7 SPECIAL LEAVE FOR IN VITRO FERTILISATION (IVF) AND OTHER FERTILITY TREATMENT

- 7.1 The ICB recognises the emotional pressure of undergoing IVF treatment and wishes to support any employee during the process where possible. The ICB will allow the employee to use a reasonable number of days leave using annual leave or unpaid leave during the course of the treatment or where possible to work flexibly in line with the service needs. Any agreements will be made with and approved by the employee's Line Manager.
- 7.2 Any leave requested for appointments will be managed in accordance with section 5 of this policy (doctors/ dentist and medical appointments) up until the point of pregnancy when this will then be managed in accordance with the ICB's Maternity, Maternity Support (Paternity) and Adoption and Parental Leave Policy (HR 17). The employee must notify their Line Manager to advise them of any on-going appointments that they will be required to take due to the treatment.

8 ADVERSE WEATHER

It is the duty of each employee to make their own arrangements to get to work at the normal time. However it is recognised at times that employees may experience severe difficulties in getting to and from work as a result of adverse weather and disruption to travel.

- 8.1 For the purpose of this section, the definition of 'adverse weather' can be found in part 1, section 6 above. However employees are expected to make reasonable attempts to attend work for services to be maintained even if this means they arrive late.
- 8.2 If it is not possible for the employee to attend work at their normal base, it should be considered whether there is another base closer to home that they can work from., If considering working from home, the employee must make sure they have all the necessary equipment with them to enable them to work effectively. This should be discussed with their direct line Manager in this instance.

Employees not able to attend work or unable to work from home or a separate base will wherever possible have the option of:

- Flexible Working (manager may agree revised working hours to enable the employee to fulfil their contracted hours).
- Annual leave
- Unpaid leave

In **exceptional** circumstances paid leave may be granted.

9 TIME OFF FOR STUDY/PROFESSIONAL REGISTRATION

Employees may submit requests in relation to any type of study, training or activity related to professional registration that they believe will improve their effectiveness in their organisation and the performance of the business. Please refer to the Training Policy for further information. (HR10)

10 SABBATICAL/ CAREER BREAK SCHEME

A career break allows the employee to leave their employment on a temporary unpaid basis. It can be used for various reasons including, travel, care of an elderly relative or dependant or voluntary work. The purpose of the break is normally linked to personal development outside the usual confines of the job, allowing the employee to return to work with new ideas and enhanced skills which can benefit both the employee and the ICB.

Please refer to the ICB's Career Break Policy for further information, guidance and application details in relation to sabbaticals and career breaks.

11 MEMBERS OF THE RESERVE FORCES / TERRITORIAL ARMY / CADET FORCES

The reserve forces include the Royal Naval Reserve, Royal Marines Reserve, Territorial Army and the Royal Auxiliary Air Force.

The ICB recognises that many of the skills that reservists gain during their training are transferable to the workplace.

It is a requirement that employees advise their line manager as soon as possible of their intention to become a reservist. This requirement is to allow the department / ICB to deal with the practical implications.

11.1 ELIGIBILITY

These provisions apply to employees as specified in Part 1 section 4 – "Scope"

11.2 Employees who need time off for activities as reservists are expected to use days out of their normal holiday entitlement. To avoid reservists being unable to take time off when needed, they should apply for any leave they require as soon as possible. This should be submitted in the usual manner to the employee's line manager in accordance with the annual leave policy.

11.3 An additional 5 days paid leave and 5 days unpaid leave in any 12 month rolling period will be given to help the reservist meet their commitments. This includes

attendance at the annual camp. The ICB also offers an additional 5 days paid leave to Cadet Force Adult Volunteer employees, plus up to 10 days unpaid leave if required.

- 11.4 Reservists may be 'called up' for military operations, with notice typically given 28 days before mobilisation. Should this occur the employee should present their papers from the Ministry Of Defence to the organisation, outlining the date and possible duration of the employee's mobilisation. During this period of active service, unpaid leave will be granted. Employment will continue without pay unless specified otherwise by the employee, for example if the employee requests annual leave, the time taken as annual leave will be paid. Staff wishing to preserve pension rights should contact the NHS Pension Department for clarification of their personal circumstances.
- 11.5 Reservists have the right to return to their former posts on terms and conditions no less favourable than those that would have applied if they had not been 'called up'. To exercise the right to be reinstated, the reservist must write to the ICB confirming their intention to return to work within a reasonable time period.
- 11.6 The continuity of a reservist's employment is not broken by the period of voluntary mobilisation, if the employee is reinstated within their employment within 6 months of the demobilisation.

12 PUBLIC / CIVIC DUTIES

The ICB shall allow reasonable unpaid time off to staff required to be absent from work for essential civic and public duties of the kinds listed in Section 50 of the Employment Rights Act 1996 and as required by other legislation. Any agreed paid time off will be at the discretion of the line manager and agreed locally. The duties for which an employer is required to permit reasonable time off without pay are with regard to employees who are members of any one of the bodies listed in 11.2, in order to:

- Attend meetings of the body or any of its committees or sub-committees.
- Perform duties approved by the body which need to be done in discharging its functions or those of any of its committees or sub-committees.

12.1 In deciding what is reasonable, the manager needs to take into account the time required to perform these duties, the amount of time off which has already been taken, and the effects of the absence on the needs of the service.

12.2 Public duties apply to employees who, in an unpaid role are:

- A member of a local authority,
- Justice of the Peace/Magistrate
- A member of any statutory tribunal,
- A member of, in England and Wales, a National Health Service Trust or organisation.
- Members of, in England and Wales, the managing or governing body of an educational establishment maintained by a local education authority.

- Members of the governing body of a grant-maintained school, further or higher education corporation or of a school board or board of management of a college of further education or self-governing school
- A member of, in England and Wales, the National Rivers Authority
- Members of the Broads Authority,
- Members of a Board of Prison Visitors (England and Wales)
- Trade Union Duties

This list is not exhaustive and other roles may be determined locally.

- 12.3 Employees are requested to inform their line manager in writing outlining the dates, times and frequency of meetings, visits and training commitments in advance.

13 ATTENDANCE AT COURT/ WITNESS IN COURT

(which includes attendance at Professional Tribunal, Employment Tribunal or Fitness to Practice Hearing's)

13.1 Jury service

- 13.2 Employees may be required to attend court for service as a juror, character witness or witness of fact.

- 13.3 The employee will continue to be paid while on jury service at the normal rate of pay.

- 13.4 In the event that an employee is called up for jury service they should provide their line manager with a copy of the court summons and any relevant documentation at the earliest opportunity in order to discuss cover for the period they will be required for Jury service.

- 13.5 If it is practicable for the individual to return to work at any point during the period of jury service, they should do so.

13.6 Attending as a witness

- 13.7 Where an employee is required to give evidence at court on behalf of the ICB, paid leave will be granted for as long as required.

- 13.8 Where an employee is called as a witness by another NHS organisation, paid leave will be granted. The pay will be reclaimed from the relevant organisation.

- 13.9 Unpaid leave will be granted for attendance at court as a witness in respect of matters arising from outside of work, i.e. personal matters. Individuals can claim for expenses occurred and loss of earning through the courts. Please refer to the Crown Prosecution Service website for further information current rates and guidance on how to claim. www.cps.gov.uk

14 EMERGENCY SERVICES

Leave to support activities of retained Fire-fighters, Special Constables, RNLI, Search and Rescue or similar activities and services.

14.1 Eligibility

These provisions apply to employees as specified in Part 1 section 4 – “Scope”

14.2 Where possible, duties should be undertaken outside of the individual’s normal working hours. Annual Leave may however be requested where activities impact in working time.

14.3 In addition, to annual leave, a provision of up to 5 days unpaid leave in any rolling 12 month period will be granted to carry out the duties required.

15 RELIGIOUS OBSERVANCE

When an employee seeks leave for a religious festival or cultural observance, employees will be entitled to request the following, subject to the needs of the service:

- Flexibility in arrangement of hours
- Annual leave
- Time off in lieu
- Unpaid leave

15.1 When requesting time off/ leave for a religious observance, employees should provide as much notice as possible to their line manager.

16 EMPLOYMENT INTERVIEWS

16.1 To attend an internal interview within the ICB, paid leave will be granted with the Line Manager’s approval and within the needs of the service.

16.2 Paid leave will be granted to attend interviews external to the ICB if the employee is under notice of redundancy or have been notified that they are ‘at risk’.

16.3 For any other interviews external to the ICB unpaid leave may be requested or annual leave can be used. Any requests for annual leave should be requested to the line manager in accordance with the ICB’s Annual Leave Policy.

17 RELOCATION LEAVE

Employees entitled to relocation assistance may be granted leave without pay or choose to take annual leave to cover the time.

18 FOSTER LEAVE

18.1 The ICB appreciates the responsibilities which come with being a foster carer and endeavour to support staff who take on this role. Foster leave allows employees who are foster carers to request unpaid leave of up to 5 days per year to attend training courses related to their registration, meetings associated with their caring responsibilities and to help with the transition periods at the start and end of the foster care period to help children settle into their new homes.

18.2 ELIGIBILITY:

- To qualify for foster leave the employee must have 12 months of continuous NHS service
- Be an approved foster carer

18.3 The employee's manager has discretion when deciding whether or not to grant foster leave based on the needs of the service.

18.4 Emergency Domestic Leave mentioned above would also cover scenarios which involve an employee's foster child and the child would fall under the definition of a 'dependant'.

19 APPEAL PROCESS

19.1 If the employee feels that an application for other leave has been unreasonably declined they should discuss the matter with the line manager of the manager who dealt with the request in the first instance, putting their case in writing within 5 working days. If the manager upholds the decision s/he should respond in writing setting out the reasons for the decision within 5 working days.

19.2 If the employee still feels aggrieved by this decision the employee should appeal through the grievance procedure.

20. References

- Agenda for Change Terms and Conditions Handbook

21. Associated Documentation

- Absence Management Policy
- Annual Leave Policy
- Career Break Policy
- Training Policy
- Maternity, Maternity Support (Paternity), Adoption and Parental Leave Policy
- Relocation Assistance Policy
- Safeguarding Supervision and Support Policy
- Equality and Diversity Policy

APPENDICES

Appendix 1 Other Leave Application Form

Appendix 2 EQIA Screening

Appendix 1

OTHER LEAVE APPLICATION FORM

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

Employee Name: _____

Job Title: _____

Assignment Number: _____

Type of Leave Requested: _____

Reason for request: _____

Number of days/ hours leave requested:

Paid _____ Unpaid _____

Employees Signature: _____

Date: _____

To be completed by Line Manager

Manager's Comments: _____

Manager's Name: _____

Job Title: _____

Signature: _____ Date _____

cc. Employee Personnel File
HR Team
One copy to be provided to applicant

Please refer to the EIA Overview & Navigation Guidelines located in Y:\HULLICB\Corporate Templates and Forms\Equality and Diversity Information before completing your EIA)

HR / Corporate Policy Equality Impact Analysis:	
Policy / Project / Function:	Other Leave Policy
Date of Analysis:	05/02/2020
Completed by: (Name and Department)	HR Humber
What are the aims and intended effects of this policy, project or function?	The purpose of this policy is to provide guidance to managers in order to ensure a consistent approach to enquiries and applications in respect of leave as referred to within this policy.
Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?	No
Please list any other policies that are related to or referred to as part of this analysis	<ul style="list-style-type: none"> • Absence Management Policy • Annual Leave Policy • Career Break Policy • Training Policy • Maternity, Maternity Support (Paternity), Adoption and Parental Leave Policy • Relocation Assistance Policy • Safeguarding Supervision and Support Policy • Equality & Diversity Policy

Who will the policy, project or function affect?	All staff
What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?	Consultation has taken with Trade Unions and staff <ul style="list-style-type: none"> • SLT • ICB Employees • SPF Sub group • SPF • Governing Body (approval)
<p>Promoting Inclusivity and Hull ICB's Equality Objectives.</p> <p>How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?</p> <p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> 1. Ensure patients and public have improved access to information and minimise communications barriers 2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job 3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve 4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs 	<p>This policy is designed to ensure that leave is managed as fairly as possible, taking into account all individual circumstances and supports our equality objective of recruiting and maintaining a well-supported, skilled workforce, which is representative of the population we serve.</p>

Equality Data					
Is any Equality Data available relating to the use or implementation of this policy, project or function? Equality data is internal or external	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Yes</td> <td style="width: 50%; border: none; text-align: right;">X</td> </tr> <tr> <td style="border: none;">No</td> <td style="border: none; text-align: right;"> <input style="width: 50px; height: 30px; border: 1px solid black;" type="checkbox"/> </td> </tr> </table>	Yes	X	No	<input style="width: 50px; height: 30px; border: 1px solid black;" type="checkbox"/>
Yes	X				
No	<input style="width: 50px; height: 30px; border: 1px solid black;" type="checkbox"/>				

<p>information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <p>1: Recruitment data, e.g. applications compared to the population profile, application success rates 2: Complaints by groups who share / represent protected characteristics 4: Grievances or decisions upheld and dismissed by protected characteristic group 5: Insight gained through engagement</p>	<p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p>Please note that due to the small number of staff employed by the ICB, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</p>
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Assessing Impact				
Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups? (Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)				
Protected Characteristic:	Neutral Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> ¹ exists (see footnote below – seek further advice in this case)
It is anticipated that these guidelines will have a positive impact as they support policy writers to complete meaningful EIAs, by providing this template and a range of potential issues to consider across the protected characteristics below. There may of course be other issues relevant to your policy, not listed below, and some of the issues listed below may not be relevant to your policy.				
Gender	X			Whilst it should be noted that proportionately more women are carers, the purpose of other leave is to deal with urgent issues and could impact equally on men or women.
Age	X			Considered – no impact

1. ¹ The action is proportionate to the legitimate aims of the organisation (please seek further advice)

Race / ethnicity / nationality	X			Considered – no impact
Disability		X		A career break may be offered to support an employee suffering a long term health condition classed as a disability or with adjusting to a new disability – positive impact. Also as stated in section 6.3 regarding medical appointments “The manager shall consider reasonable adjustments to accommodate the disability related requirements including variation of working hours, flexible working hours or using a combination of unpaid and annual leave or paid time off to attend appointments”
Religion or Belief	X			Employees may need extended time off due to their religion or belief and as such the policy states: “When an employee seeks leave for a religious festival or cultural observance, employees will be entitled to request the following, subject to the needs of the service: Flexibility in arrangement of hours, Annual leave, Time off in lieu, Unpaid leave”. This flexibility results in a positive impact on employees who follow their religion or belief.
Sexual Orientation	X			Considered – No Impact
Pregnancy and Maternity		X		As stated in section 6.4 “Employees who are pregnant have a statutory right not to be unreasonably refused time off work with pay for antenatal appointments on

				medical advice. Paid time off in such circumstances will automatically be granted". Employees who wish to extend their leave beyond maternity leave could use the employment break policy. Both are considered a positive impact.
Transgender / Gender reassignment		X		An employment break may support an employee undergoing gender reassignment considered a positive impact.
Marriage or civil partnership	X			Considered - No Impact

Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
	Review uptake and use of policy to identify any equality issues or impact	tbc	tbc	

Sign-off

EQiAs to be sent to the Equality and Diversity (E&D) Inbox at hullICB.equalityanddiversity@nhs.net at least 10 days before the document deadline date (Please do this as early as possible).

Following review your EQIA will be returned with any comments included, please action these and return the updated fully formatted document to the E&D Inbox for sign off.

I agree with this assessment / action plan

If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:

Signed:

A handwritten signature in black ink, appearing to be 'M. A. ...', is written over a faint, illegible stamp.

Associate Director of Corporate Affairs

Date: 08.06.20