

Livewell Southwest

Leave Policy

Version No. 1.4

Review: April 2018

Notice to staff using a paper copy of this guidance

The policies and procedures page of LSW intranet holds the most recent version of this guidance. Staff must ensure they are using the most recent guidance.

Author: Human Resources

Asset Number: 888

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	(The LSW Religious Belief and the Two Christian Bank Holidays policy has been incorporated into this policy).
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Document review history

Version no.	Type of change	Date	Originator of change	Description of change
1	New Policy	April 2015	HR Manager	
1.1	Minor Update	March 2016	HR Policy Group	Additional Form in Appendix
1.2	Minor Update	June 2016	Deputy Heads of HR	Additional equality statement
1.3	Minor Update	August 2016	HR Policy Group	Additional details Section 7
1.4	Minor Update	November 2016	HR Policy Group	Additional details Section 7

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Leave Policy

1 Equality Statement

- 1.1 Livewell Southwest is committed to fairness and equity and values diversity in all aspects of its work as a provider of health and social care services and as an employer of people. We constantly strive to build a workforce that is representative of the community it serves.
- 1.2 Livewell Southwest is committed to eliminating all forms of discrimination on the grounds of age, disability, gender reassignment, marriage / civil partnership, pregnancy maternity, race, religion or belief, sex and sexual orientation in the provision of our services and in recruitment and employment. This enables an environment that is characterised by dignity and respect which is free from harassment, bullying and victimisation.

2 Purpose

- 2.1 Livewell Southwest (LSW) is working towards equal opportunities for all employees and as a result of this is able to offer a variety of leave options. LSW recognises the importance of leave to the individual and is committed to accommodating where possible all forms of leave in line with departmental employee levels.

3 Duties and Responsibilities

- 3.1 The aims and objectives of this policy are to:
- i. Provide a culture which enables all employees to balance work and their commitments outside of work.
 - ii. To develop positive employment practices which promote equal opportunity.
 - iii. To be able to offer employment practices and benefits to assist with attracting new employees and the retention of existing employees.
- 3.2 The **Chief Executive** is ultimately responsible for the content of all policies, implementation and review.
- 3.3 Line Managers are responsible for:
- Ensuring that this policy is adhered to within their specified area, and should take consideration of it when undertaking relevant processes.
 - Ensuring that employees are made aware of this policy and understand the potential implications of processes in relation to it.
- 3.4 Employees must:
- Ensure that they participate and engage in any processes and in line with this policy.

- Make their Manager aware if they require any additional support to participate in processes within this policy.

4 Types of Leave

4.1 Types of leave

- i. Annual Leave
- ii. Personalised Annual Leave (refer to separate guidance)
- iii. Dependent Care, Domestic Crisis and Bereavement Leave
- iv. Career Break (refer to separate guidance)
- v. Jury Service & Court Attendance as a Witness
- vi. Time Off for Public Duties (Magistrates/Justices of the Peace)
- vii. Time Off for Hospital, GP and Dental Appointments
- viii. Fertility Treatment
- ix. Time Off for Interviews
- x. Time Off for Cosmetic Surgery
- xi. Maternity, Adoption, Surrogacy & Paternity Leave (refer to separate guidance)
- xii. Parental Leave (refer to separate guidance)
- xiii. Support for Employees Who Provide Foster Care
- xiv. Study Leave
- xv. Time off to attend union meetings (refer to separate guidance)
- xvi. Leave to Attend Reserve Forces Training & Mobilisation (refer to separate guidance)
- xvii. Religious Belief and The Two Christian Public Holidays

5 Annual Leave

5.1 Introduction

All employees of LSW are entitled to benefit from annual leave and it is the expectation that they use their entitlement to ensure that they take appropriate rest from work during the leave year.

5.2 Working Times Regulations

Every worker whether full-time or part-time is entitled to a minimum of 5.4 weeks/27 days pro rata (inclusive of public holidays) annual leave each year. Employees are not able to opt out of this provision; therefore leave must be taken each year with no option to receive a payment in lieu except on the termination of employment.

5.3 Leave Year

The annual leave year for LSW runs from 1st April to 31st March. Employees who commence employment partway through the leave year will be entitled to a pro-rata allocation for the remaining part of the year (see LSW Intranet for Annual Leave – Ready Reckoner).

5.4 Annual Leave Entitlement

- On appointment 27 days plus public holidays
- After 5 years' service 29 days plus public holidays
- After 10 years' service 33 days plus public holidays

5.5 Part-time Employees and Employees on Compressed Hours

Employees who work part-time or compressed hours will have their annual leave entitlement calculated in hours (see LSW Intranet for Annual Leave – Ready Reckoner).

5.6 Leave Entitlement for New Employees

Annual leave entitlement will be accrued from the commencement of employment to the end of the leave year and will be accrued on a pro-rata basis, there may be a requirement to calculate this in hours if a part month is worked (see LSW Intranet for Annual Leave – Ready Reckoner).

5.7 Carry Over of Annual Leave

No annual leave should be carried over from one leave year to the next unless in very exceptional circumstances.

There is no provision available to pay staff in lieu of annual leave that they have not taken, except when an employee leaves the Organisation and has an outstanding balance of annual leave owing to them or in exceptional circumstances due only to the employee being unable to take annual leave due to a substantial business reasons, an agreement must be sought from the Locality Manager or equivalent.

5.8 Leave Entitlement on Termination of Employment

5.8.1 Annual leave entitlement will be accrued from the start of the leave year until the termination date, there may be a requirement to calculate this in hours if a part month is worked.

5.8.2 Employees should be encouraged to take all remaining leave prior to their termination date. If this is not possible, or there is a valid reason, the employee may be entitled to receive a payment in lieu of untaken leave.

5.8.3 If an employee has taken more leave than they have accrued at the termination date, a deduction for excess leave will be deducted from their final salary payment.

5.9 Sickness during Annual Leave

5.9.1 Employees who are sick during annual leave must follow the normal sickness reporting procedure. If a GP's Fit Note is submitted for the period of absence then the employee will have their annual leave

entitlement reinstated and the period will be recorded as sickness.

5.10 Part-time Employees and Public Holiday Entitlement

- 5.10.1 Part-time employees will be entitled to paid public holidays of no less than pro-rata to the number of public holidays for a full-time worker, rounded up to the nearest half day.
- 5.10.2 Part-time employees' public holiday entitlement shall be added to their annual leave entitlement, and they shall take public holidays that they would normally work as annual leave.

6 Personalised Annual Leave (see separate guidance)

- 6.1 Although this policy applies to all LSW employees, personalised annual leave is **NOT** a contractual benefit.
- 6.2 Managers should inform all employees about the opportunity to purchase annual leave by the date specified in the current guidance (separate from this policy and available on the Intranet).
- 6.3 Employees can apply to purchase additional leave in line with the current policy. This should be expressed in hours and the cost of purchase will be the number of hours x the basic hourly rate (including protection if applicable).
- 6.4 Employees wishing to take advantage of the personalised annual leave arrangements must complete the application form and return it to their manager by the date specified in the current guidance.

7 Dependent Care, Domestic Crisis and Bereavement Leave

7.1 Introduction

- 7.1.1 LSW is committed to developing work practices and policies that support work-life balance.
- 7.1.2 This policy applies to **all** employees. Employees are entitled to a total of 5 days pro rata paid leave over a twelve month rolling period for absences which may include dependent care, domestic crisis, or bereavement leave.

As soon as you know you will be unable to attend work due to an emergency you must notify your manager or nominated deputy direct as soon as possible before your normal starting time.

Additional leave may be available at the manager's discretion but this will be unpaid leave, annual leave, or time off in lieu.

- 7.1.3 The dependent care, domestic crisis and bereavement leave arrangements cover a wide range of exceptional circumstances which may affect employees at any time. It is anticipated that the period of

absence taken will be the least amount of time to deal with the circumstances of the emergency and/or arrange appropriate alternative care. This could be taken in hours rather than whole days.

- 7.1.4 LSW recognises that managers need to be able to balance the requirements of their service with the needs of the employee during times of serious family emergencies and therefore all requests should be dealt with in a prompt and thoughtful manner.
- 7.1.5 Any leave taken should be recorded and monitored by the manager in the usual way.

7.2 Dependent Care Leave

- 7.2.1 Dependent care leave is a statutory right for genuine emergency situations regarding a dependent.
- 7.2.2 A dependent is someone who is married to, is a civil partner, or a partner (whether opposite or same sex) a relative or someone who lives at the same address as the employee.
- 7.2.3 A relative for this purpose includes: children, parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents, grandchildren and step relatives or is someone who relies on the employee in a particular emergency.
- 7.2.4 Dependent care leave should not be granted to deal with foreseeable domestic arrangements which should be accommodated with annual leave (e.g. hospital appointments or childcare during school holidays).

7.3 Domestic Crisis Leave

- 7.3.1 Leave for domestic crisis is aimed to support employees where the emergencies are unrelated to children or dependents and is intended to cover genuine emergencies. If the employee knows in advance that they are going to need time off for a domestic issue (e.g. they are having something delivered) they should ask for leave in the usual way.
- 7.3.2 Examples of an emergency could include, but are not exhaustive:
- A fire or flood at the employees house
 - The breakdown or theft of the employees car
 - A burglary at the employees home
 - A road accident involving the employee
- 7.3.3 In the consideration of granting leave managers should take the following factors into consideration:
- The availability of others to deal with the emergency

- The nature and extent of the emergency
- The likely impact of the emergency on the employee

7.4 Bereavement Leave

7.4.1 Bereavement leave may be circumstances where an employee has experienced the death of a partner or immediate family member.

7.5 Refusal of Leave

7.5.1 Employees who feel that they have been unreasonably refused the right to dependent care, domestic crisis or bereavement leave should in the first instance raise the matter with their manager. Employees also have the right to raise the matter via the Grievance Policy.

8 Career Break

8.1 For information on the latest guidance, please refer to the appropriate guidance document that can be located on the Intranet.

9. Jury Service & Court Attendance as a Witness

9.1 Introduction

9.1.1 From time to time employees may be called to serve on a jury or to attend court as a witness.

9.1.2 LSW recognises the need to allow employees the appropriate time off to perform these types of public duties whilst bearing in mind the operational needs of the organisation.

9.2 Jury Service

9.2.1 Jury service is a public duty whereby individuals are chosen at random from the electoral register to act as jurors; some individuals may never get called and others may get called on multiple occasions.

9.2.2 Time off for jury service is a statutory right and the Courts allow very few exemptions. Serving on a jury is one of the most important civil duties and LSW will support and encourage participation by its employees.

9.2.3 There are no general occupational exemptions, which would affect LSW employees; although in exceptional circumstances it may be possible to defer by application, and can only be used once up to a maximum of twelve months from the original date, this is rarely granted twice.

9.2.4 Jury service lasts on average ten working days but can take less or more time depending on the particular case. Where employees are

released early from court they must then report for duty to their manager. This includes early release from the period agreed or those who are not required to attend court for that particular day.

9.3 Court Attendance

- 9.3.1 Where an employee is required to give evidence at court on behalf of LSW or an NHS Trust, paid leave will be granted.
- 9.3.2 If an employee is required to attend court in any other circumstance, leave will only be granted upon production of a subpoena or a letter from a solicitor requiring their attendance. Such leave will normally be paid.

9.4 Procedure for Taking Jury Service & Court Attendance as a Witness

- 9.4.1 Employees will be granted paid leave for these types of duty on the understanding that court fees are reclaimed for the full period of jury service and in court attendance as a witness and that the employee reimburses LSW in accordance with procedures.
- 9.4.2 Employees should inform their manager immediately that they have been called to jury service or as a witness in court and provide a copy of the notification.
- 9.4.3 It is the employee's responsibility to keep their manager informed as to the likely duration of their leave and their required attendance at court.
- 9.4.4 Managers have a duty to ensure their service and the employee's best interests are maintained and that through managing an employee's absence there is no detriment to the employee, the service, or LSW as a whole.
- 9.4.5 If employees are summonsed to attend jury service or court attendance during a pre-arranged period of annual leave, employees may attend and take their annual leave at a later date provided that the appropriate proof has been supplied.

9.5 Financial Implications

- 9.5.1 No travelling expenses or subsistence allowances will be paid by LSW to employees who attend either jury service or as a witness at court. This should be claimed from the Court using the guidance provided by Her Majesty's Court Service (HMCS).
- 9.5.2 When summonsed, an employee will receive a form entitled "*Certificate of Loss of Earnings or Benefit*" from HMCS. This form must be completed by the employee's manager who will liaise with SBS Payroll services to complete the form with the appropriate daily rate of pay.

- 9.5.3 The manager will then copy the form to the HR Department for inclusion in the employee's personal file and retain a copy for the employees management file, they will then return the form to the employee who must use this to claim their loss of earnings from the Court.
- 9.5.4 The employee will receive their normal salary payment from LSW in the form of a loan for the period of paid leave during their jury service. This will be paid in the usual way.
- 9.5.5 On completion of jury service, the employee will receive a payment from HMCS for the total amount of earnings allowed by law. They will also receive a certificate of attendance and a remittance advice. The manager will be responsible for ensuring repayment is made to LSW by the employee and for ensuring that the payroll department have been advised. The deduction will be made at the next month's salary following jury service alternatively the employee can arrange the reimbursement by cheque if preferred.
- 9.5.6 In some exceptional circumstances, employees may recover payments from another source for attendance at court. In such cases, employees should declare this, and paid leave through LSW will be offset by this amount.
- 9.5.7 If payment is not made in full the matter may be regarded as a conduct issue and will be dealt with under the Disciplinary Policy.

10 Time Off for Public Duties (Magistrates/Justices of the Peace)

10.1 Introduction

- 10.1.1 This policy outlines LSW's position in assisting employees to take time off from work by enabling them to contribute to the community by taking part in certain public duties.
- 10.1.2 LSW recognises the need to allow employees the appropriate time off to perform these types of public duties whilst bearing in mind the operational needs of the organisation. The statutory requirements as outlined in The Employment Rights Act (1996) are also encompassed.

10.2 Magistrates or Justices of the Peace (JP)

- 10.2.1 These are volunteers who sit in court in their local area and hear criminal cases and help solve disputes.

10.3 Procedure for taking time off as a Magistrate or Justice of the Peace

- 10.3.1 LSW recognise that Magistrates or JP's are an invaluable part of the justice system and will aim to give as much support as possible to employees who are, or wish to become a Magistrate or JP.

- 10.3.2 Employees will be granted 13 days unpaid leave per year to meet the minimum sitting required by a Magistrate or JP.
- 10.3.3 Where time off is requested which exceeds the minimum sitting requirement, employees should discuss with their manager whether further unpaid leave can be granted.
- 10.3.4 Employees are asked where possible to give their manager four weeks' notice so that absences can be planned for.
- 10.3.5 Any leave taken should be recorded and monitored by the manager in the normal way.

10.4 Other Public Duties

- 10.4.1 LSW acknowledges that employees may hold other certain public positions and require time off to attend to these.
- 10.4.2 Employees will be granted a maximum of five days unpaid leave per year to fulfil such public duties. For example:
- A local government councillor
 - A member of a statutory tribunal
 - A member of a police authority
 - A member of a prison independent monitoring board
 - A member of the environmental agency
 - A governor of a school, further or higher education corporation
 - A member of the General Teaching Councils for England & Wales
 - A member of the managing or governing body of an educational establishment
 - A non-executive member of a NHS Trust/healthcare provider/CIC
- 10.4.3 If employees are considering taking up such roles, they should where possible raise this with their manager in advance so that a discussion may take place about how employees can be best supported in these roles without compromising the services of LSW. In any case prior permission for leave to undertake such duties must be sought and agreed with employee's manager. Any new employees will be expected to declare any existing arrangements that they have.
- 10.4.4 Employees who feel that they have been unreasonably refused the time off to attend public duties should in the first instance raise the matter with their manager. Employees also have the right to raise the matter via the Grievance Policy.

11 Time Off for Hospital, GP and Dental Appointments

11.1 Introduction

- 11.1.1 From time to time employees may be required to attend Hospital, GP or Dental appointments during work time and as such this guidance is to assist managers in ensuring that a consistent approach is maintained across the organisation.
- 11.1.2 It applies to all LSW employees regardless of length of service.

11.2 Procedure for taking time off to attend a hospital, GP or dental appointment.

- 11.2.1 Employees must where possible aim to book appointments outside of their normal working time. If this is not possible they must inform their manager of the appointment that they need to attend. Evidence of the appointment may be required.
- 11.2.2 When employees attend appointments during their work time, the time off must be covered as follows:
- Working flexibly and making up the time owed within a reasonable timescale
 - Taking annual leave
 - Taking unpaid leave
- 11.2.3 There are some exceptions that would apply to this and they are:
- When the reason for the appointment is linked to a disability (as defined under the Equality Act 2010) paid time off to attend the appointment may be seen as a reasonable adjustment.
 - Women during pregnancy have a statutory right not to be reasonably refused paid time off to attend antenatal care, this usually means any appointments arranged on the advice of a registered health professional (refer to separate maternity guidelines).
 - Employees undergoing fertility treatment are eligible for time off for certain appointments (refer to separate fertility treatment guidance).
 - If employees have been the subject of stress at work, bullying or harassment then it may be considered appropriate to grant paid time off to attend counselling sessions.
- 11.2.4 It should be noted that the above exceptions do not however lessen the requirement to minimise disruptions as much as possible.

12 Fertility Treatment

12.1 Introduction

- 12.1.1 LSW recognises the need to support employees who decide to undertake fertility treatment by providing some specific guidance and assistance.
- 12.1.2 The guidance takes in to account the differences in the requirement of treatment between men and women and the often traumatic and stressful nature of IVF.

12.2 Eligibility

- 12.2.1 All employees of LSW who have 12 months continuous service at the time of applying who are undergoing fertility treatment may be granted fertility treatment leave.
- 12.2.2 Employees are asked, where possible to arrange appointments outside of work. However where this is not possible, for an employee who is in a full-time post managers may agree the equivalent of one working week of up to 37.5 hours (for part-time employees this amount would be pro-rated) of special paid leave in any 12 month period in order to undertake fertility treatment and attend appointments specifically associated with the 'end part' of the IVF process (i.e. pre-booked interventions for consultant appointments, collection and delivery of eggs etc.). If an individual should require any additional time off, then alternative types of leave arrangements should be agreed (i.e. annual leave, time owing, unpaid leave).
- 12.2.3 If it is an essential requirement within the course of treatment for the partner to attend a specific appointment, managers may agree the equivalent of one working day (for part-time employees this would be pro-rated) of fertility treatment leave in any 12 month period to undertake fertility treatment. Where partners are not receiving treatment but would like to attend appointments with their partner they would be expected to take annual leave. Managers should allow flexibility where ever possible to enable employees to take leave at short notice.

12.3 Procedure

- 12.3.1 Employees should discuss the amount of leave required to undertake a course of treatment with their manager, and where possible provide documentary evidence from their GP/Specialist (i.e. letter or appointment card).
- 12.3.2 Managers should be reminded that these procedures are not undertaken lightly and can cause a great deal of stress and trauma should the procedure fail and should be sympathetic to time off for

"recovery" should that happen. At all times managers will be expected to treat the matter with sensitivity and with the appropriate level of confidentiality.

- 12.3.3 Where an employee requires investigations under anaesthetic, tubal surgery etc. prior to IVF treatment or they experience side effects following treatment, absence should be recorded under the normal sickness absence procedure.

13 Time off for Interviews

- 13.1 Reasonable time off with pay will be granted for employees to attend interviews for other positions within LSW. Time off for interviews with other employers should be taken as annual leave or unpaid leave.
- 13.2 An employee who is under notice of redundancy has a statutory entitlement to a reasonable amount of paid time off to look for another job, to prepare for and attend interviews or to arrange training.

14 Time off for Cosmetic Surgery

- 14.1 Time off and the period of recovery for voluntary cosmetic surgery will not be treated as sickness absence and employees should utilise either annual leave or unpaid leave.
- 14.2 Should an employee subsequently become sick as a result of voluntary cosmetic surgery, i.e. complication, this will be recorded as sickness on their absence record.
- 14.3 Planned cosmetic surgery should be booked in conjunction with the manager, taking into account other leave within the department.
- 14.4 Where cosmetic surgery is as a result of an NHS funded procedure, it should be recorded as sickness and the level of sickness absence managed appropriately in accordance with the managing absence policy.

15 Maternity, Adoption, Surrogacy and Paternity Leave

- 15.1 LSW support an occupational maternity, adoption and paternity leave and pay scheme, please refer to the appropriate guidance and policy documents which can be located on the intranet for the most up-to-date information.

15.2 Surrogacy

- 15.2.1 There is currently no statutory provision for time off or pay for employees who have a child through a surrogacy arrangement in the same way as such benefits are given in maternity and adoption cases. However, LSW will provide the same benefits for employees who are the intended parents of a child through a surrogacy arrangement as those outlined in the provision for adoption leave and pay, subject to the criteria as set out below.

15.2.2 Entitlement to Leave and Pay

Employees will be entitled to the same leave and pay provisions as for adoption where they are having a child through a surrogacy arrangement if they:

- Have entered into a surrogacy agreement where a child will be placed with them as an intended parent upon birth;
- Are to be the primary carer of the child;
- Intend to apply for a Parental Order after the birth of the child;
- Have been continuously employed by LSW for at least 26 weeks at the notification week (the 15th week before the expected week of childbirth);
- Notify LSW of the pregnancy in line with the requirements for maternity or adoption leave and pay;

15.2.3 Whilst there is no statutory provision for pay in these circumstances, employees will be paid at the same rates outlined for adoption during their absence from work, so long as they meet the same qualifying criteria as for adoption pay and benefits.

15.3 Notification

15.3.1 There may be some circumstances in cases involving surrogacy where MATB1 forms are not made available to Intended Parents. In these cases, employees should seek other forms of documentary evidence of the pregnancy and expected date of birth where possible.

15.3.2 In the absence of any formal documents, the employee must discuss the matter with an HR Manager.

15.4 Other provisions

15.4.1 All provisions for protection of employment, notification, returning to work and continuity of employment, as outlined for maternity & adoption leave.

15.5 Entitlement to Maternity Leave

15.5.1 For employees who are as part of a surrogacy arrangement are the birth mother, irrespective of their plans to give their baby away after it is born have the right to both maternity leave and pay.

15.5.2 In such cases the normal qualifying criteria must be met, for details regarding both the qualifying criteria, entitlements and the process for taking maternity leave reference should be made to the maternity guidelines which are available on the intranet.

16 Parental Leave

- 16.1 For information on the latest parental leave information and procedures for taking leave please refer to the appropriate guidance document that can be located on the intranet for the most up-to-date information.

17 Support to Employees Who Foster Care

17.1 Who does this Policy apply to?

It applies to employees who are either applying to become a foster carer or are already an approved foster carer.

17.2 Leave for prospective foster carers

An employee who is applying to become an approved foster carer may be granted up to a maximum of two days leave with pay (pro rata) to attend any meetings, home visits, mandatory training etc. as part of the preparation and assessment process. The request for time off must be submitted in writing giving at least four weeks (where possible) and evidence of the appointment must be provided.

Where a couple are applying to become foster carers, and both are employees of LSW, the leave entitlement will apply to each partner.

17.3 Leave for approved foster carers

Employees who are approved foster carers may be granted up to a maximum of two days paid leave (pro rata) in any leave year to enable them to attend the required training courses, review meetings etc. in connection with the child(ren)'s placement. The request for time off must be submitted in writing giving at least four weeks (where possible) and evidence of the appointment must be provided.

Where a couple are approved foster carers, and both are employees of LSW, the leave entitlement will apply to each partner.

The entitlement to leave is the same irrespective of whether more than one child is being fostered. Leave in excess of this entitlement will be at the discretion of the employee's manager having regard to the circumstances of the particular case and the requirement to deliver an efficient and effective service. Such leave will be taken as either annual leave or unpaid leave.

17.4 Leave for approved foster carers - emergency situations

Where an approved foster carer is required to deal with an emergency situation in connection with the foster child(ren), he/she may make a request for domestic crisis leave.

17.5 Leave for approved foster carers - planned carer commitments

Employees are expected to use annual leave or flexi-leave to cover known carer commitments.

18 Study Leave

- 18.1 For information on the latest guidance please refer to the appropriate guidance document that can be located on the intranet.

19 Time Off to Attend Union Meetings

For information on the latest guidance please refer to the appropriate guidance document that can be located on the intranet.

20 Religious Belief and the Two Christian Public Holidays

20.1 Introduction

- 20.1.1 There are many different religions and beliefs practiced throughout the UK, although it is not easy to define, legislation describes it as any religion, religious or philosophical belief.
- 20.1.2 The organisation is already sensitive to the religious and belief needs of all employees and take these into consideration when arranging rotas and annual leave requests, therefore the purpose of this guidance is to ensure that employees are dealt with fairly and reasonably in line with the Equality Act 2010.
- 20.1.3 It should be noted that there is NO financial advantage or detriment to the individual as a result of this guidance or its application.

20.2 Scope

- 20.2.1 The scope of this guidance is around Christmas Day and Good Friday Public Holidays, which are linked to significant events in the Christian Calendar. Every effort will be made to accommodate the needs of employees of other faiths who would prefer to work on the days of these Christian festivals. By negotiation, he/she can then be free from work, for up to two days on the days that are significant in the practice of his/her faith.

20.3 Guidance for Employees

- 20.3.1 Employees are required to put their requests in writing at the beginning of each leave year. If this is not possible employees should at other times give their manager a minimum of two months' notice.
- 20.3.2 Employees making a request to work should be aware that their normal duties may need to be adjusted to accommodate the circumstances. This could mean working at a different base for the day and/or undertaking slightly different duties.
- 20.3.3 Where a member of employees would not normally work a Christian Public Holiday but ask to do so within the scope of this guidance, plain

time rates will apply. The hours are then accrued and reallocated at a date(s) agreed as paid time off (at plain rate).

20.4 Guidance for Managers

20.4.1 Managers should consider the following upon receiving a request to work a Christian Public Holiday.

- The time that the individual has requested to work and the needs of your service.
- Whether the role that the individual fulfils can be undertaken on the Christian festival day and within your service area. If not, can the employees work elsewhere within your Locality/Department on the day(s) in question? (e.g. it would be unreasonable for a Podiatrist to run a clinic on Christmas Day however it may be possible for other work to be undertaken within the service subject to the manager's discretion).
- Whether their health, safety and security can be maintained during the shift?
- What other reasonable changes might be made to accommodate the employee's member.
- The number of other such requests made to the manager.
- The extent to which a request might unreasonably place extra burdens on other workers, which may cause conflict.

20.4.2 If after due consideration of a request it is deemed unworkable, the manager should notify the employees member in writing.

20.4.3 Where a request to work a Public Holiday has been refused, the manager should nevertheless give priority to that individual taking annual leave on day(s) that are significant to them in the practice of their religion.

20.5 Further Advice

20.5.1 Managers requiring guidance on Religious Public Holidays and Religious Beliefs and Faiths can speak to LSW's Chaplain.

20.5.2 Managers experiencing problems with a request or this guidance may seek advice from the Human Resources Department.

21 Reserve Forces Training & Mobilisation Policy

21.1 For information on the latest guidance please refer to the appropriate guidance document that can be located on the intranet.

22 Training implications

22.1 Training and coaching will be provided to Managers, as required, on their duties in relation to this policy.

23. Monitoring Compliance

Failure to comply with the contents of this policy may result in disciplinary action. Please refer to the Disciplinary Policy for further details. The effectiveness of this policy will be monitored through the HR Policy Group.

All policies are required to be electronically signed by the Lead Director. Proof of the electronic signature is stored in the policies database.

The Lead Director approves this document and any attached appendices. For operational policies this will be the Locality Manager.

The Executive signature is subject to the understanding that the policy owner has followed the organisation process for policy Ratification.

Signed: Director of Clinical Practice and Development

Date: 18th November 2016

SPECIAL LEAVE APPLICATION FORM

SECTION A: To be completed by employee			
Name: (In CAPITALS)			
ESR number:			
Job Title:			
Department/Location:			
Type of Special leave requested (please tick)			
Dependent Care		Jury Service	
Domestic Crisis		Witness at Court	
Bereavement leave		Magisterial/Local Government/ Parliamentary Candidate	
Dates for leave	From	To	Returning to work on
Reason for Request			
Declaration: I declare that the information I have given is correct and complete. I understand that if I knowingly provide false information this may result in disciplinary action. I understand that I am not able to undertake any other work whilst absent unless I have permission from my line manager			
Employee's Signature:		Date:	
SECTION B: To be completed by the Manager			
Please ensure that:			
<ul style="list-style-type: none"> This form is dealt with in a confidential and sensitive manner. Leave granted does not exceed the maximum in policy. Special leave is only granted to employees who met the eligibility criteria. The employee's Rosterpro record/attendance sheet is completed with the appropriate payroll code. Complete a change form (and absence form if required for the circumstances). 			
Special Leave Granted:	YES <input type="checkbox"/>	NO <input type="checkbox"/>	
No. of Hours Per Day:		Number of Days:	
<i>If the request is refused detail the reason for the refusal:</i>			
Manager's Signature:			
Manager's Name (CAPITALS):			Date: