

Livewell Southwest

## **Leave Policy**

Version No. 2.9

Review: February 2025

Expires: July 2025

### **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: People and Professionalism**

**Asset Number: 888**

## Reader Information

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1.6	Minor Update	October 2017	HR Policy Group	Amended Section 7
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2	Full Review	May 2018	HR Policy Group	Full Review and minor amendments
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2.2	Minor Update	July 2019	HR Administrator	Addition of appendix 2 – medical & dental staff leave
2.3	Minor Update	July 2019	HR Policy Group	Amended Section 7 (definition of dependent)
2.4	Minor Update	August 2019	HR Administrator	Minor Amendment
2.5	Minor Update	March 2020	HR Advisor	Parental Bereavement (Leave and Pay) Act 2018 updates
2.6	Minor Update	October 2020	HR	Amendment to time off for hospital, GP & dental appointments
2.7	Extension	April 2021	HR	Extended
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2.9	Full Review	May 2022	HR	Full Review

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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. Parental Bereavement Leave
- v. Career Break (refer to separate guidance)
- vi. Jury Service & Court Attendance as a Witness
- vii. Time Off for Public Duties (Magistrates/Justices of the Peace)
- viii. Time Off for Hospital, GP and Dental Appointments
- ix. Fertility Treatment
- x. Time Off for Interviews
- xi. Time Off for Cosmetic Surgery
- xii. Maternity, Adoption, Surrogacy & Paternity Leave (refer to separate guidance)
- xiii. Parental Leave (refer to separate guidance)
- xiv. Support for Employees Who Provide Foster Care
- xv. Study Leave
- xvi. Time off to attend union meetings (refer to separate guidance)
- xvii. Leave to Attend Reserve Forces Training & Mobilisation (refer to separate guidance)
- xviii. 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 5.6 weeks/28 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 5.5 and LSW Intranet for Annual Leave – Ready Reckoner).

Staff are responsible for managing their leave entitlement and for arranging to take it throughout the leave year. Staff must apply for annual leave no less than 6 weeks in advance for approval. Occasional annual leave days may be approved / allocated with less notice providing service delivery can be maintained.

A maximum of 14 consecutive calendar days of annual leave can be requested. Any more than this will need approval from the Deputy Head of Service (or equivalent line manager).

#### **5.4 Annual Leave Entitlement**

The provision is as per the Agenda for Change terms and conditions as below:

- On appointment 27 days (202.5 hours) plus public holidays
- After 5 years' service 29 days (217.5 hours) plus public holidays
- After 10 years' service 33 days (247.5 hours) plus public holidays

Annual leave will be recorded in hours on eRoster for all employees regardless of whether employees work full time or part time.

Annual Leave requests should be made in hours for the equivalent shift period the employee would be working. This is to ensure consistency where employees work a variety of shift patterns and durations.

Annual Leave Ready Reckoners are available from the intranet pages.

#### **5.5 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).

This is calculated on full complete calendar weeks worked after the date of joining. A full complete calendar week commences from the Monday to the Sunday inclusive. Employees who commence part way through a week will have their annual leave calculated from the following Monday.

The public holiday entitlement will be based on the number of public holidays remaining in the current leave year from the date of joining.

#### **5.6 Carry Over of Annual Leave**

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

In the event of long term sickness towards the end of the financial year or carrying over into the new financial year the employee would be entitled to carry over their annual leave balance.



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 Head of Service or equivalent.

## **5.7 Leave Entitlement on Termination of Employment**

- 5.7.1 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.
- 5.7.2 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.
- 5.7.3 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.

## **5.8 Sickness during Annual Leave and Public Holidays**

Employees who are sick during previously agreed annual leave must follow the normal sickness reporting procedure in order for the period to be treated as sick leave. If a GP's Fit Note is submitted for the period of absence then the employee will have their annual leave entitlement reinstated to take at another time and the period will be recorded as sickness. In circumstances where an employee is unable to provide a Fit Note, any request for reimbursement of annual leave will be considered on individual circumstances.

In accordance with the Agenda for Change terms and conditions, employees will not be entitled to an additional day off if sick on a public holiday they are due to work or is part of their normal working week. Under these circumstances employees will not be entitled to equivalent time in lieu. Hours (pro rata based on contracted hours) must be deducted from overall entitlement of public holidays.

## **5.9 Part-time Employees and Public Holiday Entitlement**

- 5.9.1 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, based on their weekly contracted hours worked. In this way, all employees have a fair and equitable static entitlement rather than eligibility based solely on the normal days of work which would result in some part time employees never receiving the benefit of bank holidays unless they fall on their normal days of work.
- 5.9.2 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.

## 5.10 Public holidays

On each occasion an employee takes paid time off on a public holiday as part of their basic week, the appropriate deduction of their normal basic working hours for that day will be made from their total leave entitlement.

## 6 Personalised Annual Leave

- 6.1 Personalised annual leave will be considered by the Executive Team for the organisation as a whole on an annual basis in light of the business needs and therefore may not be available every year. Although this policy applies to all LSW employees, personalised annual leave is **NOT** a contractual benefit.
- 6.2 If personalised annual leave is approved by the Executive Team this will be communicated via the intranet with specific guidance on arrangements in place. Line 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 when applicable).
- 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 guidance.

## 7 Dependent Care, Domestic Crisis, Bereavement Leave and Parental 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 based on 37.5 hours per week (pro rata for part time workers) 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 on eRoster 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 depends on the employee for care. For example, 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).

7.2.3 Any leave taken should be recorded on eRoster and monitored by the manager in the usual way.

## **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

7.3.4 Any leave taken should be recorded on eRoster and monitored by the manager in the usual way.

## **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.

7.4.2 A relative for the purposes of bereavement leave is children, parents, parents in law, adult children, adopted adult children, siblings including those who are in laws, grandparents, grandchildren and step relatives.

7.4.3 Any leave taken should be recorded on eRoster and monitored by the manager in the usual way.

## **7.5 Parental Bereavement Leave**

7.5.1 The Parental Bereavement (Leave and Pay) Act 2018 provides for at least two weeks' leave for employees following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy or an abortion after 24 weeks.

7.5.2 From 1 April 2019, new provisions were added to the NHS terms and conditions of service for all staff who suffer a child bereavement. Please see [Section 23 Child bereavement leave \(England, Wales and Scotland\)](#) which provides clarity on the enhanced statutory entitlements so should be read from the outset, but the main points are summarised below.

7.5.3 A bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that might be deemed to be reasonable (e.g. where someone other than the biological parent is the primary carer).

7.5.4 Entitlement to child bereavement leave and pay at Livewell will apply regardless of the age of child or length of service of the employee.

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

7.5.6 Parents will be able to take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across

the first year after their child's death. This means they can match their leave to the times they need it most

7.5.7 Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of the child.

7.5.8 Taking child bereavement leave is an individual choice, it is not compulsory for the employee

## **7.6 Refusal of Leave**

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 policy 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.

- 9.2.5 Any leave taken should be recorded on eRoster and monitored by the manager in the usual way.

### **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.
- 9.3.3 Any leave taken should be recorded on eRoster and monitored by the manager in the usual way.

### **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 on eRoster 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 An employee's health and wellbeing is very important to Livewell Southwest and we recognise that attending medical appointments outside of normal working hours can sometimes be a challenge.
- 11.1.3 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 Where possible appointments should be arranged on a non-working day or outside working hours. However, where this is not possible, employees will be able to take reasonable paid time off to attend occasional medical appointments including reasonable travelling time. Evidence of the appointment may be required.
- 11.2.2 When booking appointments during working hours, we ask that these be made, where possible, as close to the beginning or end of the working day to avoid disruption to services. It is important that employees have a conversation with their manager about their appointment giving as much notice as possible. If an employee requires time off for a number of appointments, this will be managed on a case by case basis.
- 11.2.3 Please note that:
  - 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.

## **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**

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.

## **16 Parental Leave/Shared Parental Leave**

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 Head of Service.**

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

Signed: Director of People and Professionalism

Date: 15<sup>th</sup> September 2022

## Appendix 1

# Medical & Dental Staff Leave

## 1. Introduction

- 1.1 The arrangements set out in this document are (with a few exceptions) intended to cover annual leave. The exceptions include maternity leave, paternity leave, adoption leave, unpaid leave, compassionate leave and leave to deal with family emergencies – details of these arrangements can be found in the main policy. There is a separate Senior Medical & Dental Study Leave Policy.
- 1.2 This Appendix applies to all Consultant Medical and Dental staff and SAS Doctors, henceforth referred to as Senior Medical and Dental staff (SMDS). There is a separate Junior Doctors Annual & Study Leave Policy.

## 2. Purpose

- 2.1 The purpose of this document is to ensure a consistent approach is used when requesting and authorising leave. More specifically, to clarify the responsibilities of SMDS when applying for leave and the responsibilities Clinical Directors/Leads when managing leave applications.

## 3. Definitions – Leave Allowance and Types of Leave

### 3.1 Consultant and Associate Specialists Leave Allowance

Consultant's and Associate Specialists leave allowance is based upon six weeks annual leave, two days NHS statutory leave, eight days Public Holidays and an average of 11 days study leave.

	Consultant's & Associate Specialists	
	Less than seven years' service	Greater than seven years' service
<b>Annual Leave</b>	30	32
<b>NHS Statutory Days</b>	2	2
<b>Public Holidays</b>	8	8
<b>Total (days)</b>	40	42
<b>Total (weeks)</b>	8	8.4



### 3.2 Specialty Doctors Leave Allowance

- 3.2.1 Specialty Doctors are entitled to five weeks annual leave, i.e. 25 days plus two days NHS statutory leave. Specialty Doctors who have completed two years' service or who had an entitlement to six weeks leave in their immediately previous appointments will be entitled to six weeks annual leave plus two additional days leave, i.e. 30 days plus two NHS statutory leave. Specialty Doctors who have completed seven years' service at SAS level will be entitled to two additional days leave.

	Specialty Doctors		
	Less than two years' service	Greater than two years' service	Greater than seven years' service
<b>Annual Leave</b>	25	30	32
<b>NHS Statutory Days</b>	2	2	2
<b>Public Holidays</b>	8	8	8
<b>Total (days)</b>	35	40	42
<b>Total (weeks)</b>	7	8	8.4

### 3.3 Annual Leave

All SMDS are entitled to six weeks annual leave plus two days (in lieu of two extra 'bank' holidays afforded to NHS staff.

Annual leave is to be used, whenever a member of the SMDS intends to be uncontactable and unavailable for work, except for other previously agreed reasons. The annual leave entitlement does not relate solely to those days of the week when only fixed sessions are worked. It includes non-fixed (flexible) and SPA (Supporting Professional Activities) sessions as specified in the job plan, e.g. if a clinician's working week is 10PAs or more delivered over four days they will be required to take five days off their total leave allowance. Any uncertainty over this then the LNC Chair should be contacted for clarification.

### 3.4 Study Leave

Please refer to the separate Senior Medical and Dental Staff Study Leave Policy.

### 3.5 Special/Professional Leave

Please refer to the separate Senior Medical and Dental Staff Study Leave Policy.

## **4. Duties**

### **4.1 Process for Requesting Leave**

4.1.1 See the Medical Staff Annual Leave Request Flowchart at Appendix A.

4.1.2 All types of leave should be discussed in the first instance with the Clinical Director/Lead, as appropriate, within your service area.

### **4.2 Notice**

4.2.1 Leave requests should be submitted at least six weeks in advance, where programmed activities, such as out-patient, need to be re-organised. Leave with a shorter notice period will not be unreasonably refused where either:

- There is no direct impact on patients or
- A colleague has agreed to cover all affected services (at no additional cost to the Organisation)

Subject to suitable arrangements having been made, SMDS may take up to two days of their annual leave without seeking formal permission provided that they give notification beforehand.

### **4.3 Number on Leave and Proportionality**

4.3.1 Responsibility for the level of staffing in any specialty rests with the Clinical Director/Lead. Accordingly, the Clinical Director/Lead should specify the minimum number who can be on leave, of any type, at the same time.

4.3.2 Leave should be taken proportionally across Direct Clinical Care (DCC), Supporting Professional Activities (SPA) and commitments outside the Organisation.

### **4.4 Cover Arrangements**

4.4.1 SMDS are responsible for ensuring that service lines are informed of the requirement to cover emergency duties in their absence and should work flexibly to ensure that in normal circumstances any emergency/on-call work is covered.

4.4.2 If in exceptional circumstances locum cover is required, this would need to be approved in advance by the appropriate Clinical Director.

### **4.5 Approval or Refusal of Leave Requests**

4.5.1 In normal circumstances leave requests will be approved by the Clinical Lead, Clinical Director or Medical Director (dependent upon grade). The Clinical Director should review any request that is not compliant with the Organisation's leave arrangements.

- 4.5.2 Medical Staffing are responsible for ensuring that leave requests are dealt with expeditiously. Medical Staffing should, where possible, deal with requests for annual leave and study leave within five working days of receipt.
- 4.5.3 If a request is declined, the doctor should be notified by the Approver and an explanation provided.
- 4.5.4 Leave may only be cancelled with the approval of the Clinical Director. If a senior medic wishes to cancel an episode of leave they must inform the Clinical Lead and/or Clinical Director. Approval of a cancellation request will depend upon the amount of notice given and the ability of the Clinical Team Leader to reinstate direct clinical care activities.

#### **4.6 Notification**

- 4.6.1 The leave application process does not automatically notify other departments of approved leave so the doctor should ensure that they have a clearly defined arrangement in place to do so with their respective Team(s).

### **5. Guiding Principles for Managing Annual Leave for Medical and Dental Staff**

- 5.1 The Organisation needs to ensure delivery of a consistent service to patients 365 days of the year. As such, the allocation of annual leave needs to be managed in a way that ensures adequate cover and ensures that all staff receive their annual leave on a fair and equitable basis, taking into consideration other planned absences from the department.
- 5.2 SMDS are subject to the specific provisions contained within their Terms and Conditions of Service.
- 5.3 **Employees are responsible for:**
- Managing their yearly annual leave allocation
  - Booking the majority of their annual leave at the beginning of each leave year wherever possible
  - Following the local departmental procedure when booking annual leave, giving at least six weeks' notice
  - Cooperating with other team members when requesting leave for critical holiday periods
  - Where appropriate, requesting annual leave on return to work following long term sick leave (four weeks plus) or to extend a rehabilitation programme, to enable a return to normal hours gradually
  - Checking with colleagues on rota to avoid overlap/facilitate internal cover/ cross cover arrangements
  - To avoid clashes around major holidays, exam times etc. All staff not sitting exams or rotating on the training scheme are asked to try and avoid booking leave at peak study times and to avoid the weeks of the change of rota (first week of August and first week of February) as too much disruption of the medical staff is detrimental to patient care

#### **5.4 Clinical Directors/Leads are responsible for:**

- Managing departmental annual leave in a fair, consistent and equitable manner
- Ensuring all medical staff are aware of the local procedure for booking annual leave
- Encouraging medical staff to take annual leave in the relevant leave year
- Ensuring all medical staff are given opportunities to take leave
- Considering and authorising requests to take annual leave taking into account the needs of the service
- Where possible, allowing staff returning from long term sick leave to use annual leave to extend a rehab programme, enabling them to return to their normal hours of work gradually
- Ensuring that at least the minimum statutory annual leave entitlement has been taken by the staff they manage

**5.5** Where possible, staff should be able to take their annual leave when they wish to do so. This may not always be reasonably practical, in order to facilitate individual choice, as far as possible. It is important that the procedure for booking annual leave is followed, with as much notice as possible being given.

**5.6** Leave should be requested by medical staff, and authorised by the appropriate manager prior to making a holiday booking. Disciplinary action can be taken if unauthorised leave is taken.

**5.7** The Organisation is committed to providing the highest standard of patient care for our patients, which can only be achieved by maintaining adequate staffing levels. In order to facilitate this, each ward or department must have a departmental; annual leave plan, stating both the minimum and maximum numbers of staff who will be able to be on leave at any given time. This plan should incorporate study leave, annual leave and any other planned absences.

**5.8** The departments should endeavour to honour all leave booked and agreed. In exceptional cases, such as major incidents or a 'flu' pandemic, this may not always be possible. In such cases a compensatory payment may be negotiated should a holiday have been booked and paid for.

#### **6. Junior Doctors in Training**

**6.1** Please refer to the Junior Doctors (including Trainees, Military Trainees and Locum Appointments for Service) Annual and Study Leave Policy on the Intranet.

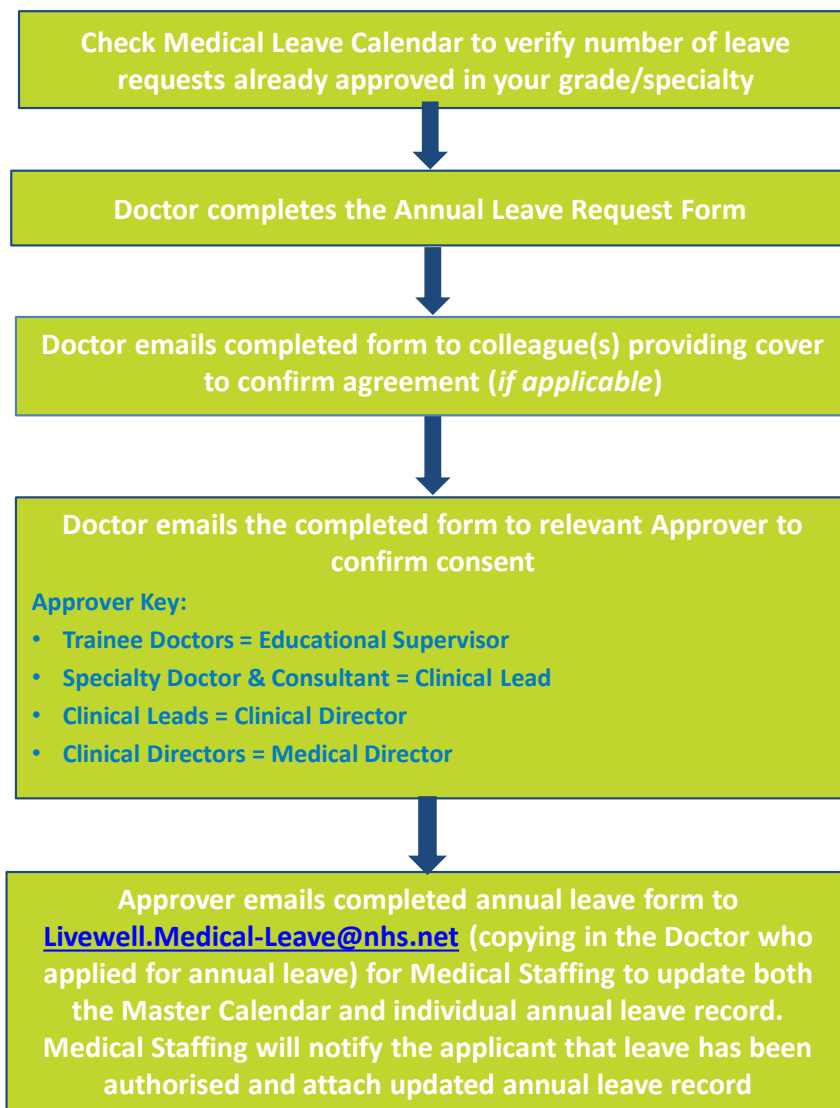
#### **7. Consultation**

**7.1** Appendix 2 of the Leave Policy will be consulted on via the LNC (Local Negotiating Committee).

#### **8. Review**

**8.1** The LNC will undertake a review of this Appendix in April 2021.

### MEDICAL STAFF ANNUAL LEAVE REQUEST FLOWCHART



**PLEASE NOTE THAT YOU MUST PROVIDE A MINIMUM OF SIX WEEKS NOTICE FOR ALL LEAVE REQUESTS**

