



**Sheffield Health  
and Social Care**  
NHS Foundation Trust

# Policy:

## HR 028 Leave

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### Summary of Policy

This document provides detailed guidance on the SHSC's provisions for all forms of leave not covered by existing policies relating to Study Leave, Parenting Leave and the Employment Break Scheme (Formerly Career Break Scheme Policy).

The changes made to this version of the policy are summarised on page 4 (amendment log).

<b>Target Audience</b>	All SHSC employees
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<b>Keywords</b>	Annual leave, Additional Annual Leave, Civic and Public duties, Jury Service, Territorial Army / Reserve Forces, Carer Leave. Compassionate Leave, bereavement.
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### Storage

This is Version 5 and is stored and available through the SHSC Intranet/Internet.

This version supersedes the previous Version 4 [May 2024].

Any copies of the previous policy held separately should be destroyed and replaced with this version.

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## Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
0.1 1.0	New draft policy created	March 2013	New policy commissioned by EDG on approval of a Case for Need.
	Ratification and issue	March 2013	<ul style="list-style-type: none"> <li>Amendments made during consultation, prior to ratification.</li> </ul>
1.1 2.0	Current policy updated into new format	Sept 2016	Review undertaken to transfer the policy to approved policy format, and to update any policy or process references only. Finalised and issued.
	Ratified /finalised / issued	Nov 2016	
3.0	Policy updated	2018 to July 2019	Review undertaken to update arrangements around annual leave for Bank Staff, to improve arrangements for leave for Reserve Forces employees, to update arrangements around Compassionate Leave in line with new UK legislation making provisions around bereavement, and to amend some references in the Policy's contents. Further clarity provided in relation to carry-over of annual leave.
4.0	Policy updated	May 2020	<p>Further updates around final version of new UK legislation to support bereaved parents, updates to names and terminology (e.g. pay services) and to policy format. Also updated processes to include electronic versions of forms and documents.</p> <p>Key Changes are:</p> <ul style="list-style-type: none"> <li>removal of stipulation that time off is consecutive weeks for bereavement.</li> <li>updates to names and terminology (e.g. Pay and Employee Services)</li> <li>new policy format • updated process for notification of intention to retire</li> <li>update to notification process for paid and unpaid Carer and Compassionate leave</li> </ul>

5.0	Policy updated	Nov 2024	<p>To ensure the Policy is in line with changes to legislation around leave. Also updated processes to include electronic versions of forms and documents.</p> <p>Key Changes are:</p> <ul style="list-style-type: none"> <li>• Bereavement Leave increase</li> <li>• Updates to names and terminology (e.g. Pay and Employee Services)</li> <li>• Update to notification process for paid and unpaid Carer and Compassionate leave</li> <li>• Revised Carer Leave</li> <li>• Update Bank Staff leave</li> <li>• Term Time</li> <li>• Religious/Cultural Observation</li> <li>• Update to Parent Leave reference to Parenting Leave</li> <li>• Pregnancy or baby loss</li> <li>• Changes to calculation of annual leave to the start and end date of contract of an employee's Employment effective from 1<sup>st</sup> April 2024.</li> <li>• NHS Annual Leave Entitlement Calculator from Nursing Notes</li> <li>• Appendix B – updated/amended.</li> <li>• Additional - Appendix D – E-Rostering Codes.</li> <li>• Additional Carer Leave – Working Part-year/variable - Appendix E</li> <li>• Additional – Notice required to take Carer Leave - Appendix F</li> <li>• Flowchart</li> </ul>
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**Flowchart – Leave Policy**

**Leave Request from  
Employee to Line  
Manager  
(Verbally or Written)**

**Management  
Decision**

**Manager to Notify  
Employee  
requesting the leave**

**Manager to complete  
necessary  
Paperwork as a  
record  
And ensure Pay is  
adjusted by using  
Manager Self Service  
Portal (MSS) and or  
E-Rostering  
accordingly**

## 1. Introduction

The SHSC is committed to developing and maintaining working arrangements which enable employees to achieve a suitable work-life balance. The SHSC recognises the importance of annual leave in improving an employee's quality of working life in balancing their personal life. In addition, annual leave provides employees with a chance to relax and recuperate. The SHSC also, recognises that a break from work, in the form of paid annual holiday is important in helping employees achieve this balance. Also, there may be special circumstances in which employees may need to take time off from work, including for unexpected events and for the community and other duties for which the SHSC has a legal duty to provide paid or unpaid leave. Additionally, it is important therefore, that there is good management of annual leave by the employee and their manager which is essential to the health & safety of the employees and the SHSC.

While Agenda for Change provides specific information on terms and conditions relating to leave, this document provides detailed guidance on the SHSC's provisions for all forms of leave not covered by existing policies relating to Study Leave, Parenting Leave, and the Employment Break Scheme.

The Policy is in accordance with the Working Time Regulations, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations, Fixed-term Staff (Prevention of Less Favourable Treatment) Regulations and Agenda for Change NHS Terms and Conditions.

(For time off for trade union duties, see the Recognition Agreement located on the SHSC intranet in the Human Resources widget).

## 2. Scope

*This policy applies to all SHSC employees and workers, unless there are specific other relevant provisions such as those relating to Medical Staff."*

## 3. Purpose

The purpose of this policy is to provide Managers and employees with guidance on the application and management of all annual leave and bank holiday entitlements and to ensure that all employees take adequate rest away from work while maintaining the needs of the service.

This policy outlines the arrangements in place for annual leave as well as defining and distinguishing between the other different types of leave which may be authorised under alternative leave provisions.

The key purpose of a Leave Policy is to ensure all employees have the opportunity to take the relevant time off work to which they are entitled consistent with SHSC policies, and to outline situations in which managers may agree leave at their discretion. The provisions contained within this Policy are intended to assist managers and staff to plan leave to ensure sufficient staffing levels are available to meet service needs.

## 4. Definitions

### 4.1. Public Holiday:

For pay and leave purposes, a public holiday is defined as one of the days below, and includes any 'bank' holidays:

- New Year's Day – January 1st (or substitute day if this falls on a weekend)
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday Monday
- August Bank Holiday Monday
- Christmas Day - December 25th (or substitute day if this falls on a weekend)
- Boxing Day - December 26th (or substitute day if this falls on a weekend).

Public holidays are further defined as within the period of 24 hours from midnight to midnight.

### 4.2 Annual Leave Year:

The annual leave year is from 1st April to 31st March each year.

### 4.3 Dependant:

For the purposes of this Policy, a dependant is defined as:

- Husband/Wife/Civil partner/Partner
- Brother/Sister
- Child/Grandchild/ Ward
- Parent/Grandparent
- Parent of Husband/Wife/Civil partner/Partner
- Guardian

### 4.4 Parent:

A biological parent and/or a person who is/was directly responsible for the care and raising of a person whilst they are/were a child.

## 5. Detail of the policy

This is as outlined below.

## 6. Duties

### 6.1. Managers:



The role of the line manager is important in ensuring that all forms of leave are taken by their staff in a way that maintains appropriate service cover.

**6.2. Line Managers will (for employees they manage):**

- ensure awareness of this Policy and procedure
- keep up to date records of all forms of leave taken
- be fair and consistent with allocation of leave during periods of excessive demand.

**6.3. Employees:**

Employees have a duty to inform their line manager at the earliest opportunity of any requests they may have for time off work.

Employees have a duty to ensure that they inform their manager of any ongoing commitments they may have in terms of community responsibilities (e.g. civic or public duties) so that agreement may be reached about whether there is a need for reasonable time off work to be granted.

There are also specific duties and responsibilities in terms of annual leave which are covered in Section 7.

**6.4. Human Resources:**

Human Resources will provide advice and guidance on this policy and its implementation.

## **7. Procedure**

### **7.1 Annual leave**

#### **7.1.1 General Responsibilities:**

##### **The SHSC**

The SHSC will endeavour to ensure a uniform and equitable approach to the calculation and allocation of annual leave and general public holiday entitlements which takes into account NHS Terms and Conditions of Service (Section 13 of the NHS Agenda for Change Terms and Conditions of Service Handbook).

The SHSC is committed to ensuring that employees who work on a part-time, part-year or job share basis are not treated less favourably than comparable full-time employees, in accordance with the Part-Time Workers Regulations 2000.

The SHSC provides an Annual Leave Calculator, available on the Human Resources section of the intranet.

##### **Line Managers:**

The role of the line manager is important in ensuring that annual leave is taken by their staff in a way that maintains appropriate service cover.

##### **Line Managers will (for employees they manage):**

- Ensure that all arrangements with regard to annual leave are made clear to all their staff, and include them in the local induction for any new staff member
- Ensure an equitable allocation of annual leave throughout the year, i.e. employees will be encouraged not to excessively over or undertake their annual leave allocation in proportion to the amount of completed months of service within the annual leave year.
- Keep up to date records of annual leave taken.
- Be fair and consistent with allocation of annual leave during periods of excessive demand.

Managers provide guidance for the maximum number of employees who may be absent from work on annual leave at any one time.

Managers approving annual leave requests should confirm whether approval has been given at the earliest opportunity. Generally, this should be no later than a week after receipt of the request where an employee has observed the conditions set out in Section 7.1.3 below.

##### **Employees:**

Employees have responsibility for ensuring that, where possible, they take their annual leave entitlement.

## **Employees will:**

- Ensure that they book annual leave with their Line Manager according to any local arrangements regarding notice of annual leave and before making a holiday booking, for example where staff rotas need to be planned in advance. Where no local arrangements exist, annual leave should be booked well in advance of the due period, and as a general rule, normally provide a minimum period of notice to the employee's designated manager of 14 calendar days, and for periods of leave of 2 weeks or longer, a minimum of 4 calendar weeks' notice will generally be required. However, any local (team/site) arrangements providing for notification shall override this requirement.
- Where they are working on a rota according to the Rostering Policy, ensure that leave is booked and taken in accordance with the provisions of that policy.

### **7.1.2 Notification of Annual Leave**

Applications to take paid annual leave must be approved by the manager, or person designated to approve such applications, prior to the leave being taken and - subject to the requirements of the service - such requests should not unreasonably be refused.

Applications should not be taken as having been agreed, unless the manager or person designated to approve such applications has signified their acceptance in writing.

Applications for annual leave should be made in a locally agreed format, normally by using an individual Annual Leave Record (available on the SHSC intranet) or via the Employee Online.

Approval of applications for annual leave at short notice will be at the discretion of the manager - however, regular requests for annual leave at short notice may be refused and the manager should consider seeking HR advice. What counts as short notice may be dependent on the expectations and requirements of the service in which the employee works.

### **7.1.3 Annual Leave and Public Holiday Entitlement**

#### **Substantive Employees**

In a full annual leave year, substantive employees are entitled to annual leave as specified below. All annual leave is granted subject to the needs of the service based on a fair allocation of leave during periods of excessive demand.

Annual leave entitlement is based on the following length of reckonable service for all NHS staff on Agenda for Change contracts:

<b>Length of Service</b>	<b>On appointment</b>	<b>After 5 years service</b>	<b>After 10 years service</b>
<b>Annual Leave</b>	27 days (202.5 hours based on 37.5 hours per week)	29 days (217.5 hours based on 37.5 hours per week)	33 days (247.5 hours based on 37.5 hours per week)
<b>+ Public Holiday Entitlement</b>	+ 8 days (60 hours based on 37.5 hours per week)	+ 8 days (60 hours based on 37.5 hours per week)	+ 8 days (60 hours based on 37.5 hours per week)

**N.B.** Annual leave entitlements are pro rata for part-time staff.

For extra provisions relating to volunteer members of the non-regular forces, please see Section 7.3.

Any employee of the SHSC whose employment commences after the start of the leave year, or whose employment ceases prior to the end of the leave year, shall receive an amount of paid annual leave, adjusted proportionate to his/her actual date of leaving or starting with the SHSC.

Where an employee's entitlement to annual leave increases due to length of service during the year, the additional *pro rata* entitlement for the leave year will become effective from the first of the month following the date of the increased entitlement.

*(Useful Tool – refer to: NHS Annual Leave Entitlement Calculator from Nursing Notes)*

#### **7.1.4. Bank Staff**

##### **Section 7.1.4 applies to Bank Staff Only**

##### **Annual Leave and Pay**

- (i) You are entitled to paid holiday which shall accrue at the rate of 12.5% of hours worked for each Assignment.
- (ii) Holiday shall also accrue during periods of an Assignment spent on sick leave at the rate of 12.5% of your average weekly working hours under this Agreement calculated over 52-weeks (or your period of engagement under this Agreement, if less). Working and non-working weeks shall be included in the calculation but weeks in which you have taken any sick

leave shall be ignored and earlier weeks taken into account, going back up to two years.

- (iii) The Trust's holiday year runs from 1 April to 31 March.
- (iv) All holiday requests during an Assignment must be approved in writing in advance by your line manager for that Assignment. Holiday must be requested in line with the Trust's Leave Policy. We may require you to take (or not to take) holiday on particular dates.
- (v) Holiday can only be taken in the holiday year in which it accrues otherwise it will be lost, except as set out in the Trust's Leave Policy.
- (vi) You shall receive rolled-up holiday pay for the holiday accrued in each pay period. You shall not receive any further holiday pay at the time holiday is taken. Rolled-up holiday pay shall be equal to:
  - (vi.(i) 12.5% of your remuneration for work done under this \*Agreement during that pay period as set out in clause 6 of the Contract of Employment; and
  - (vi.(ii) for periods of sick leave, your average rate of rolled-up holiday pay, calculated over the previous 52 weeks under this Agreement (or the period since you entered into this Agreement or started receiving rolled-up holiday pay under this Agreement, if less). This shall be in addition to any entitlement to statutory sick pay.

\*Refer to the Contract of Employment for Bank Staff

### **7.1.5 Calculation Of Annual Leave And Public Holidays**

To ensure equality for those who work variable hours or shifts, annual leave and public holiday entitlement will be calculated in hours, not days.

To calculate entitlements to both annual leave and public holidays, please refer to the Annual Leave Calculator = available on Jarvis.

Annual leave should not normally be taken in periods of less than half a standard day (so not less than 3.75 hours).

### **7.1.6 Pay in lieu of annual leave**

Entitlement to pay in lieu of annual leave arises only upon termination of employment, and managers should seek to ensure, where possible, that employees take their allocated annual leave prior to the termination of their employment.

### **7.1.7 Reckonable Service**

Continuous previous service with an NHS employer will count as reckonable service for annual leave purposes. In addition, aggregated NHS service (i.e. any period of time that has been worked in the NHS regardless of whether there has been a break), will

count as reckonable service. Work undertaken under a Bank contract does not count as reckonable service.

For the purposes of reckonable service, time spent in a relevant role in organisations other than the NHS may, at the discretion of an Associate Director, and with advice from Human Resources, be counted. (N.B. Locum agency service does not count.) Where this is agreed, this should be recorded in the employee's personal file.

Employees are required to provide formal documentary evidence of any reckonable service.

For the definition of reckonable service, and information relating to continuous service calculations after transferring out and back into NHS employment, please see Section 12 of the NHS Agenda for Change Terms and Conditions of Service Handbook.

### **7.1.8 Public Holidays**

#### Entitlement to Public Holidays

All whole-time employees are entitled to leave in respect of 8 public holidays in the leave year. Part-time employees are entitled to a proportionate number of public holidays based on their weekly contracted hours. Managers should record time taken for public holidays separately to annual leave.

Staff required to work or to be on-call on a public holiday are entitled to equivalent time off in lieu at plain time rates in addition to the appropriate payment for the duties undertaken, as specified in the NHS terms and conditions of service handbook.

#### Rota Provisions

Employees are required to work on public holidays in accordance with the rota. In departments that normally close on public holidays, employees shall take 'Public Holiday' leave on those days.

### **7.1.9 New Employees**

All new members of staff will be entitled to annual leave plus public holidays in the year of joining the SHSC on a *pro rata* basis.

Annual leave should be calculated using the Annual Leave calculator, and part years should be based on 1/12<sup>th</sup> of the annual leave entitlement for each complete month.

For full time staff, public holiday entitlement will be based on the number of public holidays remaining in the current leave year from the date of joining. Part-time staff will be entitled to a pro rata proportion of hours based upon the remaining number of full months in the annual leave year, regardless of the number of actual public holidays remaining in the year.

### **7.1.10 Changing Contracted Hours/ Increasing Leave Entitlement**

Where an employee changes their contracted hours or their annual leave entitlement increases due to service part way through the year, annual leave entitlement will need to be recalculated using the Annual Leave calculator and/or e-rostering.

### **7.1.11 Entitlements On Leaving The SHSC**

Employees leaving the SHSC shall be entitled, in the year of leaving, to annual leave proportionate to the number of completed months of service during that year. Employees will be paid in lieu of annual leave entitlement accrued in that leave year but not taken at the time of termination of employment. This will not apply when an employee is summarily dismissed for disciplinary reasons, where no annual leave entitlement will be paid.

Employees leaving the service who have overtaken annual leave (based on the number of months they have worked in the leave year to the date of leaving) shall have an appropriate deduction made from their final salary, i.e. the excess leave shall be treated as leave without pay. This shall not apply where an employee dies in service, in which case no deduction will be made from any monies outstanding.

Leave will be calculated from the date of leaving the SHSC.

Please also refer to the Staff Leaving the SHSC Policy, available on the intranet.

### **7.1.12 Carry Over Of Annual Leave**

All annual leave should be taken in the leave year that it is allocated and may only be carried forward in exceptional circumstances, with the agreement of the employee's line manager.

Carry over of annual leave is not a right except where the stipulations relating to statutory entitlement as outlined in Section 7.1.13 are met. In all other cases, and subject to the agreement of the line manager, a maximum equivalent of 5 days annual leave pro rata may be carried forward on application and taken as soon as possible in the following year. This is *pro rata* for part-time employees.

### **7.1.13 Sickness Absence and Annual Leave/Public Holidays**

#### **Sickness Absence and Carry Over Of Annual Leave**

Employees who return from sickness absence in the same leave year and are able to take their holiday entitlement in the remainder of that year should do so.

Employees who are unable to take such leave are able to carry over the number of days of accrued statutory entitlement, even if this exceeds the normal maximum carry over allowance of 5 days.

Statutory leave entitlement is 28 days for a full-time employee, inclusive of the 8 public holidays.

The amount of statutory leave that can be carried over will be calculated by subtracting any leave already taken, including public holidays when the employee was not sick, during the relevant leave year from the statutory entitlement for that year, i.e.

**Statutory Entitlement Leave take:** = 28 days (inclusive of public holidays)  
= annual leave taken  
+ public holidays taken  
+ any public holidays which occur during sickness absence. (e.g. 18 days annual leave plus 7 public holidays taken plus 1 public holiday which occurred during sickness absence **Total 26 days**)

**Carry-over:** = Statutory Entitlement minus Leave taken  
(28 minus 26) = **Total 2 days to carry over.**

The calculation of an amount of statutory leave to carry over as a result of sickness absence is not in addition to the normal arrangement that employees may carry forward up to 5 days of annual leave with the agreement of their manager. It replaces the normal arrangement only when the carry-over is greater than 5 days.

### **Sickness Absence And Bank Holidays**

In line with Agenda for Change, employees will **not** be entitled to an additional day off if they are absent from work due to sickness on a public holiday. If an employee is on sickness absence during a general public holiday, the manager should deduct this from the annual general public holiday entitlement for that individual.

Therefore, in the above circumstances, for staff with an inclusive holiday entitlement (or where a bank holiday entitlement has been manually calculated and added to the annual leave entitlement), one day's leave per bank holiday (*pro rata* based on contracted hours) will need to be deducted from their overall holiday/bank holiday entitlement.

### **Sickness Absence And Taking Annual Leave**

Leave can be taken during sickness absence at the request of the employee, subject to agreement by the line manager. If leave is granted this counts as leave rather than sickness absence for the purposes of payment but does not affect the procedure for managing long term sickness absence. Such requests for leave during sickness absence must be made in writing.

Please refer to the Promoting Attendance and Managing Sickness Absence Policy, available on the Policies section of the SHSC intranet (Jarvis).



## **Sickness Absence And Replacement Leave Days**

Employees will be entitled to a replacement leave day off if they are sick when on annual leave only where:

- (i) They provide a medical certificate relating to their sickness; and
- (ii) The replacement leave is necessary in order to ensure they receive their statutory annual leave entitlement under the Working Time Regulations, e.g. for a full-time employee this would mean that the replacement leave would apply if the employee would otherwise receive fewer than 28 days leave over the annual leave year. (This entitlement is *pro rata* for part-time staff.)

Nothing in the above paragraph will supersede the provisions of Section 14, para 14.9 of the NHS Terms and Conditions handbook which states that “Employees will not be entitled to an additional day off if sick on a statutory holiday.

### **7.1.14 Accrual Of Annual Leave During Unpaid Leave**

Annual leave entitlement only accrues during periods of unpaid leave relating to sickness absence and maternity leave (see the Parenting Leave policy). Where extended unpaid leave has been granted for a period of between 1 and 3 months, such an entitlement does not accrue (see Section 7.4). For provisions relating to Career Break, see the Career Break Scheme Policy. The provisions in Section 7.1.12 relating to carry over of leave should also be noted.

### **7.1.15 Additional Annual Leave Scheme**

The SHSC makes annual provision for purchasing additional annual leave. As an employee who may wish to purchase additional annual leave will need to complete a Flexible Working Application and submit this to the Line Manager. **Please Refer to the Flexible Working Policy on the SHSC Intranet (Jarvis)**

### **7.1.16 Annual Leave And Suspension Under The Disciplinary Policy**

The SHSC has specific provisions for an employee who wishes to take annual leave whilst suspended under the Disciplinary Policy. (Please see section 6.3.9 of the Disciplinary Policy).

## **7.2 Other Types of Leave**

This section outlines the leave provisions within the SHSC for special circumstances which may occur from time to time.

The employee should contact their line manager to obtain approval prior to any absence which may qualify for this leave provision (Please **Refer to Example F** – for notice periods guidance). In exceptional circumstances, SHSC accepts notice may not be possible (in the event of the sudden death of a relative or an accident

happening to a dependant, for example), in which case the employee should notify their manager as soon as is reasonably practicable to give the reason for the absence, discuss its likely duration and agree what provisions for leave may apply.

### **(a) General Points**

Carer leave may be applied for when there is an emergency or unplanned need for time off work, either paid and/or unpaid, to assist or look after dependants, and it is essentially of a very short-term nature.

Carer leave is not for planned events, and it will not be approved in respect of planned industrial action where this affects childcare provisions.

The granting of Occupational Carer leave will be at the discretion of the Line Manager, and it is not an automatic right or entitlement.

Other cases relating to domestic, personal and family problems including bereavement should be dealt with by considering alternative provisions for time off work (**Refer to section 7.2.3 (b)** in respect of Pregnancy and Baby Loss).

### **(b) Management Guidance**

The following guidelines are designed to help line managers deal in a fair and consistent manner with employees' requests for Carer leave. Human Resources advice should be sought if required.

Managers are expected to take into account the individual circumstances and merits of each case, and to adopt a flexible and understanding approach.

### **(c) Common Issues**

It would be impossible to give a comprehensive list of circumstances which might merit Carer leave, and managers should use their discretion in deciding whether individual cases merit consideration. Where more than one Carer is employed by the SHSC, both employees will have entitlement under this scheme. Below are examples of a few of the more common issues:

- i. Incapacitation of dependant or immediate family member due to illness or accident.
- ii. Breakdown of existing Carer arrangements.
- iii. Time needed at short notice to arrange longer-term cover for caring problem.
- iv. Accompanying a dependant for urgent health care treatment.
- v. Other urgent or private family business.

#### **(d) Key Considerations**

In reaching a decision as to whether an issue merits Carer leave, managers should consider the following:

1. The urgency of the need – can it be described as an unforeseen urgent domestic crisis involving a caring responsibility on the part of the employee?
2. The type of need and the circumstances surrounding the request - for example, careful consideration will need to be given to the nature of the relationship between the employee and the person in need of care. Managers should not necessarily preclude leave if the person in need of care is not an immediate family member.
3. The employee's personal employment circumstances, e.g. part time, shift pattern, etc. Managers will need to consider not only the need, but also the timing of leave in relation to the employee's existing arrangements for days off work.
4. Whether the person being cared for has a disability, as carers are covered by the Equality Act 2010 by association with a disabled person. Please contact Human Resources for guidance.
5. Whether the employee has attempted to make other arrangements, i.e. is he/she prepared to be flexible in working around the situation?
6. Previous requests for Carer leave provisions.
7. The suitability of the Carer leave provisions in the case, and whether it may be more appropriate to use annual leave, lieu time, flexi time or other methods to release the individual.
8. Service needs and cover arrangements.

Managers should note that it is not a requirement that employees should exhaust their annual leave entitlement before becoming eligible for Carer Leave.

Having established the nature of the request (this is best achieved through confidential discussion with the individual concerned, taking into account the factors listed above), the manager will need to make an assessment of the amount of time reasonable in the circumstances, and whether leave should be granted as paid and/or unpaid. Agreement of Carer leave arrangements should then be discussed with the employee.

#### **(e) Notification**

Managers should inform individuals of their decision to grant Carer leave as quickly as possible, and also notify employees of their right to discuss the decision with the manager's Line Manager if they feel unfairly treated.

**It should be noted that periods of unpaid Carer leave may affect superannuation entitlement. Please contact Pay and Employee Services for advice.**

**(f) Annual leave accrual**

Annual leave will accrue as normal through periods of paid or unpaid Carer/Compassionate Leave.

**(g) Monitoring/Recording of Carer or Compassionate Leave**

All requests for Carer/Compassionate leave should be recorded by the Manager, and should include:

- i. The reasons for the request.
- ii. The circumstances surrounding the request.
- iii. The manager's decisions as to the time allowed and whether paid or unpaid

Paid Carer Leave should be notified to Pay and Employee Service using the Manager Self Services (MSS) or E-rostering.

Unpaid Carer Leave should be notified to Pay and Employee Services via the Manager Self Services (MSS) or E-rostering.

Carer Leave - Where requests are refused, the reasons for this refusal should be stated.

**(h) Compassionate Leave**

Compassionate Leave is paid time off available to employees to cope with a bereavement. This applies in the case of bereavement following the death of a dependent or close relative. Where no blood or marriage relationship exists, the manager should use their discretion in determining whether compassionate leave should apply. Time off is to help facilitate arrangements and to attend the funeral of a spouse, dependent, partner or close relative. The contract of employment will be unaffected for taking Compassionate Leave.

Granting Compassionate Leave is at managerial discretion.

The following example is to help allow managers to make informed decisions regarding the approval of compassionate leave:

- 1 day's paid leave to attend the funeral of a close relative, spouse, dependent or partner.
- Up to 2/3 days upon the death of a partner or dependant.
- Up to a further 2/3 days leave if you are responsible for the funeral arrangements or other activities related to the death of a close relative.
- Up to 2 days paid leave if it is necessary to travel a considerable distance or abroad, or where travelling is unusually difficult, to attend a funeral.

Employees may also take up to a further 4 weeks for bereavement leave, which is 2 weeks paid leave and 2 weeks unpaid leave, which may be taken in a block or as separate days depending on your needs and the needs of the service.

You should discuss with your manager the need to take Compassionate Leave at the earliest opportunity. Your manager will record your leave via the Manager Self Services (MSS) or E-rostering.

### **(i) Parental Leave**

The SHSC has provisions in place to allow for up to 18 weeks unpaid Parental Leave to take care of a child under 18 years old and to qualify for this leave the employee must have at least one-year continuous service.

Please refer to the SHSC Parenting Leave Policy, Section 15 – for further information. This is available on the SHSC Intranet (Jarvis).

## **7.2.1 Explanation of SHSC Carer Leave and Compassionate Leave**

SHSC Carer Leave complies with the recent legislation on Carer Leave that came into force in April 2024. SHSC Carer Leave is combined with Compassionate leave of up to 9 days in each leave year (1<sup>st</sup> April to 31<sup>st</sup> March).

Carer Leave can be used for caring responsibilities as defined under Section 7.2.1(i) and 7.2.1(ii) for reasons stated in Section 7.2.2(i). This leave can also be used for Bereavement of up to 5 days for example, making the necessary arrangements and for attending the funeral of a close relative, spouse, dependent or partner as defined under Section 7.2.1 and 7.2.1(ii) of this Policy. In the sad event of multiple bereavements of a close relative or dependent within the same year, this would be considered as exceptional circumstances and the manager should use their discretion.

### **7.2.1(i) Explanation of a Carer of a dependant is:**

- their husband, wife, civil partner or partner
- their child
- their parent
- close relative (in-law, uncles, aunts, step relatives and grandparents) who relies on them for care.
- a person who lives in their household (not tenants, lodgers or employees)
- a person who relies on them for care, such as an elderly neighbour.

### 7.2.1(ii) Explanation of a Carer of a dependant with a \*long-term care need.

A dependant has a long-term care need if they have any of the following:

- a disability as defined under the Equality Act 2010
- an illness or injury that is likely to need care for at least 3 months
- a care need related to old age

\*Definition of a Long-term need a disability as defined under the Equality Act 2010 or an illness or injury that is likely to need care for at least 3 months or a care need related to old age.

### 7.2.2 Carer Or Compassionate Leave

Paid and unpaid Carer Leave, and Compassionate leave should be granted following full and careful consideration of the merits and circumstances surrounding the request in discussion with the individual Line Managers, who have the discretion to grant up to 9 days paid leave in any one leave year (1st April to 31<sup>st</sup> March). The 9 days are in total for Carer and Compassionate leave combined (calculated *pro rata* to days worked by part-time staff).

Any further leave should be considered as unpaid leave at the Line Manager's discretion. **(Refer to Appendix B)**

#### 7.2.2(i) Carer Leave Rights

The right to take Carer Leave applies from the first day of work.

An employee can take Carer Leave to give or arrange care for a dependant (Please refer to Section 7.2.1(i) and 7.2.1(ii) of this Policy),

#### **Examples of how Carer Leave could be used for:**

- Taking their disabled child to a hospital appointment
- Moving their parent who has dementia into a care home
- Accompanying a housebound dependant on a day trip
- Providing meals and company for an elderly neighbour while their main carer is away with work for the day.

An employee might need to care for more than one dependant. In these circumstances, they can still only take one week of carer's leave. But they can use the week of leave for more than one dependant.

If an employee is a parent, they can take up to 18 weeks' ordinary Parental leave to look after their child. (Please refer to the SHSC Parenting Leave Policy, Section 15 – for further information. This is available on the SHSC Intranet (Jarvis).

Employees can take up to 1 week of Carer's Leave every 12 months unpaid or paid, which will depend on how much Carer/Compassionate leave has already taken. *(12 months is in line with the annual leave i.e. 1 April to 31 March)*

**Employees can choose to take carer leave as:**

- half days – this is the minimum they can take
- full days
- a whole week

An employee is entitled to a period of leave that is equal to their usual working week. **For example**, if someone works 3 days a week, they can take 3 days of carer's leave.

An employee might have been working for their employer for less than a week. If that is the case, a week is the number of days or hours they would normally work in that week.

***Refer to Appendix E for examples of Carer Leave if someone works variable hours over 12 months.***

### **7.2.3 Bereavement Leave**

#### **(a) General Points**

SHSC recognises that the death or sudden illness of a close friend, relative, partner or dependant may affect each individual in a different way. The personal circumstances surrounding such an event must therefore be taken into account.

Employees may be granted paid leave to attend a funeral or to attend to urgent family affairs in circumstances such as the sudden illness of a close relative or a dependant. The Manager should ensure that requests are dealt with sensitively and that such leave is granted consistently within their team. The manager, in making their decision, should give careful consideration to the nature of the relationship between the employee and the deceased person. Managers should not necessarily preclude leave if the deceased person is not an immediate family member.

A further 2 weeks paid and 2 weeks unpaid leave (Refer to Section 7.2 (h)) may be granted on compassionate grounds or favourable consideration will be given to annual leave requests.

Paid Carer leave should be notified to Pay and Employee Service using the Manager Self Services (MSS) and or E-Rostering.

Unpaid Compassionate leave should be notified to Pay and Employee Services using the Manager Self Services (MSS) and or E-Rostering.

**It should be noted that periods of unpaid leave may affect superannuation entitlement. Please contact Pay and Employee Services for advice.**

## **(b) A colleague's death in service**

Unfortunately and occasionally employees may die in service. This can be a very sensitive topic for colleagues within a service or team, as it is recognised that employees develop closeness or friendship to their colleagues over time. Line managers should act with sensitivity and care to their team who are grieving the loss of their team member. Due to service delivery and safer staffing reasons, special leave for a team would not be operationally feasible in most circumstances. Line managers should act appropriately, ensuring that all employees are offered health and well-being support in the first instance. Should other teams and areas be able to support a team during these difficult times, the line manager of the team should make the appropriate arrangements for this to happen.

Should an employee feel they are not well enough to be in work due to the loss of a colleague within the team, this should be recorded as sickness. However, this should be taken as guidance and line managers can use discretion around this and/or consult Human Resources. For example, if an employee is a close friend or a family member to the colleague that has died then bereavement leave may feel more appropriate.

In relation to funeral arrangements, it is also recognised that employees, naturally, would like to attend their colleague's funeral. In instances where there are multiple staff members wishing to attend the funeral, line managers should handle this request with sensitivity. Line managers should consider other avenues where appropriate to cover service demand. Line manager should consider bank employees and other teams to cover service demand on the day of a colleague's funeral, where necessary.

Line managers should also consider alternative arrangements in order for their team to pay respects. For example, booking some team time away from the ward or office environment, where operationally feasible. Line managers can also explore a memorial service on site. In this instance the manager should speak to the Communications Team and the Chaplaincy team where appropriate. For example, a bench memorial.

Should an employee attend a colleague's funeral will be one day paid leave.

## **(c) Pregnancy and Baby Loss**

The SHSC recognises that coping with grief following the loss of a child is an extremely personal issue, and that people may deal with this in different ways.

As an employee you are entitled to leave as a pregnant employee or an employee who is the partner of the pregnant person who has had a miscarriage prior to 24 weeks of pregnancy.

A partner is defined as the child's biological father or the partner of the mother or adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother. The SHSC will provide up to two weeks paid pregnancy



and baby loss leave (this will be recorded on Manager Self Service (MSS) or e-roster as special leave/compassionate leave.

To qualify for this leave employees must supply medical evidence of a miscarriage. Due to the sensitivity around this, a fit note, from a GP stating pregnancy related loss would suffice.

Pregnancy loss leave will also be entitled to those employees who are acting as surrogates for another person wishing to become parents. Surrogates will also qualify for the two weeks paid pregnancy loss leave.

Some employees will require time off work immediately, whilst others may wish to carry on working. To allow managers to be as flexible as possible in the support they give to employees at this difficult time, the following provisions apply:

- a) Where an employee is a bereaved parent and is an employee who has had 26 continuous weeks of service before the bereavement, the SHSC will grant a period of two weeks paid leave, to be taken in separate blocks of 1 week or as two consecutive weeks within 56 calendar days of the date of the child's death.
- b) No notice will be required for this period of leave to be taken if it is taken within 56 calendar days of the loss that has been experienced, but the employee must inform their manager of their circumstances.
- c) When this period of paid leave is exhausted, consideration should be given to other ways of supporting the employee through annual leave or unpaid leave where appropriate. Careful consideration may also need to be given to the expectations placed on individuals in relation to funeral arrangements, along with such considerations as location of family and the need to travel, for example.

**It should be noted that periods of unpaid leave may affect superannuation entitlement. Please contact Pay and Employee Services for advice.**

Annual leave will accrue as normal through periods of paid or unpaid Compassionate or leave.

For employees who have a Still birth over 24 weeks please refer to the Parenting Leave Policy Section

## **7.2.4 Medical and Dental Appointments**

### **(a) Routine GP and Dentist Appointments**

All employees of the SHSC should, wherever possible, arrange for routine medical appointments, including dental/optician, to take place outside their normal working hours.

Where a manager is satisfied that a routine appointment cannot be arranged outside the employee's normal working hours, time off should be granted. The manager may request evidence of the appointment. In all such cases the employee should wherever

possible work the time back. Managers retain the discretion to grant paid time off where this is not possible but should be consistent in their approach.

#### **(b) Non-Routine Appointments**

For all non-routine appointments, such as hospital and Consultant appointments, the employee should be granted reasonable paid time off to attend. Evidence of the appointment date and time should normally be supplied to the manager.

#### **(c) Disability Leave**

For time off for treatment relating to a disability as defined under the Equality Act 2010, please discuss with one of the Human Resources Advisors and/or Refer to the SHSC Disability Leave Policy – available on the intranet (Jarvis)

### **7.2.5 Attending Interviews**

#### **(a) Interviews Within The SHSC**

Reasonable time off with pay will be given for employees to attend interviews for other positions within the SHSC.

#### **(b) Interviews Outside The SHSC**

An interview at another NHS organisation or body should be treated the same as an interview within the SHSC, and reasonable time off with pay should be given for the employee to be able to attend. This also includes time off for interviews for Local Government posts, e.g. Social Services.

Time off for interviews with non-NHS employers will need to be taken from annual leave entitlement, or unpaid leave will be granted at the manager's discretion, except in times of organisational change where an individual may be at risk of redundancy. In this situation, reasonable paid time off to attend interviews will be granted. (Please refer to Section 6.6 of the Redundancy Policy.)

### **7.3 Civic and Public Duties**

The SHSC recognises the wider contribution of an employee undertaking civic and public duties and allows reasonable time off for the fulfilment of those duties.

#### **7.3.1 Civic Duties**

##### **7.3.1 (i) Jury Service/Witness Summons**

###### **(a) Notification**

Any employee who is called for Jury Service or as a witness in a trial should forward their written notification (Confirmation of Jury Service letter or Witness Summons) to

their Line Manager as soon as it is received. The Line Manager should keep a copy for the employee's file and then send the written notification to Human Resources.

### **(b) Reasonable Time Off**

The employee will be allowed reasonable time off to be part of a Jury or to attend court as a witness.

Jury Service normally lasts for approximately 2 weeks. An employee called to Jury Service may have the option to request not to be on a jury where the trial is likely to last more than two weeks. In the event of Jury Service on a longer trial being proposed it is expected that the employee will notify the Court and request that they are not away from work for longer than two weeks if possible.

Employees should note that where, due to the nature of certain roles, there may be difficulties to back fill their role, they have the right to appeal against the request to undertake Jury Service and the SHSC may ask the employee to do so.

The employee will be expected to return to work if:

- a) If an employee's services are only required for 50% or less of the court day.
- b) If the employee's Jury Service ends before the expected period.

Employees should provide written notification to their line manager of any dates on which they wish to take time off work for Jury Service or as a witness in Court, stating the expected length of time of absence. This notification should be received as far in advance as possible.

Managers should record this absence on E-Rostering as paid Jury Service. ***Please refer to Appendix D***

### **(c) Pay**

The SHSC will pay the employee as normal whilst they are on Jury Service or as a witness, so in most cases there is never a loss of earnings for an employee. If the employee feels they have incurred a loss after attending the Jury Service, they can provide the loss of earnings form to Pay and Employee Services to be assessed together with a receipt(s) detailing what has been paid to the employee. The Courts will provide the employee with a receipt(s) and the Loss of Earnings Proforma. The Loss of Earnings Proforma together with the receipt(s) provided by the Courts should be submitted to their line manager, who should submit these to the Pay and Employee Services to ensure they have not paid any payments outside the usual travel and expenses that the Courts reimburse at the time.

The SHSC will grant full paid leave for an employee to attend Court for either Jury Service or as a witness during a trial.

If the employee acquires additional earnings for attending Jury Service, this should be declared.

Time spent on Jury Service or as a witness in Court will be recorded as Other Leave (**See Appendix D**), and will not affect Pension contributions, which will be paid as normal based on the employee's salary prior to the time taken off for Jury Service.

#### **(d) Annual Leave**

Annual leave will accrue as normal through periods of Jury Service or whilst attending Court as a witness in a trial.

### **7.3.1 (ii) Territorial Army/Reserve Forces**

All requests for leave under this provision should be referred to the Human Resources Department.

#### **(a) Active Duty**

Employees called up for compulsory military service under the Reserve Forces Act (1996) should receive two weeks' notice and receive a letter with their mobilisation papers which they should then supply to their line manager.

Whilst the SHSC is not able prevent an employee who is called up for active duty from attending military service, it may appeal against the decision if it is felt that the employee's absence will cause serious problems to the organisation.

An employee who is called up for active duty has the right to be re-employed at any time during a 6 month period after the end of the military service. They are entitled to return to the same position under the same terms and conditions or, where it is not possible for them to continue in the same role, they should be offered a post with equivalent terms and conditions of employment. Please discuss with Human Resources as soon as possible if you are a manager whose employee has been mobilised for active duty.

#### **(b) Training**

It is understood that volunteers may be required to attend an upgrade course OR summer camp, for 15 days each year (comprising two consecutive weeks and an additional day) and undertake a number of additional days of training, normally scheduled on Saturdays and Sundays. Where this training falls on a normal working day and the employee is unable to reschedule the event, paid leave should be granted for a maximum of two consecutive weeks per year. Any further days taken off work for this training will be taken from the employee's annual leave entitlement.

#### **(c) Annual Leave**

Contractual annual leave will accrue as normal during active service in the Territorial Army or Reserve Forces.

### **7.3.1 (iii) Intention To Take Up Public Duties**

All employees intending to become involved in public duties which will require leave must obtain the agreement of their line manager before they agree to accept the position.

#### **(a) Existing Public Duties**

Where an employee already holds a public office or public position, it is the SHSC's duty to grant a reasonable amount of time off work so that the employee can perform the duties associated with that position. Circumstances where this form of leave normally applies are where the employee is one of the following:

- Magistrate (also sometimes called a Justice of the Peace);
- Local councillor
- School governor
- Member of a police authority
- Member of any statutory tribunal (e.g. an Employment Tribunal)
- Member of the managing or governing body of an educational establishment
- Member of a school council or board in Scotland
- Member of the General Teaching Councils for England and Wales
- Member of the Environment Agency or the Scottish Environment Protection agency in England and Wales
- Member of the prison independent monitoring boards or in Scotland
- Member of the prison visiting committees
- Member of Scottish Water or a Water Customer Consultation Panel

#### **(b) Notification**

Employees should provide written notification to their line manager of any dates on which they wish to take time off work for public duties, stating the expected length of time of absence. This notification should be received as far in advance as possible.

#### **(c) SHSC's right to refuse further time off**

Where the amount of time taken to perform public duties is unreasonable, i.e. it becomes excessive, or begins to cause operational difficulties, the SHSC reserves the right to refuse the employee further time off in respect of these duties in the immediate future. Whether your time off is classed as reasonable will depend on:

- what your duties are;
- the time you need to carry them out;
- the operational difficulties your absence causes to your division;
- how much time off you have already had for public duties or trade union duties.

#### **(d) Pay**

Time off for public duties will normally be unpaid. However, at the discretion of the manager, an employee may continue to be paid at their normal rate of pay during periods of time off for public duties. This is subject to the deduction of the equivalent of any monies received from the relevant authority in respect of the duties performed, which the employee must declare. Alternatively, the employee may be permitted to take time out of their annual leave entitlement for this purpose.

Unpaid leave should be notified to Pay and Employee Services via a copy of the 'Application for Leave in Special Circumstances' form (**Refer to Appendix C**).

Unpaid leave is not counted as pensionable service and may affect superannuation entitlement. Please contact Pay and Employee Services for advice.

#### **(e) Annual Leave**

Annual leave accrues as normal during periods of time off for public duties.

### **7.4 Unpaid Leave**

#### **7.4.1 Applying For Unpaid Leave**

If an employee wishes to take unpaid leave, they should apply to their manager. Granting unpaid leave is at the discretion of the manager and is subject to operational requirements.

Employees should put the request for extended unpaid leave in writing to their line manager, giving as much notice as possible. The manager should confirm the outcome in writing and if successful, the manager should notify Pay and Employee Services of the period of unpaid leave using the Manager Self Service (MSS).

If the request is rejected a right of appeal may be lodged to the manager's line manager.

In some circumstances, unpaid leave may not be the most appropriate arrangement for the employee, and in such a case alternative and more appropriate arrangements may be agreed between the line manager and the employee.

#### **7.4.2 Extended Unpaid Leave**

An extended period of unpaid leave is where an employee may request to take a break from work for between one and three months without pay. Reasons may include childcare issues, caring responsibilities, study leave. During an agreed period of extended unpaid leave, annual leave, bank holidays and pension contributions do not accrue.

If the period of unpaid leave requested is greater than 3 months, the employee should apply for time off using the Career Break Policy (available on the intranet). Human Resources should be notified where such leave is granted, to assist with the completion of necessary forms and administrative procedures.

### **7.4.3 Conditions Of Service During Unpaid Leave**

The period of unpaid leave will count as continuous service.

For annual leave accrual during unpaid leave, see Section 7.1.13.

As the period of unpaid leave is used in calculations of continuous service, an employee may return to increased annual leave entitlement according to length of service.

Incremental salary progression will continue during a period of unpaid leave.

**Unpaid leave is not counted as pensionable service and may affect superannuation entitlement. Please contact Pay and Employee Services for advice.**

An employee must notify and seek the consent of the SHSC if they intend to take any paid employment during a period of unpaid leave, in order to avoid any conflict of interest. Such consent must not be unreasonably withheld.

Employees who take unpaid leave will be entitled to return to the same position under the same terms and conditions except in the situation that their post is made redundant whilst they are on leave. In this case, they will be offered suitable alternative work if this is available.

The new role that they are offered must be both suitable and appropriate for them to do in the circumstances taking into account the capacity and the place in which they were formerly employed, and the terms and conditions of employment must be no less favourable than those of their previous role.

## **7.5 Notifiable Infectious Disease**

### **(a) Contact**

Following contact with an infectious disease (please refer to the SHSC's Infection Control Policy), staff and their managers should promptly seek advice from the Occupational Health service.

### **(b) Recording absence**

Where an employee is excluded from work due to restrictions placed on them following contact with an infectious disease (as detailed in the Infection Control Policy), their absence will be recorded as sickness absence. However, managers should take advice from a member of the Human Resources team before any formal management action is taken in relation to sickness absence triggers where some of the absence is as a result of a notifiable infectious disease.

### **(c) Restriction placed on attending work**

Staff who have had diarrhoea or suspected symptoms of Norovirus, and have been restricted from attending work for a further 48 hours after symptoms have subsided, will have their actual absence recorded as sickness absence and be included within their overall sickness absence record for the purposes of absence management.

Any period of enforced absence, however, will be recorded as paid leave under this Policy.

## **7.6 Unauthorised Absence**

All SHSC employees should be aware that where absence occurs that is not suitably notified to, or agreed with, the relevant manager, this may be classified as unauthorised absence and will result in pay being withheld for that period of time and may also result in disciplinary action.

Please refer to the Promoting Attendance and Managing Sickness Absence Policy for information on the requirements for notification and certification in relation to sickness absence. If GP fit notes are not provided in a timely manner, this may result in absence being classed as unauthorised, which can result in pay being withheld. It could also potentially lead to disciplinary action.

To avoid absence being classified as unauthorised:

- Where planned time off work is taken for one of the reasons outlined above, this must be discussed, and the relevant leave provisions should be agreed with the line manager;
- Where unexpected events or domestic crises have occurred, these must be notified to the manager at the earliest opportunity and the relevant leave provisions should then be discussed and agreed with the line manager as soon as is reasonably practicable.
- Sickness absence certification should be provided in a timely manner.

## **8. Religious/Cultural Observance**

- 8.1 There is no statutory right to time off for religious or cultural occasions. Employees wishing to take time off for religious activities should book annual leave in accordance with the Annual Leave guidance or alternatively apply for unpaid leave.
- 8.2 Employees with longer term religious commitments should consider making an application under the Flexible Working Policy.
- 8.3 Every effort should be made by Line Management to meet religious commitments in accordance with the principles of the NHS Equality, Diversity and Inclusion Improvement plan 2023



## **9. Term Time Only**

Employees who are contracted to work Term Time Only will receive a pro-rata annual leave entitlement that will be paid with their regular salary. However it is essential that periods of annual leave are booked during the school holidays. Only in exceptional circumstances and for short periods of periods of leave, will authorisation for annual leave be granted during what is considered to be the working term.

All term time only employees must allocate all their annual leave periods at the beginning of the Annual Leave year and this will be authorised by the Line Manager. Where an employee is sick during non-working time, they will only be entitled to convert this to paid sickness absence during authorised annual leave periods. If this occurs, the annual leave entitlement will be re-allocated outside of term time.

## **10. Development, Consultation And Approval**

This version of the Leave Policy takes into account minor changes to the content of the policy including updated names for Pay and Employee Services, references to online documents, final changes to provisions with regard to bereavement in line with UK legislation, and version/date/reference updates.

The policy was sent to staff side for comment on 1st November, 2024 and proposed amendments discussed with HR colleagues and other relevant parties from October 2024 to November, 2024.

## 11. Audit, Monitoring and Review

<b>Monitoring Compliance Template</b>						
Minimum Requirement	Process for Monitoring	Responsible Individual/ group/committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/ committee for action plan development	Responsible Individual/group/ committee for action plan monitoring and implementation
To be reviewed in line with relevant employment legislation changes	Review policy, review employment legislation changes	HR Business Partners	4 yearly, or before to meet regulatory or statutory requirements.	HR Business Partners	HR Business Partners	HR Business Partners

The policy review date is 30 November 2024.

## 12. Implementation Plan

Action / Task	Responsible Person	Deadline	Progress update
Accountability for HR Policies	Executive Director of People	N/A	N/A
New policy to be replaced on the Intranet and SHSC website.	Director of Corporate Governance via the Communications Team	Within 5 working days of finalisation	November 2024
New policy to be replaced on the Intranet and SHSC website.	Director of Corporate Governance via the Communications Team	Within 5 working days of finalisation	November 2024
A communication will be issued to all staff via Connect.	HR Advisor	Within 5 working days of issue	November 2024

### 13. Dissemination, Storage And Archiving (Version Control)

<b>Version</b>	<b>Date on website (intranet and internet)</b>	<b>Date of entry in Connect (all staff communication)</b>	<b>Any other promotion/ dissemination (include dates)</b>
1.0	April 2013	-	-
2.0	Nov 2016	-	-
3.0	July 2019	-	-
4.0	July 2020	July 2020	
5.0	November 2024	November 2024	

This is Version 5 and is stored and available through the SHSC Intranet/Internet.

This version supersedes the previous Version 4 [May 2020].

Any copies of the previous policy held separately should be destroyed and replaced with this version.

All versions of HR policies are stored on the HR Shared Drive by the policy author and the PA to the Director of People.

Word copies of final versions of policies can be obtained from Policy Governance via the PA to the Director of People

## 14. Training And Other Resource Implications

The People Directorate offers training and support to managers in the implementation of People Directorate policies.

## 15. Links To Other Policies, Standards, References, Legislation (Associated Documents) And National Guidance

Working Time Regulations  
Part Time Workers Regulations 2000  
Employment Relations Act 1999  
Equality Act 2010  
NHS Terms and Conditions of Service handbook  
Reserve Forces Act 1996  
Reserve Forces (Safeguard of Employment) Act 1985  
Regulation 13 of the Working Time Regulations 1998  
Parental Bereavement (Leave and Pay Act) 2018  
Employment Rights Act 1996  
Carer's Leave 2024  
NHS England, National pregnancy and Baby Loss People Policy framework 2024  
NHS Equality, Diversity and Inclusion (EDI) Improvement Plan 2023  
NHS Annual Leave Entitlement Calculator from Nursing Notes

Additional Annual Leave Scheme  
Career Break Scheme  
Disability Leave  
Disciplinary Policy  
Domestic Abuse  
Equal Opportunities and Dignity at Work Policy  
Flexible Working  
Leaver Guidance  
Parenting Leave Policy  
Promoting Attendance and Managing Sickness Absence Policy  
Recognition Agreement  
Rostering Policy  
Redundancy Policy

## 16. Contact Details

<b>Job Title</b>	<b>Name</b>	<b>Phone</b>	<b>Email</b>
Executive Director of People	Caroline Parry	0114 2263960	<a href="mailto:caroline.parry@shsc.nhs.uk">caroline.parry@shsc.nhs.uk</a>
HR Advisor	Melva Robinson	0114 2716753	<a href="mailto:melva.robinson@shsc.nhs.uk">melva.robinson@shsc.nhs.uk</a>
HR Advisors	HR Helpline	0114 2263301	
Pay and Employee Services		0114 3052220	

**Equality Impact Assessment Process and Record for Written Policies**

**Stage 1 – Relevance** - Is the policy potentially relevant to equality i.e. will this policy potentially impact on staff, patients or the public?

This should be considered as part of the Case of Need for new policies

**NO** – No further action is required – please sign and date the following statement.  
I confirm that this policy does not impact on staff, patients or the public.

*I confirm that this policy does not impact on staff, patients or the public.*

Name/Date: **Melva Robinson November 2024**

**YES, Go to Stage 2**

**Stage 2 Policy Screening and Drafting Policy** - Public authorities are legally required to have ‘due regard’ to eliminating discrimination, advancing equal opportunity and fostering good relations in relation to people who share certain ‘protected characteristics’ and those that do not. The following table should be used to consider this and inform changes to the policy (indicate yes/no/ don’t know and note reasons). Please see the SHSC Guidance and Flow Chart.

**Stage 3 – Policy Revision** - Make amendments to the policy or identify any remedial action required and record any action planned in the policy implementation plan section

<b>SCREENING RECORD</b>	<b>Does any aspect of this policy or potentially discriminate against this group?</b>	<b>Can equality of opportunity for this group be improved through this policy or changes to this policy?</b>	<b>Can this policy be amended so that it works to enhance relations between people in this group and people not in this group?</b>
<b>Age</b>	No	N/A	N/A
<b>Disability</b>	No	N/A	N/A
<b>Gender Reassignment</b>	No	N/A	N/A
<b>Pregnancy and Maternity</b>	No	N/A	N/A

<b>Race</b>	No	N/A	N/A
<b>Religion or Belief</b>	No	N/A	N/A
<b>Sex</b>	No	N/A	N/A
<b>Sexual Orientation</b>	No	N/A	N/A
<b>Marriage or Civil Partnership</b>	No		

Please delete as appropriate: - Policy Amended / Action Identified (see Implementation Plan) / no changes made.

Impact Assessment Completed by: [Melva Robinson November 2024](#)  
Name /Date

**LEAVE MATRIX**

<b>Type of leave</b>	<b>Paid or unpaid</b>	<b>Entitlement to accrued annual leave</b>	<b>Maximum paid days per year</b>
Carer Leave and Compassionate Leave	Either	Yes	<b>9 working days</b> In total in one leave year
Bereavement leave	2 weeks paid	Yes	<b>Up to 4 weeks leave.</b> For a death of a spouse or *child (or equivalent relationships), immediate family member (or equivalent relationships)
	2 weeks unpaid		
	1 week paid	Yes	<b>Up to 1 Week paid leave.</b> For a death of other family members (cousin, grand-parents or for very close friends)
Jury service/ witness summons	Paid	Yes	N/A
Territorial army/ Reserve Forces	Either	Yes	<b>2 consecutive weeks (10 days)</b>
Medical or Dental appointments	Varies	Yes	N/A
Attending interviews	Varies	Yes	N/A
Public Duties	Varies	Yes	By agreement
Pregnancy and Baby Loss ( <a href="#">NHS England » National pregnancy and baby loss people policy framework</a> )	Paid	Yes	<b>2 weeks paid leave</b> Employee has 26 weeks continuous service.  Leave can be taken in separate blocks of 1 week or 2 consecutive weeks within 56 days of the date of the child's death. Refer to 7.2.3(b) of this Policy.  Refer to the Parenting Leave Policy for Still Born
*Parent Leave	Unpaid	Yes	<b>Up to 18 weeks unpaid</b> To care for a child or to make arrangements for a child's welfare. Refer to 7.2.2 (b) <i>Refer to Parenting Leave Policy for other types of parenting leave such as Maternity and Paternity Leave.</i>

\*Details of this leave is covered under the Parenting Leave Policy – Section 15

**Application for Leave in Special Circumstances**

*This form is **not** to be used for requesting Annual Leave, Compassionate leave or Carer leave Manager Self Service (MSS) or E-roster to be used for these processes.*

**\*Please ensure that Pay and Employee Services are notified of any UNPAID leave taken using form Manager Manger Self Service (MSS).**

**A copy of this form should be placed on the employee's personal file.**

**Part A: Employee details**

Name (Full Name):	
Address:	
National Insurance Number	
Employee Number	
Role	
Base/Department	
Number of days worked per week	
Number of hours worked per week	
Name of Manager	

**Part B: Details of type of leave requested**

I wish to apply for leave from..... to.....
<b>Type of leave requested (including reasons for the request:</b> ..... ..... .....
<b>Employee's signature:..... Date.....</b>

**Part C: Authorisation**

Documentary evidence supplied (if relevant): *YES/NO (*delete as appropriate)
<b>Summary of evidence provided:</b> .....
I authorise the above named member of staff to take <b>PAID</b> leave from ..... to ..... Total number of days/hours .....
I authorise the above named member of staff to take " <b>UNPAID</b> Leave from ..... to ..... Total number of days/hours .....
<b>Manager's signature.....</b>
<b>Date.....</b>

**Part D: Application Denied**

I do not authorise the leave requested because (please give reasons): ..... ..... .....
<b>Manager's signature ..... Date: .....</b>



**E-Rostering- Leave Category**

<b>Group</b>	<b>Reasons</b>	<b>ESR Linked reason</b>
<b>Annual Leave</b>	Annual Leave	Annual Leave
	Bank Holiday	Annual Leave
	Salary Sacrifice A/L	Annual Leave
	Statutory A/L Cannot Work Bank	Annual Leave
<b>Sickness</b>	Anxiety/stress/depression/other psychiatric	S10 Anxiety/stress/depression/other psychiatric illnesses
	Asthma	S14 Asthma
	Back Problems	S11 Back Problems
	Benign and malignant tumours, cancers	S17 Benign and malignant tumours, cancers
	Blood disorders	S18 Blood disorders
	Burns, poisoning, frostbite, hypothermia	S20 Burns, poisoning, frostbite, hypothermia
	Chest & respiratory problems	S15 Chest & respiratory problems
	Cold, Cough, Flu - Influenza	S13 Cold, Cough, Flu - Influenza
	Coronavirus (Covid 19)	S27 Infectious diseases
	Dental and oral problems	S22 Dental and oral problems
	Ear, nose, throat (ENT)	S21 Ear, nose, throat (ENT)
	Endocrine / glandular problems	S24 Endocrine / glandular problems
	Eye problems	S23 Eye problems
	Gastrointestinal problems	S25 Gastrointestinal problems
	Genitourinary & gynaecological disorders	S26 Genitourinary & gynaecological disorders
	Headache / migraine	S16 Headache / migraine
	Heart, cardiac & circulatory problems	S19 Heart, cardiac & circulatory problems
	Infectious diseases	S27 Infectious diseases
	Injury, fracture	S28 Injury, fracture
	Nervous system disorders	S29 Nervous system disorders
	Other known causes - not elsewhere classified	S98 Other known causes - not elsewhere classified
	Other musculoskeletal problems	S12 Other musculoskeletal problems
	Pregnancy related disorders	S30 Pregnancy related disorders
Skin disorders	S31 Skin disorders	
Substance abuse	S32 Substance abuse	

Group	Reasons	ESR Linked reason
<b>Study Leave</b>	1st Aid Training	
	Academic Day	
	Autism Awareness	
	Basic Life Support	
	Cavendish Care Certificat	
	Clinical Risk Assessment	
	Corporate Induction	
	Covid Clinical Skills	
	Dementia Awareness	
	DoL's Level 1	
	DoL's Level 2	
	E-Learning Time Allocation	
	ECG	
	Early Warning Signs	
	Equality & Diversity	
	Equality, Diversity & Human Rights	
	Fire	
	Food Safety	
	Hand Hygiene	
	Health & Safety	
	HealthRoster Training	
	Immediate Life Support	
	Information Governance	
	Insight Training	
	JAC System training	
	Malnutrition Universal Screening Tool	
	Mandatory Training Update	
	Medic - AC/S12/DoLS Training	
	Medic - Conference	
	Medic - Curriculum Delivery	
	Medic - Exam Leave	
	Medic - Private Study Leave	
	Medicine Management	
	Mental Capacity Act Level 2	
	Mental Capacity Act Level 1	
	Mental Health Act	
	Moving & Handling Level 1 (Load)	
	Moving & Handling Level 2 (People)	
	NEWS 2	
	Non Mandatory Training	
	Non-Professional Study - Finance	
	Oliver McGowan	
PDR		
Person Centred Care		
Preceptorship Training Day		
Professional Boundaries		

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Professional Study - Finance
Quality Improvement - Intermediate
RAMPPS
Rapid Tranquillisation
Record Keeping
Research Day
Respect COVID 19
Respect level 1
Respect level 2
Respect level 3
Rio EPR 1 - Introduction to Basics
Rio EPR 2 - Admin - Community
Rio EPR 2 - Admin - Inpatients
Rio EPR 2 - Clinical - Community
Rio EPR 2 - Clinical - Inpatients
Safeguarding
Slips Trips Falls
Suicide Prevention
Supervision

***Continued from page 34***

Group	Reasons	ESR Linked reason
<b>Parenting</b>	Adoption Leave Paid	
	Adoption Leave Unpaid	
	Maternity	
	Parental Leave	
	Paternity/Partner Leave	
<b>Working Day</b>	AMHP Back-up	
	Bed 136	
	COVID19 Positive Working From Home	
	HTT Crisis Rota	
	HTT Interface Day	
	Medical Suspension - Working From Home	
	Phased Return to Work After Sickness	
	Roster Creation Day	
	Secondment	
	Secondment - COVID 19 Related	
	Sent Home	
	Supernumary - Specify Reason in Note	
	Teaching	
	Term Time Contract	
	Union Cover	
	Vaccinator	
	Work Day	
	Work Day - Other Unrostered Unit	
Working Together Conference		

Group	Reasons	ESR Linked reason
Other Leave	Bereavement Leave - Unpaid	Other
	Bereavement Leave - Paid	
	COVID19 Medical Suspension Clinically Vulnerable	Infection Precaution
	Career Break	
	Carer's Leave	Carer's Leave
	Compassionate Leave - Immediate Family	
	Compassionate Leave - Non-Immediate Family	
	Court Appearance (work related)	
	Disability Leave	
	Emergency Leave/Time Off for Dependants - Paid	
	Emergency Leave/Time Off for Dependants - Unpaid	Emergency Leave/Time Off for Dependants
	Industrial Action - Authorised Unpaid	Industrial Action
	Interview Leave - Unpaid	Other
	Interview Leave and/or Redundancy Situation	
	Jury Service (if not paid by Court)	
	Jury Service (if paid by Court)	
	Keep in Touch Day	
	Med Suspension Allergic Reaction	
	Medical Suspension Needlestick	
	Medical Suspension Other	
	Medical/Dental Appointment	
	Oasis Day	
	Other Authorised Absence - Unpaid	Other
	Other Leave - Paid	
	Phased Return To Work	
	Retire & Return - Absence in between the return	
	Suspended - Paid	
	Suspended - Unpaid	Other
	Time Owing - MUST EQUAL 0 HOURS	
	Trade Union Duties	
	Training with Reserve and Cadet Forces	
	Unauthorised Absence - Unpaid	Unauthorised Leave
Vac Centre - Not available		

## **Carer Leave**

### **Employees working part of the year or variable hours (including examples)**

#### **Employees working part of the year or variable hours**

An employee might work:

- a different number of hours each week
- part of the year, for example during term time

To work out how much carer's leave they can take:

- add up the total hours they worked in the previous 12 months – including any holiday or family-related leave
- divide that total by 52 weeks – or by the number of weeks they've worked if they've worked there for less than a year

#### **Example 1**

##### **Carer's leave if someone works variable hours over 12 months**

Sam works variable hours. In the previous 12 months, working back from the date the leave would start, they worked 780 hours in total. 780 divided by 52 is 15 hours. Sam can take up to 15 hours of carer's leave.

#### **Example 2**

##### **Carer's leave if someone works variable hours for 6 weeks**

Charlie works variable hours. In the previous 6 weeks, working back from the date the leave would start, they worked 180 hours in total. 180 divided by 6 is 30 hours. Charlie can take up to 30 hours of carer's leave

### Notice Required to take Carer Leave

Employees must give their Line Manager notice before the start of their leave.

The minimum notice an employee should give will depend on how many days of leave they want to take – see table below:

#### Minimum notice requirements

Number of days requested	Minimum notice required
Half a day to 1 day	3 days' notice
1.5 to 2 days	4 days' notice
2.5 to 3 days	6 days' notice
3.5 to 4 days	8 days' notice
4.5 to 5 days	10 days' notice

An employee does not have to:

- put their request for leave in writing
- give their employer evidence of their dependant's care needs.

- NB:**
1. An employee might need to take time off at short notice to care for a dependant. Managers will be as flexible about time off where they can be.
  2. SHSC accepts in exceptional circumstances notice may not be possible (in the Event of the sudden death of a relative or an accident happening to a dependant, for example (Please refer to Section 7.2)