Lancashire Care NHS
NHS Foundation Trust

STAFF LEAVE POLICY AND PROCEDURE

POLICY NO	N/A
DATE RATIFIED	N/A
NEXT REVIEW DATE	N/A

POLICY & PROCEDURE STATEMENT/KEY OBJECTIVES:

To provide management and staff with information on the availability of all types of paid and unpaid leave of absence from work, including Maternity Leave, Maternity Support Leave, Adoption Leave, Parental Leave, Annual Leave and Special Leave.

This document will provide a framework for the submission and consideration of requests for leave.

ACCOUNTABLE DIRECTOR: Executive Director of Workforce and Organisational Development

POLICY AUTHOR: Associate Director of Human Resources

KEY POLICY ISSUES

- To advise managers and employees on the availability of various forms of leave
- To provide a framework for requesting and authorising leave

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Executive Summary

Subject	Staff Leave Policy and Procedure
Applicable to	All employees of Lancashire Care NHS Trust
Key Policy Issues	The policy and procedure provides a framework for the various types Leave that can be taken by eligible employees. This document provides employees and managers with guidance on how requests for leave are to be submitted, considered and approved/rejected and information on eligibility for the various forms of paid and unpaid leave open to employees.
Date issued	TBC
Date policy reviewed	TBC
Next review due date	TBC
Policy written by	Associate Director of Human Resources
Consultation	Senior Management Team Staff Side Representatives Partnership Forum
Policy reviewed by	Director of Workforce and Organisational Development HR Staff Side Representatives
Lead responsible for policy	Director of Workforce and Organisational Development
Monitoring arrangements	HR is responsible for overseeing the introduction, operation and monitoring of the policy and where appropriate data are available, will report to the Trust Board on matters relating to the policy.
Approved by	Staff Side EMT Policy and Governance
Authorised by	EMT Policy and Governance
Signature	Joanne Marshall, Director of Workforce and Organisational Development
Related procedural documents	Training and Development policy, Study Leave policy for Medical Staff

1. Introduction

This document combines the Trust's Maternity Leave, Special Leave and Annual Leave policies and procedures, consolidating guidance on the following types of leave:

- Maternity Leave
- Maternity Support (Paternity) Leave
- Assisted Conception (IVF) Leave
- Adoption Leave
- Parental Leave
- Carer Leave
- Compassionate Leave
- Annual Leave
- Time off For Public and Civic Duties
- Time off for Training
- The Employment Break Scheme
- Domestic Leave

For the purpose of providing a practical guide for management and employees, the above leave provisions are categorised under three main sections;

- Section A: Family Leave
- Section B: Annual Leave
- Section C: Special Leave

Lancashire Care NHS Foundation Trust recognises its obligations under the relevant employment legislation to provide eligible employees with the appropriate time off for annual leave, family and parental responsibilities, and reasonable time off to deal with unforeseen and immediate emergencies involving dependents.

The Trust recognises the importance of making provisions for staff to take leave outside of the normal annual leave entitlements in certain circumstances. This Policy will enable the Trust to ensure, where possible, that support is given to staff when balancing the demands of domestic, professional and work responsibilities through the provision of family-related leave, annual leave and special leave.

The provisions outlined in this document may be amended from time to time, to reflect changes in legislation, Agenda for Change provisions, relevant Terms and Conditions for Medical Staff or to reflect organizational needs.

2.0 Purpose /Principles

The overall objectives of the Trust's Leave policy are:

- To provide staff with clear and consistent information on the various types of leave they may be entitled to, within and outside the normal annual leave provision.

- To ensure a fair approach to supporting staff in balancing their domestic and work responsibilities.

- To provide information and guidance for managers dealing with requests for leave

- To ensure the Trust is aware of its statutory obligations under the relevant employment legislation.

3.0 Duties

3.1 The Trust Board

- Has responsibility to ensure that appropriate policies and procedures are in place to manage the provision of special leave for employees, and ensure a consistent framework is in place for managers.

3.2 Chief Executive

- Has principal responsibility for ensuring the content of this policy is applied consistently and fairly across the Trust.

3.3 Director of Workforce and O.D.

- Is the named officer responsible for ensuring the content of this policy is applied consistently and fairly across the Trust.

3.4 Human Resources (HR) Department

- Are responsible for overseeing the introduction, operation and monitoring of this policy and reporting to the Trust Board.

- Are responsible for ensuring the provision of training, guidance and support to Line Managers on the implementation of the policy.

- Are responsible for promoting the adoption of consistent and fair application of the policy throughout the Trust.

3.5 Line Managers

- Are responsible for the dissemination and implementation of this policy within their teams.

- Are responsible for liaising with the relevant HR Advisor to seek professional advice and guidance on the implementation of the policy.

- Are responsible for ensuring that employees are aware of their responsibilities in relation to the policy and understand what is expected of them.

- Are required **to record all leave granted within the scope of this policy on personal records and monthly SARs.**

3.6 Employees

- Are responsible for submitting applications for leave in accordance with the procedures set out in this document.

- Are responsible for adhering to the terms of their individual leave agreement.

- Are responsible for providing any supporting documentation, as requested by management, when applying for leave.

- All employees must seek approval from their Line Manager for the granting of leave in accordance with this policy and procedure.

4.0 Definitions

4.1 **Continuous Service** – full or part-time employment with the Trust or any previous NHS employer, where there has not been a break in service (the length of break that would effectively break continuous service will depend on the specific provision or entitlement being claimed by the employee).

4.2 **Reckonable Service** – any full- or part-time employment with the Trust or any previous NHS employer, or recognised non-NHS organisation.

Section A: Family Leave

5.0 Maternity Leave

5.1 Entitlement to Maternity Leave

All pregnant employees will be entitled to 52 weeks maternity leave, comprising of 26 weeks ordinary maternity leave followed by 26 weeks additional maternity leave, providing they meet the following conditions:

a) They notify their manager of their intention to take maternity leave no later than the end of the 15th week before the Expected Week of Childbirth (EWC)*.

b) They continue to be employed by the Trust until immediately before the beginning of the 11th week before the EWC.

c) They submit an original statement (the MATB1 certificate) which states the expected date of childbirth.

*the EWC is the week, commencing on a Sunday, that the child is expected to be born. For example, a child is due to be born on Wednesday 2nd February, the EWC would commence on Sunday 30th January.

5.2 Maternity Pay

Eligibility for Statutory and Occupational Maternity Pay is set out in the table on pages 9 and 10.

Maternity pay is based on the employee's average weekly earnings for 8 weeks prior to the 'qualifying week'*

<u>If you fail to return to this Trust or take up other NHS employment within 15 months of beginning your maternity leave</u>, for a minimum of three months, you will be liable to refund to the Trust the whole of your maternity pay less any Statutory Maternity Pay, or Maternity Allowance, received.

If you do not intend to return to work after the birth of your baby and you have 26 weeks service with the Trust at the 15th week you will be entitled to maternity leave with statutory maternity pay providing you meet the earnings rule. You will receive:

a) For the first six weeks, 90% of your average weekly earnings, then

b) For a further 33 weeks, the lesser of either a flat rate sum or 90% of your average weekly earnings

If you do not satisfy the conditions set out in options 2-4 (see 'maternity leave entitlements' table below) you may be able to claim Maternity Allowance from

the DSS (see option 1 in table below). You will receive form SMP1 from the Salaries and Wages Department, which you should take to your local Job Centre Plus or Social Security Office in order to apply for this.

**The Qualifying Week commences on a Sunday and ends on a Saturday and is 15 weeks prior to the Sunday of the Expected Week of Childbirth (EWC).

5.3 Applying for Maternity Leave and Pay

To apply for maternity leave and pay:

- You should complete an 'Application for Maternity Leave' (see **appendix 1**), which should be signed by your manager and sent with your MATB1 certificate to the Human Resources Department. You can obtain your MATB1 certificate from your Doctor or Midwife.

5.4 Commencement of Maternity Leave

Maternity Leave can commence at any time between the *11th week before* the expected week of childbirth and the expected week of childbirth.

- If you are absent from work with a pregnancy related illness, or become ill with a pregnancy related illness during the last 4 weeks before your EWC, your maternity leave period will start automatically on the day after the first day of absence following the beginning of the fourth week before the EWC, or the beginning of the next week after you last worked, whichever is later.

- If your child is born before your intended maternity leave start date, it starts automatically on the day after the date of birth. If your child is born before the 11th week before the EWC and you have worked in the actual week of childbirth, your maternity leave period will commence on the first day of absence. If your child is born before the 11th week before the EWC and you have been absent from work on certified sickness during the actual week of childbirth, your maternity leave period will commence on the day after the day of birth.

5.5 Compulsory Maternity Leave

Following the birth you must take at least two weeks' maternity leave.

5.6 Returning from Maternity Leave

If you intend to return to work following your full period of maternity leave you will not be required to give any further notification.

However, if you wish to return early, you must advise your manager and the Human Resources Department in writing at least 8 weeks before the date of your actual return.

Maternity Leave Entitlements – Staff Returning to Work

LENGTH OF SERVICE	MATERNITY ENTITLEMENTS
1. Less than 26 weeks 'continuous service with the Trust, continuing into the 15th week before EWC and **no previous NHS service.**	You are entitled to 26 weeks ordinary maternity leave and 26 weeks additional maternity leave which runs from the end of your ordinary maternity leave. You are not entitled to Occupational Maternity Pay (i.e. from the Trust) or Statutory Maternity Pay. * You may however be entitled to Maternity Allowance from the DSS. You will receive form SMP1 from the Salaries & Wages Department, which you should take to your local Job Centre Plus or Social Security office in order to apply for this.
2. 26 weeks service with the Trust continuing into the 15th week before EWC, but not 12 months continuous NHS service at the beginning of the 11th week before the EWC.	You are entitled to 26 weeks ordinary maternity leave, and 26 weeks additional maternity leave, which runs from the end of your ordinary maternity leave. You are not entitled to Occupational Maternity Pay. You may be entitled to 39 weeks Statutory Maternity pay.* * If you are not entitled to SMP because you do not meet the earnings rule, you may be entitled to Maternity Allowance.
3. 12 months continuous NHS service at the beginning of the 11th week before EWC but **not including** 26 weeks with the Trust at 15th week before EWC.	You are entitled to 26 weeks ordinary maternity leave and 26 weeks additional maternity leave. You will be paid the following from the start of you ordinary maternity leave: • 8 weeks at full pay less Maternity Allowance if applicable* (including any dependents allowances) • 18 weeks at half pay, plus Maternity

	Allowance if applicable* (including any dependents allowances) This is followed by 13 weeks at Maternity Allowance* rate You are not entitled to Statutory Maternity Pay *See option 1 above for details about Maternity Allowance.
4. 12 months 'continuous NHS service' at 11th week before EWC **including** 26 weeks with the Trust at 15th week before EWC.	You are entitled to 26 weeks ordinary maternity leave and 26 weeks additional maternity leave. You will be paid the following from the start of you ordinary maternity leave: • 8 weeks at full pay, inclusive of SMP*(including any dependents allowances) and • 18 weeks at half pay plus SMP*, (including any dependents allowances) This is followed by 13 weeks at Statutory Maternity Pay* rate * If you are not entitled to SMP because you do not meet the earnings rule, you may be entitled to Maternity Allowance.

In 3 or 4 above, if half pay, plus SMP, or other benefits, exceeds your normal pay,

payment will be adjusted so that you do not receive more than normal average pay.

Please refer to appendices 2 and 3 for additional information on maternity leave and pay. This includes guidance on pre- and post-natal risk assessments.

6.0 Maternity Support (Paternity) Leave

6.1 Ordinary Paternity Leave

Under Agenda for Change and relevant Terms and Conditions for Medical Staff, (ordinary) Maternity Support (Paternity) Leave is available for all employees who are biological and adoptive fathers, nominated carers or same-sex partners.

Eligible employees will be entitled to a maximum of 2 working weeks' paternity leave (pro-rata for part-time staff) to be taken within **56 days** of the date the baby was born/placed for adoption.

In accordance with Agenda for Change and relevant Terms and Conditions for Medical Staff, employees must notify the Trust at least 28 days prior to commencement of leave, by completing the application form contained in **appendix 4**, and submitting it, along with a completed SC3 form (available on directgov.gov.uk) to their line manager.

Leave can commence on any day of the week, but not before the baby has been born Leave must be taken as a block of either one or two weeks, and cannot be taken as two separate weeks or odd days.

Eligibility for Occupational Maternity Support Pay is 12 months' continuous service with the NHS at the beginning of the week in which the baby is due/the employee has been notified of placement for adoption.

Employees who are not eligible for Occupational Maternity Support Pay, but have a least 26 weeks' continuous service with the Trust continuing into the 15th week before the expected week of childbirth/or the week of notification of placement for adoption, may be eligible to receive Statutory Paternity Pay.

6.2 Additional Paternity Leave

Under the Additional Paternity Leave Regulations 2010, eligible employees will be entitled to take up to 6 months' Additional Paternity Leave, in respect of babies due on or after 3rd April 2011, or a child matched for adoption on or after 3rd April 2011.

In order to qualify for Additional Paternity Leave, employees must:

- Be the biological or adoptive father, nominated carer or same-sex (civil) partner of the mother/primary carer, and be taking the time off to care for the child.
- Have been continuously employed with the Trust for at least 26 weeks, ending with the 15th week before the expected week of childbirth, or the week of notification of the match for adoption.

- Be employed by the Trust until the week (which runs Sunday to Saturday) before the first week of the additional paternity leave
- Give the Trust at least 8 weeks' notice of their intention to take the leave

In addition, the mother or primary adopter must:

- Be entitled to Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance, Statutory Adoption Leave or Statutory Adoption Pay
- Have returned to work with at least 2 weeks of their statutory maternity or adoption leave and/or pay remaining, and have ceased claiming the relevant pay.

Eligible employees will be entitled to receive Statutory Additional Paternity Pay. Eligibility for pay mirrors the criteria for Statutory Maternity Pay, except that the employee must remain continuously employed until the week before the additional statutory pay period begins.

Other Key Points:

- Eligible employees will be entitled to a minimum of 2 weeks' and a maximum of 26 weeks' additional paternity leave.

- The earliest date the leave can begin is 20 weeks after the child has been born or placed for adoption.

- The amount of Additional Statutory Paternity Leave and Pay available to the employee will depend on the amount of statutory leave and pay that has not been used by the mother or primary adopter. In effect, the outstanding 'balance' of statutory maternity leave and statutory pay is transferred to the father or adoptive parent.

- The leave must be taken in one continuous block, in multiples of complete weeks, before the child's first birthday or within the first year of adoption.

- Employees taking additional paternity leave will have the same right as mothers or adopters to up to 10 'keeping-in-touch' days. The arrangements mirror those relating to maternity leave.

- Employees wishing to apply for Additional Paternity Leave are required to complete the application form in **appendix 5**, attaching a copy of the birth certificate/notification of adoption.

- Employees wishing to return early from a period of additional paternity leave are required to give the Trust **28 days' notice**.

7.0 Assisted Conception (IVF) Leave

The Trust will support employees with time off for the purpose of undergoing programmes of treatment.

Employees with 12 months' continuous service with the Trust will be entitled to a maximum of 5 days' (pro-rata for part-time staff) paid time off in any 12 month period, to attend appointments and programmes of treatment. There is no requirement for the time off to be taken in full-day blocks.

Authorised unpaid leave will be granted to employees with less than 12 months' continuous service with the Trust, or those who have used their full paid leave allowance. Alternatives may include annual leave, or the use of flexitime.

Employees must inform their line manager of their intention to take the leave, giving reasonable notice of the leave. Line managers reserve the right to request documentation in support of the request for leave.

8.0 Adoption Leave

Under Agenda for Change and relevant Terms and Conditions for Medical Staff, all employees are entitled to take up to 52 weeks' Adoption Leave providing that they have been newly matched with a child by an adoption agency and have primary carer responsibilities for that child.

Where the child is below the age of 18, the specific entitlements to leave and pay for staff mirror the maternity leave provisions which can be found in the Trust's Procedure for Maternity Leave. Eligibility for Occupational Adoption Pay is 12 months' continuous NHS service ending with the week of notification of being matched with the child for adoption.

Adoption Leave can start either from the date the child starts living with the employee, or up to 14 days before the date it is expected the child will start living with the employee.

- In order to apply for adoption leave, employees must complete and sign the attached application form (see **Appendix 6**) no later than 7 days following notification by the adoption agency of the match for adoption, giving the Trust no less than 21 days' notice of the leave.

- Staff must provide written confirmation that they have been accepted for adoption. They must also provide written confirmation of the date the child/children come under their full-time care, (this may also include long-term fostering, which has the specific aim of leading to adoption) and that the child/children are new to the household.

The above provisions are conditional on employees returning to work for a minimum period of 3 months following their adoption leave. Failure to return

will lead to the employee being required to refund any occupational adoption pay received during their period of adoption leave, less any statutory adoption pay received.

9.0 Parental Leave

Under Agenda for Change and relevant Terms and Conditions for Medical Staff, Parental Leave is applicable to any employee in the NHS who has nominated caring responsibility for a child under the age of 14 (18 in cases of adoption or disabled children).

Eligible employees will be able to take up to a maximum of 13 weeks' **unpaid** leave per child, to be taken before the child reaches the age of 14 (18 for an adopted child).

In respect of disabled children, parents are entitled to take up to a maximum of 18 weeks' unpaid leave, before the child's 18th birthday (for the purposes of parental leave, a disabled child is one for whom Disability Living Allowance has been awarded).

In the case of multiple births, 13 weeks (18 weeks if disabled) will be provided for each child.

Parental leave will be available on the following basis:

- In blocks of one week at a time, or multiples of one week, up to a maximum of 4 weeks in a year (for each child)
- In one day or multiples of one day, up to a maximum of 4 weeks in a year (for each child).

The Trust has the right to postpone the leave for up to a maximum of 6 months from the date when the employee wishes to take the leave subject to service needs. Leave cannot be postponed when an employee gives notice to take such leave at the time of birth/adoption of the child.

The Trust is committed to the re-employment of employees in the same or equivalent grade at the end of a period of parental leave. However, where the leave taken is for a period of 4 weeks or less, the employee will be entitled to go back to the same job/post and location.

During parental leave, the employee retains all his/her contractual rights (except remuneration) and periods of parental leave are regarded as continuous service.

Members of staff paying into the NHS Pension Scheme will be required to contribute to the scheme for any periods of leave taken. This will be at the same rate as that they would have paid had they been receiving pay during that period.

- The employee is required to give at least 21 days' notice of the leave, by submitting a completed application form (see **Appendix 7**).

10.0 Carer Leave

Carer leave for domestic, personal and family reasons is intended to enable employees to cope with disruption of, or changes to, normal caring responsibilities.

Employees have a statutory right to take a reasonable amount (usually up to one day) of (unpaid) time off work to deal with emergencies involving dependants. A "dependant" is defined as a spouse, civil partner, a child or parent of the employee, a person who lives in the same household (except tenants, lodgers, boarders and employees), or those who reasonably rely on the employee in an emergency/to make arrangements for the provision of care.

Carer leave may be granted to assist the employee in coping with urgent, immediate and unforeseen domestic situations. The aim of such leave is to provide a compassionate response to immediate needs.

It is impossible to be completely prescriptive about all the circumstances in which carer leave may be granted, however examples of situations in which carer leave may be appropriate include:

- To deal with the unexpected breakdown of arrangements for care of a dependant
- To provide assistance if a dependant unexpectedly falls ill, is injured or assaulted
- To provide assistance if a dependant gives birth
- To deal with an incident involving the employee's child during school hours.

Examples of situations in which carer leave is likely to **not** be appropriate include:

- To accompany a relative to a planned hospital appointment
- To deal with a situation the employee could reasonably have planned for in advance
- To stay at home to look after a sick child (once any immediate crisis has been addressed).

The granting of paid carer leave will be at management's discretion. Each request will be considered separately, taking into account the needs of the service. Alternatives to carer leave might include asking the employee to take annual leave, or when annual leave entitlement has been exhausted, using flexitime or granting authorised unpaid leave.

It is important to remember that carer leave is intended to support the individual in dealing with immediate, unforeseen needs, therefore, in most cases, one days' paid leave will be sufficient. Managers may use their discretion to extend this period in particularly difficult situations. The Trust, with discretion, will grant a member of staff a maximum of 5 days' (pro-rata for part-time staff) **paid** Carer Leave in any 12-month period.

- **Employees** wishing to apply for carer leave are required to inform their line manager as soon as is practically possible.

- **Line managers** are required to record the leave on the employee's personal file, keeping a record of the amount of Carer Leave taken over a rolling 12-month period. Managers must also record the leave on the monthly SAR.

11.0 Compassionate Leave

Managers should exercise discretion in granting compassionate leave for employees requiring time off to deal with the death of a dependent.

The amount of leave granted in cases of bereavement is dependant upon the relationship of the employee to the deceased and their involvement in the funeral arrangements. Generally, employees may need time off to make funeral arrangements and/or to attend the funeral. As a general principle, one to five days' paid compassionate leave may be appropriate where the deceased was a dependent.

Consideration needs also to be given as to whether the employee is appointed as Executor and also the distance of the deceased from the place of employment.

12.0 Other Exceptional Requests

Managers should consider each request on its merits and if necessary discuss the request with the Human Resources Department to ensure Trust-wide consistency when dealing with similar situations.

Section B: Annual Leave

13.0 Annual Leave Year

The annual leave period shall be from 1 April to 31 March. This may be reviewed at some point in the future. The annual leave period for some Medical staff runs outside of this period (i.e. October to September)

14.0 Exclusions

This policy is not applicable to Bank Staff and Doctors in Training.

15.0 Entitlements

The basic annual leave provisions under Agenda for Change, are contained in Table 1 below.

Entitlements for Medical Staff can be found in table 4, on page 27.

Table 1 Annual Leave Entitlement

Length of service	Annual leave + General Public Holidays
On appointment	27 days (202.5 hours) + 8 days (60hours)
After 5 years service	29 days (217.5 hours) + 8 days (60 hours)
After 10 years service	33 days (247.5 hours) + 8 days (60 hours)

The above entitlements are expressed in hours in tables 2 and 3 below.

The Trust Policy is to determine annual leave entitlement **in hours not days** for **all staff** regardless of whether the employee is full-time or part time. The benefit for all Trust employees in calculating entitlement in hours is that this ensures equity for all by ensuring that staff who work variable hours/shifts do not receive either more or less leave than colleagues who work a standard pattern. For example, If an employee working nights, on 10 hour shifts, takes annual leave over one shift, then 10 hours is deducted from the annual entitlement.

The calculation of annual leave entitlements pertaining to all staff is contained in Table 2.

In addition to annual leave entitlement, employees are entitled to 8 paid General Public Holidays (Bank Holidays) In the case of all part time staff this entitlement is pro rata to the full time allowance of 8. The calculation of this entitlement is always proportional to the number of basic 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. Similarly, this calculation based on the number of basic weekly contracted hours removes any potential for inequity in the case of staff whose working days vary. Table 3 contains the Bank Holiday entitlement for all staff per Bank Holiday and for a full leave year. Further details pertaining to Bank Holidays is contained in section 19.

To calculate an employee's total leave entitlement inclusive of Bank Holidays, Tables 2 and 3 should be added together. They are shown separately so that the composition of an employee's full entitlement is clear.

16.0 Calculation of NHS Service

An employee's continuous previous service with a NHS employer will count as reckonable service in respect of annual leave.

In addition, aggregated NHS service, i.e. any period of time that has been worked in the NHS, regardless of whether or not there has been a break in service, will count as reckonable service for annual leave.

For purposes of aggregated service, time spent in a highly relevant role in organisations other than the NHS, may, at the discretion of the Manager, be counted as aggregated service, e.g. Service with any local authority, GP Practices, Nursing Homes. Evidence may be taken from the application form, references and job descriptions. A Manager must be able to justify their decision, including the impact on others already in post. If the manager considers offering more than the basic entitlement on this basis, they must discuss it with their Human Resources Business Partner

Locum agency or Bank service will not count.

In order to have previous service, as detailed above, regarded as reckonable service, staff will need to provide formal documentary evidence of any relevant, reckonable service. Further clarification and guidance must be sought from Human Resources prior to confirming aggregated service.

17.0 Entitlement on Joining

All new members of staff will be entitled to annual leave plus the Bank Holidays that fall within their period of employment, on a pro-rata basis.

Entitlement in the first year is dependent on the number of **full complete calendar** months worked after the date of joining and before the end of the annual leave year. For example, if someone commences work on the 6 June

they will be entitled to nine twelfths of the total annual leave entitlement, as the month of June will not apply for calculating annual leave entitlement.

Similarly, annual leave entitlement for part years can be calculated using Tables 2+3 but this must be pro rata to the number of months in the leave year since joining. Annual leave is calculated based on 1/12th for each **complete** calendar month (subject to the terms of the paragraph above). The Bank Holiday hour's entitlement will be based on the number of Bank Holidays remaining in the current leave year from the date of joining.

E.g.: a member of staff works 25 hours per week, their joining date is 24th August and they are new to the NHS:

Their annual leave entitlement for a full leave year would be 175 hours (per Tables 2+3). As they started on 24th August, they are entitled to 7 months of annual leave i.e. 7/12ths of 135 hours (Table 2) which is 79 hours annual leave. Bank Holiday hours must be added to this. This total will vary depending upon where the Bank Holidays fall during the calendar year but for the purposes of this example, assume that there are 4 Bank Holidays remaining in the leave year. Therefore, using Table 3, 4 Bank Holidays x 5 hours per Bank Holiday = 20 hours. So the total leave entitlement for the part leave year will be 79hrs +20hrs = 99 hours to be taken by the 31st March.

18.0 Entitlement on Changing Contracted Hours

Where staff change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed months on the new and the old contracted hours to give the full year entitlement. The Trust policy is that where staff change their contracted hours part way through a month they should not lose entitlement. Therefore, in these cases the entitlement for the first month will be calculated on the basic weekly contracted hours that they predominantly worked for that initial month.

19.0 General Public Holidays ('Bank Holidays')

A General Public Holiday shall be defined as a period of normal duty that starts within the period of 24 hours from midnight to midnight.

Employees will be entitled to all paid General Public Holidays (Bank Holidays) in the leave Year, providing that they are employed with the Trust at the time the specific Bank Holiday falls. All part time staff are entitled to the Bank Holidays pro rata to the full time allowance.

The 8 Bank Holidays in the year are:

Christmas Day	Boxing Day	New Year's Day
Good Friday	Easter Monday	May Day
Spring Bank Holiday	August Bank Holiday	

All employees are entitled to the above 8 paid Bank Holidays in the leave year. In the case of part-time staff, this will be a proportionate number of Bank Holiday hours based on their basic weekly contracted hours. Table 3 identifies this actual hour's entitlement pro rata per bank holiday and for the total leave year. The total leave entitlement is calculated by adding their annual leave entitlement per Table 2 to the Bank Holiday hour's entitlement in Table 3.

On each and every occasion an employee takes paid time off on a Bank Holiday as part of their basic week, the appropriate deduction of their normal basic working hours for that day will be made from their overall entitlement (i.e. Tables 2+3 combined). Where operationally possible and subject to mutual agreement, an employee may change their days of working during a Bank Holiday week and therefore retain their leave entitlement in respect of the Bank Holiday. This can then be taken as time off at another time.

E.g. Employee A is not required to work on May Bank Holiday. Their normal contracted hours of work are 18 per week. They would normally work 6 hours on a Monday and they have less than 5 years service. So, using the above principle, 6 hours will be deducted from their total entitlement of 126 hours (Tables 2+3)

E.g. Employee B works 30 hours per week. They would normally work 7.5 hours on a Monday and have over 10 year's service. They are required to work on May Bank Holiday so their leave entitlement remains intact as this day has not been taken off as leave. They are not required to work on August Bank Holiday so 7.5 hours will be deducted from their total leave entitlement of 246 hours (Tables 2+3)

It is suggested, in the case of employees who are **never** required to work on any Bank Holidays that fall on a normal working day, that at the beginning of the leave year, Managers and staff may find it helpful to make the appropriate total Bank Holidays deduction (using Table 3) so that the balance of leave entitlement is identified and recorded. Clearly, this deduction cannot be made if the employees' working days vary. For example, an admin Assistant in Finance works Monday to Friday – the office is always closed during public holidays. Therefore, there is no requirement to add any hours from table 3 as they are taken automatically.

20.0 Carry Over of Annual Leave

The provisions below are not applicable to Junior Doctors on training rotation. It is important that staff are enabled to take their leave during the leave year. Only in **exceptional** circumstances and with the approval of the line manager can annual leave be carried over into the next year. In this event a maximum of 5 days basic contracted hours may be carried over to the following year. Any leave that is to be carried over, must be requested by the employee, in the annual leave year in which it has accrued, and must be taken before the end of June in the new leave year.

Where staff have exceptionally been prevented from taking their leave due to service demands then, again, the amount carried forward will be expressed in contracted hours and this should not normally exceed one week.

Where staff work variable shifts and are left at the end of the annual leave year with a number of hours less than that usually worked on a shift, the employee may add this to accrued time off in lieu to allow for a full shift to be taken. If the employee does not have sufficient time off in lieu accrued, then the hours may be carried over into the next leave year. In these circumstances there is no requirement for this amount to be taken before the end of June in the new leave year.

The carry-over of annual leave accrued whilst on long-term sick leave will be managed on a case-by-case basis. An important factor to be taken into account is whether or not the employee has been prevented from taking their statutory entitlement to annual leave (for example, due to long-term sickness absence) in the annual leave year in which the leave has accrued.

So as not to lose any accrued annual leave, employees may request to use annual leave whilst on long-term sick leave (for example, they may feel this is appropriate where their sick pay has been reduced to half or nil pay).

21.0 Sickness Occurring During Annual Leave or Bank Holidays

If an employee falls sick whilst on annual leave, then the period covered will be treated as sick leave, providing the employee follows the Trust procedures for reporting sickness absence, and a Fit Note is provided to cover the period of absence. This will enable the employee to take the annual leave another time.

In accordance with Terms and Conditions of Employment, employees will **not** be entitled to an additional day off if sick on a Bank Holiday that they would otherwise have been required to work as part of their basic week.

22.0 Entitlement On Leaving

All staff are required to take any outstanding annual leave prior to their date of termination (unless in circumstances where the Trust has terminated the employment of the employee). Where this is not practicable, staff may be paid for any outstanding leave. This must be authorized by the individual's line manager.

Staff who leave the Trust will be eligible for 1/12th of their annual leave entitlement per Table 2 for each complete calendar month worked in the current leave year, less any annual leave taken plus the benefit of any outstanding Bank Holiday hours for Bank Holidays that have occurred in the leave year prior to the date of leaving. (Table 3)

Where total leave taken exceeds the earned total leave entitlement an appropriate deduction will be made from final monies.

TABLE 2: AFC ANNUAL LEAVE ENTITLEMENT – FULL YEAR CALCULATION, EXCLUSIVE OF BANK HOLIDAYS

WEEKLY BASIC CONTRACTED HOURS	ON APPOINTMENT	AFTER 5 YEARS SERVICE	AFTER 10 YEARS SERVICE
	27 DAYS	29 DAYS	33 DAYS
	HOURS EQUIVALENT:		
37.5	202.5	217.5	247.5
37.0	200.0	214.5	244.0
36.5	197.0	211.5	241.0
36.0	194.5	209.0	237.5
35.5	191.5	206.0	234.5
35.0	189.0	203.0	231.0
34.5	186.5	200.0	227.5
34.0	183.5	197.0	224.5
33.5	181.0	194.5	221.0
33.0	178.0	191.5	218.0
32.5	175.5	188.5	214.5
32.0	173.0	185.5	211.0
31.5	170.0	182.5	208.0
31.0	167.5	180.0	204.5
30.5	164.5	177.0	201.5
30.0	162.0	174.0	198.0
29.5	159.5	171.0	194.5
29.0	156.5	168.0	191.5
28.5	154.0	165.5	188.0
28.0	151.0	162.5	185.0
27.5	148.5	159.5	181.5
27.0	146.0	156.5	178.0
26.5	143.0	153.5	175.0
26.0	140.5	151.0	171.5
25.5	137.5	148.0	168.5
25.0	135.0	145.0	165.0
24.5	132.5	142.0	161.5
24.0	129.5	139.0	158.5
23.5	127.0	136.5	155.0
23.0	124.0	133.5	152.0
22.5	121.5	130.5	148.5
22.0	119.0	127.5	145.0
21.5	116.0	124.5	142.0
21.0	113.5	122.0	138.5
20.5	110.5	119.0	135.5
20.0	108.0	116.0	132.0
19.5	105.5	113.0	128.5

Formula is Weekly Contracted Hrs X No. of Days Entitlement

WEEKLY BASIC CONTRACTED HOURS	ON APPOINTMENT	AFTER 5 YEARS SERVICE	AFTER 10 YEARS SERVICE
	27 DAYS	29 DAYS	33 DAYS
	HOURS EQUIVALENT:		
19.0	102.5	110.0	125.5
18.5	100.0	107.5	122.0
18.0	97.0	104.5	119.0
17.5	94.5	101.5	115.5
17.0	92.0	98.5	112.0
16.5	89.0	95.5	109.0
16.0	86.5	93.0	105.5
15.5	83.5	90.0	102.5
15.0	81.0	87.0	99.0
14.5	78.5	84.0	95.5
14.0	75.5	81.0	92.5
13.5	73.0	78.5	89.0
13.0	70.0	75.5	86.0
12.5	67.5	72.5	82.5
12.0	65.0	69.5	79.0
11.5	62.0	66.5	76.0
11.0	59.5	64.0	72.5
10.5	56.5	61.0	69.5
10.0	54.0	58.0	66.0
9.5	51.5	55.0	62.5
9.0	48.5	52.0	59.5
8.5	46.0	49.5	56.0
8.0	43.0	46.5	53.0
7.5	40.5	43.5	49.5
7.0	38.0	40.5	46.0
6.5	35.0	37.5	43.0
6.0	32.5	35.0	39.5
5.5	29.5	32.0	36.5
5.0	27.0	29.0	33.0
4.5	24.5	26.0	29.5
4.0	21.5	23.0	26.5
3.5	19.0	20.5	23.0
3.0	16.0	17.5	20.0
2.5	13.5	14.5	16.5
2.0	11.0	11.5	13.0
1.5	8.0	8.5	10.0
1.0	5.5	6.0	6.5
0.5	2.5	3.0	3.5

Formula is Weekly Contracted Hrs X No. of Days Entitlement

Table 3 :AGENDA FOR CHANGE: CALCULATION OF BANK HOLIDAY ENTITLEMENT

WEEKLY BASIC CONTRACTED HOURS	HOURLY ENTITLEMENT FOR FULL LEAVE YEAR	HOURLY ENTITLEMENT ON EACH BANK HOLIDAY AS IT OCCURS
	(8 BANK HOLIDAYS)	
37.5	60.0	7.5
37.0	59.0	7.4
36.5	58.5	7.3
36.0	57.5	7.2
35.5	57.0	7.1
35.0	56.0	7.0
34.5	55.0	6.9
34.0	54.5	6.8
33.5	53.5	6.7
33.0	53.0	6.6
32.5	52.0	6.5
32.0	51.0	6.4
31.5	50.5	6.3
31.0	49.5	6.2
30.5	49.0	6.1
30.0	48.0	6.0
29.5	47.0	5.9
29.0	46.5	5.8
28.5	45.5	5.7
28.0	45.0	5.6
27.5	44.0	5.5
27.0	43.0	5.4
26.5	42.5	5.3
26.0	41.5	5.2
25.5	41.0	5.1
25.0	40.0	5.0
24.5	39.0	4.9
24.0	38.5	4.8
23.5	37.5	4.7
23.0	37.0	4.6
22.5	36.0	4.5
22.0	35.0	4.4
21.5	34.5	4.3
21.0	33.5	4.2
20.5	33.0	4.1
20.0	32.0	4.0
19.5	31.0	3.9

Formula is $\frac{\text{Weekly Contracted Hrs}}{5} \times \text{No. of Days Entitlement}$

WEEKLY BASIC CONTRACTED HOURS	HOURLY ENTITLEMENT FOR FULL LEAVE YEAR	HOURLY ENTITLEMENT ON EACH BANK HOLIDAY AS IT OCCURS
	(8 BANK HOLIDAYS)	
19.0	30.5	3.8
18.5	29.5	3.7
18.0	29.0	3.6
17.5	28.0	3.5
17.0	27.0	3.4
16.5	26.5	3.3
16.0	25.5	3.2
15.5	25.0	3.1
15.0	24.0	3.0
14.5	23.0	2.9
14.0	22.5	2.8
13.5	21.5	2.7
13.0	21.0	2.6
12.5	20.0	2.5
12.0	19.0	2.4
11.5	18.5	2.3
11.0	17.5	2.2
10.5	17.0	2.1
10.0	16.0	2.0
9.5	15.0	1.9
9.0	14.5	1.8
8.5	13.5	1.7
8.0	13.0	1.6
7.5	12.0	1.5
7.0	11.0	1.4
6.5	10.5	1.3
6.0	9.5	1.2
5.5	9.0	1.1
5.0	8.0	1.0
4.5	7.0	0.9
4.0	6.5	0.8
3.5	5.5	0.7
3.0	5.0	0.6
2.5	4.0	0.5
2.0	3.0	0.4
1.5	2.5	0.3
1.0	1.5	0.2
0.5	1.0	0.1

Formula is Weekly Contracted Hrs X No. of Days Entitlement

Table 4: Entitlement for Medical Staff

Number of years of completed service as a consultant	
Up to seven years	**Seven or more years**
6 weeks (240 hours)	6 weeks + 2 days (256 hours)
The 2 statutory holidays were by local agreement converted to 3 additional annual leave days (24 hours).	

Associate Specialist annual entitlement
6 weeks (240 hours)
The 2 statutory holidays were by local agreement converted to 3 additional annual leave days (24 hours).

Number of years of completed service as a Staff Grade/Specialty Doctor	
Up to two years	**Seven or more years**
5 weeks (200 hours)	6 weeks (240 hours)
The two statutory holidays were by local agreement converted to 3 additional annual leave days (24 hours).	

Trust Grade Junior Doctors	**14 days (112 hours) per 6-month rotation (inclusive on non-allocated statutory days)**

The above entitlements will be pro-rated for part-time staff.

Section C: Special Leave

23.0 Time off for Public and Civic Duties

Irrespective of length of service, employees have a statutory entitlement to a reasonable amount of unpaid time off for the purpose of performing any of the duties of their office or as members.

Lancashire Care NHS Foundation Trust will grant eligible employees a maximum of 12 days' paid leave in any 12 month period to carry out public and civic duties. Any leave to be taken beyond this limit, will be recorded as annual leave or authorised unpaid leave.

'Duties' include attendance at meetings or the undertaking of activities approved by the body for the purpose of discharging its functions.

Eligible employees are those who are:

- A magistrate, sometimes known as a justice of the peace
- A local councillor
- A school governor
- A member of a policy authority
- A member of any statutory tribunal (eg an Employment Tribunal)
- A member of the managing or governing body of an educational establishment
- A member of a school council or board in Scotland
- A member of the General Teaching Councils for England and Wales
- A member of the Environment Agency or the Scottish Environment Protection agency
- A member of the prison independent monitoring boards or in Scotland, a member of the prison visiting committees
- A member of Scottish Water or a Water Customer Consultation Panel

Special leave will also be granted to those who are required to:

- Attend court as a witness
- Undertake jury service*
- Attend as a witness at an appeal hearing or Employment Tribunal
- Train with the Reserve or Cadet Forces

Employees wishing to take special leave for Public and Civic Duties are required to complete the application form in **appendix 8**, and submit it to their manager, giving reasonable notice of the leave.

The amount of special leave granted will depend on how much time off is reasonably required for performance of the particular duty.

*Employees summoned for jury service will be granted authorized paid leave for the duration of the period of jury service:

- The Trust requires employees to claim for loss of earnings in accordance with Her Majesty's Courts Service's allowance process. Employees are required to forward their 'Certificate of Loss of Earnings or Benefit' certificate to the Payroll Department, prior to the commencement of jury service, allowing at least 5 working days for it to be processed and returned to them. The amount the employee claims from the Courts Service will be deducted from the following month's salary payment.
- Line managers **must** record any leave due to jury service on the monthly SAR.

Failure by an employee to follow the correct procedures for claiming loss of earnings through the Courts Service may result in the period of jury service being treated as unpaid leave, with the Trust making the appropriate deduction from the following month's salary.

Please see **Appendix 9** for step-by-step process guidance for re-claiming loss of earnings.

Line managers reserve the right to ask the employee to present written confirmation that they are required to attend the meeting/event for which they have requested time off.

Where an employee performs a range of public duties, the Trust encourages the employee to, where possible, arrange to undertake duties outside normal working hours.

24.0 Time off For Training

The Trust is committed to facilitating the learning and development of its workforce, and recognises the challenges employees may face when trying to balance their daily workload, with 'off-the-job' learning and development activity.

Under the Apprenticeships, Skills, Children and Learning Act 2009, employees with at least 26 weeks' continuous service with the organisation (Lancashire Care NHS Foundation Trust) have a statutory right to request time off to undertake training or study they think will improve their effectiveness in their role, and the performance of the organisation. In practice, this will relate to requests for time off to undertake training or study

which is independent from / in addition to mandatory training, statutory training, and/or learning events organised by the Trust.

The training to be undertaken by the employee can include accredited programmes leading to a qualification, or unaccredited training which will help the employee to develop specific skills relevant to their job or the business. The Trust already provides a variety of relevant learning / training opportunities for staff, however, there may be occasions where alternative requests for time off are received.

The Trust is under no obligation to pay employees for time taken out of the workplace to undertake training requested under this policy. However, where a line manager recognises that the training is essential, desirable or work-related, he/she has the discretion to grant paid time off. Arrangements for paid study leave and meeting the costs of training are covered under the Trust's 'Training and Development Policy', or for medical staff, the 'Study Leave Policy for Medical Staff in Non-Training Grades'.

24.1 Procedure for Requesting Time off for Training

Staff seeking time off to undertake study or training, are required to approach their line manager in the first instance. Where the desired learning activity requires a short period away from the workplace (for example, up to one day), without financial support for course fees etc., this may be agreed informally.

Otherwise, employees seeking study leave / paid time off and/or financial support for learning, should refer to the Trust's Training and Development policy, or Study Leave Policy for Medical Staff in Non-Training Grades, which set out the arrangements for agreeing time off and financial support for study leave / learning and development activity.

Where the above options have been exhausted, the procedure outlined below will be followed:

- Employees wishing to formally exercise their statutory right to request time off for training are required to complete the form in **appendix 10**, and submit this to their line manager, giving reasonable notice of the required time off.
- Within 28 days of receipt of the request, the line manager will arrange a meeting with the employee to discuss the request. The employee may be accompanied to the meeting by a workplace colleague or Trade Union representative. A representative from Human Resources may also be present at the meeting, in an advisory capacity.
- During the meeting the employee will have the opportunity to discuss the request for training, including;
    - How they think it may benefit their performance in their role, and the performance of the business.

  - Arrangements for taking time off to undertake the training
- Within 10 working days of the meeting, the line manager will write to the employee, confirming their decision to accept or refuse the request.
- Where the request has been accepted, the details of the agreement should be confirmed in writing. If paid time off / financial support is sought by the employee, the 'application for study leave' contained in the 'Training and Development' policy should be completed.
- Should the manager decide to refuse the request, they must clearly state the reasons for this refusal (see below).
- Employees have the right of appeal against the decision. This must be submitted in writing, within 14 days of receiving the decision letter, to the next level of line management. An appeal meeting will be held within 14 days; the outcome of which will be confirmed in writing to the employee within 14 days, stating clear reasons for any refusal of the request for time off.
- There is no further right of appeal at this stage. If an employee feels the policy has not been properly adhered to, they have the right to invoke the Grievance Procedure at the appropriate stage.

Employees are entitled to make one statutory request over any 12-month period.

Line managers reserve the right to request written confirmation of the training to be undertaken.

25.0 Employment Break Scheme

The Employment Break Scheme is available to all employees with at least 12 months' continuous service with Lancashire Care NHS Foundation Trust. The Scheme exists to provide opportunities for employees to take an extended period of unpaid leave from work.

The Scheme can be used to take time off for:

- Childcare
- Care for another dependant
- Training
- Study
- Work or research abroad

Other reasons will be considered on their merits.

Employees undertaking an employment break will not be permitted to undertake paid employment with this or any another organisation (except bank work), unless explicitly agreed with the Trust in advance. The Trust reserves the right to terminate any employment break agreement, where it is found that the employee is undertaking paid work without prior agreement

with the Trust. In such cases, the employee's right to return under the employment break agreement will be reviewed.

The time off will be unpaid, and will not constitute a break in continuous service. However, time spent on an employment break will not be counted as reckonable service with respect to sick pay, annual leave, maternity/paternity leave and pay, redundancy pay and any other statutory or occupational entitlement linked to reckonable service.

The employee will receive no detriment to statutory and occupational entitlements linked to continuous and reckonable service, other than that reckonable service will not further accrue during the period of leave.

The minimum period for an employment break will be 3 months, the maximum period will be 5 years.

25.1 Employee Guidance: Applications for an Employment Break

- Employees wishing to apply for an employment break are required to submit the application form contained in **Appendix 11** to their line manager.

- This should be done at least 12 weeks prior to the desired employment break start date. Managers reserve the right to request a longer notice period, particularly for cases that will involve a period of over 12 months away from the workplace.

- Employees are required to provide details of the activities they intend to undertake whilst on their employment break.

25.2 Manager Guidance: Receiving Applications for an Employment Break

- Managers are required to meet with the employee within 10 working days of receiving the request.

- The meeting will be held on an informal basis, and will give both parties the opportunity to discuss the application

- Within 5 working days of the meeting, the manager will confirm their decision in writing, including the grounds for any refusal.

- In reaching a decision, the following factors will normally be taken into account by the manager:

    - The needs of the service
    - The ability to arrange cover for the employee
    - The employee's work and attendance record
    -

25.3 Appeals Process

Any employee who is dissatisfied with the outcome of the meeting is encouraged to address this informally with their line manager in the first instance. Should the employee remain dissatisfied, they may submit an appeal, in accordance with the Trust's Grievance Procedure.

25.4 Returning to Work

- Should the employee wish to return to work in advance of the original agreed return date, they will be required to give the Trust at least 2 months' notice, where the employment break is less than 12 months. A notice period of 6 months is required where the break is more than 12 months. (The above notice periods are defined in Agenda for Change and relevant Terms and Conditions for Medical Staff, Where both parties feel a shorter notice period would be mutually beneficial, this may be applied following the express agreement of both parties)

- If the employment break is no longer than one year, the employee will be entitled to return to the same job

- If the employment break is over one year, the employee is entitled, where reasonable practicable, to return to a job at the equivalent salary level (taking into account the knowledge, skills and experience required to undertake the role effectively).

Any organisational change taking place during the period in which the employee is away from their substantive role, will be managed in accordance with the Trust's Organisational Change policy.

25.5 NHS Pension Arrangements

Members of the NHS Pension Scheme who undertake an employment break may choose to remain pensionable for a period of up to 6 months, and will be treated as would any other active member of the scheme. Members who have exercised this 6-month option will also have the option of extending their pensionable leave for a further period of up to 18 months. During this additional period of 18 months, the member will be responsible for both the employee and employer pension contributions.

Members will be responsible for making these contributions on an on-going basis during the career break and arrears cannot be allowed to accumulate and paid on resumption of work.

A career break longer than 18 months will incur a break in pensionable service and Pension scheme members are advised to seek advice on the implications of this. Advice can be sought from the Trust's Payroll Service.

26.0 Domestic Leave

There may be occasions where employees encounter domestic emergencies such as flooding in the home, burglary or severe damage to their home adversely affecting the safety and/or security of the premises.

In such circumstances, the Trust, with discretion, will grant up to one days' paid special leave for the employee to deal with the immediate problem/emergency.

Where a longer period of time off is required, or an employee has already taken 3 days' (pro-rata) domestic leave over a rolling 12-month period, employees may be asked to take annual leave, use flexitime, or take authorized unpaid leave.

27.0 Time Off for Medical Appointments

Staff who are required to attend a medical appointment will be expected to make all reasonable attempts to arrange for their appointments to take place prior to the start of their shift, or after their shift. Where appointments fall during working hours, staff will be allowed reasonable paid time off to attend the appointment. Where regular appointments are required, line managers reserve the right to request that flexi-time / TOIL is used for the time taken out of the workplace to attend.

Where appointments are required to access consultations / treatment for a long-term condition / disability (as defined under the Equality Act 2010), an action plan will be developed between the line manager and member of staff, with reasonable time off allocated for travel and attendance at the appointment. This may be a combination of paid time off, and the use of flexitime / TOIL.

Copies of official appointment cards may be requested by the line manager and every reasonable effort should be made to attend work prior to, and/or following appointments made during working hours. Staff unable to attend work must notify their line manager accordingly.

In most cases, time off for planned operations will be classed as certified sickness.

28.0 Training

Line managers may access one-to-one advice and guidance from the Human Resources department. Where a significant need to increase management capability in the application of the policy and procedure is identified, training sessions will be delivered to line managers.

29.0 Implementation

The Trust Policy Administrator will upload all Trust policy documents onto the Trust intranet. The Trusts weekly e-bulletin will include details of all new and reviewed Trust policies following approval and ratification.

The Policy will be held in the Trust HR department and on the Trust intranet.

30.0 Monitoring Compliance

Non-compliance with the procedures outlined in this policy will be addressed by the Human Resources department, directly with Networks, with appropriate actions being taken.

Areas of compliance will include: the duties of the key stakeholders described in section 3 of the document, compliance with the protocols for requesting, authorising and recording leave, and the appropriateness of management decisions in authorising leave. So far as is reasonably practicable, this will be monitored on a case-by-case basis.

Where H.R. support is requested, the assigned Human Resources representative will monitor compliance with the policy on a case by case basis.

In addition, the following methods of monitoring will be in place:

What is to be Monitored	How it Will be Monitored	Frequency of Monitoring	Responsibility
Number of days' paid leave granted (Carer, Compassionate, Public and Civic Duties, Domestic)	Via annual workforce reports (placed onto the HR Drive) detailing amount of leave granted in 12 month period per Network. Reports will provide an overview of the number of individual cases of paid leave, coded under CL, JS, LP on the monthly SAR. Paid leave beyond the limits defined in the	End of each Financial Year	Workforce Team, , nominated Senior H.R. Advisors / H.R. Advisors

	policy will be addressed by the Network HR representative (Senior H.R. Advisor, or H.R. Advisor) with the appropriate line manager.		

31.0 Reference Documents

Agenda for Change Handbook of Service
Study Leave Policy for Medical Staff
Training and Development Policy

32.0 Bibliography

ACAS
Direct Gov
Agenda for Change Handbook of Service
Terms and Conditions of Service for Speciality Doctors (England) 2008
Terms and Conditions – Consultants (England) 2003
Whitley Council Terms and Conditions

33.0 Useful Contacts

In the first instance, individuals who require more information on this policy are encouraged to access the guidance material stored on the HR section of the Trust's intranet pages.

The contact details below may be useful for staff and/or managers who require more information on the practicalities of this policy, and the relevant services provided by the Trust.

Human Resources: via 01772 695 300
Payroll: 01257 247 540 / 542 / 544
Child and Family Care Team: 01253 651 178
Family Information Service: 0800 195 0137

Appendix 1

Lancashire Care NHS Foundation Trust
Maternity Leave Form

This form must be completed and returned to the Human Resources department no later than the end of the 15th week before the expected week of childbirth. You must attach an original MAT B1 certificate, signed by a Medical Practitioner or Certified Midwife, confirming your pregnancy and expected date of childbirth. Complete part 1 and section A, B or C as appropriate and then ask your manager to complete part 2 and the declaration on the second page of the form.

PART 1: TO BE COMPLETED BY THE EMPLOYEE:

SURNAME:_____FORENAMES:_____

ADDRESS:_____

_____POSTCODE:_____

JOB TITLE:_____CONTRACTED HOURS:_____PER WEEK

DEPARTMENT:_____ CONTACT NUMBER: _____

PAYROLL (ASSIGNMENT) NUMBER: _____

DATE OF COMMENCEMENT OF CONTINUOUS NHS EMPLOYMENT:_____

DATE OF COMMENCEMENT OF CURRENT TRUST EMPLOYMENT:_____

EXPECTED DATE OF CHILDBIRTH:_____

EXPECTED DATE OF COMMENCEMENT OF MATERNITY LEAVE:_____

(If applicable) I wish to spread my Occupational Maternity Pay payments over ____ weeks.

To view the jobs that are available within the Trust whilst you are on maternity leave, please visit our website at www.lancashirecare.nhs.uk or www.jobs.nhs.uk

SECTION A – STAFF WITH LESS THAN ONE YEARS' NHS SERVICE WHO WISH TO RETURN TO WORK

I wish to apply for Maternity Leave without Occupational Maternity Pay.

I understand that if I pay pension I will be required to make up the arrears of contributions which will have accrued during any period of unpaid leave. These will be repayable over a similar or agreed period. If I fail to return, I undertake to repay any overpayments made to me.

SIGNATURE OF APPLICANT:_____ DATE:_____

SECTION B – STAFF WITH MORE THAN ONE YEARS' SERVICE AND WHO WISH TO RETURN TO WORK

I wish to apply for Maternity Leave with Occupational Maternity Pay. I intend to return to work for a minimum period of 3 months after the expiry of 15 months following the commencement of my Maternity Leave period.

I understand that if I pay pension I will be required to make up the arrears of contributions which will have accrued during the period of unpaid leave. These will be repayable over a similar or agreed period. If I fail to return, I undertake to repay any overpayments made to me.

SIGNATURE OF APPLICANT:_____ DATE:_____

SECTION C- STAFF WHO DO NOT WISH TO RETURN TO WORK

I wish to apply for SMP only as I do not wish to return to work after my confinement.

I do/do not* wish to extend my Pensionable Services by 39 **weeks. (*delete as applicable)**

SIGNATURE OF APPLICANT:_____DATE:_____

SECTION D - STAFF WHO WORK ON THE STAFF BANK

I wish to apply for 52 weeks Maternity Leave and understand I will not be entitled to Occupational Maternity Pay, and may only be entitled to Statutory Maternity Pay (SMP) or Maternity Allowance (MA).

SIGNATURE OF APPLICANT:_____DATE:_____

*** SECTION E MUST BE COMPLETED BY THE APPLICANT IN ALL CASES ***

SECTION E- **I undertake to ensure that the Payroll Department is informed, in writing, if the circumstances listed below become applicable during the time I am in receipt of Statutory Maternity Pay or Maternity Allowance:**

1. **If I take up any employment;**
2. **If I am taken into legal custody.**

NB. Your entitlement to SMP may be affected if any of the above become applicable.

SIGNATURE OF APPLICANT:_____DATE:_____

PART 2: TO BE COMPLETED BY THE LINE MANAGER:

Have you agreed a voluntary method of contact with the above member of staff during their maternity leave?

Yes [ ] If Yes, please provide details_____

No [ ]

Have you agreed with the employee how much annual leave should be taken prior to the commencement of the maternity leave period?

Yes [ ] If Yes, please provide details_____

No [ ]

Have you agreed with the employee which days will be used as Keeping in Touch (KIT) days?

Yes [ ] If Yes, please provide details_____

No [ ]

Have you agreed with the employee how much annual leave should be taken following the end of the maternity leave period?

Yes [ ] If Yes, please provide details_____

No [ ]

Have you agreed with the employee how much annual leave can be carried over to the following leave year?

Yes [ ] If Yes, please provide details_____

No [ ]

DECLARATION BY MANAGER

The employment details of _____ as stated above are correct.

An ESR 5 Notification of Contractual Change form has been sent to the LCFT ESR Finance e-mail account.

SIGNATURE:_____ DATE: _____

NAME (Printed): _____

DEPT/WARD: _____ SITE: _____

PLEASE FORWARD THE COMPLETED FORM TO THE HUMAN RESOURCES DEPARTMENT, ALONG WITH THE ORIGINAL MAT B1 MATERNITY CERTIFICATE

Appendix 2

LANCASHIRE CARE NHS FOUNDATION TRUST

Pre- and Post-Natal Assessment of Risks

To be completed at monthly intervals during the pre and postnatal period.

To be filed with personal records on completion of pregnancy.

Check-list to assist Managers assess the risk to Staff during and after pregnancy in respect of:-

Name: _____ **Status:** _____

Dept/Ward: _____ **Manager:** _____

1. Has pregnancy been confirmed by the individual? If yes enter details below.
   Date of, or anticipated confinement:……
   Maternity Certificate (MATB1) received?…….

2. Has employee complained of any work activity, which may have an adverse effect on their well-being. If yes, log the complaint below and your response at Section 4. If no continue to section 3.

3.	What are the risks and how do you rate them: *See overleaf for guidance.*	High	Medium	Low	None
a)	Manual Handling Operations	☐	☐	☐	☐
b)	Patient Assaults	☐	☐	☐	☐
c)	Exposure to hazardous substances (please state)	☐	☐	☐	☐
d)	Shift working (including night work)	☐	☐	☐	☐
e)	Driving	☐	☐	☐	☐
f)	Period of high activity	☐	☐	☐	☐
g)	Periods of low activity	☐	☐	☐	☐
h)	The environment	☐	☐	☐	☐
i)	VDU (DSE)	☐	☐	☐	☐
j)	Radiation	☐	☐	☐	☐
k)	Theatre (ECT)	☐	☐	☐	☐
l)	Others (state)	☐	☐	☐	☐

Further guidance is available from the Occupational Health Department.
The objective is primarily to eliminate risks and secondly reduce them to the lowest practicable level.

4. Give below the detail of action time taken to eliminate or reduce the risks to an acceptable level. *Continue on a separate sheet if necessary.*

5. Review Date: ……

Signed Manager:_____ Date:_____

Managers Name (Printed): _____

Signed Employee:_____ Date:_____

Employees Name (Printed): _____

Appendix 3

Additional Information: Maternity Leave and Pay

- **Rights on Return to Work**

You have the right to return to your job under your original contract and on no less favourable terms and conditions.

If at the end of your maternity leave period you wish to return on different hours we will endeavour to facilitate this, wherever possible, so that your return to work on different hours in the same job. If this is not possible we will provide you with written, objectively justified reasons for this. You should discuss your intentions to return to work on different hours with your manager, as soon as possible i.e. before you commence maternity leave.

Staff wishing to apply for a flexible working pattern on a temporary or permanent basis, are required to apply through the Trust's Intelligent Working Policy and Procedure.

If you return to work on a flexible basis, for an agreed temporary period, this will not affect your right to return to your job under your original contract at the end of the agreed period.

- **Sickness Absence During Pregnancy and Maternity Leave**

If you have chosen to work *beyond the 4th week before* your EWC and you are off sick for a reason unrelated to pregnancy, your absence will be treated as sick leave.

If you are off work with a pregnancy related illness *beyond the 4th week before* your EWC your maternity leave will normally commence on the day after the first day of absence following the beginning of the fourth week before the EWC or the beginning of the next week after you last worked whichever is the later.

If you are sick following the date you were due to return to work normal sick leave provisions apply.

- **Ante-Natal Care**

You are entitled to paid time off for ante-natal care. Antenatal care may include relaxation and parent-craft classes as well as appointments for antenatal care. Except for the first appointment you will be asked to provide proof of appointments and to give your manager reasonable notice. You should use the form on page 17 to request and record all time off in relation to this.

- **If your Baby is Born Early**

If your baby is born before you intended your maternity leave to start, your maternity leave will start as outlined in section 2.4 c) above.

You should notify your Human Resources Advisor or Line Manager as soon as is reasonably practicable of the date of birth.

If your baby is born *prior to* the 11th week before your expected week of childbirth and your baby is in hospital, you may split your maternity leave. You would therefore take a minimum of 2 weeks leave immediately after childbirth and the rest of your leave following your child's discharge form hospital.

- **Stillbirth & Miscarriage**

In the event of a still-birth after the 24th week of pregnancy you shall be entitled to maternity pay and leave entitlements as if the birth had been live.

In the event of a miscarriage before the 25th week of pregnancy, normal sick leave provisions will apply as necessary.

- **Keeping in Touch**

Before you commence your maternity leave you may find it helpful to agree, with your manager, ways that will help you keep in touch with developments at work. In agreement with your line manager, you may undertake a maximum of 10 days work during your maternity leave, without bringing the maternity leave period to an end. These are referred to as 'keeping in touch days' and are paid at your normal rate of pay. They could be used to cover a requirement for you to attend, for example, a conference, training event, or team meeting. Agreeing to undertake these days is not a mandatory requirement under the maternity leave regulations.

These 'keeping in touch days' cannot be taken within the first 2 weeks following the birth of your child(ren).

- **Annual Leave**

You will continue to accrue annual leave during maternity leave, whether paid or unpaid.

If you are going to accrue an amount of annual leave that exceeds normal carry over provisions, you may be allowed to take this at the end of your maternity leave period, if this is mutually beneficial. However the amount of

annual leave to be taken in this way would have to be discussed and agreed with your line manager.

- **Health and Safety**

We aim to protect the Health & Safety of our employees who are pregnant, have recently given birth or who are breastfeeding. This is done by removing the risk to yourself or your baby, or by taking steps to reduce or remove the risk. The risk is identified through risk assessments.

- **Risk Assessments**

Once your manager knows that you are pregnant they will carry out a work related risk assessment with you (see **appendix 2**). Guidance notes are attached to this procedure and advice can be sought from the Occupational Health Department. If it is found or the Occupational Health Physician considers that you or your child would be at risk if you were to continue with your normal duties we would try and provide you with suitable alternative work, if this is the case you will receive your normal rate of pay. Where it is not reasonably practicable to offer suitable alternative work you may be suspended on full pay. These provisions also apply to you if you are breastfeeding and it is found that your normal duties would prevent you from successfully breastfeeding your child. If you believe there is a risk to yourself or your baby, which your manager has not considered through this process, you should bring it to their attention or to the attention of your Health & Safety representative.

- **Spreading Payments**

By prior agreement, you may be able to have your occupational maternity pay paid in a different way, for example a combination of full pay and half pay or a fixed amount spread evenly over the maternity leave period.

- **Your NHS Pension Contributions During Maternity Leave**

If you are returning to work you must maintain your contributions to the scheme. During paid maternity leave deductions will be made as normal.

If you are undecided about returning and subsequently decide not to, your contributions will, unless you request otherwise, be returned to you and the period of leave will not count as pensionable service.

During unpaid leave your pension contributions will accrue at the rate prior to your unpaid leave. The accumulated contributions will then be recovered from your pay, usually over the same length of time as your unpaid leave.

If you have decided not to return to work, you are entitled to extend your pensionable membership for 39 weeks by paying pension contributions.

- **Car Users**

If you are a regular car user and will be returning to work, the lump sum will be paid for the remainder of the month in which the car is out of use and for a further three months. A 50% payment will be made for the next three months. No further payment will be made if the car is out of use for 6 months or longer.

If you are not returning to work your payment will be limited to the period of paid maternity leave.

- **Breastfeeding**

Facilities will be made available upon your return to work to allow you to continue breastfeeding your child(ren) during the course of the working day.

You should inform your line manager of your intention to express milk at work when you notify him/her of your intention to return to work. Your line manager will then make arrangements for a suitable staff-only room to be made available to you (e.g. comfortable seating, able to locked from the inside). He/She will also make arrangements for suitable storage facilities for the expressed milk.

- **Fixed Term or Training Contracts**

If you are on a fixed term or training contract which expires *after the 11th week before your EWC*, your contract will be extended to enable you to receive 26 weeks paid contractual Maternity Leave, including 39 weeks of SMP or maternity allowance if applicable, provided that:

- You have completed at least 12 months continuous service with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth.

- You notify, in writing, your Manager and Human Resources Advisor of your intention to take maternity leave and the date you wish your maternity leave to start, no later than the end of the 15th week before the EWC.

- You provide a MATB1 form from your midwife or GP giving the expected date of childbirth.

If you are on a fixed term contract but do not meet the 12 months continuous service condition above you may still be entitled to SMP.

Absence on maternity leave (paid or unpaid) up to 52 weeks before a further NHS appointment shall not constitute a break in service.

If there is no right to return to be exercised because the contract would have ended if pregnancy and childbirth had not occurred the repayment provisions set out in this policy will not apply.

- **Rotational Training Contracts**

If you are a medical practitioner, or other employee taking part in a planned rotation of appointments with one or more NHS employers as part of an agreed programme of training, you will have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. The contract will be extended to allow you to complete the agreed programme of training.

- **Employment During Maternity Leave**

Employment with Another Employer

If after childbirth you take up employment with another employer you must inform your line manager and Human Resources Advisor.

Your entitlement to Maternity Leave from the Trust would cease on the Saturday of the week before the week you commence work with your new employer.

Your Occupational Maternity Pay would not be affected if you remain with the NHS.

Working During Your Maternity Leave

If following childbirth you carry out work for the Trust, including the Nurse Bank, during your maternity leave your maternity leave will be deemed to have ended on the day prior to the day on which you came to work. (This does not apply if your confinement was before the 11th week and you opted to split your maternity leave, nor does it apply if the work is classed as one of the 'keeping in touch days').

Working for Two Employers

If at the time of commencing maternity leave you have two separate contracts of employment you may be eligible to receive Statutory Maternity Pay from both employers.

- **Becoming Pregnant Again Whilst on Maternity Leave**

Should you become pregnant again during your maternity leave period, your entitlement to Statutory Maternity Pay (SMP) during the second period of maternity leave will depend upon whether your average weekly earnings during the period when this is calculated is high enough (for 8 weeks prior to the end of the qualifying week, i.e. the 15th week before the expected week of childbirth, you must be earning on average not less than the lower earnings limit for national insurance purposes).

In general, you will be eligible for Statutory Maternity Pay if the relevant period falls during the period when you are on ordinary maternity leave or the first 13 weeks of additional maternity leave. If the relevant period falls when you are on the remaining 13 weeks of unpaid additional maternity leave, you will not be entitled to Statutory Maternity Pay. If the relevant period overlaps the above, advice should be sought from the Payroll Department, as calculations would need to be carried out to ascertain if Statutory Maternity Pay is applicable.

You will be expected to provide the usual documentation to your line manager (completed Application Form for Maternity Leave and MAT B1 certificate) within the normal timescales, this being no later than the end of the 15th week before the expected week of childbirth.

Appendix 4

Application for Ordinary Maternity Support (Paternity Leave)

Section A:

To be completed by the Employee:

Surname: ……. **First Name:** ……...

Job Title: …….. **Payroll (Assignment) No**. …..

Address: ……

……..

Post Code: ……

Date of Commencement of Continuous NHS Employment:

……

Date of Commencement of Continuous Lancashire Care Foundation Trust Employment:

…….

Expected date of childbirth / date of placement for adoption:

……..

Number of weeks' leave requested: One / Two

Date From: …….. Date To: …….

I wish to apply for Statutory/Occupational Maternity Support Pay

DECLARATION

You must be able to tick all three boxes below to get Statutory Paternity Pay and Paternity Leave.

I declare that:

☐ I am the baby's biological father/adoptive father, or married to the mother/adopter, or living with the mother/adopter in an enduring family relationship, but am not an immediate relative.

☐ I have responsibility for the child's upbringing

☐ I will take time off work to support the mother or care for the child

Signature _____ Date _____

Section B:

To be completed by the Line Manager:

SC3 form provided? Yes / No

Application for Maternity Support Leave approved: Yes / No

DECLARATION BY MANAGER

The employment details of _____ as stated above are correct.

Signature _____ Date _____

Appendix 5

Application for Additional Maternity Support (Paternity) Leave

Section A:

To be completed by the Employee:

Surname: ……. **First Name:** ……...

Job Title: …….. **Payroll (Assignment) No**. …..

Address: ……

……..

Post Code: ……

Date of Commencement of Continuous NHS Employment:

……

Date of Commencement of Continuous Lancashire Care Foundation Trust Employment:

…….

Actual Date of Childbirth / Placement for Adoption: …….

Number of weeks' leave requested: (Minimum of 2 weeks, maximum of 26 weeks):

…….

Date From: …….. Date To: …….

I wish to apply for Additional Statutory Maternity Support Pay

Yes /No

Please attach a copy of the birth certificate / notification of adoption

DECLARATION

You must be able to tick all three boxes below to get Statutory Additional Paternity Pay and Paternity Leave.

I declare that:

- ☐ I am the baby's biological father/adoptive father, or married to the mother/adopter, or living with the mother/adopter in an enduring family relationship, but am not an immediate relative.
- ☐ I have responsibility for the child's upbringing
- ☐ I will take time off work to support the mother or care for the child

Signature _____ Date _____

Section B:

To be completed by the Child's Mother/Primary Carer:

Maternity/Adoption Leave Start Date: …….

Intended date of return to work following maternity/adoption leave:

……

I declare that, to the best of my knowledge, ..…….. is the only person exercising his/her entitlement to additional paternity leave in respect of: ……. (name of child/children).

Name: …….. N.I. Number: …….

Signature: …… Date: …….

SECTION C:

To be Completed by the Line Manager:

Birth Certificate / Notification from Adoption Agency received?

Yes / No

Request for Additional Maternity Support Leave approved: Yes / No

Comments: ……

……..

DECLARATION BY MANAGER

The employment details of _____ as stated above are correct.

Signature _____ Date _____

Appendix 6

Lancashire Care NHS Foundation Trust

Application for Adoption Leave

This form must be completed and returned to the Human resources Department not later than 21 days before the commencement of Adoption Leave. The Applicant should complete section A and forward to their Line Manager for completion of the declaration.

A. To be Completed by the Employee:

Surname: ……. **First Name:** ……...

Job Title: …….. **Payroll (Assignment) No**. …..

Address: ……

……..

Post Code: ……

Date of Commencement of Continuous NHS Employment:

……

Date of Commencement of Continuous Lancashire Care Foundation Trust Employment:

…….

Expected Date of Commencement of Adoption Leave:……..

I agree to return to work for a minimum period of 12 weeks after the expiry of Adoption Leave.

I will return to work no later than:……...

*Please ensure that you attach a copy of the written confirmation of the adoption arrangements.

B. To be Completed by the Line Manager:

The employment details above are correct and I have seen written confirmation of adoption arrangements.

Signed:……..Date:……...

Designation:…….

C. <u>To be Completed by the Human Resources Department</u>

Application for Adoption Leave with pay is approved for the period

From:……To:……...

Signed:……...Date:……..

Appendix 7

Lancashire Care NHS Foundation Trust

Application for Parental Leave

Name……

Date of Application……

Address……..

Department……Location…….

Job Title……..

**A copy of the child's birth certificate is to be attached to the application form*

Total number of days requested ……

Total number of days agreed ……

Date from…… date to ……
(Inclusive) (Inclusive)

Declaration

I declare that I….

- Am the parent named on the child's birth certificate or
- Am named on the child's adoption certificate or
- Have a legal parental responsibility;

For a child under 14 (18 if disabled, or within 14 years of the placements date for adoption); and
I have not taken more than 13 weeks parental leave (or 18 weeks for disabled child)

I understand that if granted, parental leave is unpaid.

SIGNATURE OF APPLICANT:_____ DATE: _____

DECLARATION BY MANAGER

I have confirmed that the above employee is the parent named on the birth or adoption certificate / has a legal parental responsibility for the child as stated above and confirm that unpaid parental leave has been granted for the dates specified. I confirm that the leave requested does not exceed the total parental leave entitlement of 13 weeks (18 weeks for each disabled child).

SIGNATURE OF MANAGER: _____ ***DATE:*** _____

NAME (Printed): _____ ***EXT NO:*** _____

DEPT/WARD:_____ SITE: _____

Appendix 8

Lancashire Care NHS Foundation Trust

Time off for Public and Civic Duties

Name……

Date of Application…….

Address……..

Department……Location…….

Job Title……..

Details of Public/Civic Duty:

_____

_____

Total number of days requested ……

Total number of days agreed ……

Total Number of Days already taken in previous 12 month period:

……....

Date from…… date to ……
(Inclusive) (Inclusive)

Signature applicant…… Date……

Agreed/Refused (Give reasons for refusal)……

…….

…….

Signature Line Manager…….Date……

Appendix 9

Process for Claiming Loss of Earnings from the Courts Service

Time spent by an employee undertaking jury service will be recorded as authorized paid special leave by the Trust, for which the employee must submit an approved claim to the Courts Service, in order to assist the Trust in reclaiming part of the salary paid during that period.

Step 1:

The employee receives a 'Certificate of Loss of Earnings or Benefit' form from the Courts Service upon receipt of their jury summons.

Step 2:

The employee submits the Certificate to the Trust's Payroll provider, prior to the commencement of jury service. The employee is required to allow at least 5 working days for the payroll department to process, and return the certificate.

Step 3:

The Payroll department signs and stamps the Certificate, and returns it to the employee's home address.

Step 4:

The employee submits the Certificate to Her Majesty's Courts Service, upon attendance of their jury service.

Step 5:

The employee's absence is recorded on the monthly SAR by the line manager, as jury service (paid special leave).

Step 6:

The employee claims loss of earnings from the Courts Service.

Step 7:

The amount the employee has received from the Courts Service is deducted from the employee's next monthly salary payment. This is guided by the content of the 'Certificate of Loss of Earnings or Benefit'.

Appendix 10

Lancashire Care NHS Foundation Trust

Application for Time off for Training

Name……

Date of Application……

Address……..

Department……Location…….

Job Title……..

I do / do not have the legal right to request time off for training (delete as appropriate)

Details of Training to be undertaken (please provide details of the training or study, including how you feel the training might improve your effectiveness in your role, and how it may benefit the performance of the organisation):

…….

…….

…….

…….

…….

Name of Training/Study Provider: …….

Place of Training/Study: ……..

Will the Training/Study lead to an accredited qualification: Yes / No
(Please provide details if applicable):

……..

……..

Total number of days requested ……

Total number of days agreed ……

Date from…… date to ……
(Inclusive) (Inclusive)

Number of statutory requests in previous 12 month period:

……....

Signature applicant…… Date……

Agreed/Refused (Give reasons for refusal)……

…….

…….

Signature Line Manager…….Date……

Please attach any documentation you feel will support your application. Please note that you may be required to provide written confirmation of the training/study for which you require time off work.

Appendix 11

Lancashire Care NHS Foundation Trust

Application for an Employment Break

Name……

Dare of Application……

Address……..

Department……Location…….

Job Title……..

Lancashire Care Continuous Service Start Date: …….

Intended Length of Employment Break: ……

Desired Start Date: …….

Desired Return Date: …….

Details of Employment Break:

…….....

…….....

…….....

…….....

(If applicable) I declare that I will not undertake paid work (other than NHS Bank work) during my employment break, unless explicitly agreed by Lancashire Care NHS Foundation Trust

Signature of Applicant: ……

(To be completed by Line Manager following meeting)

Agreed / Refused (Please provide any relevant comments and/or reasons for refusal)

…….....

…….....

Signature of Line Manager: …… Date: ……

Appendix 12 Equality Impact Assessment

Department/Function	Human Resources
Lead person	Associate Director of H.R.
Contact details	Kerry.tanfield@lancashirecare.nhs.uk
Name of policy/procedure/service to be assessed	Staff Leave Policy
Date of assessment	February 2011
Is this a new or existing policy/procedure/service?	New Policy (previously Maternity Leave, Special Leave, and Annual Leave)
1. Briefly describe the aims, objectives and purpose of the policy/procedure/service?	To provide all employees and managers with consistent information on the availability of different forms of leave, and to provide a fair and consistent framework for managing leave applications, provision and arrangements.
2. Who is intended to benefit?	All Trust employees and managers.
3. What outcomes are wanted?	An effective and consistent system for managing leave.
4. Who are the main stakeholders?	Trust managers, all staff.
5. Who is responsible for implementation?	Line managers, the H.R. team, all staff

6. Are there concerns that there could be differential impact on the following groups and what existing evidence do you have for this?			
People from a Black or minority ethnic background	**Y**	**N**	Staff with particular cultural backgrounds may require time off (annual leave or unpaid) at particular times of the year. On a case-by-case basis, line managers will be supported by H.R. to explore offering the appropriate flexibility to such staff.
Women or men	**Y**	**N**	Traditionally, females have more commonly required time off for caring responsibilities. Therefore, some parts of the leave provision may impact more directly on females. The policy has been developed with the current legislation in mind, to ensure that neither women nor men are disadvantaged,
People with disabilities or long term health conditions	**Y**	**N**	People with long-term conditions may require more time off, or more flexibility around when they are allowed to take time off (e.g. annual leave). The policy has been developed in line with current legislation.
People with a particular religion or beliefs	**Y**	**N**	Staff with particular religious beliefs may require time off (annual leave or unpaid) at particular times of the year. On a case-by-case basis, line managers will be supported by H.R. to explore offering the appropriate flexibility to such staff.
Lesbian, gay ,bisexual, trans people	**Y**	**N**	The policy has been developed in line with current legislation.
Older or younger people	**Y**	**N**	The policy has been developed in line with current legislation.
Carers	**Y**	**N**	Employees with caring responsibilities are more likely to require carer leave. They will therefore be impacted by new arrangements i.e. a restriction on the paid leave granted over 12 months. However, it is unlikely that time off (whether paid or unpaid) to deal with an emergency involving a dependent will be denied, therefore there will be no disruption with the ability to deal with such situations.

7. Could any differential impact identified above be potentially adverse?	**Y**	**N**	
8. Can any adverse impact be justified on the grounds of promoting equality of opportunity? (e.g. single sex group, BME group)	**Y**	**N**	
9. Have you consulted with those who are likely to be affected?	**Y**	**N**	The policy will be developed in consultation with Staff Side and EMT.
10. Should the policy/procedure/service proceed to full impact assessment?	**Y**	**N**	

I understand the impact assessment of this policy/procedure/service is a statutory obligation and take responsibility for the completion of this process.

Names of assessors: David Attisha

Date of assessment: February 2011

Date of next review: June 2014