

Family, Compassionate & Other Leave Policy

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What is in this policy?
<p>This policy provides guidance on the various types of leave available to support employees to balance their responsibilities at work with their personal commitments.</p> <p>This policy applies to all UHBW employees including those that TUPE transferred from Weston Area Health NHS Trust in April 2020.</p> <p>The Trust's Workforce Diversity & Inclusion Strategy sets out the ambition to be 'committed to inclusion in everything we do'. Ensuring dignity and respect for patients and staff is a core principle within this strategy, and promoting equality, diversity and human rights while challenging any form of inequality, discrimination and harassment is central to the Trust's Values.</p> <p>This Trust will not tolerate discrimination, harassment or bullying under any circumstances and particularly because of a protected characteristic. This is supported by the Trust's commitment to the Equality Act 2010 and its Public Sector Equality Duties as defined by the Act.</p> <p>Our Human Resources policies are written with this commitment as a guiding principle, to ensure that the policies and their application are inclusive and supportive to all of our staff.</p>

Document Change Control				
Date of Version	Version Number	Lead for Revisions	Type of Revision	Description of Revision
November 2021	1	HR Specialist	new	New policy combining Special leave, Time off for Civic duties, Emp23 Leave Policy
June 2022	1.1	HR Specialist	minor	Clarification that compassionate leave is paid leave. Addition of 3 months unpaid leave for main carer
February 2023	1.2	HR Specialist	minor	Addition of leave allowance for Special Constables to section 6.5
October 2023	1.3	HR Specialist	minor	Addition of leave for elective cosmetic surgery should be annual leave.
November 2023	1.4	HR Specialist	minor	Amendment to section 6.12 Jury service pay & inclusion of witnesses.
March 2024	1.5	HR Specialist	minor	Inclusion of compassionate leave for team attending funeral of a colleague/patient Section 6.2
April 2024	1.6	HR Specialist	minor	Inclusion of statutory Carer's Leave Section

Sign off Process and Dates	
Groups consulted	Date agreed
Policy Group	07/12/2021
Joint Union Committee	09/12/2021
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1. Introduction

UHBW believes that people at work are happier, more effective and committed when they are able to strike a proper balance between work and their lives outside of work.

UHBW recognises that employees should be supported in trying to implement a work life balance. Employees are entitled by law to time off work in particular circumstances (usually unpaid). This policy incorporates the statutory requirements and also sets out situations where enhanced terms apply.

2. Purpose

This policy provides guidance on the various types of leave available to support employees to balance their responsibilities at work with their personal commitments. It contains all leave arrangements except Annual Leave, Paternity Leave, Maternity Leave and Adoption Leave which are covered in individual policies due to their size and complexity.

3. Scope

This policy applies to all employees of UHBW including those that TUPE transferred from Weston Area Health NHS Trust in April 2020.

4. Definitions

4.1 Dependant

A dependant is the child, partner or parent of an employee or someone else who lives with them as a member of their family, or someone who relies on them in an emergency. Managers should interpret this flexibly to include others with a close relationship to a colleague.

4.2 A day

For the purposes of this policy, a day is a single full working day, regardless of the length of the shift the employee would be expected to work on that day.

4.3 A week

For the purposes of this policy, a week is an employee's contracted weekly working hours, pro-rated down for part-time staff.

5. Duties, Roles and Responsibilities

5.1 Line managers

- (a) Treat all requests for leave under this policy fairly and equally considering the circumstances of each request.
- (b) Record any leave granted under this policy and complete any necessary e-forms.

- (c) Must have fair reason to turn down a request for leave and provide a written explanation if required.

5.2 Employees

- (a) Give as much notice as reasonably possible when requesting leave.
- (b) Request and record leave using the Annual Leave form.
- (a) Inform their manager as soon as possible if unavailable for work in an emergency.
- (b) Keep in contact with their line manager during leave as agreed.

6. Types of Leave

This policy contains a range of leave to provide choice, practical help, support and flexibility when needed. Managers should interpret the policy in a flexible and caring way. They should, wherever possible and appropriate approve requests for leave, bearing in mind workplace demands and individual circumstances. Support and advice is available from HR Services.

6.1 Emergency Domestic Leave

Emergency domestic leave is paid time off to deal with a sudden and urgent unexpected need to care for a dependant or deal with an emergency at home. This applies to many and varied situations, for example;

- A breakdown in childcare
- A dependant or close relative falls ill or is taken into hospital
- Fire, burglary or flood

A day's paid leave will be agreed initially and usually no more than 3 days may be granted per year. If further time off is necessary, manager and employee should meet to discuss how to support this, for example the use of annual leave or unpaid leave.

Emergency leave will normally have to be requested and agreed at short notice. Employees should contact their manager as soon as possible to make them aware of the issue and how long they expect to be away. Only when it has not been possible, despite best efforts, to contact their manager can the employee take the leave without agreement. However, they must contact their line manager as soon as possible and no later than the next working day.

6.2 Compassionate Leave

The purpose of compassionate leave is to help employees to come to terms with personal issues such as a serious illness or injury of a loved one, serious personal relationship problems or the death of a loved one. It includes time off for any arrangements which may need to be made and time to attend funerals.

Family situations differ and each case should be viewed sympathetically and the amount of leave will depend on individual circumstances, for example personal relationships, home responsibilities

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and travel distances. The time allowed can range from just a few hours up to 2 working weeks paid leave. In exceptional circumstances managers may use their discretion to extend this. Each case will be viewed sympathetically and the amount of leave agreed will depend on the employee's circumstances. Advice is available from HR Services.

Where several members of a team are affected by the loss of a colleague or patient, managers should enable as many people as possible to attend the funeral subject to service needs.

The employee should inform their manager of the need to take compassionate leave as soon as reasonably possible.

Managers should consider what further support can be provided and sensitive consideration should be given to the use of the Health & wellness at Work Policy.

UHBW recognises that anyone requesting compassionate leave may be facing a difficult time in their lives. Information on our employee assistance programme and a full menu of wellbeing guides and videos are available on the Workplace Wellbeing pages of HR Web and Weston Intranet.

6.3 *Child Bereavement Leave*

All bereaved parents will be eligible for a minimum of two weeks of child bereavement leave. A bereaved parent will not be required to demonstrate any eligibility criteria in order to access bereavement leave or pay. Where both parents of a deceased child work for UHBW this leave will apply to both.

This leave can be used in the event of the death of a child from 24 weeks of pregnancy onwards. There is no requirement for the child to be under the age of 18. This leave can be taken immediately or at another time. Bereaved parents do not have to take the two weeks of leave in a continuous block and may request to take child bereavement leave at any point up to 56 weeks following the death of the child.

Employees should let their manager know of their intentions as soon as they are able to. Full details can be found in Section 23 of the [NHS terms and conditions handbook](#).

6.4 *Unpaid Parental Leave*

Employees who have nominated caring responsibility for a child, up to their 18th birthday, are eligible for Parental Leave. The right to parental leave entitles all employees who have completed one year's continuous NHS service to take a period of unpaid leave to care for each child aged up to 18.

Both parents can take parental leave of up to 18 weeks unpaid leave per child, to be taken in periods of at least one week at a time. In cases where the child is disabled, parental leave may be taken in days rather than in weeks. A maximum of four weeks can be taken in any one year.

Parents can start taking parental leave as soon as a child is born or placed for adoption, or as soon as they have completed one year's continuous NHS service, whichever is later. Periods of parental leave will not affect continuity of service. Further information is available on [Gov.uk](https://www.gov.uk).

6.5 Carer's Leave

There is a statutory entitlement to up to 1 week unpaid [Carer's Leave](#) every 12 months to give or arrange care for a dependant. The dependant does not have to be a family member, it can be anyone who relies on them for care, who has:

- a physical or mental illness or injury that means they're expected to need care for more than three months
- a disability (as [defined in the Equality Act 2010](#))
- care needs because of their old age.

Managers cannot refuse a carer's leave request but can ask the employee to take it at a different time but only if the employee's absence would cause serious disruption to the service and must:

- agree another date within one month of the requested date for the leave
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave

UHBW also allows employees to take up to 3 months' unpaid leave where they are the main carer. This may be taken as one block or as separate days depending on the needs of the individual and the service. This unpaid leave must be authorised by the line manager and may also require divisional approval through the Pay Control Panel process. Authorisation will depend on the reason for the request, consideration of service needs and how the leave will be covered.

Please see [section 7.3](#) for the effect of unpaid leave on pension contributions.

6.6 Civic and Public Duties

Employees are entitled to reasonable time off for certain public duties, for example a magistrate, local authority councillor or school governor and for duties as a Special Constable.

If an employee is considering taking on public duties, they must advise their line manager before doing so to discuss the extent of the commitment and the implications for their work. Please read the Secondary Employment Policy.

Employees can take 6 paid and 6 unpaid days off in any 12 month period for public duties as listed on [Gov.uk](#) or as a Special Constable. The exceptions to this are trade union representatives who are covered by the Trade Union Facilities Agreement and jury service which is covered [here](#).

More unpaid days can be requested, but these are at the discretion of the manager who should take into account the needs of the service.

6.7 Fertility Treatment

Employees attending outpatient appointments associated with their fertility treatment cycle can take paid leave for up to 3 appointments in any 12 month period.

6.8 Fostering Leave

Fostering leave is available for foster parents to help settle children into the family home. Unpaid leave of up to 3 days in any 12 month period can be taken as fostering leave.

6.9 Gender reassignment

Employees attending outpatient appointments associated with their transition can take paid leave for up to 3 appointments in any 12 month period.

6.10 Health appointments

Where possible, employees should make appointments with a doctor, dentist, hospital department or other health professional outside their normal working hours. Where this is not possible, they should be made at a time which will result in the least impact on the service. Employees should attend work before and after their appointment. For any appointment in working time, staff will be required to make up the time or take annual leave by agreement with their manager.

Exceptions to this may apply where appointments are in connection with an employee's disability. Please seek advice from HR Services.

6.11 Cosmetic Surgery

Where cosmetic surgery is needed for clinical reasons, e.g. reconstructive surgery following trauma, the absence will be treated as sickness absence. Elective cosmetic surgery and a planned period of convalescence are not considered sickness absence, and should be requested as annual leave in the normal way. Unpaid leave may be granted at the discretion of the manager if the colleague has no annual leave remaining. Absence beyond the normal recovery period will be considered sickness absence.

6.12 Interview Leave

Time off with pay will be given to attend interviews for jobs within the NHS. Time off for interviews with other employers will usually be granted as annual leave.

Staff who are on the redeployment register will be allowed time to attend all interviews. This will be paid leave unless the employee is signed off from work and has exhausted their Occupational Sick Pay.

6.13 Jury Service

Colleagues who are required to attend court on jury service, or as a witness, will receive their normal rate of pay. Jury service normally lasts for 10 working days, but may be longer. The

employee should contact their line manager as soon as possible to discuss the matter and share the notification document from the court.

Expenses for items such as travel and food are claimed through HM Courts & Tribunals Service and not through UHBW. Information is available on [Gov.uk](https://www.gov.uk)

6.14 Professional Leave for M&D staff

Professional leave should be used for any work outside of the requirements of the curriculum and/or the employer/host organisation for professional bodies such as Royal Colleges, Faculties or the GMC/GDC. Time off should be accommodated appropriately and the clinician should not be required to take annual or study leave. Clinicians should provide rota coordinators with as much notice as possible to effectively plan the roster.

6.15 Reserve forces leave

Employees who are armed forces reserves are entitled to 2 weeks paid leave to attend annual camp or equivalent training. Additional unpaid leave may be granted for short periods of training provided adequate notice is given and where such training cannot be undertaken in off-duty time.

One weeks paid leave is available for cadet leaders to attend annual camp or equivalent continuous training.

The Armed Forces Reserve Policy covers the management of employees who are members of the British Reserve Forces.

6.16 Violent Incidents

Up to 2 working days paid leave is available to employees who have been involved in a serious or violent incident at work. This should be agreed with their manager, having sought any necessary Occupational Health advice. Please also see the Supporting Attendance Policy for information on sickness as a result of an injury/illness at work.

6.17 Severe Weather

Employees unable to attend work because of severe weather should agree with their manager to either take annual or unpaid leave or to make the time up. Alternatively, they may work from home or at an alternative location if appropriate.

6.18 Honours and Civic Awards Leave

A day's paid leave is available for employees to attend a ceremony to receive an honour or a civic award.

6.19 Short Term Unpaid Leave

For long term unpaid leave, please see Employment Breaks [section 6.20](#).

If an employee has used their annual leave allowance they can request unpaid leave of normally up to 2 weeks in total, in any one year. This may be for travel or attending to family business for example.

Unpaid leave must be authorised by the line manager but may also require divisional approval through the Pay Control Panel process. Authorisation will depend on the reason for the request, consideration of service needs and how the leave will be covered.

Please see [section 7.3](#) for the effect of unpaid leave on pension contributions.

6.20 Employment Breaks

UHBW recognises that there may be times that employees wish to take a substantial unpaid break. An employment break allows employees to take time out from work and helps UHBW retain skilled and experienced staff. An employment break may be taken for a variety of reasons, for example to care for dependants, to study, to do voluntary work, or travel.

Employees with at least 12 months continuous service will be considered for an employment break of between 3 months and 5 years. There is no automatic right to an employment break.

Please see the Employment Break Policy and Section 34 of the NHS terms and conditions [handbook](#).

7. General Provisions & Procedure

7.1 Requesting Leave

Employees should give as much notice as possible when requesting any leave. Leave should be recorded on the employee's leave form or HealthRoster as appropriate.

Managers should agree leave requests wherever possible taking into account the needs of the service. However there may be occasions when requests will be declined. If a request for leave is declined, managers should confirm this in writing and include the reasons for the refusal.

The line manager may be able to authorise leave, but not agree the type of leave at the time it is requested. This should not prevent an employee from taking the leave. The type of leave e.g. paid or unpaid should be agreed later.

If an employee feels that the policy has been applied unfairly they can raise a grievance through the Grievance Policy.

7.2 Pay and Effect upon Contract

Leave granted under this policy, whether paid or unpaid, is not a contractual obligation. Paid leave will be at plain time rate without the payment of any enhancements that would have been due if the employee had attended work.

Annual leave will continue to accrue during periods of paid leave and the leave is not considered to be a break in service of any kind.

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Annual leave does not accrue whilst on unpaid leave, and entitlements may have to be recalculated accordingly. Payroll must be informed of any period of leave under this policy via the electronic absence returns (or any successor system).

7.3 *Effect on Pension*

Paid leave under this policy is pensionable and will have no effect on contributions or pension.

Authorised unpaid leave is pensionable and contributions will be paid by both the employee and UHBW in addition to the deduction of pay for the absence period.

Unauthorised unpaid leave will not be treated as pensionable service and no contributions are made when the pay is deducted.

Standards and Key Performance Indicators

7.4 *Applicable Standards*

Not applicable

7.5 *Measurement and Key Performance Indicators*

Not applicable

8. References

[NHS terms and conditions of service \(Agenda for Change\)](#)

[M&D terms and conditions](#)

[Employer Supported Policing Scheme | Avon and Somerset Police](#)

[Jury Service](#)

[Statutory Parental Bereavement Pay and Leave](#)

[Time off work for family and dependants](#)

[Time of work for public duties](#)

[Unpaid Parental Leave](#)

9. Associated Internal Documentation

Annual leave Policy

Flexible Working Policy

Grievance Policy

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Secondary Employment Policy

Supporting Attendance Policy

10. Appendix A – Monitoring Table for this Policy

The following table sets out the monitoring provisions associated with this policy. Please ensure any possible means of monitoring this policy to ensure all parts are fulfilled are included in this table. **The first line is an example for you and should be removed prior to submission.**

Objective	Evidence	Method	Frequency	Responsible	Committee
To ensure that policy remains fit for purpose	Whether policy is still in line with UHBW objectives and any changes in legislation.	Regular policy review. Regular review of legislation changes	3 yearly	Head of HR Services	Policy Group
To ensure leave is managed appropriately	Leave records	Audit of leave records	Ad hoc or if concerns arise	Head of HR Services	

11. Appendix B – Dissemination, Implementation and Training Plan

The following table sets out the dissemination, implementation and training provisions associated with this Policy.

Plan Elements	Plan Details
The Dissemination Lead is:	Head of HR Services
Is this document: A – replacing the same titled, expired policy, B – replacing an alternative policy, C – a new policy:	B
If answer above is B: Alternative documentation this policy will replace (if applicable):	Special Leave Policy, Time off for Civic and Public duties policy, WAHT Emp23 Leave Policy
This document is to be disseminated to:	All staff
Method of dissemination:	Newsbeat, HR Web, divisional cascade
Is Training required:	No
The Training Lead is:	n/a

Additional Comments	
[DITP - Additional Comments]	

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12. Appendix C – Equality Impact Assessment (EIA) Screening Tool

Further information and guidance about Equality Impact Assessments is available here:

Query	Response
What is the main purpose of the document?	To provide guidance on the various types of leave available to support employees to balance their responsibilities at work with their personal commitments
Who is the target audience of the document? Who is it likely to impact on? (Please tick all that apply.)	Add <input checked="" type="checkbox"/> or <input type="checkbox"/> Staff <input checked="" type="checkbox"/> Patients <input type="checkbox"/> Visitors <input type="checkbox"/> Carers <input type="checkbox"/> Others

Could the document have a significant negative impact on equality in relation to each of these characteristics?	YES	NO	Please explain why, and what evidence supports this assessment in relation to your response.
Age (including younger and older people)		x	
Disability (including physical and sensory impairments, learning disabilities, mental health)		x	
Gender reassignment		x	Paid leave is available to attend appointments
Pregnancy and maternity		x	Maternity leave covered in other policy
Race (includes ethnicity as well as gypsy travelers)		x	
Religion and belief (includes non-belief)		x	
Sex (male and female)		x	
Sexual Orientation (lesbian, gay, bisexual, other)		x	
Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)		x	
Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)		x	

Could the document have a significant positive impact on inclusion by reducing inequalities?	YES	NO	If yes, please explain why, and what evidence supports this assessment.
Will it promote equal opportunities for people from all groups?	x		
Will it help to get rid of discrimination?	x		
Will it help to get rid of harassment?		x	

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Will it promote good relations between people from all groups?		x	
Will it promote and protect human rights?		x	

On the basis of the information/evidence so far, do you believe that the document will have a positive or negative impact on equality? (Please rate by circling the level of impact, below.)

Positive impact				Negative Impact		
Significant	Some	Very Little	NONE	Very Little	Some	Significant

Will the document create any problems or barriers to any community or group? ~~YES~~ / NO

Will any group be excluded because of this document? ~~YES~~ / NO

Will the document result in discrimination against any group? ~~YES~~ / NO

If the answer to any of these questions is YES, you must complete a full Equality Impact Assessment.

Is a full equality impact assessment required? ~~YES~~ / NO

Date assessment completed: 18/1/2022

Person completing the assessment: [REDACTED]

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