

CARERS AND SPECIAL LEAVE POLICY

Approval process

Lead Author	Adrian Down, Senior HR Manager
Developed by	adapted from Cambridgeshire Community Services (CCS) Policy, developed by CCS HR Department
Approved by	JCNP
Ratified by	
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Document Control Sheet

Development and Consultation	The policy has been developed to provide guidance to NHS Cambridgeshire (NHSC) managers and staff relating to carers and other types of special leave. Members of CCS HR services were involved in the initial approval process.
Dissemination	This policy will be available to all NHS Cambridgeshire staff via the CPCT website. Information about the policy will be included in the staff newsletter.
Implementation	HR Department
Training	Formal training is not required
Audit	A database of policies is maintained by the HR team. A reminder is sent when a policy is due for renewal.
Review	This policy will be reviewed by NHSC and JCNP in two years, unless an earlier review is required e.g. due to changes in legislation or in NHS direction.
Links with other documents	This policy should be read in conjunction with the <ul style="list-style-type: none"> • management of attendance policy
Equality and Diversity	The CCS team carried out a Rapid Equality and Diversity Impact Assessment and concluded that the policy is compliant with the CPCT Equality and Diversity Policy.

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1. Introduction

NHS Cambridgeshire (hereinafter referred to as NHSC) understands that an empathetic, helpful and practical response should be adopted towards employees who have caring responsibilities. The organisation recognises that all employees face difficulties from time to time in balancing the demands of domestic and family matters with work.

We also recognise that such issues are not new, and that NHSC and its managers will continue to deal with these on a day to day basis, ensuring that individual needs are addressed appropriately within the framework of service delivery and provision.

2. Purpose

NHSC understands that our staff are critical to successful healthcare.

In order to attract and retain high quality staff, the organisation will maintain and develop various initiatives to support staff in achieving an appropriate work life balance.

The organisation understands that people can become a carer at any stage in their lives for a variety of reasons and may need help to balance any additional caring responsibilities that they may have.

Wherever possible NHSC will aim to meet individual needs of staff with regard to working hours and time off to address their caring responsibilities. However, service delivery and quality (including health & safety, and legislative requirements) must not be compromised.

3. Scope

This policy applies to all staff, regardless of hours worked and working patterns, provided the eligibility criteria are met (see Paternity leave below).

This policy is intended to provide support and leave for staff to help them balance the demands of home and work life at times of urgent and/or unforeseen need. For longer periods of leave, staff should refer to the Flexible Leave or Employment Break Policies.

It is designed to help them care for children and dependants through the provision of paid and unpaid leave, in line with the Employment Relations Act (1999), the Maternity and Parental Leave (Amendment) Act 2001, the Employment Act 2002, Employment Equality (Religion or Belief) Regulations 2003 and the Agenda for Change Terms and Conditions.

It outlines support available for carers and provides for leave to be taken in the following categories:

- Time off for Dependants
- Parental Leave
- Domestic Incidents
- Civic and public duties
- Other special leave.

Leave relating to maternity, paternity or adoption is covered in a separate policy entitled "Policies and Procedures relating to Maternity, Paternity and Adoption".

4. Support for Carers

NHSC recognises that a significant proportion of their staff are carers and that people working in healthcare are often expected to do more than other family members when it comes to caring for a relative. The organisation is committed to providing support to carers by providing leave for particular circumstances as outlined above, but also by ensuring that:

- Staff can make telephone calls during the day to make arrangements and check that all is well if care demands increase (by provision of reasonable time to do so, and use of personal mobile phones, public telephones or pin number, where this facility is available).
- Carers can refer to, and make use of; flexible working/work-life balance policies and temporarily reduced hours (e.g. job share, part time working, term time only, employment breaks).
- Carers are given time off to care – see sections 3 - 6.
- Carers are given career development opportunities that respect their commitments
- Carers are given support through the Oakdale counselling service which provides a 24-hour helpline and access to face to face counselling sessions telephone 0800 027 7844.
- Carers can get access to information on local carer support groups, counselling networks and social security entitlements from Human Resources (tel 01223 884131) or *Opportunity Links*, a local organisation set up to help carers tel 01223 566522 / www.opportunity-links.org.uk.

5. Time Off for Dependants/ Domestic Incidents

Staff members are entitled to time off work to deal with certain unexpected or sudden emergencies with dependants or domestic incidents, and to make any necessary longer-term arrangements.

The leave is essentially short-term arising from the varied domestic situations that arise from time to time. This type of leave is not designed to provide extra time off where circumstances allow sufficient time to plan ahead or where it is reasonable to use alternative forms of leave eg Annual Leave. If the need for time off continues, other options may be considered, such as a career break or alternative temporary working arrangements at the discretion of the line manager.

Managers are expected to apply these guidelines taking into consideration the particular needs and circumstances of each individual and the needs of the service. Any extension to the suggested periods of leave should be discussed with Human Resources. There is no service qualification for this form of leave.

Dependants

The definition of a 'dependant' under the Employment Relations Act (1999) is a spouse, cohabitee, child, parent, and anyone who relies on the employee for help or to make arrangements (e.g. someone other than a lodger, tenant, employee or boarder who lives in the same household as the employee). It also includes any person who reasonably relies on the employee either for assistance if the person falls ill, is injured or assaulted, or to make arrangements for the provision of care in the event of illness or injury.

Examples of when time off may be needed are as follows:

- to help when a dependant is ill, gives birth or is injured or assaulted;
- to arrange for an ill or injured dependant to be cared for;
- because a dependant's care arrangements are unexpectedly changed;
- as a result of the death of a dependant;
- to deal with an incident involving a child which occurs unexpectedly in school time.

Domestic Incidents

Domestic incidents can be defined as incidents which occur in the home, or which affect a member of the employee's family or someone for whom the employee is responsible. The incident has to be one that requires the immediate attention of the employee. Examples could include fire, flood, burglary, serious incidents, and attendance during critical illness or bereavements.

Duration & Arrangements for Taking Leave

The leave is essentially short-term arising from the varied domestic situations that arise from time to time. This type of leave is not designed to provide extra time off where circumstances allow sufficient time to plan ahead or where it is reasonable to use alternative forms of leave. If the need for time off continues, other options may be considered, such as a career break or alternative temporary working arrangements.

Paid time off for dependants/domestic incidents or bereavement collectively should not exceed 10 working days in 12 months, pro rata for part time staff. These limits are extended for some cases of bereavement (see below). Unpaid Leave or Annual Leave may be used to extend this leave at the discretion of line managers.

Wherever possible employees should be encouraged to take flexi-time or time off in lieu to cover situations where paid time off is not granted. For example, the time off required to attend a family crisis such as the child's school requiring the urgent attendance of the employee, should be managed flexibly by varying the employee's working hours/patterns.

In an immediate and urgent situation, the employee should be released from duty and arrangements made with them to contact the line Manager within 24 hours to confirm the duration of the leave.

Entitlement to leave is conditional on the individual remaining in contact with their Manager. Staff must provide an address and telephone number where they may be contacted, if not at their home address. Support and advice may be obtained from the Occupational Health and/or Human Resources.

Where reasonably practicable, staff should apply for such leave using the application form at appendix 1. In some emergency situations the form may be completed after the leave has been taken subject to verbal approval being granted.

Bereavement

Employees will be granted the following paid time off:

- Death of a spouse/partner or child – up to 10 days leave
- Bereavement of other immediate family, e.g. parent, sibling: - up to 6 days.
- If the employee is not taking bereavement leave but is acting as Executor of a Will they can take up to 3 days leave.
- Death of other relative/dependant – up to one day to attend the funeral

These are suggested amounts of leave to support consistency across NHSC, however in relation to bereavement, individual line managers have discretion to take into account the particular circumstances of the situation or employees religious beliefs in determining the amount of leave to be given, within these guidelines.

Caring for sick or injured dependants

Employees will be granted the following paid time off per annum:

- Illness/injury of spouse/partner or child – up to 8 days leave to provide care and to make alternative arrangements: and
- Illness/injury of other dependant or close family – up to 5 days leave
- Breakdown of normal carer arrangements: up to 3 days for caring and to make alternative arrangements.

Managers can agree to extend the period of paid/unpaid time off depending on the circumstances of the particular case.

6. Parental Leave

Eligible employees are entitled to parental leave in order to 'care for a child', which is defined as looking after the welfare of a child and can include making arrangements for the good of a child. Parents can use it for spending more time with their children and to strike a better balance between their work and family commitments, such as settling the child into new childcare arrangements or visiting new schools. Employees have a right to parental leave if they are named on the birth certificate or have 'parental responsibility' under the Children Act (1989), which could include step parents, foster parents, the biological parent who may not necessarily live with the child, adoptive parents or legal guardians.

To qualify for parental leave, employees must have evidence of 6 months continuous service within the NHS by the expected date of birth or legal adoption or fostering.* Continuous service can be verified through payroll records, payslips and employer references.

Employees are eligible for 13 weeks leave for each child (18 weeks for the parents of children with disabilities). Parental leave is unpaid. Part-time staff have a pro rata entitlement (e.g. a weeks leave for someone who works 3 days per week will be 3 days). This is cumulative between employers. Any parental leave taken by a member of staff in the organisation will be taken into account by any future employer: there is no entitlement to 13 weeks leave for each employer.

Employees can choose to take a maximum of 13 weeks leave at any time:

- Up until the child's 14th birthday;
- In adoption cases, or in cases of a child with a disability (defined as one for whom disability living allowance has been awarded) up until the child's 18th birthday.

Each parent can take parental leave for each child, subject to the above provisions. In cases of multiple births or the adoption of more than one child, each parent is eligible to take up to 13 weeks leave for each child.

Mothers may take parental leave immediately after a period of maternity leave (normal and extended).

Parental leave can be taken in blocks of whole weeks at a time (pro rata for part time staff) up to a maximum of 4 weeks in any one leave year (i.e. 1 April – 31 March). Parts of weeks, such as single days, will count as whole weeks. Only in the case of leave taken for disabled children, can the leave be taken and counted in single days.

Employees must give 21 calendar days notice of their intention to take leave.

The organisation may request that the leave is postponed (for example where this would have a detrimental impact on services) for a period of up to 6 months. The manager must discuss the postponement with the employee and give them notice of the postponement in writing no later than 7 working days after the employee has given notice of their intention to take leave. The manager must state the reason for the postponement and set new dates for the leave, which should be for the same length of time as the original leave requested.

The employment contract will continue during the leave. At the end of a period of parental leave, the employee is guaranteed the right to return to the same job (if the leave is for 4 weeks or less) or, if not practicable, and the leave is for a longer period, to a similar job which has the same or better status, terms and conditions as the old job.

*note: this policy previously only applied to parents of children born on or before 15 December 1999. This rule was abolished on 10 January 2002 under the Maternity and Parental Leave (Amendment) Regulations 2001. Parents of children under 5 before 15 December 1999 are now eligible for parental leave even if the child is now over 5 up until the child's 14th birthday unless the leave is for a disabled child which can be taken up until the child's 18th birthday. The 13 weeks unpaid leave is also available to staff who adopted children before 15 December 1999 and the 5th anniversary of that adoption is on or after that date as long as it is taken by the child's 18th birthday.

Record Keeping

Employees are entitled to a total of 13 weeks leave, so managers will need to check how much parental leave an employee has already had with previous employers on appointment. Employees will not be due any more leave unless they have completed 12 months continuous service in the NHS or with other employers.

Staff will be required to show the birth certificate, adoption papers, proof of entitlement to disability living allowance (for children with disabilities) or other applicable documentation when applying for leave as proof of eligibility and to advise on the cut off date for the entitlement i.e. the child's 14th or 18th birthday).

Staff must complete the application form attached (*Appendix 2*) when applying for leave. If such an application is turned down, the employee will be given a written explanation.

7. Special Leave for Civic & Public Duties

The aim of such leave is to help staff balance their civic and public responsibilities with work responsibilities and is essentially short-term and normally not unforeseen.

Special leave may be available for attendance on:

- Jury service,
- Training with voluntary reserve and cadet forces,
- Attendance as a witness at appeal hearings,
- Duties as a special constable.

This does not cover leave for staff to attend court as an expert witness, which will be at the managers' discretion.

Jury Service

If you have been called up for jury service you should:

- let your employer know how long you'll need off and what arrangements need to be made for cover in your absence
- hand over a copy of the Confirmation of Jury Service letter you receive from the court to your employer You Jury Service notification will

Jury Service in most cases lasts around 10 days and Jurors are usually warned in advance if a trial is expected to last a long time.

Any employee who is called for Jury Service will continue to receive their basic pay during this time, excluding any allowances or enhancements. The Court Service will advise you on the allowances you are able to claim in respect of expenses, other loss of earnings and benefits, subject to a maximum fixed by the Court Service.

NHSC will generally approve leave for Jury Service however in exceptional circumstances, we may request that you ask for your Jury Service to be deferred.

Public duties for which special leave is provided are in accordance with the Employment Rights Act (1996). Examples are membership of boards of certain institutions including Trusts and Health Authorities.

Paid special leave is not expected to exceed 18 days (pro rata for part time) in any 12-month period. Annual leave can be used to extend Special Leave.

The criteria for reasonable time off depends on how much time off is required for the performance of the duties in question, how much time off the staff member has already received in respect of these duties and the effect of the absence on running the department/service.

Should special leave be granted, any fees received for attending the above should be passed over to the NHSC. Staff should not benefit financially as a result of special leave.

Staff must complete the application form attached (*Appendix 1*) when applying for leave. If such an application is turned down, the employee will be given a written explanation.

8 Other Special Leave

There may be other circumstances in which staff may wish to take special leave, many of which are dealt with under other NHSC' policies and procedures:

Time off for training & development or to sit exams – see Study/Support Leave Policy and Facilities for Time off for Trade Union Representatives Agreement.

Time off to adapt to a new disability or a worsening disability – see Management of Attendance Policy.

Maternity, Paternity and Adoption Leave – see Maternity, Paternity and Adoption policy available from Employment Services (0800 0181 990).

Employment Breaks and sabbaticals – see Employment Break Policy.

Pre-retirement leave – staff may take up the flexible retirement options outlined in the Department of Health Flexible Retirement guidelines available from the Pensions Officer. Reasonable time off should also be given to attend pre-retirement training courses available in the organisation.

Staff may request time off for special or personal reasons that do not fall within the provisions for other types of leave, such as time off for non Christian religious festivals or to do voluntary or community work. In these circumstances, managers should use their discretion, taking into account the need to retain and motivate good employees, the needs of the service and any other precedents, granting paid or unpaid leave as reasonable. Advice should always be sought from Human Resources when in doubt. In these circumstances, where special leave is granted, staff should complete the form at Appendix One.

9 Notification & Authorisation

Staff should complete Application for Carers and Special Leave (Appendix 1) to request leave

Using the attached “Application for Carers and Special Leave” form (Appendix 1), staff should make a request for leave to their Line Manager, confirming the reason for the leave and also the duration of leave required. If Unpaid leave is approved the Manager should complete a P3 Amendment form.

It is recognised that there may be instances when it is not possible for employees to complete a Carers Leave Application Form because of the urgency of the situation. In these instances employees should contact their Line Manager to discuss the request verbally. The employee on their return will then complete the appropriate form.

Managers should inform individuals of their decision as quickly as possible and no later than 10 working days after the request is received, in most cases a decision will be given within a few days. Notification should be verbally in the first instance and then in writing. Managers should ensure that the relevant section of the Carers/Special Leave Application form (Appendix 1) is completed and a copy of any correspondence is attached.

10 Appeals

Where an employee feels their request has not received full consideration by their Line Manager, they will have the right to refer to the organisations Grievance Procedure.

11 Monitoring

Records will be kept of all applications and outcomes.

APPLICATION FOR CARERS/SPECIAL LEAVE

Name	Payroll no.
Base/department	
No of hours worked per week	Post

Details of carer/special leave requested

I wish to apply for carer/special leave from.....
 To.....

Reason for request of carer/special
 leave.....

.....

Employee's signature.....

Date.....

To be completed by Line Manager

I authorise the above named member of staff to take **PAID/UNPAID*** (deleted as appropriate) Leave

From To

If denied give reasons for declining request and attach copy of written explanation

.....

.....

.....

Managers Signature..... Date.....

* Please ensure that a copy of this form is place on the personal file and a P3 completed for any unpaid leave.

APPLICATION FOR PARENTAL LEAVE

Name	Payroll no.
Base/department	
No of hours worked per week	Post

Details of carer leave requested

Length of continuous service*:. (with NHS or other employer)
Entitlement used since 15/12/99:.....
Number of weeks required.....
From..... TO.....
Signature..... DATE.....

To be completed by Line Manager

Request agreed	YES / NO
Request denied	YES / NO
If denied give reasons for declining request and attach copy of written explanation	
.....	
.....	
.....	
Managers Signature.....	Date.....

* Please ensure that a copy of this form is place on the personal file and a P3 completed for any unpaid leave.