

Leave & Flexible Working Policy

1.3

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1 INTRODUCTION

The success of Southern Hampshire Primary Care Alliance (SHPCA) depends upon its employees and we understand that employees work at their best when they are able to strike a good balance between work and life outside of work. We recognise that in order to attract and retain good employees, the SHPCA needs to demonstrate our commitment to achieve a healthy 'work life balance' that will enable employees to work more productively and happily. This policy has been developed to help employees achieve a healthier work life balance whilst ensuring that they are working optimally in maintaining and promoting the best possible service.

2 PURPOSE

This policy aims to maintain consistent management practice. This may not entail identical decisions in all cases, as each individual case will be assessed according to circumstances.

The SHPCA believes, as an organisation committed to eliminating discrimination and providing equal opportunities for all, it should support flexible working practices. It seeks to help employees balance the demands of domestic and work responsibilities, particularly at times of urgent and unforeseen need, providing paid or unpaid leave as appropriate. Employees have a range of leave options under this policy and so should discuss and agree leave / flexible working arrangements with their line manager.

The policy is in accordance with the Working Time Regulations (1998; Amended 2003), the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000), Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002), Flexible Working Regulations 2014.

The provisions do not confer any contractual rights.

3 SCOPE

This policy will be applied to all employees and covers the provision of paid or unpaid leave requested under the following categories:

- Annual leave
- Time off in Lieu
- Compassionate leave
- Child Bereavement Leave
- Carer's leave
- Special leave (where carer's leave is not appropriate)
- Special leave for public duties
- Flexible working requests and arrangements
- Study leave

- Unpaid leave
- Annual Leave purchase scheme
- Selling of annual leave
- Employment break scheme
- Disruption to travel – adverse weather and other emergency conditions.

The scope of the policy allows for leave to be granted at the discretion of the manager based on employee entitlement and organisational requirements.

If leave is requested at short notice, every effort should be made to cover the individual concerned during a time of crisis, but managers must be aware of safe staffing levels and take decisions accordingly.

4 COMPLIANCE WITH STATUTORY REQUIREMENTS

Working Time Regulations (1998; Amended 2007)

SHPCA recognise the entitlements of its workers to request annual leave in accordance with The Working Time Regulations (1998; Amended 2007).

Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000)

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000) legislates that part-time employees should not be treated less favourably than full-time employees. SHPCA endeavours to ensure the prevention of discrimination or less favourable treatment in the provision of annual leave.

Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002)

The Fixed-Term Staff (Prevention of Less Favourable Treatment) Regulations (2002) prevent fixed term employees being treated less favourably than similar permanent employees. SHPCA endeavours to ensure the prevention of discrimination or less favourable treatment in the provision of annual leave.

Equality Act (2010)

The sex discrimination provisions of the Equality Act 2010 will apply because part-time workers may also be able to allege that they are being subjected to indirect sex discrimination and pay discrimination.

Flexible Working Regulations (2014)

The Flexible Working Regulations 2014 legislates that all employees have the legal right to request flexible working – not just parents and carers. This is known as ‘making a statutory application’. SHPCA can refuse a request but only if they have a good business reason for doing so.

5 RESPONSIBILITIES

Employees

It is the responsibility of all employees to:

- Consider the needs of the service and, where possible, minimise disruption to service provision
- Ensure requests for all leave are made to an employee's line manager
- Provide as much notice as possible when requesting leave
- Ensure requests are authorised prior to making arrangements, for example, when booking holidays
- Not assume leave requests will be automatically approved. SHPCA is not responsible for any costs incurred by employees who enter into travel agreements which have a financial implication or cancellation cost prior to authorisation
- Make proper arrangements on systems to communicate absence (such as 'out of office' messages on emails: please refer to the SHPCA's Style Guide for a template)
- Inform their manager as soon as possible in accordance with the local sickness reporting procedure if they fall sick during their leave.

Managers

It is the responsibility of managers to:

- Ensure employees are aware of the provisions of this policy
- Ensure that they record annual leave for all employees correctly and ensure proper arrangements are made on systems to communicate absence in unforeseen circumstances, such as sickness prior to leave
- Ensure that annual leave is managed equitably, balancing the needs of the service and the needs of individual employees, especially over holiday periods
- Confirm and authorise annual leave entitlements with the employee as appropriate
- Respond to all annual leave requests at the earliest opportunity, generally this should be no later than a week after receipt of the request
- Implement a system whereby individuals may set out their requests for leave in good time for popular national and cultural holiday/festival times such as Christmas, ensuring that leave is distributed equitably
- Record and monitor annual leave of employees so as to ensure that the appropriate annual leave is taken each leave year and that in the exceptional circumstances of any annual leave to be carried over, this is appropriately recorded
- Monitor and ensure that there are appropriate cover arrangements to meet service needs
- Calculate (and re-calculate as appropriate) annual leave entitlements for their employees including part-time and fixed-term employees and employees whose

annual leave entitlement has increased due to length of service or increased / decreased due to a change in hours

- Record sickness if the employee reports sickness during the granted annual leave period

Managers should not normally approve a period of leave of more than three weeks. Any longer period of leave must be approved by a Director or equivalent. If annual leave is declined, managers need to give clear reasons to the individual.

To support the entitlements outlined below, employees may be required to supplement special leave with annual leave.

6 ANNUAL LEAVE

Employee's entitlement to paid annual leave is set as below (this will be pro rata for less than full-time staff). The annual leave year period applied by SHPCA is from 1 April to 31 March inclusive. If SHPCA wish to adopt incremental leave entitlement in line with AfC then it would change from the flat maximum entitlement of 33 days plus bank holidays, to the staged allowances and a starting date for this to be agreed to commence from for new staff.

Entitlement
33 days (247.5 hours) plus 8 days (60 hours) bank holidays

Annual leave and bank holiday entitlement should be calculated on an hourly basis for all employees, regardless of whether individuals work full-time or part-time.

Part-time employees will be entitled to paid public holidays no less than pro-rata to the number of public holidays for a full-time worker, rounded up to the nearest half day.

Part-time employees: public holiday entitlement shall be added to their annual leave entitlement, and they shall take public holidays they would normally work as annual leave

If incremental leave applies, where an employee's annual leave entitlement increases partway through a leave year, due to length of service, their new entitlement is calculated on a pro-rata basis for the rest of the leave year.

Other than in exceptional circumstances, following authorisation of an employee's application to take annual leave, this will not normally be withdrawn. However, SHPCA reserves the right to withdraw such authorisation should circumstances so warrant. Withdrawal of annual leave must be communicated to the affected employee with as much notice as possible and with notice no less than the duration of the period of annual leave requested.

Any leave taken without following the local reporting procedure or not authorised in advance by the appropriate manager will be considered unauthorised absence. SHPCA reserves the right to withhold payment or deduct from an employee's salary payment for all periods of unauthorised absence. SHPCA also reserves the right to take action under its disciplinary policy in regard to any un-authorised absence, including, if appropriate, dismissal without notice.

Entitlement On Joining

SHPCA will make every effort to meet the needs of new employees in respect of commitments to holidays made prior to the commencement of employment. Prospective/new employees should notify their manager at the earliest opportunity and giving the required notice periods of any pre-booked holidays in order to seek early authorisation of their leave request.

All new employees will be entitled to annual leave plus bank holidays in the year of joining SHPCA, on a pro-rata basis.

Entitlement On Changing Contracted Hours

Where employees change their contracted hours, this will result in a recalculation of their annual leave entitlement. This will be based on full completed months on the new and the old contracted hours to give the full year entitlement.

Where employees 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.

Entitlement On Leaving

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

Minimum Annual Leave Not To Be Worked

SHPCA actively encourages individuals to take all their annual leave and bank holiday entitlement. In complying with Working Time Regulations 1998, individuals should ensure that they take a minimum of 210 hours (28 days) of their leave strictly for leave/rest purposes and should not undertake any bank/agency work or duties within all localities of SHPCAs or elsewhere during this time.

Carrying Over Of Annual Leave

It is expected that within the annual leave year employees should be provided with the opportunity to take all their annual leave. Subject to the requirements of the service, up to 37.5 hours (five days) annual leave (pro-rata for part time employees) may be carried forward and taken in the subsequent leave year within the first three months. This would

have to be agreed by the manager and failure to comply with this requirement may result in the loss of any untaken annual leave.

Where individuals have, exceptionally, been prevented from taking their leave before the end of the leave year due to service demands or other exceptional circumstances, then they shall be allowed to make up the deficiency during the ensuing leave year at a time to be mutually agreed with their manager.

Payment in lieu of untaken leave will not be made whilst individuals are employed by SHPCA. Annual leave may be paid in lieu when an employee is leaving the organisation and is unable to take leave. This would need to be in agreement with the line manager.

Individuals moving internally between team/services will carry forward their remaining annual leave allowance for that holiday year.

Annual Leave During Sickness / Maternity / Paternity / adoption / Suspension

Please refer to the Family Leave Policy.

7 TIME-IN-LIEU

The SHPCA does not actively encourage 'time-in-lieu' working. Whilst it is understood that there may be some circumstances which would see employees work over their contracted hours, all efforts should be made by the line manager to ensure that this only occurs in exceptional circumstances and is taken back within the next available opportunity. 'Time-in-lieu' should be agreed with the line manager prior to its accrual, this cannot be accrued in substantial numbers and used to supplement annual leave. SHPCA accepts no responsibility or liability for time off accrued without line manager's approval.

8 COMPASSIONATE LEAVE

This is intended to provide a compassionate response to cases of urgent domestic distress such as bereavement or serious illness in the immediate family. The immediate family will include:

- Child
- Partners (including same-sex partners)
- Parents
- Parents of partner ('in-laws' - if the employee is responsible for funeral arrangements)
- Siblings
- Step-families.

Leave for bereavements beyond the list above (for example, grandparents, close friends or extended family) will be reviewed and usually be based on whether there were exceptionally close links.

The manager has the discretion to grant paid leave, normally up to five days in any leave year, however, in exceptional circumstances, the manager has the discretion to extend this to a maximum of 10 days paid leave. Any further leave may be granted at the manager's discretion in liaison with SCW HR.

If it is not appropriate to take compassionate leave then annual leave or unpaid leave may be utilised in agreement with the manager.

In all cases, managers should assess the individual circumstances of the request for leave and consider the levels of stress experienced by the employee and whether it is likely to affect his/her work. Advice should also be taken from SCW HR if necessary.

Where an employee is requiring time off over a longer period of time the manager may consider a change in working hours in discussion with the individual, on either a temporary or permanent basis.

9 CHILD BEREAVEMENT LEAVE

In the circumstances where staff, who are parents, experience the death of a child. The provisions below are designed to set out leave and pay in these circumstances.

A bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that SHPCA deems to be reasonable. For example, this may include grandparents who have had caring responsibilities for a child, or instances where someone other than the biological parent is the primary carer (this could be the case where the parents of the child have separated). There is no requirement for the child to be under 18 years of age.

All bereaved parents will be eligible to 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.

All bereaved parents will be entitled to two weeks' occupational child bereavement pay which will include any entitlement to statutory parental bereavement pay. Pay is calculated on the basis of what the individual would have received had he/she been at work. This would normally be based on the previous three months at work or any other reference period that may be locally agreed.

Where both parents of a deceased child work in SHPCA, the entitlements in this Section will apply to both members of staff.

Parents who experience a still birth from the 24th week of pregnancy will be eligible for this leave. Bereavement leave and pay may be extended to members of staff, by local arrangement, in these circumstances where they were hoping to become parents under surrogacy arrangements

Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their manager the leave they wish to take. Taking child bereavement leave is an individual choice, it is not compulsory for the employee to take child bereavement leave.

Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of the child. Should the parent wish to take child bereavement leave immediately following the death of a child they shall be able to do so upon informing their manager that they will be absent from work for this purpose. Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give their manager reasonable notice of their intention to take the leave at this time.

Child bereavement leave should be requested in writing and be given to line manager to process. Bereaved parents will at no point be required to produce the child's Death Certificate, or any other official documents, in order to access child bereavement leave or pay. SHPCA may ask for a written declaration from the employee, within a reasonable timeframe, in order to satisfy statutory requirements.

10 CARERS LEAVE

This provision is intended for circumstances where individuals with parental or carers status of dependants face immediate and unexpected problems in their caring arrangements such as dependant is sick, unexpected closure of nursery, school or care home.

ACAS has provided clarity on the following:

Parental status

To qualify the employee must have parental responsibility for the child. This includes biological parents, legal guardians, adoptive and foster parents and spouses of these, including same sex partners as long as they have parental responsibility for the child.

Carers status

The Work and Families Act 2006 defines a carer as an employee who is or expects to be caring for an adult who:

- Is married to, or the partner or civil partner of the employee; or
- Is a relative of the employee; or
- Falls into neither category but lives at the same address as the employee.

A 'dependant' would normally be classified as a person living in the same household as the person providing care, including spouse, partner, parent, child, someone who lives as part of the family unit, or reasonably relies upon the employee as their carer.

Managers should assess individual circumstances during times of domestic difficulty and have the discretion to grant leave with pay (up to a maximum of five days in a leave year). In exceptional circumstances, a further period of unpaid leave may be granted.

It is recognised that employees may need to take leave at short notice in order to care for a dependant and therefore may not be able to use the normal care arrangements in place. Where possible, employees are encouraged to make alternative care arrangements and a manager should grant paid carer leave in order for these to be made. It is important that individuals are not compelled to take sick leave to care for a sick dependant when they are fit for work and therefore an open discussion with the manager in these situations is encouraged. If alternative arrangements cannot be made then the manager has the discretion to allow annual leave, time off in lieu or grant a period of unpaid leave. Employees should also take into account the potential need to take leave in these circumstances and should be encouraged to plan their annual leave accordingly.

For part-time employees, carer leave should be granted on a pro-rata basis depending on the number of days worked in a week.

There is no requirement that the requested leave should be taken consecutively. The manager and employee should agree a pattern which allows for appropriate cover.

For longer term carer demands the individual concerned should discuss other options with their manager including unpaid leave, parental leave or a temporary change to working hours.

11 SPECIAL LEAVE FOR DOMESTIC EMERGENCIES (WHEN CARER LEAVE IS NOT APPROPRIATE)

SHPCA recognises that employees occasionally have to respond to domestic emergencies. Managers may therefore, at their discretion, grant special leave under these circumstances.

Special leave for emergencies may be used during times of unforeseen domestic crisis when carer leave is not applicable, for example when dealing with a burst water pipe or when a burglary or fire has occurred. When an employee is prevented from returning to work due to transportation issues such as delayed flights or a natural disaster, unpaid leave may be granted at the manager's discretion.

Managers should assess individual circumstances during times of emergency and have the discretion to grant leave, which would be without pay. Depending upon the emergency this should not normally be more than one day and should not exceed more than three days in

any leave year. Individuals and managers should agree how time may be made up, or notify payroll if pay is to be deducted.

12 SPECIAL LEAVE FOR PUBLIC DUTIES

Employees undertaking essential civil or public duties are entitled to paid leave in respect of specific activities. Also included in these guidelines are duties or activities for which it is considered paid time off should be allowed, although there is no legal requirement to give it.

SHPCA wishes to allow the widest possible discretion when faced with requests for leave therefore only indicative amounts of leave with pay that may be agreed for each duty or activity have been stipulated.

Any employee wishing to participate in any of the duties/activities entitling special leave should discuss their wishes with their manager before committing themselves. Entitlement to paid leave could be affected if this process has not been undertaken.

Where absence on a public duty or activity would cause considerable disruption to a department, with the exception of jury service, the manager has the right to refuse permission for special leave with or without pay. In doing so the manager must ensure that any decision to refuse permission is reasonable in all circumstances.

Managers should ensure that the employee's personal file contains a record of the request for special leave, the date granted or refused, the amount agreed if any, and any special conditions agreed with the manager in respect of that duty or activity.

13 DUTIES AND ACTIVITIES FOR WHICH SPECIAL LEAVE MAY BE GRANTED

Employees requesting special leave for the following duties or circumstances may be granted leave as indicated. Managers have discretion to grant paid or unpaid leave in excess of the amount stipulated in consultation with the individual. Please see below for minimum Indicative levels of paid leave per year.

Type of Special Leave	Indicative Levels of Paid Leave Per Year
Court attendance as a witness	As required
Jury service	75 hours (2 weeks)
Training with reserve and cadet forces	37.5 hours (1 week) * good practice and CSU offer 2 weeks as part of the Armed Forces

Type of Special Leave	Indicative Levels of Paid Leave Per Year
	Covenant
Witness in in-house appeal hearings	As required
Service as magistrate	112.5 hours (10 days or 20 half days)
Membership of a local authority	112.5 hours (10 days or 20 half days)
Membership of the broads authority	7.5 hours (1 day)
Membership of a statutory tribunal	7.5 hours (1 day)
Membership of a board of prison visitors	7.5 hours (1 day)
Membership of a governing body	37.5 hours (5 days or 10 half days)
Membership of the governing body of an LEA maintained school	37.5 hours (5 days or 10 half days)
Membership of the governing body of a grant maintained school or self-governing school or college of further education	37.5 hours (5 days or 10 half days)
For the purposes of redeployment, attendance as a candidate for interview within the NHS	As agreed with line manager (refer to the Organisational Change Policy)
Work in the community	As agreed with line manager **
Professional activities	As agreed with line manager***

* Training with the reserve or cadet forces:

It is recognised that the individual may be called at short notice to serve in a national or international emergency. Absence on unplanned service will not break continuity of service.

** An example of work in the community may include membership or trusteeship/management of a local charitable organisation.

*** Examples of professional activities may include:

Acting as an assessor for appointments for other NHS employers

Speaking at relevant conferences

Participating in the work of a specialist professional organisation

In other circumstances not outlined above, paid or unpaid leave may be allocated at the discretion of the manager in consultation with SCW HR.

14 UNPAID LEAVE

Unpaid leave of absence requests must be agreed by the line manager. Once approved Payroll should be informed in order to make the necessary adjustments and stop payments to the employee for the duration of the unpaid period.

Pension Rights during Unpaid Leave

Prior to committing to a period of unpaid leave, employees must contact the pension's officer in the payroll department, to discuss the implications of the unpaid leave on their pension and options for pension arrangements.

15 ANNUAL LEAVE PURCHASE SCHEME

SHPCA recognises that some employees may wish to take more than their standard contractual annual leave entitlement.

The purpose of the annual leave purchase scheme is to give employees who would like to have additional annual leave entitlement the option to do so in a way that spreads the financial consequences of purchasing the leave. This may be preferable as an alternative to taking unpaid leave and suffering a reduction in salary at the end of that month.

Buying Additional Leave

This scheme enables employees to buy up to a maximum of 75 hours (10 days) additional annual leave (pro-rata for part time employees), with the cost of buying that annual leave being spread over 12 months.

For example, an employee who wishes to buy two weeks (10 days) annual leave will have their pay reduced by $\frac{14}{365}$ resulting in their monthly pay being based on 12 equal payments of $\frac{351}{365}$ divided by 12. This will mean that the employee receives monthly remuneration that is the same throughout the year. The actual re-payment will depend on any pay rises occurring at the time the bought annual leave was taken.

An application to buy annual leave can be made at any time of the year. Pay will be reduced for 12 consecutive months from the date of the decision being approved.

Formal Request

Employees who wish to buy additional annual leave will need to make a formal request to their line manager in writing.

Employees will have the option, if they wish, of buying up to a maximum of 75 hours additional leave (10 days). They will require the permission of their line manager to take that annual leave at a time that is mutually convenient i.e. all annual leave will continue to be approved in accordance with the requirements of the service.

16 Selling Annual Leave

Employees can sell one week's annual leave in each leave year; this will be the equivalent of being paid for one additional week. In this case, the leave allocation will be reduced by the week 'sold' (e.g. 5 days for staff working Monday to Friday, pro rata for part time employees).

Members of a Pension scheme who participate in the selling of annual leave will have the cash value of the annual leave treated on a non-pensionable basis; this cash value will be paid as a one off lump sum and will not be included in the calculation of pension scheme contributions for the relevant pay period. However the payment will be subject to normal tax and NI deductions.

Applications must be made in writing on the Buying Annual Leave application form or the Selling Annual Leave application form available on the SCW HR portal

All requests for selling of annual leave will be considered by the line manager. However, authorisation to sell annual leave is at the absolute discretion of the line manager taking into account, for example, the cost of backfill which may be prohibitive or where there will be a significant impact on service delivery.

Eligibility for Buying and Selling Annual Leave

Before an employee can request to participate in the buying and selling of annual leave, they must ensure;

All statutory and mandatory training is accurate and up to date.

No annual leave is carried over from the previous year (i.e. employees can only sell their annual entitlement).

They are not subject to formal sickness absence management or formal capability/performance management proceedings. Eligibility for this cohort of staff will be considered by the line manager when these formal processes have been concluded.

Managers must also keep a record of all their employees who have bought and sold annual leave and whenever there is a member of their team who has a Change in Terms & Conditions or leaves SHPCA, then Managers MUST state clearly on the change or termination form that the employee is subject to Buying and / or Selling Annual Leave.

17 Carry Forward of Unused Leave

If for any reason it is not possible for an employee who has bought extra leave to take the leave in the year in which the leave has been bought, it may be permitted for that individual to carry forward that unused leave to the next leave year at the manager's discretion.

Termination of Contract

Should an employee leave before the end of the leave year and they have purchased additional annual leave, any leave that has been taken over and above the entitlement for the period of employment remaining, will need to be repaid and this should be marked clearly on the termination form.

Equally, where an employee has purchased additional leave and has not taken such leave, repayment of such leave will be included in their final payment.

Refusal of Application

SHPCA reserves the right to refuse an employee's application on the basis of operational or technical reasons related to their job or service needs.

18 EMPLOYMENT BREAK SCHEME

This is intended to provide employees with a longer period of unpaid leave than is provided by parental or other leave arrangements without losing continuity of employment or the right to return to the same or similar job. The aim is to retain employees who may otherwise choose to leave the workforce permanently.

The employment break scheme may be used to look after dependants, to travel, for study leave, to work abroad or to undertake training. Other reasons will be considered on their merits.

The scheme is open to all employees on permanent contracts but a break will only be granted at the manager's discretion. To be eligible for an employment break the employee must have the following:

- A minimum of one year's continuous service with SHPCA
- A satisfactory attendance record

DURATION

Subject to eligibility and approval, employment breaks are available for a maximum of two years and should be negotiated between the manager and the individual concerned, balancing the needs of the applicant with the needs of the service. More than one break is possible provided that the total absence on employment breaks does not exceed two years. The minimum length of break is three months. There must be at least one year's service between breaks. Breaks may be shortened or extended within the five year maximum by agreement in writing between the manager and the employee.

In all cases the manager will endeavour to balance the needs of the service with the needs of the individual requesting the leave. During the break the individual remains an employee of SHPCA and signs an agreement varying the terms and conditions of employment.

This scheme should be viewed with other sections of this policy, particularly those relating to:

- Flexible working
- Carers leave
- Keeping in touch

Employees on employment breaks may be asked to return to paid work for short periods of time in their own or other departments to maintain skills and professional competencies and stay in touch with changes in procedures in their area of work. This may be to enable specific professional updating to occur or to provide holiday and sickness cover. Additional working arrangements that are mutually beneficial may be agreed. The employee will be issued with either a short term contract or a bank contract for these periods depending on the regularity of the work. Periods of paid employment will be counted in calculating continuous service.

Employees are expected to maintain any professional links such as membership of professional organisations and keep up to date with knowledge in their field. Failure to ensure currency of skills and knowledge may preclude the possibility of a return to work. Employees are therefore advised to keep a record of any professional updating, work related courses or conferences attended during the break.

Employees taking an employment break will need to understand that to maintain the benefits of trade union membership, it will be necessary to maintain subscriptions to their trade union.

Managers have the responsibility of keeping in touch on a regular basis in order to ensure that the employee is kept abreast with relevant department and organisational information.

Return to Work

Breaks of one year or less:

Employees who return within one calendar year will be guaranteed a return to their former post within their own department as far as is reasonably practicable, at an equivalent salary or as negotiated with the manager. Exceptions to this may be where cover for the post is essential and recruitment to a fixed term post is difficult to achieve. Employees should be kept informed of cover arrangements in this situation.

If an employee intends to return within one year, a minimum of two months' written notice is required. The notice period may be varied in exceptional circumstances in consultation with the manager.

Breaks of more than one year:

For any period of leave taken in excess of one year, every effort will be made to find a position similar in grade and responsibility to that held before the break and on an equivalent salary point. Options including part-time work and job sharing will always be considered. A minimum of three months' notice is required of a return to work although this may be varied in consultation with the manager.

An individual returning from an employment break will be offered a structured refresher course to re-introduce and update them on changes made to practice and procedures. During this time the manager has the discretion to offer the post at a lower grade in the first instance until they are able to demonstrate their skills and ability to work at their original grade. The length of time required should be agreed between the manager and employee. After the agreed training period the employee will be paid an equivalent salary to when they first took a break, reflecting any cost of living increases which were awarded in that period.

A process exists whereby all professional employees who have a significant gap in practice are supported to return to practice. The relevant professional leads within each directorate are able to provide managers and employees with further information and advice and should be contacted in the first instance, both before the individual takes extended leave and when they are due to return.

If a change of circumstances prevents the employee from returning to work, they are required to inform the manager in writing as soon as is reasonably practicable before the agreed expected date of return.

Application Process

Employees wishing to apply for an employment break should do so by completing the form supplied at Appendix E / on the HR Portal. A written application for the break must be made three months in advance (although in exceptional cases approval may be given with less notice). Refusal to allow an employment break must be based on sound, objective reasons. Managers are advised to seek guidance from their HR business partner on how a break

might be managed. A Director must give final approval for a break. Please refer to Section 19, unpaid leave process, for recording employment break.

Failure to Comply

SHPCA retain the right to remove an employee from the scheme who fails to comply with the arrangements detailed above, subject to SHPCA's disciplinary procedures (refer to Conduct, Performance, Grievance & Absence Management Policy: disciplinary procedure).

Monitoring and Review

Applications and decisions should be kept for a minimum of twelve months.

Operation of the scheme will be monitored annually in partnership with local employee representatives

Conditions of Service

During the employment break, individuals will remain employees of SHPCA.

Employees on employment breaks will not normally be allowed to take up paid employment with another employer except where, for example, work overseas or charitable work could broaden experience. In such circumstances written authority from a director would be necessary. Breach of this condition will result in termination of contract.

Reckonable service

On return to work, employees benefit from the service accrued before they took the break. Periods of paid employment with the SHPCA during the break will count as reckonable service.

Breaks of one year or less will count towards continuous employment for deciding length of service for: long service leave, maternity pay, occupational sick pay, statutory and redundancy payments.

Breaks of longer than one year will count towards continuity of employment for statutory purposes only. Other provisions depending upon length of service, i.e. contractual redundancy payments, pensions, leave entitlements, etc. will be suspended for the period of the break. Periods of service before and after the break will be aggregated to determine the appropriate length of service to be used for these purposes.

Maternity leave

In the case of an employment break following maternity leave, the break will commence no later than when paid maternity leave ends.

Sick leave/pay

Employees will not be entitled to occupational sick pay during the employment break.

As individuals remain employees of SHPCA during the employment break, they will still have access to employee support services such as Occupational Health and the Employee Assistance Programme

Annual leave

On return to work, individuals will receive the appropriate amount of annual leave for their post according to their length of service prior to the break. The break itself does not count towards the accrual of long service leave unless the break is for less than one year.

Pension rights whilst on an 'employment break'

Prior to committing to an employment break, employees must contact the pension's officer in the payroll department, to discuss the implications of the employment breaks on their pension sand options for pension arrangements.

19 DISRUPTION TO TRAVEL – ADVERSE WEATHER AND OTHER EMERGENCY CONDITIONS

It is the duty of each employee to make their own arrangements to get to work on time. It is recognised that at times employees may experience severe difficulties in getting to and from work as a result of inclement weather and/or disruption to travel services. However, employees are expected to make all reasonable attempts to attend work in order for services to be maintained even if this means they will arrive late.

'Inclement weather' can be defined as snow, ice, fog, floods, resulting in extremely hazardous journeys by road, using public or private transport.

'Extremely hazardous' is defined as those conditions in which the police and/or appropriate motoring organisations advise people not to travel at all as a result of severe local weather conditions. If schools/nurseries are closed due to inclement weather, the employee may request emergency leave

Employee's living within reasonable walking distance of their base will be expected to make every effort to get to work.

Disruption to travel services can be caused by:

- Severe weather conditions resulting in delays/cancellations to public/private transport
- Major disruption to public services and private transport due to major accidents
- Industrial action by public transport services i.e. road/rail
- Fuel crisis
- Other major incidents involving police, fire and ambulance services

To ensure that all employees are treated consistently throughout SHPCA during inclement weather/disruption to travel services, SHPCA will provide options for employees. It will be up to individual line managers to make a decision unless overruled by a corporate decision. Employees not able to attend work may have the option of:

- Working remotely from home (if possible)
- Taking time off in lieu using hours already worked
- Agreeing to work the hours lost at another time
- Taking annual leave
- Taking special leave without pay
- Requesting emergency leave if a child's school/nursery is closed.

If instructed by the police or armed forces (or any other authority) to not attempt to leave their homes because it is unsafe to do so due to adverse weather conditions, employees should adhere to these instructions and not attempt to attend work. Employees should notify their manager immediately or at the earliest opportunity. If this is the case, managers have the discretion to grant special leave with pay if the employee is unable to work remotely.

Employees may report for work at premises other than their normal base, or alternatively work from home if they have internet and N3 (if appropriate) access. They should inform their line manager of their intention to attend a different site.

It is the responsibility of each employee to inform their line manager if they are unable to attend for work because of the inclement weather, and to keep their manager regularly informed.

20 FLEXIBLE WORKING

SHPCA is committed to promoting the well-being of all employees and supporting them in achieving a balance between work and life outside of work, through flexible working arrangements, wherever reasonably practicable. Subsequently, improving employees' well-being and work-life balance can enable the provision of a high quality efficient and effective service.

All employees (with a contract of employment) with 26 weeks continuous service has the 'right to request' flexible working

The line manager should arrange a meeting with the employee within 28 days of receiving the application to discuss the request. This meeting is not required if the manager agrees to the terms of the application and notifies the employee accordingly within 28 days of receiving the application. At the meeting the employee has a right to be accompanied by a trade union representative or workplace colleague if they so wish. Employees will be

notified of the decision within 14 days of the date of the meeting. Employees will be entitled to appeal against the decision within 14 days from the date of the letter.

Where there is reason to grant short term changes to working patterns to cover a fixed and defined period of change in the employees' situation, the options available should be discussed by the manager and the employee and agree a timescale for the change, confirming all arrangements in writing with the employee. Under these circumstances the working pattern shall return to its normal form following the fixed period stated. If the change in working pattern needs to be extended for an indefinite amount of time then it shall be subject to this guidance and process, this includes a request to work from home.

Flexible working arrangements will need to be reviewed on a periodic basis by the employer and the employee in line with changing business needs or personal situations. A review of existing flexible working arrangements should form part of the appraisal process at least annually, but may be reviewed between appraisals if the need arises. The organisation has a right to review the flexible working arrangements in line with changing business needs. The employee can request a review or indicate if a flexible arrangement put in place is no longer required due to a change in circumstances or there has been a change in personal circumstance.

A flexible working request may be refused, for example, on one or more of the following business related reasons (this list is not exhaustive):

- Burden of additional costs
- Detrimental effect on the ability to meet customer demand
- Inability to reorganise work among existing employees
- Inability to recruit additional employees
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the applicant proposes to work
- Planned structural changes.

The reason for refusal must also ensure that it complies with the Equality Act 2010, so as not discriminate on any protected characteristics.

'Flexible working' incorporates a wide variety of working practices that are different from standard practice. In many cases, flexible working practices will be individually tailored to suit the needs of the individual and the department. These may include the following:

- **part-time working**, where a person works to a pattern and number of hours by mutual agreement
- **job sharing**, where two or more people share the responsibilities of one or more full-time job(s), dividing the hours, duties and pay between them

- **flexi-time**, where employees can choose their own start and finish time around fixed core hours (but maintains the full working hours within their contract)
- **annual hours contracts**, where people work a specific number of hours each year, with the hours being unevenly distributed throughout the year
- **flexible rostering**, using periods of work of differing lengths within an agreed overall period
- **term-time working**, where people work during the school term but not during school holidays
- **home working**, where people work from home for all or part of their hours with a computer or telecommunication link
- **voluntary reduced working time**, where people work reduced hours by agreement at a reduced salary
- **fixed work patterns**, where, by agreement, days off can be irregular to enable, for example, access by separated parents to their children and flexible rostering
- **condensed hours**, where by agreement people can work their current contractual hours over a reduced number of days i.e. working 37.5 hours over a 4 day period.

Any of the above may be agreed as part of informal, ad-hoc or short term measures to cover a sudden and short term change in circumstances. Whilst these will not be subject to the full consideration of this process, these must be agreed with the line manager and a fixed period of time agreed, with normal working patterns resumed following this period.

Appeal

An employee may use the Grievance Policy if they feel that they have been treated unfairly in relation to the application of this policy.

21 EQUALITY AND DIVERSITY

In applying this policy, SHPCA will have due regard for the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations for all employees, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

Where English is not the first language or there are difficulties in understanding this policy, employees should contact their line / other appropriate manager or senior officer within their organisation, SCW HR for advice and guidance.

An equality analysis has been completed. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or trade union membership or non-membership in relation to the application of this policy.

22 POLICY MONITORING AND REVIEW

The effectiveness of this policy will be monitored by SCW HR to ensure the correct procedures have been followed and time scales met. Any learning points and trends will be identified by SCW HR who will make recommendations to the Business and HR Services Manager about changes which need to be made.

The policy may be reviewed at any time at the request of either staff or SHPCA will be reviewed automatically in the event of new legislation or guidance emerging or annually.

Policy monitoring and review will include analysis of the available equality characteristics of employees who request and take leave using this policy. This analysis will help identify any differential treatment or bias in the implementation of the policy.

To ensure that the additional leave purchase scheme and employment break scheme are implemented fairly and no employee is discriminated against, SHPCA will monitor the protected characteristics of individuals that apply for these schemes, those that are approved and those that are turned down. We will also monitor the working pattern, directorate and pay grade.