THE NATIONAL INSTITUTE FOR HEALTH AND CLINICAL EXCELLENCE SPECIAL HEALTH AUTHORITY

Leave Policy and Procedures

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SPECIAL HEALTH AUTHORITY

LEAVE POLICY AND PROCEDURES

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LEAVE POLICY AND PROCEDURES

POLICY

1 This document outlines the Institute’s arrangements for all forms of authorised leave that are available to members of staff and the procedures for applying for them. The entitlements in this document, at a minimum, comply with the Employment Act 2002, the EU Working Time Regulations, the NHS Improving Working Lives standard and NHS Terms and Conditions of Employment.

2 The Institute is committed to improving the working lives of all staff (for example, full time, part time or job share regardless of gender, race, disability, age, or family circumstances) and helping them to achieve a balance between the demands of their jobs and personal lifestyle. The leave arrangements in this document should assist staff in achieving this balance.

3 All leave is stated as full-time working days (or equivalent hours). Leave entitlements for part time members of staff and job sharers will be calculated on a pro-rata basis to the proportion of working days or hours that they work, rounded up or down to the nearest half day. In line with Agenda for Change, Section 13.5, where staff have working arrangements other than the standard 7.5 hours/5-day working week (i.e. compressed hours), annual leave and bank holidays should be calculated on an hourly basis.

4 Employees shall accrue contractual leave during periods of unpaid leave, except where otherwise specified in this document (e.g. extended unpaid leave).

5 The Institute recognises the particular needs of pregnant staff, staff returning from maternity leave and adopters. It will ensure that all affected employees receive their statutory and contractual entitlements and are kept informed of organisational changes throughout their maternity/adoption leave. The Institute will reasonably facilitate staff requiring flexible working or additional leave to assist their return to work from maternity/adoption leave.

6 The Institute recognises that fathers and partners have an active role to play in sharing the responsibility for looking after children and will ensure that these staff receive their statutory and contractual entitlements, and will attempt to accommodate requests from these staff for flexible working and other leave arrangements to assist staff in supporting their partner/child’s mother.

7 The Institute recognises the wider caring responsibilities of its staff and the social benefits of facilitating these responsibilities through a range of additional paid and unpaid leave provisions detailed in this policy.

8 The Institute recognises that employees have the right to take a reasonable amount of time off work to deal with emergencies, or may need to attend medical or other health appointments. Such requests will be treated sympathetically and flexibly in such circumstances.

9 In order to retain experienced and quality staff, the Institute recognises that staff may need to take periods of unpaid leave for personal reasons, and will facilitate this as far as
10. Abuse by an employee (or group of employees) of the leave arrangements described in this document could result in disciplinary action, which may include dismissal.

11. All employees have the right to be treated fairly and with dignity. Staff members shall be protected against detrimental action based on the assertion or exercise of any of the rights provided by this policy and procedures. The Institute shall not unreasonably refuse a request for leave. Should a request be refused an employee shall receive a written explanation and has the right to seek resolution through the Institute’s Grievance and Disputes Policy and Procedure.

12. The Institute will monitor the operation of this Policy and Procedures in order to ensure that it accords with its Equal Opportunities Policy, Health and Safety Policy and its Race Equality Scheme. The HR Department will bring any contraventions in this respect immediately to the attention of managers for immediate action.

possible.
SECTION 1: ANNUAL LEAVE

1.1 Entitlement

1.1.1 The annual leave period is from 1 April to 31 March.

1.1.2 The annual leave provisions under Agenda for Change NHS Terms and Conditions of Service are contained in Table 1 below.

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Annual Leave plus Bank Holidays</th>
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<tr>
<td>On appointment</td>
<td>27 days plus 8 days</td>
</tr>
<tr>
<td>After 5 years service</td>
<td>29 days plus 8 days</td>
</tr>
<tr>
<td>After 10 years service</td>
<td>33 days plus 8 days</td>
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Table 1

1.1.3 Staff who previously received an annual leave entitlement which is greater than that under the Agenda for Change NHS Terms and Conditions will have their entitlement (including the extra-statutory days) protected for 5 years from 1st October 2004.

1.1.4 Annual leave entitlement for part time staff or staff working flexible hours (such as compressed hours) will be calculated in hours, not days. The benefit of this is to ensure that staff who work variable hours or shifts, do not receive either more or less leave than colleagues who work a standard pattern. Annual leave entitlement is calculated based on contracted hours.

1.1.5 For all staff annual leave may only be taken in periods of not less than ½ their contracted day.

1.2 Reckonable service

1.2.1 In accordance with Agenda for Change NHS Terms and Conditions of Service, periods of previous service with an NHS employer, regardless of whether or not there has been a break in service, will count as reckonable service for annual leave. The Institute will request confirmation of an employee’s previous NHS service from their most recent NHS employer. However, if this information is not returned and in order to have previous service regarded as reckonable service, it will be the employee’s responsibility to provide formal documentary evidence of any relevant, reckonable service.
1.3 **Pay during annual leave**

1.3.1 Pay during annual leave will include regularly paid supplements including any recruitment and retention premia and high cost area supplements. Pay is calculated on the basis of what the individual would have received had he/she been at work.

1.4 **Annual leave for staff who start employment or change leave entitlement during the leave year**

1.4.1 On joining the Institute, all staff will be entitled to annual leave plus Bank Holidays, in the year of joining on a pro rata basis. Leave is accrued from the first day of employment and for a part month, annual leave for a part-month should be calculated using the following calculation:

\[
\frac{\text{No of days left in the month of joining}}{\text{No. of days in the month}} \times \frac{\text{Full year entitlement}}{\text{months in the year}}
\]

i.e. if a member of staff who is new to the Institute joined on the 20th October, the calculation for October would be as follows:

\[
\frac{12}{31} \times 27/12 = 0.87 \text{ days (6.5 hours)}
\]

Therefore the leave entitlement for the month of October would be 6.5 hours (rounded up to one day for a full-time employee).

1.4.2 Where staff reach an anniversary which will increase their annual leave entitlement, the new entitlement will be calculated from the 1st day of the month following the anniversary.

1.5 **Carrying over annual leave to the new leave year.**

1.5.1 It is expected that all employees will be provided with the opportunity to take all their leave within a leave year. Staff must take at least 20 days holiday per year in accordance with the Working Time Regulations 1998 (pro-rata for part time staff).

1.5.2 Up to 5 days annual leave pro rata may be carried over to the following year, with the agreement of the Line Manager where employees are prevented from taking the full allowance of annual leave before the end of the leave year because of business needs, or due to an employee’s personal circumstances.

1.5.3 In exceptional circumstances, more than 5 days may be carried over to a new leave year, with the agreement of the Line Manager and the approval of the Associate Director - HR. Such circumstances may include:

- Where employees are prevented from taking annual leave because of sick leave/maternity leave etc.

1.5.4 On application and consideration of an individual’s personal circumstances subject to the needs of the service.
1.6 Annual leave and sickness absence

1.6.1 If staff have pre-arranged annual leave but then fall sick, they must follow the Institute’s absence reporting procedures in order for the leave to be taken at another time.

1.7 Annual leave when leaving the Institute

1.7.1 On leaving the Institute, any accrued holiday leave remaining will be paid as will any accrued Bank Holiday leave for Bank Holidays that have occurred in the leave year prior to the leaving date. Holiday leave entitlement will be calculated to the date of leaving using the formula in paragraph 4.1 for any part month. When calculating leave due on leaving the Institute, the figure is not rounded i.e. if it is calculated that someone is entitled to 2.66 days leave, that is what they will be paid for. Where staff leave on 31st March they will only be entitled to be paid for up to 5 days leave they may have carried over into the next leave year, unless prior approval has been given that they may carry forward more days in accordance with paragraph 5.3.

1.7.2 On leaving the Institute any leave taken (including Bank Holiday entitlement) which is in excess of that which the staff member would have been entitled to (on a pro-rata basis) will be deducted from the final salary payment.

1.8 Staff on protected hours

1.8.1 For staff who are protected on 37 hours (i.e. all staff who, pre agenda for change, were employed on a contract based on 36 hours per week (or pro rata), their annual leave and Bank Holiday leave is calculated based on 7.4 hours per day. Such staff’s working hours shall be protected at 37 hours per week until 31 September 2009.

1.9 Booking and taking leave

1.9.1 Staff must book annual leave using the paper form that has been provided by the HR department. The line manager (or other person delegated to approve leave) must record approval for annual leave on the leave form, prior to leave being taken. Annual leave may not be taken unless the line manager approves it.

1.9.2 Staff who are working non-standard hours should record their annual leave in hours, which will incorporate Bank Holidays. Staff on standard hours will record their annual leave in days.

1.9.3 In accordance with the above policy, staff will be permitted to take annual leave whenever they desire to do so, unless there is an over-riding business reason that makes the taking of such leave inconvenient at a particular time. In such cases the line manager must discuss the situation with the employee concerned and take full account of any personal circumstances that would prevent the employee from taking leave at another time. If a request for leave is refused, the employee is
entitled to request a written account of the reason(s) for the refusal in line with section 16 of this policy.

1.9.4 Members of staff whose annual leave is calculated in hours should note the need to book Bank Holidays as leave as set out in Section 2.

1.9.5 Managers should keep under review all leave recorded and discuss with their staff any necessary amendments or corrections, and manage the taking of leave during the year.

1.9.6 The HR department will monitor all leave forms to ensure that the correct amount of leave is being taken and that the leave system is being operated fairly and consistently in line with the Equal Opportunities Policy and the Race Equality Scheme. The HR Department will bring any contraventions in this respect immediately to the attention of managers for immediate action.

1.9.7 Staff should aim to take their leave in the year in which it is accrued.

1.9.8 The leave form should be completed as early as possible, and for annual leave of more than 2 weeks, at least four weeks prior to the leave commencing, to allow the planning of cover arrangements. Staff are advised that they should not commit themselves to expenditure on holidays etc. until the leave is approved.
SECTION 2: BANK HOLIDAY LEAVE

2.1 Entitlement

2.1.1 All members of staff are entitled to take as leave the following eight annual Bank Holidays (pro rata for part-time staff and job-sharers) in addition to their annual leave entitlements:

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

2.1.2 The calculation of this entitlement is always proportionate to the number of basic contracted hours worked and rounded up to the nearest half day. This removes the potential for inequity in cases where staff work varying hours.

2.1.3 Part-time, job-sharing and staff on some forms of flexible working arrangements (e.g. compressed hours) will have their pro-rated Bank Holiday entitlement added to their annual leave card. Because the Institute does not normally require any of its staff to work on a Bank Holiday, such employees must book a Bank Holiday as leave with their line manager if it falls on a day that they would normally work. On each occasion that such employees take paid time off on a Bank Holiday as part of their basic week, the appropriate deduction of their normal basic daily hours will be made from their overall entitlement.

2.1.4 Bank Holiday entitlement for part-time, job-sharing and staff on some forms of flexible working arrangements is calculated in hours rather than days and added to annual leave entitlement. The formula for calculating this entitlement is:
(No. of weekly basic contracted hours/No. of hours in the week) x No. of annual leave days in leave year

PLUS

(No. of weekly basic contracted hours/No. of hours in the week) x No. of bank holidays in leave year

Total of above x 7.5 = **Total number of leave hours**

Example

Therefore if the weekly basic contracted hours are 37.5 per week (and a working day is calculated at 7.5 hours per day), someone working 3.5 days a week (26.25 hours) with a full-time equivalent leave entitlement of 27 days, would be entitled to 184 hours of annual and bank holiday leave entitlement.

\[
\frac{26.25}{37.5} \times 27 = 141.75 \text{ hours or 18.9 days} \\
\frac{26.25}{37.5} \times 8 = 42 \text{ hours or 5.6 days} \\
\text{Total} = 183.75 \text{ hours, rounded up to 184 hours leave}
\]

2.1.5 For all staff joining the Institute during the annual leave year, their Bank Holiday entitlement will be pro-rated, based on the number of Bank Holidays remaining in that current leave year from the date of joining. Thereafter, their Bank Holiday entitlement will be pro-rated as outlined above.

**Example**

A member of staff joins on 1 September and works part-time. They will be entitled to the three remaining Bank Holidays that fall between 1 September and 31 March, pro-rated according to their working hours. NB: This example assumes that Easter does not fall in March.

2.1.6 Staff working full time will not have the Bank Holiday entitlement added to their annual leave card record as it is assumed that they will take the public holiday as leave.

2.1.7 In line with Part 3, Section 13.8 of the Agenda for Change NHS Terms and Conditions Handbook, anyone previously in receipt of more Bank Holiday entitlement that indicated above should receive five years protection from the point of annual leave assimilation (December 2004).

2.1.8 Part-time, job-sharing and staff on some forms of flexible working arrangements who normally work on a Monday (or Friday when applicable) may change their working days during a Bank Holiday week, where operationally possible, and subject to mutual agreement with their line manager. For example, they might request to work Tuesday to Thursday instead of their normal Monday to Wednesday, and therefore retain their leave entitlement in respect of a Bank Holiday.
2.1.9 Where operationally possible, and subject to mutual agreement with their line manager, all staff (full and part-time) can choose to offer to work on a Bank Holiday. If this is agreed with their line manager, the line manager should inform the HR department. For part-time, job-sharing or staff who work non-standard hours, the extra working day should be worked in the same week, in the week before or the week after the public holiday. The staff member would then be able to take their Bank Holiday entitlement at another time, although as with all time off in lieu (TOIL), it is encouraged that the leave should be taken as early as possible after the additional day worked.

2.1.10 Where the Institute requires that a staff member works on a Bank Holiday, and if agreed by the employee, the leave taken in lieu of working the Bank Holiday will be at plain time rates. In accordance with the Agenda for Change NHS Terms and Conditions of Service, staff on pay bands 1-7 working a Bank Holiday at the organisation’s request may choose to receive overtime payments at double time, rather than take TOIL at plain time rates. Staff on pay bands 8a and above are only eligible to take TOIL at plain time rates – they are not eligible for overtime. Therefore, for every Bank Holiday worked at the organisation’s request the member of staff is entitled to take one day off in lieu, or receive overtime payment where eligible.

2.1.11 There will be some years where fewer or more than eight Bank Holidays fall in the leave year. When this situation arises, the appropriate adjustment to a staff member’s entitlement will be made.
SECTION 3: LEAVE FOR RELIGIOUS/CULTURAL OBSERVANCE

3.1 Entitlement

3.1.1. All employees who need time off for religious or cultural observance will be entitled to request the following, subject to the needs of the service:

- General flexibility in arrangement of working hours, and/or
- Annual leave, time off in lieu or unpaid leave.

3.1.4 All managers should be sympathetic to requests and should accommodate them wherever is reasonably practicable to do so.

3.1.5 If reasonable notice for such requests is not given the manager may have no choice but to refuse time off.

3.1.6 If a request for leave is refused, the employee is entitled to request a written account of the reason(s) for the refusal in line with section 16 of this policy.
SECTION 4: MATERNITY LEAVE

4.1 Introduction

4.1.1 All pregnant employees are entitled to take 52 weeks maternity leave (whether full time, part-time). The earliest maternity leave can start is the beginning of the 11th week before the expected week of childbirth. Staff can work right up to the date of childbirth provided they are well and there are no known risks to the employee or the unborn child as a result of working. Therefore, the latest maternity leave can start is the day following the actual birth date.

4.1.2 The period of maternity leave will count towards continuous employment for the purposes of entitlement to other statutory and contractual employment rights. Members of staff on maternity leave will also be treated as far as applicable in the same way as other members of staff.

4.2 Entitlement to maternity leave and pay for staff with more than one year’s continuous NHS service

4.2.1 An employee working full-time or part-time will be entitled to paid and unpaid maternity leave under the NHS contractual maternity pay scheme if:

4.2.2 She has 12 months continuous service\(^1\) with one or more NHS employers at the beginning of the 11th week before the expected week of childbirth;

4.2.3 She notifies the HR Department in writing before the end of the 15th week before the expected week of childbirth (or if this is not possible, as soon as is reasonably practicable thereafter):

- of her intention to take maternity leave;
- of the date she wishes to start her maternity leave;
- that she intends to return to work with the same or another NHS employer for a minimum period of three months after her maternity leave has ended; and,
- provides a MatB1 form from her midwife or GP giving the expected date of childbirth.

\(^1\) This shall include service with any NHS employer including health authorities (special and strategic), NHS Boards, NHS Trusts, Primary Care Trusts and Northern Ireland Health Service. A break in service of 3 months or less will be disregarded in calculating continuous service. Breaks in service for the following reasons shall also be disregarded in calculating continuous service: employment under the terms of an honorary contract; employment as a locum practitioner for a period not exceeding 12 months; up to 12 months spent abroad as part of a definite programme of postgraduate training on the advice of the Postgraduate Dean or College or Faculty Advisor in the speciality concerned; a period of voluntary service overseas with a recognised international relief organisation for a period of 12 months; absence on an employment break scheme; and absence on maternity/adoption leave.
4.2.4 If the employee subsequently wants to change the date from which she wishes her leave to start she should notify her employer at least 28 days beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

4.2.5 All employees who fulfil the eligibility criteria in 4.2.2 shall be entitled to at least 26 weeks occupational maternity pay plus 13 weeks statutory maternity pay (including 2 weeks compulsory maternity leave after the birth).

4.2.6 Such employees will also be entitled to 13 weeks unpaid leave following the paid maternity leave period, making the total period of maternity leave 52 weeks.

4.3 **Contractual maternity pay for staff employed in the Institute (HDA/NICE) after 17 January 1995**

4.3.1 Where an employee intends to return to work for the NHS and fulfils the eligibility criteria in 4.2.2 above, the amount of contractual maternity pay receivable is as follows:

- For the first 8 weeks of absence, the employee will receive full pay less any Statutory Maternity Pay or Maternity Allowance (including any dependents’ allowances) receivable;

- For the next 18 weeks, the employee will receive half pay plus any Statutory Maternity Pay or Maternity Allowance (including any dependents’ allowances) receivable, providing the total receivable does not exceed full pay;

- For the next 13, weeks the employee will receive Statutory Maternity Pay or Maternity Allowance that they are entitled to under the statutory scheme.

4.3.2 In exceptional circumstances and by prior written agreement with the Associate Director - HR, this entitlement may be paid in a different way, for example a combination of full pay and half pay or a fixed amount spread equally over the maternity leave period. An employee would be required to make a written application stating their case to the Associate Director - HR.

4.4 **Contractual maternity pay for staff employed in the HDA before 17th January 1995** *(Staff in this category has the option to receive contractual maternity pay under 4.3 or 4.4)*

4.4.1 For the first 18 weeks of absence, the employee will receive full pay less any Statutory Maternity Pay or Maternity Allowance (including any dependents’ allowances) receivable.

4.4.2 For the next 21, weeks the employee will receive Statutory Maternity Pay.

4.5 **Entitlement to maternity leave and pay for staff not returning to NHS employment or with less than one year’s continuous service**

4.5.1 An employee who does not intend to return to work within the NHS for a minimum
period of three months after her maternity leave is ended, or who has less than 12 months continuous NHS service, will be entitled to Statutory Maternity Leave and may be entitled to Statutory Maternity Pay or Maternity Allowance in accordance with the following:

4.6 **Statutory Maternity Leave**

4.6.1 All pregnant employees are entitled to a period of 26 weeks ordinary maternity leave (including 2 weeks compulsory maternity leave after the birth), plus 26 weeks additional maternity leave, which begins immediately after the ordinary maternity leave.

4.6.2 In order to take maternity leave an employee must notify the HR department, no later than the end of the 15th week before their expected week of childbirth of:

- The fact that they are pregnant;
- The expected week of childbirth; and
- The date they intend to start taking maternity leave. Maternity leave cannot start earlier than the beginning of the 11th week before the expected week of childbirth.

4.6.3 Within 28 days of receipt of this notification the HR Department will confirm receipt, notify staff of when their maternity leave will end and confirm their entitlement.

4.7 **Statutory Maternity Pay (SMP)**

4.7.1 Staff will be eligible to receive SMP if they have at least 26 weeks continuous employment with the Institute, leading up to and including the beginning of the 15th week before the week of childbirth, and they earn more than £87 per week.

4.7.2 SMP is paid for 39 weeks (during the ordinary maternity leave period) at a rate of 90% of the average weekly earnings for the first 6 weeks, followed by 33 weeks at the standard weekly rate of £112.75. Where an employee earns less than £112.75 per week, they shall receive 90% of their average weekly earnings for the full 39 weeks.

4.7.3 To receive SMP an employee must submit a maternity certificate (Mat B1) from a registered medical practitioner or practising midwife, (issued 20 weeks before your baby is due).

4.7.4 SMP cannot be paid until this certificate has been received.

4.7.5 SMP will be paid through the monthly payroll on the normal pay date. It is subject to tax, National Insurance and superannuation contributions.

4.8 **Maternity Allowance**

4.8.1 Staff who are not entitled to SMP may qualify for Maternity Allowance. To be eligible
for Maternity Allowance, an employee must have been paying National Insurance contributions for at least 26 weeks of the 66 weeks prior to the expected week of childbirth. In addition, gross earnings must be at least £30 per week, averaged over a 13-week period.

4.8.2 Maternity Allowance is paid for 39 weeks at the standard rate of £112.75 per week, or 90% of average earnings if this is less than £112.75 per week.

4.8.3 The Institute cannot pay Maternity Allowance to staff. An employee will be notified if they are entitled to Maternity Allowance and issued with form SMP1. This form should be taken to the employee’s local Job Centre Plus office, where they will arrange for the benefit to be paid.

4.9 Calculation of maternity pay

4.9.1 Maternity pay will be calculated using the average weekly earnings over the eight-week period leading up to the 15th week before the expected week of childbirth, subject to the following qualifications:

4.9.2 In the event of a pay award or annual increment being implemented before the paid maternity leave period begins, the maternity pay shall be calculated as though the pay award or annual increment had effect throughout the entire calculation period. If such a pay award was agreed retrospectively, the maternity pay shall be re-calculated on the same basis.

4.9.3 In the event of a pay award or annual increment being implemented during the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment shall be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay shall be re-calculated on the same basis.

4.9.4 In the case of an employee on unpaid sick leave or on sick leave attracting half pay during the whole or part of the period used for calculating average earnings, average weekly earnings for the period of sick leave shall be calculated on the basis of notional full sick pay.

4.10 Confirming maternity leave and pay

4.10.1 Following discussion with the employee, the HR department will confirm in writing:

- The employee’s paid and unpaid leave contractual and/or statutory entitlements;
- Unless an earlier return date has been given by the employee, her expected return date, based on 52 weeks paid and unpaid leave entitlement;
- The length of any period of accrued annual leave which it has been agreed may be taken following the end of the maternity leave period;
The need for the employee to give at least 28 days notice if she wishes to return to work before the expected return date.

4.11 Annual leave entitlement during maternity leave

4.11.1 Contractual annual leave will continue to accrue during maternity leave, whether the member of staff is on paid or unpaid maternity leave.

4.11.2 Staff returning from maternity leave will be expected to take accrued annual leave during the relevant leave year as far as possible. Where this is not possible, the Institute will, in accordance with this policy, authorise the balance of accrued leave to be carried over into the following leave year without limitation. In exceptional cases, payment in lieu of leave may be made if the amount of accrued leave is likely to be prejudicial to the business of the Institute. Payment in lieu of leave must be with the agreement of HR, the member of staff concerned and the support of the line manager.

4.12 Time off for antenatal visits

4.12.1 Pregnant employees have the right to paid time off for antenatal care. This may include parent craft or relaxation classes as well as appointments for antenatal care.

4.12.2 Members of staff requiring time off to attend antenatal clinics or classes must be prepared to produce an appointment card to show to their managers in respect of second and subsequent visits. Managers must be flexible about the need for staff to take time off in these circumstances and staff must endeavour to give sufficient notice for time off.

4.12.3 Staff members should make appointments as far as practically possible for antenatal classes or clinics that minimises the time they will need to be away from the office on any particular day.

4.13 Keeping in touch - Before going on leave:

4.13.1 The employee should discuss with their line manager any voluntary arrangements for keeping in touch including:

a) any voluntary arrangements that the employee may find helpful to keep in touch with developments at work and, nearer the time of return, to facilitate the return to work

b) keep their line manager informed of any developments that may affect her intended date of return.

4.14 Keeping in Touch Days (KIT days) - During the Maternity Leave Period
4.14.1 to facilitate the process of Keeping in Touch Days it is important that the line manager and the employee have early discussion to plan and make arrangements for KIT days before the employee's maternity leave takes place

4.14.2 to enable the employee to take up the opportunity to work KIT days line managers should consider the scope for reimbursement of reasonable childcare costs or the provision of childcare facilities

4.14.3 KIT days are intended to facilitate a smooth return to work for the employee returning from maternity leave

4.14.4 an employee may work for up to a maximum of 10 days without bringing her maternity leave to an end. Any days of work will not extend the maternity period.

4.14.5 an employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby

4.14.6 the work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace

4.14.7 any such work must be by agreement and neither the line manager nor the employee can unilaterally decide upon it 4.14.8 the employee will be paid at their basic daily rate, for the hours worked less appropriate maternity leave payment for KIT days worked

4.14.9 working for part of any day will count as one KIT day

4.14.10 any employee who is breastfeeding must be risk assessed and facilities provided in accordance with paragraph 4.20 below.

4.14.11 the employee should inform their line manager of any developments that may affect her intended date of return.

4.12 Parental leave following maternity leave

4.12.1 Staff returning from maternity leave are entitled to take parental leave provided they meet the conditions for notification and return (see section 7: Parental Leave).

4.13 Returning to work

4.13.1 Staff on maternity leave have a statutory right to return to the job they left under the same contract and on no less favourable terms and conditions.

4.13.2 An employee who intends to return to work at the end of her full maternity leave will not be required to give any further notification to the Institute and will be
expected back at work on the next working day following the expiry of the maternity leave, although if she wishes to return early she must give at least 28 days notice.

4.13.3 If at the end of maternity leave the employee wishes to return to work on flexible working arrangements, the Institute has a duty to facilitate this wherever possible, with the employee returning to work in the same job. An application for flexible working should be made in accordance with the Institute’s Flexible Working Procedure.

4.13.4 If the flexible working arrangement is agreed for an agreed temporary period this will not affect the employee’s right to return to her job under her original contract at the end of the agreed period.

4.14 Failure to return to work

1.14.1 If an employee who has notified the Institute of her intention to return to work for the NHS fails to do so within 15 months of the beginning of her maternity leave she will be liable to refund the whole of her maternity pay, less any SMP or Maternity Allowance she received. In cases where the Institute considers that to enforce this provision would cause undue hardship or distress, the Institute will have the discretion to waive its right to recover these funds. Members of staff who believe they will suffer undue hardship or distress should write to the Associate Director - HR giving details of their case.

4.15 Sickness and maternity leave

4.15.1 If an employee is off work ill, or becomes ill, with a pregnancy related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or at the beginning of the next week after the employee last worked (whichever is the later). Absence prior to the last four weeks before the expected week of childbirth, supported by a medical certificate, or self-certificate, shall be treated as sick leave in accordance with the normal sick leave provisions.

4.15.2 In the event of illness on or following the date the employee was due to return to work normal sick leave provisions will apply as necessary.

4.16 Premature birth

4.16.1 Where an employee’s baby is born alive prematurely, the employee will be entitled to the same amount of maternity leave and pay as if her baby was born at full term.

4.16.2 If an employee’s baby is born before the 11th week before the expected week of childbirth, and the employee has worked during the actual week of childbirth, maternity leave shall start on the first day of the employee’s
4.16.3 Where an employee’s baby is born before the 11th week before the expected week of childbirth, and the employee has been absent from work on certified sick leave during the actual week of childbirth, maternity leave will start the day after the day of birth.

4.16.4 Where an employee’s baby is born before the 11th week of childbirth and the baby is in hospital, the employee may split her maternity leave entitlement, taking a minimum period of two weeks leave immediately after childbirth and the rest of her leave following her baby’s discharge from hospital.

4.17 Still birth

4.17.1 Where an employee’s baby is born dead after the 24th week of pregnancy the employee will be entitled to the same amount of maternity leave and pay as if her baby was born alive.

4.18 Miscarriage

4.18.1 Where an employee has a miscarriage before the 25th week of pregnancy, normal sick leave provisions will apply as necessary.

4.19 Pension contributions during maternity leave

4.19.1 During periods of paid maternity leave, the Institute’s pension contribution will be paid as if the employee were working normally and receiving the normal remuneration for doing so. The employee’s contribution will be calculated and deducted in the normal way based on the amount of contractual pay or SMP that is being paid to her.

4.19.2 During periods of unpaid maternity leave pension contributions cannot be deducted. Outstanding deductions of pension contributions (accrued during the period of unpaid leave) will be taken from the salary when the employee returns to work. This may be a considerable sum and staff are advised to seek advice from the Institute’s Pensions Advisor about the measures they can take to prevent this occurring or whether the deductions can be phased over a number of months.

4.20 Health and safety at work for new and expectant mothers

4.20.1 The Amendments to the Management of Health and Safety at Work Regulations 1999, apply to female staff who:

- are pregnant and have informed the Institute in writing; or
- have recently given birth to a living child within the last six months or a stillborn child after 24 weeks of pregnancy; and/or
- are breastfeeding (no time limit).

4.20.2 In order to comply with the regulations the Institute will:

- Look for hazards e.g. physical, biological and chemical agents, processes and working conditions;
- Decide who might be harmed and how;
- inform staff about the risk;
- Avoid the risk e.g. (a) temporarily adjust working conditions, or if not feasible; (b) offer suitable alternative work, or if not feasible; (c) suspend from work on full pay. These actions are only necessary where as a result of a risk assessment there is genuine concern. If there is any doubt the Institute will seek professional advice;
- Keep the risks under review; and
- Provide use of the First Aid room for breastfeeding, and facilities for the storage of breast milk.
SECTION 5: PATERNITY AND ANTE-NATAL LEAVE

5.1 Eligibility

5.1.1 Paternity leave will be granted to members of staff who are biological or adoptive fathers, nominated carers or same sex partners to allow them to attend (where relevant) the birth of a child and to provide support during the period immediately during or after the birth. Such staff (subsequently referred to as “fathers”) must have, or expect to have, responsibility for the child’s upbringing.

5.1.2 Fathers who have been employed by the Institute for less than six months at the 15th week before the expected week of childbirth shall be entitled to 5 days paid paternity leave (pro rated for part time staff).

5.1.3 Fathers who have been employed by the Institute for at least six months at the 15th week before the expected week of childbirth shall be entitled to 10 days paid paternity leave at full pay inclusive of Statutory Paternity Pay (currently £108.85 per week).

5.1.4 Fathers with more than one year’s continuous service with the Institute may also apply for unpaid Parental Leave.

5.2 Entitlement

5.2.1 The period of paternity leave will be up to 10 working days (pro rata for part time staff) per birth (irrespective of whether twins, triplets etc are born), which may be taken at any time from the date of childbirth and within 56 days.

5.2.2 In addition, staff entitled to paid paternity leave will also be allowed reasonable time off with pay to attend ante-natal clinics or classes with their partner (or expectant mother). Members of staff requiring time off to attend ante-natal clinics or classes must complete a blue “other absence request form” which must be signed by the employee and the line manager before being returned to HR. The staff member must also be prepared to produce the expectant mother’s appointment card to show to their managers in respect of second and subsequent visits. Managers must be flexible about the need for staff to take time off in these circumstances and staff must endeavour to give sufficient notice for time off. Staff members should seek to make appointments for ante-natal classes or clinics that minimise the time they will need to be away from the office on any particular day.

5.3 Procedure for taking paternity leave

5.3.1 Members of staff entitled to paid paternity leave and leave to attend ante-natal clinics or classes shall be required to sign a self-certificate declaration (SC3) that he/she:

a) Is taking leave either to care for his child or to support the mother or both;

b) Has or expects to have responsibility for the upbringing of the child; c) Is the father
of the child and/or the partner or husband of the mother (as defined in 5.1.1).

5.3.2 The self-certificate shall confirm the father’s entitlement to statutory paternity pay and leave. The self-certificate declaration is available from HR.
SECTION 6: ADOPTION LEAVE

6.1 Eligibility

6.1.1 Adoption leave is available to enable members of staff (whether full or part time) who wish to adopt a child aged up to 18, to take a period of leave to help the child settle into the family and adjust to new circumstances.

6.1.2 Employees with at least 12 months continuous service shall be entitled to leave and pay as specified in the Section 4 (Maternity Leave), sub-section 4.2.

6.1.3 Employees with less than 12 months continuous service shall be entitled to leave and pay as specified in Section 4 (Maternity Leave), sub section 4.5.

6.1.4 Where the Institute employs both adoptive parents, they may choose to share the Adoption Leave between them or for one adoptive parent to take the whole of the Adoption Leave entitlement. In the latter case, the other partner may qualify for Parental Leave.

6.2 Entitlement

6.2.1 The provisions are (subject to eligibility above):

6.2.2 Pre-adoption: Paid time off to attend meetings about the child to be adopted.

6.2.3 Adoption Leave and pay: up to 52 weeks leave of absence (26 weeks paid, followed by up to 26 weeks unpaid) from the beginning of the week in which the adopted child is taken home.

6.2.4 Changes to the rules affecting adoption leave, adoption pay, and return to work, where adoption placement is due on or after 1 April 2007 are as follows:

6.2.5 The payment period for Statutory Adoption Pay will be extended to 39 weeks

6.2.6 The notice an employee must give if changing the date of return from adoption leave will be increased from 28 days to 8 weeks

6.2.7 Optional keeping in touch days will be introduced enabling adopters to work for up to 10 days during their adoption leave period

6.3 Time-off for pre-adoption purposes

6.3.1 The Institute will allow reasonable paid time off (including travelling time) for pre-adoption meetings.

6.3.2 Members of staff requiring time off to attend pre-adoption meetings must be prepared to produce evidence of the appointments to show to their managers in respect of second and subsequent visits. Managers must be flexible about the need for staff to take time off in these circumstances and staff must endeavour to give sufficient notice
for taking time off.

6.3.3 Staff members should seek to make appointments for pre-adoption meetings that minimise the time they will need to be away from the office on any particular day.

6.4 Application procedure for Adoption Leave

6.4.1 Staff members who wish to take adoption leave are required to inform the HR department of their intention within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. They should inform the Institute of the following:

a) when the child is expected to be placed with them; and

b) when they want their adoption leave to start.

6.4.2 A member of staff may change his/her mind about the date on which he/she wishes to start leave, providing the HR department is informed at least 28 days before the leave is due to commence.

6.4.3 Within 28 days of receipt of the adoption notice, the HR department will write to the member of staff confirming the date he/she will be expected back at work and the entitlement to paid and/or unpaid adoption leave.

6.4.4 Members of staff are required to submit documentary evidence of the adoption in the form of a matching certificate as evidence of their entitlement to Statutory Adoption Pay.

6.4.5 A member of staff who wants to return to work before the end of the adoption leave must give at least 28 days written notice of his/her intended date of return.

6.5 Returning to work

6.5.1 Members of staff on adoption leave have a statutory right to return to the jobs they left under the same contract and on no less favourable terms and conditions.

6.5.2 Members of staff who intend to return to work at the end of the full adoption leave will not be required to give any further notification to the employer, although if they wish to return early they must give at least 28 days notice.

6.5.3 If at the end of adoption leave a member of staff wishes to return to work on the basis of flexible working hours, the Institute has a duty to facilitate this wherever possible, with the member of staff returning to work in the same job. If this is not possible the Institute shall provide written, objectively justifiable reasons for this and the member of staff employee shall return to his/her job under the original contract of employment. An application for flexible working should be made in accordance with the Institute’s Flexible Working Procedure.

6.5.4 If flexible working is agreed for a temporary period, this will not affect the right of the
6.6 Sickness and Adoption Leave

6.6.1 In the event of illness on or following the date the member of staff was due to return to work, normal sick leave provisions will apply as necessary.

6.7 Other terms of employment during adoption leave

6.7.1 Provisions relating to calculation of adoption pay, annual leave, failure to return to work following adoption leave and pension contributions are as specified in Section 4: Maternity Leave.

6.8 Keeping in touch

6.8.1 A member of staff on paid or unpaid adoption leave will be furnished by HR department and the relevant line manager with all the internal information which may affect him/her or be relevant to him/her during the adoption leave or in returning to work. Specifically, the Institute’s Management of Change Policy and Procedure provides for the same level of consultation during periods of organisational change as for a member of staff who is at work.

6.8.2 Members of staff on paid or unpaid adoption leave are responsible for ensuring their personal details are correct and that the HR department is informed of any change.
SECTION 7: PARENTAL LEAVE

7.1 Eligibility

7.1.1 Members of staff (full or part time) who are parents or nominated carers may take Parental Leave to look after the welfare of a child or to make arrangements for the good of a child, e.g. accompanying a child during a stay in hospital, settling into childcare or checking out new schools, provided the child is aged under 14 (or aged under 18 in the case of adopted children or disabled children receiving state disability benefit).

7.1.2 Parental Leave is for each eligible child who requires care for the above purposes.

7.1.3 Employees must have a minimum of one year’s service with the NHS to qualify for parental leave.

7.2 Entitlement

7.2.1 Thirteen weeks unpaid leave per child (or 18 weeks in the case of disabled children) covering the period from birth up to the child’s 14th (18th for adopted or disabled children) birthday.

7.2.2 Up to four weeks leave may be taken in one leave year. Leave should be taken in blocks of between one and four weeks, in each leave year.

7.2.3 Parental leave may be added to the end of maternity, paternity or adoption leave.

7.2.4 During Parental Leave, a member of staff retains all his/her contractual rights, except pay, and should return to the same job after it. Pension rights and contributions shall be dealt with in accordance with NHS Superannuation Regulations. Periods of parental leave shall be regarded as continuous service.

7.3 Increments and leave increases during parental leave

7.3.1 Members of staff on Parental Leave will receive any salary increments due on their normal incremental date. The period of Parental Leave shall also count for the purposes of qualification period for additional annual leave as set in Section 1: Annual Leave.

7.4 Pension contributions during parental leave

7.4.1 During periods of Parental Leave pension contributions cannot be deducted because Parental Leave is unpaid. Outstanding deductions of pension contributions (accrued during the period of unpaid leave) will be taken from the salary when the employee returns to work.
7.5 Annual leave entitlement during a period of Parental Leave

7.5.1 During Parental Leave, staff will continue to accrue contractual annual leave (see Section 1: Annual Leave above).

7.5.2 Staff returning from Parental Leave will be expected to take accrued annual leave during the relevant leave year as far as possible. Where this is not possible, the Institute will in accordance with this Policy, authorise the balance of accrued leave to be carried over into the following leave year without limitation. In exceptional cases, payment in lieu of leave will be made if the amount of accrued leave is likely to be prejudicial to the business of the Institute. Payment in lieu of leave must be with the agreement of the member of staff concerned and the support of the line manager.

7.6 Sick Leave during a period of parental leave

7.6.1 If a member of staff falls ill during a period of Parental Leave, she/he must follow the Institute’s sickness reporting procedures in order for the Parental Leave to be taken at another time.

7.6.2 If a member of staff fails to return to work on the notified date and submits a doctor’s statement giving the reasons for this action, the provisions of the sick pay scheme will apply to the relevant absence.

7.7 Keeping in touch

7.7.1 A member of staff on Parental Leave should ensure that he/she remains in touch with colleagues at the office in order to keep abreast of developments that might affect him/her.

7.8 Procedure for taking Parental Leave

7.8.1 Staff wishing to take Parental Leave should apply no later than 21 days before the first date of leave. The line manager (or other person delegated to approve leave) must record approval for paternity leave, prior to leave being taken and within 5 working days of the application being made.

7.8.2 Agreement to the leave must be obtained from the line manager and the HR department and the blue “other absence request” form must be completed by the employee and the line manager before being returned to HR.

7.8.3 Members of staff will not be unreasonably refused parental leave. However, those who do not receive managerial approval will be entitled to receive a written account of the reason(s) for the refusal in line with section 16 of this policy.
SECTION 8: TIME OFF IN LIEU (TOIL)

8.1 Eligibility

8.1.1 On occasion, staff (full time or part time) may be required to work extra time over and above their contracted hours to meet the demands of their work. As an alternative to overtime, TOIL enables this additional time to be recognised through time off being granted during a different, less busy period.

8.1.2 Staff in pay bands 1-7 who would prefer to be paid overtime, should refer to the Institute’s Overtime Policy.

8.1.3 The permission to accrue TOIL should be agreed between the member of staff and the line manager prior to the hours being worked.

8.1.4 TOIL is for occasional use only. It will not be approved on a regular basis, in the interests of staff health and safety. TOIL will only be approved in connection with the need (endorsed by the line manager) to complete a particular piece of work or in the context of travel on approved Institute business.

8.1.5 Staff will be actively discouraged from working more than 48 hours per week, in accordance with the Working Time Regulations, and no more than 10 hours in any working day.

8.2 Entitlement

8.2.1 TOIL may be taken as hours of time-off equivalent to the number of hours worked, as agreed with the line manager.

8.2.2 TOIL may be added to a period of annual leave.

8.2.3 If a manager asks a member of staff to work a Saturday, Sunday or Bank Holiday, (in full or in part) such staff will be entitled to TOIL on the basis of actual hours worked.

8.2.4 TOIL may be taken for the additional time incurred if a member of staff has to travel away from his/her normal office base on approved Institute business (including training) in his/her own time in any of the following circumstances:

a) starting from home before the normal time of departure

b) travelling home from Institute business later than the usual leaving time at the normal office base

c) travelling at a weekend for weekend meetings or on a Sunday for an early Monday meeting

d) members of staff who are required to attend out-of-hours business/social events for the purpose of undertaking work activities shall be entitled to claim 8.2.5 TOIL. Examples of work activities shall include delivering a presentation/speech, attending a meeting or development session, organising/coordinating an event,
working out of hours at a display stand or attending training events held outside normal hours.

8.2.6 TOIL should be taken within three months of being accrued. If a member of staff within pay bands 1-7 is unable to take the time off within three months s/he will be paid at the relevant overtime rate. In exceptional circumstances a line manager can agree for the TOIL period to be extended beyond three months. Staff in pay bands 8 and 9 are not entitled to payment for overtime worked.

8.3 Procedure

8.3.1 Wherever possible, the relevant line manager must agree to the additional time being worked in advance, and to this additional time being recompensed as TOIL. A member of staff who has not been able to obtain approval in advance for additional time being worked (e.g. where a meeting away from the normal office base has overrun or where a transport delay has occurred) must inform his/her line manager as soon as possible and obtain the line manager’s approval to TOIL on return to the office base.

8.3.2 The relevant line manager is responsible for satisfying him/herself that the additional hours will be worked or have in fact been worked and that the agreed TOIL may therefore be taken.

8.3.3 Staff must agree and book TOIL in writing with their line manager.
SECTION 9: SPECIAL LEAVE FOR PUBLIC SERVICE OR CIVIC DUTIES

9.1 Eligibility

9.1.1 Staff who perform public services or duties as follows are allowed “reasonable time off” with full pay to perform that service/duty:

- Attendance at Court on jury service
- Training with the reserve or cadet armed/Police services
- Attendance at Court or a Tribunal as a witness
- Members of the governing body of an education establishment maintained by a local education authority, or members of a further education establishment for attendance at meetings or training in connection with his/her duties.

9.1.2 Service as a Justice of the Peace

9.1.3 Membership of a local authority, police authority, NHS health body, statutory tribunal, non-departmental public body, a Board of Prison Visitors.

9.2 Entitlement

9.2.1 An employee who performs a public service (as above) or is required to undertake public duties is entitled to reasonable time off. “Reasonable time” will take account of the time to perform the particular duty (including travel time), the amount of time the employee has already taken, the circumstances of the Institute’s business and the impact of the time requested on that business.

9.2.2 Employees who receive payment (other than reimbursement of expenses) for performing public services or duties, should notify the HR Department and their pay shall be adjusted accordingly.

9.3 Procedure for taking leave for public service/duties

9.3.1 Agreement to the leave must be obtained from the line manager and HR department and the blue “other absence request form” must be completed by the employee and line manager and returned to HR.
SECTION 10: CARERS’ LEAVE

10.1 Eligibility

10.1.1 Carers’ Leave is leave required specifically to care for dependants. A dependant is a spouse/partner, child or parent. It can also someone who lives in the same household as the employee as a member of their family, or someone who reasonably relies on an employee for. For example this could be a relative from the extended family or elderly neighbour.

10.1.2 Time off will be given to enable an employee to take action which is necessary to deal with an unexpected (emergency carer’s leave) or planned problem (planned carers leave) concerning a dependant and make necessary longer term arrangements. This may include situations such as:

- If a dependant falls ill, or has been injured or assaulted.
- When a dependant is having a baby (where the dependant is the partner of the employee paternity leave arrangements may apply)
- To make longer-term care arrangements for a dependant who is ill or injured.
- To deal with a death of a dependant (bereavement leave may also apply)
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant.
- To deal with an unexpected incident involving the employee’s child during school hours.
- To accompany a dependant for a medical (including dental and optical) appointment.

10.2 Entitlement

10.2.1 A member of staff may take up to 10 working days paid leave (pro-rata for part-time or job-share staff) in any leave year as Carers’ Leave.

10.2.2 The length of “reasonable time off” for each period of Carers’ Leave should not normally exceed three working days (pro rata). However, the line manager (advised by the HR Department) may grant more than three days if there are extenuating circumstances such as time/distance to travel or other complications.

10.2.3 Annual leave or Parental Leave (if eligible) may be taken in addition to Carers’ Leave if absence is to be prolonged beyond the three days on an individual occasion or 10 days in any leave year. However, if insufficient annual leave remains in any leave year, the manager (at his/her discretion and advised by the HR Department) may authorise additional unpaid leave if the circumstances require it.

10.2.4 It is understood that there may be exceptional circumstances where an individual will need more than 10 days carers leave in a 12 month period. Wherever possible, it is
the aim of the Institute to support staff who find themselves in this situation and therefore the manager will have the discretion to approve:

1. **additional paid carer's leave** to cover the required period

OR

2. a combination of additional paid carers' leave and annual leave, unpaid leave, parental leave (if eligible) and/or bereavement leave (if eligible) to cover the required period.

### 10.3 Procedure

10.3.1 **Emergency Carers Leave** - as it will not normally be possible to give notice of the need for emergency carers' leave, the staff member should, as far as reasonably possible, contact their line manager, within one hour of their normal start time, to advise them of the need to take this leave and how long he/she anticipates that they will need to be off work. If the manager is not available then the staff member should contact another manager or colleague and request that he/she pass the message on to the manager.

10.3.2 The staff member should also ensure that they complete a blue “any other leave” form on their return from emergency carers leave and this should be signed by the line manager before being returned to HR.

10.3.3 **Planned Carers Leave** – staff members should ensure that managers are given as much notice as reasonably possible when requesting planned carer's leave. All applications for planned carer’s leave should be completed and approved on the blue “other absence request form” and returned to HR.

10.3.4 Cases where more than 3 days carers’ leave are required because of extenuating circumstances for either emergency or planned carer’s leave, must be discussed and agreed, before leaving (if practicable), with the appropriate manager.

10.3.5 Given the likely circumstances necessitating Carers’ Leave, line managers are required to give sympathetic consideration to requests for such leave. If a line manager is minded to refuse a request, he/she must seek guidance from HR before responding. HR may, confidentially, interview the member of staff concerned before advising the line manager about the request.

10.3.6 **Additional Carer’s Leave** - applications for additional carer’s leave beyond 10 days per annum, by a member of staff should be made by completing the blue ‘other absence request form’ (Appendix 1) and submitting the form to their line manager. In reaching the decision, the line manager should consider the complexities of the member of staff’s personal situation, discussing with them in detail the possible options and the implications of any decision. The line manager should seek advice from the Associate Director of HR as necessary and also seek advice from more senior manager as necessary. The decision should take into account the staff member’s ongoing carer responsibilities (such as caring for someone with a long term
condition). It should also take into account any exceptional circumstances that may arise (due, for example, to a family crisis) and the level of support the carer has outside the organisation that will affect their ability to identify alternative carer arrangements. The line manager will complete the appropriate section of the blue ‘other absence request form and provide the staff member with a copy of the completed form (the original completed form should be submitted to the HR department).

10.3.7 Where additional paid carers leave is not deemed appropriate the line manager should consider and discuss alternative options with staff, such as flexible working, annual leave, unpaid leave, parental leave (if eligible) and bereavement leave (if eligible).

10.3.8 Where a request for carers leave is refused, the staff member will be entitled to receive written reasons for the refusal in line with section 16 of this policy.
SECTION 11: BEREAVEMENT, COMPASSIONATE & EMERGENCY LEAVE

11.1 Eligibility
11.1.1 Bereavement, Compassionate and Emergency Leave is time away from the office to deal with the arrangements and/or matters relating to a trauma or death of a close relative or friend, or an urgent domestic matter.

11.1.2 A “close relative” may (but not exclusively) include:
   a) the spouse, partner, child, parent, sibling, grandparent, uncle or aunt of a member of staff, or
   b) the parent, sibling, child, grandparent, uncle or aunt of the spouse/partner of a member of staff.

11.2 Entitlement
11.2.1 All members of staff are entitled to take up to 5 days paid Bereavement Leave in any one year, in addition to annual leave, for reasons connected with bereavement of a close relative. This is in addition to any Carers’ Leave an employee may be entitled to (section 10).

11.2.2 In the event of a death of a close friend up to 2 days Bereavement Leave may be granted in any one year.

11.2.3 It is recognised that members of staff who suffer a bereavement of a close relative, other relative or close friend who lives abroad may require more than 5 (or 2) days Bereavement Leave in order to travel. In such cases, the line manager may authorise, after discussion with HR, additional days of Bereavement Leave.

11.2.4 In the event of a trauma involving a close relative or friend and the Carers’ Leave arrangements do not apply, an employee may be granted up to 3 days paid Compassionate Leave in any one year.

11.2.5 A member of staff can request Emergency Leave in order to deal with urgent domestic problems such as burglary, fire or flooding. Managers should normally grant one day’s paid leave.

11.2.6 In exceptional circumstances, an employee or a line-manager may request for additional paid Bereavement or Compassionate Leave to be granted. The request must be considered by the relevant Centre or Executive Director in consultation with the Associate Director – HR.

11.3 Procedure
11.3.1 As it is not always possible to give notice of the need for Bereavement,
Compassionate or Emergency Leave, staff should agree the time required as soon as reasonably possible, with the appropriate line manager, who shall inform the HR Department. Members of staff taking Bereavement Leave should complete and have approved a blue “Other absence request” form (from HR) as soon as they return to work.

11.3.2 Given the likely circumstances necessitating Bereavement Leave, line managers are required to give sympathetic consideration to requests for such leave. If a line manager is minded to refuse a request, he/she must seek guidance from HR before responding. HR may, confidentially, interview the member of staff concerned before advising the line manager about the request.

11.3.3 Where a request for bereavement, compassionate or emergency leave is refused, the employee is entitled to receive a written account of the reasons for the refusal in line with section 16 of this policy.
SECTION 12: UNPAID LEAVE & CAREER BREAKS

12.1 Eligibility

12.1.1 All staff (full time or part time) may apply for:

- Short periods of unpaid leave, not exceeding two weeks in total, in any one year, subject to the criteria below. This absence may, for example, be for the purposes of travel, attending to family business etc; or

- Extended unpaid leave of more than two weeks and up to three months subject to the criteria below. This absence may, for example, be for the purposes of travel or attending to family business; or

- Career break of more than three months and up to 36 months subject to the criteria below. This absence may be used for childcare, eldercare, care for another dependant, training, study leave or work abroad.

12.1.2 The criteria for unpaid leave are as follows:

(i) a member of staff requesting a period of short unpaid leave should normally have been employed by the Institute for three months and have successfully completed his/her probationary period.

(ii) a member of staff requesting a period of extended unpaid leave or a career break should normally have completed one year’s of continuous service with the Institute.

(iii) a further year must be worked following a period of extended unpaid leave before another application for unpaid leave can be made.

(iv) a further two years must be worked following returning to work from a career break before another application for a career break can be made.

12.2 Entitlement

12.2.1 Short periods of unpaid leave will require the approval of the relevant line manager and endorsed by the Associate Director - HR. Extended unpaid leave will require the approval of the Executive/Centre Director of the department in which the employee works and endorsed by the Associate Director of HR. Applications for Career breaks will be considered by the Institute’s Senior Management Team.

12.2.2 The Institute reserves the right to:

(i) refuse the request for a period of unpaid leave because the services of a member of staff are essential for the Institute’s business during the proposed period of leave;

(ii) negotiate with individual member of staff the length of unpaid leave to be taken in the light of the business needs of the organisation.
12.2.3 Periods of unpaid leave granted under other sections of the policy (i.e. Parental Leave) will be taken into account when considering a request for unpaid leave.

12.2.4 A member of staff taking a period of unpaid leave must give, in writing, a guaranteed date on which he/she intends to return to work. Failure to return by this date without prior agreement will normally constitute a breach of his/her contract of employment with the Institute and may lead to disciplinary action being taken in accordance with the Institute’s Disciplinary Procedures.

12.3 Working during periods of unpaid leave

12.3.1 Staff will not normally be permitted to undertake any paid work during a short period of Unpaid Leave. Any paid or unpaid work undertaken during an extended period of unpaid leave must not conflict with the aims and objectives of the Institute. Members of staff taking extended unpaid leave must discuss the nature of any proposed paid or unpaid work with their line manager and the Associate Director - HR before commencing such work.

12.4 Rights of staff during a period of Unpaid Leave or Career Break

12.4.1 A member of staff returning from a period of short or extended unpaid leave or a career break of less than one year will be entitled return to the same job (as far as is reasonably practicable). For employees who take a career break of more than one year it is at the discretion of the Institute whether he/she returns either to his/her former post or to a post of equivalent grade elsewhere in the Institute.

12.4.2 Statutory annual leave will be accrued during periods of extended unpaid leave and career breaks up to the statutory entitlement of four weeks (20 working days for full time staff and pro rata for part time staff). There is no entitlement to carry forward any untaken statutory leave from one leave year to another.

12.4.3 The employer’s pension contribution will continue to be paid during short periods of unpaid leave. During periods of extended unpaid leave, pension contributions cannot be deducted because no salary is being paid. Outstanding deductions of pension contributions (accrued during the period of unpaid leave) will be taken from the salary when the employee returns to work. This may be a considerable sum and staff are advised to seek advice from the Institute’s Pension Advisor about the measures they can take to prevent this occurring or whether the deductions can be phased over a number of months.

12.4.4 Staff will return to the same pay band and incremental point as when they commenced a career break. Staff who take extended unpaid leave will have their incremental date deferred by an amount equal to the number of days leave taken.

12.4.5 Employees on career break may agree to up to 10 keep-in-touch days per year (paid) to attend work at the Institute for the purpose of keeping their skills and knowledge up to date.
12.4.5 The Institute will provide any necessary training and development required to facilitate an employee who has taken extended unpaid leave or career break to return to work. Employees are responsible for keeping up to date with their relevant professional registration needs.

12.4.6 During a career break an employee will continue to accrue continuous employment for statutory purposes. Other contractual entitlements based on length of service will be suspended for the period of the break (i.e. contractual redundancy, leave entitlements).

12.4.7 An employee who has taken short unpaid leave or extended unpaid leave will be expected to return to work on the agreed return date.

12.4.8 An employee who has taken a career break is required to give two months notice of their intention to return to work if the break is less than a year, and six months notice if the break is more than one year.

12.5 Procedure

12.5.1 Members of staff wishing to take unpaid leave should complete the blue “other request form” and submit to the relevant line manager at least 2 months before the leave is to commence, unless the leave is required urgently. In the case of extended unpaid leave, this form will normally be accompanied by a more detailed description of the reasons for the required time off and discussions should ideally commence with the line manager and HR well before that time.

12.5.2 Individuals applying for a career break will also submit the blue “other request form” but will, in addition, be required to submit a written description of the reasons for the career break and this will be considered for approval by the senior management team. The Senior Management Team will give sympathetic consideration on an individual basis to applications for career break. In considering such applications the following factors will be taken into account:

(i) length of the period of absence requested

(ii) the feasibility of covering the post during absence

(iii) the effects of the career break on the services and work of the Institute and on the skills and competencies available to the Institute during the period of absence.

12.5.3 Line managers, Executive/Centre Directors or the Senior Management Team, as applicable, will normally give their decision in writing to an applicant for a period of unpaid leave within 10 working days (or 20 working days for a career break) after the application is made. Applicants should not commit themselves to the period of unpaid leave in any way until written approval has been given.

12.5.4 Staff members who are refused unpaid leave or a career break are entitled to receive written details of the reason(s) for the refusal in line with section 16 of this policy.
SECTION 13: STUDY AND EXAMINATION ATTENDANCE LEAVE

Study and examination attendance leave will be granted in accordance with the Training and Development Policy and Procedure.
SECTION 14: SICKNESS LEAVE AND REPORTING PROCEDURE

14.1 Eligibility and entitlement

14.1.1 All staff (full and part time) are entitled to the following sickness leave provisions:

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Sick Pay Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>During 1st year</td>
<td>1 month full pay and 2 months half pay</td>
</tr>
<tr>
<td>During 2nd year</td>
<td>2 months' full pay and 2 months' half pay</td>
</tr>
<tr>
<td>During 3rd year</td>
<td>4 months' full pay and 4 months' half pay</td>
</tr>
<tr>
<td>During 4th and 5th years</td>
<td>5 months' full pay and 5 months' half pay</td>
</tr>
<tr>
<td>After completing 5 years</td>
<td>6 months' full pay and 6 months' half pay</td>
</tr>
</tbody>
</table>

14.1.2 Employees will not be entitled to an additional day off if sick on a Bank Holiday.

14.1.3 These periods of paid sick leave may be extended in exceptional circumstances at the discretion of the Institute.

14.1.4 Full details of the conditions relating to sick leave and pay are specified in the Institute’s sickness management policy.

14.2 Procedure

14.2.1 Staff should:

(i) Notify HR Department (020 7045 2034 – 24-hour answer phone) of the absence, either personally or via a friend or relative, as soon as possible, and in any event by 10 am on the first day of absence (unless impracticable to do so).

(ii) Keep HR informed of the reason for absence, possible length of absence and likely return date and any medical advice he/she has been given and details of any work that needs to be covered urgently.

(iii) Comply with reporting/certification requirements, as set out in the table below (“doctor's certificate” in this policy means Form Med 3):
<table>
<thead>
<tr>
<th>Length of sickness</th>
<th>Action required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days one to three</td>
<td>Report absence to HR by phone. In certain circumstances, the Institute may request that the member of staff submits a doctor’s certificate.</td>
</tr>
<tr>
<td>Days four to seven</td>
<td>Provide a self-certification form (form SC2, available from HR) to HR on return to work. In certain circumstances, the Institute may request that the member of staff submits a doctor’s certificate.</td>
</tr>
<tr>
<td>Days eight and beyond</td>
<td>Provide a doctor’s certificate to HR covering the member of staff from the eighth day of absence, within three working days, and provide subsequent doctor’s certificates as soon as the current one has expired.</td>
</tr>
</tbody>
</table>

14.2.2 The Institute reserves the right to require staff to be interviewed by the Occupational Health Nurse before or after they return to work and to implement other absence control procedures set out in the Sickness Management Policy.
SECTION 15: TIME OFF FOR MEDICAL, OPTICAL OR DENTAL TREATMENT

15.1 Emergencies

15.1.1 Emergencies may occur at work requiring a member of staff to seek personal care for himself or herself from a doctor, optician or dentist. In these circumstances, staff should obtain the care that is required as soon as possible and return to work in accordance with the advice they receive. Managers should assist with obtaining a taxi if it is necessary. Accidents must be recorded in the Institute’s Accident Book as soon as possible after the event in accordance with the Health and Safety Policy.

15.1.2 Time taken away from the office to deal with an emergency will be granted with full pay.

15.1.3 Any subsequent sickness absence will be covered by the Sickness Leave procedure (section 14 above).

15.1.4 Carers’ Leave may be requested if the emergency is relating to a dependant (spouse, partner, child or parent; relative who lives in the same household or someone who reasonably relies on the employee for assistance).

15.2 Appointments

15.2.1 Staff may need to make an appointment to visit a doctor, dentist, optician or other medical adviser. As far as possible, such appointments should be booked for times that minimise absence from the office. It is recognised however that this is not always possible. Staff should, however, endeavour to keep appointments during office hours to the minimum and return to work without delay.

15.2.2 The time taken away from work to attend the appointment will be granted with full pay.

15.2.3 Members of staff who attend a medical appointment and are not able to attend work on that day due to the distance in travel, may make arrangements to work from home, or to make up the time at work at a later date, at their manager’s discretion.

15.2.4 In all cases, staff must inform their line manager of the fact that they have an appointment no later than the previous day.

15.2.5 Line managers shall not unreasonably refuse time off to attend such appointments. However, line managers may request evidence of the appointment and of any appointments for subsequent courses of treatment in order to enable time off to be validated and managed.

15.2.6 HR may be asked by the relevant line manager to investigate any cases where the manager feels that undue time is being taken off from the office for appointments of this type.
15.2.7 Staff applying for time off for appointments under this section must complete a blue “other leave request” form and this should be signed by the manager and returned to HR.

15.2.8 Staff who are refused time off to attend an appointment will be entitled to receive written details of the reasons for the refusal in line with section 16 of this policy.
SECTION 16: APPROVAL OF LEAVE

116.1 All leave must be approved by the appropriate manager (as specified in each section of this policy) prior to a member of staff taking the time-off. In the case of leave required for emergency purposes, it is the employee’s responsibility to discuss their leave requirements with their line manager or HR at the earliest opportunity.

16.2 The Institute will reasonably consider all requests for leave and give approval if possible. If a request for leave is refused, the employee is entitled to request a written account of the reason(s) for the refusal. This request should be submitted to the Associate Director – HR in writing and within 5 working days of the refusal of leave. The Associate Director – HR will arrange for the employee to receive a written response within 10 working days of the request being received.

16.3 An employee who is not satisfied with the reason for the refusal of leave has the right to pursue the matter under the Institute’s Grievance and Disputes Policy and Procedures.

16.4 Failure to follow the booking procedures or adhere to the reporting requirements stated in this policy could lead to disciplinary action being taken in accordance with the Institute’s Disciplinary Procedure.
SECTION 17: MONITORING AND REVIEW

17.1 The Institute will monitor all applications and decisions relating to requests for leave under this policy to ensure that a consistent approach is taken across the Institute.

17.2 The Associate Director - HR will be responsible for ensuring these leave schemes are properly administered and that the Institute complies with its Equality and Diversity Policy and Race Equality Scheme.

17.3 The Institute encourages employees who feel that equality and fairness has not been observed in the application of leave to bring their concerns to the attention of the Associate Director – HR.

17.4 From time-to-time the Institute will collect data regarding the sex, race, disability and age of employees who take leave with a view to monitoring the take-up of the various types of leave. The anonymised results of such monitoring will be made available to all staff. Anonymised reports on sexual orientation and religion with regard to leave will be prepared when requested by internal and/or external parties.

Signed: Date: On behalf of the National Institute for Health and Clinical Excellence

Signed: Date: On behalf of NICE Unison Branch

Signed: Date: On behalf of NICE Staff Representatives

Approved by the NICE Board: Date: