

Time off policy

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Author(s) name: Tricia Phillips

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Version number	Revision date	Revision by	Nature of revisions
	9 July 2018		Updates made to managing leave during adverse weather and to time off volunteers. Also updated to include all colleagues not just those on Agenda for Change.
	6 September 2019		Amended to include a section on sexual orientation and gender identity expression as recommended by the patient experience and quality manager
	4 December 2019		School governors' section, from previous policy guidance.
V1	March 2021	Tricia Phillips, POD team	Update for review period and accessibility.
V1.1	June 2021	Jo Tomlinson, POD team	Sections on study leave and gender assignment added.
V.2	July 2021		Ratified by the people and organisational governance committee.
V.3	November 2021	POD team	Final accessibility checks completed.

Contents

1. Introduction	5
2. Purpose.....	5
3. Definitions	5
NHS Electronic Staff Record	5
Contract amendment form	5
IRIS.....	Error! Bookmark not defined.
Dependant	5
Carer.....	5
4. Responsibilities	6
Board members and senior managers.....	6
Managers.....	6
People and organisational development.....	6
Individuals.....	6
5. Procedure	6
Principles	6
Making a request	7
The discussion.....	7
The form	8
6. Reasons for requesting time off	8
Attending court, tribunal or appeal hearing as a witness	8
Care for children and adults.....	8
Companion at internal hearing.....	9
Compassionate leave	9
Doctor, dentist, and other health appointments	10
Emergency leave	11
Colleagues given notice of dismissal by reason of redundancy.....	12
Employment break.....	12
Extreme weather.....	12
Fertility treatment.....	13
Gender re-assignment.....	13
Health and safety representative duties and training.....	13
Job interviews.....	13
Jury service	14
Parental leave.....	14
Public duties as magistrate or member of local authority.....	15

Sabbatical.....	15
Study leave.....	16
Army reserve service and training with the reserve or cadet forces	17
Mobilisation.....	17
Trade union and colleague representatives.....	17
Trade union member activities.....	18
Volunteering	18
7. Keeping records.....	19
8. Implementation plans and monitoring effectiveness.....	19
9. Update and review	19
10. Policies referred to in this document	19
Appendix 1: Equality impact assessment.....	20
Aims, objectives and purpose of the policy.....	20
Differential impacts	20
Perspective of race, nationality and/or ethnic origin	20
Perspective of sex.....	21
Perspective of disability.....	21
Perspective of sexual orientation	21
Perspective of age	22
Perspective of religion or belief	22
Perspective of marriage and civil partnership	22
Perspective of gender re-assignment.....	22
Perspective of pregnancy and maternity	23
Other identified groups.....	23
Human rights values	23
Public Services (Social Value) Act 2012.....	24

1. Introduction

NHS Kernow Clinical Commissioning Group (NHS Kernow) strives to support all colleagues to fulfil their duties at work. From time to time, colleagues may need to request time off from work that would not be considered as annual leave but would not be certified as sickness absence. This policy seeks to strike a balance between service delivery requirement and the needs for colleagues to have time off.

2. Purpose

The purpose of this policy is to:

- describe the types of time off that could be requested under this policy
- help managers deal with requests for time off fairly
- set out situations where enhanced, local provisions may apply
- ensure everyone is aware how to request and grant time off

Following the principles equality, a decision to award time off for 1 individual may not always be the same as for another.

3. Definitions

NHS Electronic Staff Record

The NHS Electronic Staff Record (ESR) which provides an integrated HR and payroll system to NHS organisations

Contract amendment form

Contract amendment form (CAF) used to change details on ESR.

Dependant

For the purposes of this policy, a dependant is defined as the colleague's spouse, civil partner, parent or child or any person living in the same household other than as a colleague, tenant, lodger, or boarder.

Carer

For the purposes of this policy, a carer is defined as a colleague with significant caring responsibilities that have a substantial impact on their working lives. These colleagues are responsible for the care and support of disabled, elderly, or sick partners, children, relatives, or friends who are unable to care for themselves and rely on the colleague as their main source of support and to plan for their provision of care.

4. Responsibilities

Board members and senior managers

To support the application of the policy for NHS Kernow to meet its statutory requirements and ensure a fair process for applying enhanced local provisions

Managers

- Consider each request on a case-by-case basis, in a timely manner.
- Seek additional information from the colleague where a request is unclear.
- Have regard to equal opportunities when considering requests.
- Record applications and outcomes on the personal file.
- Seek advice from POD.

People and organisational development

- Provide advice about the process.
- Provide advice about the implications of decisions around granting time off.
- Support formal meetings where required.

Individuals

- Submit requests for time off at the earliest possible opportunity.
- Provide sufficient information to the line manager for them to consider the request.
- Consider the impact of their request and seek to work flexibly with the service.

5. Procedure

Principles

Colleagues requesting time off under this policy should read and understand the relevant section that relates to their circumstance. This will help ensure that they fully understand the conditions and the process for applying.

Managers will consider each request on its own merits and in accordance with the appropriate provision for the circumstance and type of leave the request relates to.

The reasonableness of an application for time off should involve consideration of:

- how often the circumstance has happened before
- whether there is any other way of solving the problem
- the nature of previous requests
- any additional hours the colleague may have worked
- the business needs of the employer

Frequent, excessive, or repeated requests made under this policy should be dealt with in the context of both the colleague's overall attendance record and addressed as part of the normal line management conversations with the colleague. Such requests may indicate an issue that requires further exploration by the line manager to establish whether there is a more appropriate, sustainable solution, for example a reduction in hours or a change to the working pattern.

Colleagues who feel they have been unreasonably refused time off, should discuss the matter with their line manager in the first instance. If the issue cannot be resolved informally, the colleague should discuss the matter with POD. If the matter remains unresolved, appeals against a decision to refuse a time off request will be dealt with through NHS Kernow's grievance procedure.

All requests for time off must be recorded on a [time off request form](#) and included on ESR or in the monthly absence returns, regardless of whether it is paid or unpaid, to ensure that the time off is recorded and the correct pay is received.

Where unpaid leave is taken, colleagues should note that this may affect their annual leave entitlement, pension contributions or other benefits.

Making a request

Colleagues making a request for time off will need to provide sufficient information about the nature of the request so their line manager can make an informed decision.

Where a colleague requires time off for a particular reason, they must inform their manager as soon as is reasonably practicable to allow them to consider the request and make the necessary arrangement.

Where advance notice can be given, the colleague should speak with their line manager and discuss what time off is required.

In emergency situations, where it is not possible to give advance notice, the colleague should make contact by telephone as soon as is reasonably practicable to alert their manager to the situation and the duration of their absence.

The discussion

Following the initial request to take time off, the line manager and colleague should discuss what time is being requested, the duration needed and what the options might be for are for using annual leave, time off in lieu, time owed, unpaid leave or a combination. It may be possible for the line manager to verbally agree to the request straight away and confirm how the time off will be taken.

If the line manager has been unable to agree to the request at the time of the initial discussion, they should let the colleague know their decision once they have received the completed request for time off form.

Colleagues who are refused a request for time off are entitled to a reason for the refusal they should discuss this with their line manager. Where a colleague remains dissatisfied despite having spoken with their line manager, they should seek advice from POD. If the matter remains unresolved, appeals against a decision to refuse a time off request will be dealt with through NHS Kernow's grievance procedure.

The form

Following the discussion, the colleague should complete the request for time off form and submit this to the line manager for their formal approval. Part A should be completed by the colleague, who should then submit it to their line manager to complete part B.

Once the form has been completed by both parties, it should be submitted to the relevant personal assistant who will enter it on to ESR for the monthly absence return.

The form should then be placed on the personal file.

6. Reasons for requesting time off

There are several reasons why colleagues may need to request time off from work and the following provisions can be considered where appropriate, along with a colleague's ability to take annual leave, time off in lieu, time owed and unpaid leave.

Attending court, tribunal or appeal hearing as a witness

Colleagues who are requested by a court to appear before them as a witness, including tribunals and appeal hearings will be granted paid time off.

A request for time off for these purposes should be made to the line manager, using the time off request form, as soon as is reasonably practicable to allow the manager time to make the necessary arrangements. Only in exceptional circumstances should a manager refuse time off and the line manager will need to understand whether there would be any repercussions on the colleague for non-attendance.

Care for children and adults

Carers' needs can be very simple; knowing that they can leave work on time or go home or being able to make a telephone call at work to check everything is in order. If caring demands increase for example, to attend hospital appointments, illness of a dependant, normal care arrangements break down or arrangements need to be put in place for longer term care arrangements; NHS Kernow will seek to support the colleague through the following provisions:

- carer leave
- domestic incident leave
- employment break
- foster parent or legal guardian leave

- parental leave
- carer leave

Colleagues who have a caring responsibility for a child or adult may need to request time off to address a short-term additional increase in their normal caring arrangements. Colleagues who are carers are entitled to take up to the equivalent of 1-working week's paid leave, pro rata for part time colleagues, in any 12-month period. This leave does not need to be taken as a block of 1-week and can be taken in single days up to the equivalent time allowed.

A request for time off should be made to the line manager, using the time off request form, as soon as is reasonably practicable to allow the manager time to make the necessary arrangements.

The line manager will need to consider the following points as guidance and, where appropriate, in discussion with the colleague to reach a decision on the request:

- the relationship of the relative or dependant to the colleague
- the extent of the dependency on the colleague
- what other support mechanisms are available
- whether the reason for requesting the leave is likely to recur

After consideration of these points the line manager can discuss how much paid leave will be appropriate to take and if more leave is required, the colleague can consider other options.

Companion at internal hearing

Colleagues have the right to request reasonable paid time off during their normal working hours to accompany another NHS Kernow colleague to a disciplinary or grievance hearing, or a meeting to discuss a flexible working request. The right to request a companion will be noted in the invitation to the meeting.

If the date or time is not convenient for the companion colleague, the colleague, whose meeting it is, can suggest an alternative date and time to be held within 5 working days of the original scheduled meeting.

A request for time off for these purposes should be made to the line manager, using the time off request form, as soon as is reasonably practicable to allow the manager time to make the necessary arrangements.

Compassionate leave

Bereavement will affect individuals in different ways and colleagues may need to take time off unexpectedly or find certain situations or activities difficult to undertake for example. Managers should adopt a compassionate and supportive approach which recognises the impact that the bereavement has had on the colleague and consider whether more time is required for compassionate leave, or whether other

options such as additional support, a temporary flexible working arrangement or a phased return to work are appropriate.

A colleague may need to request time off where there has been a bereavement or serious illness of a family member or close friend. Compassionate leave may be utilised where the colleague needs to make arrangements to visit social services or to be involved in making funeral arrangements.

If the colleague has a bereavement of immediate family, spouse or partner, parents, children, siblings, or grandparents, they are entitled to have up to the equivalent of 1 working week's paid leave to the line manager's discretion. The leave does not need to be taken in a single period.

At the line manager's discretion, an additional 3-extra days, pro rata for part time colleagues, can be given where the colleague is responsible for funeral arrangements, involved in setting estate matters or must travel out of county to attend the funeral.

If the bereavement is of an extended family member or friend, the colleague is entitled to a maximum of 1 day's paid leave.

A request for time off for these purposes is often at short notice but colleagues should notify their line manager as soon as is reasonably practicable to allow the manager time to make the necessary arrangements. The time off request form will need to be completed but it may be that in certain circumstances this is done retrospectively and should reflect what has been agreed.

Doctor, dentist, and other health appointments

There is no automatic right to paid time off for appointments and there is an expectation that colleagues will arrange these outside of their normal work hours however it is recognised that sometimes this is not possible.

Appointments with occupational health will normally be accommodated during working time where there is no flexibility over the appointment time

Where a colleague is unable to arrange appointments outside of their normal work hours, they should make every effort to arrange these at the start or end of the working day. A line manager may request that a colleague reschedule an appointment if its timing would interfere with business operations.

If a manager feels that an individual has made every effort to arrange an appointment based on the criteria above, but the appointment does affect working time, the manager may use their discretion to permit a reasonable amount of paid time off work for such appointments.

In determining what is reasonable, a manager can review any previous medical, dental, or other health appointments taken and any additional hours that an individual has worked. It is the manager's discretion as to what is reasonable for an individual.

A request for time off for these purposes should be made to the line manager as soon as is reasonably practicable and managers will need to consider offering time off in lieu, time owing, annual leave or unpaid leave.

Colleagues who have a disability recognised under the Equality Act 2010 may be entitled to a reasonable amount of paid time off to attend treatments or other appointments regarding the management of their disability, if agreed as a reasonable adjustment. Requests for such time off should be considered in line with occupational health advice and is separate from sickness absence in relation to the colleague's disability.

Emergency leave

NHS Kernow recognises that from time to time, colleagues may experience emergency situations at home which could include:

- providing assistance on an occasion when a dependent suddenly falls ill, gives birth, or is injured
- making arrangements for the provision of care for a dependent who is suddenly ill or injured
- dealing with an emergency domestic situation such as flood, fire, or burglary

Colleagues are entitled to apply for paid emergency leave on up to and not exceeding 3 occasions within any 12-month period. It is expected that, on each occasion, individuals should only take the time off that is required to deal with the immediate crisis with each occasion lasting no longer than 1 day. In some cases, it may be less than 1 day.

If further time off is required but exceeds the entitlement for paid emergency leave, further time off is at the absolute discretion of the line manager who can assess whether unpaid leave or annual leave at short notice may be taken.

This leave should only be used to deal with the immediate emergency. This does not provide the right to more frequent time off to provide care beyond the reasonable amount necessary to deal with an immediate crisis. If the need for time off continues, other options may be considered, such as annual leave, temporary reduction in hours, parental leave, or an employment break.

Emergency leave does not apply to planned events such as domestic repairs, refurbishment, building or trades work, installation of appliances, home deliveries.

In the event of unexpected, emergency circumstances the colleague must ring their line manager as soon as is practical. The colleague must inform their manager of the reason for the absence and must also tell their manager for how long they expect to be absent. The manager should verbally acknowledge the request, although whether the manager can approve paid emergency leave may not be able to be confirmed until the colleague submits their application on their return and any previous requests have been reviewed.

In applying this procedure, managers must take account of the needs and circumstances of each individual colleague who requests consideration for emergency leave and ensure that as far as is reasonably practicable, they adopt a consistent and equitable approach.

Colleagues given notice of dismissal by reason of redundancy

Colleagues who have been given notice of dismissal by reason of redundancy have a statutory right to a reasonable amount of paid time off work to help secure future employment for example, to attend job interviews and relevant training for new roles.

A request for time off for such purposes should be made to the line manager and a time off request form should be completed.

Whilst every effort will be made to support paid time off in these circumstances, there may be occasions where service constraints restrict what can be offered and these should be discussed with the colleague. Colleagues are required to make sure their requests are reasonable and provide as much notice as possible.

Employment break

Colleagues who have accrued 12 months continuous service with NHS Kernow are entitled to make a request for an unpaid employment break. Applications should be made in writing to the line manager and can be for a minimum of 3 months to a maximum of 12 months. Applications will be considered and dealt with in line with [section 36 of the agenda for change handbook](#)

Extreme weather

Colleague safety should not be jeopardised in attempts to attend work during extreme weather conditions. Colleagues who are unable to attend their normal place of work due to extreme weather will be given the following options:

- the days absence can be taken as annual leave or unpaid leave or as time owing
- to work from home where this is possible
- to report to a different work location which is safe for the colleague to get to

Where adverse weather also effects the arrangement for caring responsibilities, such as school closures, or carers unable to attend to dependents, this may result in colleagues needing time off to look after dependents and the section on carers above applies.

Where managers have agreed to later arrival or earlier departure times due to extreme weather conditions, these will not be deducted from a colleague's working hours.

Arrangements for working at a different location or different working hours due to extreme weather are subject to the relevant line manager's agreement.

Fertility treatment

Whilst there is no statutory entitlement to time off, colleagues undergoing fertility treatment who have at least 12 months continuous service will be entitled to the usual maternity, maternity support, or paternity benefits from the point of confirmed pregnancy.

Colleagues are asked, wherever possible, to arrange appointments outside of work, however where this is not possible, a colleague may be granted up to 5 working days of paid fertility leave in the 12 months immediately preceding that date in order to undertake fertility treatment and attend appointments specifically associated with the end part of the IVF process, such as, prebooked interventions for consultant appointments, collection and delivery of eggs.

The fertility treatment paid leave can be taken to suit the member of colleagues' needs, for example as 5 days in 1 block, separate days, or half days.

If a colleague should require any additional time off, then alternative leave arrangements should be agreed with their line manager to include annual leave or unpaid leave.

Gender re-assignment

Employees have the right to request reasonable time off for gender reassignment and associated appointments or treatment. If, however, the side effects of treatment make an employee unwell, normal sick leave and pay provisions apply. Gender reassignment is a protected characteristic under the Equality Act 2010 and NHS Kernow therefore has a duty:

- not to penalise a person who takes time off for treatment associated with gender
- to maintain the privacy and dignity of transgender people
- to ensure measures are in place to protect a person who is undergoing transition

Health and safety representative duties and training

Colleagues who are safety representatives, appointed by a recognised trade union to represent the health and safety interests of their members within NHS Kernow have the right to be permitted reasonable paid time off during their normal working hours to enable them to perform their function and to undergo relevant training.

Similarly, colleagues who are nominated first aiders or fire wardens for NHS Kernow will also be permitted reasonable paid time off during normal working hours to attend relevant training.

Job interviews

Colleagues can request a reasonable amount of paid time off to attend interviews either within NHS Kernow or another NHS organisation. Such requests are at the

discretion of line managers and colleagues may be required to make use of annual leave, unpaid leave, time off in lieu or time owing where the interview is out of county, or the assessment process is more than 1 day.

Colleagues will be expected to take annual leave or unpaid leave to attend interviews with non-NHS employers. The exception to this is where a colleague is under notice of dismissal on grounds of redundancy when all reasonable requests for time off to attend interviews should be accommodated.

A request for time off for these purposes should be made to the manager as soon as is practical to allow the manager time to make the necessary arrangements. Colleagues should use the time off request form for such requests. On receipt of a request form, managers should respond to the colleagues as soon as is practical. If the manager cannot permit time off due to service constraints, the manager will need to discuss these reasons with the individual.

Jury service

Any colleague who is called up for jury service will be given paid time off work for that purpose.

The colleagues should provide their line manager with the relevant letters documenting the summons to attend and a copy of this should be placed on the colleagues' personal file.

If it transpires that attendance at court is for part of the week, the member of colleagues should be reminded that they should return to work on the first day after their name has been removed from the list of jurors.

Whilst NHS Kernow cannot refuse a colleagues time off from work to attend jury service, an application can be made to the court to excuse the colleague from jury service or have the summons deferred if his or her absence from work is likely to cause substantial disruption to the business.

Colleagues should notify their line manager and complete the time off request form as soon as possible after a summons is received and managers should respond to the colleague as soon as is practical.

Parental leave

Colleagues who have caring responsibility for a child can apply for up to 18 weeks' unpaid leave up until the child is 18.

To qualify for parental leave, a colleague must have at least 1 years' continuous service.

The minimum length of parental leave is 1 week and is usually taken as a block of time. However, subject to agreement with the line manager, parental leave may be taken in a reduction to weekly hours until the leave period is exhausted.

With prior agreement with the line manager, unpaid parental leave can be added to periods of maternity or adoption leave.

A request for time off for these purposes should be made to the manager as soon as is practical to allow the manager time to make the necessary arrangements. Colleagues should use the time off request form for such requests.

Where possible, line managers should look to support the request however where this is not possible, the line manager will need to discuss it with the colleague.

Where a request for parental leave has been approved, the completed time off request sheet should be signed and placed on the colleague's personal file. Managers should also ensure that 2 CAFs are completed and sent to POD. The first CAF is for when the colleague starts their parental leave, and second CAF should be completed for when the colleague returns so that their pay is suspended and reinstated appropriately.

Public duties as magistrate or member of local authority

Colleagues who undertake public duties such as justice of the peace or local councillor should seek approval from their line manager prior to the application for public office being made.

Where a colleague has the relevant approval and, where possible, has provided advanced notice of any dates they wish to take time off work for public duties, they shall be entitled to reasonable time off and this will normally be on an unpaid basis.

At the discretion of management, a colleague may be paid for some of the time taken depending on the circumstances. However, any payment of time must take account of any monies received from the relevant authority in respect of the public duties, which the colleague is obliged to declare and should not exceed the colleague's usual pay.

Where the amount of time off becomes excessive or causes operational difficulties, the line manager has the right to refuse further time off for a period of time. Alternatively, the colleague may request to take time off out of his or her annual leave entitlement subject to the normal authorisation practice.

A request for time off for these purposes should be made to the manager as soon as is practical to allow the manager time to make the necessary arrangements. Colleagues should use the time off request form for such requests.

Sabbatical

Sabbaticals differ from employment breaks in that the maximum length of time that can be requested is 1 year and the break must be to allow the colleague to develop their career or pursue a topic of special interest. Where the purpose of the sabbatical

is of mutual benefit to NHS Kernow, consideration will be given to authorising the time off as paid absence, otherwise the arrangement will be on an unpaid basis.

Colleagues will need to provide an outline plan and structure of their career development when submitting their request and will need agreement in principle from the organisation they are planning to work for or the establishment they plan to study at.

Sabbaticals do not result in a break of service, but the time spent will not be included in the calculation of entitlement to annual leave, redundancy, sick pay, and maternity leave.

Arrangements for requesting, agreeing, and recording requests for a sabbatical will otherwise follow those arrangements outlined in section 36 of the agenda for change handbook for employment breaks.

Study leave

Colleagues may have the right to ask for time off work for training or study. Study leave can include leave to attend a course face to face or virtually or to complete assignments for a course. To ask for training or study:

- they must be classed as an employee
- they must have worked for their employer for at least 26 weeks
- the training must help them do their job better
- there must be at least 250 people in the organisation

Colleagues cannot ask for time off for training or study if they are:

- an agency worker
- in the armed forces
- of compulsory school age
- a young person who has already got the right to take paid time off for study or training
- aged 16 to 18 and already expected to take part in education or training

Colleagues who have had approval to complete a learning or training activity which is being paid for by NHS Kernow, may apply for paid study leave in accordance with the [external learning guidance](#). As a guiding principle, line managers may award the following paid leave up to:

- 7.5 hours per week to attend classes or lectures during normal working hours
- 2 weeks per calendar year to attend residential study activity
- 0.5 day for each final exam

Where NHS Kernow are not paying for the learning and training activity and the colleague is self-funding, they may request additional time off to support their attendance on the course or to complete their study. Any paid or unpaid time off in

these circumstances is at the line manager's discretion and should not be more than the guidance provided above.

For further information please refer to the relevant sections in the external learning agreement guidance.

A request for time off for these purposes should be made to the manager as soon as is practical to allow the manager time to make the necessary arrangements. Colleagues should use the time off request form for such requests.

Army reserve service and training with the reserve or cadet forces

Colleagues who are members of the army reserve service or serving as reservists in the armed forces or as cadets, are entitled to 1 week's paid leave (pro rata for part time colleagues) to attend annual camp or undergo training.

Any additional time off required can be requested as either unpaid leave or taken as annual leave.

A request for time off for these purposes should be made to the manager as soon as is practical to allow the manager time to make the necessary arrangements. Colleagues should use the time off request form for such requests.

Mobilisation

Where a colleague reservist wishes to apply for voluntary mobilisation, they must gain agreement from their line manager before making an application.

In the event of compulsory mobilisation, a colleague may request an exemption or deferral; however, grounds for doing so are extremely limited.

The ministry of defence (MOD) is not obliged to give notice of mobilisation but will usually aim to give 28 days' notice. The MOD will issue a mobilisation pack to both the colleague and NHS Kernow setting out the relevant dates and duration of mobilisation, usually between 3 and 12 months.

During mobilisation, the colleague will be on unpaid leave, and they will receive pay in lieu of their usual monthly salary from the MOD. Where line managers anticipate additional costs for example, paying overtime to other colleagues to cover the work or the cost of a recruitment and selection exercise, financial assistance may be sought from the MOD and managers should contact POD in the first instance.

During the mobilisation period, the colleague's job will be held open. Following mobilisation, the colleague will be entitled to up to 1 month's leave, funded by the MOD and during this period of leave, the colleague will be expected to contact their line manager to discuss a return to work.

Trade union and colleague representatives

Trade union representatives are colleagues of NHS Kernow who are appointed by an independent union who is recognised by NHS Kernow for the purposes of collective bargaining under the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992.

Trade union learning representatives are similarly appointed colleagues of NHS Kernow and promote and enable learning and training in the workplace.

Colleague representatives are colleagues of NHS Kernow who have volunteered to participate in working groups and other forum to promote the health, wellbeing, and work and life balance of colleagues.

Trade union and colleague representatives shall be granted reasonable paid time off to carry out their duties and to undertake training which has been identified as relevant to their role as a representative.

Trade union member activities

Colleagues who are members of a recognised trade union are entitled to reasonable time off to take part in trade union activity, in so far as the activity does not represent industrial action. For example, a trade union member shall be granted reasonable time off to vote on strike action but would not be granted time off to participate in strike action.

Volunteering

NHS Kernow places no restrictions on colleagues using their personal time to volunteer their services to outside organisations such as charities, schools, hospital, or prison visiting, if it does not create a conflict of interest or adversely affect NHS Kernow.

For any colleagues who wish to undertake voluntary work during working hours there is an entitlement of up to 2-paid days a year. This entitlement is pro rata for part time colleagues. These can be taken as half or full days and is with the agreement of the line manager and subject to operational needs.

This policy provides colleagues with time to volunteer in health, social care, and other organisations, including charities.

The right to take paid time off to volunteer depends on the colleague not having had or planning to use any other paid leave for voluntary work under another section of this policy, for example as school governor.

Reasonable paid time off will be given to any colleague who attends meetings as a school governor. Please supply a copy of proof of election and meeting schedule to your manager when requesting this leave.

Volunteering will not be permitted in the following circumstances:

- if there is a detriment to service delivery
- in connection with party political activity
- where there is a conflict of interest with the colleague's job role or objectives
- activity that is likely to bring the employer into disrepute
- in connection with religious activities

This does not include voluntary work set up by a religious organisation to help them to support the community.

Requests must be made with a minimum of 2 weeks' notice unless in exceptional circumstances such as offering local support in adverse weather conditions.

Line managers have the right to request evidence that volunteering has taken place and all volunteering leave should be recorded on the colleague's annual leave record.

7. Keeping records

Completed time off request forms should be held on the colleague's personal file as a record of what time off has been requested, for what purpose and the rationale for authorisation or refusal.

All time off should be recorded in the appropriate way through ESR.

8. Implementation plans and monitoring effectiveness

POD monitor compliance and effectiveness of this policy through submission of regular reports to the people and organisational governance committee. POD ensure any subsequent recommendations are undertaken and incorporated into this policy if appropriate.

9. Update and review

This policy will be updated every 3 years or when there is a substantial change required.

10. Policies referred to in this document

- [Grievance and dignity at work policy](#)
- [External learning policy](#)

Appendix 1: Equality impact assessment

Name of policy or service to be assessed: Time off policy

Department or section: POD

Date of assessment: 21 January 2021

Person(s) responsible for the assessment: Tricia Phillips

Is this a new or existing policy? Existing

Aims, objectives and purpose of the policy

Describe the aims, objectives, and purpose of the policy

To outline the statutory requirements, set out situations where enhanced, local provisions may apply within NHS Kernow; and ensure that all managers and colleagues are aware of the process for the requesting and granting of time off.

To help colleagues and managers understand the parameters for applying discretion when assessing each request on its own merits as a decision to award time off for one individual may not always be the same for another.

Who is intended to benefit from this policy, and in what way?

All colleagues of NHS Kernow.

What outcomes are wanted from this policy?

To ensure that NHS Kernow has a consistent approach to dealing with individuals' requests for time off.

What factors or forces could contribute or detract from the outcomes?

Implementation of refreshed policy. Line manager and colleague awareness of parameters for discretion.

Who are the main stakeholders in relation to the policy?

All colleagues of NHS Kernow.

Who implements the policy, and who is responsible for the policy?

POD.

Differential impacts

Perspective of race, nationality and/or ethnic origin

Does this have a positive or negative impact on black, Asian and minority ethnic (BAME)?

This policy is designed to protect all colleagues and does not impact on any one group of people over another. The decisions to approve time off will be determined by business need.

How will any negative impact be mitigated?

The existence of this policy and procedure should ensure that NHS Kernow, through its managers, adopts a consistent approach when individuals submit a request for

time off. This includes those individuals covered by protected characteristics as defined in the Equality Act 2010. NHS Kernow respects colleagues from all racial backgrounds as evidenced in its human rights statement and guidance. NHS Kernow will ensure that there is access to information about the policy for those whose first language may not be English.

Perspective of sex

Does this have a positive or negative impact on people who identify as male, female or intersex?

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another. The decisions to approve time off will be determined by business need.

How will any negative impact be mitigated?

The existence of this policy and procedure should ensure that NHS Kernow, through its managers, adopts a consistent approach when individuals submit a request for time off. This includes those individuals covered by protected characteristics as defined in the Equality Act 2010. NHS Kernow respects colleagues from all racial backgrounds as evidenced in its human rights statement and guidance.

Perspective of disability

What is the positive or negative differential impact on people from the perspective of disability?

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another. The decisions to approve time off will be determined by business need.

How will any negative impact be mitigated?

The existence of this policy and procedure should ensure that NHS Kernow, through its managers, adopts a consistent approach when individuals submit a request for time off. This includes those individuals covered by protected characteristics as defined in the Equality Act 2010. NHS Kernow respects colleagues from all racial backgrounds as evidenced in its human rights statement and guidance.

Perspective of sexual orientation

Does this have a positive or negative impact on people who identify as heterosexual, lesbian, gay, bisexual, pansexual or asexual?

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another. The decisions to approve time off will be determined by business need.

How will any negative impact be mitigated?

The existence of this policy and procedure should ensure that NHS Kernow, through its managers, adopts a consistent approach when individuals submit a request for time off. This includes those individuals covered by protected characteristics as defined in the Equality Act 2010. NHS Kernow respects colleagues from all racial backgrounds as evidenced in its human rights statement and guidance.

Perspective of age

What is the positive or negative differential impact on people from the perspective of age?

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another. The decisions to approve time off will be determined by business need.

How will any negative impact be mitigated?

The existence of this policy and procedure should ensure that NHS Kernow, through its managers, adopts a consistent approach when individuals submit a request for time off. This includes those individuals covered by protected characteristics as defined in the Equality Act 2010. NHS Kernow respects colleagues from all racial backgrounds as evidenced in its human rights statement and guidance.

Perspective of religion or belief

What is the positive or negative differential impact on people from the perspective of religion or belief?

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another. The decisions to approve time off will be determined by business need.

How will any negative impact be mitigated?

The existence of this policy and procedure should ensure that NHS Kernow, through its managers, adopts a consistent approach when individuals submit a request for time off. This includes those individuals covered by protected characteristics as defined in the Equality Act 2010. NHS Kernow respects colleagues from all racial backgrounds as evidenced in its human rights statement and guidance.

Perspective of marriage and civil partnership

What is the positive or negative differential impact on people from the perspective of marriage and civil partnership? This is particularly relevant for employment policies.

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another. The decisions to approve time off will be determined by business need.

How will any negative impact be mitigated?

The existence of this policy and procedure should ensure that NHS Kernow, through its managers, adopts a consistent approach when individuals submit a request for time off. This includes those individuals covered by protected characteristics as defined in the Equality Act 2010. NHS Kernow respects colleagues from all racial backgrounds as evidenced in its human rights statement and guidance.

Perspective of gender re-assignment

Does this have a positive or negative impact on people who identify as trans or transgender, non-binary or gender fluid?

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another. The decisions to approve time off will be determined by business need.

How will any negative impact be mitigated?

The existence of this policy and procedure should ensure that NHS Kernow, through its managers, adopts a consistent approach when individuals submit a request for time off. This includes those individuals covered by protected characteristics as defined in the Equality Act 2010. NHS Kernow respects colleagues from all racial backgrounds as evidenced in its human rights statement and guidance.

Perspective of pregnancy and maternity

Does this have a positive or negative impact on people who are pregnant, breast-feeding mothers, or those on maternity leave?

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another. The decisions to approve time off will be determined by business need.

How will any negative impact be mitigated?

The existence of this policy and procedure should ensure that NHS Kernow, through its managers, adopts a consistent approach when individuals submit a request for time off. This includes those individuals covered by protected characteristics as defined in the Equality Act 2010. NHS Kernow respects colleagues from all racial backgrounds as evidenced in its human rights statement and guidance.

Other identified groups

This policy is designed to protect all colleagues and does not impact on any one group of people over another. The decisions to approve time off will be determined by business need.

How will any negative impact be mitigated?

The existence of this policy and procedure should ensure that NHS Kernow, through its managers, adopts a consistent approach when individuals submit a request for time off. This includes all groups of people regardless of any protected characteristic. NHS Kernow respects colleagues from all racial backgrounds as evidenced in its human rights statement and guidance.

Human rights values

How have the core human rights values of fairness, respect, equality, dignity, and autonomy been considered in the formulation of this policy, service, or strategy?

This policy and procedure are based on the principles of fairness and equality relating to the statutory right that applies to every colleague to request flexible working.

Which of the human rights articles does this document impact?

- ☐ To life
- ☐ Not to be tortured or treated in an inhuman or degrading way
- ☐ To liberty and security
- ☐ To a fair trial
- ☐ To respect for home and family life, and correspondence
- ☐ To freedom of thought, conscience, and religion
- ☐ To freedom of expression
- ☐ To freedom of assembly and association
- ☐ To marry and found a family
- ☒ Not to be discriminated against in relation to the enjoyment of any of the rights contained in the European Convention
- ☐ To peaceful enjoyment of possessions

What existing evidence (either presumed or otherwise) do you have for this?

This policy and procedure is based on the principles of fairness and equality relating to the statutory right to time off work and enhanced local provision and complies with the Equality Act 2010

How will you ensure that those responsible for implementing the policy are aware of the human rights implications and equipped to deal with them?

Ensure that any person involved in the creation of this policy is fully conversant with the Equality Act 2010

Public Services (Social Value) Act 2012

NHS Kernow is committed and obliged to fulfil the requirements of the Public Services (Social Value) Act 2012. This Act requires the organisations to consider how services commissioned or procured might improve the economic, social, and environmental wellbeing of an area.

Please describe how this will support and contribute to the local system, wider system, and community.

Please consider:

- The inclusion of small medium size enterprises (SMEs) in the process and supply chain
- Economic – promote skills, tackle worklessness, maintain employment, increase volunteer hours to support the community and promote inclusion
- Social – reduce anti-social behaviour, tackle exclusion by promoting inclusion including to vulnerable groups
- Environmental – support local, reduce congestion.

This policy strives to support all colleagues to fulfil their duties at work, tackling exclusion by providing an avenue so that colleagues can take time off from work for emergencies that would not be considered as annual leave but would not be certified as sickness absence.

Describe how the policy contributes towards eliminating discrimination, harassment, and victimisation.

The policy sets out the scope for individuals to request time off and describes the level of entitlement. The policy also explains how managers should objectively consider requests to ensure that the granting of time off is fair and consistent.

Describe how the policy contributes towards advancing equality of opportunity.

The policy sets out the scope for individuals to request time off and describes the level of entitlement. The policy also explains how managers should objectively consider requests to ensure that the granting of time off is fair and consistent.

Describe how the policy contributes towards promoting good relations between people with protected characteristics.

The policy sets out the scope for individuals to request time off and describes the level of entitlement. The policy also explains how managers should objectively consider requests to ensure that the granting of time off is fair and consistent.

If the differential impacts identified are positive, explain how this policy is legitimate positive action and will improve outcomes, services and/or the working environment for that group of people.

Not applicable.

Explain what amendments have been made to the policy or mitigating actions have been taken, and when they were made.

The amendments include greater clarity over the provision for time off and updates the section on parental leave considering current legislation.

If the negative impacts identified have been unable to be mitigated through amendment to the policy or other mitigating actions, explain what your next steps are using the following equality impact assessment action plan.

Not applicable.

Signed (completing officer): Tricia Phillips

Date: 23 February 2021

Signed (head of department or section): Emma Goudge

Date: 23 February 2021