



LEAVE / TIME OFF FOR DOMESTIC REASONS POLICY

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WEST MIDLANDS AMBULANCE SERVICE UNIVERSITY NHS FOUNDATION TRUST
LEAVE / TIME OFF FOR DOMESTIC REASONS POLICY

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1. Introduction

- 1.1** This policy will provide support and guidance for staff to help them balance the demands of home and work life at times of urgent and/or unforeseen need. It is designed to help them care for children and dependents through the provision of paid and unpaid leave, in line with the Employment Relations Act (1999), the Employment Act 2002 and NHS Terms and Conditions.
- 1.2** The Policy outlines time off (paid or unpaid) available to be taken to care for Dependents and Domestic Incidents in urgent and/or unforeseen circumstances.
- 1.3** This policy applies equally to all employees, and aims to inform employees of their entitlements to time off for urgent and / or unforeseen domestic reasons and ensure that this is understood.

2. Responsibilities

2.1 Director of Workforce & Organisational Development

The Director of Workforce & Organisational Development has an overall responsibility to oversee this guidance and to ensure its correct application.

2.2 Directors, Heads of Department and Senior Managers

Directors, Heads of Department and Senior Managers have a responsibility to oversee the application of this guidance.

2.3 Managers

Managers have a responsibility to ensure that they abide by and reinforce this Policy and that they attend any relevant training. Managers directly involved in the line management of staff will have a responsibility to ensure they operate within employment law and adopt best practice, supported by advice from the Human Resources Department.

2.4 Human Resources

The Human Resources Department will have a responsibility for ensuring managers receive relevant training in the application of this guidance and to provide relevant best practice and employment law advice on a case by case basis.

2.5 Employees

Employees must follow the application process within this Policy and Procedure, and ensure they communicate with their line manager fully in all circumstances.

3. When Can I Apply for Paid Leave?

3.1 In addition to employees right for annual leave, paid leave can be applied for in the following circumstances:

- Where 'carers' of dependents face immediate problems in their caring arrangements, i.e. illness, injury, breakdown of normal carer arrangements. This does not include foreseen or avoidable issues e.g. planned school closure due to strike action.
- To cover genuine domestic emergencies (fire, flood, burglary, incidents beyond an individual's control for example). This does not include routine and planned domestic appointments.
- To allow employees to attend the funeral of a relative. Normally one day would be allowed for the funeral of a relative. Bereavement of a relative, partner or dependent affects every individual differently. Personal circumstances such as shift patterns, distance to travel, must be taken into account. Further leave may be granted with reference to section 3.6 below.

3.2 For The Purposes of the Policy:

3.2.1 A dependent is someone who is married to, or is a partner or civil partner, a child (including adopted and foster children), "a near relative" or someone who lives at the same address as the employee who relies on the employee.

3.2.2 A relative for this includes: parents, parents in law, adult or young children, adopted adult or young children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives or is someone who relies on the employee in a particular emergency.

3.2.3 The amount of paid leave granted for each circumstance is discretionary however the maximum amount of paid time granted should not exceed 37.5 hours in any leave year (Pro-rata for part time staff). It is expected that paid time off will be granted for the first day of the emergency/unforeseen circumstance to allow time to put in place longer term plans if needed. It is expected that following this initial day the employee should explore other options e.g. annual leave, time off in lieu (TOIL), unpaid leave until the issue is resolved.

Staff should be encouraged to attend for as much of the shift as they are able, once the domestic issue has been addressed.

3.2.4 If the problem is recurring or long term, the Line Manager should

discuss this with the member of staff and future solutions should be explored, for example flexible working, unpaid leave or employment break, with the aim of helping to overcome difficulties.

- 3.2.5** Local arrangements for flexibility in working hours should be used to provide time off from work on a flexi time, or “Pay back” system where appropriate.
- 3.2.6** Paid time granted in addition to the 37.5 hours within a leave year, will only be agreed in exceptional circumstances and must be agreed by the Senior Manager or Head of Department. Advice can be sought from the Human Resources Department.

4. Unpaid Leave

Nothing in the above procedure for paid leave will prevent an employee from applying for unpaid time off to care for dependents, as per their statutory right. This is in addition to any paid leave employees can request to take under Section 3 of this Policy.

5. Procedure for Application

- 5.1** As soon as the member of staff is aware of the need to request paid time off as per this policy, they should contact their line manager at the earliest opportunity and at minimum, within two hours of the expected shift/duty if practicable.
- 5.2** The employee should not notify their absence through messages with colleagues, voicemail, text, social media or answer phones unless absolutely necessary, in which case their manager will contact them on receipt of the message to discuss the issue further and offer support.
- 5.3** The Trust appreciates that the need to take time off as detailed above may be urgent. Wherever possible the employee should contact their line manager to explain the reason behind the absence and attempt to agree a period of absence, which enables them to deal with the situation. The employee's co-operation in explaining the circumstances, which will enable their manager to determine whether leave as per this policy is appropriate and whether any part of this leave should be paid or unpaid.
- 5.4** In the first instance when a member of staff calls into their line manager, they will be allowed the time off needed to deal with the emergency situation and recorded appropriately. Upon return to work the form in Appendix A must be completed, so that the line manager can decide if it is appropriate for the episode to be granted as paid leave for all or part of the length of absence. Once paid leave is granted or agreed otherwise the leave records should then be updated.

- 5.5** The Trust also offers an Employment Break Scheme for employees who wish to take a longer break of service. Details of these schemes are available from the HR department or on the Trust's Intranet.
- 5.6** Employees can if they so wish request annual leave instead of leave as per this policy or request annual leave after a period of paid leave. However, any application for annual leave will be dealt with in accordance with the Trust's Annual Leave Policy, and there is no guarantee that any such request will be granted.
- 5.7** Paid leave as per this policy will not be regarded as sick leave and therefore will not be taken into account for the calculation of sick leave entitlement in accordance with the Trust's Sickness Absence Management Policy. An employee who fails to return to work on the expiry of their paid leave as per this policy and who submits a sick note from their GP will be regarded as being on sick leave from the date on their medical certificate.
- 5.8** Where leave is to be paid as per this policy, an employee will receive payment for this period based on his/her basic pay.
- 5.9** Pension rights and contributions during absence on paid leave as per this policy will be dealt with in accordance with the provisions of the NHS Superannuation Regulations.

6. Monitoring and Review

All requests for paid leave as per this policy and outcomes will be recorded, and the provision for paid leave will be reviewed annually in partnership with staff representatives.

7. Appeals

Any appeals arising from the application of this policy should be made in writing, stating the reason for appeal, to the Director of Workforce and OD.

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**APPLICATION FORM FOR PAID TIME OFF AS PER THE LEAVE/TIME OFF FOR
DOMESTIC REASONS POLICY**

This document should be completed only after reading the Leave / Time off for Domestic Reasons Policy and ensuring the reason for the leave falls within the remit of the policy.

SECTION 1 - To be completed by the employee:

Name:

Personal Number:

Department / Location:

Date(s) requested:

Total Number of Days /
Hours Requested:

Reason:

Additional Information:

Employee Signature:

Date:

Once completed please forward to your line manager for authorisation.

SECTION 2 - To be completed by the authorising manager

Name:

Signature: Date:.....

Authorised / Not Authorised (*Delete as appropriate*)

Comments:
(*use reverse if necessary*)
.....

SECTION 3 - Actions to be taken

1/ Please amend GRS / ESR record to reflect paid time off if granted. ☐

2/ Ensure application recorded is uploaded to electronic HR file. ☐