

### Frequently asked questions

These are provided for guidance or quick reference guide only, so always refer to the policy

## 1. Definitions

### 1.1 What is special leave?

This is time granted by your manager to support you with unforeseen circumstances, or to support you with planned appointments you may need to take for yourself, a relative or someone you have caring responsibilities for, and is one of the options you can both exercise to take paid time away from work. This will normally be a maximum of 5 days over a rolling 12 months but may be taken as hours if appropriate to the situation and your needs.

### 1.2 What is the definition of a Dependant?

According to NHS Terms and Conditions, a dependant is someone who is married to, is a civil partner, or partner (Second parent); a near relative or someone who lives at the same address as you. A relative for this purpose includes parents, parents in law, adult children, adopted adult children, siblings, including in laws, uncles, aunts, grandparents and step relatives or is someone who relies on you in an emergency.

## 2. Time off for Bereavement

### 2.1 Child Bereavement

As a bereaved parent, you are eligible for two weeks of child bereavement paid leave. Taking child bereavement leave is an individual choice and is not compulsory

#### 2.1.1 What is the definition of a 'bereaved parent'?

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

#### 2.1.2 What is Child Bereavement leave?

It is leave that is given when parents, adoptive parents, legal guardians experience a death of a child.

#### 2.1.3 Do I have to take the 2 weeks at once?

No, you can choose to take the leave at any point up to 56 weeks following the death of your child. However, you should discuss with your line manager when you expect to take the leave.

#### 2.1.4 What if I do not want to take the 2 weeks leave?

You do not have to take the leave if you do not want to.

#### 2.1.5 My child was over 18 years old am I still entitled to the leave?

Yes, you are still able to take the child bereavement leave.

### 2.1.6 If both parents work at NHSBT can we both request the leave?

Yes, if both parents work at NHSBT the entitlement to 2 weeks leave applies to each parent / guardian.

### 2.1.7 How do I record Child Bereavement leave?

This should be recorded in EASY as 'special leave'.

## 2.2 Bereavement

Bereavement leave falls within the special leave definitions. Managers should recognise the special nature of bereavement.

### 2.2.1 When can I request Special Leave for bereavement?

This would normally be when you lose a close family member (husband, wife, partner/ grandchild, parent/grandparent, brother, sister, parent in law, or any close relative living with you).

### 2.2.2 Can I request additional leave for bereavement?

Bereavement leave falls within the special leave definitions. Managers should recognise the special nature of bereavement, and therefore in exceptional circumstances, additional special leave beyond the 5 day special leave provision may be allowed. Managers may apply discretion in these circumstances; however, they must ensure and demonstrate that they are being reasonable, equitable and proportionate in their decision making.

## 3. Annual Leave

### 3.1 When does the Annual Leave Year run from and to?

In the majority of cases the annual leave year will run from 1st April to 31st March each year. For some employees, your annual leave year will run from the date of the anniversary of your appointment. In the case of employees on medical terms and conditions, this will be the anniversary of your appointment to your current grade.

### 3.2 What is my entitlement?

Annual Leave is calculated in hours on a pro-rata basis for all employees<sup>1</sup> and is managed through your local annual leave procedure.

Length of Service	Annual leave + Public Holidays
On appointment	27 days + 8 days
After 5 years service	29 days + 8 days
After 10 years service	33 days + 8 days

**NB. The number of Public Holidays may vary year to year.**

If you work a rota that defines a differential in weekly hours, this may result in hours being owed to, or by you, which must be balanced at the end of each rota period to ensure you do not receive more or less leave than those on standard weekly hours. All annual leave must be authorised by your manager *PRIOR* to booking your holiday, flights etc and taking the time off. If annual leave is granted, your manager will deduct the contracted hours you would have worked on that day. For example:

If you are contracted to work 20 hours per week over the following pattern:

Tuesday            5 hours  
Wednesday        10 hours  
Thursday           5 hours

If annual leave is booked on Tuesday only, you would deduct 5 hours from your annual leave card and work your remaining contracted hours as planned on Wednesday and Thursday. If you work non-

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<sup>1</sup> Excluding staff on medical terms and conditions

standard shifts other than 7.5 hours per day, then you will need to book a standard notional day from your annual leave card. The most appropriate arrangement to apply to you, depending on your work pattern, however the standard notional day can be calculated as follows:

Weekly contracted hours / Average number of days worked per week = Standard Notional Day

### 3.3 What are the recognised Public Holidays?

- Good Friday
- Easter Monday
- May Day
- May Spring Bank Holiday Monday
- August Bank Holiday Monday
- Christmas Day
- Boxing Day
- New Years Day

NB. These arrangements may be different for Scotland and Northern Ireland

### 3.4 If my annual leave is calculated in hours, how will I have my Public Holiday entitlement added?

If Part-time, you will be entitled to be paid Public Holidays on a pro-rata basis. Consideration must be given to the number of Public Holidays each leave year as they may vary during the annual leave period. NHS Terms & Conditions provide a maximum of 3 Public Holidays during Christmas and New Year. When Public Holidays during the Christmas and New Year period fall at weekends then alternate days may be designated as if they were paid Public Holidays (see NHS Terms & Conditions -Annex Y)

Public Holiday entitlement in days (8 days) x 7.5 hours / 37.5 hours x contracted weekly hours  
e.g. 8 days x 7.5 hours = 60 hours / 37.5 hours x 18.75 hours = **30 hours**

If you are absent due to sick leave, unpaid leave or if you join or leave part way through the leave year then you will not be entitled to the Public Holidays which fall during the period you are absent from work or not employed. If Public Holidays are added to annual leave entitlement, an adjustment will need to be made to the entitlement on the employee's return to work. The adjustment should be made on the basis of the Public Holidays remaining within the leave year on your return to work or on a pro rata basis as appropriate. For example, if you return to work on 1 October following absence from 1 April to 31 September and there are 3 Public Holidays that remain within your leave year, based on a contract of 37.5 hours per week, you would be entitled to:

3 public holidays x 7.5 hours = **22.5 hours**

If part time your entitlement will need to be pro rata:

If you work 18.75 hours per week, 22.5 hours full time entitlement divided by 37.5 hours x 18.75 hours = 11.25 hours (rounded up to **11.5 hours**)

### 3.5 If I don't have an hourly contract what do I get paid for annual leave?

If you are employed on a bank contract your annual leave is not covered under your terms and conditions of employment. You will therefore be paid an allowance for your annual leave. This will be equivalent to the Working Time Directive (WTD) allowance and will be a percentage of 12.5% added to your pay.

### 3.6 When should I be taking annual leave?

You are advised to consider spreading your annual leave out across the year to ensure that you feel the maximum benefit to your own wellbeing, as well as considering others within your location/department, and operational requirements. You will need to provide your manager with reasonable notice, considering operational requirements such as existing rostering or shift patterns

### **3.7 How is annual leave applied in my department?**

Each department will have a robust local agreed procedure that ensures fairness and transparency for everyone. It will normally set out details such as 'how many people may be off at any one time' etc. Ask your manager about this.

### **3.8 Can I carry forward service from a previous NHS employer for annual leave purposes?**

Yes, you may be able to. You will have needed to tell us about any previous service at the time of recruitment to enable us to check this before you start with us. Any request for additional annual leave entitlement after your start date, must be provided in writing to HR [Direct@nhsbt.nhs.uk](mailto:Direct@nhsbt.nhs.uk), outlining your reasons, dates and previous employer. Please note however this may not be approved, if not previously declared.

### **3.9 What happens if my annual leave has been calculated incorrectly?**

Excess days will not be protected. There will be no redress to over or under calculations from previous years.

### **3.10 What happens to my annual leave if I do not take it in the current annual leave year?**

Should you have any outstanding annual leave, you should discuss this with your Manager. It is recommended that all leave is taken as there is no automatic right to carry forward annual leave. However, with good reason, bearing in mind operational needs, you may be able to carry forward annual leave up to a maximum of one working week

If your manager requests you to cancel previously booked annual leave, and it becomes operationally difficult for you to re-book this leave, you will be able to carry all of this leave forward. However, you should both make every effort to ensure that annual leave is taken within the given year wherever possible, and therefore be a last resort.

### **3.11 What if I am sick on a day during a pre-planned period of annual leave?**

This will be counted as sick leave and a different period of leave should be allowed, providing the normal procedures for notification and certification have been followed.

### **3.12 What if I am sick during a pre-arranged holiday, and unable to take a different period due to operational reasons?**

You will normally be allowed to carry it forward to the next leave year; this is to the maximum of the Working Time Regulations allowance.

### **3.13 What happens if I am sick on a Public Holiday?**

This is counted as sick pay entitlement if you are rostered to work on that day(s) providing that you have followed absence reporting procedures. If you are not rostered to work on a Public Holiday and you are taking the day as a Public Holiday leave day, then you will not be entitled to be re-credited with this day if you are sick, even if a medical certificate is provided.

### **3.14 What happens to my leave following long term sickness?**

If you have been absent on long term sick leave, and you are unable to take your annual leave entitlement for that leave year, you will be able to carry over the balance of annual leave entitlement specified under the Working Time Regulations (WTR). As at April 2013, this is 28 days inclusive of public holidays and is pro rata if you are part time. Any annual leave you have taken during that leave year will be deducted from the WTR entitlement to be carried over.

If you are off sick you are able to take contractual annual leave for periods that you are in receipt of sick pay, but WTR entitlement only for periods where you are out of pay. In addition, you will not be entitled to an additional day off if sick on a statutory holiday as per NHS Terms and Conditions

On return from long term sickness, you will need to request that your leave is taken at the end of your sickness absence immediately before your return to work and may be used to support an appropriate phased return to work longer than 4 weeks if this is recommended by Occupational Health.

If you have no occupational sick pay left, you can request, in writing, part of your unpaid sick leave as annual leave and so receive payment.

You will only receive payment for untaken annual leave if your contract of employment has been terminated without a return to duty.

### Annual Leave Entitlement

Years' Service	NHS Annual Leave and General Public Holiday Entitlement (for complete months only) (pro rata for part time employee)	Working Time Regulations (WTR) Entitlement for all employment (for complete Months only) (pro rata for part time employee) (from 1 <sup>st</sup> April 2009)
On Appointment	27 days + 8 days = 35 days	28 days inclusive of public holidays
After 5 complete years service	29 days + 8 days = 37 days	28 days inclusive of public holidays
After 10 complete years service	33 days + 8 days = 41 days	28 days inclusive of public holidays

Your manager must obtain authorisation from a Senior HR Consultant for payment of any annual leave over and above contractual entitlement.

#### 3.15 How is my annual leave entitlement effected if I take a period of unpaid leave?

It will not be affected if the period is fewer than two weeks. If however, it is in excess of two working weeks in any calendar month (e.g. 19<sup>th</sup> July – 18<sup>th</sup> August), your leave entitlement will be re-calculated as you will not be eligible to that months holiday entitlement and 1/12<sup>th</sup> of your entitlement will be deducted.

#### 3.16 What happens if a Public Holiday falls in the middle of my unpaid period?

You will not be eligible for payment. Where Annual Leave is calculated in hours, inclusive of bank holidays, this will need to be recalculated.

#### 3.17 If I have taken a day as annual leave, can I work some of that day as overtime?

NHSBT is committed to ensuring that you are able to take your annual leave to allow you to take a break from work. We are not able to make a payment to you in lieu of your annual leave and if you choose to take a day as annual leave you are expected to take annual leave and not to be at work. Therefore, this means that you cannot book annual leave and work on the same day and claim overtime payments for the time you work.

If for some reason you are unable to take your annual leave on any day, then your annual leave should be rearranged for an alternative day and the work you do on that day is part of your standard work.

#### 3.18 What do I have to do if I want to carry forward annual leave?

You must agree any annual leave hours to be carried-forward to the following annual leave year, up to the maximum allowed of 1 week's contracted hours, with your manager. You need to request this for approval in EASY within 1 month of the end of the annual leave year. This will be April for those with a standard leave year and will vary for those who have a non-standard leave year. If you do not use EASY, either because you are a doctor or exceptionally have other arrangements, then the

agreed hours to carry-forward must be recorded on your annual leave record within the same timescale.

## **4. Paid and Unpaid Leave**

### **4.1 If I take unpaid leave, how will it affect my pension contribution?**

NHS pension contributions are payable during periods of authorised unpaid leave. The contributions will accrue over the period of absence and will be recovered over a similar period on return to work.

### **4.2 As a manager, how do I record Special Leave?**

When you have agreed special Leave, you should confirm what you have agreed to the individual by e mail or in writing, and record in EASY.

### **4.3 As a manager, what are my responsibilities when an employee requests leave?**

On discussion with the employee, you will establish whether you wish to grant time off and how this is to be covered or paid. Your options include the employee making up the time, using annual leave, providing unpaid leave or paid special leave to a maximum of 5 days over a rolling 12 months. Record in EASY.

### **4.4 What time off can I expect to receive if I move house following relocation with my job?**

If you are required to relocate due to organisational change and are in receipt of relocation support, you will, on request, be granted leave to do this. This should be discussed on an individual basis as part of your 1:1 consultation meeting.

### **4.5 Can I request time off work to attend my doctor's/dentist appointment?**

When making an appointment you should always try to arrange it outside of your normal working hours. Where this is not possible, reasonable paid time off to attend routine medical and dental appointments may be allowed. Your manager can request appointment cards or letters to confirm the need for you to require the time off. If your appointments are particularly frequent or have a long duration, you will be required to make up this time. Your manager should allow time off for emergency appointments, depending on the circumstances and travel required.

To limit the impact on your shift or working hours and therefore when you are making an appointment you should consider the following:

- It may not always be necessary to accept the first appointment time offered
- Ask for appointment times available that will limit the impact on your shift i.e. at either end of the working day
- Ask when clinics run and at what times, as you may be able to change the day or choose a time at either end of the clinic
- Tell them your working arrangements so you can agree an appropriate time
- Consider what arrangements there are for booking appointments, such as your GP surgery may have an on line booking system, which may give you a wider choice and visibility of your options

Your manager will ask you what steps you have taken to limit the impact on your working day when you are requesting time off work for such appointments.

### **4.6 Can I have paid time off work to attend medical appointments that my GP or clinician has recommended I attend?**

If you have had a pattern of treatment involving medical appointments, e.g. physiotherapy or appropriate treatment to support your rehabilitation, and this needs to continue, your manager may agree to alter your working hours/times. You will only be allowed time off to attend the appointment and will need to be at work for the other part of your working day or shift. E.g. for some conditions, you may have to attend a clinic every 3 months to ensure you remain well. We will try to support you where reasonably practicable, to undertake your treatment. This will need to be discussed as part of the Attendance Policy. Please note that in such cases, your manager can ask you to confirm your attendance by you showing them relevant letters or appointment cards.

#### **4.7 Can I have any time off work to attend medical appointments for IVF treatment?**

In these circumstances you should discuss with your manager the options available to you indicated in the policy. One of the options is that you may use special leave for the day of treatment itself. However, any additional time off required resulting from a procedure, should be considered as sick leave and therefore managed in line with the Attendance Policy. Similarly, if you are the Second Parent (spouse/partner), you may wish to consider these same options. Please note that in such cases, your manager can ask you to confirm your attendance by you showing them relevant letters or appointment cards.

#### **4.8 Can I have time off work to attend medical treatment of a day or longer e.g. dialysis?**

This will be recorded as sick leave and will be managed in line with the Attendance Policy.

#### **4.9 Can I have paid time off to attend an outpatient's clinic or regular medical appointments for my child or someone I have caring responsibility for?**

Your manager may agree to alter your working hours/times or provide you time off to attend. Your manager can ask you to confirm your attendance by you showing them relevant letters or appointment cards. You will only be allowed time off to attend the appointment and will need to be at work for the other part of your working day or shift. e.g. for some conditions, you may have to attend a clinic every 3 months to ensure you remain well.

You will normally be paid for this time away from work, however, depending on your agreed method to support this issue with your manager, you will be expected to make up this time at an agreed point in the future, that supports you and operational requirements. There is no intention to deduct pay for this, unless this is the agreed option between both parties. You would both be expected to explore all of the options available to you, such as paid leave under the special leave provision etc, unpaid being as last resort. For routine appointments, it may actually be better for you to cancel/change an appointment to a more suitable date/time, to enable you to discuss more options.

#### **4.10 Can I have time off work for cosmetic surgery?**

This would depend on whether you have been referred by a medical practitioner for it or not. If it is your own choice, you will need to consider taking annual leave. Any medical complications that could follow would be managed in line with the Attendance Policy.

#### **4.11 I have been invited to an Investiture with an Honour or Decoration. What time off can I request?**

If you are included in a royal or professional Honours list, then paid leave may be granted as required to receive the honour. You will need to provide your manager with a copy of any correspondence received from the Crown, or appropriate body.

#### **4.12 I have been called as a Witness at an Internal Hearing. Will I be able to attend without impacting my pay?**

If you are called as a witness to attend a hearing (for example a disciplinary or grievance hearing), this is considered as a normal working day, all be it with different duties. If this falls on your day off, then time in lieu will be given or overtime will be paid if time in lieu cannot be granted due to operational issues. Your manager will require proof of attendance, so appropriate cover can be arranged. You may be able to claim some out of pocket expenses related to this, in accordance with the Travel & Expenses Policy.

#### **4.13 I have been requested to attend an interview. What time off can I request for this?**

If it is for an NHS position you will be given reasonable time off to attend a selection interview and subsequent medical examination. For appointments outside the NHS, you are required to take annual leave or request unpaid leave. Reasonable expenses will be paid for you to attend INTERNAL

interviews. However, we will not make any payments for any expenses incurred attending external NHS or other interviews.

#### **4.14 Can I have reasonable time off to be able to be a donor?**

As a committed donor, you will be allowed reasonable paid time off to give products associated with NHS Blood and Transplant. Your manager would need to discuss with you the options available to you to donate, including the frequency, location, travel time, donation time, as well as giving consideration to operational and staffing requirements.

## **5. Carer's Leave**

### **5.1 What is Carer's leave?**

Carer's leave enables colleagues to take up to 5 days unpaid leave from work (pro rata) to give or arrange care for a dependant with a long-term care need. Examples of this may include setting up and/or settling a dependant into a new care arrangement or to support a dependant who has an acute caring need (such as following an accident/operation, or due to illness or disability).

### **5.2 Can I take paid and unpaid leave for caring responsibilities?**

You need to discuss your request with your manager. Should you need to attend planned appointments, normally medical, for someone you have caring responsibility, then your manager may consider paid special leave. This will normally be up to a maximum of 5 days over a rolling 12 months (pro rata). This is in line with existing special leave provision and further details can be found in the Time off Work policy and in the FAQs. You may also wish to consider unpaid Carer's leave to give or arrange care for a dependant with a long term care need. You can take up to one week of unpaid leave over a rolling 12 months (pro rata).

### **5.3 How much notice do I have to give to my manager when requesting Carer's leave?**

You should give your manager reasonable notice of your request to take unpaid Carer's leave. As a minimum, if your request is for one day or less, the notice period must be a minimum of 3 days. If your request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if your request is for 2 days, the notice period must be at least 4 days.

### **5.4 What is the minimum amount of Carer's leave I can take?**

You can take a minimum of half a day, up to a full week (pro rata) off work for Carer's leave.

### **5.5 Can I take Carer's leave for somebody who is not a family member?**

Yes, the dependant does not have to be a family member. It can be somebody who relies on you for a long-term care need.

### **5.6 Do I have to work for NHSBT for over a year to qualify for Carer's leave?**

No, you are entitled to Carer's leave from your first day working with us.

### **5.7 Can my manager refuse or delay my Carer's leave?**

Your manager cannot refuse you carer's leave request but may ask you to take it at a different time but only if the operation of the business would be unduly disrupted. Another date should be agreed within one month of your original requested date for the leave.

### **5.8 I need to care of more than one dependant, can I take more than 5 days Carer's leave?**

You can only take up to one week (pro rata) every 12 months. You can use the week of leave on more than one dependant. You may wish to discuss with your manager alternative time off work options outlined in the Time off work policy.

### **5.9 Can I take Carer's leave to look after my child?**

Carer's leave can be used for a dependant with long-term care needs and for issues related to old age. If you are a parent, there are other time off work options including up to 18 weeks of unpaid parental leave to look after your child. This is separate to carer's leave.

### **5.10 As a manager, how do I record Carer's Leave?**

When you have agreed Carer's Leave, you should confirm what you have agreed to the individual by e mail or in writing, and record in EASY\* or Nextra\*.

*\*As an Interim measure agreed Carer's leave applications should be recorded as Special Unpaid and the reason as Parental Leave.*

## **6. Adverse Weather & Other Difficulties**

### **6.1 What is classed as an unavoidable transport difficulty?**

Difficulties caused by extreme adverse weather, stopped public transport, making roads impassable or due to transport strikes

### **6.2 What do I do if I am affected by adverse weather conditions or other difficulties such as strikes?**

You should make every effort to attend work even when faced with difficulties. Prior to the start of your shift, you must tell your manager or supervisor about your transport difficulties and when you are likely to be at work. Employees should consider advice from Emergency Services. Managers should ensure that they have sought advice from Emergency Services.

### **6.3 If I am late for work due to adverse weather or strike action, how would this affect my attendance record?**

If you have a previous good record of attendance this will be viewed sympathetically on strike days or where weather is extremely bad. If you are late for work when you plainly have not been affected by any transport difficulties, normal management procedures will apply. Your manager will discuss with you when this time can be made up depending on the circumstances.

### **6.4 Will I be able to receive paid time off for adverse weather conditions?**

You must make every effort to get to work or to your nearest centre and any time taken will be required to be made up. However, consideration will be given to the conditions, reasons, the distance you need to travel, your normal mode of travel, the availability of public or alternative transport and the ability of other employees in the same circumstances to attend work. Paid or unpaid time off can be agreed at your managers discretion. In some circumstances, it may be agreed for you to work at home. Should you have made every effort to turn up for work and you are subsequently sent home for operational reasons, you would continue to be paid for the agreed shift time, including return to base, if appropriate.

### **6.5 In the case of adverse weather conditions or strike action, what happens if I refuse to come in?**

If you plainly refuse to come in despite having every opportunity to do so, your pay will be deducted and is likely to result in disciplinary action.

## **7. Public Duties**

### **7.1 Can I ask for time of work in relation to public duties?**

Legislation entitles you to request time of work to support public duties. We recognise our public responsibility to support the work of other public sector organisations and appreciate the contribution to the greater public good made by you, our employees who, by the use of your own time and time granted by us, volunteer to undertake public duties.

Examples of relevant public sector organisations:

Serving as a Justice of the Peace

Membership of a Local Authority

Membership of any Statutory Tribunal  
Membership of a Board of Prison Visitors  
Membership of a National Health Service Trust or Strategic Health Authority  
Membership of the managing or governing body of an educational establishment  
Membership of a Public Health Service  
Patient Advocacy and Liaison service  
An officer of a Royal College e.g. Chair, treasurer, panel member, advisor, specialist advisor etc  
Any other organisation will require approval by your HR Business Partner and Operational Director

## 7.2 What time off can I expect to receive for voluntary work with another public body?

You are able to ask your manager for reasonable time off, by the use of some of your own time and paid time granted by your manager, to volunteer to undertake public duties. You would need to be clear in what support you require and be expected to use your own time first and wherever possible.

Reasonable' is defined as: ***'Reasonable in all the circumstances having regard to the amount of time off required, previous time already allowed and the circumstances of the employer's business and the effect of the absenteeism on this'***

You will need to declare your membership or intended membership of such an organisation to us, as we need to understand any potential impact the absence may have e.g. time off, when and the need for cover. This may be requested at the start of your employment or at any time. We will require reasonable notice to commence such duties.

## 8. Jury Service/Attendance at Court

### 8.1 How will I be paid if I need to attend Court as a witness or due to Jury Service?

If you are required to attend court as a witness, either with the consent of NHSBT, or on a subpoena or witness summons or otherwise as a legal obligation, including jury service, you will be granted authorised absence, with pay in place of special leave. This will need to be recorded on Easy/Nextra as "Special Paid", and either "Jury Service or Court Appearance". This will be paid at basic rate.

### 8.2 How do I claim out of pocket expenses if I need to attend court?

Travel or subsistence expenses will not be paid by NHSBT. Therefore, you are encouraged to claim any expenses through the court system.

### 8.3 What if when I attend court, I am not required?

You will be expected to return to work for that day. Similarly, if you attend Court for part of a day it is expected that you would return to work for the remaining shift/day. You will need to talk to your manager about this so that you are both able to consider this, if reasonable, taking into account time/distance of travel/reason for court appearance.

### 8.4 If I attend court, will I lose enhancements to my pay?

Yes, you would only be paid basic pay. Therefore, you may need to provide written evidence to the court to support a claim through the court system.

## 9. Reserves/Cadets

### 9.1 As a reserve or cadet, I need to attend additional days training/exercises in addition to annual camp. Will I get paid for this?

Where you are required to attend short periods of training (normally on Saturdays or Sundays) in addition to annual camp and are unable to do this during off duty time, you may be granted special leave without pay.

### 9.2 As a reserve or cadet, I have been 'called up' for duty. How will this impact my pay, pension and employment?

Once we have received documentary evidence of the call up you may be granted a period of unpaid leave. You will receive payment from the Military for the appropriate rank. The military will also pay

your contribution to your occupational pension scheme and you can also elect to stay in the scheme. In these circumstances you can elect to pay your contributions on your return. You should also agree with your manager on how and how often you both wish to maintain regular contact.

### **9.3 As a reserve or cadet, how will this impact my annual leave and sick pay?**

You will be granted your annual leave allowance and sick pay entitlements based on the proportion of the leave year that you are actually working. Your service will be classed as continuous. If you are subject to review under the Disciplinary, Attendance or Capability Policies at the time of the call up, monitoring and sanctions will be suspended until you return to work. On return, your manager will confirm the time remaining on any warnings; at what stage monitoring was suspended and any targets set prior to the period of leave.

## **10. Career Break**

### **10.1 In what circumstances am I allowed to apply for a career break?**

For Long term domestic and family needs e.g. care for a dependent. It may also be taken to do training or further education or working abroad. Other reasons for career breaks will be considered on their merits.

### **10.2 What is the maximum time I could take as a career break?**

We may grant you a career break up to a maximum of 5 years.

### **10.3 Can I extend my career break beyond the agreed period?**

If you are taking a break that was planned as fewer than 5 years, you may request an extension to the career break by applying in writing to your manager. The career break in total must not exceed 5 years.

### **10.4 Will I receive any pay while I am on a career break?**

A career break will be regarded as an unpaid period of absence.

### **10.5 If I am granted a career break, can I take up paid employment elsewhere?**

No, you will not be allowed to take up paid employment with another employer except where work overseas or paid charitable work is seen to broaden your experience. Your intention to take up this kind of work must be detailed within the Special Leave application or if this is considered after the start of your career break then you must seek permission from us to enable you to do this. Failure to do so would result in the contract being void.

### **10.6 How much notice do I need to give to start a career break?**

Your application should be made at least 3 months before the date you would like to start your career break although in some circumstances it could be quicker.

### **10.7 How do I maintain my key skills and or my professional registration during a career break?**

In most circumstances you will be required to return to work for a minimum of 10 paid days each year, to keep in touch with the requirements of the organisation, undertake refresher training, and to maintain your skills in order to fulfil your registration requirements etc. The content of these days will be planned and agreed between you and your line manager. It is your responsibility to keep up to date with your relevant professional registration needs, including the attendance at specified training and conferences.

### **10.8 If I am on a career break, what communication can I expect with my manager and the organisation?**

You and your manager are to agree between you how, including the method such as face to face, e mail, social media etc, timescales and content, including relevant information such as Newsletters. If you make no contact with your manager within the 2 month notice period of return, this will be taken to be unauthorised absence. (Refer to the Attendance Policy for Unauthorised absence process).

### **10.9 Will I be returning to the same job after a career break?**

We have an expectation of you returning to broadly similar duties on an equivalent salary point to that you received at the time your break began and it would be our intention to meet these expectations as far as possible. Every attempt will be made to secure on-going employment at the end of your career break; however, this cannot be guaranteed.

If your career break is **under 12 months** we will guarantee, but only where operationally practicable, e.g. the role or department may have changed, that you will be able to return to your existing post. You must give 2 months' notice of you returning to work whether this is at the end of the agreed break or if you wish to return to work early. If you do not do this, it may mean you have an extended period of no pay. For breaks of **12 months and over** you must give 6 months written notice of you returning to work whether this is at the end of the agreed break or if you wish to return to work early.

In most cases where your career break is 12 months or over a permanent appointment may be made to your former post. You will need to meet with your line manager to discuss and agree arrangements for your return a minimum of 3 months before the end of your career break. We would make every effort to return you to a job that is as similar as possible.

### **10.10 If my career break is 12 months and over, and I am unable to return to my old role, what support will I receive?**

Every effort will be made to identify a similar job at a similar grade in the same location. Appointment is normally by open competition and there can be no guarantee of a specific post. The discussion will seek to explore all options including job sharing, part time working, alterations to job content and location. Arrangements will also be discussed for induction or any other re-training you may need. If there is no immediate suitable vacancy, your career break may be extended by a further 3 months.

A brief profile of your skills, abilities and experience should be made with you by your line manager. This should include the range of alternative work that you are prepared to consider, as well as any limitations on you accepting alternative work e.g. personal circumstances, capability and health issues. Your manager will confirm this in writing, including the possible outcome should we be unable to find an alternative role, including the termination of your employment. You will be signposted to the Vacancies Bulletin. You will have an opportunity to discuss and document these at regular meetings agreed between you both. If appropriate, your manager may wish to circulate a copy of your skills and experience to relevant managers, *with your permission*. The aim of this is to inform managers of your availability, and not to go outside the normal recruitment process.

### **10.11 Following a career break, what happens if there is no post or if I refuse a post offered?**

Notice of dismissal will be given. This notice will be unpaid.

### **10.12 What if I decide I do not wish to continue my career break and wish to leave?**

You will need to resign in writing, providing the period of notice required by your contract of employment. This notice period will be unpaid.

### **10.13 Is it possible that I can take a career break following maternity leave?**

You will need to fulfil your contractual obligations in terms of payments made during your period of leave i.e. either repay your occupational maternity pay or return to work for 3 months before starting your career break.

### **10.14 How soon can I take a career break, if I have recently just returned from one?**

You will need to work for a continuous 12 month period before a further career break can be considered.

### **10.15 What impact will a career break have on my Terms and Conditions of Employment?**

Your career break will be taken as unpaid leave and the period of your break does not count as continuous service for the calculation of benefits related to service, e.g. annual leave, sick leave,

redundancy. This means that annual leave and sick leave entitlements acquired before the career break will not be lost and when you return to work, after the break, will continue to be accrued.

However, your career break will count towards continuous employment for statutory purposes. Service, before and after your break, will be aggregated for the calculation of such entitlements. Any time period paid by us during your break (e.g. refresher training) will count as service. Your incremental progression will be frozen for the duration of the career break.

If your career break lasts less than 12 months and your post is made redundant due to organisational change, you will be treated the same as if you were still doing your job, however you will not be treated any more favourably than others. If suitable alternative employment cannot be secured for you, the reason for dismissal is therefore due to redundancy and the appropriate redundancy payment will be made.

If your career break is for longer than 12 months and your post is filled or is made redundant during this time and alternative employment cannot be secured following the career break, redundancy payment would be due based on the service you accrued up to the point of you starting your career break i.e. you do not accrue redundancy for the period of your career break. Should you seek a career break for any period from 12 months up to 5 years, the organisation may consider establishing an agreement with you setting out what may occur should this situation arise.

#### **10.16 What impact will my career break have on any future benefits that I may be entitled to?**

You can continue to pay National Insurance contributions, to preserve any benefits you are entitled to, by making arrangements with the Department of Work and Pensions.

#### **10.17 How will my career break impact on my Lease Car and NHS property?**

You will normally be required to surrender all NHS property such as your lease car, mobile phone, lap top etc, when your break starts. If you want to keep your lease car you should contact the lease car Administrator to discuss your options.

#### **10.18 What impact will my career break have on my Pension contributions?**

NHS Pension Scheme (both 1995 & 2008 Section)

You may choose to remain pensionable for a period of up to 6 months. Both employer and employee pension contributions must be paid continuously throughout the 6 month period. Therefore, before you start your break you should make arrangements as to how you will continue to pay your contributions. It is not possible to allow arrears to accumulate and make payments at a later date. If you have made contributions for six months, you may continue to pension the leave for a further period of up to 18 months. You will, however, be responsible for both the employee and employer pension contributions during this additional period. We are responsible for ensuring that both yours and our pension contributions are continuously collected from you throughout the period of leave and paid promptly to NHS Pensions. The one exception that is for employee taking a Career Break to officially undertake Voluntary Service Overseas (VSO) work you may be able to request VSO to pay both the employees and the employer's contributions.

## **11. Time off Work for personal and professional development**

### **11.1 What time off can I have to attend my development activity?**

Any time off required for your development activity must be agreed upfront with your manager at the time of application to ensure a fair balance is given to your needs and that of your department and colleagues. This time may be agreed as paid or unpaid, in line with the Time Off Work Policy. It is anticipated that all face to face development activities be approved as paid time-off work and that it meets European Time Directive standards for rest periods. To ensure this is the case, you should discuss with your manager in advance where your working hours need to be rearranged e.g. if you are a shift or night worker requiring attendance at a daytime activity. Where the development activity is distance learning, it is recommended that one day per module be agreed as paid time-off work.

It is also expected that you commit personal time to your studies in addition to work time; a 50:50 ratio is a reasonable proportion of study time allocation in most cases and is a good base for consideration when discussing your application with your manager. For more information on support funding support available refer to the Support for personal and Professional Development Policy

## 12. Medical Study and Professional Leave

### 12.1 What may be classed as Medical Study Leave?

Medical study leave that may be granted includes study e.g. on a course; research; teaching; examining or taking exams; visiting clinics and attending relevant professional conferences and seminars.

### 12.2 What examples are there of Medical Study Leave?

Examples of Medical Professional activity which are likely to be supported with pay but without expenses are listed below. In such cases expenses are expected to be claimed from a body other than NHSBT.

- Duties as an officer, Committee member or member of a Standing Advisory Committee, Sub-Committee or working party of a Royal College, Faculty, Professional or Scientific Society
- Duties related to being a member of ad hoc working parties convened on behalf of or by Royal Colleges
- Examining for a Royal College, University or other approved body
- Attendance as a College Assessor at an Advisory Appointments Committee outside of NHSBT
- Attendance at officially constituted bodies giving advice to the Department of Health e.g. Health Advisory Service, National Development Team etc.
- Duties as a member of a Medical Defence Organisation
- Duties required as an examiner or on the Board of the General Medical Council or its sub-committees
- Duties related to being an Officer or Committee Member of any national or regional professional or scientific organisation, not including officers of the British Medical Association (covered by the Recognition Policy)
- Attendance at British or International Standards Committees
- Duties as a member of the Medical Research Council
- Membership of Editorial Board of a Scientific Journal
- Duties in relation to postgraduate educational activities
- Clinical Pathology Accreditation
- Lecturing outside of NHSBT
- Attendance at meetings which are wholly or substantially concerned with the development of postgraduate education for NHSBT employees within a recognised speciality or sub-speciality and that it should be of clear value, directly or indirectly to the NHS.

Professional activities which may be considered for pay and expenses include approved attendance at meetings outside NHSBT.

*This is not an exhaustive list.*

### 12.3 How do I request Medical Study or Professional Leave?

A planned approach to study leave is essential and must form part of the discussion at your appraisal/PDP and job-planning meetings.

Approval will be based on one or more of the following criteria:

- It has been identified as part of your Personal Development Plan.
- It is relevant to, and meets organisational objectives
- It enhances your knowledge
- It fulfils the requirements of Continuing Personal Development
- Operational requirements are fully considered and prioritised
- Your Mandatory training is fully up to date

- You will actively participate in the course/conference etc (e.g. presenting a paper). When presenting a paper, these must firstly be approved by the Associate Medical Director.
- The maximum number of NHSBT attendees at a particular International Conference has not been reached

Approval will not be unreasonably withheld but will be subject to operational requirements and is dependent on your remaining study leave allocation.

#### Additional guidance:

**For doctors not in a research role:** one international meeting every two years and one national meeting in the intervening year.

**For doctors in a research role:** at least one international meeting a year not funded by the conference organisers. You should therefore include provision for conference travel in your application for funding.

Approval must not be assumed and you must not register for courses/conferences/seminars etc or accept invitations to speak before receiving confirmation that funding and leave have been granted. Invited speakers should try to obtain reimbursement from the conference organisers.

If you are employed on a joint basis with another NHS organisation you should discuss your application for study leave with all organisations affected by the study leave and follow each organisations application processes.

#### 12.4 How much notice should I give before my study leave starts?

Your request should be made as early as possible and, in all cases, at least 6 weeks in advance of the proposed commencement of study leave (for UK based courses/conferences etc). Should you become aware of courses/conferences at shorter notice you may submit your request for consideration.

### 13. Policy Approval and Review

Policy version	Related document to UCD/People/TimeOffWork/006v3.2
Title	UCD/People/Time Off Work/006v3.1/FAQsv3.2
Approved by SPC	May 2024
Equality Impact Assessment completed	N/A
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