

# TIME OFF WORK POLICY

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## Policy Checklist

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## **1.0 INTRODUCTION**

- 1.1 The Southern Health and Social Care Trust is committed to equality of opportunity in employment for all staff and to developing work practices and human resource policies that help employees meet both their work and personal commitments.
- 1.2 The Trust recognises the significant commitment of its staff to the provision of high quality care for all our service users and that our staff 'go the extra mile' to ensure service user need is met. We want to do everything we reasonably can to help our staff when they might require time off work for personal appointments.
- 1.3 This Policy informs staff and managers, of the range of options available when time off work is required, to help meet personal commitments.

## **2.0 PURPOSE**

- 2.1 The purpose of this Policy is:
- to provide staff and managers with information on the circumstances in which staff may be entitled to time off work, the period of time off permitted and whether the time off work is paid or unpaid,
  - to guide all managers across the Trust in the application of a fair and consistent approach when granting of time off work.

## **3.0 POLICY STATEMENT**

- 3.1 The Trust wishes to help and support staff, with time off work to attend to personal obligations and appointments, deal with family bereavements and carry out official/public duties.
- 3.2 In parallel with this commitment to facilitate staff with time off work (paid or unpaid), it is an expectation of the Trust that, where appropriate and possible, employees should always seek to ensure that any request for time off for personal appointments does not adversely affect services. e.g. employees should always try to arrange personal appointments when they are off duty or on their way to/from work.

## **4.0 SCOPE**

- 4.1 This Policy applies to ALL employees of the Southern Health and Social Care Trust. The policy takes account of all relevant legislative requirements and terms and conditions of employment, i.e. Agenda for Change, Medical and Dental and Senior Executive

## **5.0 RELEVANT POLICIES, PROCEDURES AND GUIDANCE**

In addition to the relevant terms and conditions of employment, this Policy should be read in conjunction with the following documents:

- Flexible Working Policy
- Management of Sickness Absence Policy
- Procedure for the Management of Sickness Absence
- Disability Equality Policy
- Reasonable Adjustments Guidelines for Managers

## **6.0 REVIEWING THE POLICY**

It will be the responsibility of the Head of Employee Relations to review the implementation of this Policy.

## **7.0 EQUALITY AND HUMAN RIGHTS**

This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998. Using the Equality Commissions screening criteria, no significant equality implications have been identified. The Policy is therefore not subject to equality impact assessment.

Similarly, this policy has been considered under the terms of the Human Rights Act 1998, and was deemed compatible with the European Convention Rights contained in the Act.

## **8.0 ALTERNATIVE FORMATS**

This document can be made available on request in alternative formats, e.g. plain English, Braille, disc, audiocassette and in other languages to meet the needs of those who are not fluent in English.

## **9.0 SOURCES OF ADVICE AND FURTHER INFORMATION**

Further advice regarding this Policy can be sought from the Employee Relations Department, telephone number; 028 3756 4200

## **SECTION A – TIME OFF FOR HEALTH APPOINTMENTS**

### **10.0 ANTE NATAL APPOINTMENTS**

- 10.1 Pregnant staff members have the right to paid time off for antenatal care appointments.
- 10.2 Biological/adoptive fathers, or a partner (including same sex partners) or husband of the mother are also entitled to appropriate paid time off to attend antenatal care appointments.

### **11.0 FERTILITY TREATMENT (IVF CYCLES)**

- 11.1 For staff undergoing fertility treatment, this can be a very stressful and anxious time and therefore managers are required to be as sympathetic and as flexible as possible in the granting of time off.
- 11.2 Staff should be granted paid time off for fertility treatment up to a maximum of 3 days per fertility cycle, up to a maximum of 3 cycles per year. This leave can be taken flexibly either as a block, half or full days as needed.
- 11.3 Fathers, partners (including same sex partners) or husbands of staff undergoing fertility treatment are entitled to appropriate paid time off to attend fertility appointments.
- 11.4 Where staff are unwell following an appointment for fertility treatment and unable to attend work, normal sick leave provisions will apply.
- 11.5 Staff needing to attend pre-conception clinic appointments are entitled to paid time off for these appointments.
- 11.6 Staff members who have successfully undergone fertility treatment are entitled to paid time off to attend ante-natal appointments in line with the Trust's maternity provisions.

### **12.0 OTHER HEALTH APPOINTMENTS**

- 12.1 The Trust recognises that, at some point, most staff members will need to consult their GP, Dentist or attend hospital in relation to personal health issues. As an employer engaged in the business of providing health care, and having regard to the health and well-being of its employees, the Trust would wish to provide a supportive response to requests for time off in this regard.

- 12.2 We are committed to ensuring staff can avail of necessary medical and dental appointments and in doing so, no staff member is required to use annual leave or unpaid leave to attend a medical or dental appointment.
- 12.3 Many of our staff members who require to attend a medical or dental appointment should be able to do so at a time that suits their shift pattern. Therefore, staff should make every effort to make all appointments on days off or outside their normal working hours.
- 12.4 The Trust fully accepts that there may be exceptional circumstances to 12.3 when this is not possible e.g. in the case of hospital appointments, when a specific time is allocated, or in relation to health issues requiring immediate attention.

In such cases, the priority of the Trust is to ensure staff avail of their necessary appointments. Line managers and individual staff members should be as flexible as possible in agreeing how to facilitate the necessary time off. For example, staff can be facilitated with a change to their working pattern e.g. instead of working 9am to 1pm, the staff member might work from 10am to 2pm.

- 12.5 Many of our staff members in the normal course of their work, work flexibly to meet the needs of the service and will have flexi or time owing accrued. As a Trust we want line managers and staff to work together to ensure these staff are facilitated to use this time to assist them meet their personal commitments and health needs.
- 12.6 It is also recognised that some staff may not have flexi or time owing accrued to use when they need to attend a medical or dental appointment. In these instances, line managers must ensure the time off is facilitated for staff to ensure the staff member can avail of their required appointment. Time off facilitated in these circumstances should always be worked up within a 3 month period.
- 12.7 Staff should provide as much notice as practicably possible when requesting time off for a medical or dental appointment and staff should not be unreasonably refused time off for medical or dental appointments.
- 12.8 If a staff member requests to take the time off as annual leave or unpaid leave, line managers have discretion to facilitate this however it must not be enforced without the employee's consent.

## **HEALTH APPOINTMENTS FOR STAFF WITH A DISABILITY**

- 12.9 We recognise the particular needs of staff with a disability. The skills and experience of employees with a disability are highly valued and the Trust is committed to supporting employees with a disability to balance their work commitments alongside managing their health requirements.
- 12.10 The effect of a disability on an individual varies widely and each individual will have their own particular needs. The Trust has in place a Disability Equality Policy and Reasonable Adjustments Guidelines for Managers, which sets out how we will support staff with a disability.
- 12.11 Staff members who have a condition or illness which is defined as a disability under the Disability Discrimination Act may require the Trust to make 'reasonable adjustments' to help them properly manage their health. Reasonable adjustments may include facilitating more regular or longer periods of time out of work to attend necessary medical appointments.
- 12.12 Any staff member with a disability, requiring reasonable adjustments to be implemented, should speak with their line manager. This is to ensure that an employee centred tailored agreement is in place to meet their individual needs in respect of reasonable adjustments. It should include any requirement for regular attendance at medical or dental appointments.
- 12.13 Advice must be sought from the Employee Relations Department in respect of any staff member who may require reasonable adjustments to be made. Advice may also be sought from the Trust's Occupational Health & Wellbeing Service.

## **13.0 HEALTH SCREENING**

- 13.1 The Trust recognises the importance of health screening for its staff and the necessity for staff to attend routine screening appointments when requested to do so e.g. mammograms. Managers must facilitate reasonable time off to attend such appointments in line with section 12 above.
- 13.2 Staff should aim to attend health screening sessions at a location which minimises time away from the workplace.

## **14.0 OCCUPATIONAL HEALTH & WELLBEING APPOINTMENTS**

- 14.1 Staff who are required by their manager to attend an Occupational Health & Wellbeing appointment or who self-refer should be facilitated with reasonable paid time off in order to attend the appointment.

- 14.2 Staff are entitled to claim mileage for attendance at an Occupational Health & Wellbeing appointment requested by their manager, which will be paid at the reserve rate. Mileage will be paid either from base or home whichever is the closest.
- 14.3 As part of the Trust's Occupational Health & Wellbeing Service some staff may be referred to a specialist service for support e.g. Physiotherapy / Conditions Management. Line managers must support staff with paid time off to attend such appointments and should not unreasonably refuse an employee time off to attend.

## **15.0 NOTIFIABLE DISEASES**

- 15.1 A staff member who has been exposed to a potentially infectious disease (e.g. Tuberculosis) may be advised by the Occupational Health & Wellbeing Service or Infection Prevention Control Department to stay at home following contact with a case of a notifiable disease. In these circumstances the employee's absence will be classified as special leave with pay.

## **SECTION B – TRUST MATTERS**

### **16.0 INTERNAL TRUST INVESTIGATIONS & HEARINGS**

- 16.1 Staff members who are required to attend an investigation or hearing within the Trust, at the request of the Trust, will be granted paid time off and normal travel expenses to attend.
- 16.2 Staff members should also be facilitated with reasonable paid time off to meet with their Trade Union representative if they are involved in a Trust investigation or required to attend a hearing.
- 16.3 There are occasions where staff members will choose to accompany and support a colleague to an investigation meeting or hearing. Managers should try to facilitate a staff member where possible to enable them to provide such support. Staff providing support to a colleague will be granted paid time off and normal travel expenses to attend.

### **17.0 INTERVIEWS**

- 17.1 Staff who apply for and are called for an interview within the Southern HSC Trust will be allowed a maximum of 2 hours paid time off (including travel time) for the interview. Travel expenses are not paid in these circumstances.

- 17.2 Staff who are attending an interview for a post due to redeployment under the Trust's Management of Change Framework will have separate arrangements and advice should be sought from the Employee Relations Department in these cases.
- 17.3 Staff members who wish to attend an interview for a position outside the Southern HSC Trust must take the required time off as annual leave, flexi leave, unpaid leave or TOIL.
- 17.4 There are separate arrangements for doctors on a rotational programme who are required to attend for interview outside of the Southern Trust. Advice should be sought from the Trust's Medical HR Department in this respect.

## **SECTION C – LEGAL MATTERS**

### **18.0 ATTENDANCE AT AN INQUEST**

- 18.1 Paid leave will be granted for staff who are required to attend an inquest following the death of an immediate family member.
- 18.2 An immediate family member is determined to be:
- Husband/Wife/Partner
  - Son/Daughter
  - Mother/Father (and in-Laws)
  - Brother/Sister (and in-Laws)
  - Grandparent/Grandchild
- 18.3 Normally up to one week's **paid** leave will be granted in the first instance with any remaining time that is required to be discussed with the member of staff and their line manager. Advice can be sought from the Employee Relations department. Remaining time required by the staff member may be granted from their normal annual leave, TOIL, flexi provisions or an unpaid basis.

### **19.0 JURY SERVICE**

- 19.1 Staff members who are required to undertake jury service must be granted paid time off work to attend. Staff members must claim this from the Court Service and reimburse the amount to the Trust.
- 19.2 If the staff member is notified to report for jury service and is subsequently not required it is expected that they will return to work.

- 19.3 The staff member should inform their manager at the earliest opportunity and must keep their line manager informed as to the likely duration of the absence.
- 19.4 The staff member must also provide to their manager the relevant court papers requesting their attendance.
- 19.5 Travel and subsistence must be claimed from the Court Service by the staff member.

## **20.0 ATTENDANCE AS A WITNESS AS A RESULT OF AN EXTERNAL REQUEST (E.G. COURT, TRIBUNAL, PROFESSIONAL BODY)**

- 20.1 Staff members who are called to court, tribunal or external hearing as a witness on behalf of the Trust must be granted paid time off work and travel expenses to attend.
- 20.2 Staff members who are required to attend court, tribunal or an external hearing as a witness e.g. subpoenaed, not on behalf of the Trust, should be granted paid time off to attend. It is the responsibility of the staff member to claim payment for their time in attendance at Court from the Court Service and to ensure the Trust is reimbursed for the paid time off work. Travel and subsistence must be claimed from the Court Service by the staff member.

## **SECTION D - RESERVISTS**

### **22.0 TRAINING WITH RESERVE FORCES AND PSNI (Reserve) (Army Reserve, Royal Navy Reserves (RNR), Royal Marine Reserves (RMR), Royal Auxiliary Air Force, Regular Reservists)**

- 22.1 Staff members within the Trust who are members of the Reserve Forces are required to inform their respective Reserve Unit of their employer details. However they are not required to inform their employer that they are a member of the Reserve Forces. MoD Defence Relationship Management (DRM) embedded with the Reserve Forces and Cadets Association in Northern Ireland (RFCA NI) encourage Reservists to inform their employer through an employer notification contact strategy delivered locally.
- 22.2 Training for the Reserve Forces generally takes place in the evening time or at weekends throughout the year. The Trust provides an additional allocation of up to 3 days per year for short periods of training provided that adequate notice is given and where such training cannot be undertaken in off-duty time.

- 22.3 Usually staff members in the Reserve Forces are required to attend an Annual Camp and the Trust is committed to granting staff additional paid leave of 3 weeks per year to Reservists specifically for professional development and training which includes attendance at annual camp, normally 14 days and up to a further 7 days in year for professional development and training (pro-rata for part time staff).
- 22.4 Reservists should give as much notice as possible (normally 6 weeks) to allow appropriate planning for absences. Permission should normally be granted within the needs of the service.
- 22.5 Where a reservist is called into full time service the provision of the HSC (GEN) 1/2016 Circular will be applied.
- 22.6 ***Mobilisation***  
Mobilisation is the process of calling Reservists into full-time service with the Regular Forces, in order to make them available for military operations. The maximum period of mobilisation will depend on the scale and the nature of the operation and can be up to a period of 12 months. Where a staff member is called into full-time service, advice should be sought from the Employee Relations Department on application of Circular HSC (GEN) 1/2016.
- 22.7 ***Cadet Forces***  
Staff who volunteer for service with the cadet forces or who, at the time of their appointment declare their membership of a cadet force and the Trust does not object, should be granted up to one weeks' leave with pay for attendance at camp or special instructional courses.
- 22.8 ***Part-time Police Service for Northern Ireland Reserve***  
PSNI Reserve members do not require the Trust's consent to join and are not entitled to Special Leave for training purposes. Employees are required to fulfil their contracted hours before committing to reserve activities unless an emergency situation prevails. After night duty PSNI Reserve members may be allowed to report to their work not later than 10.30 am.

## **SECTION E – PUBLIC DUTIES**

### **23.0 PUBLIC DUTIES**

- 23.1 The undernoted provisions apply to staff members who undertake public duties. The list below provides examples of the types of public duties covered – this is an illustrative list only:
- serving as a Justice of the Peace/Magistrate

- serving as a member of any statutory tribunal
- serving as a member of an Education and Library Board, Board of Governors, Governing Body of an institution of further education
- member of N.I. Council for Curriculum, Examinations and Assessment
- Board of Visitors under Section 10 of the Prison Act (NI) 1953
- members of a district council
- members of district policing partnerships
- members of a visiting committee appointed under the Treatment of Offenders Act (Northern Ireland) 1978

23.2 The Trust has a statutory obligation to provide reasonable time off for public duties if you are a staff member and are covered by any of the above. This is unpaid. Staff undertaking any public duties must ensure they are not undertaking work for more than one public body at the same time including during periods of annual leave.

#### **24.0 LOCAL GOVERNMENT / PARLIAMENTARY CANDIDATURE**

24.1 A staff member who is officially standing as a candidate either in a local government or a parliamentary election will be granted, subject to the needs of the service, up to 4 weeks unpaid leave to facilitate their candidature.

#### **25.0 LOCAL GOVERNMENT ACTIVITIES**

25.1 A staff member who, with the Trust's consent, is elected to a Borough or District Council will be granted reasonable unpaid time off to attend meetings or carry out duties. The time must be agreed with their manager and the manager can refuse the request if it is unreasonable.

25.2 This provision also applies to a staff member who is appointed Mayor or Chairman of a Council.

25.3 The amount of unpaid time off granted will be determined, taking into consideration:

- How much time off is required generally for the performance of the duties as Councillor, Mayor or Chairman and how much time off is required for the performance of the particular duty for which time off is requested.
- How much time off in total has already been permitted; and
- The nature of the service and the effect the staff members' absence will have on the running of the service.

## **SECTION F – OTHER TIME OFF PROVISIONS**

### **26.0 TIME OFF FOR DEPENDANTS**

26.1 This allows staff members to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements. For example:-

- If a dependant falls unexpectedly ill, or has been injured or assaulted
- To make longer term care arrangements for a dependant who is ill or injured
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant
- To deal with an unexpected incident involving the employee's child during school hours

26.2 A dependant is defined as the *“a spouse, child or parent of the employee or someone who lives in the same household as part of the family, rather than being a lodger or a tenant. The definition also extends to any person who reasonably relies on the employee for assistance to make care arrangements where that person has fallen ill, or been injured or assaulted”*.

26.3 This leave is available to all staff regardless of how long they have worked for the Trust. However the staff member must tell their line manager as soon as possible why they are away from work and how long they expect to be off.

26.4 This leave is not intended to allow staff several days or weeks off to care for their dependant, but to make alternative arrangements for same, where possible. In most situations it is usually adequate to grant a few hours up to one day/shift to allow alternative arrangements to be made. Therefore should the staff member require more time than this then an alternative type of leave should be considered instead, for example, annual leave, making time up at a later date, changing off duty, parental leave or unpaid leave.

### **27.0 LEAVE FOR URGENT DOMESTIC DISTRESS**

27.1 This form of leave should cover a range of genuine domestic needs and applies to all staff members.

27.2 It can be granted where there is a genuine and unforeseen domestic need, for example, where the staff member's home has been seriously damaged by e.g. fire/explosion/flood, or where there is a sudden breakdown of relationship with a spouse or partner.

27.3 This leave is not intended to allow the staff member several days or weeks off. In most situations it is usually adequate to grant a few hours up to one day/shift and therefore should the staff member require more time than this then an alternative type of leave should be considered instead, for example, annual leave, making time up at a later date, changing off duty or unpaid leave.

## **28.0 COMPASSIONATE LEAVE**

28.1 Compassionate leave is an entitlement that will be provided in the event of an individual suffering a family bereavement.

28.2 Compassionate leave will normally be provided at the time of the family member's death and such leave should not normally exceed three days but can be extended up to a maximum of six days in exceptional circumstances. These should be taken as 3 days at the time of the bereavement, but within one week of the date of bereavement.

28.3 For leave to attend an inquest please see section 20.

28.4 For leave following the death of a child please see section 29.

28.5 The staff member may choose to supplement this leave with annual leave or unpaid leave.

28.6 In the event of the death of extended family members the Trust will normally provide the staff member with time off to attend the funeral. Such time may be provided up to a maximum of one day dependent on the circumstances and at the discretion of the line manager.

28.7 Staff who need to avail of the compassionate leave provision should ensure that their line manager is advised promptly on the day the need first arises.

28.8 The period of leave should be agreed with the line manager at the time of notification as follows:-

28.8.1 It is recommended that 3 days paid leave should normally be given for immediate family, i.e.

- Husband/Wife/Partner
- Son/Daughter (and In-Laws)
- Mother/Father (and In-Laws)
- Brother/Sister (and In-Laws)
- Grandparent/Grandchild

- 28.8.2 However, managers have the discretion to give up to 6 days paid leave and in reaching this decision should consider the following:-
- The need to be consistent in how all staff in their department/facility are treated
  - Circumstances of the bereavement
- 28.8.3 1 days paid leave will be granted for other relatives, e.g.:
- Aunt/Uncle
  - Nephew/Niece
- 28.8.4 Paid time off to attend the funeral should be granted for other relatives such as cousin or niece/nephews-in-law etc.

## **29.0 CHILD BEREAVEMENT LEAVE**

- 29.1 All bereaved parents will be eligible for a minimum of two weeks of child bereavement leave, irrespective of length of service. A bereaved parent will not be required to demonstrate any eligibility criteria in order to access bereavement leave or pay.
- 29.2 A bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that the Trust deems to be reasonable. For example, this may include grandparents who have had caring responsibilities for a child, or instances where someone other than the biological parent is the primary carer (this could be the case where the parents of the child have separated).
- 29.3 There is no requirement for the child to be under 18 years of age.
- 29.4 All bereaved parents will be entitled to two weeks' occupational child bereavement pay which will include any entitlement to statutory parental bereavement pay. Pay is calculated on the basis of what the individual would have received had he/she been at work.
- 29.5 Where both parents of a deceased child work in the Trust, the entitlements in this section will apply to both members of staff.
- 29.6 Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their manager the leave they wish to take. Taking child bereavement leave is an individual choice, it is not compulsory for the employee to take child bereavement leave.

- 29.7 Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of the child. Should the parent wish to take child bereavement leave immediately following the death of a child they shall be able to do so upon informing their manager that they will be absent from work for this purpose. Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give their manager reasonable notice of their intention to take the leave at this time.
- 29.8 Parents who experience a still birth after the 24<sup>th</sup> week of pregnancy will be eligible for child bereavement leave provisions. In these cases, employees will also retain their entitlement to maternity leave and paternity leave.

### **30.0 MARRIAGE LEAVE**

- 30.1 Marriage/Civil Partnership leave is three days paid leave which may be taken by staff members at the time of their marriage/civil partnership and which is in addition to annual leave.
- 30.2 Marriage/Civil Partnership leave cannot be used at any other time.

### **31.0 PARTICIPATING IN SPORTING EVENTS AT NATIONAL / INTERNATIONAL LEVEL**

- 31.1 If a staff member is selected to participate in a sporting event at national or international level as a representative of his/her country, reasonable time off should be granted for the staff member to participate. Time off will be on the basis of annual leave, flexi, TOIL or unpaid leave.

## **SECTION G – APPLYING FOR TIME OFF WORK**

### **32.0 MAKING AN APPLICATION**

- 32.1 To apply for any of the provisions contained within this Policy, staff members should make their request directly to their line manager for consideration and approval.
- 32.2 Employees are responsible for ascertaining the individual pay, annual leave and pension implications of any time off work without pay for which they are applying. They should do this by contacting the Payroll Services Centre on (Telephone No: 028 95362190) or the HSC Pension Service (Telephone No: 028 7131 9111).

32.3 Employees are also responsible for contacting their local Social Security Office regarding eligibility for DHSS benefits or implications for National Insurance contributions of any unpaid period of time off work.

### **33.0 AUTHORISATION**

33.1 In authorising reasonable time off, the member of staff's manager should consider:

- The amount of time off that is reasonable in the circumstances;
- The notice given to the request for time off; and
- Previous requests for time off.