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**SPECIAL LEAVE POLICY**

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| Version: | 3 |
| Date ratified: | 27 August 2019 |
| Policy Number: | HR025/08/2022 |
| Name of originator/author: | Human Resources |
| Name of Sponsor: | Accountable Offficer |
| Name of responsible committee | Governance Sub-committee |
| Date issued: | September 2019 |
| Review date: | August 2022 |
| Target audience: | All staff working within or on behalf of NHS Sheffield CCG |

**To ensure you have the most current version of this policy please access via the NHS Sheffield CCG Intranet Site by following the link below:**

[**http://www.intranet.sheffieldccg.nhs.uk/policies-procedure-forms-templates.htm**](http://www.intranet.sheffieldccg.nhs.uk/policies-procedure-forms-templates.htm)

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**POLICY AUDIT TOOL**

To be completed and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.

**Please give status of Policy: Revised**

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| **1.** | **Details of Policy** |  |
| 1.1 | Policy Number | HR025/08/2022 |
| 1.2 | Title of Policy: | Special Leave Policy |
| 1.3 | Sponsor | Accountable Officer |
| 1.4 | Author: | HR Manager |
| 1.5 | Lead Committee | Governance Sub Committee |
| 1.5 | Reason for policy: | Legislative and best employment practice |
| 1.6 | Who does the policy affect? | All employees |
| 1.7 | Are the National Guidelines/Codes of Practices etc issued? | NHS Terms and Conditions of Service Handbook, Employment Rights Act 1996 |
| 1.8 | Has an Equality Impact Assessment been carried out? | Yes |
| **2.** | **Information Collation** |  |
| 2.1 | Where was Policy information obtained from? | See 1.7 |
| **3.** | **Policy Management** |  |
| 3.1 | Is there a requirement for a new or revised management structure for the implementation of the Policy? | No |
| 3.2 | If YES attach a copy to this form. | n/a |
| 3.3 | If NO explain why. | Current management structure satisfactory |
| **4.** | **Consultation Process** |  |
| 4.1 | Was there external/internal consultation? | Yes |
| 4.2 | List groups/persons involved | Joint Staff Consultative Forum |
| 4.3 | Have external/internal comments been included? | Yes |
| 4.4 | If external/internal comments have not been included, state why. | n/a |
| **5.** | **Implementation** |  |
| 5.1 | How and to whom will the policy be distributed? | All employees via the intranet |
| 5.2 | If there are implementation requirements such as training please detail. | Ongoing via line management training |
| 5.3 | What is the cost of implementation and how will this be funded | No funding required |
| **6.** | **Monitoring** |  |
| 6.2 | How will this be monitored | Workforce Reports |
| 6.3 | Frequency of Monitoring | Quarterly |

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**11. Appendix 1 – Equality Impact Assessment**

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|  | **SECTION A – POLICY** |
| **1.** | **Policy Statement, Aims and Objectives** |
| **1.1** | NHS Sheffield Clinical Commissioning Group (CCG) recognises that employees may experience short periods of time where they require support to balance their work responsibilities and personal commitments. |
| **1.2** | The purpose of this policy is to provide managers and employees with guidance on the application and management of special leave requests. |
| **1.3** | The development of this policy:   * Promotes the organisation as a responsible employer by offering supportive patterns of working to aid employees experiencing short term difficulties * Improves staff retention by enabling employees to have an effective work life balance * Reduces absenteeism by enabling adequate personal time outside of work for employees to meet personal commitments * Ensure appropriate time off for employees undertaking public duties. |
| **2.** | **Legislation and Guidance** |
| **2.1** | The following legislation and guidance has been taken into consideration in the development of this procedural document.   * NHS Terms and Conditions of Service Handbook * Employment Rights Act 1996 |
| **3.** | **Scope** |
| **3.1** | This policy applies to those members of staff that are directly employed by NHS Sheffield CCG and for whom NHS Sheffield CCG has legal responsibility. Seconded staff are covered by the policy of their employing organisation.  For those staff covered by a letter of authority / honorary contract or work experience, this policy is also applicable whilst undertaking duties on behalf of NHS Sheffield CCG or working on NHS Sheffield CCG premises and forms part of their arrangements with NHS Sheffield CCG.  As part of good employment practice, agency workers are also required to abide by NHS Sheffield CCG policies and procedures, as appropriate, to ensure their health, safety and welfare whilst undertaking work for NHS Sheffield CCG. |

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| **4.** | **Accountabilities and Responsibilities** |
| **4.1** | Overall accountability for ensuring that there are systems and processes to effectively ensure compliance with this Policy lies with the Accountable Officer. Responsibility is delegated to the following:   |  |  | | --- | --- | | ***Accountable Officer*** | * Maintaining an overview of the corporate ratification and governance process associated with the policy. * Ensuring that the policy is applied fairly, consistently and in a non-discriminatory manner. | | ***Human Resources*** | * Leading the development, implementation and review of the policy. * Advising Managers regarding the application of special leave requests. * Providing advice to employees | | ***Appointing Officers/ Line Managers*** | * Ensuring they understand and adhere to their obligations in relation to this policy. * Ensuring the policy is applied fairly and consistently to all employees. * Considering requests for special leave in accordance with set procedure * Ensure employees are aware of this policy including referring new employees to the policy as part of their induction process. | | ***All Employees*** | * Ensuring they understand their responsibilities in relation to this policy. * Requesting special leave appropriately under the guidance of this policy | | ***Staff Side*** | * Ensure they are familiar with the policy and procedure. * Advise, represent and support employees who are members of a recognised Trade Union with all elements of this policy. | |
| **5.** | **Dissemination, Training and Review** |
| **5.1** | **Dissemination** |
|  | The effective implementation of this policy will support openness and transparency. NHS Sheffield CCG will:   * Ensure all employees and stakeholders have access to a copy of this policy via the organisation’s website. * Ensure employees are notified by email of new or updated policies. |
| **5.2** | **Training** |
|  | All employees will be offered relevant training commensurate with their duties and responsibilities. Employees requiring support should speak to their line manager in the first instance. Support may also be obtained through Human Resources. The policy should be read in conjunction with the:   * Annual Leave and General Public Holidays Policy * Flexible Working Policy * Grievance Policy |
| **5.3** | **Review** |
| **5.3.1** | As part of its development, this policy and its impact on staff, patients and the public has been reviewed in line with NHS Sheffield CCG’s Equality Duties. The purpose of the assessment is to identify and if possible remove any disproportionate adverse impact on employees, patients and the public on the grounds of the protected characteristics under the Equality Act. |
| **5.3.2** | The policy will be reviewed every three years, and in accordance with the following on an as and when required basis:   * Legislatives changes * Good practice guidelines * Case Law * Significant incidents reported * New vulnerabilities identified * Changes to organisational infrastructure * Changes in practice |
| **5.3.3** | Policy management will be performance monitored to ensure that policies are in-date and relevant to the core business of the organisation. The results will be published in the regular Governance Sub Committee Reports. |

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|  | **SECTION B – PROCEDURE** |
| **1.** | **General Principles** |
| **1.1** | Applications for any form of special leave should be submitted on the Special Leave Application Form. Where submission of the form is not possible due to the urgency of the situation, a request for leave can be made over the telephone and the application form can be completed in retrospect. |
| **1.2** | There is no qualifying period for employees to receive entitlement to special leave as defined in this policy. |
| **1.3** | Each case should be considered on an individual basis taking into account the full circumstances including the needs of the organisation and must be authorised by the line manager including if the leave is paid or unpaid. |
| **1.4** | The line manager may wish to consider whether some outstanding annual leave, unpaid leave and/ or lieu days could be combined with special leave. |
| **1.5** | Special leave requests which the manager is unable to approve or can only partially approve should be discussed with the employee in the first instance, providing an appropriate explanation for the decision. If the individual remains dissatisfied with the explanation provided, the individual has the right to ask for these reasons to be confirmed in writing. |
| **1.6** | For periods of unpaid leave, employees should be aware that this may have an impact on pension contributions and benefits. |
| **1.7** | If an employee feels that their application for special leave has been treated unfairly or they are dissatisfied with the decision, they have the right to appeal under the terms of the CCG’s Grievance Policy. Unreasonable refusal to consider a special leave request may be deemed discriminatory and if deemed to be so will be dealt with in accordance with the Equality and Diversity Policy. |
| **2.** | **Leave for Carer, Compassionate/ Bereavement and Domestic Reasons** |
| **2.1** | **Requests for** **Leave for Emergency, Compassionate and Domestic Reasons** |
| **2.1.1** | Leave for emergency, compassionate and/or domestic reasons is intended to assist in situations where the granting of short term leave will help resolve the employee’s difficulties. It is not intended to resolve longer term or recurrent difficulties for which more formal forms of flexible working may be appropriate. |
| **2.1.2** | Due to the urgent or unforeseen circumstances that will normally be associated with requests for this type of leave, the authorisation may be delegated to the next senior line manager should the line manager be unavailable. In this situation, the employee should be informed that they should contact their line manager before they return to work. The purpose of this dialogue is to ensure:   * The line manager is aware of the full circumstances and thereby able to advise the member of staff on any further leave which may be granted * The employee is clear about the arrangements which have been approved and therefore is not burdened by the additional worry of how the absence will be handled either at the time or upon return to work. * The line manager is able to discuss with the employee any further support available. |
| **2.2** | **Emergency Domestic Leave** |
| **2.2.1** | The aim of such leave is to provide a compassionate response to immediate needs. The needs covered will be those arising from the many and varied domestic situations which from time to time occur, eg. illness of a child, close relative, breakdown of normal carer arrangements etc. These circumstances will be urgent, unforeseen and short term. The purpose of the paid leave facility is therefore to assist when other managerial options have been unable to help the employee overcome their immediate difficulty. |
| **2.2.2.** | A Manager has the discretion to authorise up to 2 days paid leave per application. Where it is considered appropriate additional leave may be granted up to a maximum of 5 days following advice from Human Resources. |
| **2.2.3** | There is an expectation that both the line manager and the employee will have considered any other options which are available in order to address the immediate difficulty, ie. change of non working day, variation to start or finish time, use of annual leave that has not already been pre-booked or time in lieu. |
| **2.2.4** | The line manager can refuse to authorise paid leave, where in their judgement a pattern of leave requests have emerged which suggests there is an ongoing problem for which an alternative course of action would be more appropriate. The line manager should arrange to discuss this with the employee with consideration of alternative options. |
| **2.3** | **Compassionate/ Bereavement Leave** |
| **2.3.1** | Consideration should be given to the following when deciding on the appropriate amount of leave to be approved in the event of a bereavement:   * The closeness of the relationship. It should be recognised that many people have a special relationship with individuals outside their immediate family. * Responsibility for making the funeral arrangements. * Distance to be travelled to the funeral. * Whether the deceased lived with the employee. * The effect of the bereavement on the employee.   Leave purely for attendance at a funeral may be granted for up to a day to give sufficient time for an employee to attend. |
| **2.3.2** | Line managers have the discretion to grant up to 6 days paid compassionate/bereavement leave per application. |
| **2.3.3** | The line manager will have the discretion to determine how the leave should be allocated since the continuing impact of the bereavement may influence the manager’s decision on when the leave should be granted in the best interests of the employee. |
| **2.3.4** | It is recognised that many employees who are distressed may be given a medical certificate by their General Practitioner. In these cases the absence will be recorded as sickness absence. |
| **2.3.5**  **2.4**  **2.4.1**  **2.4.2**  **2.4.3**  **2.4.4**  **2.4.5**  **2.4.6**  **2.4.7**  **2.5**  **2.5.1**  **2.5.2**  **2.5.3** | Line managers should also discuss with the employee other support mechanisms which may be offered to them including occupational health support and counselling services.  **Child Bereavement Leave**  Any employee who is the parent/primary carer of a child, of any age (including adult children) who passes away will be entitled to take up to two weeks’ bereavement leave on full pay, which includes any entitlement to statutory parental bereavement pay.  A bereaved parent includes anyone who had responsibility as a primary carer for the child and includes adoptive parents, legal guardians, individuals fostering to adopt, and any other parent/child relationship. This may include grandparents with a direct caring role for the child or someone other than the primary carer with caring responsibilities for the child.  Parents who experience a still birth from the 24th week of pregnancy (including individuals hoping to become parents via a surrogacy arrangement) will be entitled to Child Bereavement Leave in addition to the provisions set out in the Maternity, Paternity, Adoption and Shared Parental Leave Policy.  Child Bereavement Leave can be taken in one continuous block or in smaller amounts over a long period of time and this should be agreed in advance, where possible.  Child Bereavement Leave can be taken at any point up to 56 weeks following the death of a child.  Requests for Child Bereavement Leave should include the completion of the Special Leave Form for the purposes of payment of statutory parental bereavement leave, but it is understood and accepted that in most cases this form would be completed retrospectively and the completion of the form is not a pre-requisite for being able to take the leave or to receive full pay.  Where an employee becomes absent from work following the death of a child and is provided with a Statement of Fitness for Work by a doctor, reference must be made to the Management of Sickness Absence Policy.  **Planned Carer’s Leave**  In exceptional circumstances such as serious illness, hospitalisation or major planned surgery, line managers have the discretion to grant employees with direct caring responsibilities for dependents up to a maximum of 5 days paid leave per annum in order to provide direct care.  There is an expectation that both the line manager and the employee will have first considered any other options which are available, i.e. using annual leave where there is accrued leave remaining that has not already been booked, or a flexible working arrangement if applicable, before Planned Carer’s Leave is granted.  Evidence of the circumstances (such as a letter from a hospital confirming planned surgery) may be requested and should be provided to the line manager or HR unless there is a substantial reason why this is not possible. |
| **2.6** | **Domestic Leave** |
| **2.6.1** | Line managers have the discretion to grant up to 1 day paid domestic leave per incident in circumstances where there is an unplanned urgent domestic crisis. The types of emergencies this leave intends to cover are for example where the employee has had a house fire, flood or burglary which results in a major loss or damage. This list is not exhaustive. |
| **3.** | **Personal Healthcare** |
| **3.1** | Employees should make routine appointments with a GP Practice, Dental Practice or blood donation in their own time. If this is not possible employees should ensure these are made at the beginning, during lunch break or at the end of the day to minimise disruption to the service. Annual leave, flexi time or unpaid leave should otherwise be taken. For urgent or essential appointments, up to 1 hour of credited time will be allowed. In exceptional cases a longer period may be agreed by the line manager. |
| **3.2** | Upon the production of an appointment card/ letter, employees will be granted reasonable paid time off to attend hospital appointments. Where possible employees should ensure these are made at the beginning or end of the day to minimise disruption to the service. For employees receiving ongoing treatment/ appointments for a specific health reason such as IVF, reasonable time off should be paid in line with hospital appointments. |
| **3.3** | Time off to receive cosmetic surgery treatment that relates to a medical condition and is supported by a medical certificate may be treated as sickness absence. However, if there is no medical reason for the cosmetic surgery, this should be taken as annual leave. In the event that such treatments results in an employee becoming unfit for work, the usual sickness absence provisions apply, including procedures for certification. If the line manager or employee is concerned regarding this issue, they should seek advice from HR. |
| **4.** | **Attendance at Job Interviews** |
| **4.1** | Paid leave will be granted for employees who attend an internal interview for a vacancy within the CCG (including shared posts across the CCG and other organisations). Employees who attend an external interview, including other NHS organisations, will be required to take annual leave, flexi leave or unpaid leave. In cases of organisational change, where there is a redundancy or formal ‘at risk’ situation employees will be given paid time off for both internal and external interviews. |
| **5.** | **Inclement/ Severe Weather Conditions** |
| **5.1** | It is the contractual duty of each employee to ensure they attend for duty at their place of work, at the appointed time and for the period of contracted hours. It is recognised that at times, employees may experience severe difficulties in getting to and from work as a result of inclement/ severe weather and/ or disruption to travel services. However, employees are expected to make all reasonable attempts to attend work in order for services to be maintained even if this means they will arrive late. |
| **5.2** | Inclement/ severe weather can be defined as snow, ice, fog, flooding which render journeys by road extremely hazardous by both public and private transport. “Extremely hazardous” is defined as those conditions in which the police and /or appropriate motoring organisations advise people not to make unnecessary journeys or indeed travel at all. Disruption to travel services can be caused by:   * Severe weather conditions which result in delays/ cancellations to public or private transport * Major disruption to public services and private transport due to major accidents * Industrial action by public transport services ie. road / rail * Severe fuel crisis * Other major incidents |
| **5.3** | Where employees are unable to attend for work, will be late or need to leave early as a result of any of the reasons described in paragraph 5.2 they should inform their line manager as soon as possible via the normal notification channels. |
| **5.4** | If employees are unable to attend for work or need to leave early, line managers are required to;   * Explore the possibility of the employee performing their role from another site or home. This will depend on the individual employee’s type of work and needs of the organisation. * Request employees use annual leave, flexi time or outstanding lieu days or in exceptional circumstances unpaid leave.   If an employee has presented for duty at their normal or agreed alternative base after the usual starting time but solely due to adverse or emergency conditions, payment will not be unreasonably withheld. |
| **5.5** | There may be instances where it is necessary for employees to be sent home on the grounds of health and safety eg. the premises become dangerous or where essential services such as water are not available for a prolonged period of time. Where the risk assessment determines that it is unsafe for employees to remain in the workplace and it is not possible for the employee to perform their role from another site or home, the employee should be sent home on full pay. |
| **5.6** | Line managers may request employees to temporarily change their duties or extend their hours of work to maintain services within the organisation or across partnership organisations and employees should not unreasonably refuse. Employees undertaking additional hours should either receive payment or time back in lieu, in line with the Hours of Work Policy. |
| **6.** | **Unpaid Leave** |
| **6.1** | If leave arrangements as outlined in the specific sections of this policy are not sufficient to meet the need of the employee and there is insufficient annual leave remaining, the line manager may consider granting unpaid leave. |
| **7.** | **Religious/ Cultural Observance** |
| **7.1** | All employees who require time off for religious or cultural observance will be entitled to request the following;:   * General flexibility in arrangement of working hours and/or * Annual Leave, time off in lieu or unpaid leave.   All managers should be sympathetic to requests and should accommodate them wherever it is reasonably practicable to do so, ensuring that fair and reasonable consideration is given to multiple requests received for the same periods/dates. Reasonable notice for requests should be provided by the employee. |
| **8.** | **Public Duties** |
| **8.1** | Under the Employment Rights Act 1996, employees have the right to reasonable time off during working hours to undertake certain public duties including;   * a magistrate or justice of the peace (JP) * a local councillor * a school governor * a member of any statutory tribunal (eg an employment tribunal) * a member of the managing or governing body of an educational establishment * a member of a school council or board in Scotland * a member of the General Teaching Councils for England and Wales * a member of the Environment Agency or the Scottish Environment Protection agency * a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland) * a member of Scottish Water or a Water Customer Consultation Panel * a Trade Union member (for Trade Union duties and activities) |
| **8.2** | The right to time off will depend on how long the duties might take, the amount of time the employee has already had off for public duties and how the time off will affect the organisation. Employees who undertake magistrate duties may at the discretion of the organisation be granted leave with pay for up to 18 days. For other duties listed above employees can request up to 9 days paid leave. Reasonable notice for requests should be provided by the employee and documentary evidence presented to the line manager. Any subsequent changes in pattern or frequency of the commitments should be communicated in writing. Employees who occupy more than one role will be entitled to only receive paid leave for undertaking one of the duties listed in paragraph 8.1, if they sit on a number of different bodies. |
| **9.** | **Jury Service** |
| **9.1** | Employees required to serve as jurors during working time shall be granted paid leave for the purpose of attending court once they have provided the necessary documentary evidence. Employees must therefore not claim loss of earnings allowance from the court. Prevention of an individual attending court as a juror is a contempt of court and therefore line managers must support employees with this request. |
| **10.** | **Volunteer Reserve Forces** |
| **10.1** | Employees who are members of the Volunteer Reserve Forces (Royal Navy Reserve, Royal Marines Reserve, Territorial Army, Royal Auxiliary Airforce) are eligible for 10 days paid special leave per annum for training. Volunteers’ military training obligations vary between different services but most are required to undertake a single continuous training period (often referred to as ‘annual camp’) plus further weekday, weekend and evening training. Employees should use annual leave or unpaid leave for training exceeding the allowance. |
| **10.2** | The Government has the legal authority to mobilise reservists on a compulsory basis. The Reserve Forces Act 1996 (RFA 96), sets out the call-out powers under which reservists can be mobilised for full-time service. The organisation can seek an exemption or deferral of the mobilisation of an employee if the employee’s absence would cause serious harm to the operation of the service. Unless this case can be made, the organisation is legally obliged to grant unpaid leave to an employee who has been called out and must continue granting time off for a period of up to six months after the end of the call-out duty. The employee has the right to return to employment as in The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85). |
| **10.3** | Reservists have the right to return to their former jobs on terms and conditions no less favourable than those that would have applied if they have not been called up. They also have the right to remain a member of the pension scheme provided they continue to make payments. Continuity of service continues throughout periods of leave due to mobilisation of reservists providing that the employee returns to the organisation for employment within six months of the end of the full time military service. The Ministry of Defence provides certain financial assistance packages to employers for employees who have been mobilised. The Ministry of Defence would send this information to the employer, if mobilisation of an employee were to occur. |

**Appendix 1 – NHS Sheffield CCG Equality Impact Assessment**

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| **Title of policy or service** | Special Leave Policy | |
| **Name and role of officers completing the assessment** | HR Manager | |
| **Date assessment started/completed** | December 2016 – reviewed June 2019 |  |

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| **1. Outline** | |
| **Give a brief summary of your policy or service**   * Aims * Objectives * Links to other policies, including partners, national or regional | NHS Sheffield CCG recognises that employees may experience short periods of time where they require the support to balance their work responsibilities and personal commitments. The purpose of this policy is to provide managers and employees with guidance on the application and management of special leave requests. |

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| **2. Gathering of Information**  This is the core of the analysis; what information do you have that indicates the policy or service might *impact on protected groups, with consideration of the General Equality Duty*. | | | | | |
|  | **What key impact have you identified?** | | | **What action do you need to take to address these issues?** | **What difference will this make?** |
| **Positive**  **Impact** | **Neutral**  **impact** | **Negative**  **impact** |
| **Human rights** |  | ✓ |  |  |  |
| **Age** |  | ✓ |  |  |  |
| **Carers** | ✓ |  |  |  | Carers will benefit from additional provision of paid leave where appropriate |
| **Disability** |  |  |  |  | Employees with disabilities may benefit from additional paid time off for medical appointments |
| **Sex** |  | ✓ |  |  |  |
| **Race** |  | ✓ |  |  |  |
| **Religion or belief** |  | ✓ |  |  |  |
| **Sexual orientation** |  | ✓ |  |  |  |
| **Gender reassignment** |  | ✓ |  |  |  |
| **Pregnancy and maternity** |  | ✓ |  |  |  |
| **Marriage and civil partnership** (only eliminating discrimination) |  | ✓ |  |  |  |
| **Other relevant group** |  |  |  |  |  |

Please provide details on the actions you need to take below.

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| **3. Action plan** | | | | |
| **Issues identified** | **Actions required** | **How will you measure impact/progress** | **Timescale** | **Officer responsible** |
| None |  |  |  |  |
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| **4. Monitoring, Review and Publication** | | | |
| **When will the proposal be reviewed and by whom?** | **Every three years on review** | | |
| **Lead Officer** | **HR Manager/ E&D Officer** | **Review date:** | **August 2022** |