

## ANNUAL LEAVE POLICY

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**CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST**

**DOCUMENT APPROVAL PROFORMA**

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Equality Impact Assessment: If this policy has a potential discriminatory impact please record below the person who has informed and involved the sponsor:			
Name: Kath Griffin			
Title: Director of Human Resources			
Date:			
NB: It is the sponsor's responsibility to submit the policy through the CHS approval route.			
Checklist for the review and approval of the policy			
	Is the policy compliant with:	Yes/No	Comments
	Corporate style	Yes	
	Format including duties,	Yes	
	Content; intended outcomes clearly described	Yes	

	Evidence base; key references included and cited in full	Yes	
	Associated documentation recorded	Yes	
	Review/consultation process: List of groups/committees included with the policy	Yes	
	Appropriate stakeholders consulted	Yes	
	Approval: Staff side committee (if appropriate)		
	Dissemination & implementation: appropriately described	Yes	
	Training: requirements included (where appropriate)	Yes	
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**Committee Approval**

Committee which forms the approval process: Policy Committee

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## CONTENTS

<b>Section Number</b>	<b>Title</b>	<b>Page</b>
1	Introduction	4
2	Purpose and Scope	4
3	Duties	4-6
4	Definitions	6
5	Annual Leave Year and Entitlements	6-8
6	Arrangements for Managing Annual Leave	8-9
7	Term Time Only Contracts	9
8	Calculation of NHS Service and Reckonable Service	9-10
9	Carry Over of Annual Leave	10
10	Statutory Public Holidays	10-11
11	Non Christian Religious Festivals	11
12	Sickness Occurring During Annual Leave	11
13	Annual Leave During Periods of Sickness	11
14	Buying and Selling Annual Leave	12
15	Monitoring Compliance	12
16	Dissemination and Training	12
17	Consultation, Review, Approval and Ratification	12
18	Reference	13
19	Associated Policies and Documents	13

## **1. INTRODUCTION**

City Hospitals Sunderland (the Trust) recognises that our employees play a vital role in achieving our vision of *“Excellence in Health, putting people first”*, by becoming the best acute hospital. Our employees have a direct impact on our clinical outcomes and the experience of our patients. We are clear that when our employees are healthy and satisfied, the experience of our patients improves.

To that end, the Trust is committed to developing and maintaining working arrangements, which enable employees to achieve a better work-life balance. Annual leave is important in helping employees achieve this work-life balance.

## **2. PURPOSE AND SCOPE**

The purpose of this policy is to:

- Help employees achieve a positive work-life balance.
- Ensure a consistent and equitable approach to the management of annual leave.
- Ensure employees understand their responsibilities in relation to using annual leave.
- Ensure that managers understand their responsibilities in managing annual leave within their teams or work area.

This policy applies to all those Trust employees who are provided with a specific annual leave entitlement through their contract of employment. It supersedes and replaces all previous annual leave policies, procedures and guidelines.

Annual leave entitlements are pro-rata for part time employees, as a proportion of full-time contractual hours, irrespective of the days of the week worked.

## **3. DUTIES**

### **Board of Directors**

The Board of Directors is responsible for monitoring and approving this policy in line with relevant legislation, guidelines and NHS best practice standards

### **Chief Executive**

The Chief Executive is ultimately responsible for ensuring effective Corporate Governance within the organisation.

### **Director of Human Resources**

The Director of Human Resources is the nominated Director lead for the management of this policy and is directly responsible to the Chief Executive for facilitating its implementation following consultation with the staff side representatives. The Director of Human Resources will ensure that appropriate

support and advice is provided to managers dealing with the management of annual leave.

### **Line Managers**

- To ensure that this policy is applied fairly to all irrespective of their age, gender, religion, ethnicity, belief, disability or sexual orientation.
- To ensure that employees are made aware of the procedure for requesting annual leave within their own department via the Electronic Staff Record (ESR) system and ensure that each employee is aware of their own entitlement.
- To ensure that accurate annual leave records for all employees in their department are maintained in the ESR system.
- To plan, coordinate and approve their employees' annual leave throughout the leave year so that the Trust and employees' needs are met and so that employees do not approach the end of the leave year with a significant amount of annual leave that must be used or forfeited.
- To regularly review outstanding annual leave entitlements in ESR throughout the leave year, to ensure that employees are taking regular breaks away from work.
- To identify and communicate to employees, minimum staffing levels for each department, taking into account issues such as part-time workers and job share partners not being on leave at the same time.
- To identify and communicate to employees well in advance, the times of the day, week or year where due to service needs, annual leave cannot be approved.

### **Employees**

- To ensure that their annual leave entitlement is requested and used at regular intervals throughout the leave year and not to wait until the end of the leave year to schedule this.
- To request annual leave in line with departmental procedures and this policy.
- To obtain approval for annual leave before booking holidays/committing to holiday plans.

## **4. DEFINITIONS**

### **Statutory Public Holiday ('Bank Holiday')**

A period of 24 hours from midnight to midnight.

### **Statutory Leave**

The minimum amount of paid leave provided under the **European Working Time Directive/European law, which is currently 20 days.**

### **Contractual Leave**

The amount of paid annual leave provided under the employment contract or NHS terms and conditions.

## **5. ANNUAL LEAVE YEAR AND ENTITLEMENTS**

The annual leave year runs from 1 April to 31 March.

Annual leave entitlements for employees on Agenda for Change are set out in Section 13 of the NHS Terms and Conditions Handbook, which can be accessed on the NHS Employers website.

Annual leave entitlements for medical and dental staff are set out in the relevant national terms and conditions which can be accessed on the NHS Employers website.

Annual leave will continue to accrue during maternity, paternity or adoption leave, whilst staff are on authorised special leave or during sick leave (see also Section 9 regarding the carry over of statutory leave and sickness) . Annual leave will not accrue during employment breaks or any periods of unauthorised absence.

New employees will be notified of their annual leave entitlement via ESR. In their first year of employment this will be pro-rata to the number of completed months worked in the leave year. Part months worked will not be taken into account when calculating annual leave entitlements.

ESR will recalculate annual leave entitlements if employees' contracted hours change during the leave year, from the month following the change.

Employees who leave the Trust's employment during the leave year will be entitled to 1/12<sup>th</sup> of their annual leave entitlement for each completed month worked in the leave year, less any annual leave taken. Employees will also be entitled to any bank holidays that were worked and not taken that occurred in the leave year prior to their leaving date.

Employees will be paid in lieu for any annual leave entitlement accrued during the leave year but not taken by their leaving date. Where the total annual leave taken exceeds the employee's entitlement, an appropriate deduction will be made from their final salary payment. Where the final salary is insufficient to recover the overpayment, then Human Resources will contact the employee and agree repayment terms.

If an individual's employment is terminated before they have had the opportunity to take all of their statutory leave (28 days including bank holidays) due to long term sickness, then the individual will be paid in lieu of any untaken statutory leave.

## **6. ARRANGEMENTS FOR MANAGING ANNUAL LEAVE**

ESR is a secure web-based system that allows Trust employees to view specific data through the use of their Smartcard and Self Service Account. For annual leave purposes, this means that:

- Employees can request annual leave and view their leave dates on their absence calendar.

- Managers can approve (or reject) requests for annual leave and view their team's absence on the team absence calendar.
- Employees can request and view other types of absence, paid and unpaid, e.g. maternity, paternity, sickness and special leave.
- Managers can approve (or reject) requests for other types of absence and view their team's absence on the team absence calendar.

So that leave can be accurately recorded and monitored, managers must ensure that employees request annual leave through ESR Employee Self Service. The manager will then be prompted through Manager Self Service to approve (or reject) the leave requested.

Requests should be dealt with promptly and normally on a 'first come first served' basis. Where the immediate manager is not available, then annual leave requests should be dealt with by another manager and departments should make arrangements with Human Resources for additional Manager Self Service arrangements to be set up to allow this.

Managers must consider requests for annual leave taking into account necessary staffing levels, the needs of patients and overall service delivery. Where a manager cannot authorise a leave request, the reasons for this should be explained to the employee. Where rotas operate, they must be published giving staff a minimum of a month's notice.

An employee requesting 3 or more days' annual leave should normally provide at least 6 weeks' notice to their manager to ensure that plans can be put in place to maintain service delivery/staffing levels. That said, an employee may make a request at short notice, though it must be recognised that accommodating such a request may be difficult and at times not possible.

There may be occasions when an employee wishes or needs to take extended periods of annual leave – i.e. more than 2 weeks. This must be discussed in advance with their manager. The manager should not unreasonably refuse such requests. However, they should carefully consider the impact on patient care/service delivery and the individual of approving such a request. In doing so they should seek to ensure that the individual has regular planned leave/rest periods throughout the rest of the annual leave year to ensure they do not get 'over tired' whilst saving up their leave entitlement.

Employees must ensure that their manager has approved their annual leave request before this is taken and they must not commit themselves to any holiday plans until their line manager has approved their annual leave request. If annual leave is taken without management authorisation, then the Trust may invoke the disciplinary procedure.

Employees must not make frequent requests to take their annual leave entitlement in short blocks of time e.g. half days/2-3 hours, as this is not considered appropriate usage. Annual leave is designed to give staff a necessary break from work and, through sufficient rest and recuperation, to



promote a healthy workforce. It is in everyone's interests – staff and patients - that employees function at their optimum level.

In line with this policy, managers should regularly review outstanding annual leave entitlements throughout the leave year, to ensure that employees are taking regular breaks away from work. Managers should also notify employees of any outstanding annual leave at the start of the last quarter of the leave year. If, in the last two months of the leave year, more than one week's annual leave remains unbooked, then these days/hours should be automatically scheduled to ensure that the employee has no more than one week's outstanding annual leave.

In times of emergencies, the Trust may ask employees if they would be available and willing to work during their annual leave in order to ensure patient safety and effective service provision.

## **7. TERM TIME ONLY CONTRACTS**

The annual leave entitlement for employees with term-time only contracts, is based on the number of weeks actually worked. Although a payment is made for pro-rata annual leave and bank holidays, annual leave is incorporated into a term-time employee's salary, therefore all annual leave is taken during the non term-time periods.

Managers who wish to employ a member of staff on a term-time contract should contact a member of the Human Resources Department who will be able to clarify the annual leave entitlement and how the salary is calculated.

## **8. CALCULATION OF NHS SERVICE AND RECKONABLE SERVICE**

An employee's continuous previous service with an NHS employer counts as reckonable service.

The Trust has discretion to take into account any period(s) of employment with employers outside the NHS, where these are judged to be relevant to NHS employment. Such decisions will be made by the Director of Human Resources.

For the purpose of calculating annual leave entitlement, all NHS service will be aggregated. Therefore, on returning to NHS employment, previous periods of NHS service will be counted towards the employee's entitlement.

The Trust will verify previous NHS service through the use of the Inter Authority Transfer in ESR. However, where this is not possible, e.g. where a previous NHS employer no longer exists, the individual will need to provide some documentary evidence of that period of employment.

## **9. CARRY OVER OF ANNUAL LEAVE**

The Trust expects that within the annual leave year, employees will be provided with the opportunity to take all of their annual leave.

In exceptional circumstances, employees may request approval from their manager to carry forward a maximum of the equivalent of one week's annual leave (37.5 hours/10PAs) - pro-rata for part time staff, to the next leave year, provided it is booked and agreed prior to 31 March and taken within the first 3 months of the new leave year.

If annual leave is still owed/unallocated by the last quarter of the leave year, with no prospect of being accommodated despite all efforts made to do so, then employees can be allowed to carry forward a maximum of the equivalent of one week's annual leave (37.5 hours/10PAs) – pro-rata for part time staff, to the next leave year, provided it is booked and agreed prior to 31 March and taken within the first 3 months of the new leave year. Any other annual leave that remains untaken will not be carried over unless there are exceptional and specific reasons to do so. Such cases will be considered on an individual basis by Divisional General Managers/Executive Committee leads.

Managers should explore the reasons why annual leave entitlement has not been taken and agree measures on an individual basis to avoid the need for carry over of annual leave the following leave year.

The Trust will allow the carry over of any untaken statutory leave **provided for under the European Working Time Directive/European Law**, where due to long term sickness an employee has been unable to take this, less any statutory leave taken in the previous annual leave year. Employees are unable to carry over their contractual entitlement in addition to the statutory minimum.

## **10. STATUTORY PUBLIC HOLIDAYS ('BANK HOLIDAYS')**

All employees are entitled to 8 paid bank holidays as follows:

- Christmas Day
- Boxing Day
- New Year's Day
- Good Friday
- Easter Monday
- May Day Bank Holiday
- Spring Bank Holiday
- August Bank Holiday.

Part time employees are entitled to pro-rate paid bank holidays based on the number of contracted hours and regardless of the days of the week worked.

## **11. NON-CHRISTIAN RELIGIOUS FESTIVALS**

Whilst the Christian festivals of Christmas and Easter are general public holidays in the UK, the main festivals of other religions are normal working days;

e.g. the Hindu festival of Diwali, the Muslim festival of Id-ul-Fitr and the Jewish festival of Yom Kippur.

Managers are therefore expected to be flexible with regard to meeting arrangements during such times and to give priority to annual leave requests on these occasions, unless service provision would be compromised so that staff of all faiths may celebrate their main religious festivals in a like manner.

## **12. SICKNESS OCCURRING DURING ANNUAL LEAVE**

When an employee is absent through medical/hospital certified sickness during a period of previously approved annual leave, the annual leave will be suspended from the date of the first statement and reinstated on return to work.

If an employee falls ill during a period of annual leave and wishes their annual leave to be recorded as sickness, the employee must comply with the Trust's sickness notification procedure outlined in the Attendance Management Policy, which applies regardless of whether or not they are in the UK or abroad. The employee must also supply a medical certificate to cover the period of absence. In the absence of medical certification, the period of absence will continue to be recorded as annual leave. Employees will not be able to self certificate in these circumstances.

## **13. ANNUAL LEAVE DURING PERIODS OF SICKNESS**

During periods of sickness, employees who wish to take annual leave/go on holiday/travel must first of all discuss this with their manager.

The Trust may decide to withhold statutory sick pay and/or occupational sick pay if it discovers that the employee is undertaking/has undertaken activities that should not be possible given the stated reasons for the sickness absence, e.g. going on a rock climbing holiday while off work with back pains.

In the event that an employee does do something inconsistent with their stated reasons for sickness absence, worsens their illness or prolongs their absence, then the Trust reserves the right not only to stop statutory sick pay and/or occupational sick pay but may in some cases take disciplinary action.

## **14. BUYING AND SELLING ANNUAL LEAVE**

Prior to the start of each leave year, the Trust may at its discretion, decide to offer employees the opportunity to request to 'buy' or 'sell' annual leave.

The operation of both schemes will be totally at the Trust's discretion. Where a decision is taken to offer one or both of these, staff will be notified of the scheme conditions and the application process.

## **15 MONITORING COMPLIANCE**

Area for monitoring	Method	Frequency	Responsibility	Monitoring/ Assurance Group	Lead for developing action plan	Group responsible for monitoring action plan
Duties	Policy review	3 yearly or during any policy update.	Sponsor	Executive Committee	Sponsor	Policy Committee

## 16. DISSEMINATION/TRAINING

### Dissemination

- E-mail to Senior Manager Forum, Matrons and Consultants
- Team Brief
- HR policies on CHS Intranet
- HR briefings at Directorate meetings
- ILM Level 3 training programme

### Training/Awareness

The Trust is committed to providing training to all its line managers via the ILM Level 3 programme as well as ESR Manager Self Service training and by providing ESR user guides on the Intranet.

## 17. CONSULTATION, REVIEW AND APPROVAL/RATIFICATION

### Consultation

- Human Resources Strategy Group
- Joint Consultative Group
- Executive Committee

### Ratification

- Policy Committee

## 18. REFERENCES

NHS Terms and Conditions of Service Handbook  
Terms and Conditions – Consultants (England) 2003  
Terms and Conditions – Consultants (England) pre 2003  
Terms and Conditions for Specialty Doctors (England) 2008  
Terms and Conditions of Service of Hospital Medical and Dental Staff (TCS)  
European Working Time Directive 1998

## 19. ASSOCIATED POLICIES AND DOCUMENTS

ESR Manager Self Service Guides (available on CHS Intranet)  
Grievance Policy and Procedure

Parental Policy  
Flexible Working Policy  
Disciplinary Procedure  
Working Time Directive Policy  
Employment Break Scheme  
Long Service Awards Scheme  
Attendance Management Policy  
Special Leave Policy