

## TRUST POLICY LEAVE

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### FOR USE BY:

**This document is to be followed by all staff of Gloucestershire Hospitals NHS Trust and Gloucestershire Managed Services**

### FAST FIND:

- [Section 6](#) - for annual leave entitlements
- [Section 9](#) - contains information on Bank Holiday entitlements
- [Section 10](#) - for information on carrying leave over
- [Section 14](#) - for details other types of leave which employees may be entitled to in certain circumstances
  
- [AC1](#) Annual Leave - Buying and Selling
- [AC2](#) Parental Leave
  
- [Time off for Trade Union Leave – Please see the Facilities Agreement](#)

## 1. INTRODUCTION / RATIONALE

Leave from work is an important element of work-life balance and the health and wellbeing of employees; it can span a number of different circumstances. This policy establishes a clear framework for the management of annual leave and other types of leave within the Trust.

## 2. DEFINITIONS

Word/Term	Descriptor
Bereavement leave	Previously known as compassionate leave.
Designated days	24-hour period, usually a Monday or Tuesday allocated as Bank Holiday time when a Bank Holiday falls on a Saturday or Sunday.

## 3. POLICY STATEMENT

This document lays out the basic conditions for leave entitlements. It must be read in conjunction with any departmental procedures for booking and agreeing leave, and also the annual leave resources on the [HR Intranet site](#).

## 4. ROLES AND RESPONSIBILITIES

Post/Group	Details
Managers	<ul style="list-style-type: none"><li>Ensuring maximum efficiency of service delivery when organising leave</li><li>Ensuring that employees take leave appropriately and at reasonable intervals</li><li>Considering all leave requests in a fair and consistent manner (including religious/cultural considerations)</li><li>Considering short-notice requests for annual leave</li></ul>
Employees	<ul style="list-style-type: none"><li>Ensuring leave is requested with reasonable notice and in accordance with any departmental procedures</li><li>Ensuring all leave is appropriately authorised in advance</li><li>Working with managers to ensure that own needs for leave are balanced with the needs of the service</li></ul>

## 5. ANNUAL LEAVE YEAR

The annual leave year normally runs from 1<sup>st</sup> of April to 31<sup>st</sup> March. However, local agreements may be made to adjust the standard leave year provided that staff are fully consulted with prior to implementation. Options include:

- Uniform leave year for all, but starting on a different date (e.g. 1<sup>st</sup> January – 31<sup>st</sup> December)
- Individual leave year starting from date of appointment or from an individual's birthday

Managers are encouraged to consider flexible adjustments to the standard annual leave year where it eases bulk requests at the end of the financial year.

## 6. ANNUAL LEAVE ENTITLEMENT

Annual leave is normally calculated according to a standard entitlement. Certain exceptions are detailed below. Contact a Human Resources advisor for guidance on implementing term-time and annualised/seasonal contracts, or making any variations to these. This policy does not cover these aspects.

### 6.1 Standard Entitlement

The table on the next page details entitlement for a standard working pattern for full/part time staff who work regular shift patterns/hours over a five-day week. Leave entitlements also increase with long service to the NHS.

Where an employee works a variety of shift patterns, or work different hours on different days, annual leave entitlement should be calculated on the basis of hours worked to ensure consistency when deducting leave.

Length of Service	Inclusive leave entitlement*
On appointment to NHS	35 days† (27 days + 8 Bank Holidays)
After 5 years' service	37 days (29 days + 8 Bank Holidays)
After 10 years' service	41 days (33 days + 8 Bank Holidays)

\*N.B. Pro-rata for part time staff. For further information on calculating leave entitlements, please refer to the [HR Intranet site](#)

†Annual leave may also be calculated in hours for some staff.

## 6.2 Entitlement on Joining/Leaving the Service

Annual leave in the first year of employment will be pro-rata based on the number of complete months worked after the date of joining and before the end of the annual leave year, e.g. an employee joining the service on 1<sup>st</sup> October would receive half of the annual entitlement.

Employees whose employment contract is terminated part way through the annual leave year will be entitled to a proportion of annual leave for each complete month worked in the current leave year.

Payment will be made for any outstanding annual leave, as detailed and authorised by the responsible manager on the employee's Leavers Form. Where an employee has exceeded their entitlement at the point of termination, an appropriate deduction will be made from the employee's final salary payment.

## 6.3 Term-time Contracts

Where an employee has a term-time contract, it is normally expected that all their leave will be taken during school holiday periods. Term-time contracts are worked out individually and the timing and duration of holiday periods form part of the contract of employment. Term time contracts will also be reviewed at reasonable intervals to ensure fairness and consistency to other members of staff in the area with childcare needs.

Salary is paid in equal instalments so that the leave component of the pay is equally divided across the year.

## 6.4 Annualised Hours

Where an employee's hours are calculated on an annual or seasonal basis, there may be a large variation on the weekly/monthly/quarterly hours worked.

Annual leave entitlements for employees on this type of contract are usually calculated in hours.

## 6.5 Recording

Managers are responsible for ensuring that leave is appropriately recorded. Many areas will have their own annual leave forms, such as the one used by Nursing: [Nursing Leave Form](#).

## 6.6 Death in Service

Where an employee dies in service, the balance of annual leave remaining at the time of death will be paid to the employee's next of kin or person taking charge of the deceased employee's estate. Please refer to the [B0617 Death in Service Action Card](#).

## 7. MANAGEMENT OF ANNUAL LEAVE

All line managers must ensure the following:

- That all staff take the **statutory** annual leave allowance (i.e. 20 days, not counting bank holidays)
- That their staff manage their own annual leave appropriately, e.g. spacing it throughout the leave year
- That when planning staff leave for their own area, they take into account that any member of staff will be absent for 17% of the time (annual leave + bank holidays – this does not account for any sick leave)

## 8. CALCULATION OF NHS SERVICE

### 8.1 Previous Service

All previous NHS service (with NHS Trusts or Health Authorities) will be taken into account when calculating entitlements to annual leave and some other types of leave (see [section 13](#) below).

It does not normally include working within the NHS for another employer, such as GP practice or contractor.

### 8.2 Verifying Service

The Trust will verify previous NHS service if possible, by contacting previous employers or using the NHS Pensions database. In circumstances where it is not possible for the Trust to confirm all NHS service, the employee will be required to provide evidence, which could include:

- Pay slips or P60 from previous NHS employer(s)
- NHS Pensions membership statement

Nurse training and bank work does not count as previous service unless the employee was directly employed by an NHS employer for the duration of their training.

## 9. BANK HOLIDAYS

### 9.1 Designated Days

- The total leave entitlement includes eight Bank holidays. Where a Bank Holiday falls on a Saturday or Sunday, the following Monday or Tuesday is designated as a Bank Holiday. Where more than eight Bank Holidays fall in one leave year, departmental managers will make a decision as to whether the extra day(s) will be added to the entitlement, or whether employees will need to borrow leave from the next leave year.
- Requirement to work Bank Holidays is determined by contractual arrangements and service need. Employees required to work a Bank Holiday as part of their normal working week will take an annual leave day at another time, which will be deducted from the total entitlement.
- If all contractual hours are worked during the week of a bank holiday (i.e. the bank holiday falls on a rest day), it will not be deducted and may be taken at another time.
- Employees who wish to work a Bank Holiday when not required to should approach their manager, who may authorise this subject to service requirements.

### 9.2 Part Time Employees

Employees contracted to work on a part-time basis are entitled to a pro-rata Bank Holiday entitlement based on the standard eight days.

## 10. CARRYING LEAVE OVER

- Employees are responsible for ensuring that they take their annual leave during the designated leave year. Up to three working days (maximum 22.5 hours) for full-time employees (pro-rata for part-time employees) may be carried over to the following year by agreement with line manager. Carried over leave should normally be taken within the first three months of the start of the new leave year. **Managers must consider employees' requests sensitively and not place blanket bans on carry-over of leave unless there is a genuine risk to service provision.**
- In accordance with the Trust's [Flexible Working Policy](#), it may be appropriate to allow leave carry-over on an occasional basis for individuals with a particular request, such as an extended holiday.
- It is important to ensure that any authorisation of extended carry over of leave is compliant with the Working Time Directive minimum of 5.6 weeks per working year.
- Carry over provisions may change in light of exceptional circumstances e.g. Pandemics.
- New temporary statutory rules introduced by the government to deal with COVID-19 pressures mean that employees who are unable to take their annual leave entitlement due to COVID-19, can carry over up to 20 days (pro-rated for part-time staff) of annual leave over a two year period. However:
  - if employees cannot take bank holidays off due to COVID-19, they should use the annual leave at a later date in their leave year
  - if this is not possible, bank holidays can be included in the 20 days' annual leave that can be carried over. This holiday can be taken at any time over a two-year period.

## 11. SICKNESS DURING ANNUAL LEAVE

Annual leave will be re-added to the employee's entitlement if an employee is sick whilst on annual leave and a medical certificate is provided. This does not apply to sickness during Bank Holidays.

Phased returns to work may involve use of carried over leave as part of the rehabilitation plan. This will be agreed on a case-by-case basis with the manager and HR. Please refer to the [Sickness Management Policy](#) for full details of this arrangement

## 12. EXTENDED ANNUAL LEAVE

- Line managers are responsible for agreeing periods of extended leave with employees, which may be a combination of paid and unpaid leave depending on the amount of leave remaining for that year.
- Requests should not be unreasonably refused by the manager and will be dependent upon service requirements. Consideration must be given to ensuring that the employee has adequate rest periods for the rest of that leave year.
- Longer periods of leave (more than three months) can be considered under the Trust's Career Break Policy.

## 13. ANNUAL LEAVE BUYING AND SELLING

Employees may buy or sell annual leave, subject to management approval in line with the parameters outlined in the scheme guidelines. See [AC1](#) for details of the process.

All requests to sell annual leave must meet all the criteria as set out in action card LEA1 and must be submitted on the relevant form (See [RD3](#)) for approval by an Executive Director.

All requests to purchase annual leave must be made on the appropriate form (See [RD2](#)).

To deal with operational pressures, a manager may request that an individual sell up to one week of their annual leave (subject to having taken the minimum statutory leave). However, an individual may reasonably refuse this request.

## 14. OTHER TYPES OF LEAVE

### 14.1 Types of Leave Available

- A range of other types of leave are available to Trust employees in certain circumstances. These are:
  - Time off for interviews – see [14.2](#) below
  - Time off for Jury Service/court attendance as a witness – see [14.3](#) below
  - Time off for civic and public duties – see [14.4](#) below
  - Time off for reservists – see [14.5](#) below and the [Armed Forces Reservists procedure](#)
  - Time off for a Special Constable – see [14.6](#) below
  - Time off for medical/dental appointments – see [14.7](#) below
  - Time off for emergencies (including domestic/carer needs) – see [14.8](#) below
  - Time off for bereavement – see [14.9](#) below
  - Time off during adverse weather conditions – see [14.10](#) below
  - Time off for trade union activities – see the [Facilities Agreement](#)
- In all cases, if line managers feel that they will have problems accommodating any request for another type of leave, or the employee's absence will cause service delivery problems, contact the HR department in the first instance.
- Long term leave can be requested in the form of a sabbatical or career break. See the [Career Break procedure](#) for details.

### 14.2 Time Off for Interviews

- Managers are entitled to ask for evidence of the interview before granting any request for time off
- Employees are allowed reasonable paid time off to attend NHS interviews, taking into account any travelling time needed and other time off given for interviews in the last 12 months
- Employees wishing to attend an interview for a non-NHS post must take annual leave or attend outside their working hours
- Any employee who has worked at the Trust for more than two years and has been placed at risk of redundancy is legally entitled to time off to look for another job, or arrange training for future employment.

### 14.3 Time Off for Jury Service/Attendance at Court as a Witness

- Employees must give their line manager a copy of the request from the court as soon as they receive it, so that arrangements can be made to cover their work
- Reasonable paid time off will be paid by the Trust for jury service. Employees are expected to contact their line manager if they are released early whilst on jury service in case they are needed at work, or if they are allocated to a lengthy case which will take them over the "standard" period of service, which is usually two weeks. Requests for carry over of leave will also be looked at sympathetically where an employee is on a lengthy period of jury service which runs across the end of the annual leave year
- Employees on jury service cannot claim their pay back from the court, but are entitled to claim other reasonable expenses
- Reasonable time off with pay will be made for attendance at court as a witness if it relates to Trust business – see the Medical Staff Handbook for those who have to attend court in medico-legal cases
- Employees are usually expected to take annual leave to attend court if it is not related to Trust business – contact the HR department for advice.

#### 14.4 Time Off for Civic or Public Duties

Civic or public duties include service to local or national government, as service as a magistrate or prison visitor.

- Employees are allowed reasonable time off to undertake civic or public duties. A maximum of 18 days per year may be taken in negotiation with the line manager, of which 5 days will be paid.
- The Trust will reclaim the cost of the employee's time back from the organisation (e.g. County Court, Prison Service) where this is possible – **employees may not be paid twice and must declare to the Trust if they receive payment from the organisation**
- Line managers are entitled to ask for evidence from the employee before considering the request
- Line managers must consider the request in the context of their own service and the effects that the employee's absence would have upon it on a regular basis.

#### 14.5 Time Off as an Armed Forces Reserve

See the [Armed Forces Reserves Procedure](#).

Trust employee who are reserves and are mobilised across the end of an annual leave year may carry over any outstanding statutory leave into the next annual leave year.

#### 14.6 Time Off as a Special Constable

Trust employees who are special constables are entitled to up to two days paid leave per year to support training. The Trust reserves the right to restrict this to maintain service provision.

#### 14.7 Time Off for Medical/Dental Appointments

- Employees are encouraged to schedule medical/dental appointments outside their normal working hours or at the beginning or end of the day. The Trust recognises that it is often not possible to request specific time for appointments. In such cases, employees are required to work the time back or consider other arrangements such as unpaid leave, use of annual leave or TOIL.
- Employees should give their line manager as much notice as possible of appointments.
- If an employee is unfit to work before or after the appointment, line managers must record this time as sick leave.
- Any time off for diagnostic tests requiring admission to hospital will be recorded as sick leave.
- Managers should ensure that appropriate reasonable adjustments are made to duties and working environment where this is appropriate and practical in line with Trust Guidance – [Guidance for Managers](#)
- Please refer to the [Maternity, Adoption and Parental leave policy for information regarding](#) time off for antenatal or postnatal appointments.

#### 14.8 Time Off for Emergencies

This covers unforeseen domestic emergencies that require the immediate attendance of the employee, and may include emergencies with dependants (spouse, child or parent), or for domestic emergencies such as fire or robbery in the employee's own home.

- Employees can only take one day's leave for each emergency situation, and emergency leave may be granted up to twice in any one leave year.
- Leave is granted to enable the employee to attend to the emergency and put in any necessary ongoing arrangements such as alternative care.
- Emergency leave is separate to annual leave and therefore this time off should not be deducted from an employee's annual leave entitlement.



Depending on the circumstances and any frequency of requests for emergency leave managers may consider other options in addition/instead of granting paid leave, these may include unpaid leave, use of annual leave or TOIL, change of shift pattern.

#### 14.9 Bereavement Leave

- Managers may grant paid leave up to a maximum of one working week for employees who have suffered the bereavement of a close family member or in the event of someone who is not a family member subject to management discretion. Situations like this must be considered on a case by case basis. In the case of the bereavement of a child or the employee suffers a stillbirth from 24 weeks of pregnancy. Managers may grant paid leave up to a maximum of two weeks for employees. This leave must be taken within 56 weeks following the death of a child.
- Employees are encouraged to raise any concerns regarding this leave with their line manager and seek their guidance if additional leave is required.
- Pay for bereavement leave will be calculated based on the three months prior to the first day of leave.

#### 14.10 Time off During Adverse Weather Conditions

Line managers must use discretion and knowledge of local circumstances in the event of severe weather conditions. The following will apply:

- Employees who attend work will be treated as being present for their full working day, whether or not they have been able to attend for the full period
- Employees may request to work at another NHS hospital/facility, take annual leave, or make other arrangements with their line manager. They will receive full pay in these circumstances.
- Managers may consider the option of working from home and should seek guidance from the Trust's [Working from Home Policy](#)

#### 15. LEAVE DISPUTES

Employees have recourse to the Trust's [Grievance Policy](#) if leave is unreasonably turned down.

#### 16. TRAINING

There is no formal training for this policy; information on its use is available from the HR department.

#### 17. MONITORING OF COMPLIANCE

Do the systems or processes in this document have to be monitored in line with national, regional or Trust requirements?	NO
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#### 18. REFERENCES

None



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