

Lead Employer Annual Leave Policy
Version No: 13

Document Summary:

To define annual leave and bank holiday entitlements, and the process to request and approve leave

Document status	Approved	
Document type	Policy	local
Document number		
Approving body	Commercial Services Council	
Date approved	21/01/2025	
Date implemented	11/02/2025	
Review date	*3 years from approval date 21/01/2028	
Accountable Director	Director of Human Resources	
Policy Author	Assistant HR Business Partner	
Target audience	Medical and Dental Colleagues-in-training s employed by MWL Lead Employer, including those training in Public Health, employed under Agenda for Change Terms and Conditions, and Host Organisations	

The intranet version of this document is the only version that is maintained. Any printed copies should therefore be viewed as “uncontrolled”, as they may not contain the latest updates and amendments

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Document Control

[Author to complete all sections apart from Section 4 & 5]

Section 1 – Document Information	
Title	Lead Employer Annual Leave Policy
Directorate	Corporate
Brief Description of amendments	
<p>Further details regarding calculation and application of leave entitlements (i.e., less than full time, compressed hours, change in contractual working hours, leaving employment.</p> <p>Additional guidance regarding delayed returns from annual leave</p> <p>Further guidance regarding annual leave during sickness absence and use of annual leave during phased return to work periods.</p>	
Does the document follow the Trust agreed format?	Yes
Are all mandatory headings complete?	Yes
Does the document outline clearly the monitoring compliance and performance management?	Yes
Equality Analysis completed?	Yes
Data Protection Impact Analysis completed?	Yes

Section 2 – Consultation Information*	
*Please remember to consult with all services provided by the Trust, including Community & Primary Care	
Consultation Completed	<input checked="" type="checkbox"/> Trust wide <input type="checkbox"/> Local <input type="checkbox"/> Specific staff group
Consultation start date	Click here to enter a date. Consultation end date 21/01/2025

Section 3 – Version Control		
Version	Date Approved	Brief Summary of Changes
13	21/01/2025	<p>Further details regarding calculation and application of leave entitlements (i.e. less than full time, compressed hours, change in contractual working hours, leaving employment.</p> <p>Additional guidance regarding delayed returns from annual leave</p> <p>Further guidance regarding annual leave during sickness absence and use of annual leave during phased return to work periods.</p>
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	Click here to enter a date.	

Section 4 – Approval – <i>To be completed by Document Control</i>	
Document approved	<input type="checkbox"/> Approved <input checked="" type="checkbox"/> Approved with minor amendments

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Assurance provided by author & Chair		<input type="checkbox"/> Minutes of meeting <input type="checkbox"/> E-mail with Chair's approval	
Date approved	21/01/2025	Review date	Click here to enter a date.

Section 5 – Withdrawal – *To be completed by Document Control*

Reason for withdrawal	<input type="checkbox"/> No longer required <input type="checkbox"/> Superseded
Assurance provided by author & Chair	<input type="checkbox"/> Minutes of meeting <input type="checkbox"/> E-mail with Chair's approval
Date Withdrawn:	Click here to enter a date.

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1. Scope

This Policy applies to all medical, dental and non-medic colleagues-in-training employed by MWL Lead Employer, including those training in Public Health, employed under Agenda for Change Terms and Conditions (“Colleagues-in-training”).

This policy does not apply to study leave, sick leave, bereavement leave, emergency leave, time off for religious festival etc please seek guidance from the HR Team in these circumstances who will direct you to the relevant policy.

2. Introduction

Mersey and West Lancashire Teaching Hospitals NHS Trust (MWL) Lead Employer is committed to enabling staff to balance their home and work life and as such does not expect any staff to fulfil working commitments during periods of annual leave. Annual leave should enable a member of staff to take time away from work to relax, contribute towards a positive work/life balance and enjoy a break.

This Policy ensures that all Host Managers and colleagues-in-training are aware of their entitlements to annual leave and the process to apply for such leave and to ensure colleagues-in-training take their full leave entitlement, which is in the interests of the employee’s wellbeing as well as the continued safety of patients in their care.

3. Statement of Intent

The purpose of this policy is to provide Colleagues-in-training and Host Organisations with guidance on the process of application and management of all annual leave and bank holiday entitlements. This is to ensure that all Colleagues-in-training take adequate rest away from the workplace whilst maintaining the needs of the service.

4. Definitions

Term/Abbreviation	Definition/meaning
Annual Leave Entitlement	This is the allowance Colleagues-in-training can take as holidays for the period defined (see Lead Employer Annual Leave Tool kit for further details)
Bank Holidays Entitlement	This will depend on the number of bank holidays which fall in the year. There are normally 8 per year, however this may change, and Colleagues-in-training will be notified accordingly.
Host Organisation	The location where the Lead Employer employee is undertaking their ‘on the job’ training
Host Managers	Consultants / GPs / Dentists or other nominated senior professionals from within the Host Organisation, who hold responsibility for the day-to-day management of supervising Colleagues-in-training. This may also include the Host Organisations local HR Department.

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5. Duties, Accountabilities and Responsibilities

5.1 Chief Executive

The ultimate responsibility in the area of Health and Safety and legislative adherence lies with the Chief Executive.

5.2 Board of Directors

The Board of Directors are responsible for ensuring that the policy is being adhered to both collectively and by the management and staff in their area of responsibility. The Director of Human resources has Board level responsibility for ensuring that this policy applies to all levels within the organisation and that the policy is followed fairly and consistently.

5.3 Director of Human Resources

The Director of Human Resources has a responsibility to ensure all legislation in this area is adhered to at all times and that complaints are promptly and competently investigated. Specific responsibility for areas such as auditing and monitoring may be delegated by the Director of HR to particular individuals within the function, but the final responsibility remains with the Director.

5.4 Workforce Council

The Workforce Council are responsible for monitoring the impact of the policy including any resulting equality on behalf of the Board. Any issues of significant concern must be escalated to the Governance Boards.

5.5 Host Managers

Host Managers have the following responsibilities:

- The approval of Employee annual leave requests and must ensure this policy and best practice is followed.
- To record all annual leave approved for their Colleagues-in-training as appropriate via ESR System.
- To ensure that Colleagues-in-training are made aware of the procedure for requesting annual leave within their Host Organisation.
- To keep accurate annual leave records for all Colleagues-in-training in their organisation and to monitor the uptake of annual leave to ensure that Colleagues-in-training are taking regular breaks away from work in a planned manner.
- To acknowledge and respond to Annual leave requests in a timely manner.

5.6 Colleagues-in-training

- Colleagues-in-training have the following responsibilities:

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- To adhere to the Annual Leave Policy and to comply with their Terms and Conditions of Service.
- To 'manage' their annual leave in a reasonable way, in an effort to ensure that full entitlements are taken proportionately throughout the leave year and requests for leave are submitted in good time and in accordance with local procedures. Lead Employer recognise that this may not always be possible due to service demands.
- To ensure that annual leave is approved by the appropriate Host Organisation prior to being taken. Host Organisations must allow annual leave to be taken when it has been requested for a life changing event, for example the Colleagues-in-training Wedding, providing reasonable notice has been given.
- To seek advice from Lead Employer in the event that the Host Organisation fails to acknowledge or responds to annual leave requests
- To inform their host manager at their earliest opportunity if they feel that workloads may prevent them from taking their full leave entitlement.

5.7 Lead Employer HR Department

The Lead Employer HR Department is responsible for:

- Assisting the Colleagues-in-training and Host Managers in the calculation of individual annual entitlements.
- Deal with queries arising out of the annual leave policy.
- Providing advice and guidance to managers and Colleagues-in-training on the application of this Policy and on the management of individual cases.
- Providing advice and guidance for Managers in dealing with the management of annual leave and bank holidays.
- Monitoring and auditing the policy.

6. Process

6.1 Annual Leave Year

The leave year for Colleagues-in-training varies depending upon which Terms and Conditions their Contract of Employment relates to, i.e. The National Medical and Dental Terms and Conditions, Dental Foundation Terms and Conditions or Agenda for Change (AFC) Terms and Conditions.

Colleagues-in-training should make arrangements to take their annual leave entitlement within their current leave year as per their contract. For carryover of annual leave from one holiday year to another please see Lead Employer Annual Leave Tool Kit for further information.

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6.2 Entitlements

Annual leave entitlements vary depending upon the relevant national terms and conditions which apply to individual Colleagues-in-training.

Please refer to the Lead Employer Annual Leave Tool kit for further information regarding specific entitlements.

The contractual entitlement is per national contracts of employment per annum based on a 5-day working week plus bank holidays. Annual leave and bank holiday entitlement for LTFT colleagues will be calculated on a pro rata basis based on individual contracted working days.

6.2.1 Entitlement on Changing Contractual Working Hours

Where Colleagues-in-training change their contracted hours, their annual leave entitlement will need to be recalculated. This will be a pro rata calculation based on the number of completed months on the old and the new contracted hours.

6.2.2 Entitlement on Leaving Employment

Colleagues-in-training should make arrangements to take any outstanding accrued annual leave prior to leaving employment at MWL Lead Employer.

If this is not possible (i.e. due to work/service pressures) and with the agreement of the Host Organisation, payment will be made in lieu.

6.3 Notification of Annual Leave

Colleagues-in-training must ensure when applying for annual leave that they apply to the Host Organisation and abide by the procedure in place at that Host Organisation, at which they are based at the time of the proposed leave. Please refer to the Lead Employer Annual Leave Tool kit for further information.

Where appropriate authorisation has not been sought prior to leave being taken, this will be managed formally through the Lead Employer Handling Concerns procedure.

Colleagues-in-training must endeavor to take annual leave proportionately between placements. It is the individual's responsibility to manage their leave accordingly throughout the leave year and ensure that leave is taken proportionately between each placement. Lead Employer recognise that this may not always be possible due to service demands and that leave may need to be carried forward or paid.

6.4 Delayed Return from Annual Leave

If for an unforeseen exceptional reason, a member of staff is unable to return from annual leave as Planned for e.g. delayed flight, they should contact their Host Organisation immediately to advise them of the situation. This will need to be recorded as either annual leave or unpaid leave.

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Failure to notify your Host Organisation at the earliest opportunity may result in the absence being recorded as 'unauthorised' and Colleagues-in-training may be subject to pay being withheld and possible action in line with the Lead Employer Handling Concerns Policy.

6.5 Accrual of Annual Leave during Sickness and other periods of Leave

Colleagues-in-training will continue to accrue annual leave during sickness absence, maternity, paternity, adoption, and Shared Parental leave.

Colleagues-in-training should continue to take Annual Leave proportionately during any periods of exclusion, or period of special educational leave.

6.6 Annual Leave Carry Over

All Colleagues-in-training should make every effort to take all of their annual leave pro-rata, spreading this equally across each of their placements. Only in exceptional circumstances and with the agreement of their existing and new Host Organisation may Colleagues-in-training apply to carry over a maximum of 5 days (pro rata for LTFT) of annual leave into the next leave year.

Colleagues-in-training must be able to demonstrate the reason for the request i.e. they have not been permitted to take annual leave in their current placement (for example due to service demands), although this should be raised as a concern to their Host Organisation and the Lead Employer in a timely manner to enable this to be addressed before the end of the placement. Colleagues-in-training must also seek full agreement from the current and receiving placement that they may carry over annual leave to establish whether appropriate arrangements can be put in place to accommodate the request without adversely impacting the service or other Colleagues-in-training within their new Host Organisation.

When long term sickness absence bridges two annual leave years, Colleagues-in-training are able to carry over an amount to ensure they have had the statutory amount of annual leave in a leave year. Any carried-over leave must be taken within 18 months of the end of the leave year in which it accrues. Bank Holidays falling during sick leave cannot be taken at a later stage.

Where long term absence has occurred that doesn't bridge the leave year, providing Colleagues-in-training have taken statutory entitlement within the relevant leave year, this wouldn't be considered as 'exceptional circumstances' when considering carry over.

6.7 Sickness and Annual Leave

If an Employee falls ill during a period of annual leave and wishes their annual leave to be recorded as sickness, they must comply with the Lead Employer Attendance Management Policy.

Where sickness occurs during periods of annual leave, the Employee must notify their Host Manager on the first day of sickness to advise them of this. Providing that the absence is reported in line with the Lead Employer Attendance Management Policy and appropriate evidence is provided, i.e. a self-certificate for absences up to 7 calendar days or a Statement of Fitness to Work (fit note) for absences exceeding 7 calendar days, approval should be given for the leave to be taken at a future date within the leave year, subject to the demands of the service. Bank Holidays falling during sick time cannot be taken at a later stage.

6.7.1 Use of Annual Leave During Phased Returns

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As per the Lead Employer Attendance Management Policy, Annual Leave will be used to aid any agreed phased return to work, subject to the requirements of the Working Time Directive being met.

Colleagues-in-training are only required to supplement Phased Returns with Annual Leave where full days are not worked and/or less than 50% of their scheduled working day.

Further details can be found in the Lead Employer Annual Leave Toolkit.

7. Training

Managers should be fully conversant with this Policy, the procedures to follow and its application. The Trust acknowledges the importance of awareness training for line managers to ensure the effective dissemination and implementation of this Policy. Working in partnership the Human Resources Department will provide appropriate support including where necessary, policy briefing sessions, Policy Guides, and information at Trust Induction.

8. Monitoring Compliance

8.1 Key Performance Indicators (KPIs) of the Policy

No	Key Performance Indicators (KPIs) Expected Outcomes
1.	No unjustifiable grievances being raised.
2.	All annual leave is accurately recorded.
3.	All annual leave entitlements are taken within the leave year, except in exceptional circumstances as detailed within the policy, and wherever possible spread proportionately between each placement.
4.	Annual leave requests responded to by the Host Organisation within a reasonable timeframe.

8.2 Performance Management of the Policy

Minimum Requirement to be Monitored	Lead(s)	Tool	Frequency	Reporting Arrangements	Lead(s) for acting on Recommendations
Policy being adhered to	HR Business Partner	Review of annual leave taken	Annually	Workforce Council	Head of HR
Grievance raised re policy	HR Business Partner	Review of annual leave taken	Annually	Workforce Council	Head of HR

9. References/Bibliography/Relevant Legislation/National Guidelines

No	Reference
1.	NHS Employers
2.	UK Government

10. Related Trust Documents

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1.	Attendance Management Policy
2.	Maternity/Paternity/Adoption Policy
3.	Handling Concerns Policy
4.	Special Leave Policy
5.	Flexible Working Policy

11. Equality Analysis Screening Tool

The EIA screening must be carried out on all policies, procedures, organisational changes, service changes, cost improvement programmes and transformation projects at the earliest stage in the planning process. Where the screening identifies that a full EIA needs to be completed, please use the full EIA template.

The completed EIA screening form must be attached to all procedural documents prior to their submission to the appropriate approving body. A separate copy of the assessment must be forwarded to the Head of Patient Inclusion and Experience for monitoring purposes via the following email, cheryl.farmer@sthk.nhs.uk. If the assessment is related to workforce a copy should be sent to the workforce Head of Equality, Diversity and Inclusion for workforce_equality&diversity@sthk.nhs.uk.

If this screening assessment indicates that discrimination could potentially be introduced then seek advice from either the Head of Patient Inclusion and Experience or Head of Equality, Diversity (Workforce) and Inclusion.

A full equality impact assessment must be considered on any cost improvement schemes, organisational changes or service changes that could have an impact on patients or staff.

Title of function	Lead Employer Annual Leave Policy
Brief description of function to be assessed	
Date of assessment	
Lead Executive Director	
Name of assessor	
Job title of assessor	

Equality, Diversity & Inclusion

Does the policy/proposal:

- 1) Have the potential to or will in practice, discriminate against equality groups
- 2) Promote equality of opportunity, or foster good relations between equality groups?
- 3) Where there is potential unlawful discrimination, is this justifiable?

	Negative Impact	Positive Impact	Justification/ evidence and data source
Age	No	Yes	
Disability	No	Yes	
Gender reassignment	No	Yes	
Pregnancy or maternity	No	Yes	
Race	No	Yes	
Religion or belief	No	Yes	
Sex	No	Yes	
Sexual orientation	No	Yes	

Human Rights

Is the policy/proposal infringing on the Human Rights of individuals or groups?

	Negative Impact	Positive Impact	Justification/ evidence and data source
Right to life	No	Neutral	
Right to be free from inhumane or degrading treatment	No	Neutral	
Right to liberty/security	No	Neutral	
Right to privacy/family life, home and correspondence	No	Yes	
Right to freedom of thought/conscience	No	Neutral	
Right to freedom of expression	No	Neutral	
Right to a fair trial	No	Neutral	

Health Inequalities

Is the policy/proposal addressing health inequalities and are there potential or actual negative impact on health inequality groups, or positive impacts? Where there are potential unlawful impacts is this justifiable.

	Negative Impact	Positive Impact	Justification/ evidence and data source
Deprived populations	No	Unknown	
Inclusion health groups	Choose an item.	Choose an item.	
5 child clinical areas	Choose an item.	Choose an item.	
5 adult clinical areas	Choose an item.	Choose an item.	

Outcome

After completing all of the above sections, please review the responses and consider the outcome.

Is a full EIA required?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Please include rationale:
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Sign off

Name of approving manager	
Job title of approving manager	
Date approved	

12. Data Protection Impact Assessment Screening Tool

If you answer **YES** or **UNSURE** to any of the questions below a full Data Protection Impact Assessment will need to be completed in line with Trust policy.

	Yes	No	Unsure	Comments - Document initial comments on the issue and the privacy impacts or clarification why it is not an issue
Is the information about individuals likely to raise privacy concerns or expectations e.g. health records, criminal records or other information people would consider particularly private?				
Will the procedural document lead to the collection of new information about individuals?				
Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?				
Will the implementation of the procedural document require you to contact individuals in ways which they may find intrusive?				
Will the information about individuals be disclosed to Organisations or people who have not previously had routine access to the information?				
Does the procedural document involve you using new technology which might be perceived as being intrusive? e.g. biometrics or facial recognition				
Will the procedural document result in you making decisions or taking action against individuals in ways which can have a significant impact on them?				
Will the implementation of the procedural document compel individuals to provide information about themselves?				

Sign off if no requirement to continue with Data Protection Impact Assessment:
Confirmation that the responses to the above questions are all NO and therefore there is no requirement to continue with the Data Protection Impact Assessment

Policy author

Date