

**Lead Employer Annual Leave Policy  
Version No: 12**

**Document Summary:**

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

Document Status	Approved
Type of Document	Policy
Document Number	
Approving Body	Workforce Council
Date Approved	22 <sup>nd</sup> September 2021
Date Implemented	22 <sup>nd</sup> September 2021
Review date	September 2024
Accountable Director	Director of Human Resources
Policy Author	HR Business Partner
Target Audience	Medical and Dental trainees employed by StHK Lead Employer, including those training in Public Health, employed under Agenda for Change Terms and Conditions.  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.**

## DOCUMENT CONTROL

<b>Section 1 – Document Information</b>	
<b>Title</b>	Annual Leave Policy
<b>Directorate</b>	Human Resources
<b>Brief Description of amendments</b>	
New Policy format used Definition of Host Manager included Removed reference to SPA's Duties, accountabilities and responsibilities updated Revised wording regarding the carryover and payment of untaken annual leave,	
<b>Does the document follow the Trust agreed format?</b>	Yes
<b>Are all mandatory headings complete?</b>	Yes
<b>Does the document outline clearly the monitoring compliance and performance management?</b>	Yes
<b>Equality Analysis completed?</b>	Yes

<b>Section 2 – Consultation Information*</b>			
*Please remember to consult with all services provided by the Trust, including Community & Primary Care where applicable			
<b>Consultation Completed</b>		<input type="checkbox"/> Trust wide <input type="checkbox"/> Local <input type="checkbox"/> Specific staff group	
<b>Consultation start date</b>	N/A	<b>Consultation end date</b>	N/A

<b>Section 3 – Version Control</b>		
<b>Version</b>	<b>Date Approved</b>	<b>Brief Summary of Changes</b>
8	May 2016	Updated HEE reference, amended contact number for Patient and Workforce Equality Lead
9	Sep 2017	Extended review date to 31 <sup>st</sup> Dec 2017
10	Oct 2017	Extended review date to 31 <sup>st</sup> Jan 2018 and added additional lead employer email addresses
11	Jan 2018	Reference to Annual Leave guidance document, including SPA and Public Health AfC employees. Guidance document detailing 2002/2016 Medical and Dental Annual leave terms and conditions.
12	March 2021	New Policy format used Definition of Host Manager included

		Removed reference to SPA's Duties, accountabilities and responsibilities updated Revised wording regarding the carryover and payment of untaken annual leave,
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<b>Section 4 – Approval</b> <i>To be completed by Document Control</i>			
<b>Document Approved</b>		<input type="checkbox"/> Approved	
<b>Assurance provided by Author &amp; Chair</b>		<input type="checkbox"/> Email with Chairs approval	
<b>Date approved</b>		<b>Review date</b>	

<b>Section 5 – Withdrawal</b> <i>To be completed by Document Control</i>			
<b>Reason for withdrawal</b>		<input type="checkbox"/> No longer required <input type="checkbox"/> Superseded	
<b>Assurance provided by Author &amp; Chair</b>		<input type="checkbox"/> Minutes of Meeting <input type="checkbox"/> Email with Chairs approval	
<b>Date Withdrawn:</b>		Click here to enter a date.	

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## 1. Scope

This Policy applies to all medical and dental trainees employed by StHK Lead Employer, including those training in Public Health, employed under Agenda for Change Terms and Conditions (“Trainees”).

## 2. Introduction

St Helens and Knowsley Teaching Hospitals NHS Trust 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 and enjoy a break.

This Policy ensures that all Host Managers and trainees are aware of their entitlements to annual leave and the process to apply for such leave and to ensure trainees take their full leave entitlement.

## 3. Statement of Intent

The purpose of this policy is to provide Host Managers and Trainees with guidance on the process of application and management of all annual leave and bank holiday entitlements. This is to ensure that all Trainees take adequate rest away from the work place whilst maintaining the needs of the service.

## 4. Definitions

**Annual Leave Entitlement** – this is the allowance Trainees 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 Trainees will be notified accordingly.

**Host Organisation** – the location where the Lead Employer trainee is undertaking their on the job training

**Host Managers** - Consultants / GPs / nominated senior professionals from within the Host Organisation, with responsibility for the day to day management including supervising Trainees, this may also include the Hosts local HR Department.

## **5. Duties, Accountabilities and Responsibilities**

### **5.1 The 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 Trainee annual leave requests and must ensure this policy and best practice is followed.
- ❖ To notify the Lead Employer HR Department of all annual leave approved for their Trainees.
- ❖ To ensure that trainees are made aware of the procedure for requesting annual leave within their Host Organisation.
- ❖ To keep accurate annual leave records for all Trainees in their organisation and to monitor the uptake of annual leave to ensure that trainees 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 Trainees

Trainees have the following responsibilities:

- ❖ 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, thus ensuring full entitlements are taken proportionately throughout the leave year and requests for leave are submitted in good time and in accordance with local procedures.
- ❖ 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 trainees Wedding, providing reasonable notice has been given.
- ❖ 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 Trainees 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 trainees 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 varies depending upon national Medical and Dental terms and conditions or Agenda for Change (AFC) Terms and Conditions.

Trainees should make arrangements to take their annual leave entitlement within their current leave year. For carryover of annual leave from one holiday year to another please see Lead Employer Annual Leave Tool Kit for further information.

### 6.2 Entitlements

Annual leave entitlements vary depending upon the relevant national terms and conditions, please refer to the Lead Employer Annual Leave Tool kit for further information.

### 6.3 Notification of Leave

Trainees 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 disciplinary procedure.

Trainees must endeavour 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.

### 6.4 Untaken Annual Leave

All Trainees 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 trainees apply to carry over a maximum of 5 days (pro rata for LTFT) of annual leave into the next leave year, please refer to the Annual Leave Toolkit which is available Lead Employer Shared Services website for further information.

When long term sickness absence bridges two annual leave years, Trainees 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.

Trainees should make arrangements to take any outstanding accrued annual leave prior to leaving employment at StHK. 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.

### 6.5 Sickness and Annual Leave

If a Trainee 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 Trainee 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 the full absence is covered by a Statement of Fitness to Work (fit note) 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.



The Host Manager must notify the Lead Employer HR Department of this agreement in writing.

## 6.6 Accrual of Annual Leave

Trainees will continue to accrue annual leave during sickness absence, maternity, paternity, adoption and Shared Parental leave.

Trainees should continue to take Annual Leave proportionately during any periods of exclusion.

## 6. Less Than Full Time Trainees

Annual Leave for less than full time Trainees should be calculated on a pro-rata basis. So, for example, a less than full time trainee working 60% of a full time rota should receive 60% of the full time entitlements of annual leave, plus 60% of the entitlement to Bank Holidays.

## 7. Training

The LE will provide guidance and advice including awareness updates where required to assist Hosts in the application of the policy.

## 8. Monitoring Compliance

### 8.1 Key performance Indicators 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

No	Reference
1	NHS Employers
2	UK Government

## 10. Related Trust Documents

No	Related Document
1	Attendance Management Policy
2	Maternity/Paternity/Adoption Policy
3	Disciplinary Policy and Procedure
4	Special Leave Policy
5	Flexible Working Policy

## 11. Equality Analysis

The screening assessment 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 to ascertain whether a full equality analysis is required. This assessment 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 Patient Inclusion and Experience Lead for monitoring purposes.

[Cheryl.farmer@sthk.nhs.uk](mailto:Cheryl.farmer@sthk.nhs.uk). If this screening assessment indicates that discrimination could potentially be introduced then seek advice from the Patient Inclusion and Experience Lead. A full equality analysis must be considered on any cost improvement schemes, organisational changes or service changes which could have an impact on patients or staff.

<b>Equality Analysis</b>			
<b>Title of Document/proposal /service/cost improvement plan etc:</b>		Annual Leave Policy	
<b>Date of Assessment</b>	02.02.2021	<b>Name of Person completing assessment /job title:</b>	Natalie Villegas
<b>Lead Executive Director</b>	Director of Human Resources		HR Business Partner
<b>Does the proposal, service or document affect one group more or less favourably than other group(s) on the basis of their:</b>		<b>Yes / No</b>	<b>Justification/evidence and data source</b>
1	Age	No	Click here to enter text.
2	Disability (including learning disability, physical, sensory or mental impairment)	No	Click here to enter text.
3	Gender reassignment	No	Click here to enter text.
4	Marriage or civil partnership	No	Click here to enter text.
5	Pregnancy or maternity	No	Click here to enter text.
6	Race	No	Click here to enter text.
7	Religion or belief	No	Click here to enter text.
8	Sex	No	Click here to enter text.
9	Sexual Orientation	No	Click here to enter text.
<b>Human Rights – are there any issues which might affect a person’s human rights?</b>		<b>Yes / No</b>	<b>Justification/evidence and data source</b>
Right to life		No	Click here to enter text.
Right to freedom from degrading or humiliating treatment		No	Click here to enter text.
Right to privacy or family life		No	Click here to enter text.
Any other of the human rights?		No	
<b>Lead of Service Review &amp; Approval</b>			
<b>Service Manager completing review &amp; approval</b>		Debbie Livesey	
<b>Job Title:</b>		Head of Human Resources	