

**Lead Employer Annual Leave Policy  
VERSION V11 January 2018**

Type of Document	Policy
Code	
Policy Sponsor	Deputy Director of HR
Lead Executive	Director of HR
Recommended by	LNC
Date Recommended	11 January 2018
Approved by	Workforce Council
Date Approved	24.01.2018
Author (s)	Head of HR
Date Issued	TBC
Review date	31.01.2021
Target Audience	All Lead Employer Speciality Registrars/ SPA's/ Public Health AfC employees
Document Purpose	This Policy sets out the standards and process for annual leave applications together with entitlements within Terms and Conditions of Service.
Training Requirements	The Lead Employer HR Department will be trained on the contents of the Policy and how to apply it.
Associated Documents and Key references	Special Leave Policy Attendance Management Policy Working Time Regulations, (1998 Amended 2003 and 2007) Part Time Workers (Prevention of Less Favourable Treatment) Regulations Annual Leave Toolkit

## Consultation, Communication

Consultation Required	Authorised by	Date Authorised	Comments
Analysis of the effects on equality	Head of HR		
External stakeholders			
Trust staff consultation via intranet	Start date:		End date:

## Implementation Plan

Describe the implementation plan for the policy (and guidelines if impacts upon policy) (Considerations include: launch event, awareness sessions, communication/training via divisions and other management structures etc	Timeframe for implementation?	RAG	Who is responsible for delivery?
All trainees/ SPA's / Public Health AfC employees will be provided with a copy of this policy and will be made available to trainees on the Trust's internet site. The policy will be communicated in more detail to managers by the Lead Employer HR who will also make the hosts and Health Education England aware of the policy.	March 2018		Head of HR

**Performance Management of Policy KPI's (expected outcomes)**

<b>Describe Key Performance Indicators (KPIs) expected outcomes</b>	<b>How will the KPI be monitored?</b>	<b>Which committee will monitor this KPI?</b>	<b>Frequency of review?</b>	<b>Lead</b>
Compliance with policy by Trainees and Host Organisations	Lead Employer HR Management will monitor	Workforce Council & Local Negotiating Committee (LNC)	Annual	Deputy Director HR

**Performance Management of minimum NHSLA process for this policy**

**Learning from experience**

<b>Minimum requirement to be monitored</b>	<b>Process for monitoring e.g. audit</b>	<b>Responsible individual/ group/committee</b>	<b>Frequency of monitoring</b>	<b>Performance management of minimum requirements. Responsible individual / group / committee (plus frequency of review / timescales) for:</b>		
				<b>Review of results</b>	<b>Development and update of action plan</b>	<b>Monitoring of action plan and implementation</b>

<b>Who is responsible for producing action plans if deficits in KPI's and associated processes identified</b>	<b>Which Committee will monitor these action plans</b>	<b>Frequency of review</b>
Head of HR	Workforce Council	Annually

How does learning occur?	Who is responsible for implementing and disseminating learning information?	Frequency
Feedback from managers, staff and trade union representatives	Head of HR	Annually

Archiving including retrieval of archived document	By whom will the policy be archived and retrieved?

### Document Version History

Date	Author Designation	Summary of Key changes
Oct 2013	Head of HR	First version of the new policy therefore N/A
May 2016	HR admin (Gemma Adderley)	Updated HEE reference, amended contact number for Patient and Workforce Equality Lead
Sep 2017	HR admin (Gemma Adderley)	Extended review date to 31 <sup>st</sup> Dec 2017
Oct 2017	HR admin (Gemma Adderley)	Extended review date to 31 <sup>st</sup> Jan 2018 and added additional lead employer email addresses
Jan 2018	Head of HR	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.

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## **EXECUTIVE SUMMARY**

### **1 Policy Aim**

To ensure that Host Trusts have adequate Specialty Registrar, Specialist Registrar, SPA/ Public Health AfC (referred to throughout this Policy as trainees) cover for the delivery of patient services.

To ensure that requests are handled in a fair and consistent manner.

Ensure that all annual leave is authorised by the appropriate personnel within your Host Trust / GP Practice/ placement organisation). Please refer to your Host for further details.

### **2 Policy Description**

To ensure all Host Leave Co-ordinators 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.

## **1. INTRODUCTION**

The purpose of this policy is to provide Host Leave Co-ordinators 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.

## **2. POLICY OBJECTIVES**

The objectives of the policy are to ensure that Host Leave Co-ordinators and Trainees are aware of their entitlements. In addition, to ensure that annual leave is taken throughout the year and service needs are maintained.

## **3. 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.

## **4. DUTIES, ACCOUNTABILITIES AND RESPONSIBILITIES**

### **4.1 The Chief Executive**

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

#### **4.2 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.

#### **4.3 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.

#### **4.4 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.

#### **4.6 Host Supervising Consultants and Host Leave Co-ordinators**

Host Supervising Consultants and Host Leave Co-ordinators are responsible for the approval of Specialty Registrar annual leave requests and must ensure this policy and best practice is followed. Host Leave Co-ordinators are to notify the Lead Employer HR Department of all annual leave approved for their Trainees.

#### **4.7 Trainees**

It is the responsibility of Trainees to adhere to the Annual Leave Policy to comply with their Terms and Conditions of Service.

#### **4.8 Lead Employer HR Department**

The Lead Employer HR Department is responsible for:

- ❖ Ensuring this policy is adhered to at all times.
- ❖ Being satisfied that application forms are correctly completed and have been authorised.
- ❖ Ensuring all annual leave is recorded on a database, changing placements and entitlements as necessary.
- ❖ Ensuring annual leave records are available upon request of the trainee, the Supervising Consultant or the Host Leave Co-ordinator.
- ❖ Assisting the Trainees, Host Supervising Consultant or Host Leave Co-ordinator in the calculation of individual annual entitlements
- ❖ Deal with queries arising out of the annual leave policy

## 5. PROCESS - SECTION 2

### 5.1 Annual Leave Year

The leave year varies depending upon national terms and conditions please see Lead Employer Annual Leave Tool kit for further information.

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. .

Annual leave should be applied for by using the Lead Employer annual leave form.

Copies of the application forms are available within the Lead Employer Annual Leave Tool Kit which is available on the

St Helens and Knowsley Teaching Hospitals NHS Trust Website or by emailing a request to the following email address dependent upon the region you are employed within:

East Midlands Trainees	<a href="mailto:leademployer.eastmids@sthk.nhs.uk">leademployer.eastmids@sthk.nhs.uk</a>
East of England Trainees	<a href="mailto:leademployerEOE@sthk.nhs.uk">leademployerEOE@sthk.nhs.uk</a>
Mersey & Cheshire Trainees	<a href="mailto:lead.employer@sthk.nhs.uk">lead.employer@sthk.nhs.uk</a>
West Midlands Trainees	<a href="mailto:leademployerwestmids@sthk.nhs.uk">leademployerwestmids@sthk.nhs.uk</a>

### 5.2 Entitlements

Annual leave entitlements vary depending upon national terms and conditions please see Lead Employer Annual Leave Tool kit for further information.

### 5.3 Notification of Leave

Trainees must ensure when applying for annual leave that they abide by the procedure in place at the Host Trust they are based at the time of the proposed leave. Please see 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.

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Trainees must endeavour to take annual leave equally between placements. It is the individual's responsibility to manage their leave accordingly throughout the leave year and ensure your leave is equally taken between each of your placements.

### 5.4 Untaken Annual Leave

Where due to reasons of long term sickness it has not been possible to take your outstanding accrued leave in the current leave year, under these circumstances, you should liaise directly with the Lead Employer HR Department to obtain approval for carry over into the new leave year. In these circumstances the Lead Employer will liaise with your Host Leave Co-ordinator to enable these days to be taken upon your return to training with every effort being made for this leave to be taken within 8 weeks of return to work. Carryover of annual leave accrued during sickness will be pro-rata in line with statutory leave entitlements.



Please note that all accrued leave must be taken prior to leaving the employment of StHK. There are no provisions for leave outstanding to be paid in your final salary.

### **5.5 Sickness and Annual Leave**

If a Specialty Registrar 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 Speciality Registrar must notify their assigned contact at their Host Trust 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 Leave Co-ordinator must notify the Lead Employer HR Department of this agreement in writing.

### **5.6 Accrual of Annual Leave**

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

### **5.7 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.

EG= 27 days entitlement /40 hours x 24 (60%) hours = 16 days annual leave  
32 days entitlement /40 hours x 32 (80%) hours = 26 days annual leave

8 Bank Holidays /40 hours x 24 (60%) = 5 days  
8 Bank Holidays /40 hours x 32 (80%) = 6 days

## **6. EQUALITY ANALYSIS**

**The Trust has a duty as a public body to publish all completed Equality Analysis Screening and Assessments. Please forward a copy of your completed pro-forma to the Trust Patient and Workforce Equality Lead**

**The Patient and Workforce Equality Lead will conduct an audit on all completed Screening and Assessments every six months.**

For advice in respect of answering the above questions, please contact the Patient and Workforce Equality Lead (0151 430 1042)

## Equality Analysis Stage 1 Screening

Title of Policy	Lead Employer – Annual Leave Policy	
Policy Author (s)	HR Manager and Head of HR	
Lead Executive	Director of HR	
Policy Sponsor	Deputy Director of HR	
Target Audience	All Lead Employer Speciality Registrars	
Document Purpose	To ensure equitable and consistent processes are undertaken for the approval and management of annual leave for trainees maintaining acceptable levels of service delivery.	
Please state how the policy is relevant to the Trusts general equality duties to: <ul style="list-style-type: none"> <li>• Eliminate discrimination</li> <li>• Advance equality of opportunity</li> <li>• Foster good relations</li> </ul>	This policy is designed to ensure that trainees are treated fairly and consistently	
List key groups involved or to be involved in the policy development (e.g. staff side representatives, service users, partner agencies) and how these groups will be engaged	HR professionals, managers and staff side representatives.	
<p>N.B. Having read the guidance notes provided when assessing the question below you must consider:</p> <ul style="list-style-type: none"> <li>• Be very conscious of any indirect or unintentional outcomes of a potentially discriminatory nature</li> <li>• Will the policy create any problems or barriers to any protected group</li> <li>• Will any protected group be excluded because of this policy</li> <li>• Will the policy have a negative impact on community relations</li> </ul> <p>If in any doubt please consult with the Patient and Workforce Equality Lead</p>		
Does the policy <b>significantly</b> affect one group <b>less</b> or <b>more</b> favourably than another on the basis of: answer 'yes/no' (please add any qualification or explanation to your answer particularly if you answer yes)		
	<b>Yes/No</b>	<b>Comments/Rationale</b>
• Race/ethnicity	No	
• Disability (includes learning disability, physical or mental disability and sensory impairment)	No	
• Gender	No	
• Religion / belief (including non belief)	No	
• Sexual orientation	No	
• Age	No	
• Gender reassignment	No	
• Pregnancy and maternity	No	
• Marriage and civil partnership	No	

• Career status	No	
Will the policy affect the human rights of any of the above protected groups?	No	
If you have identified potential discrimination, and there are any exceptions valid, legal and or justifiable?	No	
If you have identified a negative impact on any of the above protected groups, can the impact be avoided or reduced by taking different action?	No	
How will the effect of the policy be reviewed after implementation?	No	
If you have entered 'yes' in any of the above boxes you <b><i>must</i></b> contact the Patient and Workforce Equality Lead (0151 430 1042/ <a href="mailto:annette.craghill@sthk.nhs.uk">annette.craghill@sthk.nhs.uk</a> ) to discuss the outcome and ascertain whether a <b>Stage 2 Equity Analysis Assessment</b> must be completed		
Name of the manager completing assessment: (must be one of the authors)	Debbie Livesey	
Job title of manager completing the assessment	Head of HR	
Date of completion	11.01.2018	

## 7. TRAINING

Lead Employer HR Staff will be trained on the contents of the policy as required following a training needs analysis or personal development plan.