

LEAD EMPLOYER

ANNUAL LEAVE POLICY AND PROCEDURE

Version:	2.0 for implementation date of 1 st February 2017
Ratified by:	Joint Local Negotiating Committee
Date Ratified:	4 th June 2014
Name of originator/author:	Kelsey Hudson
Name of responsible committee/individual:	Joint Local Negotiating Committee Lead Employer Organisation
Date Issued:	9 th June 2014
Date Revised:	19 th January 2017
Review Date:	31 st January 2020
Target Audience:	Junior Doctors in Training
Owner:	Lead Employer - The Pennine Acute Hospitals NHS Trust

To ensure services provided by The Lead Employer Trust are accessible, the information is available upon request in a variety of formats including large print, Braille, on audio cassette or computer disk. We can also provide help for British Sign Language users and provide information in languages other than English.

The Lead Employer Trust reaffirm their commitment to the Equal Opportunities Policy and the scheme shall be applied fairly to all the Trainees, irrespective of gender, marital status, responsibility for children or dependants, gender reassignment, colour, race, nationality, ethnic/national origin, religion, political beliefs, disability, sexual orientation, age, trade union activities or any other factor, which could lead to the experience of discrimination.

Document Location

The source of the document will be available on the LET website [insert link].

Revision History

Frequency of revision: every 3 years

Date of next revision: TBC

Revision Date	Summary of Changes	Changes marked

Approvals

This document requires the following approvals:

Name	Title
	Chair of JLNC
	Staff Side Chair of the JLNC

Distribution

This document has been distributed to:

Title	Date of Issue	Version
Relevant contacts at the HEP'S i.e. HR Departments and Practice Managers.		
The LET website and also HEP websites.		

Other Relevant Associated Policies

Title	Date of Issue	Version

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SUMMARY

The Annual Leave Policy and Procedure has been developed to ensure effective management of annual leave. The policy contains information relating to the process for requesting annual leave, who should be notified, who authorises the forms and where they should be sent on completion.

1. INTRODUCTION

- 1.1 For the purpose of this document the Lead Employer Organisation shall be referred to as the Lead Employer Team (LET), the Host Educational Provider as the HEP, the latter includes NHS Trusts, GP Practices and any other accredited training organisations recognised by Health Education England North West (North Western) (HEENW).
- 1.2 Locally agreed processes for annual leave will be communicated to doctors in training by the HEP at induction.
- 1.3 There will be an agreed limit on the numbers of staff normally away at any one time. This will be agreed within each HEP and notified to the doctor in training at the HEP induction.
- 1.4 For annual leave to be granted, six weeks' notice is usually required. This is essential in order to minimise disruption to patients. However, so long as leave will not prejudice the service, leave may be booked at shorter notice, providing this has been formally authorised in advance by the nominated HEP annual leave approver.
- 1.5 Failure to provide sufficient notice of planned leave may mean annual leave will not be approved, particularly if colleagues working on the rota have already booked leave.
- 1.6 All doctors in training must receive approval from the HEP annual leave approver as communicated at induction prior to taking annual leave.

2 SCOPE

- 2.1 This policy applies to all doctors in training employed by the Pennine Acute Hospitals NHS Trust Lead Employer Team in Health Education England North West .

3 AIM

- 3.1 This policy aims to ensure consistency and fairness in relation to the requesting, reporting, authorisation and management of annual leave.

4 RESPONSIBILITIES

- 4.1 It is the responsibility of doctors in training to ensure the appropriate processes are followed in relation to the reporting/requesting and authorisation of annual leave within the agreed six weeks timescales prior to booking/taking annual leave. Failure to adhere to the appropriate processes/procedure or refusing without justifiable reason to assist Management in implementing the requirements of this policy may result in disciplinary action being taken.
- 4.2 It is the responsibility of the doctor in training to arrange prospective cover arrangements where this applies.

- 4.3 It is the responsibility of the HEP to have appropriate systems in place for managing, recording and monitoring annual leave.
- 4.4 It is the responsibility of the relevant nominated HEP annual leave approver to authorise or decline all requests for annual leave as appropriate.
- 4.5 It is the HEPs responsibility to ensure requests for leave are treated fairly and equitably.
- 4.6 HEPs are responsible for recording annual leave onto ESR via ESR Self Service. It is the responsibility of the HEP where not on ESR Self Service to issue monthly absence returns to the LET by the sixth day of the following month and for the LET to enter details onto ESR.

5 ANNUAL LEAVE ENTITLEMENT

- 5.1 CTs, , STs on 2002 terms and conditions and on 0, 1st or 2nd incremental points on their pay scale are entitled to annual leave with full pay at the rate of 5 weeks plus 2 statutory days a year (pro rata for LTFTT, see Appendix One).
- 5.2 CTs, , STs on 2002 terms and conditions and on 3rd incremental point and above on their pay scale are entitled to annual leave with full pay at the rate of 6 weeks plus 2 statutory days a year (pro rata for LTFTT, see Appendix One).
- 5.3 CTs and STs on 2016 terms and conditions the annual leave entitlement is:
 - a. On first appointment to the NHS: 27 days
 - b. After five years' completed NHS service: 32 days.(These leave entitlements **include** the two extra-statutory days previously available in England under the 2002 Terms and Conditions of Service).
- 5.4 Doctors in training are recommended to proportion and plan their annual leave entitlement per placement/rotation and within the annual leave year for the purposes of educational and staffing needs.
- 5.5 Where a doctor in training, following approval from HEENW and the LET, changes their basic contracted hours per week, this will result in a recalculation of annual leave and Public Holiday entitlement, from the date of amendment (see Appendix One).
- 5.6 Working days with non-direct clinical care commitments form part of contracted hours and time taken on such days must be taken as annual leave and must not be used as a way to extend annual leave.
- 5.7 For those CTs and STs on 2016 terms and conditions - As leave is deducted from the rota before average hours are calculated for pay purposes, as set out in paragraph 11 of Schedule 4, leave may not be taken from shifts attracting an enhanced rate of pay or an allowance, as set out in Schedule 2 of these TCS. Where a doctor wishes to take leave when rostered for such a shift or duty, the doctor must arrange to swap the shift or duty with another doctor on the same rota. It is the doctor's responsibility to arrange such swaps and the employer is not obliged to approve the leave request if the doctor does not make the necessary arrangements to cover the shifts.

- 5.8 It is expected when taking annual leave, the hours contracted as worked will constitute 1 week (usually 5 days), pro rata for LTFTT, of annual leave entitlement.
- 5.9 Where the start date with the LET is between the 1st to the 16th, the month will be credited when calculating entitlement. Where the start date with the LET is the 17th or later, that month will be excluded from the annual leave entitlement.

6 ANNUAL LEAVE YEAR

- 6.1 The annual leave year for doctors in training in HEENW is from 1st August to 31st July.
- 6.2 The LET expects HEPs to provide doctors in training with the opportunity to take all their annual leave within the annual leave year. Doctors in training have a responsibility to ensure they take their leave entitlement within the annual leave year.
- 6.3 Doctors in training are required to notify the HEP as soon as possible where it becomes apparent it is difficult to take annual leave due to staffing or service issues.
- 6.4 Any leave not taken within the relevant leave year will not be routinely carried over into the subsequent leave year. The HEP in consultation with the LET will only agree the carryover of a maximum of five days annual leave inclusive of days in lieu of public holidays worked in very exceptional circumstances. Please refer to the Lead Employer Family Policy [[LINK](#)] and Attendance Management Policy [[LINK](#)]
- 6.5 Where annual leave requests overlap a period of rotation between two HEPs the doctor in training must ensure prior permission is authorised by representatives of both HEPs.

7 PUBLIC HOLIDAYS

- 7.1 The 8 public holidays (pro rata for LTFTTs, see Appendix One) within the year are:
New Year's Day, Good Friday, Easter Monday, May Day, Late Spring Bank Holiday, August Bank Holiday, Christmas Day and Boxing Day.
- 7.1.1 Depending upon whether the Easter Public Holiday falls within March or April, there can be a variation in the number of public holidays that fall within a financial leave year: For example if 2 Easter Public Holidays fall within the same financial year, an entitlement of 10 public holidays will be applicable. Subsequently, public holiday entitlement will be 6 days in the following annual leave year.
- 7.1.2 When Christmas and New Year Holidays are at weekends, there are three cases which shall be treated as follows:
- a) **When 25th December and 1st January fall on a Saturday.** In this case 25th December and 1st January shall be treated as normal Saturdays and 26th December shall be treated as a normal Sunday. Monday 27th December and Monday 3rd January shall be treated as paid public holidays instead of 25th December and 1st January respectively. Tuesday 28th December shall be treated as a paid public holiday instead of Sunday 26th December.
- b) **When 25th December and 1st January fall on a Sunday.** In this case 25th December and 1st January shall be treated as normal Sundays. Tuesday 27th December and Monday 2nd January shall be treated as paid public holidays instead on Sunday 25th December and Sunday 1st January respectively.

c) **When 26th December falls on a Saturday.** In this case 26th December shall be treated as a normal Saturday. Monday 28th December shall be treated as a paid public holiday instead of 26th December.

- 7.2 If timetabled to work, undertake emergency duty on-call or on standby on a public holiday you will receive a day off in lieu.
- 7.3 If in the course of duty you are required to be present at a training placement between the hours of midnight and 9.00 am on a public holiday then you will receive a day off in lieu.
- 7.4 A day off in lieu of a worked public holiday must be taken at the earliest opportunity available and in most circumstances should be done so within four weeks of the original public holiday worked. In exceptional circumstances it may prove impossible to take a day off in lieu of a worked public holiday as described above when a doctor is scheduled to rotate to a new placement within four weeks after the public holiday. In this situation, bearing in mind the needs of the service, a request can be made to the HEP to take a day off in lieu of a public holiday up to four weeks prior to working the public holiday. Subsequently, should the rota change or the Doctor in Training be unable to work the public holiday for whatever reason, then, the day taken in lieu will be converted to an annual leave day and deducted from the annual leave entitlement. If annual leave entitlement has been exhausted for the leave year, the HEP will contact the LET to deduct a day's pay from salary.
- 7.5 Time off in lieu of worked public holiday can be added to an annual leave request to form a single block of leave in line with HEP approval.
- 7.6 Payment for a day off in lieu of a worked public holiday will only be approved and paid by the HEP in very exceptional circumstances.
- 7.7 Where a zero hours day falls on a public holiday. The public holiday is to be taken and the zero hours day is to be taken at a mutually agreeable time within the rota cycle as agreed by the HEP and the Doctor in Training. This is to ensure that the doctor's rota remains compliant with Working Time Regulations and the New Deal.
- 7.7.1 If it is not possible for a zero hours day to be taken at a mutually agreeable time within the rota then the issue should be escalated to the LET by either the HEP or the doctor in training.
- 7.7.2 If, despite escalation, a mutually agreeable time cannot be found then the doctor may raise a grievance with the LET (as per section 11.1).
- 7.8 Provisions for the carryover of a day off in lieu of a worked public holiday from one leave year to the next leave year are detailed in section 6.4 of this policy.

8 REQUESTING AND TAKING ANNUAL LEAVE

Needs of the Service

- 8.1 The right to request and take annual leave at any particular time is to be balanced against the needs of the service and patient safety. The timing of annual leave needs to be carefully planned to ensure continuity of care for patients and will only be granted if there is adequate staffing levels for the service in question. HEPs must ensure there are sufficient numbers of medical staff at all grades to maintain the effective review and management of patients.

Timing of Requests for Annual Leave

- 8.2 Annual Leave requests must be submitted using the local/departamental/HEP agreed annual leave request form. Annual leave requests must be submitted wherever possible at least six weeks prior to the planned commencement of leave.
- 8.3 Where annual leave requests are for two days or less then, subject to the needs of the service, a minimum of one weeks' notice may suffice.
- 8.4 Where the leave is for more than two weeks, a notice period of 2 months is typically required, to ensure service needs are met. It is recognised in some instances this may not be possible; therefore notice of less than 2 months will be considered on individual merit and service requirement.
- 8.5 Unless in exceptional circumstances, no more than three consecutive weeks can be taken at any one time. Requests to take more than three consecutive weeks will be subjected to review by the relevant Divisional and Clinical Director or nominated HEP Manager before approval can be given.
- 8.6 Once annual leave has been confirmed and duly authorised, planned leave will stand. Re-arrangement will require mutual agreement.
- 8.7 Doctors in training should not be prevented from submitting annual leave requests to HEPs prior to their commencement of training with the HEP, where the future rotation for the doctor in training is known.

9 ABSENCE PROVISIONS

- 9.1 For information relating to the planning of annual leave whilst on maternity leave please see the LET Family Policy and Procedure[[LINK](#)].
- 9.2 If a doctor in training falls sick whilst on annual leave, the period of sickness will be treated as sick leave, allowing the doctor in training to take the annual leave, by arrangement, at a later time. In line with the LET Attendance Management Policy, a medical self certificate and/or a GP fit note will be required to cover the sickness absence.
- 9.3 For information relating to doctors on Long Term Sickness Absence please refer to the LET Attendance Management Policy [[LINK](#)].
- 9.4 Public Holidays cannot be claimed back due to sickness absence.
- 9.5 In the case of a doctor in training who is excluded. Requests for annual leave must be made to the LET who in consultation with the HEP and HEENW will consider reasonable requests made.
- 9.6 Annual Leave will not accrue on periods of unpaid OOP or special leave.

10 RESIGNATION/TERMINATION OF EMPLOYMENT

- 10.1 On termination of appointment with the HEP it is expected all annual leave will be taken. Following notification to the LET from the HEP, the LET will make adjustments to the final pay to take account of any annual leave outstanding/overtaken.



10.2 Where the last date of employment is the 17th or later, that month will be included when calculating entitlement. Where the last date is before the 17th, that month will be excluded from the entitlement.

11 DISSATISFACTION WITH THE APPLICATION OF THIS POLICY

11.1 Any Trainee who is dissatisfied with the way this policy is applied will be able to use the LETs Grievance Policy [\[LINK\]](#).

12 ADVICE

12.1 Advice on the application of this policy is available from the HR Teams at the LET or HEP.

Approved by the Joint Local Negotiating Committee

For Management Side

Date:

14/3/17

For Staff Side

Date:

14/3/17

APPENDIX ONE

ANNUAL LEAVE ENTITLEMENT FOR FULL TIME AND LESS THAN FULL TIME DOCTORS IN TRAINING EMPLOYED UNDER THE LEAD EMPLOYER ARRANGEMENT WITH HEALTH EDUCATION ENGLAND NORTH WEST

Annual Leave calculated in DAYS based on salary points min – 02 on 2002 TCS or on first appointment to the NHS on 2016 TCS				
	Annual Leave Entitlement inclusive of statutory days	6 Banks Holidays Whole Year	8 Bank Holidays Whole Year	10 Bank Holidays Whole Year
24 hours	16 days	3 ½ days	5 days	6 days
28 hours	19 days	4 days	5 ½ days	7 days
32 hours	22 days	4 ½ days	6 days	8 days
36 hours	24 days	5 days	7 days	9 days
40 hours	27 days	6 days	8 days	10 days

Annual Leave calculated in DAYS based on salary points 03 and above on 2002 TCS or after 5 years' completed NHS Service on 2016 TCS				
	Annual Leave Entitlement inclusive of statutory days	6 Banks Holidays Whole Year	8 Bank Holidays Whole Year	10 Bank Holidays Whole Year
24 hours	19 days	3 ½ days	5 days	6 days
28 hours	22 days	4 days	5 ½ days	7 days
32 hours	26 days	4 ½ days	6 days	8 days
36 hours	29 days	5 days	7 days	9 days
40 hours	32 days	6 days	8 days	10 days