

## Leave Policy

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## **Part One: Policy**

### **1.0 Policy Statement**

- 1.1 Primary Care 24 is committed to offering flexible, modern employment practices which recognise that all our Colleagues want to strike a sensible balance between their work and home life. We also recognise that different balances may be needed at different times during a colleague's working life.
- 1.2 The purpose of this policy is to provide managers and Colleagues with guidance on the calculation of annual leave and bank holiday entitlements and highlight the options available for managers and Colleagues to consider when trying to achieve the right work/life balance. Consideration must always be given to the service needs and those of colleagues so that we achieve a solution which works for all parties.
- 1.3 Flexible working options should be included in an advertisement and /or discussed at interview if appropriate for the advertised job. Or made by making a flexible working request.
- 1.4 This policy will be applied to all permanent and fixed term Colleagues within the organisation (this policy does not apply to agency workers or Clinical and Non-Clinical Associates). Provisions for annual leave apply to bank Colleagues but no other leave provisions apply to them.

### **2.0 Principles**

- 2.1 The annual leave period shall be from 1 April to 31 March. This may be reviewed based on organisational requirement.
- 2.2 Annual leave and public holiday entitlement is to be calculated in hours.
- 2.3 Leave entitlement is a flexible provision to enable a colleague to have a rest break from the workplace and manage their home commitments/ requirements. 50% of a colleague's leave allowance must be taken between 1<sup>st</sup> April and 30<sup>th</sup> September.
- 2.4 Line managers must only approve leave requests once the needs of the service have fully been taken in to consideration.
- 2.5 Continuous leave of more than two weeks must be signed off by the relevant second line manager.
- 2.6 Unless there are exceptional circumstances managers and their direct reports should not take annual leave at the same time.
- 2.7 Statutory entitlements to annual leave not taken cannot be paid as this could breach of the health and safety legislation. The only exception to this is when a colleague

leaves the organisation and has been unable to use their leave prior to their last day.

### **3.0 Definitions**

For the purpose of this policy, the definitions are as follows:

- 3.1 A **'dependant'** is someone who is married to, is a civil partner, or a partner (whether opposite or same sex) or is a child, a parent or a person who lives at the same house as the colleague (other than a lodger, tenant, boarder or colleague) or could be someone who would reasonably rely on the colleague for assistance, or arrangements for the provision of care in the event of an illness or injury.
- 3.2 A **'relative'** includes: parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives in a particular emergency.
- 3.3 **'Next of kin'** may be taken to include a partner, close family member or dependant.
- 3.4 A **'Carer'** is a colleague with significant caring responsibilities that have a substantial impact on their working lives. These Colleagues are responsible for the care and support of a disabled, elderly or sick child, parents, relatives or friends who are unable to care for themselves.
- 3.5 **'Adverse weather'** can be defined as snow, ice, volcanic eruptions, fog and floods which render journeys by road as extremely hazardous. This can be both public and private transport.
- 3.6 **Disability:** a colleague may be registered as disabled under the Equality Act 2010, if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

### **4.0 Procedure**

- 4.1 The procedure is detailed in part 2 of this document.

### **5.0 Equality Statement**

- 5.1 Primary Care 24 is committed to promoting equality of opportunity and developing and maintaining a diverse workforce, working with our Colleagues and workers to establish a workplace culture that is inclusive, fair and respectful to all.
- 5.2 In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation.

## 6.0 Monitoring and Review

- 6.1 The policy and procedure will be reviewed every 3 years from date of issue by Human Resources with final approval from the Board. Where review is necessary due to legislative or contractual change, this will happen immediately.

## Part 2: Procedure

### 1.0 Annual Leave Entitlement

- 1.1 Leave entitlement is based on length of service. Additional hours are not counted towards leave entitlement.
- 1.2 For our clinical colleagues, previous NHS experience may be used to calculate annual leave entitlements.
- 1.3 All Primary Care 24 annual leave entitlements are in adherence to statutory minimum.
- 1.4 Primary Care 24 expects that Colleagues should take all of their annual leave entitlement in the relevant leave year. Any annual leave not taken in the relevant leave year will be lost (with exception of Colleagues on long term sick leave -see para 2.14, and in exceptional circumstances para 2.21).
- 1.5 All leave entitlement for part time Colleagues is on a pro rata basis to the full time hours for the post. Your annual leave entitlement will be visible on iTrent.
- 1.6 Colleagues must ensure that their accrued annual leave entitlement is taken prior to termination. However, where this is not possible due to service requirements, payment will be made for outstanding leave not taken.
- 1.7 Colleagues will be entitled to the following amount of amount leave per year:

<u>Length of Service</u>	<u>Annual Leave and General Public Holidays in days</u>	<u>Annual Entitlement in Hours</u>
On appointment	27 days + 8 public holidays	202.5 + 60 Bank Holiday
After 3 years' service	29 days + 8 public holidays	217.5 + 60 Bank Holiday
After 5 years' service	33 days + 8 public holidays	247.5 + 60 Bank Holiday

If you are a GP colleague your entitlement will be:

<u>Length of Service</u>	<u>Annual Leave and General Public Holidays in days</u>	<u>Annual Entitlement in Hours</u>
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On appointment	30 days + 8 public holidays	225 + 60 Bank Holiday
After 3 years' service	31 days + 8 public holidays	232 + 60 Bank Holiday
After 5 years' service	33 days + 8 public holidays	247.5 + 60 Bank Holiday

#### 1.8 Annual Leave for Bank worker Colleagues :

Bank workers will accrue pro rata annual leave at the statutory rate as defined under the Working Time Regulations currently 28 days (5.6 weeks) inclusive of bank holiday.

#### 1.9 Bank workers do not receive a pro rata entitlement to bank holidays.

#### 1.10 Annual Leave while on maternity paternity or adoption leave:

Colleagues maintain their entitlement to contractual annual leave and bank holidays during maternity or adoption leave.

#### 1.11 In the event that a colleague's maternity leave straddles two leave years, particularly, if the full 52 weeks is taken, expectant mothers should take all their current annual and bank holiday leave year entitlement prior to maternity leave. In addition expectant mothers should plan their annual/ bank holiday leave entitlement prior to their return in conjunction with their line manager.

#### 1.12 Annual Leave entitlement during unpaid Parental Leave

Colleagues on unpaid parental leave continue to accrue their contractual annual leave entitlements during this period.

#### 1.13 Annual Leave entitlement during suspension

Colleagues who are suspended must ensure that this policy and procedure is adhered to in all circumstances. In the event that annual leave has been pre-booked at the point suspension takes place, the colleague must inform the investigating manager, to ensure that their annual leave does not affect any other processes, such as an investigation.

#### 1.14 Where an individual requests annual leave whilst on suspension, this request should be submitted to the line manager via the Investigating Manager.

#### 1.15 Annual Leave entitlement during an unpaid career break

Colleagues do not accrue annual leave during an unpaid career break

## 2.0 Requesting and Recording Annual Leave

#### 2.1 Colleagues are encouraged to spread their annual leave entitlements across the leave year for personal wellbeing.

- 2.2 All annual leave must be recorded and agreed at least two weeks in advance by line managers using iTrent.
- 2.3 Line managers must only approve annual leave requests once the needs of the service have fully been taken in to consideration. On occasions leave requests may be declined particularly, if insufficient notice is given or if it would create capacity issues.
- 2.4 All Colleagues must ensure that their line manager approves all annual leave prior to it being taken. Colleagues should not commit themselves to any holiday plans until their line manager has approved their annual leave requests
- 2.5 Entitlement on joining:
- Colleagues who are contracted to work 37.5 hours, their annual leave entitlement will be detailed in their contract of employment, this entitlement will also include the 8 English bank holidays. For our part time colleagues, their annual entitlement, including bank holidays will be calculated on a pro rata basis.
- 2.6 Annual leave and bank holiday entitlement will be calculated in completed weeks worked. Calculations will be automated in the iTrent system.
- 2.7 Entitlement on leaving:
- This will be calculated on a pro rata basis from the 1<sup>st</sup> April until the last day of service. Any unused leave will be paid on the same pro rata basis.
- 2.8 Entitlement on changing contracted hours:
- When Colleagues change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed weeks on the new and the old contracted hours to give the full year entitlement.
- 2.9 Sickness absence and annual leave:
- If a colleague falls sick whilst on annual leave, then in accordance with the Absence Management Policy, the period covered will be treated as sick leave if a Statement of Fitness for Work is provided and the colleague follows sickness absence reporting procedure. If this process has been followed the colleague may be allowed to take the annual leave another time.
- 2.10 Colleagues will not be entitled to an additional day off if sick on a bank/public/statutory holiday.
- 2.11 Long term sickness and annual leave



Colleagues still accrue annual leave whilst on sick leave. Therefore, in the event that a colleague has remaining annual leave following a period of sickness, reasonable opportunity should be given to allow the colleague to take this leave within the same holiday year.

2.12 Where a colleague is long term sick in the months leading up to March with no likely return to work date during this period and annual leave is still outstanding, Colleagues will be given the opportunity to take their annual leave as opposed to sick leave during this period.

2.13 If a colleague on sick leave does not have the opportunity to take their annual leave entitlement because of illness, within the current holiday year, this will carry forward to the next holiday year. However managers should discuss with colleagues when the annual leave should be taken.

2.14 Where possible any outstanding holidays should be used as part of any phased return to work plan.

2.15 Bank/ General Public Holidays:

In addition to annual leave colleagues are entitled to receive paid General Public Holidays that fall within the leave year. Appendix 1 sets out the bank holiday entitlement.

2.16 If a general public holiday falls on a Saturday or Sunday, the following Monday or Tuesday will be designated as a general public holiday.

2.17 A general public holiday will be defined as a period of duty that starts within a period of 24 hours from midnight to midnight.

2.18 Part time colleagues are entitled to a pro rata of all bank holidays which is incorporated into their annual leave entitlement. In the event that a bank holiday falls on a colleague's usual day of work the actual hours they would have worked that day should be deducted from their annual leave entitlement. For example, if a part time colleague normally works 5 hours on Mondays then on each Monday on which a bank holiday or concession day falls, they are required to submit a leave request for that day on iTrent.

2.19 Carry-over of annual leave:

Primary Care 24 expects that colleagues should take all of their annual leave entitlement in the relevant leave year.

- 2.20 Colleagues have a responsibility to ensure that they plan and schedule their leave throughout the leave year. Primary Care 24 recognises however, that there may be exceptional circumstances in which a colleague is unable to use all their leave in the leave year. In such circumstances, the appropriate Director may authorise the carry-over of 5 days annual leave into the next leave year.
- 2.21 All carried over annual leave must be taken by 30th June or will be lost. No payments will be made for leave lost with the exception of those colleagues off on long term sick leave or leaving the organisation.

### **3.0 Other Types of Leave**

- 3.1 Primary Care 24 recognises that different balances may be needed at different times during a colleague's working life. This section sets out the options available for managers and colleagues to consider when trying to achieve the right work/life balance.
- 3.2 Where there is no provision for paid leave a range of options are available including:
- Flexible working arrangements (See the Flexible Working Policy and Procedure)
  - Use of annual leave entitlement
  - Unpaid leave
- 3.3 Consideration must always be given to the service needs and those of colleagues so that a solution which works for all parties is achieved.
- 3.4 Requesting and Recording 'Other Absences'

'Other Leave' is the overarching term relating to all leave other than annual leave. Primary Care 24 recognises the need for 'other leave' to support colleagues ' balance the demands of domestic and work responsibilities at times of urgent and unforeseen circumstances through the provision of paid or unpaid leave. The other leave elements have been designed to give both colleagues and Primary Care 24 increased flexibility as an alternative to annual leave.

- 3.5 All requests for 'other leave' must be submitted in writing to their line manager and once agreed the Line manager will input the leave into iTrent.
- 3.6 All other leave requests must be requested at the earliest opportunity although, it is recognised that in an emergency this is not always feasible. In such circumstances, the colleague must contact their line manager to agree any other leave requests. Such requests can initially be verbally agreed however, a retrospective application will be required on the colleague's return back to work.
- 3.7 In extreme circumstances line managers have the discretion to authorise time off where there has been a distressing incident within the workplace.

- 3.7 Line managers must consider the reasons as well as the impact on service delivery prior to authorising other leave.

#### **4.0 Dependency Leave**

- 4.1 Dependency leave should only be used in emergency short term situations to enable the colleague time off to make alternative arrangements for care of their dependents.
- 4.2 A dependent extends to any person who reasonably relies on the colleague for assistance or in relation to care arrangements. For example:
- An emergency is described as something unforeseen happening suddenly where the colleague is the primary or sole carer for the family member. For example, a colleague is contacted at work by their child's school informing them that their child is ill and needs to be taken home. If the colleague is the sole or primary carer at the time they would meet the emergency criteria.
  - Following dependency leave colleagues are expected to arrange care arrangements for the family member as soon as possible. For example, if a colleague's child is sent home from school and is expected to be absent from school due to a longer term illness such as Chicken Pox it is the colleague's responsibility to arrange alternative care arrangements.
  - Dependency leave cannot be used to assist with child care in non-emergency situations.

**Provision:** Flexible working, annual leave, unpaid leave

#### **5.0 Religious Observance**

- 5.1 Primary Care 24 is committed to recognising cross cultural differences and will respect an individual's needs regarding the observance of their faith such as specific prayer times.
- 5.2 Requests to attend religious festivals will be respected and accommodated as far as is practical within the particular working environment. Such requests should not be unreasonably refused.

**Provision:** Flexible working, annual leave, unpaid leave

#### **6.0 Bereavement Leave**

- 6.1 The purpose of bereavement leave is to help a colleague come to terms with the death of a dependant, relative or next of kin. It also covers time off to make arrangements for attending funerals of a dependant, relative or next of kin.
- 6.2 It is acknowledged that family situations differ and there may be circumstances when the 'next of kin' fall outside of these categories. E.g. if a colleague's parent died when they were younger, and their grandparents brought them up. In this instance the grandparent would be the 'next of kin'.
- 6.3 Circumstances to be considered include:
- whether the colleague is responsible for the arrangements related to the deceased
  - the distance the colleague must travel to the deceased
  - the closeness of the relationship between the deceased and the colleague
  - responsibilities of the colleague for other family members

**Provision:** up to 5 paid working days in a rolling year

## **7.0 Compassionate Leave**

- 7.1 In exceptional circumstances a colleague may request to leave work immediately if for example a close relative is seriously ill and/or in hospital.

**Provision:** Flexible working, annual leave, unpaid leave

## **8.0 Membership of Public Bodies**

A colleague who is a member of a specified public body is entitled to request to take time off during working hours to facilitate their duties. These include:

- A magistrate
- A local Councillor
- A school governor
- A member of a public authority
- A member of any statutory tribunal e.g. an employment tribunal
- A member of the managing or government body of an educational establishment
- A member of the Environmental agency
- A member of the prison independent monitoring board

Leave is agreed via discussion with the line manager.

**Provision:** Flexible working, annual leave, unpaid leave

## **9.0 Jury Service**

- 9.1 A colleague who is required to attend Jury Service will be granted 10 working days (pro-rata for part time colleagues) paid leave. They must inform their Line manager

within a reasonable timescale with all relevant correspondence received from the Court.

- 9.2 Colleagues will continue to receive their full pay from Primary Care 24 during this time to ensure they are not out of pocket. Where they have been 'stood down' by the court on any Jury Service day they should attend work.
- 9.3 If a colleague is required to continue Jury service for longer than 10 working days it will be unpaid. The colleague can claim salary costs from the court.
- 9.4 To do this, colleagues must complete a "Certificate of Loss of Earnings or Benefit form" which is provided by the Court and forward to their Line Manager who should liaise with Payroll accordingly to collate the required information.
- 9.5 Where a colleague is required to attend Jury Service but is critical to service provision Primary Care 24 will support the colleague in requesting the court to defer their Jury Service.

## **10.0 Time off for training**

- 10.1 Requests for time off for training should be agreed by the line manager in the first instance.

## **11.0 Attendance as a witness**

- 11.1 Colleagues are expected to co-operate with Primary Care 24 in any legal action brought by or against Primary Care 24 by any party and will be paid for any associated leave.
- 11.2 Primary Care 24 does not support colleagues to act as witnesses in cases not related to their work in Primary Care 24. Should a colleague be required to act as a witness for a third party this should be discussed with their line manager.

## **12.0 Carers leave**

- 12.1 A colleague who has caring responsibilities may request reasonable time off to attend medical appointments of a dependent. Where reasonably practicable colleagues are required to arrange appointments as close to the beginning and end of the day to minimise disruption. It is reasonable for a line manager to ask a colleague to produce an appointment card.

**Provision: Flexible working, annual leave, unpaid leave**

## **13.0 Territorial Army & Reservist Duty**

- 13.1** Colleagues who are in the reserve forces or the Territorial Army (TA) may need time off for training. Reservists may even need time off if they are called up for Military service. They may need time off for their annual 15 day continuous training.

#### **14.0 Adverse Weather**

- 14.1** It is the duty of each colleague to make their own arrangements to get to work at the normal time. However it is recognised at times that colleagues may experience severe difficulties in getting to and from work as a result of adverse weather and disruption to travel.
- 14.2** For the purpose of this section, 'adverse weather' can be defined as snow, ice, volcanic eruptions, fog and floods which render journeys by road as extremely hazardous. This can be both public and private transport. However, colleagues are expected to make reasonable attempts to attend work for services to be maintained even if this means they arrive late.
- 14.3** If it is not possible for the colleague to attend work at their normal base, it should be considered whether there is another base closer to home that they can work in, or work from home. This should be discussed with their line manager.

**Provision:** Flexible working, annual leave, unpaid leave

#### **15.0 Employment Interviews**

- 15.2** Paid leave will be granted to attend interviews external to the organisation if the colleague is under notice of redundancy or have been notified that they are 'at risk'.
- 15.3** For any other interviews external to the organisation unpaid leave may be requested or annual leave can be used.

## Appendix 1: Bank Holidays

England
<ul style="list-style-type: none"><li>– <b>New Year's Day</b></li><li>– <b>Good Friday</b></li><li>– <b>Easter Monday</b></li><li>– <b>Early May bank holiday</b></li><li>– <b>Spring bank holiday</b></li><li>– <b>Summer bank holiday</b></li><li>– <b>Christmas Day</b></li><li>– <b>Boxing Day</b></li></ul>