**Executive Summary**

The Leave Policy was first agreed in 2015 and was the first cluster of policies to be reviewed with our staff side colleagues with the view merge and simplify our employment policies to ensure they are customer-focused and fit for purpose.

The required changes to two chapters within this policy have been identified through:-

- feedback from staff on the clarification provided by the policies,
- standardisation to support recording of absences, and
- to demonstrate our commitment and support to Reserve Forces

**Chapter 2 – Annual Leave Procedure**

Clarification on the management of annual leave during periods of sickness absence. Changes made to questions 30 and 31 only.

**Chapter 8: Special Leave Procedure – Standardisation of Headings and Reservist Update**

To support the recording of Special Leave in E-Rostering and ESR in the future the headings of the leave granted under this procedure have been standardised to reflect headings in these recording systems.

As an employer of reservists, the Trust has a legal obligation to ensure that our reservist employees are supported throughout their military career as set out in the Reserve Forces (Safeguarding of Employment) Act 1985.

To demonstrate our commitment, the Special Leave Policy now includes two weeks’ additional PAID leave that will be granted to reservists to attend annual training camp. The policy also specifies the processes surrounding mobilisation in the event that a reservist is ‘called up’ on active service.

Changes made to Key Headings and particularly questions 41 to 53 in relation to reservists.

Further detail available from supplementary Information Pack.

**Strategic Priorities**

1. **Quality and Safety**
   - Reduce harm, deliver best clinical outcomes and improve patient experience.
   - Address the existing capacity shortfall and process issues to consistently deliver national healthcare standards.
   - Develop a clinical strategy that ensures the safety and short term sustainability of our clinical services pending the outcome of the Future Fit Programme.
   - To undertake a review of all current services at specialty level to inform future service and business decisions.
   - Develop a sustainable long term clinical services strategy for the Trust to deliver our vision of future healthcare services through our Future Fit Programme.

2. **People**
   - Through our People Strategy develop, support and engage with our workforce to make our organisation a great place to work.
### Innovation

Support service transformation and increased productivity through technology and continuous improvement strategies

Develop the principle of ‘agency’ in our community to support a prevention agenda and improve the health and well-being of the population

Embed a customer focussed approach and improve relationships through our stakeholder engagement strategies

Develop a transition plan that ensures financial sustainability and addresses liquidity issues pending the outcome of the Future Fit Programme

### Community and Partnership

Develop the principle of ‘agency’ in our community to support a prevention agenda and improve the health and well-being of the population

Embed a customer focussed approach and improve relationships through our stakeholder engagement strategies

### Financial Strength: Sustainable Future

- If we do not deliver **safe care** then patients may suffer avoidable harm and poor clinical outcomes and experience
- If we do not work with our partners to reduce the number of patients on the **Delayed Transfer of Care** (DTOC) lists, and streamline our internal processes we will not improve our ‘simple’ discharges.
- Risk to **sustainability** of clinical services due to potential shortages of key clinical staff
- If we do not achieve safe and efficient **patient flow** and improve our processes and capacity and demand planning then we will fail the national quality and performance standards
- If we do not get good levels of **staff engagement** to get a culture of continuous improvement then staff morale and patient outcomes may not improve
- If we do not have a clear **clinical service vision** then we may not deliver the best services to patients
- If we are unable to resolve our (historic) shortfall in **liquidity** and the structural imbalance in the Trust's Income & Expenditure position then we will not be able to fulfil our financial duties and address the modernisation of our ageing estate and equipment

### Board Assurance Framework (BAF) Risks

**Care Quality Commission (CQC) Domains**

- Safe
- Effective
- Caring
- Responsive
- Well led

**Recommendation**

The Trust Board is asked to APPROVE the changes to the relevant Chapters of the Leave Policy W19.
It is the policy of the Shrewsbury & Telford Hospital NHS Trust to ensure that staff have the opportunity to take their paid annual leave and general public holiday entitlement as defined by the NHS Terms and Conditions of Service Handbook within a framework that allows patient care to be delivered throughout the year.

This procedure applies as an overarching framework to all departments.

Frequently Asked Questions

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2. When does the leave year fall?

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5. How much of my NHS service is reckonable for the purpose of calculating my annual leave entitlement?

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10. How do I calculate my leave entitlement if I join or leave the Trust during the leave year?
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39. Can my manager withdraw approval for my annual leave?
40. Can I withdraw a leave application once it has been made/approved?
Introduction

1. Who does this policy apply to?
This policy applies to staff employed on Agenda for Change Contracts (under NHS Terms and Conditions of Service Handbook), it does not apply to Medical and Dental Staff.

2. When does the leave year fall?
The leave year for staff covered by the NHS Terms and Conditions of Service Handbook is 1st April to 31st March.

Leave Entitlement

3. If I am full time, what is my leave entitlement?
Section 13.1 of the handbook provides that all full time staff (where the full time hours for their staff group are 37.5 hours per week or 1 wte equivalent) have the following annual leave entitlement per annum:

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<th></th>
<th>Annual Leave</th>
<th>Public Holidays**</th>
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<td>After 10 years NHS service</td>
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* For the purpose of this calculation, one annual leave day is the equivalent of 7.5 hours.
** There are 8 public holidays in each calendar year (January – December) but because our leave year runs April – March, the number of public holidays may vary depending on where Easter is placed.

4. If I am part time, what is my leave entitlement?
For members of staff working part time, the full time entitlement must be pro-rated in accordance with their contracted hours.

If you do not work standard shifts (7.5 hours) see calculation of leave section regarding the calculation of leave in hours.

5. How much of my NHS service is reckonable for the purpose of calculating my annual leave entitlement?
All proven NHS service is reckonable for the purposes of calculating the annual leave entitlement – regardless of the length of any breaks in that service. Information about employees length of service is not held on ESR, but occasionally your manager may request to see proof of your service.

Calculation of Annual Leave

6. Is my leave calculated in days or hours?
To ensure that all Trust employees have an equitable amount of annual leave, all annual leave and public holiday entitlements are calculated in hours not days, regardless of whether the member of staff is full-time or part-time.
7. How do I calculate my personal annual leave and public holiday entitlement?
The formula you need to use is as follows:

\[
\frac{\text{Your weekly contracted hours}}{5} \times \text{The Annual Leave/Public Holiday entitlement in days for a full time member of staff for a full year} = \text{Your Annual Leave/Public Holiday entitlement for the year in hours}^* \]

Do all rounding at the end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

8. Is there a ready-reckoner with leave entitlements worked out?
Yes. Here it is:
Insert Appendices A and B ready reckoners of Annual Leave and Public Holiday entitlements.

9. How do I work out my annual leave if I have annualised hours, term-time only or other flexible employment contract?
Please contact the HR Advisory Team for advice on your specific circumstances.

10. How do I calculate my leave entitlement if I join or leave the Trust during the leave year?
You are entitled to one 52nd of your annual entitlement for each completed week of employment in the leave year.

The Trust consider that you have worked for a complete week if you start employment with the Trust on the first possible working (not calendar) day in a week, or finish employment on the last possible working (not calendar) day in a week. Or if you commence/leave employment during the week and have completed your full contractual hours for that week.

Do all rounding at end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

11. If I am leaving the Trust's employment, do I need to take all my leave entitlement for the leave year before I leave?
If you leave the Trust's employment, the leave entitlement you would have been allowed up to your date of leaving will be calculated on a pro rata basis.

If you have outstanding holiday entitlement on leaving, you will be paid the corresponding amount of money in your final salary payment.

If you have taken more than your pro-rata holiday entitlement, or you have sold back to the Trust more than your entitlement, this amount of money will be deducted from you in your final salary payment. If the amount of holiday you have taken equates to more money than your final salary payment, you will not receive your final salary payment. Refer to the Trusts Overpayments/Underpayments Procedure.
12. How do I calculate my leave for the year if I pass an anniversary of 5 or 10 years' NHS service during the leave year?
You are entitled to one 52nd of your annual entitlement for each completed week of employment in the leave year. If your annual entitlement changes during the leave year because you move across the boundaries for 5 or 10 years' NHS service, you will need to work out the number of complete weeks leave that relate to each and add them together.

In these circumstances, where the majority of a week falls under one length of NHS service, this is counted as a complete week.

Do all rounding at the end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

13. How do I calculate my leave for the year if my contracted hours change during the leave year?
Your leave entitlement is based on the number of hours you are contracted for every week. If this changes, your leave entitlement for a full year will also change.

You will need to work out leave entitlement per week that relates to your contracted hours, then multiply that figure by the number of complete weeks you worked those contracted hours, and add them together to create a full 52 weeks' worth of leave.

In these circumstances, where the majority of a week is worked based on a certain number of contracted hours, this counts as a complete week.

Do all rounding at the end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

General Public Holidays
14. How many public holidays are there, and where do they fall?
There are eight Public Holidays in a normal leave year, although depending on the placement of the Easter holidays this can vary between six and ten. The dates of public holidays can be identified annually by referring to direct.gov.uk. Public holidays fall as follows:

- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- August Bank Holiday
- Christmas Day
- Boxing Day

15. When does a public holiday start and finish?
For pay purposes, a public holiday starts and ends at midnight. Public holiday payments will be made in accordance with the number of hours worked during this period.
16. Will I always be able to take a day off on a public holiday?
If your ward/department is open on a public holiday, you may not always be able to take the day of a public holiday as leave. You may be asked to work on in accordance with your normal working pattern or rota and use your public holiday leave entitlement on another day.

If your ward/department normally closes on public holidays, you must take that public holiday as paid holiday deducted from your public holiday leave entitlement. Your manager may agree to you working an alternative day or area and not deduct hours from your entitlement if the service needs support this.

Booking Annual Leave

17. How do I book my annual leave?

All annual leave requests should be made to your line manager in accordance with your ward/department’s local method (paper forms, e-Rostering etc.). Your leave request is only approved once your line manager has contacted you and authorised it. An example Leave Booking Sheet is included at Appendix C.

18. How many hours do I deduct from my leave entitlement?

Booking a Week – regardless of shift patterns if a member of staff wishes to be absent from work on annual leave for a week, the number of hours deducted from their leave entitlement will equal their weekly contracted hours.

Booking a day or less than your working full week – the number of hours recorded should either :-

- Equal the standard shift length for the department/individual (e.g. 11.5 hours for long shift wards)
- Or
- Equal the number of hours the individual would have been rostered to work.

19. What is a week?

- For pay purposes, the week is defined as a 7 day period, commencing with a Sunday.
- For leave purposes, a week is your contracted weekly hours – so a week off will include your working days and normal non-working days.

20. Can I always take my leave when I want to?
Your line manager will approve leave subject to departmental circumstances and work pressures, and may seek to allocate leave in order to make sure everyone fits their entitlement in over the course of the leave year.

21. How much notice do I need to give when requesting leave?
Your ward/department may have some local rules about this, so please check with your line manager.

22. Is there a minimum amount of leave I must take at any one time?
There is no minimum as annual leave is calculated and taken in hours.
Carry Over of Leave between Years

23. Do I have to take all my leave every leave year?
You must take the equivalent of at least 28 days holiday (including Public Holidays) each leave year – pro-rated for joiners/leavers within the leave year and for part-time staff. This is the statutory minimum requirement set out in the Working Time Regulations. From the Trust perspective, we want you to take your leave entitlement because it is important for your health and wellbeing.

If you would like to sell back any leave in excess of the statutory minimum, you can do that – please see section on Selling Leave.

24. Can I carry over some of my annual leave between leave years?
The Trust prefers you to take all your contractual paid leave entitlement for the year within that year, because it is important for your health and wellbeing that you take enough rest. In exceptional circumstances your manager may allow you to carry over annual leave equivalent to 5 days at 7.5 hours per day (pro rata for part timers) between leave years. It is expected that any carried over leave will be taken as soon as possible in the new leave year, and definitely before the end of June.

25. Can I bank some of my annual leave entitlement to next year’s entitlement?
Under the Working Time Regulations, you have to take 28 days leave (annual leave and public holidays) a year for your own health and wellbeing – this is known as the Statutory Minimum Leave. This leave entitlement is pro-rated for part time staff and those who join or leave our employment during the year.

If your total contractual leave entitlement is greater than 28 days, you can ask your line manager whether you can bank the excess leave entitlement for the next leave year.

The Trust would not expect to see regular requests to bank leave.

You must discuss this with your line manager as soon as possible, because the overall ward/department roster will be affected.

Your line manager has the discretion to decide whether they will approve your request.

26. What if I have more leave to carry over than I am allowed to have?
Unfortunately, this leave will be lost – unless you had booked to take it in the final three months of the last leave year and your manager asked you to cancel it because of the demands of the service.

27. What if I booked to take my leave in the final three months of the last leave year and my manager asked me to cancel it because of the demands of the service?
In these circumstances you are entitled to carry over that annual leave into the following leave year. It will be deemed to be the first annual leave taken in the new leave year and it is expected that you will take it by the end of June in the new leave year.

Annual Leave and Sickness Absence

28. Do I accrue leave during a period of long term sickness absence?
If you are absent from work because of long term sickness absence you will accrue your full occupational annual leave entitlement (excluding general public holidays) during the first 3 months of sickness absence. After this, you will accrue statutory annual leave only, at the rate of 12.5 hours per month (pro-rata for employees contracted for less than 37.5 hours per week). This entitlement will be calculated on a rolling monthly basis.

(For a ready-reckoner demonstrating the effects for staff employed on Agenda for Change terms and conditions of employment please see Appendix A.)
29. If I am on annual leave and become ill, can I convert my annual leave into sick leave?
Yes if you report your sickness absence in accordance with your ward/department’s sickness reporting procedure (if your sickness absence is 8 calendar days or more you will need a Fit Note or equivalent if overseas which must include the medical practitioners details and patient identifying reference).

If you are unable to take your annual leave in the current leave year, it is expected that you will take your reinstated annual leave as soon as possible in the new leave year, and definitely before the end of June. In the unlikely event that this is not achieved, any leave must be taken within 18 months of the end of the year during which the holiday was accrued.

30. If am off sick and have some pre-booked annual leave, can I reclaim that annual leave to be taken at a later date?
Yes. However see the next question.

31. If I am off sick, can I be away from home?
Yes, you must make sure your manager knows you are away from home. It is your responsibility to be available and attend any sickness related meetings during your sick leave. It is also your responsibility to keep in contact with your manager during sick leave.

32. Can I be paid annual leave at the same time as I am on sick leave?
If you are off sick, your employment status will always be ‘off sick’ until you are fit to return to work. However, if you and your manager agree, you can be paid for your annual leave at the same time as you are off sick. Practically this means that once you and your manager have agreed the number of days annual leave you wish to take, these days are deducted from your leave entitlement and your manager will instruct Pay Services to make a payment equivalent to the leave in the next pay period. It is your responsibility to make sure you have fully explored all of your personal financial circumstances (including the effect of a leave payment on any benefits you may be receiving).

33. If I am off sick on a bank holiday, can I reclaim that bank holiday leave to be taken at a later date?
No.

Selling Annual Leave
34. Can I request to be paid instead of actually taking my annual leave entitlement?
Under the Working Time Regulations, you have to take 28 days leave (annual leave and public holidays) a year for your own health and wellbeing. This leave entitlement is pro-rated for part time staff and those who join or leave our employment during the year.

If your total contractual leave entitlement is greater than 28 days, you can choose to apply to your line manager to sell back your excess leave entitlement, accrued up to the date the payment is made, instead of taking it as holiday. You need to use the form at Appendix D.

The Trust will pay you your basic rate of pay, without enhancements, for the leave. The payment will not be pensionable, but it will be eligible for tax and national insurance contributions. Payment will be made through payroll as a lump sum in the next available pay month.

Your line manager has the discretion to decide whether they will approve your application. They will consider it in the light of the needs of the service, the budget available to pay for the leave and your own sickness absence record.

Once your application has been approved, it cannot be changed during this leave year.

The decision does not affect future years’ entitlements.
Accruing Annual Leave during Other Types of Leave

35. How is leave accrued during maternity, paternity and every other sort of leave?
See the relevant frequently asked question document for the type of leave you are taking.

36. Do I accrue annual leave during any unpaid leave?
No, there is no entitlement to accrue either the statutory minimum or the contractual annual leave entitlement during extended periods of unpaid leave (i.e. during unpaid leave of one month or longer) with the exception of during unpaid periods of sickness absence. This does not apply to short periods of Special Leave and occasional days of unpaid leave agreed by the manager.

Failure to Return from Leave

37. What happens if in exceptional circumstances I cannot get back from leave?
If, in exceptional circumstances you are unable to return from leave on the date agreed, you must contact your line manager as soon as possible to discuss the situation. Depending on the circumstances (flight delay, natural disaster, illness etc.) and expected length of additional absence, your line manager may require you to take additional leave from your paid holiday entitlement or take unpaid leave, time in lieu or special leave.

If you do not return from leave on the date agreed and you do not make contact with your line manager to discuss this, your absence will be treated as unauthorised. It is recognised that in exceptional circumstances contact could be delayed but this is expected to be rare.

Unauthorised Absence

38. What happens if I am absent from work without my line manager’s permission?
We will normally consider this to be unauthorised absence, which is breach of your contract of employment and will usually be regarded as gross misconduct. It will normally result in disciplinary action being taken against you – which could result in the termination of your employment with the Trust. It is recognised that exceptional circumstances may apply however this is expected to be rare.

You will not accrue leave entitlement during periods of unauthorised absence.

Withdrawal of Approval/or Cancellation of Annual Leave

39. Can my manager withdraw approval for my annual leave?
In very rare and exceptional circumstances, the Trust reserves the right to withdraw approval for annual leave should the needs of the service warrant it.

Because it is so unusual, each case must be referred to the Human Resources Advisory Team for advice. Your line manager will make every effort to minimise the inconvenience for you, including reimbursement for any unavoidable documented financial loss incurred in respect of your holiday expenses. Your line manager will ensure that the lost annual leave will be available to be taken in full at a later date at a time to be mutually agreed.

40. Can I withdraw a leave application once it has been made/approved?
If you want to do this you need to talk to your line manager as soon as possible. They have the discretion as to whether to agree to your request, taking into account the needs of the service and the effect on the ward/department roster.
Appendix A

Annual Leave Entitlement Ready Reckoner

The following table provides a ready-reckoner of the paid annual leave entitlement in hours for staff according to their contracted hours and number of complete years’ service. The calculation is as set out in section 8.

<table>
<thead>
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<th>Weekly Basic Contracted Hours</th>
<th>On Appointment 27 days</th>
<th>After 5 Years Service 29 days</th>
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</tbody>
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## Appendix A continued

<table>
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<tr>
<th>Weekly Basic Contracted Hours</th>
<th>On Appointment</th>
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<th>After 10 Years Service</th>
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Hours Equivalent
Public Holiday Entitlement Ready Reckoner

The following table provides a ready-reckoner of the Public Holiday leave entitlement in hours for staff according to their contracted hours. It includes calculations to cover variations in the number of Public Holidays falling within the leave year. The calculation is as set out in section 8.

<table>
<thead>
<tr>
<th>Weekly Basic Contracted Hours</th>
<th>6 days</th>
<th>8 days</th>
<th>10 days</th>
</tr>
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<tbody>
<tr>
<td>Variation on 'normal' number of Public Holidays</td>
<td>Normal' number of Public Holidays</td>
<td>Variation on 'normal' number of Public Holidays</td>
<td></td>
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<td>22.5</td>
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<td>36</td>
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</tbody>
</table>
### Appendix B continued

Variation on 'normal' number of Public Holidays | Normal' number of Public Holidays | Variation on 'normal' number of Public Holidays
---|---|---
| Weekly Basic Contracted Hours | 6 days | 8 days | 10 days
| Hours Equivalent | | | |
| 22 | 26.5 | 35.5 | 44 |
| 21.5 | 26 | 34.5 | 43 |
| 21 | 25.5 | 34 | 42 |
| 20.5 | 25 | 33 | 41 |
| 20 | 24 | 32 | 40 |
| 19.5 | 23.5 | 31.5 | 39 |
| 19 | 23 | 30.5 | 38 |
| 18.5 | 22.5 | 30 | 37 |
| 18 | 22 | 29 | 36 |
| 17.5 | 21 | 28 | 35 |
| 17 | 20.5 | 27.5 | 34 |
| 16.5 | 20 | 26.5 | 33 |
| 16 | 19.5 | 26 | 32 |
| 15.5 | 19 | 25 | 31 |
| 15 | 18 | 24 | 30 |
| 14.5 | 17.5 | 23.5 | 29 |
| 14 | 17 | 22.5 | 28 |
| 13.5 | 16.5 | 22 | 27 |
| 13 | 16 | 21 | 26 |
| 12.5 | 15 | 20 | 25 |
| 12 | 14.5 | 19.5 | 24 |
| 11.5 | 14 | 18.5 | 23 |
| 11 | 13.5 | 18 | 22 |
| 10.5 | 13 | 17 | 21 |
| 10 | 12 | 16 | 20 |
| 9.5 | 11.5 | 15.5 | 19 |
| 9 | 11 | 14.5 | 18 |
| 8.5 | 10.5 | 14 | 17 |
| 8 | 10 | 13 | 16 |
| 7.5 | 9 | 12 | 15 |
| 7 | 8.5 | 11.5 | 14 |
| 6.5 | 8 | 10.5 | 13 |
| 6 | 7.5 | 10 | 12 |
| 5.5 | 7 | 9 | 11 |
| 5 | 6 | 8 | 10 |
| 4.5 | 5.5 | 7.5 | 9 |
| 4 | 5 | 6.5 | 8 |
| 3.5 | 4.5 | 6 | 7 |
| 3 | 4 | 5 | 6 |
| 2.5 | 3 | 4 | 5 |
| 2 | 2.5 | 3.5 | 4 |
| 1.5 | 2 | 2.5 | 3 |
| 1 | 1.5 | 2 | 2 |
| 0.5 | 1 | 1 | 1 |
## Example Annual Leave Request Form

<table>
<thead>
<tr>
<th>Name:</th>
<th>Leave year:</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Annual Leave entitlement</th>
<th>Public Holiday entitlement</th>
<th>Total Leave entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days</td>
<td>Hours</td>
<td>Days</td>
</tr>
<tr>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

*It is Trust policy that entitlements to annual leave and Public Holidays are calculated in hours not days, regardless of whether the member of staff is full-time or part-time.*

<table>
<thead>
<tr>
<th>Date From</th>
<th>Date To</th>
<th>No. Hours Requested</th>
<th>No. Hours Remaining</th>
<th>Authorised by: (signature)</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

*Once authorised, please ensure your annual leave is recorded on the ward/department’s central record.*
Request to Sell Annual Leave

For completion by Employee

Employee Name ...........................................  Job Title ...........................................
Department ...........................................  Centre ...............................................
Payroll Number ...........................................
Managers Name ..........................................................

Normal Leave Entitlement in Hours ............ (including/excluding bank holidays) Delete as appropriate

Details of Request

For the leave year ____/____ I wish to sell ........ hours annual leave.

I understand that approval of the sale of my annual leave is at the discretion of my manager and in accordance with Trust policy. I understand that I will forego these hours from my annual leave entitlement and that payment will be made at my basic hourly rate of pay (excluding payments for overtime or enhancements). This will be paid to me in a lump sum (normally in the next available pay month), which will not be pensionable but will attract tax and national insurance contributions. I understand that should I leave part way through the leave year, a re-calculation of my annual leave will be undertaken. If I have sold more than my entitlement, I will be required to repay any over payment from my final salary.

Signed .......................................................... Date ....................... 

For Completion by Line Manager

<table>
<thead>
<tr>
<th>Please tick one box only</th>
</tr>
</thead>
<tbody>
<tr>
<td>I agree to the request for selling annual leave as set out above</td>
</tr>
<tr>
<td>I do not agree to the request for selling annual leave as set out above. The reasons are as follows:</td>
</tr>
<tr>
<td>I have discussed this with the employee and explained why I have declined the request.</td>
</tr>
</tbody>
</table>

Signed .......................................................... Date ....................... 

A copy of this form must be retained on personal file.
A copy of this form must be given to the employee.
Where the request is agreed a copy must be sent to pay services to action the request.
Where a request is declined a copy of this form must be sent to HR.
The Trust recognises that staff will at times require time off work to deal with personal commitments in urgent and non-urgent situations. This chapter sets out the provisions provided by the Trust in these circumstances.

- All special leave is discretionary and there is no entitlement to time off.
- It is expected that special leave will be kept to a minimum and granted when it is appropriate to the circumstances.
- For emergency unexpected events it is expected that short term leave will be paid, other options for time off should be considered, for example time off in lieu, flexi-time, annual leave, unpaid leave.
- Staff should consider the service implications of their request where appropriate.
- Requests for special leave should be made at the earliest opportunity and where possible in advance.
- Where paid leave is granted it will be paid at full basic rate, excluding any supplementary payments.
- It is the responsibility of the employee to maintain contact during any period of leave.

Frequently Asked Questions

Employee Expectations
1. What expectations are required of me as a member of Trust Staff?

Maintaining Contact During Leave
2. Should I maintain contact during leave?
3. What happens if I do not maintain contact?

Eligibility
4. Will time off for special leave be granted?
5. Who is entitled to request time off for special leave?
6. Am I entitled to time off?
7. Should other forms of leave be considered first?
8. What will be taken into consideration when reviewing my request?
9. If I am already on annual leave what happens?

Leave Approval Process
10. When should approval for time off be requested?
11. What happens in emergency situations?
12. How should requests be recorded?
13. Where will records of my requests be kept?

Calculation of Pay
14. What pay will I receive if leave is granted with pay?

Refusing Requests
15. What happens if my leave is declined?
16. What do I do if I do not agree with any decision made in relation to time off for special leave or I feel I have been treated unreasonably under this procedure?

Abuse of the Policy
17. What action could be taken if I abuse this policy?

Range of Provision for Time off for Special Leave
18. What provisions apply for time off for Special Leave?

Emergency Leave/Time Off for Dependant
19. In what circumstances may this leave be agreed?
20. What is a Dependant?
21. What circumstances are excluded?
22. If leave is agreed how long will it be agreed for?
23. Is there a maximum amount of leave that can be authorised?

**Compassionate Leave**
24. In what circumstances may this leave be agreed?
25. Will other reasons be considered?
26. If leave is agreed how long will it be agreed for?

**Leave for with Notice Events**
27. How should leave for with notice events be covered?
28. What does leave for with notice events include?
   - Interviews
   - Medical and Dental Appointments
   - Personal Choice Treatment
   - Fertility Treatment

**Leave for Public and Civic Duties**
29. What does leave for Public and Civic Duties include?
30. What leave will I be able to request if I am required to attend Court as a Witness?
31. Will I be paid?
32. What leave will I be able to request if I am required to attend for Jury Service
33. Will I be required to claim back payment from the courts?
34. Does my manager need to sign any paperwork specific for Jury Service and compulsory attendance as a witness at a court or tribunal?
35. What can I claim from the court?
36. What evidence of payments will I receive from the court?
37. What happens if my claim for loss of earnings is disallowed either totally or partially?
38. What happens if I fail to claim for payments to which I am eligible?
39. What leave will I be able to request if I undertake duties for Local Government Activities, Justice of the Peace, Member of Health Authority Meetings, NHS Staff Councils, Governing Bodies of Educational Establishments and Police Special Constables?
40. When should I discuss this with my manager?

**Reserve Forces**
41. What are the Reserve Forces?
42. I am a reservist, should I tell my manager?
43. What leave will I be able to request to undertake duties for Reserve Forces?
44. What happens to my NHS Pension contributions whilst on active service?
45. Do I need to disclose if I receive any payment for these activities?
46. Can my manager refuse my leave for active service?
47. Is there any financial assistance for the Trust if I am mobilised for active service?
48. Will I accrue Annual Leave?
49. Can I carry my Annual Leave over into the next leave year?
50. How will my incremental date and/or incremental pay rise be affected whilst on active service?
51. What benefits will our Reservist workforce bring for the Trust?
52. Do I return to my previous role?
53. What support will I get on my return to work?
Employee Expectations

1. **What expectations are required of me as a member of Trust Staff?**
   Staff requesting special leave are expected to make every effort to make alternative arrangements and should involve their spouse and/or other family members or friends where possible and relevant to type of leave requested.

Maintaining Contact During Leave

2. **Should I maintain contact during leave?**
   Yes, it is your responsibility to maintain contact during any period of Special Leave.

3. **What happens if I don’t maintain contact?**
   Failure to maintain contact, as appropriate, may result in the employee’s paid leave or authorised unpaid leave being withdrawn. The absence may then be treated as unauthorised and disciplinary action may be taken in accordance with the Trust’s Disciplinary Procedure.

Eligibility

4. **Will time off for special leave be granted?**
   In all cases Special Leave is granted at the discretion of the manager, subject to the needs of the service and the individual’s circumstances, but will not be unreasonably refused.

5. **Who is entitled to request time off for special leave?**
   The handbook states in section 32.36 that for time off for domestic reasons the provisions should cover all employees. The Trust provisions for time off for special leave applies to all employees of the Trust.

6. **Am I entitled to time off?**
   There is no “entitlement” to special leave and individuals do not have a right to take any number of days Special Leave in a year whether paid or unpaid. Each section of this procedure carries guidance to be considered when authorising leave. Special leave may be supplemented by other types of leave as appropriate.

7. **Should other forms of leave be considered?**
   When special leave is requested by an employee, consideration may be given to whether or not it is appropriate to use other types of leave, including accrued Time Off In Lieu, flexi-time, annual leave (authorised outside of normal booking rules) or unpaid leave. However, in supporting our staff we recognise that sometimes there will be no other options available.

8. **What will be taken into consideration when reviewing my request?**
   Your manager will take into account the type of leave requested and the reason for the request, information you have provided in relation to other options you have considered, and the frequency at which you have taken special leave.

9. **If I am already on annual leave what happens?**
   Where an incident arises during time that has already been booked as annual leave you will not be able to swap the leave to another form of leave. Where the incident that resulted in you needing time off continues after your annual leave ends you should discuss with your manager at the earliest opportunity how you intend to cover any further periods of absence.
Leave Approval Process

10. When should approval for time off be requested?
Requests for leave should be discussed at the earliest opportunity prior to leave being taken and all appropriate documentation should be completed accordingly. However the Trust recognises that in some circumstances this may not be possible and discussion regarding the type of leave granted will need to occur on return to work, in these circumstances you must still notify your manager of your absence (see ‘What happens in emergency situations?’) Where the manager is not available, authority should be sought from the line manager’s manager.

11. What happens in emergency situations?
Where an immediate crisis occurs and you are unable to attend for duty as expected you must inform your Manager/Supervisor in accordance with procedures set out in your own department for reporting absence.

In exceptional circumstances, where it is not possible to discuss the type of leave to be agreed, you may elect to notify the department of your absence but take leave and discuss the nature of it with your manager (i.e. whether paid or unpaid special leave, annual leave, unpaid leave, flexi-time or time off in lieu is appropriate) as soon as is reasonably possible.

These circumstances should be rare.

12. How should requests be recorded?
Requests for leave should be recorded on the form in appendix A, this should be retained on the employees personal file.

13. Where will records of my requests be kept?
Details of your requests, authorised and declined, will be retained on your personal file using form in appendix A in accordance with the Trust retention of records procedures. Authorised absences will be recorded on ESR via E-rostering, Supervisor Self-Service or notification to Pay Services as per sickness absence reporting.

Calculation of Pay

14. What pay will I receive if leave is granted with pay?
Where paid leave is granted, you will be paid at full basic rate for the number of hours lost, excluding any unsociable hours’ payments and other variable payments.

Refusing Requests

15. What happens if my leave is declined?
If your request for leave is decline you will be entitled, upon request, to a written explanation in accordance with section 35.39 of the handbook.

16. What do I do if I do not agree with any decision made in relation to time off for special leave or I feel I have been treated unreasonably under this procedure?
You are entitled to raise a grievance in accordance with the Trust Grievance Procedures as per section 35.40 of the handbook.
Abuse of the Policy

17. What action could be taken if I abuse this policy?
Any abuse of this policy may result in the absence being treated as unauthorised and therefore unpaid. Furthermore, disciplinary action may be taken in accordance with the Trust's Disciplinary Procedure or in accordance with the Trust Counter Fraud Policy (which can include criminal action).

Range of Provision for Time off for Special Leave

18. What provisions apply for time off for Special Leave?
The NHS Terms and Conditions of Service Handbook sets out provisions in relation to Leave/Time off For Domestic Reasons, section 35.35 states this form of leave should cover a range of needs, from genuine domestic emergencies through to bereavement.

The Trust Leave Provisions include:-
- Emergency Leave/Time Off for Dependant
- Compassionate Leave
- Leave for With Notice Events
- Leave for Public and Civic Duties

Emergency Leave/Time Off for Dependants

19. In what circumstances may this leave be agreed?
- Unexpected breakdown in carer arrangements for dependents
- Arranging for care of dependents who are ill or injured.
- Providing assistance for dependents who are taken ill or injured.
- Dealing with flood, fire, burglary at home.
- Sudden breakdown of a relationship

This list is not exhaustive

20. What is a Dependant?
A dependant could be a spouse, partner, child, parent, or someone who depends on you for care, this may include situations where the need for care is triggered by the incident resulting in the request for time off. See also leave for ‘Compassionate Leave’.

21. What circumstances are, normally, excluded?
Situations where time off can be planned or where the situation becomes long term, frequent or on-going. However dependent upon the circumstances managers may authorise paid leave to support you in difficult or extreme circumstances.

Where events can be planned, annual leave, unpaid leave or TOIL should be booked in advance and in accordance with local booking rules.

22. If leave is agreed will it be paid and how long will it be agreed for?
Emergency Leave/Time Off for Dependant will be paid and will normally be to the maximum of one shift. In exceptional circumstances this may be extended subject to the circumstances and needs of service.
23. Is there a maximum amount of leave that can be authorised?
The Trust does not set maximum amounts of leave that it deems appropriate as it recognises that all circumstances are different. Managers will be expected to use their discretion and review the reason for the request, the consideration given to alternative solutions, the impact on service, and the employee’s employment history with considering requests.

Compassionate Leave

24. In what circumstances may this leave be agreed?
Leave may be agreed where it relates to a close relative, partner or significant other close person for reasons including:
- Serious illness or where death is imminent
- Immediately following bereavement
- Attending the funeral
- Attendance at an inquest.

25. Will other reasons be considered?
Yes, other circumstances will be considered on an individual basis.

26. If leave is agreed how long will it be agreed for?
The Trust does not set maximum amounts of leave that it deems appropriate as it recognises that all circumstances are different. The time off will vary dependent upon the circumstances. Managers will be expected to use discretion in order to support their staff. Staff are requested to consider service implications wherever possible.

Leave for with Notice Events

27. How should leave for with notice events be covered?
All efforts should be taken by the employee to reduce the need for paid special leave for ‘with notice’ events through the use of days off, annual leave, unpaid leave or TOIL. However, it is recognised that there will be occasions where paid time off will be appropriate in the circumstances, particularly where this allows the individual to remain in work or supports wider health and well-being concerns.

28. What does Leave for with notice events include?

Interview Leave – employees are requested to arrange interviews outside of rostered working time where possible. Where this is not possible reasonable paid time off will be granted for internal interviews. For external interviews staff will be required to use annual leave, unpaid interview leave or TOIL.

Medical and Dental Appointments should be arranged outside of working hours wherever possible. It is accepted that such appointments are not always available therefore appointments should be arranged to cause minimal inconvenience to the service and paid leave will be granted. All time off must be agreed with your line manager in advance at the earliest opportunity. Where the planned time off is unavoidably extended leave arrangements will need to be discussed as soon as possible. If the employee becomes unwell and as a result is absence from work due to ill-health the absence will be counted as sick leave.
**Personal Choice Treatment** - Where an employee chooses to undergo treatment where there is no medical or clinical necessity (e.g. ‘cosmetic' surgery/aesthetic surgery) they should discuss this with their manager. Scheduled time off, such as annual leave, time owing or unpaid leave, should be used. If as a result of such treatment the individual is unfit to work, then they should follow sickness absence procedures.

**Fertility Treatment** – the Trust wishes to support staff undertaking assisted conception treatment. If you are undertaking treatment you are asked to arrange appointments outside of work hours where possible. However, it is recognised that this is not always possible. In these circumstances your manager will discuss the requirements for time off to agree a combination of paid leave, annual leave, unpaid leave and TOIL to support you during this period.

Partners required to attend specific appointments to support assisted conception should discuss their requirements for time off to agree a combination of paid leave, annual leave, unpaid leave or TOIL to support you during this period.

Where an employee requires time off as a result of side effects of the treatment they should follow sickness absence procedures.

29. What does Leave for Public and Civic Duties include?

- Court Appearance
- Leave for Jury Service
- Leave for Local Government Activities, Justice of the Peace, Member of Health Authority Meetings, NHS Staff Councils, Governing Bodies of Educational Establishments and Police Special Constables
- Leave for /Reserve Forces

30. **What leave will I be able to request if I am required to attend Court?**

Employees who attend court on behalf of the Trust will attend as part of their normal duties. Where employees attend Court as a witness on a subpoena, witness summons or otherwise as a legal obligation time off with pay will be considered on a case by case basis dependent upon the circumstances. Absence for attendance for any other reasons will also be authorised on a case by case basis depending on the nature of your attendance.

31. **Will I be paid?**

If you are attending as part of your normal duties, you will be paid as normal. For other reasons, where paid time is authorised any witness fees or other related fees received must be released to the Trust via a comparable reduction in salary via pay services.

32. **What leave will I be able to request if I am required to attend for Jury Service?**

Paid time off will be granted for attendance at Jury Service. Pay (based on normal average earnings) will be less any attendance allowance payments made by the courts via a comparable reduction in salary via pay services.

33. **Will I be required to claim back payment from the courts?**

Yes, employees must claim all payments available to them. If you receive payments, you must notify your manager and provide evidence. This amount will then be deducted from your pay as appropriate, payments for excess travel or subsistence will not be deducted. Pension contributions will not be effected.
34. Does my manager need to sign any paperwork specific for Jury Service and compulsory attendance as a witness at a court or tribunal?
Yes, you should obtain a Juror’s Allowance Leaflet (form 5223) from the court and request that your manager completes this to certify full loss of earnings. A copy should be forwarded to Pay Services and a copy retained on your personal file.

35. What can I claim from the court?
You may be able to claim from the court authorities for travelling, subsistence and full loss of earnings for the day(s) in question.

36. What evidence of payments will I receive from the court?
The court authorities will provide a statement giving details of payments made against the claim. You must provide a copy of this to your manager who will send a copy of this to Pay Services and retain a copy on your personal file.

37. What happens if my claim for loss of earnings is disallowed either totally or partially?
The Trust will grant pay up to the level of full earnings.

38. What happens if I fail to claim for loss of earnings to which I am eligible?
The Trust may decline to make your pay up or withhold pay completely for the period of your absence.

39. What leave will I be able to request if I undertake duties for Local Government Activities, Justice of the Peace, Member of relevant Health Board, NHS Staff Councils, Governing Bodies of Educational Establishments and Police Special Constables?
You will be entitled to ‘reasonable time off’ to undertake external activities, particularly where these are a benefit to society and/or the Trust. Working contracted hours flexibly should be explored first prior to authorised paid leave. Where paid leave is authorised it should be agreed on a case by case basis having considered the availability of flexible working and the reason for the request.

40. When should I discuss this with my manager?
Staff should discuss their intentions to undertake duties with their manager prior to confirming their commitment.

Reserve Forces Leave

41. What are the Reserve Forces?
The Reserve Forces consist of the Royal Naval Reserve (RNR), the Royal Marines Reserve (RMR), the Territorial Army (TA) and the Reserve Air Forces (RAFR and RAuxAF).

42. I am a reservist, should I tell my manager?
Yes, employees have an obligation to inform their manager that they are a reservist. Employees are required to inform their manager of training dates as soon as they are aware prior to confirming their commitment to attend to allow appropriate planning for absences. Your manager will need to complete ESR Form Reservist Declaration available on the intranet and submit to the HR Information Team.

43. What leave will I be able to request to undertake duties for Reserve Forces?
Support for training: Two weeks paid leave in addition to normal annual leave entitlement will be available to reservists to attend annual training camp or equivalent
continuous training. Requests will be recorded on ESR as ‘Training with Reserve and Cadet Forces’. (Note the Trust does not provide PAID time off for Cadet Forces).

Additional unpaid leave or annual leave from the employee’s normal annual allocation may be granted for short periods of training. Provided adequate notice is given and where such duties cannot be undertaken during off-duty time. Attendance at weekend camps, which cannot be undertaken during off-duty, will be subject to the same arrangements.

Mobilisation: Employees ‘called-up’ on active service will be granted unpaid leave for the duration of their period of active service. While the reservist is mobilised, the Trust is not obliged to pay them earnings. However, in exceptional circumstances, for example where there is a delay in the commencement of payment from the MoD, the Trust will continue salary payment after the date of mobilisation in order to provide sufficient time for staff to put their financial affairs in order. This ensures that individuals are not disadvantaged by being mobilised.

Any excess salary paid after the date of mobilisation will be recoverable when the individual returns to work. The designated contact should ensure that the pay department is notified that the employee is being mobilised and the date when their pay should stop. Where an agreement on recovery is not agreed or if the individual does not return to work, overpayments will be managed in accordance with the overpayments and underpayments policy.

44. What happens to my NHS Pension contributions whilst on active service?
Employees will need to contact the Pensions Team as your NHS Pension may be affected when you are mobilised.

45. Do I need to disclose if I receive any payment for these activities?
If you receive any pay or allowances this must be disclosed to your manager and where appropriate a deduction will be made from your pay from the Trust to reflect this.

46. Can my manager refuse my leave for active service?
If you are called up for compulsory active service, your manager can apply for deferral, revocation or exemption. Seek further guidance from the Reservist Champion.

For Voluntary mobilisation you must seek prior agreement with your line manager before volunteering. Your manager will respond to such requests within a maximum of 7 working days.

47. Is there any financial assistance for the Trust if I am mobilised for active service?
Yes, if the Trust incurs additional cost. In order to claim financial assistance, the Trust will provide the MoD with appropriate supporting documentary evidence for example, invoices.

The latest date for submitting claims for financial assistance, other than for training, is within 4 weeks of the date the reservist is demobilised. Seek further guidance from the Reservist Champion.

48. Will I accrue Annual Leave?
When you are mobilised or whilst on unpaid leave employees will not accrue annual leave. Whilst on paid leave, through annual training camp or equivalent continuous training, you will accrue annual leave.

49. Can I carry my Annual Leave over into the next leave year?
All annual leave not taken up on the date of mobilisation may be carried over into the following year. The "up to a maximum of 5 days" rule associated with accrued annual leave being carried forward may be waived in the case of a reservist.

50. How will my incremental date and/or incremental pay rise be affected whilst on active service?
You will have continuous employment rights with the Trust. Your increments will not be affected.

51. What benefits will our Reservist workforce bring for the Trust?
Line managers who carry out appraisal meetings with a reservist should be made aware that Reserve Forces activities undertaken (either through training or mobilisation) bring essential skills into the workplace such as leadership, communication, team working and organisational ability, which ultimately lead to improved performance in the workplace. It is therefore good practice that we recognise these skills and abilities in an individual’s appraisal meeting and acknowledge that the activities can be regarded as evidence of achievement or in some circumstances contribute towards an individual being in a position to evidence application of knowledge and skills.

52. Do I return to my previous role?
Once demobilised, employees must contact their line manager in writing to advise of their intended date of return to work. This must be no later than the third Monday following their last day of military service. Provided you return to work within 6 months of de-mobilisation you will return to the same job. Where this is not possible you will be offered an equivalent position with the same conditions of service.

53. What support will I get on my return to work?
Your manager will arrange for you to undertake a refresher local induction so that you can be updated on any changes. Reasonable time off for therapeutic treatment or appointments will be authorised if required.
Appendix A
SPECIAL LEAVE RECORD FORM

This form must be completed and signed in all instances where Special Leave is granted.

One copy of the completed form is to be returned to the individual and a copy retained in the individual's Personal File. Where unpaid Special Leave is granted, Pay Services must be notified immediately. All Special Leave must be recorded on ESR using E-rostering, Supervisor Self Service or notification to Pay Services.

Name of Employee: ___________________________ Department: ___________________________

Employee’s Post Title: ___________________________

SPECIAL LEAVE GRANTED/REFUSED IN PREVIOUS 12 MONTH PERIOD:

<table>
<thead>
<tr>
<th>Granted or Refused</th>
<th>Type of Leave</th>
<th>Number of days paid</th>
<th>Number of days unpaid</th>
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REASON FOR LEAVE REQUEST

____________________________________________________________________________________

LEAVE GRANTED ON THIS OCCASION:

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<th>Dates: From – to</th>
<th>Number of days paid</th>
<th>Number of days unpaid</th>
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LEAVE REFUSED ON THIS OCCASION:

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<th>Dates: From – to</th>
<th>Reason for Refusing Leave</th>
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Manager’s Name: ___________________________ Date: ___________________________

Manager’s Post Title: ___________________________

Manager’s Signature: ___________________________

Employee’s Signature: ___________________________ Date: ___________________________

Chapter 8 Special Leave Page 11 of 11 This document was last updated to reflect the changes in the NHS Terms and Conditions of Service ‘Handbook’ (amendment no 37) version 1.8