

Leave Policy

Workforce Directorate Policy W19

Supported by:

- Chapter 1 Adoption Leave Procedure
- Chapter 2 Annual Leave & General Public Holidays Procedure
- Chapter 3 Employment Breaks Procedure
- Chapter 4 Maternity Leave Procedure
- Chapter 5 New Parent Support Leave Procedure
- Chapter 6 Shared Parental Leave Procedure
- Chapter 7 Parental Leave Procedure
- Chapter 8 Special Leave Procedure

Additionally refer to

- Equality and Diversity
- Flexible Working
- Managing Sickness Absence
- Management of Health and Safety: Risk Assessment Forms
- NHS Terms and Conditions of Service Handbook as relevant
- Disciplinary Policy
- Counter Fraud Policy

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Workforce Policy W19 Version History

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2.1	Oct 19	Kate Youlden	Draft	Updated at JNCC Policy Group
2.2	Dec 19	Kate Youlden	Final	Confirmed at PAG and SLT. To be ratified at next Trust board

Previous individual policy version history overleaf

Relevant Policy Version History

Adoption Leave Policy – previously HR25

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2	Jan 08	Kerry Smith	Final	Agreed by Trust Board
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Annual Leave & General Public Holidays – previously HR30

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Employment Breaks Policy – previously HR37

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Maternity Policy – previously HR24

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3.3	Mar 12	Kate Youlden	Final	Agreed at TNCC 18 th April 2012

Maternity Support (Paternity) Leave – previously HR26

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Parental Leave Policy – previously HR27

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Time of for Special Circumstances Policy – previously HR29

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1	Pre Feb 2009	HR Department	Final	
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1. Policy on a Page

- 1.1 The Trust is committed to providing staff with access to leave arrangements which support them in balancing work responsibilities with personal commitments. This policy sets out the various ways that make up the Trust's approach to help staff balance work and home life.
- 1.2 The Trust recognises the importance of domestic or out-of-work commitments and acknowledges that, at certain times in an employee's working life, circumstances may arise where support is required to balance these needs. This policy sets out the various options.
- 1.3 The Leave Policy is supported by and includes:-
 - Adoption Leave Procedure
 - Annual Leave and General Public Holidays Procedure
 - Employment Breaks Procedure
 - Maternity Leave Procedure
 - New Parent Support Leave Procedure
 - Shared Parental Leave Procedure
 - Parental Leave Procedure
 - Special Leave Procedure
- 1.4 Each procedure is available from the Trust Intranet and include flowcharts providing an overview of the processes, Frequently Asked Questions (FAQ's) and Standard Forms .
- 1.5 Many aspects of our terms and conditions of service are covered by the NHS Terms and Conditions of Service 'Handbook', where appropriate the FAQ's includes the direct extract from the 'handbook' – these are written in *italic's* to avoid confusion. The '*handbook*' is periodically updated nationally, where any national updates alter the wording of our supporting documents the Trust will endeavour to update these accordingly as soon as possible. Relevant sections of the NHS Terms and Conditions of Service 'Handbook' are available via the NHS Employers website (or relevant replacement organisation).
- 1.6 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Equality and Diversity Policy. Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, by staff whose literacy or use of English is weak or for persons with little experience of working life.
- 1.7 Managers must respect the confidentiality of the employee at all times and not disclose any personal information to a third party, with the exception of where advice is being sought from their line manager, the HR Department or the Occupational Health Department.
- 1.8 If you are dissatisfied is any action or decision under this policy you are encouraged to discuss this with the manager concerned as soon as possible. If appropriate staff can address concerns under the Trust Grievance Procedure. .
- 1.9 Any abuse of this policy may, where relevant, result in leave being treated as unauthorised absence and therefore unpaid. Furthermore, disciplinary or criminal action may be taken in accordance with the relevant Trust procedure.

2. Scope

2.1 Unless otherwise stated, the Leave Policy applies to all staff directly employed by the Trust whether full time or part-time, temporary or permanent including those employed via the Temporary Staffing Department. For some procedures qualifying criteria are relevant.

2.2 Noted Exceptions:-

Surrogacy Employees having a child by means of surrogacy will not be eligible for Statutory Maternity Leave and will not normally be entitled to Statutory Adoption Leave and Shared Parental Leave. However they will be eligible for unpaid parental leave once in receipt of a parental order, see Parental Leave Procedure.

Agency Staff/Contractors The Leave Policy and supporting procedures do not apply to individuals employed by agencies or other contractors. Issues relating to these individuals should be referred to the appropriate employer.

Annual leave The annual leave procedure does not apply to Medical and Dental Staff. Separate terms and conditions of employment apply to this group of staff.

3. Duties and Responsibilities

3.1 Trust Board

- Oversee the Leave Policy and set out the Trust's commitment to introduce the arrangements included.

3.2 Managers

- Implement this policy and ensure that all employees are aware of their responsibilities and opportunities under it as required.
- Respond to all requests under this policy promptly and efficiently.
- Implement, monitor and review any local/departmental procedures that operate alongside this policy.
- Give full, fair and reasonable consideration to all employee requests under these policies and structure authorised leave in accordance with the needs of the service.
- Liaise with other relevant departments as required i.e. HR, Pay Services, Pensions, Occupational Health, Health and Safety.
- Ensure that the employee is made aware of any developments or decisions relevant to the policy.
- During periods of an employee's absence from the Trust, maintain appropriate contact with the employee and ensure that the employee is updated on any relevant developments in their department or Trust, including inviting the employee to attend any relevant events or meetings.
- Maintain accurate records of leave accrued, taken or booked in accordance with these policies.

3.3 Employees

- Follow the Trust or Department policies or procedures when requesting time off work.
- Wherever possible, recognise the needs of the service in making any requests for time away from the work place.
- Maintain appropriate contact with their manager during periods of absence, particularly ensuring that their manager is updated on any changes in their circumstances.
- Contact their manager as soon as possible if for any reason they are unable to return to work when expected.
- Where appropriate to the type of leave, maintain their skills, knowledge and expertise at an acceptable level during periods of absence from the Trust.
- Liaise with other relevant departments as required, pensions, pay services, occupational health, health and safety.

3.4 Human Resources

- Provide support and guidance to staff and managers on the implementation and application of this policy.
- Monitor the application of this policy and update it as required.

3.5 Pay Services

- Provide pay related advice as applicable to the policy.

3.6 Pensions

- Provide a schedule of pension payments to managers when requested.
- Discuss with employees the effect of any proposed leave when requested.

3.7 Staff Side

- To support staff in understanding the policy.
- Attending meetings for support if necessary.

4. **Raising a Concern**

4.1 Where an individual wishes to raise a concern regarding a management decision made in accordance with this policy or associated procedure they should do so informally in the first instance. Every effort should be made to resolve matters through this approach.

4.2 Where a resolution cannot be reached and the individual remains dissatisfied with the decision they may raise a grievance at stage 3 of the Trust Grievance Policy to enable the decision to be reviewed by a senior manager. The decision of this manager will be final.

5. **Training**

5.1 Training required to fulfil this policy will be provided in accordance with the Trust's Training Needs Analysis. Management and monitoring of training will be in accordance with the Trust's Development and Training Support Policy (HR59).

5.2 This information can be accessed via the Learning Zone pages on the Trust intranet.

6. Review Process

6.1 The Trust will review this policy every 5 years, unless there are significant changes made to legislation, national policy, or locally.

7. Equality Impact Assessment (EQIA)

7.1 This policy applies to all employees as relevant to the leave requested. See EQIA at the end of this policy.

8. Process for Monitoring Compliance

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Access and uptake to be monitored	At policy review. Access and uptake of policy entitlement to be reviewed	HR Team	On policy review	JNCC
Organisations expectations in relation to staff training	Management and monitoring of training will be in accordance with the Trust's Development & Training Support (HR59) and Risk Management Training Policy			

9. References

Legislation

- Equality Act 2010
- Employment Rights Act 1996
- The Maternity and Parental Leave and the Paternity and Adoption Leave (Amendment) Regulations 2006
- The Health and Safety and Work Act 1974

Other references

The NHS Employers Website provides further information and resources on employees entitlements: [/www.nhsemployers.org](http://www.nhsemployers.org)

- NHS Terms and Conditions Service Handbook (AfC).
- ACAS Maternity Rights
- ACAS Adoption leave
- ACAS Paternity leave
- ACAS Parental leave

Direct Gov also provides further information and resources on leave requirements mentioned within the policy : www.direct.gov.uk

Royal Air Force Reserves <http://www.raf.mod.uk/rafreserves/whoweare/index.cfm>

NHS Pensions : <http://www.nhsbsa.nhs.uk/Pensions.aspx>