



**Rotherham**  
**Clinical Commissioning Group**

Title:	<b>Rotherham CCG – Annual and special Leave Policy</b>
Reference No:	To be applied upon ratification by AQUA then the Governing Body
Owner:	Chief Officer
Author:	HR Manager
First Issued On:	19-9-13
Latest Issue Date:	28-10-13
Operational Date:	
Review Date:	31-3-14
Consultation Process:	Operational executive, Staff organisation lead.
Ratified and Approved by:	
Distribution:	
Compliance:	Mandatory for all permanent and temporary employees of Rotherham CCG.
Equality & Diversity Statement:	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, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

## ANNUAL AND SPECIAL LEAVE POLICY

SUMMARY	The purpose of the Annual and Special Leave Policy is to ensure a uniform and equitable approach by providing guidance on the various types of leave available and when they apply. This will promote consistency and support for employees.
AUTHOR	P Smith
VERSION	Draft 1
EFFECTIVE DATE	
APPLIES TO	All employed staff
APPROVAL BODY	Strategic Commissioning Executive
RELATED DOCUMENTS	
REVIEW DATE	31 March 2015

**THIS POLICY HAS BEEN SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT**

### VERSION CONTROL SHEET

Version	Date	Author	Status	Comment
Draft1	11-9-13	P Smith	Draft	

Draft2	21-10-13	P Smith	Draft	
Draft3	28-10-13	P Smith	Final	

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## **1. PURPOSE**

- 1.1 The purpose of the Annual and Special Leave Policy is to ensure a uniform and equitable approach by providing guidance on the various types of leave available and when they apply. This will promote consistency and support for employees.

- 1.2 Calculation of annual leave and general public holiday entitlements take into account the arrangements as defined under NHS Terms and Conditions. Annual leave is an important part of work life balance; equally the good management of annual leave by the employee and the manager is essential to the health and safety of the employee and the organisation.
- 1.3 The organisation also recognises that access to special leave arrangements that supports employees in balancing their work responsibilities with their personal commitments is integral to good working practices. The objective of special leave is to help employees balance the demands of domestic and work responsibilities at times of urgent and unforeseen need through the provision of paid and unpaid leave according to circumstances. Special leave will also be applicable to other situations such as voluntary public duties, court, jury service and military service and call-out. Where relevant, leave described in this policy is consistent with statutory requirements under the Employment Relations Act 1999 and the Employment Act 2002. In consideration of special leave requests managers must be mindful that individual circumstances may vary.
- 1.4 Provisions for Maternity, Paternity, Adoption and Parental leave are outlined in the relevant Maternity, Paternity, Adoption and Parental Leave Policy.

## **2. SCOPE**

- 2.1 This policy will apply to all employees on Agenda for Change Terms and Conditions.

## **3. EQUALITY STATEMENT**

- 3.1 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, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic. A single Equality Impact Assessment is used for all policies and procedures.

## **4. ACCOUNTABILITY**

4.1 The Chief Officer is accountable for this policy.

## **5. IMPLEMENTATION AND MONITORING**

5.1 The Strategic Clinical Executive is responsible for formal approval and monitoring compliance with this policy. Following ratification the policy will be disseminated to staff via the intranet.

5.2 The policy and procedure will be reviewed periodically by the Operational Executive in conjunction with HR manager and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen sooner.

## **6 RESPONSIBILITIES**

6.1 Good working relations are vital for the organisation to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

### **6.2 Employees**

6.2.1 It is the responsibility of employees to ensure that:

- Annual leave is planned throughout the leave year in consultation with the team, in agreement with the line manager and with the service needs in mind. Authorisation must be sought from the line manager prior to commencing or booking holidays.
- Requests for special leave are appropriately made under the guidance of the policy.

### **6.3 Line Managers**

6.3.1 It is the responsibility of line managers to ensure that:

- This policy and procedure is disseminated effectively and observed by all employees, acting in a fair and consistent manner when considering requests.
- They calculate the correct annual leave entitlement for their employees, checking evidence of previous NHS service.
- They monitor and ensure employees take their annual leave as planned and agreed, ensuring appropriate cover arrangements assure service needs.

- The authorisation process is followed, accurate records are kept and monitoring of leave is undertaken.

## **6.4 Human Resources**

- 6.4.1 The HR Manager will provide advice and support on all aspects of this policy to ensure application and support.

## **7 ANNUAL LEAVE**

### **7.1 Principles**

- 7.1.1 Employees are encouraged to take their periods of annual leave in blocks throughout the year to ensure that they derive the full benefit of a rest and break away from work. Managers should endeavour to ensure that the workloads do not prevent employees from taking their entitlement to annual leave and employees should ensure they take their leave each year.

### **7.2 Entitlement**

- 7.2.1 The annual leave provisions under NHS Terms and Conditions are contained in the table 1 below (pro-rata for part time staff). The annual leave period is from the 1<sup>st</sup> April to the 31<sup>st</sup> March the following year.

**Table 1**

**Length of Service Annual Leave Entitlement**

<b>Length of service</b>	<b>Annual leave + General Public Holidays</b>
On appointment	27 days (202.5 hours) + 8 days
After 5 years service	29 days (217.5 hours) + 8 days
After 10 years service	33 days (247.5 hours) + 8 days

- 7.2.2 Annual leave entitlement will normally be determined in days for full time employees unless their working hours/pattern is not equal each day. In this circumstance annual leave will be calculated in hours to prevent the employee on these hours/pattern days receiving greater or less leave than colleagues on standard hours/pattern days. Annual leave for part time employees will be calculated in hours.

- 7.2.3 The calculation of annual leave entitlements pertaining to all employees is contained in table 2a and 2b. Days and hours have been rounded up or down to the nearest 0.5 (i.e. the nearest ½ day or ½ hour) and is based on the following formula:

$$\frac{\text{Weekly Contracted Hours}}{5} \times \text{Number of Days Entitlement}$$

It is expected that annual leave will normally be taken in periods of not less than ½ day or hourly equivalent.

- 7.2.4 In addition to annual leave entitlement, employees are entitled to paid General Public Holidays (Bank Holidays). In the case of all part-time employees this entitlement is pro rata to the full time allowance of 8 days. Further details are included in Section 8.
- 7.2.5 To calculate an employee's total leave entitlement inclusive of Bank Holidays, Tables 2a or 2b and 3a or 3b should be added together. They are shown separately so that the composition of an employee's full entitlement is clear. The calculation of General Public Holiday Entitlement is based on the following formula:

$$\frac{\text{Weekly Contracted Hours}}{5} \times \text{Number of Days Entitlement}$$

### **7.3 Carry Over of Leave**

- 7.3.1 The organisation expects that within the annual leave year employees should be provided with the opportunity to take all their annual leave. In exceptional circumstances and with agreement of the line manager, up to a maximum of 5 days annual leave may be carried over to the following year.

## **8. GENERAL PUBLIC HOLIDAYS (BANK HOLIDAYS)**

- 8.1 In addition to annual leave, employees are entitled to paid General Public Holidays (Bank Holidays). Generally there are 8 bank holidays per leave year including:
- Christmas Day

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

When a General Public Holiday falls on a Saturday or Sunday, the following Monday or Tuesday is normally designated as a General Public Holiday for leave purposes.

8.2 Bank holiday entitlement will normally be determined in days for full time members of staff and for part-time staff, where their normal working pattern is in equal hours per shift/working day. However, if a member of staff's working pattern is not equal hours on each occasion, bank holidays will be calculated in hours regardless of whether they work full or part time to prevent staff on these shifts/working days receiving greater or less leave than colleagues on standard shifts/working days. Table 3a and 3b identifies bank holiday entitlements in hours and days.

8.3 In the case of all part-time employees the bank holiday allowance will be calculated on a pro rata basis to full time allowance of 8 days. The calculation of this entitlement is always proportional to the number of basic contracted hours worked. In this way, all employees have a fair and equitable, static entitlement rather than an eligibility based solely on the normal days of work which would result in some part time employees never receiving the benefit of Bank Holidays, unless they fell on their normal days of work. Similarly, this calculation based on the number of basic weekly contracted hours removes any potential for inequity in the case of employees whose working days vary. Table 3a contains the Bank Holiday entitlement for all staff for a full leave year. Staff book off the number of hours they would usually work on the day the bank holiday falls i.e. if a bank holiday falls on a Monday and they normally work 7 hours on a Monday they would book off 7 hours. On each and every occasion a member of staff takes paid time off on a Bank Holiday as part of their basic week, the appropriate deduction of their normal basic working hours for that day will be made from their overall entitlement (i.e. Tables 2a+3a combined). Examples relating to the calculation of bank holidays for part time employees can be seen in Appendix 1.

- 8.4 There will be some years when more (or less) than 8 Bank Holidays fall within the leave year because Bank Holidays follow the calendar year and the Easter Bank Holidays can be in March or April. When this situation arises the calculation for the leave year shall be adjusted to take account of the number of bank holidays that leave year. This will ensure that there is no discrepancy between staff taking their annual leave in days and public holidays as they fall and those with an hourly leave entitlement inclusive of annual and bank holiday leave.

## **9. RECKONABLE SERVICE**

- 9.1 A member of staff's continuous previous service with an NHS employer will count as reckonable service in respect of annual leave. In addition, aggregated NHS service, i.e. any period of time that has been worked in the NHS, regardless of whether or not there has been a break in service, will count as reckonable service for annual leave. For purposes of aggregated service, employers also have the discretion to take into account any period of periods of employment with employers outside the NHS where these are judged relevant to NHS employment. This will only apply where it is requested by the preferred candidate and agreed when the offer of employment is made. Otherwise any period of periods of employment with employers outside the NHS will not be counted.
- 9.2 In order to have previous relevant or NHS service, as detailed above, regarded as reckonable service, staff will need to provide formal documentary evidence of any relevant, reckonable service to their Line Manager (this will be saved on the personal file). Examples of documentary evidence which could be used are:
- Offer letter
  - Contract of employment
  - Payslips
  - Reference/letter from a previous employer

## **10. ENTITLEMENT ON JOINING / LEAVING / CHANGING CONTRACTED HOURS**

### **10.1 Staff Leaving or Joining During the Leave Year**

Staff leaving or joining during the leave year will be entitled to a part year entitlement based on the total of months worked plus a proportionate amount for part months. Complete months can be calculated using the following simple formula:

$$\text{A} \quad \frac{\text{Completed months worked}}{12} \times \text{Full year entitlement (in Days or Hours)}$$

**Where staff join or leave during the month a proportionate amount should be added on the following basis:**

**B**

Arrives between 1-10<sup>th</sup> of the month = 2 days\*  
 Arrives between 11-20<sup>th</sup> of the month = 1.5 days\*  
 Arrives between 21-30/31<sup>st</sup> of the month = 1 day\*

Leaves between 1-10<sup>th</sup> of the month = 1 day\*  
 Leaves between 11-20<sup>th</sup> of the month = 1.5 days\*  
 Leaves between 21-30/31<sup>st</sup> of the month = 2 days\*

\*This number of days will apply regardless of the full annual entitlement.

\*These entitlements are for full time staff. Part time staff will receive the pro rata equivalent in hours/days.

The total leave for the year of leaving/joining will be **A+B**. Proportions above or below half a day should be rounded up to the nearest half day.

For employees who join way through a leave year the Bank Holiday hours entitlement will be based on the number of Bank Holidays remaining in the current leave year from the date of joining.

10.2 Employees who leave the organisation will have their annual leave entitlement calculated on a pro rata basis based on their leaving date less any annual leave taken plus the benefit of any outstanding Bank Holiday hours/days for Bank Holidays that have occurred in the leave year prior to the date of leaving. Payment will then be made for any holiday entitlement owing less any annual leave taken. Where total leave taken exceeds the accrued total leave entitlement an appropriate deduction will be made from the final salary payment.

10.3 Where staff change their contracted hours during the annual leave year, this will result in a re-calculation of their annual leave entitlement. This will be based on completed days on the new and the old contracted hours to give the full year entitlement. Their new entitlement is therefore calculated on a pro rata basis. Where the change results in a reduced leave entitlement which has already been exceeded then arrangements will be made for the hours owed to be worked back or paid back through payroll.

- 10.4 Employees moving internally between teams will carry forward their remaining annual leave allowance for that holiday year.

## **11. SICKNESS ABSENCE DURING ANNUAL LEAVE OR BANK HOLIDAYS**

- 11.1 If an employee falls sick during a period of annual leave either in this country or overseas, and the period of incapacity seriously interrupts the period of leave, then consideration will be given to counting the absence as sick leave in accordance with the Sickness Absence Policy provided they;
- Notify their line manager either in writing or by telephone at the earliest opportunity, in line with organisation/departamental procedures and no later than the fourth continuous day of illness; and
  - Provide a statement by a qualified medical practitioner; the statement should cover the period of the illness and the nature of the illness.

This does not apply for bank holidays.

## **12. ACCURAL OF LEAVE DUE TO LONG TERM ABSENCE**

- 12.1 Employees accrue annual leave during paid and unpaid periods of maternity leave. An employee will be encouraged to take any outstanding annual leave prior to maternity leave. However, if this is not possible, then this leave will carry forward and be added to that which is accrued during the maternity leave period. This does not apply to bank holidays.
- 12.2 Employees continue to accrue annual leave as normal during paid and unpaid sickness absence. If an employee does not have the opportunity to take their annual leave entitlement because of an illness within the current holiday year, they may have the opportunity to carry statutory holiday entitlement over to the next leave year as agreed by the line manager and HR representative.

## **13. PROCEDURE TO REQUEST ANNUAL LEAVE**

- 13.1 Employees must ensure that all annual leave has been approved by their line manager before they take their leave. If an employee takes a period of annual leave without prior approval then the organisation will consider that the member of staff has taken unauthorised absence and this may be unpaid and may lead to disciplinary action.

- 13.2 All requests for annual leave must be made on the appropriate 'Annual Leave Request' form (Appendix 2) giving as much notice as possible to assist in the management of the department or service and approved by the line manager.
- 13.3 The manager must consider the application taking into account the needs of the service. If the manager cannot authorise the leave, the reasons for refusal must be discussed with the employee and notice given of refusal.
- 13.4 In the event of a dispute the employee should pursue the issue through the organisation's Grievance Policy after exhausting informal methods of resolution.
- 13.5 Employees should not commit themselves to any holiday plans until they have received approval from their line manager to avoid disruptions to the service and to avoid any potential disappointment or disputes.
- 13.6 Employees who wish to take more than 2 weeks leave in any one block should put their request in writing to their line manager at least 3 months in advance to ensure that adequate cover is maintained in all departments in accordance with the needs of the service.

## **14. SPECIAL LEAVE**

### **14.1 Procedure to Request Special Leave**

- 14.1.1 Where a request is foreseeable, the employee should complete a Special Leave application form (Appendix 4) request and submit this to their line manager. The request should outline the reason for the leave (including any documentary evidence where requested), the purpose and duration of the leave, giving not less than 10 working days notice. Where a request is not foreseeable, the employee must request permission from their line manager as soon as is reasonably practicable prior to taking any special leave. This would normally be communicated by telephone and the employee must explain the circumstances and state how long they expect to be absent. The manager will consider if the circumstances fall within the scope of special leave or other types of leave.e.g. annual leave. The manager would ultimately be responsible for any authorisation of special leave. On return from leave the employee should retrospectively complete the Special Leave form (Appendix 4).

Managers are actively encouraged to seek advice from HR on specific cases and issues of uncertainty or clarity arising from the interpretation of this policy.

- 14.1.2 If the Special Leave is approved, the manager will sign the Special Leave form authorising paid or unpaid leave. The line manager will keep a record on the employees leave card.
- 14.1.3 Where circumstances change in respect of the approved special leave, the individual must advise the manager as soon as possible. In certain cases this may mean that the previous decision regarding the granting of special leave may require further consideration.
- 14.1.4 Special Leave requests which the manager is unable to approve or can only partially approve, should be discussed with the employee in the first instance, giving an appropriate explanation for the decision. If the individual remains dissatisfied with the explanation provided, the individual has the right to ask for these reasons to be confirmed in writing.
- 14.1.5 An employee, who is not permitted Special Leave, has received the reasons for the refusal of leave in writing and remains dissatisfied with the decision may pursue this decision with reference to the organisations Grievance Policy.
- 14.1.6 For periods of unpaid leave individuals should be aware that this may have an impact on pension contributions and benefits.

## **14.2 Entitlement**

- 14.2.1 There is no qualifying period for employees to receive entitlement to special leave as defined in this policy. The year is based on a rolling 12-month period and not an annual leave or calendar year. **The authorised period of paid absence will be a maximum of 6 working days per year in total for Bereavement (paragraph 15), Compassionate (paragraph 16), Emergency Domestic (paragraph 17) and Emergency Carers/ Dependant / Parental leave (paragraph 18). This is not six days per different area of special leave. The normal maximum for any one category will be 3 days.** For example if an employee has 3 days bereavement leave and 3 days compassionate leave they will have exhausted all their entitlement for the year. It is therefore essential special leave is recorded on the leave card when approved. For other types of leave please see individual sections (this will be pro rata

for part time staff and those not working standard hours). If an employee needs to take special leave during unsocial hours they would not receive enhancements for this period. In exceptional circumstances managers have the discretion to grant special leave outside of these guidelines, however advice must be sought from the HR manager for consistency.

### **14.3 Principles**

14.3.1 In deciding the amount of leave that is appropriate managers should consider:

- The need to treat all employees in the CCG equitably whilst balancing the needs of employees with the needs of the service.
- The need to be aware of the additional difficulties that may be experienced by employees when they are working irregular work patterns.
- Whether some outstanding annual leave, unpaid leave and/or lieu days could be combined with an amount of special leave. If an employee has a large amount of remaining annual leave then this should be taken into consideration.
- The extent of similar requests in the past, especially for carer's leave which may indicate a need for additional help such as counselling. Counselling should be made available in agreement with the carer, in order to avoid the necessity for repeated leave.
- In the case of bereavement, the nature of the relationship between the employee and the deceased and whether any special responsibilities arise for the employee.

## **15. BEREAVEMENT LEAVE**

15.1 When an employee suffers a bereavement the amount of leave granted depends on the relationship of the employee to the deceased and whether the employee has responsibility for making arrangements, however this should generally be for a maximum of 3 days. Managers have the discretion to grant paid leave (within the guidelines of Entitlement paragraph 14.2) dependant on the circumstances of the case.

15.2 The bereavement leave can be taken in a block or over an appropriate period after the death and up to the funeral, as required by the employee concerned. The period of leave may be extended with annual leave and/or unpaid leave if a longer absence is required at the manager's discretion. The organisation recognises that the loss of a close family member or friend may have a profound effect on the employee.

Bereavement leave is intended for the employee to focus on the very personal event. There is no expectation that granting this short period of leave will be sufficient for the employee to recover from their loss. Managers should be aware employees returning from such leave may need extra help and support and should seek advice from HR if necessary to access services such as occupational health and counselling.

## **16. COMPASSIONATE LEAVE**

- 16.1 Employees may be granted up to 3 days paid compassionate leave (within the guidelines of entitlement paragraph 14.2) in circumstances where an immediate family member or person with whom they have a close continuing relationship with is diagnosed with a serious or terminal illness. This is to offer understanding and sympathy to the employee and assist them in receiving such news. If the need for time off continues other leave options should be considered.

## **17. EMERGENCY DOMESTIC LEAVE**

- 17.1 Managers have the discretion to grant up to 1 days paid emergency domestic leave per incident (within the guidelines of entitlement paragraph 14.2) in circumstances where there is an unplanned urgent domestic crisis. The types of emergencies this leave intends to cover are for example where the employee has had a house fire, flood or burglary which results in a major loss or damage. This list is not exhaustive.

## **18. EMERGENCY CARERS/ DEPENDANT/ PARENTAL LEAVE**

- 18.1 The aim of such leave is to provide a compassionate response to immediate, urgent and unforeseen needs connected to someone who the employee has a caring responsibility for. Time off will enable the employee to take action which is necessary to deal with a genuine and unforeseen emergency and to make longer term arrangements as required. This may include situations such as:
- Sudden Illness or injury of a dependant
  - Sudden breakdown of normal carer arrangements for dependants
  - Making arrangements for longer term issue for a dependant

- To deal with an emergency incident involving a child during the time when an educational establishment has the care of a child i.e. accident or sudden illness at school.

In these circumstances up to 1 days paid leave per incident (within the guidelines of entitlement 14.2) may be granted depending on the circumstances to cope with the emergency and put other arrangements in place. It is not intended as a general purpose leave and should not be invoked when other arrangements such as flexible working or annual leave could be used. An employee is not entitled to take emergency parental leave to look after a sick child. Any agreed time off is to deal with the emergency and put other arrangements in place. Longer term arrangements and statutory rights for Parental Leave is managed under the relevant Maternity, Paternity, Adoption and Parental Leave Policy.

- 18.2 In the event employees do not attend work due to severe weather conditions causing the closure of their children's school at short notice employees are expected to take time off as annual leave, time owing or unpaid leave. (Please refer to the severe weather section).

## **19. PERSONAL HEALTHCARE**

- 19.1 Employees should make routine appointments such as doctors or dentist in their own time. If this is not possible employees should ensure these are made at the beginning or end of the day to minimise disruption to the service. Annual leave, flexi time or unpaid leave should be taken.
- 19.2 On the production of an appointment card/letter employees will be granted reasonable paid time off to attend hospital appointments. Where possible employees should ensure these are made at the beginning or end of the day to minimise disruption to the service. For employees receiving ongoing treatment/appointments for a specific health reason such as IVF, reasonable time off should be paid in line with hospital appointments. Further guidance can be sought from the Sickness Absence Policy.
- 19.3 Time off to receive cosmetic surgery treatment that relates to a medical or psychological condition and is supported by a medical certificate may be treated as sick leave. However, if the cosmetic surgery is undertaken because an employee

wishes to otherwise change their appearance, then this should be taken as annual leave. In the event that such treatments results in an employee becoming unfit for work, the usual sickness absence provisions apply, including procedures for certification. If the manager or employee is concerned on this issue they should seek advice from HR.

## **20. INTERVIEWS**

- 20.1 Paid leave will normally be granted for employees who attend an internal interview for a vacancy within RCCG. Employees who attend an external interview will be required to take annual leave, flexi leave or unpaid leave. In cases of organisational change where there is a redundancy or formal “at risk” situation employees will be given paid time off for both internal and external interviews.

## **21. SEVERE WEATHER**

- 21.1 It is the duty of each individual employee to make their own arrangements to get to work at the normal time. It is, however recognised that some employees may, at times, experience severe difficulties in getting to and from work as a result of severe weather and/or disruption to travel services. However, all employees are expected to make all reasonable attempts to attend work in order for services to be maintained even if this means they will arrive late. Severe weather can be defined as snow, ice, fog, floods, which render journeys by road extremely hazardous. This can be by both public and private transport. “Extremely hazardous” is defined as those conditions in which the police and/or appropriate motoring organisations advise people not to make unnecessary journeys or indeed travel at all. Disruption to travel services can be caused by: -
- Severe weather conditions which result in delays/cancellations to public or private transport
  - Major disruption to public services and private transport due to major accidents
  - Industrial action by public transport services i.e. road / rail
  - Severe fuel crisis
- 20.2 Where there is sufficient advance warning of severe weather then managers should agree appropriate arrangements with their team in line with this policy. Where an employee has a disability which restricts their ability to travel then the employee and

manager may wish to consider making contingency arrangements, bearing in mind 'reasonable adjustments' reflected in the Equality Act 2010. During periods of severe weather all normal reporting procedures apply. A manager's decision will seek to take account of any advice issued or sought by the Police/Weather Centre/Motoring Organisations in relation to prevailing weather conditions and the advisability of travel. Where employees are unable to attend for work, line managers are encouraged to: -

- Explore the possibility of the employee performing their role from another site or home. This will depend on the individual's type of work and needs of the service
- Request employees use annual leave, flexi time or outstanding lieu days or in exceptional circumstances unpaid leave

## **22. UNPAID LEAVE**

22.2 If leave arrangements as outlined in the specific sections of this policy are not sufficient to meet the employees need and there is no annual leave outstanding, then management may consider granting unpaid leave. Circumstances should be fully discussed and subject to service needs.

## **23. RELIGIOUS/ CULTURAL OBSERVANCE**

23.1 There may be employees who request time off or for a temporary change to their working hours for a particular religious or cultural occasion. All employees who need time off for religious or cultural observance will be entitled to request the following, subject to the needs of the service:

- General flexibility in arrangement of working hours; and/or,
- Annual Leave, time off in lieu or unpaid leave.

All managers should be sympathetic to requests and should accommodate them wherever it is reasonably practicable to do so. If reasonable notice for such requests is not given the manager may have no choice but to refuse time off.

## **24. PUBLIC DUTIES**

24.1 Under the Employment Rights Act 1996, employees have the right to reasonable time off during working hours to carry out certain public duties. Employees will qualify for this if they're:

- a magistrate or justice of the peace (JP)
- a local councillor
- a school governor
- a member of any statutory tribunal (eg an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland
- a member of the General Teaching Councils for England and Wales
- a member of the Environment Agency or the Scottish Environment Protection agency
- a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- a member of Scottish Water or a Water Customer Consultation Panel
- a trade union member (for trade union duties and activities)

24. The right to time off will depend on how long the duties might take, the amount of time the employee has already had off for public duties and how the time off will affect the organisation/service. Employees who undertake magistrate duties may at the discretion of the organisation be granted leave with pay for up to 18 days. For other duties listed above employees can request up to 9 days paid leave. Employees should follow the procedure to request time off in line with section 14, giving as much notice as possible. Subsequent changes in pattern or frequency of the commitments should be communicated in writing. Employees who occupy more than one role will be entitled to only receive paid leave for carrying out one of the duties listed, if they sit on a number of different bodies.

## **25. JURY SERVICE**

25.1 Employees required to serve as jurors, during working time, shall be granted paid leave, for the purpose of attending Court once they have provided the necessary documentary evidence. Employees must therefore not claim loss of earnings

allowance from the court. Prevention of a person from attending court as a juror is a contempt of court, therefore managers must support employees with this time off.

## **26. VOLUNTEER RESERVED FORCES**

### **26.1 Training**

26.1.1 Employees who are members of the Volunteer Reserve Forces (Royal Navy Reserve, Royal Marines Reserve, Territorial Army, Royal Auxiliary Airforce) are eligible for 10 days paid special leave for training. Volunteers' military training obligations vary between different services but most are required to undertake a single continuous training period (often referred to as 'annual camp'), plus further weekday, weekend and evening training. Employees should use annual leave or unpaid leave for training exceeding the allowance.

### **26.2 Mobilisation**

26.2.1 The Government has the legal authority to mobilise reservists on a compulsory basis. The Reserve Forces Act 1996 (RFA 96), sets out the call-out powers under which reservists can be mobilised for full-time service. The organisation can seek an exemption or deferral of the mobilisation of an employee, if the employee's absence would cause serious harm to the operation of the service. Unless this case can be made, the organisation is legally obliged to grant unpaid leave to an employee who has been called out and must continue granting time off for a period of up to six months after the end of the call-out duty. The employee has the right to return to employment as in The Reserve Forces (Safeguard of Employment) Act 1985 (SOE 85).

26.2.2 Reservists have the right to return to their former jobs on terms and conditions no less favourable than those that would have applied if they have not been called up. They also have the right to remain a member of the pension scheme provided they continue to make payments. Continuity of service continues throughout periods of leave due to mobilisation of reservists providing that the employee returns to the organisation for employment within six months of the end of the full time military service. The Ministry of Defence provides certain financial assistance packages to employers for employees who have been mobilised. The Ministry of Defence would send this information to the employer, if mobilisation of an employee were to occur.

**TABLE 2a**

**Agenda for Change: Annual Leave Entitlement for Complete Years Exclusive of General Public Holidays**

<b>WEEKLY BASIC CONTRACTED HOURS</b>	<b>ON APPOINTMENT</b>	<b>AFTER 5 YEARS SERVICE</b>	<b>AFTER 10 YEARS SERVICE</b>
	<b>27 DAYS</b>	<b>29 DAYS</b>	<b>33 DAYS</b>
	<b>HOURS EQUIVALENT:</b>		
37.5	202.5	217.5	247.5
37.0	200.0	214.5	244.0
36.5	197.0	211.5	241.0
36.0	194.5	209.0	237.5
35.5	191.5	206.0	234.5
35.0	189.0	203.0	231.0
34.5	186.5	200.0	227.5
34.0	183.5	197.0	224.5
33.5	181.0	194.5	221.0
33.0	178.0	191.5	218.0
32.5	175.5	188.5	214.5
32.0	173.0	185.5	211.0
31.5	170.0	182.5	208.0
31.0	167.5	180.0	204.5
30.5	164.5	177.0	201.5
30.0	162.0	174.0	198.0
29.5	159.5	171.0	194.5
29.0	156.5	168.0	191.5
28.5	154.0	165.5	188.0
28.0	151.0	162.5	185.0
27.5	148.5	159.5	181.5
27.0	146.0	156.5	178.0
26.5	143.0	153.5	175.0
26.0	140.5	151.0	171.5
25.5	137.5	148.0	168.5
25.0	135.0	145.0	165.0
24.5	132.5	142.0	161.5
24.0	129.5	139.0	158.5
23.5	127.0	136.5	155.0
23.0	124.0	133.5	152.0
22.5	121.5	130.5	148.5
22.0	119.0	127.5	145.0
21.5	116.0	124.5	142.0
21.0	113.5	122.0	138.5
20.5	110.5	119.0	135.5
20.0	108.0	116.0	132.0

**TABLE 2a (cont'd)**

<b>WEEKLY BASIC CONTRACTED HOURS</b>	<b>ON APPOINTMENT</b>	<b>AFTER 5 YEARS SERVICE</b>	<b>AFTER 10 YEARS SERVICE</b>
	<b>27 DAYS</b>	<b>29 DAYS</b>	<b>33 DAYS</b>
	<b>HOURS EQUIVALENT:</b>		
19.5	105.5	113.0	128.5
19.0	102.5	110.0	125.5
18.5	100.0	107.5	122.0
18.0	97.0	104.5	119.0
17.5	94.5	101.5	115.5
17.0	92.0	98.5	112.0
16.5	89.0	95.5	109.0
16.0	86.5	93.0	105.5
15.5	83.5	90.0	102.5
15.0	81.0	87.0	99.0
14.5	78.5	84.0	95.5
14.0	75.5	81.0	92.5
13.5	73.0	78.5	89.0
13.0	70.0	75.5	86.0
12.5	67.5	72.5	82.5
12.0	65.0	69.5	79.0
11.5	62.0	66.5	76.0
11.0	59.5	64.0	72.5
10.5	56.5	61.0	69.5
10.0	54.0	58.0	66.0
9.5	51.5	55.0	62.5
9.0	48.5	52.0	59.5
8.5	46.0	49.5	56.0
8.0	43.0	46.5	53.0
7.5	40.5	43.5	49.5
7.0	38.0	40.5	46.0
6.5	35.0	37.5	43.0
6.0	32.5	35.0	39.5
5.5	29.5	32.0	36.5
5.0	27.0	29.0	33.0
4.5	24.5	26.0	29.5
4.0	21.5	23.0	26.5
3.5	19.0	20.5	23.0
3.0	16.0	17.5	20.0
2.5	13.5	14.5	16.5
2.0	11.0	11.5	13.0
1.5	8.0	8.5	10.0
1.0	5.5	6.0	6.5
0.5	2.5	3.0	3.5

**TABLE 2b****Annual Leave Entitlement in days based on number of days worked per week**

	<b>Entitlement based on aggregate NHS Service</b>		
<b>Days worked per week</b>	<b>27 days 0 – 5 yrs service</b>	<b>29 days 5 – 10 yrs service</b>	<b>33 days 10+ yrs service</b>
<b>5</b>	<b>27</b>	<b>29</b>	<b>33</b>
<b>4</b>	<b>21.5</b>	<b>23</b>	<b>26.5</b>
<b>3</b>	<b>16</b>	<b>17.5</b>	<b>20</b>
<b>2</b>	<b>11</b>	<b>11.5</b>	<b>13</b>
<b>1</b>	<b>5.5</b>	<b>6</b>	<b>6.5</b>

**Table 3a****Agenda for Change: Calculation of Hourly Equivalent of 8 General Public Holidays**

<b>WEEKLY BASIC CONTRACTED HOURS</b>	<b>HOURLY ENTITLEMENT FOR FULL LEAVE YEAR</b>	<b>HOURLY ENTITLEMENT ON EACH GENERAL PUBLIC HOLIDAY AS IT OCCURS</b>
	<b>8 PUBLIC HOLIDAYS</b>	
37.5	60.0	7.5
37.0	59.0	7.4
36.5	58.5	7.3
36.0	57.5	7.2
35.5	57.0	7.1
35.0	56.0	7.0
34.5	55.0	6.9
34.0	54.5	6.8
33.5	53.5	6.7
33.0	53.0	6.6
32.5	52.0	6.5
32.0	51.0	6.4
31.5	50.5	6.3
31.0	49.5	6.2
30.5	49.0	6.1
30.0	48.0	6.0
29.5	47.0	5.9
29.0	46.5	5.8
28.5	45.5	5.7
28.0	45.0	5.6
27.5	44.0	5.5
27.0	43.0	5.4
26.5	42.5	5.3
26.0	41.5	5.2
25.5	41.0	5.1
25.0	40.0	5.0
24.5	39.0	4.9
24.0	38.5	4.8
23.5	37.5	4.7
23.0	37.0	4.6
22.5	36.0	4.5
22.0	35.0	4.4
21.5	34.5	4.3
21.0	33.5	4.2
20.5	33.0	4.1
20.0	32.0	4.0

**Table 3a (cont'd)**

<b>WEEKLY BASIC CONTRACTED HOURS</b>	<b>HOURLY ENTITLEMENT FOR FULL LEAVE YEAR</b>	<b>HOURLY ENTITLEMENT ON EACH GENERAL PUBLIC HOLIDAY AS IT OCCURS</b>
	<b>8 PUBLIC HOLIDAYS</b>	
19.5	31.0	3.9
19.0	30.5	3.8
18.5	29.5	3.7
18.0	29.0	3.6
17.5	28.0	3.5
17.0	27.0	3.4
16.5	26.5	3.3
16.0	25.5	3.2
15.5	25.0	3.1
15.0	24.0	3.0
14.5	23.0	2.9
14.0	22.5	2.8
13.5	21.5	2.7
13.0	21.0	2.6
12.5	20.0	2.5
12.0	19.0	2.4
11.5	18.5	2.3
11.0	17.5	2.2
10.5	17.0	2.1
10.0	16.0	2.0
9.5	15.0	1.9
9.0	14.5	1.8
8.5	13.5	1.7
8.0	13.0	1.6
7.5	12.0	1.5
7.0	11.0	1.4
6.5	10.5	1.3
6.0	9.5	1.2
5.5	9.0	1.1
5.0	8.0	1.0
4.5	7.0	0.9
4.0	6.5	0.8
3.5	5.5	0.7
3.0	5.0	0.6
2.5	4.0	0.5
2.0	3.0	0.4
1.5	2.5	0.3
1.0	1.5	0.2
0.5	1.0	0.1

**Table 3b**

**Bank Holiday Entitlement when 8 days fall in a leave year based on number of days worked per week**

<b>Days Worked</b>	<b>Entitlement</b>
<b>5</b>	<b>8</b>
<b>4</b>	<b>6</b>
<b>3</b>	<b>5</b>
<b>2</b>	<b>3</b>
<b>1</b>	<b>2</b>

## **APPENDIX 1**

### **Example 1 - Part Time Staff**

Hajera has worked in the NHS for 20 years and currently works 6 hours per day 5 days per week making a total of 30 hours per week. Her annual leave and bank holiday entitlement is as follows:

Annual Leave:	30 hours per week equates to 198 hours (table 2)
Bank Holidays:	Works 30 hours per week so equates to 48 hours (table 3)
Total allowance:	246 hours per annum

As Hajera normally works 6 hours per day then this is the number of hours she will book off when she takes either annual leave or when a bank holiday occurs on a day when she usually works. Her bank holiday hours would be rounded up to the nearest half day.

### **Example 2 - Part Time Staff**

James has worked in the NHS for 6 years and currently works 7.5 hours on a Monday, Tuesday and Wednesday making a total of 22.5 hours per week. His annual leave and bank holiday entitlement is as follows:

Annual Leave:	22.5 hours per week equates to 130.5 hours (table 2)
Bank Holidays:	22.5 hours per week equates to 36 hours (table 3)
Total allowance:	166.5 hours per annum

As James normally works 7.5 hours per day then this is the number of hours he will book off when he takes either annual leave or bank holidays. Where a bank holiday occurs on his normal days of working he would book of 7.5 hours for each bank holiday.

### **Example 3 – Part Time Staff**

Mohammed has worked in the NHS for 1 year and currently works set hours of 8 hours on a Monday, 4 hours on a Tuesday and 7 hours on a Friday, making a total of 19 hours per week. His annual leave and bank holiday entitlement is as follows:

Annual Leave:	19 hours per week equates to 102.5 hours (table 2)
Bank Holidays:	19 hours equates to 30.5 hours (table 3)
Total allowance:	133 hours per annum

Depending on which day Mohammed takes his annual leave affects the number of hours leave booked e.g. if he takes annual leave or if a bank holiday falls on a Tuesday he would book 4 hours annual leave. If he takes annual leave or if a bank holiday fell on a Monday he would book 8 hours annual leave and if he took leave or a bank holiday on a Friday he would book 7 hours leave.

#### **Example 4 – Part Time Staff**

David work 7.5 hours on a Wednesday and 7.5 hours on a Thursday making a total of 15 hours per week. He has worked for the NHS for 3 years. His annual leave and bank holiday entitlement is as follows:

Annual Leave:	15 hours per week equates to 81 hours (table 2)
Bank Holidays:	15 hours per week equates to 24 hours (table 3)
Total allowance:	105 hours per annum

As David never works on days when bank holidays fall he adds the bank holiday hours he is entitled to on a pro-rata basis (table 3) on to his annual leave entitlement (table 2) and he would take these hours on a Wednesday or a Thursday.

## Appendix 2

### Annual Leave & Other Leave Record

<b>Name &amp; Post:</b>	
<b>Commencement Date:</b>	<b>NHS &amp; Relevant Service</b>
<b>Hours of Work:</b>	
<b>Annual Leave Entitlement:</b>	<b>Public Holiday Entitlement:</b>
<b>Carry Over Previous Year:</b>	<b>TOTAL:</b>

### Bank Holidays:

<b>Work Pattern:</b> <i>Please indicate</i>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
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<b>Date of Holiday/General Public Holiday (Inclusive)</b>		<b>AL Days/Hrs Requested</b>	<b>AL Days/Hrs Remaining</b>	<b>Requested by Employee (Signature)</b>	<b>Approved by Manager (Signature)</b>	<b>OFFICE USE ONLY</b>	
<b>From</b>	<b>To</b>					<i>WC</i>	<i>EC</i>


Carry Over to  
Signature: .....

Max. 5 Days Subject to Approval by Line Manager (Pro-Rata for Part-Time Staff)

Continued . . . .

Date of Holiday/General Public Holiday (Inclusive) From To		AL Days/Hrs Requested	AL Days/Hrs Remaining	Requested by Employee (Signature)	Approved by Manager (Signature)	OFFICE USE ONLY	
						WC	EC


**OTHER LEAVE: (e.g. Compassionate, Family, Bereavement, Paternity, Flexi-Time)**

Date of Holiday/General Public Holiday (Inclusive) From To		AL Days/Hrs Requested	AL Days/Hrs Remaining	Requested by Employee (Signature)	Approved by Manager (Signature)	OFFICE USE ONLY WC EC	

