



Annual Leave Arrangements

Operational Staff

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Policy Statement

London Ambulance Service NHS Trust is committed to ensuring that all staff are able to access and benefit from their full annual leave entitlement each year.

The Trust recognises the importance of annual leave and its impact on the health and wellbeing of all staff. The overarching policy aim will be to balance the need to grant leave against the need to provide a safe service to patients and service users.

Decisions regarding the allocation of leave will always be dependent on the Trust's ability to provide an effective and clinically safe service. As such key considerations differ between staff groups.

For many staff, primarily those in support services, who are office-based, allocation of leave is a matter of discretion between the individual and their line manager, taking into account factors such as immediate work commitments, workload and the team's ability to provide ongoing essential services to its internal and external stakeholders¹.

In Operations arrangements for annual leave must ensure that the Trust is able to deliver critical patient care and fulfil contractual requirements. As such, it is essential that clinical staffing levels throughout London are sufficient to meet demand at any given time. In order to achieve this, it is imperative that annual leave arrangements take into account resource availability and are appropriately matched to demand profiles.

Introduction

All staff are entitled to a period of paid annual leave and general public holidays per year (pro rata for part time employees). Individual annual leave entitlement is dependent upon length of service and contracted hours.

In addition compensatory leave and any time off in lieu (Toil) will be added to an individual annual leave entitlement as and when it is earned.

Toil will be added for any additional hours worked where this is the chosen method of remuneration and where the individual requests Toil instead of overtime payment. Toil is calculated at plain time i.e. an hour for an hour.

Annual leave is an important part of work life balance; equally, good management of annual leave by both the manager and the individual is essential to the health, safety and wellbeing of the employee.

¹ This staff group (ie those in support services) is out of the scope of this document, although rules regarding the planning and carry forward of leave between years apply to all staff.

It is also necessary for the efficient management of operations, that all annual leave is well managed and monitored within the terms of this arrangement and the Agenda for Change (AfC) terms and conditions of service handbook.

The aim of these arrangements is to provide a consistent and equitable approach to the allocation of annual leave and general public holidays, which takes into account the needs of the organisation, the preferences of the individual and considering the arrangements defined in the NHS national terms and conditions of service handbook (AfC).

These arrangements apply to all operational staff (except NHS111) in all grades up to and including clinical team leader and supersede any previous arrangements in regard to annual leave.

The principles of these arrangements apply to Control Services in all grades.

The current leave arrangements for managerial roles at or above band 7 remain unchanged.

Special leave arrangements are separate from annual leave arrangements and are detailed in the Special Leave Policy.

Abstractions

It is the responsibility of the Trust to control and manage all abstractions to maintain a safe level of service provision.

An abstraction is defined as any planned or unplanned reason for not carrying out rostered duties. Reasons for abstractions include annual leave, sickness, training, secondments, special leave, maternity/paternity leave, this list is not exhaustive.

The Trust plans sufficient flexible resource to cover 25% of the hours produced by shifts on complex due to annual leave abstractions. Therefore, at any one time a maximum of 25% of the rostered hours by complex will be available to be assigned for annual leave purposes, subject to a maximum number of individuals on leave at any given time.

The 25% attributed to annual leave is subject to regular review to ensure that members of staff are able to take their allocated annual leave whilst ensuring that the Trust meets its statutory duty of delivering a safe service to London.

The maximum number of individuals who can be on leave at any one time, will be calculated separately for each group station, team or staff group as appropriate.

Historically we are able to identify periods throughout the year where demand will be lower than normal; therefore the Director of Operations may increase the level of annual leave above the 25% during such periods.

Responsibilities

Line manager's responsibilities:

- To ensure that these arrangements are fairly and equitably applied to all operational staff.
- To ensure that employees are made aware of the procedure for applying for annual leave and that the employee is aware of their own entitlement.
- To ensure that the employee's annual leave record is accurate and updated (within the Global Rostering System (GRS)). To monitor the individual's uptake of annual leave to ensure that employees are taking sufficient time away from work and that they are managing their annual leave in such a way as to remove the need of carrying over leave entitlement into the next leave year except in exceptional circumstances.
- In exceptional circumstances, allocate annual leave where an individual is not proactively managing their own annual leave allocation. This is to ensure that annual leave is not 'lost' at the end of the allocated leave year. Good practice would indicate that no staff member should enter the final three months of their annual leave period with more than 25% of their annual allocation still to be taken, and/or with no dates planned to take them.
- To ensure sufficient staff are available to maintain the effective operation of rotas.
- To review short notice leave applications and inform staff and Resource Centre of whether the leave can be granted.

Individual employee's responsibilities:

- To plan and apply for leave in advance giving reasonable notice i.e. in normal circumstances not less than one week prior to the leave requested.
- To ensure that annual leave is planned and requested at regular intervals throughout the leave year so that all leave entitlement is used within the allocated leave year.
- To request annual leave in line with these arrangements.
- To ensure that any request for annual leave is authorised prior to committing to any holiday plans.
- To ensure they have enough leave for the request.

- To ensure Public Holiday lieu days are used before they expire on the anniversary of the public holiday.
- To book off Toil prior to the end of the 13 week expiration period as otherwise it will be converted to pay at plain time rate.

Resource Centre responsibilities:

- To ensure that all staff are issued with a personal and secure log-in to GRS web
- To update annual leave records within GRS as necessary
- To review and respond to applications for annual leave allocation within 24 hours.
- To decline an application for leave if the application exceeds available entitlement taking into account skill mix and the relevant allocation thresholds.

All of the processes above will be automated within GRS. During implementation the new arrangements will be monitored to ensure that GRS applies them correctly. Following implementation, extranet access will then be made available to members of staff to request their annual leave remotely.

Resource Centre Manager responsibilities

- To ensure that management reports are available to local complex management to aid decision making when staff apply for short notice annual leave and to monitor their complexes take up of annual leave entitlement.

Entitlement

Entitlement to annual leave and general public holidays is in accordance with and subject to conditions referred to in section 13 of the NHS national terms and conditions of service handbook. A normal working day is defined as 7.5 hours excluding rest breaks. Annual leave and general public holiday entitlements will be calculated on an hourly basis, to prevent staff undertaking varying shift lengths receiving greater or less leave than colleagues working standard shifts (7 ½ hours).

Individual leave entitlement (based on full time employment):

Length of service	Annual leave and general public holidays
On appointment	202.5 hours (27 days) + 60 hours (8 days general public holidays)

After 5 years' service	217.5 hours (29 days) + 60 hours (8 days general public holidays)
After 10 years' service	247.5 hours (33 days) + 60 hours (8 days general public holidays)

Within the terms of these arrangements a general public holiday shall be defined as a period of normal duty that starts within the period of midnight to midnight on a designated day. The designated general public holidays are:

Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday and Late Summer Bank Holiday.

If a general public holiday is on a weekend, a 'substitute' weekday becomes a bank holiday, normally the following Monday.

Part-time staff

Part-time employees (who are contracted to work on average less than full time hours of 37.5 hours per week) will have their annual leave calculated in hours on a pro-rata basis.

Part-time staff's general public holiday entitlement shall be added pro-rata to their annual leave entitlement and rounded up to the nearest half day.

Carryover of annual leave

It is expected that staff will be provided with the opportunity to use all of their leave entitlement within their leave year. It is recognised however that in exceptional circumstances staff may have a legitimate reason to request to carryover some of their annual leave entitlement to their next annual leave year. This will be granted subject to the demands on the Trust and at the discretion of management once an exceptional case has been outlined and made out.

The maximum carryover that will ordinarily be considered on application is 37.5 hours (5 standard days). However, in exceptional circumstances an application to carry over more than 37.5 hours will be considered.

Carrying-over annual leave represents a financial burden to the Trust as under International Financial Reporting Standards it must be treated as a financial liability and appropriate accrual and financial provision made.

Managers will be required to monitor leave allocation and intervene as necessary should it appear that leave is not being taken. In circumstances where staff are not requesting leave in a timely manner, the Trust reserves the right to allocate leave in line with the provisions of the European Working Time Directive. This requires that equivalent notice is given to the amount of leave to be taken. For example, if a member of staff is to be allocated one week of annual leave, they must be given one week's notice. This action will

only be taken in exceptional circumstances periodically through the annual leave year that leave is required to be taken.

Any annual leave carried forward (due to exceptional circumstances) into the next leave year should be taken within an agreed reasonable time (no longer than six months) the new leave year. Failure to do so will normally lead to the leave carried forward being lost. Managers should monitor and facilitate this leave where necessary.

If, due to long-term sickness absence any member of staff has not taken their annual leave entitlement under the Working Time Directive, four weeks (20 days, 150 hours), within the leave year, they may request to carry forward annual leave not taken. 20 days (150 hours) is the maximum amount to be carried forward in cases where long term absence is the reason for not taking annual leave. Therefore any annual leave already taken in the leave year should be deducted from the maximum carryover of 20 days (150 hours).

Application for Annual Leave

All applications for annual leave should be made via GRS web using a secure log-in. The application should be made at least one week prior to the leave date requested.

The employee will select the start and end date of the requested leave, inclusive, and then the type of leave requested (Annual leave, Time off in Lieu (Toil) or general public holiday leave) or a mixture of all. *NB: In order to ensure that compensatory rest is used prior to expiry, compensatory leave, where applicable, will be assigned to the requested annual leave period in the first instance.*

If, in the instance of Toil being chosen as the type of leave, the required amount of Toil available does not cover the shift then annual leave can / will be used to make up the shortfall if it is available. If however there is no Toil available the leave will not be processed, and the member of staff will need to resubmit the application for leave choosing the available type of leave s/he is entitled to.

Once submitted the leave application will be actioned within 24 hours by the Resource Centre. They will check the percentage of hours already granted against the quota for annual leave and skill mix balance entitlement for that complex. If there are sufficient hours remaining from the 25% calculated leave allocations, the leave will be granted and the hours requested will be removed from the employee's entitlement. If the application exceeds the total percentage allowed the leave will be refused.

Employees can review the outcome of their application for leave on GRS Web 24 hours after submission.

Annual leave applied for with less than one week's notice must also be applied for on GRS. Such requests will be referred to the local management team for consideration.

Staff will not be able to anticipate annual leave entitlement from their next annual leave year within their current leave year i.e. annual leave can be requested and booked in advance, but leave entitlement cannot be taken (borrowed) from the following years annual leave entitlement. Essentially, annual leave entitlement must be taken within the leave year in which it is earned/accrued, the only exception being any leave that is carried forward by agreement to the next year once exceptional circumstances enabling carry over have been established.

Public Holidays

Pay and time off in lieu (Toil) calculated when staff work on general public holidays will be calculated following the terms and conditions as stated in the NHS terms and conditions of service handbook.

Staff accrue 7½ hours of their 60 hours public holiday entitlement as the public holiday falls during the year (pro-rata for part time-staff).

Staff who are required to work more than 60 hours on general public holidays in their personal leave year will receive Toil at plain time rate for all of the hours worked over and above the 60 hours already allocated for public holidays, plus the appropriate payment for all of the hours worked. The 60 hours will be set on a pro-rata basis for part time staff.

If an employee is off sick, maternity leave, paternity leave or stood down, there is no entitlement to lieu time.

When the number of hours an individual has worked on a public holiday exceeds the 60 hours already allocated (pro-rata for part time staff), additional Lieu time will be added to the employees leave allocation. These hours will be added to an individual's leave entitlement and the annual leave process will be followed in order to use this leave entitlement.

Lieu time accrued from public holidays should be used within 12 months of the anniversary of accrual.

Individuals who volunteer to work more than 60 hours on public holidays in their personal leave year will not receive any Toil above the 60 hours entitlement, they will receive payment only.

Allocation of Annual Leave

Annual leave will be distributed across all rostered shifts using the same calculation from the total hours provided by the combined rosters on the complex.

This leave will be calculated in hours. The Resource Centre will allocate the 25% annual leave abstraction by shift across the group based on rostered hours.

Additional annual leave above the set level will be declined automatically. In exceptional cases an individual may be granted leave over and above the allocated level on application to their manager.

Where annual leave requests are declined staff will be encouraged to identify other dates they can take. Declining annual leave is not intended to prevent anyone accessing their full leave entitlement within their annual leave year. Staff are encouraged to plan their leave in advance, especially for peak holiday periods, school holidays, religious festivals etc to avoid disappointment and the potential for the request to be declined. Managers have a duty to seek to allow equitable access to specific holiday periods between years.

Voluntary Cancellation of Annual Leave

There may be occasions due to extreme situations, potential service failure, protracted major incidents, catastrophic incidents or acts of terrorism for example, where the Director of Operations may request that staff cancel all annual leave. This will be a voluntary arrangement.

The Trust will endeavour to re-allocate annual leave at a time that is mutually agreeable, this may involve exceeding planned abstraction rates where agreed by the Director of Operations.

Annual leave and overtime

Staff are encouraged to use their annual leave to spend time away from work and it is not anticipated that they will work overtime during periods of annual leave. It is acknowledged that individuals may, on occasion choose to work an overtime shift during annual leave. This is subject to local management approval and a maximum of 5 days per year, per member of staff. Working whilst on annual leave during public holidays, e.g. Christmas is not permitted. The period of booked leave will be deducted from the balance of leave available to be taken, and the hours worked will be paid at overtime rates.

Extended periods of Annual Leave

Normal maximum leave allocation for a single request would be of a maximum of 75 hours of successive rostered shifts. In exceptional cases staff may request a period of extended annual leave of up to 150 hours of successive rostered shifts. Requests for extended annual leave will not be unreasonably refused but should be considered in light of operational needs and cover arrangements.

In the event that a period involving absence from duty of 4 weeks or more, whether the lost shifts equate to 150 hours or not, a formal return to work agreement will be required. This will set out the terms under which the extended leave has been granted, the expected date of return, arrangements for return to work, and potential consequences of a failure to do so (see also "Late return from holiday").

Late return from holiday

It is recognised that on rare occasions staff may be subject to delays in returning from holiday e.g. flight cancellations due to industrial action overseas, etc. The employee must make every effort to inform their line manager of the situation and return to work as soon as possible. Upon their return to work consideration should be given to the merits of the case and the appropriate leave arrangements e.g. annual leave or unpaid leave agreed and applied retrospectively.

Review

These arrangements will be reviewed annually in partnership with trade unions from the date of implementation.

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