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Annual Leave Guidance during the COVID-19 Pandemic

Given the significant pressures on staff and services at this time, colleagues being able to rest and recuperate is vital. It is essential that staff have enough rest in order to maintain their own physical and mental wellbeing.

Staff continue to be entitled to their annual leave allowance and arrangements for taking of leave need to be carefully considered in order to ensure that we are able to provide continuity of services for patients and support for all members of staff.

The following questions and answers have been put together in anticipation of any you may have. We will regularly review and update these questions and answers in response to further queries raised or other themes emerge across the organisation.

We recognise that decisions relating to the taking and carry-over of annual leave during the COVID-19 pandemic will be a complex issue for both staff and management teams and a one size fits all approach may not work for everyone across the service. Managers and staff will be expected to work together to find appropriate solutions that balance the needs of our patients with needs of staff wellbeing. We aim to encourage staff and managers to talk early about plans around leave.

General

When does the annual leave year run from?

The Trust operates an individual leave year for all operational staff based on date of entry (continuous employment) to the Service. This aims to spread leave entitlements over the year and avoid the concentration of annual leave requests in March.

For non-operational staff, the annual leave year is from 1 April to 31 March each year.

What is the maximum amount of leave that can be requested at any one time?

For operational staff the main period of continuous annual leave is usually two weeks; however, up to three weeks may be accommodated. Leave in excess of three weeks is considered to be extended leave. In this instance requests must be made to your line manager and the maximum notice possible must be provided.

Can I work overtime whilst taking my leave?

Information

You may work up to five days overtime whilst on annual leave in a leave year provided that your annual leave and public holiday entitlement does not fall below the legal minimum (28 days including public holidays, pro rata).

Sickness and Leave

Can I cancel my leave if it falls during a period of sickness (either with COVID-19 or due to another illness)?

If you fall sick during a pre-arranged period of annual leave, staff have the option to request to take their leave at an alternative time. Staff must notify scheduling on the first day of their sickness absence. The sickness absence must be recorded. The employee must submit either an appropriate certificate, should this be required, or an NHS 111 isolation note.

I am currently on long term sickness and wish to take annual leave, can I do this?

Yes, staff are entitled to take annual leave whilst off sick. Annual leave must be requested by the member of staff and approved in the usual way.

If I have a period of annual leave booked and then have to self-isolate, may I request to cancel the leave?

Yes, if you are required to follow government guidance to self-isolate the Trust will allow you to cancel your leave and arrange to take this at a later date. You will however be expected to plan and take this leave on an alternative date within the same leave year. Only where staff can evidence that it is not possible to take this leave within the same year (and through no fault of the individual) will any carry over leave above the amount that is usually permissible (1/3 of entitlement for operational staff or five days for corporate staff) be granted.

I am shielding. Can I cancel a period of pre-booked annual leave falling during this period?

Yes, if you are required to follow government advice to shield you may request to cancel pre-booked leave. You will however be expected to plan and take this at alternative dates within the same leave year. Only where staff can evidence that it is not possible to take this leave within the same year will any carry over leave above the amount that is usually permissible (1/3 of entitlement for operational staff or five days for corporate staff) be granted.

In the event of an extension to the period of shielding beyond the end of June, the Trust will review this.

Do staff members retain the right to public holidays when self-isolating or shielding?

Staff currently self-isolating or absent from work for COVID-19 reasons may continue to receive the Bank Holiday entitlements. This would equate to the same entitlements as they would have received if they were able to work.

Carry-over of Leave

What are the normal carry over provisions (prior to COVID-19)?

The normal expectation is that staff will usually take their full annual leave entitlement within their annual leave year.

For operational staff, an individual may carry forward up to 1/3 of their entitlement under the current leave arrangements.

Corporate staff may carry forward up to five days.

Where an employee is entitled to leave carried over from the previous year, the first leave taken in a current year is deemed to be the previous year's leave carried over until the amount of carried over leave is exhausted.

What is the Trust's position in relation to the carry over during the COVID-19 period?

Staff are encouraged to plan and take their annual leave before the end of their leave year for their health and wellbeing.

There are no changes to the current arrangements allowing for staff to carry forward either 1/3 or five days of entitlement unless leave has been impacted by COVID-19 related activity, illness or shielding/isolation requirements.

Where leave has been disrupted due to COVID-19-related activity, the Trust has aligned with the government guidance to allow up to 20 days (150 hours) to be carried forward over a two year period. This will be pro rata for part time staff.

Can I carry over 20 days (150 hours), in addition to the normal provisions (one third of your entitlement for operational staff, or five days)?

No. 20 days (150 hours) is the maximum that is permitted to be carried forward into the next leave year (for two years) and is inclusive of the Trust permitted carry over.

What circumstances will be considered to be "COVID-related activity" resulting in consideration being given to allowing staff to carry forward 20 days?

The Trust anticipates that there should be few circumstances in which it is likely that staff will need to carry forward 20 days' leave as we hope staff will have taken the opportunities available to them to use their annual leave. However, all requests above the normally allowed amounts will be considered on an individual basis.

The arrangements for permitting 20 day carry over may apply where staff are needed to continue to work and where it is not possible to take annual leave due to operational pressures, such as if there is a shortage of staff, or urgent work activity. To date, no restrictions on the availability of annual leave has been necessary. Staff should therefore be planning to take their leave in advance of the end of the leave year as normal and without anticipating carry forward above any normal entitlement. The Trust understands that staff will be disappointed that they may not be able to enjoy their usual pastimes during periods of leave; however, the impact of rest and recuperation on individual wellbeing is more important than ever.

Leave may also be carried over where staff have been prevented from taking this due to confirmed COVID-19 sickness or the requirement to follow government advice to self-isolate and where there is insufficient opportunity to use leave in advance of the end of the leave year.

The Trust will also be sympathetic to carrying over leave for others with exceptional circumstances caused by the crisis. However, as far as possible, our normal arrangements for booking and carrying over annual leave will continue to apply.

Can I carry forward my leave into the next two leave years if my travel plans have been disrupted due to the cancellation of flights or due to Foreign & Commonwealth office (FCO) advice against all but essential international travel?

The Trust is sympathetic to all staff who have had their plans for travel during leave disrupted.

Staff may cancel annual leave bookings in such circumstances in order to take time off on alternative dates. Staff will however still be expected to plan and take any annual leave within the remainder of the leave year irrespective of whether or not the FCO travel advice changes.

Whilst we appreciate many staff will feel disappointed about not being to take overseas trips, this is an exceptional time and, more than ever, taking care of your mental wellbeing matters. This means it is important to take leave to get vital rest and relaxation.

Do I have to take all 20 days (150 hours) carry-forward in the next leave year?

No. This holiday can be taken over a two-year period.

When does the two years start?

The regulations came into place on the 26 March 2020. The Trust therefore anticipates that from 26 March 2022 annual leave carryover will be reduced in line with the Trust annual leave arrangements.

Who can I contact if I have any further queries?

Staff should discuss any queries with their line manager in the first instance. If managers cannot answer your queries, then further advice will be available to them from their local HR Manager or by emailing PeopleFAQCovid@lond-amb.nhs.uk .