

Ref: FOI/GS/ID 6596

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30 March 2021

Freedom of Information Act 2000

I am writing in response to your request for information made under the Freedom of Information Act 2000 in relation to annual and Christmas leave.

You asked:

Please could you email me the trusts annual leave policy and Christmas leave policy. Please can you also provide advise me if the trust allows Christmas leave to be booked at any point during the year.

Trust response:

Please find below a copy of the relevant policy.

MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST

Annual Leave and Public Holiday Policy and Procedure

**Requested/
Required by:**

Workforce Committee

Main author:

HR Advisor

Other contributors:

HR & Staff-side

Document lead:

Director of Workforce and Communications

Directorate:

Corporate

Specialty:	Workforce
Supersedes:	Annual Leave and Public Holiday Policy (Version 3.0: September 2012)
	Annual Leave and Public Holiday Policy (Version 3.1: February 2013)
Approved by:	Senior HR Meeting, 26 th February 2015
Ratified by:	Policy Ratification Committee, 10 th March 2015
Review date:	March 2020 or at times of significant change

Disclaimer: Printed copies of this document may not be the most recent version.
The master copy is held on Q-Pulse Document Management System
This copy – VER4.0

Document history

Requirement for document:	<ul style="list-style-type: none"> To clearly set out the entitlements and calculations for staff in relation to annual leave and public holidays. To ensure clear authorisation processes and good governance.
Cross references:	<ul style="list-style-type: none"> NHS terms and conditions of service handbook (Link to Service handbook)
Associated documents:	<ul style="list-style-type: none"> Maidstone and Tunbridge Wells NHS Trust. <i>Annual Leave Calculator</i> [RWF-OPF-NC-WF11] (* see below: alternate years / alternate unique IDs to allow “overlap” period when staff could be calculating leave in either the current or the future leave year) Maidstone and Tunbridge Wells NHS Trust. <i>Annual Leave Calculator</i> [RWF-OPF-NC-WF58] (* see above: alternate years / alternate unique IDs to allow “overlap” period when staff could be calculating leave in either the current or the future leave year) Maidstone and Tunbridge Wells NHS Trust. <i>Managing Attendance at Work Policy and Procedure</i> [RWF-OPPPCS-NC-WF5] Maidstone and Tunbridge Wells NHS Trust. <i>Adverse Weather Policy and Procedure – Staff Attendance (During Extreme Weather Conditions)</i> [RWF-OPPPCS-NC-WF23] Maidstone and Tunbridge Wells NHS Trust. <i>Special Leave and Other Leave Policy and Procedure</i> [RWF-OPPPCS-NC-WF69]

Version control: Details of approved versions		
Issue:	Description of changes:	Date:
1.0	Original document	
2.0	Updated document	March 2006
3.0	Review undertaken. Document updated in line with Agenda for Change Handbook.	September 2012

	Main changes: Reduced provision for carry over leave between leave years.	
3.1	Document history / Requirement for document: removed 3 rd bullet point. Document history / Version control / 3.0: removed text about personalised leave provision.	February 2013
4.0	Full review Changes include: <ul style="list-style-type: none"> • Extended Leave Request Form removed, requests to extend annual leave requests beyond 2 weeks to be supported by the manager and general manager. • Minor changes made to Leave Request Flowchart and Carry-over of Leave Request Form. • Added section 5.5.5 to explain annual leave entitlement will be counted for staff joining the Trust with previous NHS service. • Change made to section 5.6.4 to state the carry-over leave request form will need to be sent to the HR Department for final approval. • Added section 5.6.8 regarding annual leave carry-over for staff going on maternity/adoption/paternity leave. • Added detail to section 5.7.3 to explain the process to follow if a staff member takes annual leave while on long term sick leave. • Section 5.7.4 added that a carry-over form does not need to be completed. • Added sentence to section 5.8.1 regarding if the staff member falls sick on annual leave they must ensure they report the sickness immediately to their manager on the first day of sickness. 	December 2014

Policy Statement for

Annual Leave and Public Leave Policy

This policy sets out the annual leave and public leave entitlements as outlined in the Agenda for Change Terms and Conditions Handbook.

The Trust deems it important that staff utilise their full leave provision each year to ensure a happy and healthy workforce. As a result, strict restrictions have been placed on the ability to carry leave from one leave year to the next.

Medical staff have a separate policy and procedure (Medical Staff Leave (Annual Leave and Public Holidays / Study and Professional Leave) Policy [RWF-OPPPCS-NC-WF42]) and are

Annual Leave and Public Holiday Procedure

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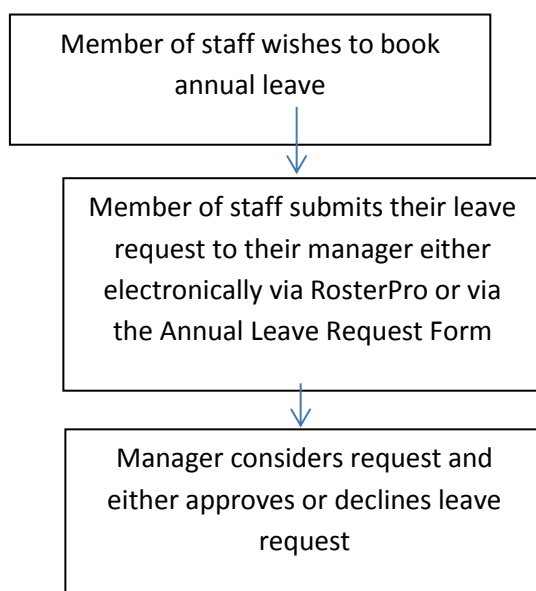
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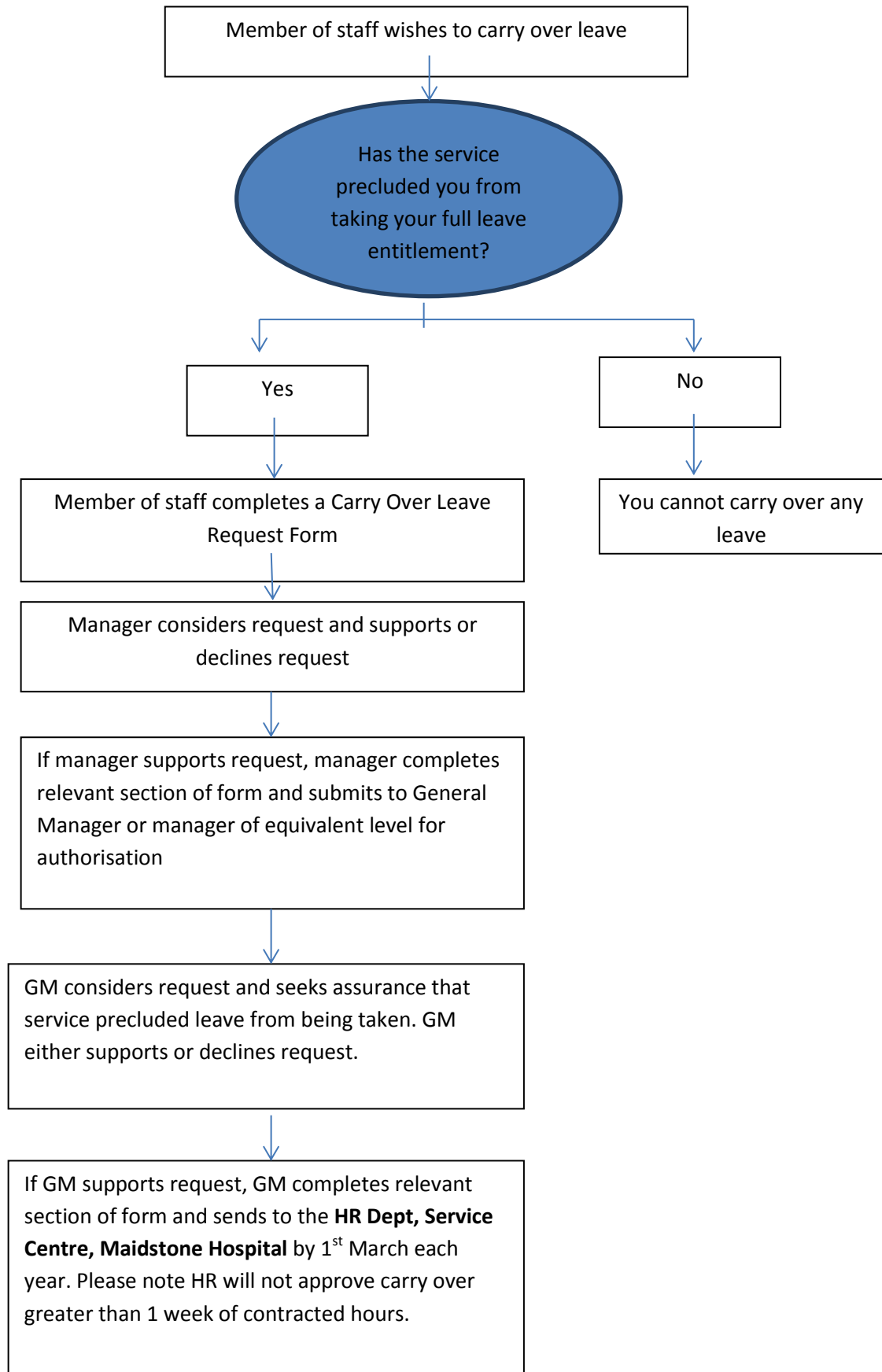
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4	Annual leave request form
5	Carry over of leave request form
6	Annual leave calculator

FLOWCHARTS

LEAVE REQUEST



CARRY OVER OF LEAVE REQUEST



1.0 Introduction and scope

- 1.1 This document sets out the entitlement to annual leave and public holidays and the procedure for managers dealing with requests for leave.
- 1.2 Medical staff leave is handled in line with the Medical Staff Leave (Annual Leave and Public Holidays / Study and Professional Leave) policy.
- 1.3 Annual leave is an important part of work-life balance. Equally the good management of annual leave by the member of staff and their manager is essential to the staff members' health and safety and the effective and efficient running of the Trust.

2.0 Definitions

- 2.1 Statutory Annual Leave – this is the legal minimum amount of leave that employers must provide for their staff. It is currently set at 28 days per annum and is inclusive of public holidays.
- 2.2 Agenda for Change (AFC) Annual Leave – this is the amount of annual leave per annum that you receive as an NHS member of staff and is based on your length of cumulative NHS service.
- 2.3 Cumulative NHS Service – this is the total amount of time you have worked in the NHS regardless of breaks in service.
- 2.4 Public Holidays – these are specified days during the year. As the Trust runs a 24/7 service these cannot always be taken on those specified days but will instead be added to your leave entitlement.

3.0 Duties

3.1 Staff have a responsibility:

- To ensure they take all their leave within the leave year.
- To ensure they provide sufficient notice to their manager for leave requests, and do not make any holiday commitments until their leave request has been authorised.
- To inform their manager as soon as possible if they are sick during the annual leave period in accordance with the local sickness reporting procedure and the Trust Managing Attendance at Work Policy and Procedure.

3.2 Managers have a responsibility:

- To calculate annual leave entitlements for their staff, utilising the annual leave calculator on the Trust Intranet as required.
- Record and monitor leave taken by their staff to ensure that it is evenly spread throughout the year to ensure that their service is suitably staffed at all times.
- To consider whether the annual leave request is in line with the local leave reporting procedure.
- To consider whether there is appropriate cover from other staff, and if the annual leave request would impact on the service.
- Approve / decline leave requested in a timely manner to aid staff in the timely arrangement of their holiday commitments.

- Maintain a record of staff leave, ensuring that staff take all their allocated leave each year and do not take more than their entitlement.

3.3 The HR department will:

- Provide advice and support managers on leave issues.
- Take steps to ensure that all staff are treated in a consistent, fair and equitable way by managers adhering to this policy.

3.4 The Trust Board has a responsibility to ensure:

- This policy and procedure is applied fairly and equitably for all staff.
- The policy and procedure is monitored and audited to assess its effectiveness and equal and consistent application.

4.0 Training / competency requirements

4.1 There are no training requirements.

5.0 Procedure

5.1 Leave year

5.1.1 The leave year runs from 1st April to 31st March.

5.2 Entitlement

5.2.1 Annual leave and public holiday entitlements for all staff on Agenda for Change Terms and Conditions of Employment are as follows:

Length of NHS Service	Annual Leave Entitlement	Public Holiday Entitlement
On appointment to the NHS	27 days (202.5 hours)	8 days (60 hours)
After 5 years NHS Service	29 days (217.5 hours)	8 days (60 hours)
After 10 years NHS Service	33 days (247.5 hours)	8 days (60 hours)

5.2.2 The above entitlements are pro-rata for part-time members of staff. This can be easily calculated using the Trust Annual Leave Calculator (**Appendix 6**) available on the Trust Intranet.

5.2.3 Annual Leave and Public Holidays are based on a 7.5 hour working day. Therefore, any staff who work more or less hours per day than 7.5 hours need to calculate their leave entitlements in hours instead of days. Again, this can be easily calculated using the Trust Annual Leave Calculator available on the Trust Intranet. Staff must ensure they deduct their actual working hours when booking leave (i.e. If you work 10 hours per day you need to book 10 hours of leave).

5.3 Public holidays

5.3.1 Generally there are 8 public holidays per leave year. However, in some years this can range from 6 days to 10 days depending on where Easter falls in any given leave year. The Trust has chosen to give staff the number of public holidays that fall in any given leave year rather

than a flat rate of 8 days each year. Therefore, the appropriate hours adjustment will be made (i.e. if 6 Public Holidays fall in a leave year, the Public Holiday entitlement will reduce from 60 hours to 45 hours).

- 5.3.2 For part-time staff who have their entitlement pro-rata, their Public Holiday entitlement should be rounded up to the nearest 0.5 day as specified in section 13.6 of the Agenda for Change Terms and Conditions Handbook. This rule does not apply to their annual leave entitlement.
- 5.3.3 Part-time staff, or staff who work full-time hours in a compressed number of days, shall have their Public Holiday entitlement added to their Annual Leave entitlement and will then take Annual leave if a Public Holiday falls on one of their normal working days.
- 5.3.4 Where operationally possible and subject to mutual agreement by the member of staff and their manager, a part-time member of staff may change their working days during a Public Holiday week and therefore retain their leave entitlement in respect of the Public Holiday.
- 5.3.5 The Trust will decide its approach to handling additional national holidays that arise periodically (i.e. Royal Wedding, Jubilee).

5.4 Process for authorisation of leave

- 5.4.1 Staff should complete the attached leave request form (**Appendix 4 – Annual Leave Request Form**) for each episode of leave they wish to take and provide this to their manager to approve/decline, unless they have their rotas managed through RosterPro in which case leave requests will continue to be submitted electronically to your manager to approve/decline.
- 5.4.2 Staff should ensure that leave requests are made in sufficient time to allow service provision to be maintained. It is generally recommended that leave requests are submitted at least 6 weeks prior to the leave taking place. This may not be possible for short notice odd days of annual leave but should certainly be the case for periods of 1 week or more.
- 5.4.3 Managers can grant annual leave requests of up to 2 working weeks, for example for 10 working days (75 hours). Any leave requests for longer than this would need to be supported by both the manager and General Manager of equivalent level within the service.

5.5 Joining / leaving the Trust

- 5.5.1 Staff joining or leaving the Trust part way through a leave year will have their annual entitlement adjusted and pro-rata accordingly. Public holidays will be pro-rata according to the number that fall within the period of time being calculated.
- 5.5.2 Entitlement is based on the number of full complete weeks worked during the leave year.
- 5.5.3 Staff leaving the Trust who have not used their full leave entitlement will be paid for any leave due to them. Managers should ensure

wherever possible that all leave is taken before a member of staff leaves the Trust to avoid this situation.

5.5.4 Staff leaving the Trust who have taken too much leave will have the equivalent value deducted from their final pay. Again, managers should ensure wherever possible that this situation does not occur.

5.5.5 Annual leave entitlement is based on cumulative NHS service (see section 2.0 Definitions).

5.6 Carry-over of annual leave

5.6.1 It is expected that within the leave year staff take all their leave entitlement.

5.6.2 Managers should equally ensure that their staff have used all their leave entitlement before the end of the leave year. This should be monitored continuously throughout the leave year and leave should be equally spread throughout the year to avoid operational difficulties towards to end of the leave year with staff trying to take all outstanding leave.

5.6.3 There will be no carry-over of annual leave allowed from one leave year to the next, except in the most extreme of circumstances whereby the member of staff has been precluded from taking all their leave due to the demands of the service and the manager not approving their leave requests as a result of this. Such arrangements would need to be confirmed in writing.

5.6.4 Should the situation outlined in 5.6.3 occur, the member of staff and manager will need to complete a **Carry-over Leave Request Form (Appendix 5)** which will then need to go to the General Manager, or other manager of an equivalent level, within the service area for their support before being sent to the HR Department by the 1st March each year for final approval.

5.6.5 A maximum of one week's contracted hours can be carried over if supported by the General Manager or equivalent level. No Public Holiday entitlement can be carried forward at all under any circumstances. All other outstanding annual leave will be forfeited.

5.6.6 Payment in lieu of any untaken annual leave will not be made to any staff who are still in the Trust's employ. This is only an option open to staff who are leaving the Trust.

5.6.7 In the event of long term sickness the provisions in section 5.7.1 below apply in relation to the carrying over of annual leave.

5.6.8 Please refer to section 5.1.20 of the Maternity and Adoption Leave Policy and Procedure in relation to the provision for the carry-over of annual leave while on maternity/adoption leave.

5.7 Long-term sick leave

5.7.1 Staff who are on long-term sick leave continue to accumulate Contractual Annual Leave during their paid period of absence.

5.7.2 Staff on long-term sick leave who wish to book a holiday should book their leave in the normal way via their line manager. There will be no

negative impact of taking annual leave during sick leave. Being unfit for work does not necessarily mean you are unfit for other activities such as holidays. Failure to book annual leave in circumstances that annual leave would ordinarily be booked for had you been at work will constitute a disciplinary offence.

- 5.7.3 Managers should be in regular contact with staff on long-term sick leave, reminding them that should they wish to use their leave entitlement for a holiday they can do so. Managers should notify payroll via a change form (refer to Q-Pulse) if a member of staff on long term sick takes a period of annual leave, clearly stating the date that sick pay ceases, the annual leave dates and the dates that the sick leave re-commences.
- 5.7.4 Staff on long-term sick leave, who have not used all their annual leave entitlement by the end of the leave year, will be allowed to carry over all outstanding statutory leave (28 days per year – this includes bank holidays). For example, if the member of staff had taken 14 days annual leave within the leave year, they would be able to carry over 14 days leave to the following leave year (pro-rata for part-time). Any remaining non-statutory annual leave will be forfeited. A carry over request form does not need to be completed.

5.8 Sick during annual leave

- 5.8.1 Where a member of staff is ill during a period of annual leave it may be possible to convert that annual leave to sick leave. However, this will only be possible if the reporting sickness absence procedure set out in the Managing Attendance at Work Policy and Procedure [RWF-OPPPCS-NC-WF5] is strictly adhered to and the sickness is reported immediately to the line manager on the first day of sickness absence.

5.9 Declining leave requests

- 5.9.1 Managers always have the option available to them to decline leave requests from their staff if the service is unable to accommodate it. The manager should ensure that the member of staff is given an explanation as to why their leave request has been declined.

6.0 Monitoring and audit

- 6.1 This policy and procedure will be monitored by the HR Department via:
- Ad hoc feedback from staff, staff-side, managers and HR staff who have used the policy and have identified required revisions.

Process requirements

1.0 Implementation and awareness

- Once approved the document lead or author will submit this policy/procedural document to the Clinical Governance Assistant who will activate it on the Trust approved document management database on the intranet, under 'Trust policies, procedures and leaflets'.
- A monthly publications table is produced by the Clinical Governance Assistant which is published on the Trust intranet under "Policies"; notification of the posting is included on the intranet "News Feed" and in the Chief Executive's newsletter.
- On reading of the news feed notification all managers should ensure that their staff members are aware of the new publications.
- This policy and procedure will be publicised in updates on policies and form an integral component at Staff Induction and orientation.
- All HR staff briefed by their respective managers on main aspects of the policy and procedure.
- Further promotion via Trust communication vehicles, e.g. team brief, Trust news and Trust e-mail bulletin as required.

2.0 Review

To be reviewed five years after approval/ratification or sooner if monitoring highlights the need and/or changes in legislation.

3.0 Archiving

The Trust intranet (q-pulse) retains all superseded files in an archive directory in order to maintain document history.

APPENDIX TWO

CONSULTATION ON: Annual Leave and Public Holiday Policy and Procedure

Consultation process – Use this form to ensure your consultation has been adequate for the purpose.

Please return comments to: HR Advisor (ED)

By date: 11th December 2014

Job title: <i>List staff to be included in the consultation. See Section 5.5 of the "Production, Approval and Implementation of Policies and Procedures" policy and procedure for guidance.</i>	Date sent	Date reply received	Modification suggested? Y/N	Modification made? Y/N
Local Counter Fraud Specialist (MA)	11/11/2014			
Clinical Governance Assistant (RD)	11/11/2014			
Staff-side Chair (AK)	11/11/2014			
Director of Workforce & Communications (PB)	11/11/2014			
Associate Director of Workforce (RH)	11/11/2014			
Head of Services	11/11/2014			
Head of Employee Services (TK)	11/11/2014			
Head of OH	11/11/2014			
HRBP Team	21/10/2014			
ADOs/HoNs	11/11/2014			
GMs/Matrons	11/11/2014			
JCF Members	11/11/2014	12/12/14	Y	Y
Executive Directors/ Directors	11/11/2014	14/11/14	Y	Y
The role of those staff being consulted upon as above is to ensure that they have shared the policy for comments with all staff within their sphere of responsibility who would be able to contribute to the development of the policy.				

APPENDIX THREE

Equality Impact Assessment

In line with race, disability and gender equalities legislation, public bodies like MTW are required to assess and consult on how their policies and practices affect different groups, and to monitor any possible negative impact on equality.

The completion of the following Equality Impact Assessment grid is therefore mandatory and should be undertaken as part of the policy development and approval process. Please consult the Equality and Human Rights Policy on the Trust intranet, for details on how to complete the grid.

Please note that completion is mandatory for all policy development exercises. A copy of each Equality Impact Assessment must also be placed on the Trust's intranet.

Title of Policy or Practice	Annual Leave and Public Holiday Policy and Procedure
What are the aims of the policy or practice?	To set out annual leave and public holiday entitlements, a personalised leave allowance and procedures for authorisation of leave and carry over.
Identify the data and research used to assist the analysis and assessment	Previous Annual Leave and Public Holiday Policy & Procedure. Other Trusts Policies on this subject. Diversity data on staff in post. Consultation process, as per Appendix 2.
Analyse and assess the likely impact on equality or potential discrimination with each of the following groups.	Is there an adverse impact or potential discrimination (yes/no). If yes give details.
Males or Females	No
People of different ages	Yes – entitlement is based on length of service
People of different ethnic groups	No
People of different religious beliefs	No
People who do not speak English as a first language	Yes – difficulty in understanding paperwork
People who have a physical disability	No
People who have a mental disability	Yes – difficulty in understanding the paperwork
Women who are pregnant or on maternity leave	No
Single parent families	No
People with different sexual orientations	No
People with different work patterns (part time, full time, job share, short term contractors, employed, unemployed)	Yes- Fixed pattern were part time staff work more Mondays then colleagues in relation to public holidays
People in deprived areas and people from different socio-economic groups	No
Asylum seekers and refugees	No
Prisoners and people confined to closed institutions, community offenders	No
Carers	No
If you identified potential discrimination is it minimal and justifiable and therefore does not require a stage 2 assessment?	The potential discrimination identified above is minimal and justifiable and therefore a stage 2 assessment is not required.
When will you monitor and review your EqIA?	Alongside this policy/procedure when it is reviewed.
Where do you plan to publish the results	As Appendix 3 of this policy/procedure on the Trust

FURTHER APPENDICES

The following appendices are published on the Trust Intranet, as related documents, under the main entry for this policy/procedure:

No.	Title	Unique ID
4	Annual leave request form	RWF-OPF-NC-WF10
5	Carry-over leave request form	RWF-OPF-NC-WF9
6	Annual leave calculator (alternate years / alternate unique IDs to allow “overlap” period when staff may wish to calculate leave in either the current or the future leave year, so both need to be available to staff; please ensure you are using the correct calculator for the leave period in question)	RWF-OPF-NC-WF11 RWF-OPF-NC-WF58