

## Annual and Special Leave Policy

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### 1. Policy Statement

1.1 East London NHS Foundation Trust (herein referred to as 'the Trust') recognises the importance of annual leave in improving an individuals' quality of working life in balancing their personal and working life. In addition, annual leave provides individuals with a chance to relax and recuperate in what can be a hard working stressful environment. All eligible staff should be given paid annual leave, the purpose of which is to provide a break from work at regular intervals throughout the year. The Trust will seek to ensure that eligible staff are able to take the paid annual leave to which they are entitled. Additionally, the good management of annual leave by the individual and the manager is essential to the health and safety of the employee and the organisation.

1.2 The aim of this policy is to provide a uniform and equitable approach to the calculation of annual leave and bank holiday entitlements, which take into account the entitlements and arrangements defined under Agenda for Change NHS Terms and Conditions.

1.3 Annual leave should be taken throughout the leave year. Requests for annual leave which exceed a two week period will be considered on an individual basis in line with the needs of the service.

1.4 The Policy is in accordance with the Working Time Regulations (1998; Amended 2003), the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000), Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002) and Agenda for Change NHS Terms and Conditions.

1.5 For the avoidance of doubt, one day is classed as 7.5 hours.

### 2 Compliance with Statutory Requirements

#### 2.1 Working Time Regulations (1998; Amended 2003)

The Trust recognises the entitlements of its workers to request annual leave in accordance with The Working Time Regulations (1998; Amended 2003).

#### 2.2 Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000)

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000) legislates that part-time staff should not be treated less favourably than full-time staff. The Trust endeavors to ensure the prevention of discrimination or less favourable treatment in the provision of annual leave.

#### 2.3 Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002)

The Fixed-Term Staff (Prevention of Less Favourable Treatment) Regulations (2002) prevent fixed term staff being treated less favourably than similar permanent staff. The Trust endeavors to ensure the prevention of discrimination or less favourable treatment in the provision of annual leave.

### 3 Scope of Policy

3.1 The Policy applies to all staff (except for Trust staff Bank members, Medical staff and Directors) who are employed on Agenda for Change NHS Terms and Conditions effective from 1<sup>st</sup> October 2004.

## **4 Exclusions**

4.1 This policy is not applicable to Trust Bank Staff, Medical Staff and Executive Directors; nor is this policy applicable to staff or local Trust contracts who elect not to transfer to Agenda for Change NHS Terms and Conditions. Separate provisions apply to these groups, which may be found in the relevant terms & conditions available at the Human Resources Department.

## **5 Annual Leave Year**

5.1 The entitlements to paid annual leave are for a pre-determined leave year. The annual leave year period applied by the Trust is from 1<sup>st</sup> April to 31<sup>st</sup> March inclusive.

## **6 Responsibilities**

### **6.1 All Staff:**

6.1.1 It is the responsibility of all staff to:

6.1.2 give reasonable notice to their manager in requesting annual leave. In accordance with Regulation 13 of the Working Time Regulations 1998, an employee must normally apply to take annual leave giving a minimum period of notice of not less than twice the duration of the annual leave requested. For exceptional, one-off lengthy leave requests, as much notice as possible should be given.

6.1.3 ensure that annual leave is planned evenly throughout the leave year.

6.1.4 ensure that any leave requested is authorised by their manager prior to commencing or booking holidays and before annual leave is taken; do not assume that individual leave requests will be automatically approved. The Trust is not responsible for any costs incurred by employees whose annual leave plans are not authorised.

6.1.5 inform his/her manager as soon as possible in accordance with the local sickness reporting procedure if they fall sick during their annual leave.

6.1.6 other than in exceptional circumstances, following authorisation of an employee's application to take annual leave, this will not normally be withdrawn. However, the Trust reserves the right to withdraw such authorisation should circumstances so warrant. Withdrawal of annual leave must be communicated to the affected employee with as much notice as possible and with notice no less than the duration of the period of annual leave requested. Reimbursement of reasonable costs will be borne by the organisation.

6.1.7 any leave taken without following the local reporting procedure or not authorised in advance by the appropriate manager will be considered unauthorised absence. The Trust reserves the right to withhold payment or deduct from an employee's salary payment for all periods of unauthorised absence. The Trust also reserves the right to take action under its Disciplinary Policy in regard to any unauthorised absence, including, if appropriate, dismissal without notice.

### **6.2 Managers:**

6.2.1 Managers should implement a local absence reporting procedure appropriate for their service area (contact the relevant Human Resources Adviser for guidance). A local

absence reporting procedure template has been included in this policy (Appendix 1).

6.2.2 It is the responsibility of each manager to identify to staff the designated manager or supervisor with authority and responsibility for authorising applications for annual leave.

6.2.3 Thereafter, on notification of a request for annual leave, it is the responsibility of the manager to:

6.2.4 attempt to ensure that annual leave is managed equitably, balancing the needs of the service and the needs of individual staff, especially over holiday periods;

6.2.5 consider the following before granting a request for annual leave:

- whether the request for leave is compliant with the local leave reporting procedure;
- whether appropriate cover arrangements are available to cover service needs; and
- whether granting the annual leave would leave the service vulnerable.

6.1.6 confirm and authorise annual leave entitlements with the member of staff, as appropriate;

6.1.7 respond to all annual leave requests at the earliest opportunity;

6.1.8 Generally this should be no later than a week after receipt of the request;

6.1.9 implement a system whereby staff may set out their requests for leave in good time for popular national and cultural holiday/festival times e.g. Christmas, ensuring that leave is distributed equitably;

6.1.10 Managers should not normally approve a period of leave of more than three weeks (inclusive of days off). Any longer period of leave must be approved by the Matron/Service Manager/Head of Service or equivalent;

6.1.11 give clear reasons to the member of staff if their leave request is declined;

6.1.12 record and monitor annual leave of staff so as to ensure that the appropriate annual leave is taken each leave year and that annual leave carried over or 'banked' is recorded;

6.1.13 monitor and ensure that there are appropriate cover arrangements to meet service needs;

6.1.14 calculate (and re-calculate as appropriate) annual leave entitlements for their staff including part-time and fixed-term staff, and staff whose annual leave entitlement has increased due to length of service or increased/decreased due to a change in hours; and

6.1.15 record sickness if the member of staff reports sickness during the granted annual leave period.

## **7 Entitlement**

### **7.1 Entitlement for complete years**

7.1.1 The basic annual leave provisions under Agenda for Change NHS Terms and Conditions are contained in Table 1 below.

7.1.2 This entitlement includes the consolidation of extra-statutory days, which for some

staff have previously been separately identified.

7.1.3 Annual leave entitlement for full time employees, according to length of service is as follows:

7.1.4 **Table 1: Annual Leave Entitlement**

<b>Length of service</b>	<b>Annual Leave Entitlement + General Public Holidays per annum</b>
On appointment	27 days (202.5 hours) + all bank holidays during specific leave year
After 5 years service	29 days (217.5 hours) + all bank holidays during specific leave year
After 10 years service	33 days (247.5 hours) + all bank holidays during specific leave year

7.1.5 Any employee of the Trust who works part time shall receive a pro-rata amount of paid annual leave and statutory bank holidays in accordance with the number of hours worked (see Appendix 2). Annual leave for these members of staff should be recorded and calculated in hours and not days.

## 8 Annual leave to be calculated in hours

8.1 Annual leave and bank holiday entitlement should be calculated on an hourly basis for all staff, regardless of whether staff work full-time or part-time.

8.2 The calculation of annual leave entitlements pertaining to all staff is contained at Appendix 1. Hours have been rounded up to the nearest 0.5 decimal point (that is, to the nearest <sup>1</sup>/<sub>2</sub> hour).

8.3 On each and every occasion an employee takes paid time off as annual leave or on a bank holiday as part of their basic week, the appropriate deduction of their normal working hours for that day will be made from their overall entitlement.

8.4 Where an employee's annual leave entitlement increases partway through a leave year, due to length of NHS service, their new entitlement is calculated on a pro-rata basis for the rest of the leave year. This new entitlement will become effective from the first of the month following the date of the increased entitlement.

8.5 Attached below is an annual leave calculator which calculates annual and public holiday entitlement in hours and calculates entitlements for staff who join the Trust part way through the year.



AfC Annual Leave  
Calculator 2015\_2016

## 9 Calculation of Reckonable Service

9.1 Any previous service with an NHS employer will count as reckonable service in respect of annual leave regardless of whether or not there has been a break.



9.2 For purposes of aggregated service, time spent in a **highly relevant** role in organisations other than the NHS, may be counted as aggregated service (see section 14). Locum agency service will not count towards calculating annual leave.

9.3 An employee is required to provide documentary evidence of reckonable service before this can be recognised for annual leave purposes.

## 10 General Public Holidays (Bank Holidays')

10.1 The arrangements for general and public holidays are set out in the Agenda for Change Terms and Conditions Handbook.

10.2 A General Public Holiday shall be defined as a period of normal duty that starts within the period of 24 hours from midnight to midnight.

10.3 Staff will be entitled to all paid General Public Holidays (Bank Holidays) in the leave Year. All part time staff are entitled to the Bank Holidays pro rata to the full time allowance.

10.4 The Bank Holidays are counted from 1<sup>st</sup> April to 31<sup>st</sup> March. The General Bank Holidays in the coming years are:

<b>Bank Holidays in England and Wales</b>	2019/2020	2020/21
Good Friday	19/04/2019	10/04/2020
Easter Monday	22/04/2019	13/04/2020
Early May Bank Holiday	6/05/2019	08/05/2020
Spring Bank Holiday	27/05/2019	25/05/2020
Summer Bank Holiday	26/08/2019	31/08/2020
Christmas Day	25/12/2019	25/12/2019
Boxing Day	26/12/2019	26/12/2019
New Year's Day	01/01/2020	01/01/2021
<b>Number of Bank Holidays:</b>	<b>8</b>	<b>8</b>

10.5 For annual leave entitlements inclusive of Bank Holidays for each of the leave years above please see Appendix 2.

10.6 There will be some years when more (or less) than 8 Bank Holidays fall within the leave year simply because Bank Holidays follow the calendar year and the Easter Bank Holidays can be in March or April. When this situation arises the appropriate hours adjustment that is, plus or minus, will need to be made using the final column of Appendix 2.

10.7 If a Bank holiday were to fall on a day that an employee would normally work, then the appropriate deduction of their normal working hours for that day will be made from their overall entitlement.

10.8 If a Bank holiday were to fall on a day that an employee would not normally work, they are entitled to use the pro-rata bank holiday allowance for this specific day on a different date, in agreement with the manager.

## 11 Annual Leave guidelines for staff using the Health Roster System

11.1 Annual leave is allocated in hours for all members of staff.

11.2 The line manager approves all annual leave.

11.3 Each department should calculate how many qualified and unqualified staff **must** be given annual leave in any one week, with a defined limit for each band. An agreed number will be set and must be adhered to. Staff should be made aware of the need to maintain this number constantly throughout the year. Should this number not be met by way of requests, the line manager will allocate leave following discussions with the staff concerned.

11.4 No holiday bookings should be made until the line manager has sanctioned the annual leave requested. All annual leave must be booked by the online system.

11.5 It must not be assumed that all annual leave for new starters will be honoured. This will need to be negotiated to ensure departmental requirements are met.

11.6 Half term weeks, school holidays and bank holidays present additional problems. The total amount of leave whether annual or study leave should not be increased because of the well-recorded difficulties in obtaining temporary staff. Discussions should be encouraged between those requesting time off so that each member of staff has an equal chance of being granted annual leave. Annual leave requests for school holidays will be shared equally amongst those requesting.

11.7 A maximum of 21 consecutive calendar days (1 day is classed as 7.5 hours) of annual leave can be requested. Any more than this will need special approval from the Lead Nurse/Head of Department.

## 12 Christmas and New Year

12.1 This period will be treated as all other weeks in terms of leave. Each department will determine how the usual level of leave will be allocated i.e. a few staff may get some leave as opposed to a small number of staff having blocks of leave. This will depend on the adequacy of staffing at the time. All requests for this should be in writing to the line manager stating exact dates required.

## 13 Guide for Duty Roster Co-ordinators

13.1 Staff should take approximately 40% of their annual leave entitlement by 31st August each year, with approximately 35% being used between September and December, leaving 25% to be taken between January and the end of March.

Dates	% Annual Leave to be taken	Example: 1.0 WTE entitlement of 27 days + 8 bank holidays	
		7.5 hour shifts	12 hour shifts
1 <sup>st</sup> April to 31 <sup>st</sup> August	40%	14	9
1 <sup>st</sup> September to 31 <sup>st</sup> December	35%	12	8
1 <sup>st</sup> January to 31 <sup>st</sup> March	25%	9	5

Annual leave must be booked or cancelled before a roster is planned. Annual leave requested after this can only be given if staffing levels permit near to the day.

13.2 Annual leave requests that exceed the documented acceptable level for the department will not be approved.

13.3 (For more information, please consult the Trust's Health Roster Policy.)

## **14 Determining 'highly relevant' roles in counting non-NHS organisation service when calculating annual leave**

14.1 In order to determine whether previous non-NHS organisation service is 'highly relevant' so as to count towards calculating annual leave, the manager should ensure that each of the following criteria is met:

- equivalent responsibility, and using equivalent knowledge and skills required for the role to which appointed; and
- same profession or transferable skills.
- Locum and agency does not apply.

14.2 In order to ensure consistency of these criteria, individuals are permitted to apply to the Human Resources Department for consideration and approval of 'highly relevant' non-NHS organisation service when calculating annual leave. Individuals are required to complete the proforma in Appendix 3, with signed agreement of their line-manager in support of the application from their manager.

14.3 In support of their application, individuals are required to provide formal documentary evidence of any relevant reckonable service (for example, official letters of confirmation of periods of relevant service, references, payslips, job descriptions etc. in line with the criteria as given in section 10a). On occasion, the Human Resources Department may request further information from the individual, or manager making the application.

14.4 The Human Resources Department will confirm whether or not the application has been approved in writing to the individual and manager concerned.

14.5 If approved, the reckonable service will count towards the length of service for purposes of determining annual leave entitlement.

## **15 Entitlement on joining**

15.1 The Trust will make every effort to meet the needs of new employees in respect of commitments to holidays made prior to the commencement of employment. Prospective/new employees should notify their manager at the earliest opportunity and giving the required notice periods of any pre-booked holidays in order to seek early authorisation of their leave request.

15.2 All new members of staff will be entitled to annual leave plus Bank Holidays in the year of joining the Trust, on a pro-rata basis.

15.3 Entitlement in the first year is dependent on the number of full complete calendar months worked after the date of joining and before the end of the annual leave year. The Trust will allow staff who commence up to the 7<sup>th</sup> calendar day in the month to receive the full annual leave entitlement in respect of that calendar month. Staff who join after the 7<sup>th</sup> calendar day in the month will not receive leave entitlement for this part month, unless the reason for

starting after this date was as a result of a Bank Holiday on the first Monday of the month (resulting in a later start date due to need to coincide with the Trust Corporate Induction).

15.4 Annual leave entitlement for part years can be calculated using Appendix 2 but this must be pro rata to the number of months in the leave year since joining. Annual leave is calculated based on 1/12<sup>th</sup> for each complete calendar month (subject to the terms of the paragraph above). 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. For an example, see Appendix 2.2.

## **16 Entitlement on changing contracted hours**

16.1 Where staff change their contracted hours, this will result in a re-calculation of their annual leave entitlement. This will be based on completed months on the new and the old contracted hours to give the full year entitlement.

16.2 Where staff change their contracted hours part way through a month they should not lose entitlement. Therefore, in these cases the entitlement for the first month will be calculated on the basic weekly contracted hours that they predominantly worked for that initial month.

## **17 Entitlement on Leaving**

17.1 Staff who leave the Trust will receive 1/12<sup>th</sup> of their annual leave entitlement for each complete calendar month worked in the current leave year, less any annual leave taken plus the benefit of any outstanding Bank Holiday hours for Bank Holidays that have occurred in the leave year prior to the date of leaving (Appendix 2).

17.2 Payment will be made for any annual leave entitlement owing LESS any annual leave taken.

17.3 Where total leave taken exceeds the earned total leave entitlement an appropriate deduction will be made from the final salary payment.

## **18 Minimum annual leave not to be worked**

18.1 The Trust actively encourages individuals to take all their annual leave entitlement. However, in recognising that individuals may wish to work during their annual leave to acquire extra money (for example on the Bank system) the Trust would not wish to stop this practice totally. However, in complying with Working Time Regulations 1998, individuals should ensure that they take a minimum of 28 days (inclusive of annual leave/bank holidays) strictly for annual leave/rest purposes and should not undertake any bank/agency work or duties within all localities of the Trust or elsewhere during this time. 1 day is classed as 7.5 hours.

## 19 Carrying over of annual leave

19.1 It is expected that within the annual leave year staff should be provided with the opportunity to take all their annual leave. Subject to the requirements of the service, up to five days annual leave (pro-rata for part time staff) may be carried forward and taken in the subsequent leave year. (One day is classed as 7.5 hours). Staff must have used statutory annual leave of 28 days or 210 hours (pro rata for part time staff) before they can carry over annual leave. Any carry over would have to be agreed by the Manager and failure to comply with this requirement may result in the loss of any untaken annual leave.

19.2 Where staff have, exceptionally, been prevented from taking their leave before the end of the leave year due to service demands then they shall be allowed to make up the deficiency during the ensuing leave year at a time to be mutually agreed with their manager.

19.3 Subject to certain conditions (see 'Holiday of a Lifetime Scheme' - section 20.0), it may be possible to carry over and accumulate annual leave for use in a future year, that is, beyond the preceding annual leave year up to a maximum of 5 days or 37.5 hours in total (e.g. a maximum combination of 10 days - 5 days 'carry-over' and 5 days 'banked for holiday of a lifetime').

19.4 Payment in lieu of untaken leave will not be made whilst staff are employed by the Trust. Annual leave will only be paid in lieu when an employee is leaving the Trust.

19.5 Staff moving internally between team/directorates will carry forward their remaining annual leave allowance for that holiday year.

## 20 'Holiday of a Lifetime Scheme'

20.1 The 'Holiday of a Lifetime Scheme' provides staff with the opportunity to take a specific period of extended paid leave that they have banked/accrued over a period of up to 10 years. The scheme enables the opportunity for a member of staff planning a 'holiday of a lifetime' or extended paid break by banking up to 5 days or 37.5 hours annual leave in any given year.

20.2 Where a member of staff is retiring and returning, and may suffer a financial loss due to pension abatement rules, the Trust may convert the value of the financial loss to annual leave. Where the additional annual leave creates a total annual entitlement of more than 40 days staff will 'bank/ accrue' the leave under the 'holiday of a lifetime scheme'.

20.3 The purpose of this scheme is to:

- make an extended paid break from work more accessible to all grades of staff;
- enable staff to return from an extended break refreshed and with a richer quality of experience; and
- retain staff who may otherwise consider leaving the Trust.

### 20.4 Eligibility

20.4.1 The 'Holiday of a Lifetime Scheme' is applicable to staff who have one year's continuous service with the Trust to be eligible to 'bank' annual leave.

20.4.2 Where staff have retired and returned to the Trust their service prior to retiring will be considered continuous service for the purpose of being eligible for the 'holiday of a lifetime' scheme.

## **20.5'Banking' annual leave**

20.5.1 Staff may bank up to 5 days or 37.5 hours at the end of an annual leave year for up to 10 years (i.e. maximum number of days that may be banked is 50 days or 375 hours) (pro-rata for part time staff).

20.5.2 Staff may either bank and/or carry over annual leave up to a maximum combined total of 5 days (37.5 hours) in any leave year (pro-rata for part-time staff).

20.5.3 Any member of staff who wishes to 'bank' some of their annual leave is entitled to apply to their manager. Banked annual leave will be registered on the prescribed form (see Appendix 5).

20.4.4 In order to request for annual leave to be banked, a member of staff should formally apply to their manager in writing before the end of the annual leave year, specifying the number of days or hours they wish to bank and the number of years provisionally they wish to accrue banked leave. The manager will respond to the request and sign and log the banked days/hours. In the exceptional circumstance where the request is declined, reasons for the refusal should be stated to the employee in writing.

## **20.5 Giving notice of intention to use the accumulated annual leave**

20.5.1 Any member of staff wishing to use the 'banked' holiday should notify their manager at least six months in advance of the date they wish the leave to commence.

20.5.2 While every effort should be made to accommodate the request, there may be circumstances where a manager is not able to agree to the dates requested due to the needs of the service. Where the request is declined, reasons for the refusal should be clearly stated to the member of staff in writing.

20.5.3 In the event that a staff member transfers to another Ward/Department within the Trust before taking their banked leave, the value of the leave carried over may be proportionately recovered from the previous Ward/Department when the leave is actually taken. In order to arrange this, the manager granting the banked leave to be taken should complete and send a change form to the Human Resources Department confirming the banked annual leave to be taken, attaching a copy of the completed 'Holiday of a Lifetime' Banked Annual Leave Form (see Appendix 5). The Human Resources Department will notify the Finance Department by the end of each financial year of all those staff who have taken banked annual leave as part of the 'Holiday of a Lifetime Scheme'. The Finance Department will then ensure that the value of the leave will be proportionately recovered from the previous Ward/Department. .

20.5.4 The scheme will be administered by the manager and advised by the Human Resources Department.

20.5.5 All copies of formal documentation confirming this agreement are to be retained by the member of staff, their departmental file and their personal file held at the Human Resources Department.

## **21 Annual Leave and Sickness**

### **21.1 Sickness occurring during annual leave or bank holidays:**

21.2 Should an employee fall ill whilst on annual leave, provided the local reporting procedures are followed and the absence is certified by a GP, the annual leave will be re-credited to the employee from the date they fall ill to the final date of sickness. Staff will forfeit this right should they fail to notify the Trust at the appropriate time of falling ill.

21.3 In accordance with Agenda for Change Terms and Conditions, employees will **not** be entitled to an additional day off if sick on a Bank Holiday that they would otherwise have been required to work as part of their basic week.

21.4 Substantive staff returning from any period of sickness, whether accrued whilst on annual leave or otherwise, should note that they **will not** be permitted to work on the Bank for a period of **7 days** after returning from sick leave.

## **22 Sickness occurring directly prior to or following Annual Leave**

22.1 In the event that a member of staff reports absence due to sickness directly prior to or following a period of annual leave (that is, the member of staff is unable to attend work as planned, and has reported their absence due to sickness), must notify the manager using local absence reporting protocol. A medical certificate is required to be submitted to the manager from the first day of sickness irrespective of the length of sickness absence and must remain in place until the employee returns to work unless they have notified the Trust that they would be fit to return.

22.2 If a sick certificate is not provided, then this matter must be discussed with the member of staff by the manager upon their return. The manager may consider the period of sickness to be unauthorised absence, and as such will be unpaid and may be subject to disciplinary action. The member of staff should be advised as such and this should be detailed in writing by the manager accordingly.

## **23 Annual Leave entitlement whilst on long term sick leave**

23.1 Staff on long-term sick leave may request and take annual leave provided it is approved by the appropriate manager in the normal way. Line managers are encouraged to remind staff of this facility and to monitor its take up.

23.2 Staff on long-term sick leave whose sickness spans the end of one annual leave year and the beginning of the next may carry forward their untaken leave (of up to a maximum of 20 days (150 hours), pro rata for part time staff) for up to 18 months from the end of the leave year in which the leave arises.

23.3 For more information, please consult the Trust's Managing Sickness Absence Policy.

## **24 Annual leave accrual during maternity leave**

24.1 Annual leave accrues for the full maternity or adoption leave period (during paid and unpaid leave).

24.2 All employees who commence maternity leave on or after 1<sup>st</sup> April 2009 will be entitled to accrue all bank holidays whilst on paid and unpaid maternity leave.

24.3 (For more information, please consult the Trust's Maternity & Adoption Leave Policy.)

## **25 Annual leave whilst on suspension**

25.1 In the event that a member of staff is suspended from duty, the Annual Leave Policy herein continues to apply *in full*, inclusive of carrying over annual leave as per section 19.2 above and applying to take annual leave as per section 6 above.

## **26 Unpaid Leave**

26.1 There may be circumstances when it is appropriate for a manager to allow an individual to take unpaid leave in addition to annual leave to enable a member of staff to take an extended period of leave.

26.2 (For further guidance on unpaid leave, please see the Trust's Work-Life Balance Policy.)

## **27 Death in Service**

27.1 Where a member of staff dies in service, an allowance equivalent to that part of the annual leave entitlement not taken at the date of death shall be paid to the member of staff's personal representative. No deduction from the final salary payment should be made in respect of annual leave taken in excess of entitlement at the date of death.

## **28 Recording and Monitoring Annual Leave**

28.1 It is imperative that managers implement a local leave reporting procedure appropriate for their service area (see Appendix 1 template).

28.2 Managers must record annual leave taken in order to ensure that leave granted is commensurate to the entitlement of the member of staff and in accordance with this policy.

28.3 A template proforma for the recording of annual leave is attached at Appendix 4 for use, as appropriate.

## **29 Policy for Additional Leave/Reward for Exceptional and near-exceptional work attendance**

29.1 The Trust has a Policy for Additional Leave/Reward for Exceptional and near-exceptional work attendance. In accordance with this policy, staff may be granted up to two days (15 hours) leave of absence (pro-rata for part time staff) or flat cash payment for exceptional and near exceptional work attendance, to be known as Exceptional Work Attendance Days.

29.2 Exceptional and near exceptional work attendance days are a gesture and token of appreciation and recognition by the Trust to individual members of staff that 100% work attendance is highly valued.

29.3 For more information, please consult the Additional Leave and Reward for Exceptional and Near Exceptional Work Attendance Policy (Available on the Intranet).

## **30 Further staff leave entitlements**

30.1 For information on other Trust leave available, please consult the following guidelines within this policy:

- Parental leave;
- Time-off for Dependents (Carers Leave);
- Bereavement Leave;



- Compassionate Leave;
- In vitro fertilisation (IVF) and other fertility treatment Leave;
- Terminal Care Leave;
- Jury Service/Attending Court as a Witness Leave;
- Training with the Territorial Army/Reserve Forces Leave;
- Guidance on time-off for Medical & Dental Appointments;
- Guidance on time-off for Religious/Cultural observance.
- Maternity & Adoption Leave Policy.

### 31. Policy Statement

31.1 East London NHS Foundation Trust (hereinafter referred to as “the Trust”) recognises that from time to time staff will need time off work for certain matters that require their urgent attention. The Trust is committed to helping staff balance the demands of domestic and work responsibilities at times of urgent and unforeseen needs by the provision of paid or unpaid leave according to circumstances.

31.2 The Trust will offer special leave for domestic, personal and family matters, the aim of which is to provide a compassionate response to immediate needs. Leave granted under these arrangements will essentially be short-term and is not intended for long-term domestic or family needs.

### 32. Scope of Policy

32.1 This policy applies to all substantive staff employed by East London NHS Foundation Trust.

### 33. Introduction to Special Leave

33.1 The decision to authorise any special leave will remain with the member of staff’s line manager or in his/her absence a designated deputy and requests for such leave should be made accordingly. Management will however adopt a partnership approach in discussing time-off with staff, respecting the member of staff’s right to confidentiality at all times.

33.2 In consideration of special leave requests, managers need to be mindful that individual circumstances vary. Previous decisions will not set a precedent for future decisions.

33.3 A summary of special leave which can be taken is provided in Appendix 6. The amounts of leave as specified provide a guide only.

### 34. Time-off for Dependants (Carers) Leave

34.1 Time-off will be given to enable a member of staff to take action, which is necessary to deal with an unexpected or sudden problem concerning a dependent and make necessary longer term arrangements.

34.2 The occasional crisis is likely to be resolved within a matter of days. However, these few days will be particularly important to enable a member of staff to cope with sudden difficulties.

### 35 Dependants and caring situations

35.1 For the purpose of this policy, ‘**dependants**’ are:

- Partners, children or parents of the member of staff who reside within their household or someone who reasonably relies upon them for assistance.
- It does not include tenants, boarders or pets living in the family home.

35.2 For the purpose of this policy ‘**caring situations**’ that may require special leave include:

- Serious illness or injury or assault of any of the above, where the dependant is unable to cope independently and therefore rely on them for physical care at home; or
- Unpredictable breakdown of usual caring arrangements, where the dependant is unable to cope independently and therefore rely on them for physical care at home. For example, if the carer/child minder is off sick for the day or resigns without notice.

35.3 It does not include care being provided by a hospital, or the transporting of dependants to pre-arranged medical or dental appointments.

#### 35.4 Eligibility

35.5 These provisions apply equally to all staff (bank staff are excluded) regardless of their hours worked and regardless of length of service.

#### 35.6 Leave Available

35.7 The amount of Time-off for Dependants leave that may be granted is as follows:-

- All staff have a statutory right to take unpaid time off work to deal with emergencies involving a “dependant”.

35.8 Although, a **maximum of five days (37.5 hours)** paid leave per annum (pro rata for part-time staff) may be granted at the manager’s discretion; **a maximum of one day’s (7.5 hours) paid carer’s leave can be authorised at any one time.** The special leave allowance shall not affect the member of staff’s annual or sick leave entitlements.

35.9 Any additional time-off taken as Time-off for dependant’s leave shall be taken as either annual or unpaid leave with the agreement of the manager. When the situation is envisaged, lengthier longer-term commitments to caring shall take effect (see paragraph 44.13 below).

35.10 When on Time off for Dependents Leave, staff must not undertake paid or unpaid work either in the Trust or outside of the Trust, during their normal contracted hours. In addition on returning from Time off for Dependents Leave staff members must refrain from undertaking additional bank/agency duties for a period of 7 calendar days.

#### 35.11 Requesting Leave

35.12 In order to request Time-off for Dependants Leave, the member of staff must make the manager aware of his/her unexpected or sudden problem concerning a dependant as soon as possible on the day that this has occurred. It is at the manager’s discretion to decide if Time off for Dependants leave is the most appropriate type of leave and if the time off will be paid. Time-off for dependants leave **cannot** be booked in advance. Managers should remember that staff with caring responsibilities may have to leave work with little notice to cope with a sudden crisis.

35.13 **Paid Time-off for Dependant’s leave is not an entitlement**, and must be authorised in writing by the manager of the member of staff. The manager may reasonably request to meet with the member of staff upon their return to work so as to determine this authorisation. The manager should then complete a Sickness/Absence Notification form confirming the type of special leave taken accordingly.

#### 36 Longer-term Commitments to Caring

36.1 If it is envisaged that a period of caring will last for several months, then the member of staff may be able to:-

36.2 Take unpaid leave; or

- 36.3 Agree a flexible working arrangement with their manager on a temporary basis enabling them to balance professional and caring responsibilities. Any reduction in hours will result in a pro rata reduction of pay accordingly. (See Trust Work-Life Balance Policy for further details)
- 36.4 The decision as to whether such arrangements can be agreed rests with the relevant manager in light of the overall needs of the service and must be confirmed in writing.
- 36.5 In addition, a member of staff may wish to seek advice from the Health and Wellbeing Advisor who can provide information and guidance on where to seek alternative measures of support from other agencies.
- 36.6 When on Carers Leave staff must not undertake paid or unpaid work either in the Trust or outside of the Trust, during their normal contracted hours. In addition on returning from Carers leave staff members must refrain from undertaking additional bank/agency duties for a period of 7 calendar days.

## **37 Leave for Bereavement**

37.1 Paid leave may be granted in the event of a bereavement of a partner or a close relative (defined but not exclusively as parents, natural or adopted child/children, brother or sister, grandparents). Individual cases will be discussed at the time with the manager and it will be at the manager's discretion to decide if paid bereavement leave can be taken or if annual or unpaid leave may be more appropriate.

### **37.2 Eligibility**

37.2.1 All staff, regardless of their length of service, may be granted leave for bereavement.

### **37.3 Leave Available**

37.3.1 The length of time-off needed will be agreed by the member of staff and their manager in accordance with their situation.

37.3.2 Managers may grant up to 3 days (22.5 hours) paid bereavement leave (pro rata for part-time staff), which will allow for recuperation and time to make arrangements and attendance at a funeral. This may be increased to 6 days paid leave (45 hours) (pro rata for part-time staff) in any 12 month rolling period if staff needs to attend a funeral abroad.

### **37.4 Requesting Leave**

37.4.1 The member of staff must make the manager aware of his/her bereavement for which they request leave as soon as possible.

37.4.2 When allocating bereavement leave, managers should consider the relationship to the member of staff, whether he/she has responsibility for funeral arrangements, the distance to be travelled, and cultural/religious requirements. A request to take annual leave, or unpaid leave, at short notice to allow a longer recuperation period will usually be considered favourably.

37.4.3. When on Bereavement Leave staff must not undertake paid or unpaid work either in the Trust or outside of the Trust, during their normal contracted hours. In addition on returning from Bereavement leave staff members must refrain from undertaking additional bank/agency duties for a period of 7 calendar days.

## **37.5 Child Bereavement Leave**

37.5.1 A bereaved parent is anyone who had responsibility as one of the primary carers for a child who is now deceased. This includes adoptive parents, legal guardians, individuals who are fostering to adopt, and any other parent/child relationship that the employing organisation deems to be reasonable. For example, this may include grandparents who have had caring responsibilities for a child, or instances where someone other than the biological parent is the primary carer (this could be the case where the parents of the child have separated). There is no requirement for the child to be under 18 years of age.

37.5.2 All bereaved parents will be eligible for a minimum of two weeks of child bereavement leave. A bereaved parent will not be required to demonstrate any eligibility criteria in order to access bereavement leave or pay. The manager may ask for a written declaration from the employee, within a reasonable timeframe, in order to satisfy statutory requirements.

37.5.3 All bereaved parents will be entitled to two weeks' occupational child bereavement pay which will include any entitlement to statutory parental bereavement pay. Pay is calculated on the basis of what the individual would have received had they been at work. This would normally be based on the previous three months at work or any other reference period that may be locally agreed.

37.5.4 Bereaved parents may request to take child bereavement leave at any point up to 56 weeks following the death of the child. Should the parent wish to take child bereavement leave immediately following the death of a child they shall be able to do so upon informing their employer that they will be absent from work for this purpose. Should the parent wish to take child bereavement leave at another time, after the initial period following the death, they should give their employer reasonable notice of their intention to take the leave at this time.

## **38 Paid Paternity Leave**

38.1 Around the time of the birth of a child, it is important for the parents (biological parents or cohabiting partners taking the responsibility of parenting), to be present to maintain domestic and other arrangements. This is particularly true of situations where there is a need to take care of young children.

### **38.2 Eligibility**

38.2.1 Trust staff who become mothers and fathers, whether they are birth or adoptive parents, who have completed 26 weeks continuous NHS service by the end of the 15<sup>th</sup> week before the week when the baby's due or by the end of the week in which you are notified of being matched with your child will be entitled to take paid parental leave.

38.2.2 These provisions apply equally to all staff; male and female, regardless of their hours worked. In the case of unmarried parents, their name should either feature on the child's birth certificate or they must be party to a parental responsibility agreement. Staff who have taken their allocation of maternity or adoption leave for the period within which parental leave may be taken, will not be permitted to take parental leave in addition.

### **38.3 Leave Available**

38.3.1 Staff may take up to 10 days (375 hours) paid leave at full pay (pro rata for part-time staff), including the day of confinement. Staff must take paid paternity leave in one block in order for the Trust to claim Statutory Paternity Pay (SAP).

38.3.2 The leave may be taken any time from the day of confinement up to 52 days afterwards in agreement with their manager. Pay will be calculated as per annual leave pay entitlements.

## **38.4 Requesting Leave**

38.4.1 In order to apply for paid parental (paternity) leave, the member of staff should complete the Paid Parental (Paternity) Leave Application Form (see Appendix 7) and submit it to their manager at least 28 days before the expected week of the child's birth, or as soon as is practicable in the circumstances. Applicants must produce notification of the expected date of confinement, which is given to the mother on a MAT B1 Form. The actual delivery date may differ from the expected date and therefore it is acknowledged that the request for the leave may alter.

38.4.2 When on Paid Paternity Leave staff must not undertake paid or unpaid work either in the Trust or outside of the Trust, during their normal contracted hours.

### **38.4.3 Supporting Premature Babies and Their Families**

Where an employee's baby is born prematurely (before the 37th week) the employee will be entitled to up to two weeks' paid compassionate leave, in addition to paternity leave.

38.4.4 Where an employee's baby is born prematurely as described above and has ongoing medical needs (for example, requiring regular hospital appointments and check-ups), the Trust will also follow best practice guidance, consider formal and informal flexible working patterns where appropriate and consider offering additional paid or unpaid leave.

38.4.5 Employees/parents returning to work following the birth of a premature baby will be referred to Occupational Health by their line manager for support to meet their unique needs and in acknowledgement of the traumatic birth. This support will include the offer of counselling services.

## **39 Unpaid Parental Leave**

### **39.1 Eligibility**

39.1.1 In addition to paid parental leave, employees who have completed one year continuous NHS service are also able to request unpaid parental leave. These provisions apply equally to all staff; male and female, regardless of their hours worked.

#### **39.1.2 Leave Available**

39.1.3 Staff are entitled to a maximum of 18 weeks per child of unpaid parental leave (pro rata for part-time staff).

39.1.4 A maximum of 4 weeks unpaid leave may be taken any year until the child reaches its 18<sup>th</sup> birthday. This leave should not exceed a maximum of 18 weeks altogether.

39.1.5 Unpaid parental leave must be taken in multiples of one week, (as long as this does not exceed 4 weeks per year). In exceptional circumstances, separate days can be taken and this is at the discretion of the line manager or if the child is in receipt of disability living allowance. Parental leave cannot be transferred between parents.

### **39.2 Requesting Leave**

39.2.1 In order to apply for unpaid parental leave, staff must complete the Unpaid Parental Leave Application Form (Appendix 8). This must be submitted to their manager at least 21 days before the leave is to be taken, except in the case of expectant parents who are required to give 13 weeks notice before the expected week of confinement. The form should be accompanied by a copy of a MAT B1 form, which is given to the expectant mother, or a copy of the child's birth certificate.

39.2.2 Managers may, at their discretion, postpone a request for unpaid parental leave for up to 6 months, except in the case of a new born child. The manager will provide the member of staff with a reason for postponement in writing within 7 days of the request and will also detail arrangements for the leave to be taken.

### 39.2.3 Evidence of Entitlement

39.2.4 Employees may be asked to produce evidence to show that:

- The employee is the parent of a child
- The employee has parental responsibility for the child
- The child is below the age at which the right to parental leave ceases.

39.2.5 This evidence could be:

- The child's birth certificate/MATB1 certificate, child benefit book
- Papers confirming a child's adoption or the date of placement for adoption
- In the case of a disabled child, a record of disability living allowance payments for the child.

39.3 When on Unpaid Parental Leave staff must not undertake paid or unpaid work either in the Trust or outside of the Trust, during their normal contracted hours.

## 40 Special Leave for In Vitro Fertilisation (IVF) and other fertility treatment

40.1 The Trust recognises the emotional pressure of undergoing IVF treatment and understands the potential anxiety and distress that staff may suffer during the process. The Trust wishes to support staff who decide to undertake fertility treatment, or those whose partner is undergoing the treatment, as much as possible by providing special unpaid or paid leave for this purpose.

### 40.2 Eligibility

40.2.1 To be eligible for paid leave for IVF/fertility treatment, employees must have 12 months continuous service within the NHS on the date that their IVF/fertility treatment is due to commence.

### 40.3 Leave Available

#### 40.3.1 Members of Staff receiving or recovering from IVF treatment

40.3.1.1 Members of staff may be granted up to a total of five days (37.5 hours) paid leave **per IVF treatment cycle** (pro-rata for part-time staff) for the purpose of receiving and recovering from IVF treatment. The days/hours can be taken to suit the member of staff's needs, for example in one block, separate days or ½ days. If more than five days (37.5 hours) leave is required, then annual or unpaid leave may be used in addition, with the agreement of the manager.

#### 40.3.2 Members of staff whose partner is receiving IVF treatment

40.3.2.1 A member of staff whose partner is receiving IVF treatment may be granted up to five days (37.5 hours) paid leave **per 12 month period** (pro rata for part-time staff) to support their partner through the treatment. The days can be taken to suit the member of staff's needs, for example in one block, separate days or ½ days. If more than 5 days (37.5 hours) leave is required, then annual or unpaid leave may be used in addition, with the agreement of the manager.

40.3.2.2 IVF leave may be taken within the IVF treatment cycle only. It may not be carried over to a further IVF treatment cycle, or 12 month period, as applicable.

#### 40.4 Requesting Leave

40.4.1 Staff may apply for leave for IVF treatment by way of a formal written request to their manager, who should ensure the utmost confidentiality of this matter. Requests for leave must be supported by documentary evidence from a relevant GP or specialist.

40.4.2 Once an IVF treatment cycle has ended, the member of staff receiving treatment may apply again to their manager for leave for IVF by way of a formal written request to their manager. Requests for leave again must be supported by documentary evidence from a relevant GP or specialist.

40.4.3 For staff whose partner is receiving IVF treatment, after the 12 month period within which they have taken IVF leave has elapsed, the member of staff may apply again to their manager for further leave for IVF by way of a formal written request to their manager. Requests for leave again must be supported by documentary evidence from a relevant GP or specialist.

40.4.4 When requesting a period of leave for IVF treatment, as much notice as possible should be given. Insufficient notice is likely to result in the request being refused.

40.4.5 Members of staff undergoing IVF treatment may require some degree of flexibility in their day-to-day pattern of work over and above the granting of leave. Reasonable adjustments may be made using the range of flexible working options available within the Trust's Work-Life Balance Policy.

40.4.6 Further time-off from duty due to the side effects of treatment should be in accordance with the Trust Sickness Policy. Sickness absence associated with IVF will not be classified as 'pregnancy related'.

40.5 When on Special Leave for IVF staff must not undertake paid or unpaid work either in the Trust or outside of the Trust, during their normal contracted hours.

#### 41 Terminal Care Leave

41.1 Staff who have a dependant (see paragraph 38.4 for definition of 'dependant') diagnosed with a terminal illness with a prognosis that death is imminent may be entitled to take Terminal Care Leave.

##### 41.2 Eligibility

41.2.1 Staff who have completed twelve months continuous service with the Trust may qualify for terminal care leave. These provisions apply equally to all staff.



### **41.3 Leave Available**

41.3.1 The length of time-off needed will be agreed by the member of staff and their manager in accordance with their situation.

41.3.2 Members of staff may be granted up to a total of five days (37.5 hours) paid leave (pro-rata for part-time staff) for the purpose of spending time with their dependent. The days can be taken to suit the member of staff's needs, for example in one block, separate days or ½ days.

41.3.3 Annual or unpaid leave may be used in addition, with the agreement of the manager. Requests for large blocks of unpaid or annual leave will usually be looked upon favourably.

41.4.4 With regards to annual leave, staff may agree with their manager:

- The carrying over of annual leave to the following annual leave year in excess of five days (37.5 hours) ordinarily considered (see the Trust's Annual Leave Policy above); and/or
- The bringing forward of annual leave from the proceeding annual leave year.

41.4.5 Further to this, staff may also require some degree of flexibility in their day-to-day pattern of work over and above the granting of leave. Reasonable adjustments may be made using the range of flexible working options available within the Trust's Work-Life Balance Policy.

### **41.4 Requesting Leave**

41.4.1 Staff may apply for Terminal Care Leave by way of a formal written request to their manager. Requests for leave must be supported by documentary evidence from a relevant GP or specialist. The manager should discuss the request with the member of staff as soon as possible.

41.4.2 In all cases the manager must be aware of the member of staff's personal circumstances and the manager must be kept informed and updated on their situation.

### **41.1 Longer-term Commitments to Caring**

41.1.1 If it is envisaged that a period of caring will exceed one month, then the member of staff may be able to:

- Take a longer period of absence as a recognised career break for the purpose of caring responsibilities (see Trust Work-Life Balance Policy). The member of staff will not be paid during this period; or
- Consider flexible working arrangements, enabling the member of staff to balance professional and caring responsibilities.

41.1.2 The member of staff and their manager must be in agreement about the decision reached.

41.1.3 When on Terminal Care Leave staff must not undertake paid or unpaid work either in the Trust or outside of the Trust, during their normal contracted hours. In addition on returning from Terminal Care leave staff members must refrain from undertaking additional bank/agency duties for a period of 7 calendar days.

## **42 Jury Service/Attending Court as a Witness**

42.1 Staff may be required to attend Court for service as a Juror, character witness or witness of fact.

## 42.2 Eligibility

42.2.1 These provisions apply to all Trust staff.

## 42.3 Leave Available

42.3.1 Whilst there is no legal requirement for the Trust to pay members of staff who are undertaking Court Service, the Trust does not want employees to be out of pocket by attending Jury Service. The Trust will grant full pay for their contracted hours for the duration of jury service.

42.3.2 In granting full pay, the member of staff will be expected to attend for work as normal if not required by the Court. The member of staff should advise their manager accordingly. The employee must also adhere to this policy. Failure to follow this policy may result in the Trust not paying their salary to the employee.

## 42.4 All other requests to attend court

42.4.1 There is no legal requirement for the Trust to pay members of staff who are summoned to attend court or who are engaged in legal proceedings as a litigant or defendant (with the exception of attending court on Trust business).

## 42.5 Requesting Leave

42.5.1 A member of staff receiving a summons for attendance to serve at a Court should advise his/her manager of the situation immediately, providing official evidence of the requirement for them to attend on the dates concerned.

42.5.2 The Trust should not apply improper pressure on a member of staff not to serve as a Juror as he/she could be committing the offence of contempt of court. There may be occasions however where the Trust may make a request to the Court appealing for the Jury Service to be postponed.

42.5.3 The employee should complete the Jury Service Request Form (**Appendix 9**) and hand it to their line manager with the official evidence that they are required to attend court.

42.5.4 The manager will sign the Jury Service Request Form (**Appendix 9**) and retain it locally on the employee's file.

## 42.6 Procedure following completion of Jury Service

42.6.1 Once the employee has been discharged from jury service they should request a Certificate of Attendance Form from the Jury Manager at the court and give this to their line manager immediately upon their return to work.

42.6.2 The manager will review the Certificate of Attendance against their own records of attendance during the period of jury service, and complete the Jury Service Attendance Form (**Appendix 10**). The employee must also sign the Jury Service Attendance Form (**Appendix 10**). Any days that the manager has stated that the employee does not have a Certificate of Attendance for and which the manager did not authorize non-attendance at work, will be treated as unpaid unauthorised absence.

42.6.3 If there are any days which the employee must take as unpaid unauthorised absence; the Manager will take two copies of the Jury Service Attendance Form, retain one on the employee's local file and give one to the employee. The original form will be sent to Payroll with the Certificate of Attendance. A copy of the Certificate of Attendance should be retained on the employee's local file.

42.6.4 Payroll will review the Jury Service Attendance Form. They will deduct any unpaid unauthorised absences from the employee's next salary payment.

42.6.5 Where there are no unauthorised absences, the Manager will provide the employee with a copy of the completed Jury Service Attendance Form and retain the original on the employee's local file. It does not need to be sent to Payroll.

42.6.6 The employee will be given a jury pack at the start of the Jury Service. Included in this pack is a claim form. The employee must complete this form to claim expenses such as travel, food and drink back from the Court.

## **42.7 Character Witness**

42.7.1 A member of staff acting as a Character Witness would need to follow the above procedure for appearing as a Juror or witness of fact, however, the time taken off work, will be unpaid and the employee would need to submit a claim for loss of earnings to the defence solicitor.

42.7.2 When on Jury Service Leave staff must not undertake paid or unpaid work either in the Trust or outside of the Trust, during their normal contracted hours. The exception is where a member of staff is not required by the court and their manager requires them to return to work during their normal contracted hours.

## **43 Training with the Territorial Army/Reserve Forces**

43.1 Volunteer members of the Territorial Army or Reserve Forces who attend annual camp and who would normally be at work during this period may be granted special leave.

### **43.2 Eligibility**

43.2.1 These provisions apply to all Trust staff.

### **43.3 Leave Available**

43.3.1 Staff who are members of a Reserve Force/Territorial Army and who have completed twelve months continuous service with the NHS may receive up to 5 days (37.5 hours) special leave with pay (pro-rata for part-time staff) for attendance at annual camp. Any additional training may be taken as unpaid leave or annual leave subject to the manager's agreement.

43.3.2 Staff who are required to undergo short periods of training (normally on Saturdays and Sundays) additional to annual camp should arrange to attend either in off-duty time or use annual leave.

### **43.4 Requesting Leave**

43.4.1 Staff must discuss any proposal to join the Territorial Army or Reserve Forces with their manager in advance of making any decision in order to establish the likely time

commitment required and seek their agreement before doing so. Failure to do so may result in subsequent requests for leave being refused.

43.4.2 In making a request to take leave for training with the Territorial Army/Reserve Forces, staff must provide their manager with official evidence of the requirement for them to attend on the dates concerned as soon as possible. Insufficient notice is likely to result in the request being refused.

#### **44 Active Military Service**

44.1 Where Trust staff who are volunteer members of the Territorial Army or Reserve Forces are 'called up' on active military service unpaid leave will be granted. Staff wishing to preserve pension rights should contact the Pensions Department for clarification of their personal circumstances.

44.2 When on Territorial Army or Reserved Forces Leave staff must not undertake paid or unpaid work either in the Trust or outside of the Trust, during their normal contracted hours unless this is within the Military Service itself. In addition on returning from Territorial Army Leave staff members must refrain from undertaking additional bank/agency duties for a period of 7 calendar days.

#### **45 Unforeseen Circumstances resulting in staff being unable to attend work**

45.1 This section outlines the expectations of employees, the options that should be explored and the alternative arrangements or actions that may be made or taken when there is a breakdown or severe disruption of public transport services which impact upon travel to and from work. The breakdown or disruption may be due for example to transport strikes, adverse weather conditions (severe, exceptional), security alerts or bomb scares.

45.2 Staff unable to attend work must contact their manager (by telephone) as soon as possible to explain the circumstances. They will be expected to use alternative methods of getting to work, including walking where conditions allow. In such circumstances, consideration will need to be given to the safety and mobility of staff.

45.3 There is a need to ensure that all departments and services are adequately staffed at all times. Staff are expected to make reasonable effort to attend work. Employees should investigate and make alternative arrangements where possible, which may include exploring different routes to work, walking reasonable distances and or using other modes of transport.

45.4 At the discretion of their line manager, staff who reasonably arrive late for work because of disruption to their journey due to the failure or disruption of public transport may be recorded as working the full day.

#### **45.5 Consideration of Alternative Arrangements**

45.5.1 Where the journey to work is likely to be very difficult or involves excessive travelling time the employee must discuss the difficulties with his/her manager and should then discuss the most appropriate alternative arrangement from those identified below (a to c). Prior approval from the manager is essential.

45.5.2 The final decision regarding the most appropriate arrangement will be made by the manager, but will be dependent upon the nature, length and frequency of the disruption, the needs of the service or department, the nature of the employee's work and his/her preferences and individual circumstances. Employees will only be required to take annual

leave if all of the other options have been explored and are deemed not practicable or appropriate.

### **45.5.3 Working from home;**

45.5.3.1. If the nature of the employee's work is such that it may be carried out from home, e.g. report writing, staff may work from home with prior approval of manager.

45.5.3.2 Staff whose duties would not normally allow them to work at home, should ensure they speak to their manager, as far in advance as possible, to attempt to identify and agree tasks which could be undertaken at home. In departments where work is not easily identifiable a directorate wide approach should be taken so that if appropriate, staff in one department may undertake work of another department. Care must be taken in relation to confidentiality issues and confidential information should not normally be taken home.

### **45.5.4 Making up the work time when unable to attend work;**

45.5.4.1 Where possible and where personal circumstances allow, staff who are not able to work from home or when arrangements have not been made due to unexpected disruption, may wish to request that they be allowed to make up the time as an alternative to taking annual leave. The request should be made directly to the line manager and where practical and appropriate an agreement may be reached with the manager that the staff members makes up the missed work time over an agreed period.

#### **45.5.4.2 Annual Leave**

45.5.4.3 If the above options have been explored and are not feasible, or staff have not made a request to their line manager to work from home or make time up, staff will be required to take annual leave (or unpaid leave if they have exhausted their annual leave entitlement), when they do not or have not attended work on days of disruption or failure of public transport services.

45.5.4.4 In cases where the manager is not satisfied that the member of staff has not made sufficient effort to attend work, the manager will meet with the member of staff upon their return in order to give full consideration of the circumstances. Further to this meeting, the manager may consider recording the absence as unauthorised and, in which case, the period of absence would be unpaid. Consideration may also be given to taking disciplinary action under the Trust's Disciplinary Policy & Procedure.

45.5.4.5 In each case, managers should consult with Human Resources to explore the appropriate action to take in the circumstances, and the member of staff should be advised by the manager of their decision in writing in advance of any deduction to salary.

## 46. Compassionate Leave (Occasional Crisis)

46.1 Compassionate leave may be granted at the discretion of the manager in discussion with Human Resources for any other exceptional circumstances that are not covered by this policy. This may include any unforeseen situations, which arise that requires the immediate attention of the member of staff, and cannot be dealt with by anyone else but the member of staff.

### 46.2 Eligibility

46.2.1 These provisions apply equally to all staff regardless of their hours worked or length of service.

### 46.3 Leave Available

46.3.1 A maximum of one day's (7.5 hours) paid leave may be granted for compassionate leave for the exceptional circumstances that may arise (pro rata for part-time staff) in a 12-month rolling period. The special leave allowance shall not affect the member of staff's annual or sick leave entitlements.

46.3.2 Any additional time-off taken as compassionate leave shall be taken as either annual or unpaid leave with the agreement of the manager.

46.3.3 If a member of staff takes time-off for compassionate leave then they are **unable** to work on the Staff Bank for the proceeding 7 days. It is the member of staff's responsibility to ensure that they do not breach this condition. Failure to do so may result in disciplinary action in accordance with the Trust Disciplinary Policy & Procedure.

### 46.4 Requesting Leave

46.4.1 In requesting compassionate leave, the member of staff must make the manager aware of their exceptional circumstances as soon as possible on the day that this has occurred. Time-off for compassionate leave **cannot** be booked in advance. Managers should remember that staff may have to leave work with little notice to cope with this sudden crisis.

46.4.2 **Compassionate leave is not an entitlement** and must be authorised by the manager of the member of staff. The manager may reasonably request to meet with the member of staff upon their return to work so as to determine this authorisation.

46.4.3 When on Compassionate Leave staff must not undertake paid or unpaid work either in the Trust or outside of the Trust, during their normal contracted hours. In addition on returning from Compassionate Leave staff members must refrain from undertaking additional bank/agency duties for a period of 7 calendar days.

## 47 Medical & Dental Appointments

47.1 Every effort should be made by staff to arrange medical or dental appointments in off duty time. From time to time however, staff may need to attend pre-arranged medical or dental appointments within work time. Employees must inform their line managers about their medical and dental appointments giving as much notice as possible.

### 47.2 Eligibility

47.2.1 These provisions apply equally to all staff regardless of their hours worked or length of service.

### **47.3 Requesting time-off for Medical & Dental Appointments**

47.3.1 All staff who require time-off for a medical or dental appointment will be entitled to request the following, subject to the needs of the service:

- Flexibility in arrangement of working hours;
- Annual leave;
- Time-off in lieu; or
- Unpaid leave.

47.3.2 In authorising reasonable time-off, the member of staff's manager should consider:

- The amount of time-off that is reasonable in the circumstances;
- The notice given for the request for time-off; and
- Previous time-off permitted.

47.4 If time-off is agreed, staff will be expected as far as possible to book their appointment time either at the beginning of their shift or working day or the end of their shift or working day. If staff need to take time off for planned hospital appointments (either for one off or ongoing appointments), then the Special Leave policy will not apply. Staff need to discuss this with their line manager and take this time off either as annual leave, unpaid leave or time off in lieu.

47.5 For antenatal care appointments, please refer to the Trust's Maternity Leave Policy.

## **48 Religious/Cultural Observance**

48.1 There may be staff who request time-off or a temporary change to their working hours for a particular religious or cultural occasion.

### **48.2 Eligibility**

48.2.1 These provisions apply equally to all staff regardless of their hours worked and regardless of length of service.

### **48.3 Requesting time-off/leave for Religious/Cultural observance**

48.3.1 All staff who require time-off for religious or cultural observance will be entitled to request the following, subject to the needs of the service:

- Flexibility in arrangement of working hours;
- Annual leave;
- Time-off in lieu; or
- Unpaid leave.

48.3.2 In authorising reasonable time-off, the member of staff's manager should consider:

- The needs of the service, (for example, whether it is practical to grant a request for leave if the ward/department is vulnerable, this may include instances where leave has already been granted to staff for the period requested); and
- The notice given for the request for time-off.

48.3.3 When requesting time-off/leave for religious observance, as much notice as possible should be given. All managers should be sympathetic to requests and should accommodate them wherever it is reasonably practicable to do so. However, if the needs of the service require or reasonable notice for such requests is not given, then the manager may have no choice but to refuse the request for time-off.

## **49 Manager's right to invoke Special Leave**

49.1 In such circumstances as deemed appropriate, managers, with advice from human resources, can insist on staff taking special paid or unpaid leave. This may include an occasion where the manager considers the member of staff unfit to perform duties due to particular circumstances although the member of staff may consider themselves fit. Where appropriate, managers should also refer the member of staff to the Occupational Health Department for advice and support.

## **50 Recording and Monitoring Special Leave**

50.1 It is imperative that managers record special leave taken in order to ensure that leave is granted as appropriate to the guidance outlined within this policy. Special Leave should be recorded as indicated on the Trust 'Sickness Notification Form'. The completed form should be sent to Payroll accordingly, with copy held by the manager for reference.

50.2 Managers are also required to monitor leave requested and identify areas where there are trends as to when special leave is taken and the causes for such requests. In some circumstances, the trends may be such that it gives the manager cause for concern, for example, where the reasons for urgent leave/time-off are recurring or where there is a pattern as to when requests are made.

50.3 It may be necessary for the manager to raise concerns that they have with the member of staff so as to explore whether there are any underlying issues of which the member of staff may voluntarily declare. Depending upon the circumstances, staff may require further support, which may include referral to the Occupational Health Department or consideration given to flexible working arrangements, as appropriate. Where a manager has concern in such circumstances, they should consult their Human Resources representative for guidance.

## **51 Sabbatical Leave**

51.1 The Sabbatical Leave Policy allows a member of staff to take an extended period leave from work that begins with an intention to resume working at an agreed date in future. The policy also prepares the employee to return to a career with the Trust. The policy forms part of the Department of Health's Improving Working Lives- Programme for Change. The policy is in accordance with Agenda for Change Terms of Conditions of Service Handbook.

51.2 East London Foundation NHS Trust considers that Sabbatical Leave is an important element in the intellectual and academic life of individual members of staff. While the Trust seeks to support alternative ways, all such decisions will be made in the light of the operational requirements of the service area, service users, and the needs of other employees.

### **51.3 Reasons for Sabbatical Leave**

51.4.1 Some typical reasons for requesting sabbatical leave are:

- To return to career related study
- For personal development



51.5.2 This is not exhaustive and consideration will be given to members of staff who wishes to apply for a sabbatical leave for other reasons that may benefit the Trust. However granting a sabbatical will be entirely at the discretion of the Trust, and all requests will be considered in line with the needs of the service.

## **51.6 Objectives of Sabbatical Leave**

- Improve knowledge, skills and experienced staff
- A better return on investment
- Exemplifies the Trust's commitment to equal career opportunities
- It boost the Trust's credentials as an employer of choice
- Reduces 'burn-out' in mid-career
- Reduces recruitment cost and enhances retention
- Results in a more engaged workforce
- To pursue unfulfilled ambition

## **51.7 Duration**

51.7.1 The policy covers all substantive employees, including Doctors and Consultants retained by East London Foundation Trust, irrespective of the employee's grade, or whether they are full time or part-time.

51.7.2 Sabbatical leave is not transferable, cumulative or retrospective.

51.7.3 A Sabbatical period is normally 3 months minimum and up to 12 months maximum. Periods of time requested for sabbatical leave outside this minimum and maximum will be considered by the Service and Borough Director(s) in conjunction with Human Resources.

## **51.8 Eligibility**

51.8.1 The following criteria will be considered in relation to applications for sabbatical leave:

51.8.2 A satisfactory performance and attendance record. (However, in circumstances where there are performance and attendance issues due to pregnancy and disability, specific HR advice should be sought from your Human Resource Manager/Adviser).

51.8.3 Substantive members of staff with 7 years or more of NHS employment (or in the case overseas-trained staff, equivalent experience) including 3 years continuous service with the East London Foundation NHS Trust. The Trust will however take a flexible view in individual cases to allow for periods of special leave interrupting continuous service.

51.8.4 A Sabbatical leave should not commence when long term sickness, capability or disciplinary issues (whether formal or informal) are pending or on-going. Sabbatical leave may be taken after maternity leave as long as it meets the eligibility criteria.

51.8.5 Employees will need to gain the agreement of their line manager in conjunction with Service/Borough Director(s) to the proposed sabbatical leave

## **51.9 Managers' Responsibilities**

51.9.1 Notify Payroll and HR as soon as the Sabbatical Leave is agreed arrange replacement cover for the employee consult/inform affected employees as appropriate have a duty of care to ensure all their employee are consulted on any change in working practices

consider impact and potential cover and recruitment implications prior to agreeing an employment break and maintain the communication process for the duration of the sabbatical leave.

## 51.10 Keeping in Touch

51.10.1 Line managers and employees have a joint responsibility for keeping in touch on a regular basis to ensure that the employee is kept up-to-date with relevant departmental information.

51.10.2 Employees are also expected to maintain any professional registration, attend departmental meeting where necessary and keep up to date with developments in their profession.

## 51.11 Employee's Responsibilities

51.11.1 It is the responsibility of the employee to:

- Agree and maintain the communication process for the duration of absence
- State clearly what they wish to do and highlight personal and organisation benefits
- Employee must state when they wish to commence and end leave.
- Submit the request for a sabbatical leave on the appropriate form (i.e. Appendix 4) to their line manager for approval, giving a minimum of three months' notice
- Be available to return on the agreed date, giving notice stipulated on their contract of employment. For example:
  - Bands 1-3 = 4weeks
  - Band 4 = 6weeks
  - Bands 5-6 =2months
  - Bands 7-9 =3months
- Notify the Trust if they wish to terminate the agreement.

## 51.12 Terms & Conditions

51.12.1 There is no entitlement to paid sick leave during the Sabbatical leave. However, in some cases statutory sick pay may be payable, in accordance with SSP regulations.

51.12.2 Statutory paid leave will accrue during the employment break and the amount of leave so accrued should be taken at some point during the break (28 days inclusive of Bank Holiday for 2009/2010 leave years).

51.12.3 Employees should notify their line manager or service manager in writing of the dates they intend to take annual leave so that Payroll can be advised in order to avoid overpayment of salary. This leave will be pro rata where the employee is on Sabbatical leave of less than a year.

51.12.4 The Trust reserves the right to treat the employment break as one in respect of which annual leave under the Working Time Regulations does not accrue. If an employee takes maternity/paternity leave during a Sabbatical leave, they will be required to notify their employer in writing of their intention to take this at least 28 days before they go on sabbatical leave or as soon as reasonably practicable.

51.12.5 Continuity of employment will not be affected as far as any contractual or statutory rights are concerned. The exceptions in terms of contractual rights are annual leave and sick leave.

51.12.6 Incremental status credit will be given for periods of paid NHS employment during sabbatical leave.

51.12.7 Employees may not undertake paid employment with another employer during their contracted hours whilst on sabbatical leave, without terminating their employment with the Trust. If the employee secures a t post, it will be deemed that they have terminated their contract with Trust on the date their employment with the new employer starts.

51.12.8 Sabbatical Leave will be unpaid.

### **51.13 Procedure for Applying for Sabbatical Leave**

51.13.1 Staff including Doctors and Consultants wishing to apply for Sabbatical leave should do so on the Sabbatical leave Application Form (Appendix 11) at least 3 months in advance of the proposed commencement date. This form should be submitted to their line manager for Service/Borough Director(s) approval. For Doctors and Consultants, applications should be made to their line manager and for ratification by the Clinical/Borough Director(s).

51.13.2 In considering the request for sabbatical leave, managers should give particular regard to the cost and availability of cover and impact on the service. All Sabbatical leave must be authorised by the relevant Line Manager and Borough Director/Clinical Director in consultation with HR. Staff will be informed in writing within 10 working days by their manager as to whether their application is successful. If the application is successful, the employee will be required to sign an agreement varying the contract of employment for the duration of the Sabbatical Leave.

51.13.3 The Trust maintains the right to decline a request for Sabbatical leave. In these circumstances, the employee will receive written reason for the refusal. If the individual is not satisfied with the decision, they may pursue the matter under the Appeal's Procedure in section 12.

### **51.14 Returning to work**

51.14.1 The employee is required to give the notice period stipulated in their contract of employment. If the break is less than six months, so far as reasonably practicable the employee will return to the same grade and post. If the break is more than six months, the employee may be offered an alternative post, which is considered suitable in terms of knowledge, skills and experience. Every effort will be made to enable employees to return to the same or similar job at the grade/level as when they left but no guarantee can be given in this respect.

51.14.2 If their substantive position is no longer available the employee will be treated as a re-employee under the Policy on The Management of Staff Affected by Change. The employee will be consulted on any organisational change that could affect their post during the break. The employee must ensure that their line manager/service manager is given contact details if the employee is travelling abroad, or an alternative form of contact such as a close relative.

51.14.3 If the employee wishes to return earlier than the date agreed at the beginning of the employment break this should be discussed and agreed with the manager. Where an employee does not return by the due date of return they are to be treated like any other employee who does not return after authorised leave. Unless they can provide a reasonable explanation and/or evidence for their absence, they will be considered to have been on unauthorised leave, which could result in disciplinary action.

51.14.4 On return to work the employee will be inducted and/or offered relevant training so they can be provided with an opportunity to update their skills and knowledge where the absence has been for a significant period.

## 51.15 Appeals Procedure

51.15.1 The Trust maintains the right to decline a request for Sabbatical leave. In the circumstance, the employee will receive written responses for the refusal, if the individual is not satisfied with the decision, they may pursue the matter through the Grievance Policy.

## 52. Time-off for Home Removal

52.1 The Trust recognises that moving home is a stressful and time-consuming event. Under Trust policy of introducing initiatives for staff such as “Improving the Quality of Working Life”; by encouraging Family Friendly Policies; healthy work-life balances and arising from the Quality of Working Life staff surveys, it is the policy of the Trust to grant any substantively-employed member of staff one day’s (7.5 hours) leave of absence for purpose of relocation of living accommodation.

### 52.2 Scope

52.2.1 This leave is in addition to annual, special or study leave entitlements and separate from Agenda for Change arrangements for house or home removal necessitated by job moves within or when joining the NHS.

52.2.2 There is a limit of one day (7.5 hours) or one night (7.5 hours) home removal leave in each leave year period.

52.2.3 Time-off applies to any one day or night period which falls on a day or night when the member of staff would normally work and is pro-rata for part-time staff.

52.2.4 It is not transferrable, cumulative or retrospective before the date of this policy.

52.2.5 Eligible staff are full or part time substantive employees of the Trust.

### 52.3 Process of application

52.3.1 Booking arrangements must be made in the usual way with the line manager or other authoriser of leave.

52.3.2 For recording purposes the Line Manager will record this as “Home Removal Leave”.

52.3.3 The line manager has power of discretion in authorising the leave subject to the overriding demand of ensuring service cover.

52.3.4 In the event of dispute, reference may be made in the first instance to the Director of Human Resources and Corporate Development.

52.3.5 When on Home Removal Leave staff must not undertake paid or unpaid work either in the Trust or outside of the Trust, during their normal contracted hours. In addition on returning from Home Removal Leave staff members must refrain from undertaking additional bank/agency duties for a period of 7 calendar days.

### **53 Time off for Staff Governors**

53.1 The Trust became a Foundation Trust on 1 November 2007. This policy provides guidance for managers and staff on the time off given to staff who are elected as Staff Governors of the Trust's Council of Governors.

53.2 As members of the Trust's Council of Governors the Staff Governors, along with the other Governors, will:

- Advise the Trust's Board of Directors on how the Trust can meet the needs of the members, local communities and staff
- Be involved in the strategic and forward plans for the Trust
- Act as Guardians to ensure the Trust complies with its obligations
- Act as a link between the Trust and local communities and staff

### **53.3 Time Off**

53.3.1 Employees who have been elected as Staff Governors of the Trust's Council of Governors will be allowed up to 20 days (150 hours) paid time off to:

- Take part in Governors' induction sessions and ongoing training (2-4 days (15-30 hours) per year);
- Prepare for and attend 6 meetings of the Council of Governors each year (6 full days (45 hours) per year to include ½ day preparation per meeting);
- Attend meetings of Working Groups/Committees set up by the Council of Governors (4-6 full days per year to include ½ day preparation per meeting);
- Attend other community or stakeholder meetings (up to 4 days (30 hours) per year);

53.4 The Membership Office will work with individual staff Governors as required in order to plan the time required for each member to fulfil their duties and to put any support in place.

### **53.5 Arrangements for Part-time Staff**

53.5.1 Where part-time staff have to perform Staff Governor duties at a time which they would not normally work, they should raise this with their line manager who will organise for the Staff Governor to take back this time from a day they would normally work and be paid.

### **53.6 Arrangements for Requesting Time off For Staff Governors**

53.6.1 It is important for managers and staff to ensure that there are clear arrangements for requesting time off with sufficient notice, in order to facilitate good planning and avoid any misunderstandings. A Staff Governor is permitted to take paid time off during working hours for the purposes described above, subject to the conditions outlined in the next section.

53.6.2 Dates for training, Council of Governors meetings, Working Group meetings and community or stakeholder meetings will be set out in advance and reminders will be sent in the Governor E Bulletin. The Staff Governor should give the dates of these meetings to

his/her line manager as soon as they are issued and the manager will ensure that the Staff Governor is given paid time off to attend the meetings.

53.6.3 Preparation for meetings as detailed above will normally be taken immediately before the meeting but it is for the Staff Governor to negotiate with his/her line manager the best time for this to be taken in the light of the needs of the service.

53.6.4 Staff Governors should request time off for meetings or preparation by completing the form in Appendix 12 and submitting it to their line manager as soon as possible and giving at least 7 days' notice. The Manager will complete the request form and give a copy to the Staff Governor, retaining a copy in the employee's file. Time off granted under this policy should be recorded as "other paid leave".

### **53.7 Cover Arrangements for Staff Governors**

53.7.1 Subject to the needs of the service, the arrangements for covering the work of Staff Governors will be the same as cover for annual leave/sickness or any other authorised absence. It will be at the discretion of management following discussions with Staff Governors as to what cover is provided at any given time.

## **54 Grievances Arising From the operation Of This Policy**

54.1 Both management and staff have a shared responsibility to observe the arrangements set out in this policy, and to resolve all problems about its implementation informally where possible.

54.2 If a disagreement arises about the working of the policy, this should be raised by the employee with the next manager.

54.3 If the matter remains unresolved at the informal stage, the employee may invoke the Trust's grievance or dignity at work procedure.

## **55 Misuse of this policy**

55.1 This policy is intended to provide support and leave for staff to help them balance the demands of home and work-life at times of urgent and/or unforeseen circumstances. Any misuse of this policy may lead to action taken under the Trust Disciplinary Policy & Procedure. An investigation may also be undertaken by the Trust's Local Counter Fraud Specialist which could result in the matter being referred to the Police.

## **56 Impact Assessment Statement**

56.1 This policy has been impact assessed in accordance with the East London NHS Foundation Trust Equality Impact Assessment Guide.

## **57 Policy Review**

57.1 It is the responsibility of the Director of Human Resources to monitor and review this policy, and to present any necessary changes, after negotiation with the Joint Staff Committee to the Service Delivery Board and the Trust Board.

## Appendix 1

### Annual Leave Entitlement for Complete Years

The below table outlines staff leave entitlements in hours, inclusive (Inc) and exclusive (Exc.) of Bank Holidays (BH), with the number of Bank Holidays dependent upon the number within the relevant leave year (please see section 11.4)

HOURS WORKED PER WEEK	LENGTH OF SERVICE											
	under 5 years				under 10 years				over 10 years			
	27				29				33			
	Exc. BH	Inc 6 BH	Inc 8 BH	Inc 10 BH	Exc. BH	Inc 6 BH	Inc 8 BH	Inc 10 BH	Exc. BH	Inc 6 BH	Inc 8 BH	Inc 10 BH
0.5	3.0	3.5	3.5	4.0	3.0	3.5	4.0	4.0	3.5	4.0	4.5	4.5
1.0	5.5	7.0	7.0	7.5	6.0	7.0	7.5	8.0	7.0	8.0	8.5	9.0
1.5	8.5	10.0	10.5	11.5	9.0	10.5	11.5	12.0	10.0	12.0	12.5	13.0
2.0	11.0	13.5	14.0	15.0	12.0	14.0	15.0	16.0	13.5	16.0	16.5	17.5
2.5	13.5	16.5	17.5	18.5	14.5	17.5	18.5	19.5	16.5	19.5	20.5	21.5
3.0	16.5	20.0	21.0	22.5	17.5	21.0	22.5	23.5	20.0	23.5	25.0	26.0
3.5	19.0	23.5	24.5	26.0	20.5	24.5	26.0	27.5	23.5	27.5	29.0	30.5
4.0	22.0	26.5	28.0	30.0	23.5	28.0	30.0	31.5	26.5	31.5	33.0	34.5
4.5	24.5	30.0	31.5	33.5	26.5	31.5	33.5	35.5	30.0	35.5	37.0	39.0
5.0	27.0	33.0	35.0	37.0	29.0	35.0	37.0	39.0	33.0	39.0	41.0	43.0
5.5	30.0	36.5	38.5	41.0	32.0	38.5	41.0	43.0	36.5	43.0	45.5	47.5
6.0	32.5	40.0	42.0	44.5	35.0	42.0	44.5	47.0	40.0	47.0	49.5	52.0
6.5	35.5	43.0	45.5	48.5	38.0	45.5	48.5	51.0	43.0	51.0	53.5	56.0
7.0	38.0	46.5	49.0	52.0	41.0	49.0	52.0	55.0	46.5	55.0	57.5	60.5
7.5	40.5	49.5	52.5	55.5	43.5	52.5	55.5	58.5	49.5	58.5	61.5	64.5
8.0	43.5	53.0	56.0	59.5	46.5	56.0	59.5	62.5	53.0	62.5	66.0	69.0
8.5	46.0	56.5	59.5	63.0	49.5	59.5	63.0	66.5	56.5	66.5	70.0	73.5
9.0	49.0	59.5	63.0	67.0	52.5	63.0	67.0	70.5	59.5	70.5	74.0	77.5
9.5	51.5	63.0	66.5	70.5	55.5	66.5	70.5	74.5	63.0	74.5	78.0	82.0
10.0	54.0	66.0	70.0	74.0	58.0	70.0	74.0	78.0	66.0	78.0	82.0	86.0
10.5	57.0	69.5	73.5	78.0	61.0	73.5	78.0	82.0	69.5	82.0	86.5	90.5
11.0	59.5	73.0	77.0	81.5	64.0	77.0	81.5	86.0	73.0	86.0	90.5	95.0
11.5	62.5	76.0	80.5	85.5	67.0	80.5	85.5	90.0	76.0	90.0	94.5	99.0
12.0	65.0	79.5	84.0	89.0	70.0	84.0	89.0	94.0	79.5	94.0	98.5	103.5
12.5	67.5	82.5	87.5	92.5	72.5	87.5	92.5	97.5	82.5	97.5	102.5	107.5
13.0	70.5	86.0	91.0	96.5	75.5	91.0	96.5	101.5	86.0	101.5	107.0	112.0
13.5	73.0	89.5	94.5	100.0	78.5	94.5	100.0	105.5	89.5	105.5	111.0	116.5
14.0	76.0	92.5	98.0	104.0	81.5	98.0	104.0	109.5	92.5	109.5	115.0	120.5
14.5	78.5	96.0	101.5	107.5	84.5	101.5	107.5	113.5	96.0	113.5	119.0	125.0
15.0	81.0	99.0	105.0	111.0	87.0	105.0	111.0	117.0	99.0	117.0	123.0	129.0
15.5	84.0	102.5	108.5	115.0	90.0	108.5	115.0	121.0	102.5	121.0	127.5	133.5
16.0	86.5	106.0	112.0	118.5	93.0	112.0	118.5	125.0	106.0	125.0	131.5	138.0
16.5	89.5	109.0	115.5	122.5	96.0	115.5	122.5	129.0	109.0	129.0	135.5	142.0
17.0	92.0	112.5	119.0	126.0	99.0	119.0	126.0	133.0	112.5	133.0	139.5	146.5
17.5	94.5	115.5	122.5	129.5	101.5	122.5	129.5	136.5	115.5	136.5	143.5	150.5
18.0	97.5	119.0	126.0	133.5	104.5	126.0	133.5	140.5	119.0	140.5	148.0	155.0
18.5	100.0	122.5	129.5	137.0	107.5	129.5	137.0	144.5	122.5	144.5	152.0	159.5
19.0	103.0	125.5	133.0	141.0	110.5	133.0	141.0	148.5	125.5	148.5	156.0	163.5
19.5	105.5	129.0	136.5	144.5	113.5	136.5	144.5	152.5	129.0	152.5	160.0	168.0
20.0	108.0	132.0	140.0	148.0	116.0	140.0	148.0	156.0	132.0	156.0	164.0	172.0
20.5	111.0	135.5	143.5	152.0	119.0	143.5	152.0	160.0	135.5	160.0	168.5	176.5
21.0	113.5	139.0	147.0	155.5	122.0	147.0	155.5	164.0	139.0	164.0	172.5	181.0
21.5	116.5	142.0	150.5	159.5	125.0	150.5	159.5	168.0	142.0	168.0	176.5	185.0
22.0	119.0	145.5	154.0	163.0	128.0	154.0	163.0	172.0	145.5	172.0	180.5	189.5
22.5	121.5	148.5	157.5	166.5	130.5	157.5	166.5	175.5	148.5	175.5	184.5	193.5

HOURS WORKED PER WEEK	LENGTH OF SERVICE											
	under 5 years				under 10 years				over 10 years			
	27				29				33			
	Exc. BH	Inc 6 BH	Inc 8 BH	Inc 10 BH	Exc. BH	Inc 6 BH	Inc 8 BH	Inc 10 BH	Exc. BH	Inc 6 BH	Inc 8 BH	Inc 10 BH
23.0	124.5	152.0	161.0	170.5	133.5	161.0	170.5	179.5	152.0	179.5	189.0	198.0
23.5	127.0	155.5	164.5	174.0	136.5	164.5	174.0	183.5	155.5	183.5	193.0	202.5
24.0	130.0	158.5	168.0	178.0	139.5	168.0	178.0	187.5	158.5	187.5	197.0	206.5
24.5	132.5	162.0	171.5	181.5	142.5	171.5	181.5	191.5	162.0	191.5	201.0	211.0
25.0	135.0	165.0	175.0	185.0	145.0	175.0	185.0	195.0	165.0	195.0	205.0	215.0
25.5	138.0	168.5	178.5	189.0	148.0	178.5	189.0	199.0	168.5	199.0	209.5	219.5
26.0	140.5	172.0	182.0	192.5	151.0	182.0	192.5	203.0	172.0	203.0	213.5	224.0
26.5	143.5	175.0	185.5	196.5	154.0	185.5	196.5	207.0	175.0	207.0	217.5	228.0
27.0	146.0	178.5	189.0	200.0	157.0	189.0	200.0	211.0	178.5	211.0	221.5	232.5
27.5	148.5	181.5	192.5	203.5	159.5	192.5	203.5	214.5	181.5	214.5	225.5	236.5
28.0	151.5	185.0	196.0	207.5	162.5	196.0	207.5	218.5	185.0	218.5	230.0	241.0
28.5	154.0	188.5	199.5	211.0	165.5	199.5	211.0	222.5	188.5	222.5	234.0	245.5
29.0	157.0	191.5	203.0	215.0	168.5	203.0	215.0	226.5	191.5	226.5	238.0	249.5
29.5	159.5	195.0	206.5	218.5	171.5	206.5	218.5	230.5	195.0	230.5	242.0	254.0
30.0	162.0	198.0	210.0	222.0	174.0	210.0	222.0	234.0	198.0	234.0	246.0	258.0
30.5	165.0	201.5	213.5	226.0	177.0	213.5	226.0	238.0	201.5	238.0	250.5	262.5
31.0	167.5	205.0	217.0	229.5	180.0	217.0	229.5	242.0	205.0	242.0	254.5	267.0
31.5	170.5	208.0	220.5	233.5	183.0	220.5	233.5	246.0	208.0	246.0	258.5	271.0
32.0	173.0	211.5	224.0	237.0	186.0	224.0	237.0	250.0	211.5	250.0	262.5	275.5
32.5	175.5	214.5	227.5	240.5	188.5	227.5	240.5	253.5	214.5	253.5	266.5	279.5
33.0	178.5	218.0	231.0	244.5	191.5	231.0	244.5	257.5	218.0	257.5	271.0	284.0
33.5	181.0	221.5	234.5	248.0	194.5	234.5	248.0	261.5	221.5	261.5	275.0	288.5
34.0	184.0	224.5	238.0	252.0	197.5	238.0	252.0	265.5	224.5	265.5	279.0	292.5
34.5	186.5	228.0	241.5	255.5	200.5	241.5	255.5	269.5	228.0	269.5	283.0	297.0
35.0	189.0	231.0	245.0	259.0	203.0	245.0	259.0	273.0	231.0	273.0	287.0	301.0
35.5	192.0	234.5	248.5	263.0	206.0	248.5	263.0	277.0	234.5	277.0	291.5	305.5
36.0	194.5	238.0	252.0	266.5	209.0	252.0	266.5	281.0	238.0	281.0	295.5	310.0
36.5	197.5	241.0	255.5	270.5	212.0	255.5	270.5	285.0	241.0	285.0	299.5	314.0
37.0	200.0	244.5	259.0	274.0	215.0	259.0	274.0	289.0	244.5	289.0	303.5	318.5
37.5	202.5	247.5	262.5	277.5	217.5	262.5	277.5	292.5	247.5	292.5	307.5	322.5
38.0	205.5	251.0	266.0	281.5	220.5	266.0	281.5	296.5	251.0	296.5	312.0	327.0
38.5	208.0	254.5	269.5	285.0	223.5	269.5	285.0	300.5	254.5	300.5	316.0	331.5
39.0	211.0	257.5	273.0	289.0	226.5	273.0	289.0	304.5	257.5	304.5	320.0	335.5
39.5	213.5	261.0	276.5	292.5	229.5	276.5	292.5	308.5	261.0	308.5	324.0	340.0
40.0	216.0	264.0	280.0	296.0	232.0	280.0	296.0	312.0	264.0	312.0	328.0	344.0

**Formula:**

a = weekly contracted hours

b = number of annual leave days entitled to for the year based on length of service

c = number of bank holidays in annual leave year

d = annual leave excluding bank holidays

e = annual leave including bank holidays

Annual Leave Excluding Bank Holidays

$$\frac{a}{5} \times b = d$$

Annual Leave Including Bank Holidays

$$\frac{a}{5} \times c + d = e$$



## Appendix 1.1

### Bank Holiday calculations for Part-time staff

Bank Holiday calculations for part-time staff should be calculated in hours and applied on a pro rata basis regardless of the days worked by the members of staff. Please see the following examples:

#### Example 1

A full-time nurse would normally get 8 Bank Holidays a year. In hours this is 60 hours per year (37.5 hrs per week/5 days x 8 Bank Holidays). A part-time nurse working 15 hours a week would get a Bank Holiday entitlement for a full year of 24 hours (15 hrs per week/5 days x 8 Bank Holidays), regardless of the days normally worked.

#### Example 2

A full-time administrator would normally get 8 Bank Holidays a year. In hours this is 60 hours per year (37.5 hrs per week/5 days x 8 Bank Holidays). A part-time administrator working 15 hours a week would get a Bank Holiday entitlement for a full year of 24 hours (15 hrs per week/5 days x 8 Bank Holidays), regardless of the days normally worked.

These hours would be taken either on bank holidays which fall on the days normally worked or at some other time, in agreement with the line manager on the same way that annual leave is agreed.

It is proposed that these arrangements be in place with immediate effect for all new part-time staff and from a date to be agreed for current staff. See Appendix 1.2 for a list for calculation for all staff.

## Appendix 1.2

### Bank Holiday hours entitlement

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. Please see the following example:

#### Example

A member of staff works 25 hours per week, their joining date is 24<sup>th</sup> August and they are new to the NHS:

His/her annual leave entitlement for a full leave year would be 175 hours (per Appendix 1&2). As they started on 24<sup>th</sup> August, they are entitled to 7 months of annual leave, that is, 7/12ths of 135 hours (Appendix 1), which is 78.8 (rounded up to 79 hours) annual leave hours. Bank Holiday hours must be added to this on a pro-rata basis. This total will vary depending upon where the Bank Holidays fall during the calendar year but for the purposes of this example, assume that there are 4 Bank Holidays remaining in the leave year.

Therefore,  $25 \text{ (hrs per week)} / 5 \text{ days} \times 4 \text{ bank holidays} = 20 \text{ hours}$ . So the total leave entitlement for the part leave year will be  $79\text{hrs} + 20\text{hrs} = 99 \text{ hours}$  to be taken by the 31<sup>st</sup> March.

## Appendix 2

### ANNUAL LEAVE POLICY APPLICATION FOR RECOGNITION OF 'HIGHLY RELEVANT' NON-NHS SERVICE

This form is to be completed by staff who wish their previous Non-NHS organisation service to count towards their annual leave entitlement.

**Name** .....

**Signature** .....

**Post** .....

**Band**.....

**Start date** .....

In order to determine whether previous non-NHS organisation service is 'highly relevant' so as to count towards calculating annual leave, you should ensure that each of the following criteria is met:

#### ESSENTIAL CRITERIA

- Equivalent responsibility, and using equivalent knowledge and skills required for the role to which appointed; and
- Same profession or transferable skills.

**Please attach formal documentary evidence of any relevant, reckonable service — as per Section 7.1 of the Annual Leave Policy).**

Employer	Date Start	Date End	Position	Comment (Please provide detail)

--	--	--	--	--

Before forwarding the application to Human Resources, please ensure that your application is agreed with your line-manager.

Line-Manager: ..... Tel.

Signature: ..... Date.....

**HR USE ONLY1**

Approved [ ] / Not Approved [ ]

Reason for non-approval:\_\_\_\_\_

\_\_\_\_\_  
 Name:..... Signature:..... Date:.....



## Appendix 4

### 'Holiday of a Life-Time' Banked Annual Leave Form

The 'Holiday of a Lifetime Scheme' provides staff with the opportunity to take a specific period of extended paid leave that they have banked/accrued over a period of up to 10 years. The scheme enables the opportunity for a member of staff planning a 'holiday of a lifetime' or extended paid break by banking up to 5 days annual leave maximum in any given year.

**Staff may bank up to 5 days (37.5 hours) at the end of an annual leave year for up to 10 years (i.e. maximum number of days that may be banked is 50 days (375 hours)).**

This form is for the purpose of recording Banked Annual Leave in accordance with section 5 of the Trust Annual and Special Leave Policy. Please see Trust Annual and Special Leave Policy for further details.

Name:

Post:

Leave Year		Total Days/Hours carried over	Balance	Managers Authorising Signature	Print Name	Budget Code*
From	To					
		TOTAL		(Max 50)		

\* In the event that a staff member transfers to another Trust Ward/Department, the value of the leave carried over whilst in a previous Ward/Department will be transferred proportionately to the budget of the Ward/Department within which the leave is taken (see Trust Annual Leave Policy above).

**TO BE SIGNED BY MANAGER WHEN BANKED LEAVE TOTALLED ABOVE IS GRANTED TO BE TAKEN, INSERTING DATES BELOW ACCORDINGLY.**

I hereby confirm that I have granted the taking of the banked annual leave as totaled above and to commence on \_\_\_\_\_ with expected date of return to work of the member of staff on \_\_\_\_\_.

**Managers Signature:** .....

**Print Name:** .....

**Date:** .....

**PLEASE SEND A SIGNED COPY TO YOUR LINE MANAGER.**

## Appendix 5

### SUMMARY OF SPECIAL LEAVE THAT MAY BE GRANTED

**NOTE:** The amounts of leave as specified below provide a guide only. Please see the Trust Special Leave Policy for main details. There is no “entitlement” to take Special Leave. All Special Leave is granted at the manager’s discretion, subject to the needs of the service and is granted on a pro-rata basis for part-time staff.

<b>TYPE OF LEAVE PROVISION</b>	<b>LEAVE THAT MAY BE GRANTED BY MANAGER</b>
<b>Time-off for Dependants (Carers Leave)</b>	Up to 5 days (37.5 hours) - 1 day (7.5 hours) per episode (Pro-rata for part-time staff)
<b>Leave for Bereavement</b>	Up to 3 days (22.5 hours) per episode (Up to 6 days (45 hours) in exceptional circumstances)
<b>Leave for Child Bereavement</b>	Up to 2 weeks leave (Pro-rata for part-time staff)
<b>Paid Parental Leave (Paternity)</b>	Up to 10 days (37.5 hours) (Depending on NHS Contentious Service)
<b>Unpaid Parental Leave</b>	4 weeks of unpaid leave up to a maximum of 18 weeks may be taken any year until the child reaches its 18 <sup>th</sup> birthday.
<b>Special Leave for in vitro fertilisation (IVF) and other fertility treatment</b>	Up to 5 days (37.5 hours) per treatment for staff receiving/recovering from IVF treatment;  Up to 5 days (37.5 hours) per 12 month period for staff whose partner is receiving/recovering from IVF treatment
<b>Terminal Care Leave</b>	Up to 5 days (37.5 hours) per episode (Pro-rata for part-time staff)
<b>Jury Service/ Attending court as a witness</b>	Dependent upon summons of Court
<b>Training with the Territorial Army/ Reserve Forces</b>	Up to 5 days (37.5 hours) for annual camp (Pro-rata for part-time staff)
<b>Unforeseen circumstances resulting in staff being unable to attend work</b>	No special leave, however the following may be granted: <ul style="list-style-type: none"> <li>• Flexibility in arrangement of working hours;</li> <li>• Annual leave;</li> <li>• Time-off in lieu; or</li> <li>• Unpaid leave.</li> </ul>
<b>Compassionate Leave (Occasional Crisis)</b>	One day (7.5 hours) per episode (Pro-rata for part-time staff)
<b>Medical &amp; Dental Appointment</b>	No special leave, however the following may be granted: <ul style="list-style-type: none"> <li>• Flexibility in arrangement of working hours;</li> <li>• Annual leave;</li> <li>• Time-off in lieu; or</li> <li>• Unpaid leave</li> </ul>
<b>Religious/Cultural observance</b>	No special leave, however the following may be granted: <ul style="list-style-type: none"> <li>• Flexibility in arrangement of working hours;</li> <li>• Annual leave;</li> <li>• Time-off in lieu; or</li> <li>• Unpaid leave</li> </ul>
<b>Sabbatical Leave</b>	Minimum of 3 months to 12 months unpaid leave
<b>Time off for Home Removal</b>	One day (7.5 hours) in each leave year
<b>Time off for Staff Governors</b>	Up to 20 days (150 hours) per financial year.

## Appendix 6

### EAST LONDON NHS FOUNDATION TRUST

#### PAID PARENTAL (PATERNITY) LEAVE APPLICATION FORM

This form should be completed by the member of staff at least *28 days* before the expected date of birth, or as soon as practicably possible and submitted to their manager with a copy of the child's birth certificate or MAT B1 form.

Once the manager has signed the form it should be returned to the Human Resources Department together with the following documents:

- Copy of wife/partners MATB1 certificate
- Copy of MATB1 certificate

Name:..... Date:.....

Address:..... Post:.....

..... Service Unit:.....

Date of Commencement with the Trust or its predecessors:.....

Expected Date of birth (If applicable):.....

Copy of Birth Certificate or MAT B1 Attached: YES / NO

Commencement of Paid Parental Leave:.....

Date of Return in Accordance with Paid Parental Leave Conditions:.....

If you wish to take paid parental leave, please could you provide an indication as to how you would like to take this:

**10 days** paid parental leave in a single block (pro rata for part-time)

I wish to apply for paid parental leave as detailed in the Special Leave Policy. I confirm that I will be a named parent of the child.

I also understand that whilst on Paid Parental (Paternity) Leave I must not undertake paid or unpaid work either in the Trust or outside the Trust during my normal contracted hours.

Signed:..... Date:.....

Managers Signature:..... Date:.....



## Appendix 7

### EAST LONDON NHS FOUNDATION TRUST

#### UNPAID PARENTAL LEAVE APPLICATION FORM

This form should be completed by the member of staff at least *28 days* before the leave is to be taken except in the case of expectant parents who are required to give *13 weeks* notice before the expected date of birth. The completed form should be submitted to their manager with a copy of the child's birth certificate or MAT B1 form.

Once the manager has signed the form it should be returned to the Human Resources Department.

Name:..... Date:.....

Address:..... Post:.....

..... Service Unit:.....

Date of Commencement with the Trust or its predecessors:.....

Expected Date of birth (If applicable):.....

Child's Name:.....

Copy of Birth Certificate or MAT B1 Attached: YES / NO

Commencement of Unpaid Parental Leave:.....

Date of Return in Accordance with Unpaid Parental Leave Conditions:.....

If you wish to take Unpaid Parental Leave, please could you provide an indication as to how you would like to take this (please mark with X):

4 weeks unpaid parental leave in a single block

4 weeks unpaid parental leave on separate occasions

I wish to apply for unpaid parental leave as detailed in the Special Leave Policy. I understand that if I take 4 weeks unpaid parental leave in one single block, I will not be entitled to any further unpaid parental leave until the following financial year. I confirm I will be a named parent of the child.

I also understand that whilst on Unpaid Parental Leave I must not undertake paid or unpaid work either in the Trust or outside the Trust during my normal contracted hours.

Signed:..... Date:.....

Managers Signature:..... Date:.....

## Appendix 8

### EAST LONDON NHS FOUNDATION TRUST

#### JURY SERVICE REQUEST FORM

(To be completed before commencement of Jury Service)

#### Employee Personal Details

Name: \_\_\_\_\_ Band: \_\_\_\_\_

Base: \_\_\_\_\_ Job Title: \_\_\_\_\_

Assignment/Employee Number: \_\_\_\_\_

#### Period of Jury Service as per notification from HM Court Service

From: \_\_\_\_\_ (First day of jury service)

To: \_\_\_\_\_ (Last day of jury service – provisional date)

I confirm I will return to work on full days that I am not required in Court. If I finish early one day before the end of my normal contracted finish time, I will contact my line manager to check whether I am required to attend work on that day. If I am released early from jury service I will return to work.

I will request a Certificate of Attendance form from the Jury Manager upon being discharged from jury service and will provide this to my manager immediately upon my return to work.

I accept that any days or half days between Monday and Friday (other than bank holidays) during the period of jury service stated above, that are not included on the Certificate of Attendance form and for which I did not report for work or seek authorisation from my line manager to take the days as authorised paid leave, will be treated as unpaid unauthorised absence by East London NHS Foundation Trust.

I also understand that whilst on Jury Service Leave I must not undertake paid or unpaid work either in the Trust or outside the Trust during my normal contracted hours. The only exception to this is where I am not required by the court and I am asked to return to work by my manager.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's Name: \_\_\_\_\_

Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Manager's Name (print): \_\_\_\_\_

**Manager to retain**

**Copy to be given to Employee**

## Appendix 9

### EAST LONDON NHS FOUNDATION TRUST

#### JURY SERVICE ATTENDANCE

**Confirmation of Non-attendance at Work During Jury Service (To be completed on completion of jury service)**

#### Employee Personal Details

Name: \_\_\_\_\_

Band/Grade: \_\_\_\_\_

Base: \_\_\_\_\_

Job Title: \_\_\_\_\_

Assignment/Employee Number: \_\_\_\_\_

#### Period of Jury Service

From: \_\_\_\_\_ (First day of jury service)

To: \_\_\_\_\_ (Last day of jury service)

To: \_\_\_\_\_ (Last day of jury service)

Dates during the period stated above should be treated as follows;

Category	Dates (specify if half day)
Did not work but attended jury service (Certificate of Attendance received)	
Reported for work but not required (paid authorised absence)	
Worked	
Did not report for work or attend jury Service (unpaid unauthorised absence)	
Bank holidays	

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Manager's Name (print): \_\_\_\_\_

**Manager to send to Payroll with Certificate of Attendance only if there are any unauthorised absences. Copy to be given to employee**

EAST LONDON NHS FOUNDATION TRUST

**UNPAID SABBATICAL LEAVE APPLICATION FORM**

<b>Full Name:</b>
<b>Home Address:</b>
<b>Job Title:</b>
<b>Grade Ward/Department:</b>
<b>Date of Continuous NHS Service:</b>
<b>Date of Continuous Service with the Trust:</b>
<b>Length of Sabbatical Leave:</b>
<b>Requested Dates:</b>
<b>Start Date:</b>
<b>End Date:</b>
<b>Reason for Sabbatical Leave:</b>
<b>Personal Benefits of Sabbatical Leave:</b>
<b>Benefits of Sabbatical Leave to the Trust (if applicable):</b>

I understand and accept the conditions of the Sabbatical Leave as outlined in the Annual and Special Leave Policy and the Sabbatical Leave Agreement.

Signed ..... Dated .....

Managers will take all factors into account when considering an application for a Sabbatical Leave: –

- All sabbatical leave must be authorised by the relevant Manager/Clinical Director or someone with delegated authority in consultation with HR
- Department - A decision should be made within 2 weeks of the meeting

**SABBATICAL LEAVE AGREEMENT TO VARY TERMS AND CONDITIONS OF EMPLOYMENT**

I, ("The Employee") hereby agree in consideration for taking a Sabbatical Leave commencing on [date] until [date] ("The Career Break Period") in accordance with the East London NHS Foundation Trust Sabbatical Leave ("the Sabbatical Leave"), to the following variations to the Terms and Conditions of my employment with the East London Mental Health NHS Trust ("The Employer"):

- 1 I understand and accept that under the Sabbatical Leave I will not necessarily be able to return to the same post at the same level/grade as I occupied prior to commencement of the sabbatical leave period. I understand that whilst every effort will be made to enable me to return to the same or a similar post at the same level/grade as I occupied prior to commencement of the Sabbatical Break Period, that the Trust does not guarantee that such a post or grade will be available.

In this regard, I accept and acknowledge that if:

- a) The post which I occupied prior to commencement of the Sabbatical leave is unavailable; and
  - b) On the date that the Sabbatical leave comes to an end, if I refuse to return to a post identified as a suitable alternative by the Trust, I will not be entitled to a contractual redundancy payment. This will be regarded as resignation and the effective date will be the date you notify the Trust.
- 2 I understand and accept that my Reckonable Service for the purposes of calculating contractual benefits will cease to accrue during unpaid Sabbatical Period (except insofar as Reckonable Service is accrued in accordance with the Sabbatical Leave ) and will recommence if and when I return to the post I occupied prior to the commencement of the Sabbatical Break Period or a suitable alternative post which has been identified by the Trust, at the level that had been accrued prior to the commencement of the Sabbatical Leave Period.

For the avoidance of doubt, I accept that this applies to the following contractual benefits:

- (i) Occupational Sick Leave
  - (ii) Occupational Sick Pay
  - (iii) Additional Maternity Leave
  - (iv) Occupational Maternity Pay
  - (v) Contractual Annual Leave
  - (vi) Contractual Redundancy Payment
  - (vii) Any other contractual benefits not specifically mentioned above for the purposes of which Reckonable Service is calculated
- 3 I understand and accept that I must be available for work and/or training for a minimum of 10 days per year at a mutually agreed time during the Sabbatical Period. For the avoidance of doubt, I understand and accept that I will not be paid during the Sabbatical Break Period.
  - 4 I shall not undertake paid employment of any kind during my Sabbatical Leave Period, except in accordance with the Sabbatical Break. I understand that failure to comply with any of the conditions could lead to the termination of my employment.

- 5 I understand and accept that I must give written confirmation of my return date as set out in paragraph 15.10 of the Sabbatical Leave Policy.
- 6 I understand, accept and agree to all provisions of the Sabbatical Scheme as set down in the attached document.

**Signed.....Date.....**  
**(The Employee)**

**Signed.....Date.....**  
**(On behalf of East London NHS Foundation Mental Health NHS Trust)**

**Name -----**

**Position-----**

**This Agreement is intended to vary the Terms and Conditions of Employment between the Employer and the Employee**

**Appendix 11**

**REQUEST FOR TIME OFF TO ATTEND MEETINGS FOR STAFF GOVERNORS/PREPARATION TIME**

**For completion by Staff Governor**

Name:.....

Team/Ward:.....

Service/Locality:.....

I request the following paid time off for the purposes of staff Governor duties:-

Date:.....

Time: From:..... to:.....

Total number of working hours:.....

In order to: (please specify name of meeting or relevant activity eg; attend council meeting, prepare for council meeting etc):-

.....  
.....  
.....  
.....

Signed:.....

Print Name:.....

Date:.....

**For completion by Line Manager**

Request authorised or refused (please mark with X)

Authorised

Refused

Reason for refusal (if applicable):

.....  
.....  
.....

Signed:.....

Print Name:.....

Date:.....

Please copy this form and give one the member of staff and retain another in their personal file.  
Please ensure that any leave is recorded as "other paid leave".

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