



DBTH Leave Policy (including Annual, Professional and Duty for all employees, including medical)

This procedural document supersedes: CORP/EMP 49 v.2 – Leave Policy (including Annual, Study, Professional and Duty for all staff, including medical)



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Date written/revised:	November 2022/July 2023
Approved by:	Policy Formulation Group (JLNC approved appendix 1)
Date of approval:	July 2023
Date issued:	January 2024
Next review date:	May 2026
Target audience:	Trust-wide

Amendment Form

Please record brief details of the changes made alongside the next version number. If the procedural document has been reviewed **without change**, this information will still need to be recorded although the version number will remain the same.

Version	Date Issued	Brief Summary of Changes	Author
Version 4	January 2024	<ul style="list-style-type: none"> • Change of name of policy from “DBTH Leave Policy (including Annual, , Professional and Duty for all staff, including medical)” • Insertion of points 4.7 Christmas and New Year holidays at weekends & 4.8 Additional bank holidays • Insertion of section 7 – Fraud • Insertion of section 6 - Selling of annual leave. • Insertion of appendix 6 - Application form Selling of Annual Leave • JLNC approved appendix 1 • Removal of Appendix 7 - All staff members (excluding medical staff members) study leave guidance & application form. 	Ashleigh Tingle
Version 2 (amended July 2019)	24 July 2019	<ul style="list-style-type: none"> • Insertion at appendix 7 - All staff members (excluding medical staff members) study leave guidance & application form. 	Lisette Caygill
Version 2	22 August 2017	<ul style="list-style-type: none"> • Addition of Purchase of Annual Leave Section (Section 5). 	Anthony Jones
Version 1	February 2016	<ul style="list-style-type: none"> • This is a new procedural document, please read in full. 	Dawn Jarvis

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1 INTRODUCTION

Our people are critical to the continuing and future success of Doncaster and Bassetlaw Teaching Hospitals (DBTH). Our aim is to become an employer of choice and our approach to people management is clearly summarised in the phrase Develop. Belong. Thrive. Here. To support this, we need a fair and consistent approach to leave entitlements.

2 PURPOSE

The purpose of this policy is to set out our approach to annual leave and study, professional or duty leave. Everyone working for the Trust is entitled to time off for various reasons; this policy only covers annual leave (sections 4.1 – 4.11) and study, professional and duty leave (sections 4.12 – 4.13) or time off in lieu or time owing (Appendices 1 and 2).

Further details around study leave can be found in CORP EMP 61 – DBTH Study Leave & associated funding policy.

For all other leave please consult the relevant policies for CORP/EMP 47 – Special Leave Policy (incorporating Carer’s and Emergency Leave). This policy reflects the main NHS Terms & Conditions of service.

3 DUTIES AND RESPONSIBILITIES

For the policy and procedure to be effective, all colleagues at DBTH need to be aware of this document and to apply the principals within it. Ultimately, it is the responsibility of the senior management of the Trust (including the Chief Executive, Executive Team and Divisional / Directorate Directors); in conjunction with People & Organisational Development (P&OD) to ensure that this is the case. A table of responsibilities is included at paragraph 8.

4 PROCEDURE

This policy and the related procedures, covers specific types of leave entitlement (as listed in the following sections). It applies to everyone at DBTH.

4.1 Annual Leave – Entitlement

Several conditions, for example your contract, the professional group you are in and your length of service, will have an impact on the level of entitlement of annual leave you are given. These entitlements are listed in the annexes at the back of this policy as follows:-

- Appendix 1 – Senior Doctors Leave Guidance
- Appendix 2 – Agenda for Change Employees Leave Guidance

Under employment legislation, Statutory Holiday leave is equivalent 5.6 weeks (pro rata) a year, employees must take at least their statutory holiday entitlement in any one year. Contractual entitlement may be higher. Statutory leave is not normally able to be sold or carried over into the next annual leave year. This can only be considered under exceptional circumstances such as long-term sickness and maternity leave.

4.2 Annual Leave Year

Most employees have a standard annual leave year which begins on 1 April and ends on 31 March each year. However, some Medical colleagues will work to the anniversary of their appointment. Either is acceptable and the date of appointment approach for Medical colleagues may mean there isn't an unhelpful surge to use up leave at one point in the year.

Employees on term time contracts are mostly contracted to work a certain number of weeks per year, where their non-working time is pre-scheduled at regular, planned periods. Payment is calculated on an annual basis and then paid over twelve equal monthly instalments.

4.3 Requesting Annual Leave

The amount of annual leave you are entitled to is just that, an entitlement or right based on your employment contract. However, when you take your leave and how much you take at any one time is not an entitlement. Our primary goal of providing excellent care for patients must come first so everyone has to apply for their annual leave using the following principles:-

- In many areas especially if you are in a clinical, patient facing role giving 6 weeks' notice (from the time when the request is received by your line manager) – using E-Roster or the relevant annual leave request form. This is the least amount of time you should give, but you may give more notice if you know in advance when you want to have time off. In some areas local arrangements may mean you can give less notice, it is your responsibility to check this with your line manager or the relevant rostering policy.
- Your line manager may need to balance your request with many others, for example at peak leave periods such as Christmas and school holidays and may need to limit the number of people having such occasions off, sharing those out over several holiday points or over subsequent years.
- Your manager may also need to either refuse or limit leave to fewer weeks or days if letting you have all the time you want off in one go will impact negatively on patient care.
- Annual leave requests are usually 2 weeks or less, anything more than 2 weeks will be subject to line manager approval and if the service can support the break.
- Only in exceptional circumstances will you be allowed leave when giving less than six weeks' notice though depending on your work area it may be easier to rearrange work to accommodate this.

- You may also be asked to take leave if you have an excess at any point in the year, or if there are no people booked to have time off and the number of days people still have to take are in excess of what might be expected at that time of year, for example in February or March.

4.4 Carrying Over Annual Leave

You are expected to use your full entitlement of annual leave within each year. However, in any given year, in exceptional circumstances, a maximum of 5 days annual leave can be carried over into the next year, if agreed to by an Executive Director or nominated Deputy and subject to the demands of the service. It is also important to space out your leave over the year; for example taking 25% of your leave each quarter to minimise the peaks and troughs of leave across the year, thus enabling us to provide a consistent service for our patients and consistent breaks for employees.

4.5 Calculating Annual Leave Entitlement

Some areas convert all leave to hours or sessions, some areas run their leave allowances on days of entitlement. How these are tracked is not important, but what is important is that the approach to calculating leave that is taken is consistent. Hourly entitlement or sessional entitlement is easier for people who are part time or have alternative working patterns such as working long days, e.g. a full time contract over four days. For example, if you are full time but do four long days, when you take a week off you take the equivalent of five standard days, not four i.e. you are contracted for 40 hours but carry them out in four 10 hour days. You would still be taking 40 hours of leave even though a colleague may work those 40 hours over five days. *For Doctors please see the details in Appendix 1.*

The annual leave ready reckoner can be used to calculate the correct amount of leave for all employees this can be found on The Hive - <https://extranet.dbth.nhs.uk/people-organisational-development-pod/human-resources-hr/>

4.6 Calculation of Bank Holidays

Everyone is entitled to time off for a Bank Holiday. Bank holiday leave entitlement is calculated on a pro rata basis for part time employees. If an individual is not required to work on a Bank Holiday (for example an individual works Tuesday to Friday and the bank holiday falls on a Monday) then the bank holiday entitlement can be taken at another time subject to leave approval processes. *For Doctors please see the details in Appendix 1.*

4.7 Christmas and New Year Holidays at weekends

When Christmas Day, Boxing Day or New Year's Day falls on a Saturday or Sunday, arrangements will need to be made to ensure that the right of employees to three public

holidays in the Christmas and New Year holiday period is preserved (see National Terms and Conditions <https://www.nhsemployers.org/publications/tchandbook> Part 2, Section 2).

4.8 Additional Bank Holidays

For additional bank holiday days full time employees may receive 7.5 hours extra leave per additional day. This will be pro rata for part time employees. This will be communicated out by the Trust in advance of any additional bank holiday year.

Easter may fall in in March meaning there will be two Easter holidays in the same twelve-month period. In such circumstances the Trust will determine the appropriate action to take. Pragmatically, this might mean anticipating the two public holidays falling in the next twelve-month period (see National Terms and Conditions <https://www.nhsemployers.org/publications/tchandbook> Annex 28, Part 3, Section 13).

4.9 Part Time Workers

If you are on a part-time contract you are entitled to a pro rata number of days off for leave and for Bank Holidays. For example, someone who works 7.5 hours Monday – Wednesday (22.5 hours a week) will be entitled to 4.8 days (36 hours) bank holidays per annum.

4.10 Cancellation of Annual Leave

In certain emergency circumstances the Divisional/Directorate management teams may seek to cancel annual leave. If you suffer financial loss, appropriate expenses will be covered by the Trust. You may also cancel annual leave as long as arrangements have not already been made to cover your work by employing a locum or agency worker who cannot now be cancelled.

4.11 Working during Annual Leave

You may volunteer to undertake additional duties whilst on annual leave if there is a need within the Division/Directorate. However, this isn't encouraged as the Trust has an obligation to ensure that you have adequate rest during the year, and you will be being paid twice for same period of time. Usually, you may be asked to take your leave at another time.

4.12 Study Leave, Professional Leave, Duty Leave

Study Leave and Professional Leave - This will apply to some colleagues more than others, but all employees are required to be trained and developed to a standard required either by the Trust or by their professional body. Some colleagues have a contractual right to study leave and others are expected to have time off, away from their workplace to update themselves on Statutory and Essential Training. The detailed guidelines for doctors are in Appendix 1 at the end of this policy and further details on Study Leave can be found in the

DBTH Study Leave & Associated Funding Policy (CORP/EMP 61) for all employees excluding doctors.

There can often be mutual benefit in Consultants undertaking some external activity (e.g. work for Royal Colleges, formal teaching, wider NHS activities etc.). Any such external work must be agreed with your Division/Directorate Director or Medical Director before you agree to it. Where it has been approved, the Trust will make every effort to support you by either approving leave or time shifting clinical commitments so that you can fulfil your commitment.

Duty Leave – this might be where you are asked to represent the Trust at an external meeting or attend an event on behalf of the Trust, and this would be done in your normal working time, the Trust will give you time off from your normal duties to attend. For example attending Coroner’s court or an Employment Tribunal or presenting at a conference, (permission must be sought from your line manager before you agree to attend conferences, etc).

Fees for courses or paying for studies, may be covered by your Division or Directorate or by Training and Education, before committing any expenditure on behalf of the Trust you must check with the relevant budget holders that funding will be covered in full or in part.

4.13 Expenses for Study / Professional Leave

Refer to the separate Employee Expenses and Subsistence Policy (CORP/EMP 33).

4.14 Carer and ‘Compassionate’ Leave

Refer to CORP/EMP 47 – Special Leave Policy (incorporating Carer’s and Emergency Leave).

5 PURCHASE OF ADDITIONAL LEAVE

5.1 Principles of Purchasing Additional Leave

All employees with at least 1 year of continuous service with DBTH may choose to increase their leave entitlement by between a minimum of 2 days and a maximum of two weeks i.e. 10 working days based on normal contracted hours of work (pro rata for part time employees) within the leave year.

This scheme is not guaranteed to run every year. Where it has been agreed that the purchase of leave scheme will take place, communication will be sent out by the Trust regarding timeframes in which colleagues can apply to purchase additional annual leave.

If the additional leave is granted it will only be applicable for the forthcoming financial year and must be used within their allotted leave year. Any employees wishing to take 1 day additional leave should do so by taking unpaid leave, the value of which will be deducted from the following month's salary from the month in which the unpaid leave was taken.

The Trust's leave year runs from April to March (some Consultants will work to the annual date of their appointment). The decision to approve additional leave rests with the appropriate senior manager within the service (e.g. Divisional Director).

Managers must carefully consider all applications from employees to buy additional leave against the following criteria:

- The potential impact on the provision of services to our patients
- How the department/team will cover the service during the period of leave
- The impact on colleagues within the department / team
- Any negative impact on training commitments (if applicable)

Applications for additional leave must not be authorised where additional costs will be incurred through covering the employee on leave. Managers will not be allowed to book bank or agency to cover the additional leave. In addition, managers will not be able to ask other team members to undertake overtime to cover the additional leave.

The Trust reserves the right to refuse an employee's application to buy additional leave. It may be necessary to refuse an employee's request for operational or technical reasons related to her or his job. Applications will not be unreasonably refused but the overriding consideration is the maintenance of safe and effective standards of service, within financial constraints.

There is no right of appeal via the Trust's Grievance Procedure or any other process against a decision not to approve the purchase of additional leave.

The employee's reduced salary after purchasing the extra leave must not fall below the minimum wage or below the National Insurance lower earnings limit for National Insurance contributions, if the reduced salary would fall below either of these the application will be refused.

5.2 Application Process

The application window and process for buying additional leave will be communicated to all employees when the Trust announces that the scheme will be running. Decisions regarding approvals and the associated financial calculations will usually be made during March and any approved leave will be applied in April for the next leave year.

When applying to purchase additional leave the employee should discuss with their line manager the additional leave and indicate the proposed dates they intend to take their leave throughout the leave year. This will help the manager plan the impact of the leave on

the service as part of the leave planning process for the year. This process should not take into account the full leave entitlement (contractual leave + additional leave) but should account for the majority of the leave allocation allowing the employee to keep some leave unallocated to account for any unforeseen situations that may arise.

An employee who wishes to purchase additional leave should complete the necessary application form such as the example found at Appendix 3. The completed form should be reviewed and supported by the line manager. It should be noted that the approving person should be the appropriate senior manager within the service (e.g. Divisional Director). Where an application has been received and approved, the employee will be notified in writing of the financial cost of purchasing the additional leave. An example letter can be found at Appendix 4. The employee will be given an appropriate period of time to confirm in writing that they wish to go ahead with the application to purchase additional leave.

If the employee fails to return the signed confirmation by the specified deadline then the application will be cancelled and will not be considered again until the next purchase of leave window opens. Where there are exceptional circumstances, late applications may be considered.

Where an employee confirms that they wish to go ahead with the application to purchase additional leave, the cost of the purchase of the additional leave will be applied by the Trust's payroll provider and will be spread over the full leave year in 12 monthly equal payments. A copy of the application form should be retained in the employee's personnel file.

5.3 Important Considerations for Employees

Additional leave granted under this scheme must be taken within the following 12 month period.

In exceptional circumstances, should the need arise for operational reasons to cancel or rearrange an employee's leave, the manager should take into account the circumstances of the employee.

If, as a result of this an employee is unable to take their leave entitlement, inclusive of any additional leave purchased before the end of the leave year the manager should notify their People Business Partners (PBP) immediately and considerations will be given for the potential carry over of annual leave with the approval of the Executive Director in line with this policy i.e. no more than 5 days carry over to the following leave year, pro rata for part time employees. Alternatively, the manager may discuss with the employee the option to receive payment for leave not taken. This decision should be referred to the relevant Executive Director. Please note that the potential payment and carry over of leave should only ever be resorted to in exceptional circumstances, employees should be able to take their leave, both contractual and any additional leave purchased within the leave year, ensuring the process outlined in this policy is followed correctly.

If an employee chooses to leave the Trust part way through the financial year and has purchased additional leave, the necessary adjustments will be made to the employees' final salary. The same would also apply to an employee taking a career break.

If an employee goes onto maternity leave while on this scheme, payments would continue until such a time that there are insufficient earnings. If payments are not covered then these would resume when the employee returns to pay.

If an employee starts maternity leave before using all of their purchased annual leave, the remaining annual leave can be carried forward into the employees next year's entitlement.

6 SELLING OF ANNUAL LEAVE

6.1 Principles of Selling Annual Leave

All employees with at least 1 year of continuous service with DBTH may choose to sell a proportion of their annual leave, up to a maximum of two weeks pro rata.

This scheme is not guaranteed to run every year. Where it has been agreed that the sale of leave scheme will take place, communication will be sent out by the Trust regarding timeframes in which colleagues can apply to sell annual leave.

The decision to approve the request to sell your annual leave lies with the senior manager of the Service / Department in conjunction with the People & Organisational Development (P&OD) directorate.

Managers must carefully consider all applications from employees to sell leave and consider the following:

- The potential health & wellbeing impact it may have on the employee
- The potential impact on departmental budgets

Employees must not sell leave if it takes them below the statutory 28 days annual leave inclusive of bank holidays (pro rata). Therefore, the maximum amount of leave you can sell will depend on what your individual leave entitlement is.

If you have taken your statutory amount of leave and choose to sell some leave, you must ensure the remainder of your leave entitlement is booked and taken before the end of the leave year. Carry over will only be authorised in exceptional circumstances.

The Trust reserves the right to refuse an employee's application to sell leave. Applications will not be unreasonably refused but the overriding consideration is the maintenance of safe and effective standards of service, within financial constraints and the health and wellbeing of individuals.

There is no right of appeal via the Trust's Grievance Procedure or any other process against a decision not to approve the sale of leave.

Please note, your annual leave can only be sold at your basic rate of pay for the financial year that you are applying in.

6.2 Application Process

The application window for selling annual leave will only open when the Trust announces the scheme is running that year. Decisions regarding approval and the associated financial calculations and payment for your leave will be made in an agreed timescale announced by the Trust.

When applying to sell leave the employee should discuss their intentions with their line manager and it is advised that they ensure that if they sell their leave they still have a proportion of leave remaining to account for any unforeseen situations that may arise.

An employee who wishes to sell their entitlement must apply by completing an application form such as the one at Appendix 6 and returning it to their line manager for approval and signature. Please note that the approving person should be the manager delegated with this responsibility, this is not always the immediate line manager. If the request is approved, a signed copy of the form will be sent to P&OD who will process the application. Where an application has been received and approved, the employee will be notified in writing by P&OD, which will include the amount the individual will be credited. The employee will be given a timescale to confirm in writing that they wish to go ahead.

7 FRAUD

Any breach of this policy that may be considered fraudulent will be reported to the Local Counter Fraud Specialist (LCFS) for investigation and this may result in criminal and/or disciplinary proceedings being commenced. Any allegation of fraud that is upheld in relation to this policy may result in dismissal with or without notice. If an employee suspects fraud may be occurring in the workplace they can contact the LCFS to discuss those concerns confidentially on 01302 642999 or via mark.bishop1@nhs.net. Alternatively, suspicions of fraud can be reported to the NHS Fraud and Corruption Reporting Line on 0800 028 40 60 or online at: <https://cfa.nhs.uk/reportfraud>

8 TRAINING/SUPPORT

Advice and support is available from senior management, and from the People Business Partners.

9 MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT

What is being Monitored	Who will carry out the Monitoring	How often	How Reviewed/ Where Reported to
Non-compliance of policy by Divisions and Directorates	People & Organisational Development	On-going	Issues to be reported to respective Division and Directorate management teams.
Review of Policy	People & Organisational Development	On-going	Amendments to reflect guidance from NHS Employers, changes in best practice, or changes to legislation.
Compliance at Division/Directorate level	Division/ Directorate Senior Management	On-going	Managers review with Division and Directorate management teams as part of monitoring.
Compliance of Policy	Internal Audit	Annual Audit Practice	As per annual audit practice.
Compliance with Policy	Senior Management responsible for approval of annual leave	On-going	Review of resourcing levels and workforce issues.

10 DEFINITIONS

Annual Leave Year	Most employees have a standard annual leave year which begins on 1 April and ends on 31 March each year. However some Consultants will work to the annual date of their appointment. Either is acceptable and the date of appointment approach for Consultants may mean there isn't an unhelpful surge to use up leave at one point in the year.
SAS	Senior Associate Specialist

PA & SPAs	<p>Programmed Activity (PA) relates to a 4-hour unit of time (one half day), 10 of which comprise a consultant’s work week. In contrast to supporting professional activities, programmed activities are dedicated to direct clinical care.</p> <p>Supporting Professional Activities (SPAs) are “activities that underpin direct clinical care. This may include participation in training, medical education, continuing professional development, formal teaching, audit, job planning, appraisal, research, clinical management and local clinical governance activities.”</p>
Study Leave and Professional Leave	<p>Under the terms of the current Consultant and SAS contracts, study leave and professional leave are considered as one in terms of assessing the allowance. Study leave is time allowed for continued professional development whilst professional leave is an allowance for any ‘external NHS duty’ undertaken outside the job plan.</p>

11 EQUALITY IMPACT ASSESSMENT

The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are disadvantaged over others. Our objectives and responsibilities relating to equality and diversity are outlined within our equality schemes. When considering the needs and assessing the impact of a procedural document any discriminatory factors must be identified.

An Equality Impact Assessment (EIA) has been conducted on this procedural document in line with the principles of the Equality Analysis Policy (CORP/EMP 27) and the Fair Treatment For All Policy (CORP/EMP 4).

The purpose of the EIA is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified. (See Appendix 9)

12 ASSOCIATED TRUST PROCEDURAL DOCUMENTS

- Sickness Absence Policy - (CORP/EMP 1)
- Fair Treatment for All Policy - (CORP/EMP 4)
- Parental Leave Policy - (CORP/EMP 15)
- Equality Analysis Policy - (CORP/EMP 27)
- Employee Expenses and Subsistence Policy - (CORP/EMP 33)
- Special Leave Policy (incorporating Carer’s and Emergency Leave) - (CORP/EMP 47)

- DBTH Study Leave & associated funding policy – (CORP EMP 61)

13 DATA PROTECTION

Any personal data processing associated with this policy will be carried out under 'Current data protection legislation' as in the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR) 2021.

For further information on data processing carried out by the trust, please refer to our Privacy Notices and other information which you can find on the trust website:

<https://www.dbth.nhs.uk/about-us/our-publications/information-governance/>

14 REFERENCES

NHS Employers - <http://www.nhsemployers.org/home>

APPENDIX 1 – SENIOR DOCTORS’ LEAVE GUIDANCE

Introduction

Consultants and SAS Grades Leave guidance sets out the level of annual leave entitlements for Consultant and SAS doctors and the required notice period for leave requests.

Information is also given relating to study and professional leave in terms of entitlements and how leave taken will be recorded.

Annual leave entitlement

The annual leave entitlement is given in the following table. All annual leave years will be from the date of appointment (though some may prefer to use 1st April or 1st Jan by agreement).

	Consultants	Specialist & Specialty Doctors (2021 TCS)	Associate Specialist and Specialty Doctors (2008 TCS)
Annual Leave	<p>Consultants are entitled to annual leave at the following “rates” per year, exclusive of public holidays and extra statutory days:</p> <ul style="list-style-type: none"> • If less than 7 years of completed service as a consultant= 6 weeks • If more than 7 years of completed service as a consultant =6 weeks + two days 	<p>Doctors upon first appointment to the Specialist/Specialty Doctor 2021 grade shall be entitled to annual leave at the rate of five weeks and two days a year.</p> <p>Doctors who have completed a minimum of two years’ service in the Specialist grade or Specialty Doctor grade and/or in equivalent grades or who had an entitlement to six weeks’ annual leave a year or</p>	<p>Associate Specialists doctors -- 6 weeks.</p> <p>A speciality doctor who has completed a minimum of 2 years’ service in the speciality doctor grade or who has an entitlement to 6 weeks annual leave or more in their immediate previous appointments shall be entitled to annual leave at the rate of 6 weeks per year.</p> <p>Doctors other than those shall be entitled to leave at the rate of 5 weeks per year.</p>

		<p>more in their immediately previous appointments shall be entitled to annual leave at the rate of six weeks and two days a year</p> <p>These leave entitlements include the two extra statutory days available in England in previous contracts.</p> <p>Doctors who have completed a minimum of seven years' service in the Specialist or Specialty Doctor or equivalent grade will receive an additional day of annual leave</p>	<p>All SAS doctors are entitled to 2 NHS statutory days added to their allowance. (pro rata for part time doctors)</p>
<p>Public Holidays & Lieu days</p>	<p>The leave entitlements of consultants in regular appointment are additional to eight public holidays and two statutory holidays or days in lieu thereof.</p> <p>The two statutory days may, by local agreement, be</p>	<p>The annual leave entitlement of doctors in regular appointment is additional to eight public holidays</p> <p>8 public holidays for full-time contract, pro rata for part-time contracts</p> <p>For example a Doctor working:</p> <p>4 days weekly timetabled= 6.5 days</p> <p>3 days weekly timetable= 5 days</p> <p>2 days weekly timetable = 3 days</p>	

	<p>converted to a period of annual leave.</p> <p>In addition, a consultant who in the course of his or her duty was required to be present in hospital or other place of work between the hours of midnight and 9am on statutory or public holidays should receive a day off in lieu.</p>	<p>1 day weekly timetabled= 1.5 days</p> <p>In addition, a doctor who in the course of his or her duty was required to be present in hospital or other place of work between the hours of midnight and 9.00am on a statutory or public holiday should receive a day off in lieu</p> <p>Where a public holiday, including Christmas Day (25 December), Boxing Day (26 December) or New Year's Day (1 January), falls on a Saturday or a Sunday, the public holiday will be designated instead as falling on the first working weekday thereafter. In such circumstances, no day in lieu then arises for the work undertaken on Christmas Day (25 December), Boxing Day (26 December) or New Year's Day (1 January).</p>	
Notice required for a request for leave	6 weeks	6 weeks	6 weeks

SUMMARY OF ENTITLEMENTS (AS PER VARIOUS CONTRACT TERMS)

1. **Consultants with less than 7 years' service** – 6 weeks ,2 statutory days & 8 public holidays (pro rata)
2. **Consultants after 7 years' service** - 6 weeks, 2 statutory days, 2 days seniority & 8 public holidays (pro rata)
3. **Specialty/Specialist Doctors (2021 and 2008 contract) with less than 2 years' service**--5 weeks, 2 statutory days & 8 public holidays (pro rata)
4. **Specialty/Specialist Doctors (2021 & 2008 contract) & Associate Specialist (2008)with more than 2 years' service** 6 weeks, 2 statutory days & 8 public holidays (pro rata)
5. **Specialty/Specialist Doctors (2021 contract) with more than 7 years' service**--6 weeks ,2 statutory days, 1 day seniority & 8 public holidays (pro rata)

Conversion weeks to days:	6 weeks Leave	5 weeks Leave
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<i>5 days weekly timetabled</i>	30	25
<i>4 days weekly timetabled</i>	24	20
<i>3 days weekly timetabled</i>	18	15
<i>2 days weekly timetabled</i>	12	10
<i>1 day weekly timetabled</i>	6	5

Variable Weekly Timetable: *If a doctor's working week alternates between 4 days in 1 week and 3 days the next week, their average working days for annual leave calculation purposes will be 3.5 days a week*

Calculation of annual leave entitlements

This will normally be done on a "days" basis, using a 5 day week rate (i.e 5 days timetabled). For many individuals (e.g. part-time contracts or those who have a weekly timetable for less than 5 days a week) may use some other basis by agreement at the annual job planning e.g. PAs, sessions or even hours.

Annualised PAs: Not all PAs can be input into a weekly job plan timetable/schedule. Where activity is delivered flexibly or outside the timetabled activity (an example of annualised PAs is on-call, flexible PAs etc) PAs are annualised. For 1 PA tariff on the job plan doctor will deliver 42 annualised PAs of activity (thus making an allowance for 10 weeks of leave which includes annual leave, study leave and public holidays)

Full time and LTFT —. LTFT doctors working 3 days would work shorter days, than a full time doctor time tabled for 3 working days, who will have longer working days. Hence, when leave is taken by the LTFT doctor for 1 day it has a smaller number of hours/PAs loss of work e.g 1.5 PA or 6 hours of work, compared to leave taken by a full time doctor working long days e.g 3PA =12hours of work.

A week, for the purpose of annual leave entitlement, consists of whatever constitutes the doctors' normal working week. So for a doctor (whether part time or full time) who works a three-day week, a week's leave entails three working days off. Leave cannot apply to a day when no work is scheduled to take place. Annual leave entitlement (days per annum) is based on the assumption that the normal working week is five days. Therefore, if the timetabled working week is only three days, the annual leave entitlement is based on the pro-rata calculation of $\frac{3}{5}$ x annual entitlement equals the annual leave for entitlement for that individual.

Taking an extreme example, it is possible that a doctor could deliver their contractual commitment in two days of work. If a doctor in that position took all their leave in individual

days rather than weeks (on the assumption that 6 weeks = 30 days), they could spend several months away from the hospital. Although this is an extreme example, the principle that such a way of using leave is not consistent with professionalism and is unfair on their colleagues can be easily understood. In this case, the annual leave entitlement could be expressed as $2/5 \times 30 = 12$ days.

Deducting leave:

Leave entitlements are based on timetabled working days. Deductions must also be based on timetabled working days.

Half Day Leave Requests: Half day leave is defined by the day worked. If a doctor works 10 hours on a particular day, half day of annual leave on the day means 5hours. Similarly, they work 5 hours on another day, half day means 2.5hour on that day.

Proportionately taking leave in DCC and SPA time

Doctors should aim to take their leave to impact proportionately on their DCC and SPA (and external duties) activities. Therefore Doctors should take leave on all the timetabled days proportionately (NB: If the doctor works on a Friday then out of the total of 34days, they should take a proportionate number Fridays in the leave year). Where practicable doctors should avoid booking an unreasonably disproportionate amount of DCC PAs as annual leave, compared to SPAs. They should not book disproportionate number of days when they work longer days.

Division/Directorate annual leave guidance

Each Division/Directorate / Specialty/Team must have clear, fair and equitable annual leave guidance. It should ensure that the core business of the Division/Directorate / Specialty and safe patient care is maintained. For instance, it will determine how many of each grade can be allowed off at any one time. The guidance should also ensure that leave is spread over the year, trying to avoid large peaks as much as possible.

Authorisation of annual leave requests

The Division/Clinical Director or his / her nominated deputy will authorise all requests from their Division/Specialty/Team. Request for annual leave from the /Clinical Director will be authorised by the Divisional Director or his / her nominated deputies. Requests for annual leave from the Divisional Director will be authorised by the COO/Medical Director. Appropriate cover for General Management of the Division/Specialty must be maintained. Carry over of up to 5 days (pro rata for part time doctors) will follow the same line management approval principles.

Study Leave and Professional Leave - Definition

Under the terms of the current consultant and SAS contracts, study leave and professional leave are considered as one in terms of assessing the allowance. Study leave is time allowed

for continued professional development whilst professional leave is an allowance for any 'external NHS duty' undertaken outside the job plan.

Professional and study leave includes:

- a. study, usually but not exclusively on a course or programme
- b. research
- c. teaching
- d. examining or taking examinations
- e. visiting clinics and attending professional conferences
- f. training
- g. wider NHS activities (eg College work, Specialty Associations etc)

A third category is **duty leave**; this is where the Trust requires a senior doctor to attend a meeting. If these are a regular event then the time should be included in the job plan; irregular meetings etc should, where possible, be allowed for within that week's rota or time given back ('lieu time') if it falls on non-working day/time. This should be called 'duty time' as the doctor is actually working.

Allowance for Study / Professional Leave

The allowance is 30 days over a three year cycle (including off-duty days falling within the period of leave – see national terms and conditions). No leave (or expenses) can be carried forward to the next cycle (though 3 months is allowed for claiming expenses which might 'carry over'). The cycle starts from the beginning of the financial year. A pro rata allowance will be needed in the first year of appointment. The expectation is that doctors will try to spread their study / professional leave across the 3 year period. If more than 10 days are requested in any one year and the Division/Clinical Director has concerns about the impact this will have, the request will be referred to the Medical Director.

Study / Professional Leave applications

Six weeks' notice must be given for all applications. Short notice approval will only be given if there is no impact on service or the course / meeting is felt to be important for that individual, the Trust or the NHS.

Authorisation of Study / Professional Leave

Leave will be authorised by the Division/Clinical Director or his / her nominated deputy (with input from the Specialty Lead where appropriate). Decisions will be based on the continued professional development of the doctor, or on the needs of the Trust / NHS.

Recording Study / Professional Leave

It is the responsibility of the Division/Clinical Director to record all study and professional leave and to ensure the allowance is not exceeded and it is appropriate.

Study Leave and work

For the majority of doctors, if study leave occurs during normal clinical time then the clinical time cannot be reclaimed by the Division/Specialty. Likewise, if the study leave occurs during non-clinical time, the doctor cannot claim this time back. No doctor should lose out or gained from taking study leave. Study leave is classed as work and if a doctor is required to attend a course on a day they would not normally be working they should claim a lieu day if study leave is being deducted from their study leave entitlement and they are claiming any necessary expenses. If the doctor is receiving a fee from the organiser then they should not claim back the days as lieu.

Additional Study / Professional Leave

In exceptional circumstances requests for additional time with or without funding can be made to the Medical Director. The request will have to demonstrate how the individual / the Trust / the NHS will benefit from the additional leave.

Overseas Study leave

Approved applications for overseas study leave should be notified to the Medical Director's Office and a maximum of £600 for expenses (including fees/travel/expenses) can be claimed per occasion

Short Notice Leave

Medical staff members are able to book up to two days leave at short notice to cover dental/medical or other short notice personal appointments.

APPENDIX 2 – AGENDA FOR CHANGE EMPLOYEES LEAVE GUIDANCE

On appointment	27 days + 8 days Bank Holidays
After five years' service	29 days + 8 days Bank Holidays
After ten years' service	33 days + 8 days Bank Holidays

Employees required to work or to be on-call on a general public holiday are entitled to equivalent time to be taken off in lieu at plain time rates, in addition to the appropriate payment for the duties undertaken.

Where employees work shifts, other than standard 7½ hours excluding meal breaks, annual leave and general public holiday entitlements should be calculated on an hourly basis, to ensure they receive the correct leave in proportion to their contracted hours.

Part-time workers will be entitled to paid public holidays no less than pro-rata to the number of public holidays for a full-time worker, rounded up to the nearest hour. Part-time workers' public holiday entitlement shall be added to their annual leave entitlement, and they shall take public holidays they would normally work as annual leave. (An annual leave ready reckoner is available to assist with the calculation of annual leave entitlements).

Pay during annual leave will include regularly paid supplements, including any recruitment and retention premia, payments for work outside normal hours and high cost area supplements. Pay is calculated on the basis of what the individual would have received had he/she been at work. The implementation of the Collective Agreed Framework in relation to annual leave payments clarifies that this should include regularly worked overtime and additional standard hours in the calculation of pay when employees are on annual leave. Any payments will be made based on the eligibility criteria as set out in the national framework (section 13.9 of the NHS terms and conditions of service).

Study or Educational Leave for Agenda for Change Employees

Further information/advice is available via DBTH Study Leave & Associated Funding Policy (CORP/EMP 61).

APPENDIX 3 – APPLICATION FORM PURCHASE ADDITIONAL LEAVE

<u>Employee Details</u>			
Name:		Assignment No:	
Post Title:		Contracted Hours:	
Department:		Pay Band:	
Email Address:			

<u>Request Details</u>			
How many <u>hours</u> leave would you like to purchase?			
Employee's signature:		Date	

<u>Manager Approval</u>			
Manager Name:			
Manager Assignment Number:			
Manager Email Address:			
Manager's signature:		Date	

APPENDIX 4 – CONFIRMATION LETTER



Doncaster Royal Infirmary
Armthorpe Road
Doncaster
South Yorkshire
DN2 5LT

INSERT DATE

NAME
ADDRESS
POST CODE

Dear NAME,

Re: Application Process – Purchase of Additional Annual Leave

I am writing to you in relation to your recent application to purchase X amount of additional leave hours in line with the Trust Leave Policy.

I am pleased to be able to inform you that the Trust has been able to support and approve your request. To finalise the process please can I ask that you sign and return a copy of this letter so that it can be placed on your personal file. Failure to sign and return a copy of this letter within 2 weeks from the date of this letter will result in the approval of the additional annual leave being withdrawn.

It is also important to note that by signing a copy of this letter you are agreeing to the deduction from your salary of the cost of purchasing the additional annual leave, which has been calculated and confirmed to be (INSERT COST FROM APPLCIATION FORM). Once I have received a signed copy of this letter we will discuss and finalise the dates on which you intend to take your additional leave.

If you have any queries or questions please do not hesitate to contact me to discuss further.

Yours sincerely

NAME OF LINE MANAGER

Print Name:

Signature:

Date:

APPENDIX 5 – APPLICATION FORM SELLING OF ANNUAL LEAVE

<u>Employee's Application</u>			
Name:		Assignment No:	
Post:		Contracted weekly hours:	
Department:		DBTH Start Date:	
Line Manager:			

No. of hours annual leave entitlement per year:			
No. of hours annual leave already taken in leave year:			
No. of hours annual leave left to take in leave year:			
How many hours leave would you like to sell?			
Employee's signature:		Date	

<u>Manager's Approval if Agreeing to sell annual Leave</u>			
Manager's signature:		Date	

APPENDIX 6 - TABLE OF RESPONSIBILITIES

Chief Executive	Formal overall responsibility for ensuring that all leave processes and procedures within the Trust are consistent.
Director of People & OD	Responsible for ensuring that there are robust leave processes and procedures in place.
Division & Corporate Directorate	Each area should establish clear, fair and equitable ways of applying this policy which are communicated regularly to all employees. This is to make sure that their core business and safe patient care is maintained. For instance, it will determine how many of each grade can be allowed off at any one time and take account of the peaks and troughs for that service, for example year end in Finance, payroll timings in People and Organisational Development and winter planning in clinical areas. This should also ensure that leave is spread over the year, trying to avoid large peaks as much as possible.
All Managers	<p>A manager's first responsibility is to ensure the continuity of services for our patients. This needs balancing with the responsibility to ensure all employees have adequate rest and recuperation by using their annual leave regularly which ensures the overall service we provide for patients is enhanced.</p> <p>Secondly managers are responsible for ensuring they apply this policy consistently and fairly across their area, escalating any issue with covering the service or any unresolved disputes regarding application of this policy as soon as possible to their line manager with ultimate discretion lying with the Division / Directorate or Corporate Management Teams.</p>
All Employees	We all share a responsibility to make sure that we plan our leave year to regularly use our leave over the whole year, apply for leave in good time, no less than six weeks and take account of our duty to provide a service for our patients and your local management arrangements.

APPENDIX 7 - EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING

Policy	Division/Directorate and Department	Assessor (s)	New or Existing Service or Policy?	Date of Assessment
CORP/EMP 49 v.2 - DBTH Leave Policy	People and Organisational Development	Ashish Kaushik	Existing policy	May 2023
1. Who is responsible for this policy? P&OD (HR Services)				
2. Describe the purpose of the policy? Process/guidance on implementation of annual leave requirements.				
3. Are there any associated objectives? Provide consistent approach to implementation and application of annual leave processes across the Trust				
4. What factors contribute or detract from achieving intended outcomes? Individuals may be unaware of their roles & responsibilities				
5. Does the policy have an impact in terms of age, race, disability, gender, gender reassignment, sexual orientation, marriage/civil partnership, maternity/pregnancy and religion/belief? No				
<ul style="list-style-type: none"> • If yes, please describe current or planned activities to address the impact N/A 				
6. Is there any scope for new measures which would promote equality? No				
7. Are any of the following groups adversely affected by the policy?				
a. Protected Characteristics	Affected?	Impact		
b. Age	No			
c. Disability	No			
d. Gender	No			
e. Gender Reassignment	No			
f. Marriage/Civil Partnership	No			
g. Maternity/Pregnancy	No			
h. Race	No			
i. Religion/Belief	No			
j. Sexual Orientation	No			
8. Provide the Equality Rating of the service/ function/policy /project / strategy				
Outcome 1 ✓	Outcome 2	Outcome 3	Outcome 4	
9. Date for next review: May 2026				
Checked by: Tully Monk		Date May 2023		

