



Leave Policy, Procedure & Guidance (Staff)

Document Governance

Ratified Date	19/07/2023	Version No	6	Expiry Date <i>Max. 3 years from ratification</i>	24/03/2025
Reason(s) for change (if not new at this edition)					
To update the Leave Guidance document and bring policy in line with current practices. Also added in the new buying/selling leave provision.					

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Document Type:	Policy Procedure Guidance	Reference No:	HR041	Document level:	Trust wide
Document Grading:	Medium				
Document purpose:	To advise managers and employees about types of leave available to staff and to provide a framework for requesting and authorising special leave.				
Applicable to	All Staff employed by Lancashire and South Cumbria NHS Foundation Trust.				

People/Groups Consulted:	Policy Management Group and the Partnership Forum via the Policy Group, Women's Staff Network, LGBTQ+ Network, Disability Network, Race Equality Network
Approval Meeting:	JNCC
Governance Assurance Meeting:	People and Culture Committee

Other documents to be read in conjunction	Gender Reassignment Support in the Workplace Policy Substance Misuse and Gambling Policy Maternity and other Family Friendly Leave Policy (Time off for Fertility
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	treatment purposes) Flexible Working Policy (which covers Employment break /other options for working Flexibly) Carer Policy Domestic Abuse Policy Reasonable Adjustments Policy (re Time off for Medical appointments) Health at Work Policy
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Version Control and Change Summary

Version	Date	Section	Author	Comments
1	September 2018			<i>Policy updated with new template and clearer guidance.</i>
2	September 2019			Update due to review and new NHS terms and conditions regarding child bereavement leave
3	January 2022	Compassionate leave re child	Lisa Banks/ Lisa Lever/Clare Turner	To bring in line with revisions to section 23 of NHS terms and conditions of service handbook (re child bereavement leave) Insertion of parental leave previously in Maternity/paternity and adoption Policy and Employment break from Flexible Working Policy.
4	December 2022	Compassionate Leave (5.4.13)	Jen Turner	To set out Trust policy in relation to compassionate leave available for pregnancy loss including miscarriage and abortion.
5	January 2023	Appendix A	Jen Turner	To move the annual leave guidance document to become an appendix of this Policy.
6	May 2023		John Hutchinson & Abigail Fitzpatrick	To update the Leave Guidance document and bring policy in line with current practices. Also added in the new buying/selling leave provision.

Contents	Page No
Procedural Document Governance	1-2
1.0 Introduction and Purpose	4
2.0 Scope	5
3.0 Definitions	5
4.0 Duties	5
5.0 The Policy/Procedure <ul style="list-style-type: none"> ○ Annual Leave 18.0 Special Leave Provisions <ul style="list-style-type: none"> ○ Public and Civic Duties ○ Time off for training ○ Compassionate leave ○ Emergency Domestic Leave ○ Carers leave and Parental Leave ○ Time off for Medical Appointments ○ Time off to attend Job Interviews ○ Employment Breaks ○ Counter fraud 	7-20
29.0 Monitoring	21
30.0 References (including applicable NICE publications)	21
31.0 Implementation Plan	21
Appendices	
A Annual Leave Guidance	22-26
Standard Appendices	
Appendix i. – Equality Impact Assessment	27

1.0 Introduction and purpose

- 1.1 Lancashire & South Cumbria NHS Foundation Trust recognises its obligations under the relevant employment legislation to provide eligible employees with the appropriate time off for annual leave and for family and parental responsibilities, reasonable time off to deal with unforeseen and immediate emergencies involving dependents and undertaking their public and civic duties.
- 1.2 The trust recognises that balancing domestic, professional and work responsibilities can be challenging when staff only have their leave allocation to allow them to take time away from the workplace. Whilst the expectation remains that employees use their annual leave when they are unable to work because of non-work responsibilities and events, the trust has put in place special leave provision to support staff in balancing these demands and these are outlined in this policy.
- 1.3 The provisions outlined in this Policy and Procedure may be amended from time to time, to reflect changes in legislation, NHS Terms and Conditions of Service provisions, relevant Terms and Conditions for Medical Staff or, to reflect organisational needs.
- 1.4 The overall objectives of the Trust's Leave policy are:
- To provide employees with clear and consistent information on annual leave provision.
 - To provide information and guidance for managers dealing with requests for leave
 - To provide employees with clear and consistent information on the various other types of leave they may be entitled to apply for.
 - To ensure a fair approach to supporting employees in balancing their domestic and work responsibilities.
 - To provide information and guidance for managers dealing with requests for special leave
 - To ensure the Trust is aware of its statutory obligations under the relevant employment legislation.
 - This policy is in line with the relevant legislation and the NHS Terms & Conditions of Service Handbook

2.0 Scope

- 2.1 This policy applies to all Trust employees, full-time or part-time. This policy is not applicable to Bank workers and Doctors in Training.

3.0 Definitions

- 3.1 Continuous Service** – full or part-time employment with the Trust or any previous NHS employer, where there has not been a break in service (the length of break that would effectively break continuous service will depend on the specific provision or entitlement being claimed by the employee).
- 3.2 Reckonable Service** – any full or part-time employment with the Trust or any previous NHS employer, or recognised non-NHS organisation.
- 3.3 Dependant** - a spouse, civil partner, a child or parent of the employee, a person who lives in the same household (except tenants, lodgers, boarders and employees), or those who reasonably rely on the employee in an emergency/to make arrangements for the provision of care. This does not extend to domesticated animals or pets.

4.0 Duties

4.1 Chief Executive & The Trust Board

- 4.1.1 Has responsibility to ensure that appropriate Policies and Procedures are in place to manage the provision of special leave for employees
- 4.1.2 Ensure a consistent framework is in place for managers
- 4.1.3 Has principal responsibility for ensuring the content of this Policy is applied consistently and fairly across the Trust.

4.2 Human Resources

- 4.2.1 Are responsible for overseeing the introduction, operation and monitoring of this Policy and reporting to the Trust Board.
- 4.2.2 Are responsible for ensuring the provision of training, guidance and support to Line Managers on the implementation of the Policy.
- 4.2.3 Are responsible for promoting the adoption of consistent and fair application of the Policy throughout the Trust.
- 4.2.4 Are responsible for working with staff and the Workforce to ensure that appropriate evidence is submitted and leave entitlement is corrected when made aware of errors with leave entitlement not reflecting reckonable service.

4.3 Line Managers

- 4.3.1 Are responsible for the dissemination and implementation of this policy within their teams.

- 4.3.2 Are responsible for liaising with the relevant HR Advisor to seek professional advice and guidance on the implementation of the Policy
- 4.3.3 Are responsible for ensuring that employees are aware of their responsibilities in relation to the Policy and understand what is expected of them.
- 4.3.4 Are required to record all leave granted within the scope of this Policy on personal records and on Health Roster.
- 4.3.5 Are responsible for ensuring that there is appropriate cover at senior management level at all times throughout the year when booking/arranging leave, to ensure that junior staff are adequately supported.

4.4 Employees

- 4.4.1 Are responsible for submitting applications for leave in accordance with the procedures set out in this document.
- 4.4.2 Are responsible for adhering to the terms of their individual leave agreement.
- 4.4.3 Are responsible for providing any supporting documentation, as requested by management, when applying for leave.
- 4.4.4 Are responsible for ensuring that their annual leave entitlement recorded on the system is reflective of their NHS reckonable service and reflective of any additional leave purchased or sold.
- 4.4.5 Whilst it is expected that employee's may 'hold-back' some annual leave in order to cover any unforeseen/emergency situations. Employees need to take responsibility for spreading their leave out across the leave year. This is to aid their own wellbeing, and to ensure that they are taking appropriate rest throughout the year, as well as aiding rota planning and to avoid the situation where there is a surge of leave requests at the end of the leave year.

5.0The Policy/Procedure

Annual Leave

5.1 Annual Leave Entitlement

5.1.1 The basic annual leave provisions under NHS Terms and Conditions of Service, are contained in the table below.

Entitlements for Medical Staff can be found in the associated guidance document.

Annual Leave Entitlement

Length of service	Annual leave + General Public Holidays
On appointment	27 days (202.5 hours) + 8 days (60hours)
After 5 years' NHS service*	29 days (217.5 hours) + 8 days (60 hours)
After 10 years' NHS service*	33 ays (247.5 hours)+ 8 days (60 hours)

*Please see sections 6.2 - 6.4 for definition of NHS service.

5.1.2 The Trust Policy is to determine annual leave entitlement in hours not days for all staff regardless of whether the employee is full-time or part time. The benefit for all Trust employees in calculating entitlement in hours is that this ensures equity for all by ensuring that staff who work variable hours/shifts do not receive either more or less leave than colleagues who work a standard pattern. For example, if an employee working nights, on 10 hour shifts, takes annual leave over one shift, then 10 hours is deducted from the annual leave entitlement.

The calculation of annual leave entitlements pertaining to all staff is available on the annual leave calculator on the E-HR Infopoint.

6.0 Calculation of NHS Service

6.1 Please note that this section is not applicable to medical staff whose leave entitlement is determined by their grade. Medical staff should consult with the Medical HR department for further information.

6.2 An employee’s continuous previous service with a NHS employer will count as reckonable service in respect of annual leave.

6.3 In addition, aggregated NHS service, i.e. any period of time that has been worked in the NHS, regardless of whether or not there has been a break in service, will count as reckonable service for annual leave.

- 6.4 For purposes of aggregated service, time spent in a highly relevant role in organisations other than the NHS, may, at the discretion of the Manager, be counted as aggregated service for annual leave purposes, e.g. Service with any local authority, GP Practices, Nursing Homes. Evidence may be taken from the application form, references and job descriptions. A Manager must be able to justify their decision, including the impact on others already in post. If the manager considers offering more than the basic entitlement on this basis, they must discuss it with their HR Business Partner.

Locum agency or Bank service will not count.

- 6.5 In order to have previous service, as detailed above, regarded as reckonable service, staff will need to provide formal documentary evidence of any relevant, reckonable service. Further clarification and guidance must be sought from HR prior to confirming aggregated service.

7.0 Entitlement on Joining

- 7.1 All new members of staff will be entitled to annual leave plus the Bank Holidays that fall within their period of employment, on a pro-rata basis.
- 7.2 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. For example, if someone commences work on the 6 June they will be entitled to nine twelfths of the total annual leave entitlement, as the month of June will not apply for calculating annual leave entitlement.
- 7.3 Similarly, annual leave entitlement for part years can be calculated using the annual leave calculator on E-HR Infopoint but this must be pro rata to the number of months in the leave year since joining. Annual leave is calculated based on 1/12th for each complete calendar month (subject to the terms of the paragraph above).
- 7.4 The Bank Holiday hour's entitlement will be based on the number of Bank Holidays remaining in the current leave year from the date of joining.
- 7.5 For medical staff the leave year runs from the anniversary date of their appointment or adjusted to a common start date in force for Doctors at the Trust. No detriment will arise from the leave year adjustment for the Doctor.

8.0 Calculation of Annual Leave

- 8.1 Annual leave can be calculated using the Annual Leave Calculator on e-HR Infopoint.
- 8.2 Calculation of entitlement must be completed by the employees' line manager. In cases of Term Time Only working advice can be sought from the HR department.

9.0 Entitlement on Changing Contracted Hours

- 9.1 Where staff change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed months on the new and the old contracted hours to give the full year entitlement. The Trust policy is that where staff change their contracted hours part way through a month they should not lose entitlement. Therefore, in these cases the entitlement for the change-over month will be calculated on the basic weekly contracted hours that they predominantly worked for that month.

10.0 General Holidays ('Bank Holidays')

- 10.1 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.
- 10.2 Employees will be entitled to all paid General Public Holidays (Bank Holidays) in the leave Year, providing that they are employed with the Trust at the time the specific Bank Holiday falls. All part time staff are entitled to the Bank Holidays pro rata to the full time allowance.

The 8 Bank Holidays in the year are:

- Christmas Day
- Boxing Day
- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- August Bank Holiday

- 10.3 All employees are entitled to the above 8 paid Bank Holidays in the leave year. In the case of part-time staff, this will be a proportionate number of Bank Holiday hours based on their basic weekly contracted hours. In this way, all employees have a fair and equitable, static entitlement rather than eligibility based solely on the normal days of work which would result in some part time employees never receiving the benefit of Bank Holidays unless they fall on their normal days of work. Similarly, this calculation based on the number of basic weekly contracted hours removes any potential for inequity in the case of staff whose working days vary.
- 10.4 On each and every occasion an employee takes paid time off on a Bank Holiday as part of their basic week, the appropriate deduction of their normal basic working hours for that day will be made from their overall entitlement. Where operationally possible and subject to mutual agreement, an employee may change their days of working during a Bank Holiday week and therefore retain their leave entitlement in respect of the Bank Holiday. This can then be taken as time off at another time.
- 10.5 For part time staff it is suggested that at the beginning of the leave year they use the system in order to identify, record and deduct their bank holiday hours across

the year as appropriate in order to identify the correct amount of leave hours remaining. For some part time staff, it may be necessary to use annual leave in order to take bank holidays off where bank holiday entitlement does not cover the entire annual entitlement. There is no requirement to book bank holiday hours if the bank holiday falls on a non-working day.

- 10.6 It is suggested, in the case of employees who are never required to work on any Bank Holidays that fall on a normal working day, that at the beginning of the leave year, Managers and staff may find it helpful to make the appropriate total Bank Holidays calculation (using the annual leave calculator on the Trust Intranet) so that the balance of leave entitlement is identified, recorded and deducted as necessary. Clearly, this deduction cannot be made if the employees' working days vary. For example, an Admin Assistant in Finance works Monday to Friday – the office is always closed during public holidays.
- 10.7 Medical staff also receive 2 statutory days (or days in lieu) and have additional provisions in their contracts about TOIL for bank holidays if they are on-call on any part of a bank holiday.
- 10.8 To calculate an employee's total leave entitlement inclusive of Bank Holidays, the online annual leave calculator available on E-HR Infopoint should be used

11.0 Carry Over of Annual Leave

- 11.1 It is important that staff are enabled to take their leave during the leave year. Only in exceptional circumstances and with the approval of the line manager can annual leave be carried over into the next year. In this event a maximum of 1 weeks basic contracted hours may be carried over to the following year. Any leave that is to be carried over must be requested by the employee, in the annual leave year in which it has accrued, and must be taken before the end of June in the new leave year.
- 11.2 Where staff have exceptionally been prevented from taking their leave due to service demands then, again, the amount carried forward will be expressed in contracted hours and this should not normally exceed one week.
- 11.3 Where staff work variable shifts and are left at the end of the annual leave year with a number of hours less than that usually worked on a shift, the employee may add this to accrued time off in lieu to allow for a full shift to be taken. If the employee does not have sufficient time off in lieu accrued, then the hours may be carried over into the next leave year. In these circumstances there is no requirement for this amount to be taken before the end of June in the new leave year.
- 11.4 The use of annual leave being brought forwards from the next annual leave year in the current leave year is not permitted under any circumstances.
- 11.5 Employees returning from maternity leave can carry over all untaken annual leave from their full contractual entitlement, including bank holidays.

12.0 Leave taken during a period of sickness absence

- 12.1 Employees should be encouraged to use their annual leave during periods of longer term sickness (i.e. above four weeks). This will ensure that no annual leave is lost at the end of the annual leave year and ensure that any contact with the employee or planned meetings under the Health at Work Policy are scheduled when the employee is available. Where pre booked annual leave is used to take a holiday and the employee is not prevented from going on holiday due to being unwell, there are no grounds to reclassify annual leave for this period as sickness absence. Please refer to the Health at Work Policy for more details.

13.0 Carry Over of Annual Leave During/After Sickness Absence

- 13.1 The carry-over of annual leave accrued whilst on long-term sick leave will be managed on a case-by-case basis. An important factor to be taken into account is whether or not the employee has been prevented from taking their statutory entitlement to annual leave (for example, due to long-term sickness absence – see above) in the annual leave year in which the leave has accrued. If employees return to work prior to the end of the leave year and they are able to take the remainder of their statutory leave entitlement, this should be permitted, otherwise it may be lost. Where this is not possible, any outstanding statutory annual leave should be requested to be carried over into the next leave year, otherwise it may be lost. For a full time member of staff, full statutory entitlement is 20 days.
- 13.2 Where it is agreed that the '20 day rule' is applicable any annual leave taken prior to the sickness will be deducted from the 20 days to determine the actual amount to be carried over.
- 13.3 So as not to lose any accrued annual leave, employees may request to use annual leave to top up their pay whilst on long-term sick leave (for example, they may feel this is appropriate where their sick pay has been reduced to half or nil pay). In order to request this, it is the staff member's responsibility to make a request in writing to their line manager at the start of every month that they wish to have a top up.
- 13.4 Employees will not be paid for any outstanding annual leave if this has not been taken within appropriate timescales.

14.0 Sickness Occurring During Annual Leave or Bank Holidays

- 14.1 If an employee falls sick whilst on annual leave and would be otherwise be unfit for work, then the period covered will be treated as sick leave, providing the employee follows the Trust procedures for reporting sickness absence (including notifying their manager on the first day they become unwell), and a Medical Fit Note is provided to cover the period of absence. This will enable the employee to take the annual leave at another time.
- 14.2 In accordance with Terms and Conditions of Employment, 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.

15.0 Entitlement on Leaving

- 15.1 All staff are required to take any outstanding annual leave prior to their date of termination (unless in circumstances where the Trust has terminated the employment of the employee). Where this is not practicable, staff may be paid for any outstanding leave. This must be authorised by the individual's line manager.
- 15.2 Staff who leave the Trust will be eligible for 1/12th 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.
- 15.3 Where total leave taken exceeds the earned total leave entitlement an appropriate deduction will be made from final monies.

16.0 Booking Annual Leave

- 16.1 Annual leave must be requested by staff through the Health Roster system. It is the responsibility of the line manager and the employee to request and subsequently record annual leave on Health Roster. HR do not hold a log of any annual leave calculations or amounts taken.
- 16.2 The amount of notice that employees are required to give in order to take their leave should be agreed locally. In those services that are required to publish rosters 6 weeks in advance, then greater than 6 weeks' notice of annual leave should be given. It is recognised that in some instances short notice leave may be accommodated providing there is no disruption to service delivery.
- 16.3 Managers must ensure that appropriate arrangements are in place to facilitate a spread of annual leave throughout the year, which meets the needs of the service. When reviewing requests for leave, consideration should be given to how many employees can be on leave at any one time without impacting service delivery (this will differ depending on the service). Also, consideration should be given to periods of higher than normal demand when developing local arrangements, e.g. the development of a rota for the Christmas period.
- 16.4 Requests from staff who wish to take leave in relation to events that are important to their religious or cultural beliefs should be supported wherever possible.

17.0 Buying and Selling Annual Leave

- 17.1 The Trust operates a scheme to enable staff to buy and sell annual leave. Please see the Leave Guidance for further information about this scheme.

Special Leave Provisions

18.0 Time off for Public and Civic Duties

18.1 Irrespective of length of service, employees have a statutory entitlement to a reasonable amount of unpaid time off for the purpose of performing any of the duties of their office or as member of a public or civic body/organisation.

18.2 Eligible employees will be granted a maximum of 12 days' paid leave in any 12 month period to carry out public and civic duties. Any leave to be taken beyond this limit, will be recorded as annual leave or authorised unpaid leave.

18.3 'Duties' include attendance at meetings or the undertaking of activities approved by the body for the purpose of discharging its functions.

18.4 Eligible employees are those who are:

- A magistrate, sometimes known as a justice of the peace
- A local councilor
- A school governor
- A member of a policy authority
- A member of any statutory tribunal (e.g. an Employment Tribunal)
- A member of the managing or governing body of an educational establishment
- A member of a school council
- A member of the General Teaching Councils for England and Wales
- A member of the Environment Agency
- A member of the prison independent monitoring boards
- A member of a Water Customer Consultation Panel

18.5 Special leave will also be granted to those employees who are required to:

- Attend court as a witness
- *Undertake jury service
- Attend as a witness at an appeal hearing or Employment Tribunal
- Train with the Reserve or Cadet Forces

18.6 For further information about requesting time off for public and civic duties please see the associated annual leave guidance document.

18.7 The amount of special leave granted will depend on how much time off is reasonably required for performance of the particular duty.

**Employees summoned for jury service will be granted authorized paid leave for the duration of the period of jury service: The Trust requires employees to claim for loss of earnings in accordance with Her Majesty's Courts Service's allowance process. Employees are required to forward their 'Certificate of Loss of Earnings or Benefit' certificate to the Trust's Payroll Department, prior to the*

commencement of jury service, allowing at least 5 working days for it to be processed and returned to them. The amount the employee claims from the Courts Service will be deducted from the following month's salary payment. Line managers must record any leave due to jury service on ESR or health roster.

Failure by an employee to follow the correct procedures for claiming loss of earnings through the Courts Service may result in the period of jury service being treated as unpaid leave, with the Trust making the appropriate deduction from the following month's salary.

Line managers reserve the right to ask the employee to present written confirmation that they are required to attend the meeting/event for which they have requested time off.

- 18.8 Where an employee performs a range of public duties, the Trust encourages the employee to, where possible, arrange to undertake duties outside normal working hours.

19.0 Time off For Training

- 19.1 The Trust is committed to facilitating the learning and development of its workforce, and recognises the challenges employees may face when trying to balance their daily workload, with 'off-the-job' learning and development activity.
- 19.2 Under the "Apprenticeships, Skills, Children and Learning Act 2009", employees with at least 26 weeks' continuous service with the organisation (Lancashire & South Cumbria NHS Foundation Trust) have a statutory right to request time off to undertake training or study if they think this will improve their effectiveness in their role, and the performance of the organisation. In practice, this will relate to requests for time off to undertake training or study which is independent from / in addition to mandatory training, statutory training, and/or learning events organised by the Trust.
- 19.3 The training to be undertaken by the employee can include accredited programmes leading to a qualification, or unaccredited training which will help the employee to develop specific skills relevant to their job or the business. The Trust already provides a variety of relevant learning / training opportunities for employees. However, there may be occasions where alternative requests for time off are received.
- 19.4 The Trust is under no obligation to pay employees for time taken out of the workplace to undertake training requested under this policy. However, where a line manager recognises that the training is essential, desirable or work-related; they have the discretion to grant paid time off. Arrangements for paid study leave and meeting the costs of training are covered under the Trust's 'Education, Learning and Development Policy', or for medical employees, the 'Study and Professional Leave Policy for Medical Staff in Non-training Grades'.

20.0 Compassionate Leave

- 20.1 Managers should exercise discretion in granting compassionate leave for employees requiring time off to deal with the death of a dependent. (See section 3.3)
- 20.2 The amount of leave granted in cases of bereavement is dependent upon the relationship of the employee to the deceased and their involvement in the funeral arrangements. Generally, employees may need time off to make funeral arrangements and/or to attend the funeral. As a general principle, one to five days' paid compassionate leave may be appropriate where the deceased was a dependent. In regards to how this is taken it is for the manager and employee to discuss and agree, often it may not be appropriate to take compassionate leave in a block and as such, where applicable, discretion may be used as to how compassionate leave days are split up.
- 20.3 Line managers are encouraged to consider how best to support staff experiencing bereavement or grief of a non-dependant nature, taking into account, a person's culture or religious beliefs, the relationship and the significance of the loss.
- 20.4 Consideration needs also to be given as to whether the employee is appointed as Executor and also the distance of the deceased from the place of employment.
- 20.5 Compassionate/Bereavement Leave can be requested via the Employee Online system.

21.0 Compassionate leave – Death of a child

- 21.1 A bereaved parent is anyone who had responsibility as one of the primary carers for a child of any age 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). This is in line with NHS Terms and Conditions, there is no requirement for the child to be under 18 years of age.
- 21.2 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.
- 21.3 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. Where both parents of a

deceased child work for the Trust, the entitlements in this Section will apply to both members of staff.

- 21.4 Bereaved parents do not have to take the two weeks of leave in a continuous block. The employee should agree with their manager the leave they wish to take. Taking child bereavement leave is an individual choice, it is not compulsory for the employee to take child bereavement leave.
- 21.5 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 manager 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 manager reasonable notice of their intention to take the leave at this time.
- 21.6 Bereaved parents will at no point be required to produce the child's Death Certificate, or any other official documents, in order to access child bereavement leave or pay. If required, management may ask for a written declaration from the employee, within a reasonable timeframe, in order to satisfy statutory requirements.
- 21.7 Further support should be accessed via the Trusts Occupational Health department, Human Resources or line manager as required.

22.0 Pregnancy loss

- 22.1 The Trust is committed to supporting all employees who suffer the loss of a pregnancy. This applies whether the loss happens directly to the employee, their partner, or their baby's surrogate. Pregnancy loss includes but is not limited to: miscarriage, stillbirth, abortion, ectopic pregnancy, molar pregnancy and neonatal loss
- 22.2 When supporting an employee through pregnancy loss, managers can access advice and guidance from the Trust's Maternity and Other Family Friendly Leave Policy.
- 22.3 When supporting an employee through pregnancy loss, managers can access advice and guidance from reputable online sources such as the Miscarriage Alliance or internally via the HR Business Partnering Team.
- 22.4 All employees who have become pregnant and then sadly experienced a pregnancy loss, which occurs before the 16th week before EWC (24 weeks pregnant), including surrogates, are entitled to up to 10 days leave on full pay (pro-rata for part-time staff) to support them through the traumatic time of both the physical and the emotional loss.
- 22.5 Partners of those who experience pregnancy loss are entitled to up to 5 days leave on full pay. Employees who experience the loss of their pregnancy via a surrogate are entitled to up to 5 days leave. If an individual or couple were to

unfortunately experience more than one pregnancy loss this entitlement would apply to each loss.

- 22.6 Employees are entitled to paid time off to attend appointments (or to accompany their partners) relating to pregnancy loss, which do not fall within an agreed period of leave, including but not limited to medical examinations, scans and tests, and mental health-related appointments.
- 22.7 Requests from employees to temporarily amend their working pattern to support them through the difficult time of grieving and recovery following pregnancy loss should be treated sensitively and supportively.
- 22.8 It is recognised that in some circumstances, employees experiencing pregnancy loss may not wish to disclose this to their line manager, particularly at the time it happens. In this case, any time off work that the employee requires will be treated as sickness absence in line with normal trust procedures. It is possible that employees may feel able to disclose this at a later date and then absence records can be updated to reflect that. This will allow the employee to receive any ongoing support they might need.

23.0 Emergency/Domestic Leave

- 23.1 There may be occasions where employees encounter domestic emergencies such as flooding in the home, burglary or severe damage to their home adversely affecting the safety and/or security of the premises.
- 23.2 In such circumstances, the Trust, with discretion, will grant one days' paid special leave for the employee to deal with the immediate problem/emergency. The Special Leave Request form (via Employee Online) may be used to request (retrospectively) and record such leave requests.
- 23.3 Where a longer period of time off is required, or an employee has already taken 5 days' (pro-rata) paid leave (including all carers, compassionate and emergency/domestic leave) over a rolling 12-month period, employees may be asked to take annual leave, use flexitime, or take authorised unpaid leave.

24.0 Carer Leave

- 24.1 Carer leave is available for staff for use for domestic, personal and family reasons and is intended to enable employees to cope with disruption of, or changes to, normal caring responsibilities. It is important to remember that carer leave is intended to support the individual in dealing with immediate, unforeseen needs, therefore, in most cases, one days' paid leave will be sufficient. Managers may use their discretion to extend this period in particularly difficult situations. The Trust, with discretion, will grant an employee a maximum of 5 days' (pro-rata for part-time employees) paid leave in any rolling 12-month period which includes all carers, compassionate and emergency/domestic leave. Further information can be found in the Trust Carers Policy

25.0 Time Off for Medical Appointments

- 25.1 Employees who are required to attend a GP medical appointment will be expected to make all reasonable attempts to arrange for their appointments to take place prior to, or at the end of their shift. However, in urgent cases or where this is otherwise not possible, managers will allow employees up to 2 hours paid time off to attend such appointments. If additional time is needed the employee will be required to take annual leave, unpaid leave or time off in lieu.
- 25.2 Where appointments are required to access consultations / treatment for a long-term condition / disability (as defined under the Equality Act 2010), an action plan will be developed between the line manager and member of staff, with reasonable time off allocated for attendance at the appointment. This may be a combination of paid time off, and the use of flexitime / TOIL / Disability Leave. Where flexitime/TOIL is not in effect within the department, annual leave or authorised unpaid leave may be granted. Please see the Reasonable Adjustments Policy for more information.
- 25.3 Copies of official appointment cards/letters must be provided to the line manager and every reasonable effort should be made to attend work prior to, and/or following appointments made during working hours. Employees unable to attend work must notify their line manager accordingly.
- 25.4 In most cases, time off for planned operations/procedures will be classed as certified sickness.
- 25.5 For further information relating to time off for appointments relating to Gender Reassignment please refer to the Gender Reassignment Support in the Workplace Policy.
- 25.6 For further information relating to time off for specialist treatment and support in relation to alcohol and substance dependency please refer to the Alcohol, Drugs and Substance Misuse Policy.
- 25.7 For further information relating to time off for fertility treatment please refer to the Maternity and Other Family Friendly Leave Policy

26.0 Time off to attend Job Interviews

- 26.1 Employees who are deemed 'At Risk of Redundancy' in line with the Lancashire & South Cumbria Foundation Trust 'Organisational Change Policy' will be given reasonable paid time off to attend job interviews with other departments within Lancashire & South Cumbria Foundation Trust and, where applicable, other NHS organisations.

27.0 Employment Break

27.1 An employment break allows an employee to take an extended period of unpaid leave from work, with the intention of returning to a job at the same level after a break of a maximum of 5 years. The minimum length of break should be 3 months. There may be circumstances which mean that the employee may not be able to return to their substantive post, however, it is the intention that the employee returns to a job at the same level. Employment breaks can be used for care commitments, childcare, eldercare, care for another dependents, training, study leave or work abroad. Other reasons will be considered on their merits.

27.2 Eligibility/number of employment breaks

27.2.1 Anyone can apply for an employment break if they have completed 12 months service with the Trust.

27.2.2 Only one employment break can be taken during your employment with Lancashire & South Cumbria NHS Foundation Trust.

27.2.3 The application for an employment break must be made at least six months prior to the commencement of the proposed break.

27.3 Notice of Return

27.3.1 Participants must write to confirm their intention to return to work at least 2 months prior to the date of return (if the break is less than a year) and 6 months (if the break is a year or greater) to allow time for the necessary arrangements to be made. Failure to confirm this intention may result in the employee forfeiting the right to return. In exceptional circumstances individual situations will be taken into consideration and other arrangements may be made.

27.3.2 Employees may apply to extend their employment break. This must be within the time scales set out above. Authorisation is at the manager's discretion dependent on service needs.

27.3.3 Should an employee decide that they do not wish to return to work, they must give written notice in accordance with their contract of employment.

27.4 Keeping in touch arrangements

27.4.1 Those on an employment break will be required to maintain contact with the department during their break to help them keep up to date and facilitate their return to work. The keeping in touch mechanism should be agreed prior to commencement of the break.

27.4.2 Staff on an employment break must, wherever possible be prepared to undertake a maximum of 10 days paid employment in each year of the scheme (pro rata for shorter breaks) in order to keep abreast of changes and developments in the service. Any period of work will be paid at the appropriate grade and spine point for

the work undertaken pro rata to the actual time worked. If, due to the circumstances of the employee, periodic attendance is impractical, a similar period of pre-return training should be undertaken.

27.4.3 Whilst on employment break staff will not normally be permitted to take up paid employment with another employer, except where for example, work overseas or charitable work could broaden experience. Any request to take up paid employment would be required to be explicitly agreed with the Trust in advance. The Trust has the right to terminate any employment break agreement, where it is found that the employee is undertaking paid employment without prior agreement with the Trust. The employee's right to return under the employment break agreement will be reviewed if this is found to be the case.

27.4.4 Where appropriate, members of staff are also required to ensure that they keep up to date with their professional registration.

27.5 Pension contribution

27.5.1 A period of absence on an employment break will not count as either reckonable service or qualifying service for pension purposes. However, any intervening periods of employment for the purposes of keep in touch may be super-annuable. To prevent damage to the pension, contributions can either be maintained during the break or paid back gradually after the break. For further information please contact the payroll manager.

27.6 National Insurance and Social Security

27.6.1 National Insurance contributions can be paid for the period of the employment break when you return to work. Social security benefits are dependent on personal circumstances.

27.7 Continuous service

27.7.1 The period of the employment break will be counted as "suspension" of continuous service. It does not itself count towards, nor does it break service. This means that service prior to and subsequent to employment breaks will be added together to give the period of continuous service for the purposes of redundancy, sickness, annual leave, maternity leave etc.

27.8 Loans

27.8.1 Any outstanding loans (incl. salary sacrifice arrangements) must be repaid in full prior to employment break.

27.9 The employment break agreement

27.9.1 A model letter and employment break agreements are contained on the Trust Intranet. An employment break agreement must be in place for all staff before

commencing the break. For more information please see Section 34 of the NHS Terms and Conditions of Service Handbook.

28.0 Counter Fraud

- 28.1 There should be no absences from work other than for legitimate and acceptable reasons e.g. sickness, annual leave, study leave or special/compassionate leave.
- 28.2 Employees should not leave their work place at times they are required to be working, without obtaining the express approval of their manager or delegated supervisor.
- 28.3 All staff leave must be documented and approved in accordance with Trust Guidance; failure to comply with this may result in an act of fraud.
- 28.4 Where fraud is found to have occurred, this may lead to criminal, civil and/or disciplinary action being taken.

29.0 Monitoring

- 29.1 The governance of this Policy, including the reviews, monitoring and reporting will be overseen by Trust's Partnership Group and/or HR Delivery and Governance Group. The reviews will be undertaken in accordance with the review date set out within the Policy or at appropriate intervals when required.

30.0 References (including applicable NICE publications)

NHS Terms and Conditions of Service Handbook
ACAS
Carers Policy
Gender Reassignment Support in the Workplace Policy
Maternity and other Family Friendly Leave Policy (For parental leave/ Time off for Fertility treatment purposes)
Flexible Working Policy (which covers Employment break /other options for working flexibly)
Reasonable Adjustments Policy (Due for release early 2022) (re Time off for Medical appointments)
Bereavement Cultures <https://www.people.nhs.uk>
<https://www.gov.uk/time-off-for-dependants>
Education, Learning and Development Policy
Study and Professional Leave Policy for Medical Staff in Non-training Grades
Health at Work Policy

31.0 Implementation plan

- 31.1 This Policy and Procedure will be held on the Trust's Intranet which is available to all employees and any updates to this will be communicated to all employees by the Trust's communication bulletin.

- 31.2 Line managers may access one-to-one advice and guidance from the HR department. Where a significant need to increase management capability in the application of the policy and procedure is identified, training sessions will be delivered to line managers.
- 31.3 Further advice and support in relation to this policy can be obtained through the e-HR Infopoint which is on the Trust's intranet.

Appendix A

Annual Leave Guidance

1.0 Personalised Leave: Buying and Selling Annual Leave

1.1 Selling Annual Leave

As taking annual leave is a health and safety issue, the Trust prefers all staff to take their full entitlement as holiday and where staff offer to work when planning to be on leave, routinely, the leave should be cancelled and re-booked at another time.

Asking staff to 'sell' annual leave is not an acceptable management plan to provide cover for fluctuations in service need, vacancies or absence and should not be used as such.

However, members of staff in agenda for change pay bands 1-7 may 'sell' up to a maximum of 1 week (37.5 hours) of their annual leave entitlement, pro rata for part time staff. Staff should have accrued enough annual leave to sell prior to the request. Staff will need to carry out manual calculations of their accrual where their hours have changed part way through a leave year.

Staff must take their minimum statutory holiday entitlement (currently 28 days including public holidays for full time staff, pro rata for part time staff and starters/leavers during the year)

Staff must plan their leave throughout the leave year and any request to sell annual leave must be discussed with an individual's line manager and made in a timely manner in line with the rostering periods. It is not acceptable for individuals to leave these discussions to the end of the leave year.

All requests to sell annual leave will be considered in the light of the needs of the service and the budget available to pay for the leave. Line managers have discretion as to whether to grant the request based on the demands of the service.

Once the decision to convert holiday into pay has been made it cannot be revoked in the current leave year. The decision does not affect future years' entitlements.

There is no obligation on any member of staff to convert leave in this way and the normal rules regarding carryover of annual leave will continue to apply. This means that staff should take all their leave before the end of the leave year. The arrangements for booking leave within teams are not amended by this arrangement.

All annual leave sold will be paid at the basic rate of pay. If overtime or unsocial hours payments are payable in respect of the additional days/hours worked, the calculation will be based on the normal basic rate of pay. The amount to be paid will be paid in the next available pay month however sufficient annual leave must have been accrued prior to the request.

Staff can request to sell annual leave multiple times throughout the leave year as the leave is accrued up to a maximum of 37.5 hours (pro rata for part time staff) and subject to the provisions above.

Should staff leave before the end of the leave year, and they have exceeded their annual leave allowance including any sold leave, an appropriate deduction will be made from final monies in the usual way.

1.2 Buying Annual Leave

The scheme allows staff to request to take up to 4 weeks (150 hours, pro rata for part time staff) additional unpaid annual leave during the annual leave year. The minimum amount of unpaid leave which can be requested and booked under this scheme is 2 days (15 hours, pro rata for part time staff).

All requests to buy unpaid annual leave will be considered in the light of the needs of the service and the ability to continue to run the service without incurring additional costs. Line managers have discretion as to whether to grant the request based on the demands of the service.

The booking of this leave will be subject to normal departmental annual leave agreements. The use of the scheme does not entitle staff to any beneficial rights in booking annual leave (for example over popular holiday periods such as Christmas or school holidays).

The cost of the unpaid leave will be deducted from their salary over the remaining months of the financial year. For example, if an additional week is purchased in August, the cost will be deducted from the individual's salary over the remaining months of the financial year, i.e. September to March.

The employee pays for the additional annual leave purchase over the remaining months in the financial year (April – March) from gross salary, without paying NI or Tax.

The annual leave calculation is based on employee's contractual pay at the time they decide to buy additional leave. However, if during the leave year their pay changes, the Trust reserves the right to re-calculate the value of the monthly deductions.

Once the additional purchased leave is processed and deductions have begun, the process cannot be reversed.

Any additional purchased leave not taken within the given annual leave year will be lost and cannot be carried over.

If an employee who has purchased additional annual leave leaves the organisation part way through the year, any remaining payment will be deducted from their final salary

Only one request for additional purchased leave can be made in each annual leave year.

By opting into the scheme, employees' payments for maternity pay, adoption pay, paternity leave, shared parental pay and universal credit may be affected due to your annual salary being reduced by purchasing additional annual leave. The purchasing of additional annual leave does not affect any NHS pension deductions.

Any staff member leaving part way through the annual leave year will have their final pay adjusted if necessary to take into account the amount of leave taken and the amount recouped through reduced pay.

1.3 The Application process

To buy or sell leave you will need to initially discuss this with your manager.

Following this, you need to complete the Health Roster form, this will then be submitted to both you line manager for authorisation and the budget holder. Requests are not approved until both stages have been completed.

This form will be submitted to the employee services team in payroll who will make the necessary adjustment to pay.

Should personalised leave be approved in year then the necessary adjustments to pay will be as follows:

- 'Selling leave' - the amount to be paid will be paid in the next available pay month.
- 'Buying additional unpaid leave' - the cost of the unpaid week will be deducted from their salary over the remaining months of the financial year. For example, if an additional week is purchased in August, the cost will be deducted from the individual's salary over the remaining months of the financial year, i.e. September to March.

The form will be forwarded to the Workforce Information Team who will make the necessary adjustments to the leave entitlement in Healthroster.

Pensionable service will not be lost or given for the period of sold or additional leave and there will be no change to pension contributions as a result of entering the scheme.

All calculations regarding deductions from pay will be undertaken by the Payroll Services Department.

At the end of the annual leave year, the individuals leave entitlement reverts to previous contractual level (except where a holiday increase needs to be applied due to length of service).

2.0 Leave Entitlement for Medical Staff

Number of years of completed as a **Consultant**

Up to 7 years	Seven years or more
6 weeks	6 weeks + 2 days
(240 hours)	(256 hours)

The 2 statutory holidays were by local agreement converted to 3 additional annual leave days (24 hours).

Number of years completed service as a **Staff grade / Specialty Doctor 2008** contract

Up to 2 years	two years or more
5 weeks	6 weeks
(200 hours)	(240 hours)

The 2 statutory holidays were by local agreement converted to 3 additional annual leave days (24 hours).

Number of years completed service as a **Specialty Doctor / Specialist Doctor 2021** contract

Up to 2 years	two years to seven years	Seven years or more
5 weeks + 2 days	6 weeks + 2 days	6 weeks + 3 days
(216 hours)	(256 hours)	(264 hours)

Locally Employed Doctors (including Trust Juniors, FY3s and MTIs) 14 days (112 hours) per 6-month rotation (inclusive on non-allocated statutory days) or 28 days over a 12 month period

Dentists on the first two salary points of band A

27 days

All other dentists on the scale

32 days

These leave entitlements include the two extra statutory days previously available (as per the national Salaried Dentist Terms and Conditions Schedule 11)

Appendix i: Equality Impact Assessment:

LSCFT puts equality, inclusion, and human rights at the centre of the design and delivery of inclusive services for the diverse communities we serve, and the empowering culture we create for our staff.

The legal case is set out in the Equality Act 2010 and the practice is embodied by our staff every day, without exception.

We are stronger together.

Equality@lscft.nhs.uk



This assessment applies to any Trust procedural document, or activity required in a document which will have an impact on people. Please refer to the Equality Impact Assessment (EIA) Form Guidance which can be found via the link [here](#) and includes a recording how to complete an EIA form. This assessment must be done in collaboration with the E & D Lead.











1. What is the title of the Procedural document and purpose of the activity in requires or involves that needs to be considered and assessed for its impact on people?

Staff Leave Policy -To advise managers and employees about types of leave available to staff and to provide a framework for requesting and authorising special leave

2. Which group/s of people is/are being considered?

- Patients / Service Users
 Staff
 Public
 Partner agencies
 Other (*please specify here*) Staff side representatives

3. Which of the following protected characteristics may or are likely to be affected by this policy?
(× in any box as needed)

Age	Disability	Gender-reassignment	Marriage/Civil Partnership in employment only	Pregnancy & Maternity	Race	Religion or Belief	Sex	Sexual Orientation	Other <i>Detail below</i>
									
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other: Carers

4. What engagement is taking place or has already been undertaken with those who are likely to be affected?

Consultation with the ED&I team has taken place.
Staff side have reviewed the policy
Policy sent to all Staff Networks for comments and feedback - Women's Staff Network, LGBTQ+ Network, Disability Network, Race Equality Network

5. What impact or potential impact has been identified through the consultation?

Possible impact on those needing to take time off for religious and cultural events as this is not captured in the policy.
Impact on those with different cultural practice in relation to bereavement and grief as this is not captured within the compassionate/bereavement leave section.
Impact on those who suffer the loss of a child – not covered in policy.
Impact on those with a disability taking time off for medical appointments and those undergoing gender reassignment.

6. What further steps are needed to mitigate or safeguard against the impact/potential impact identified?

Please see below.

Outcome of the assessment	Action/s Required	Timescale	Accountability
Outcome 2: Adjustments to remove barriers that were identified in the consultation We need to be satisfied that the proposed adjustments will remove the barriers identified.	Reference to use of Disability Leave associated with time off for medical appointments and signpost to Reasonable Adjustments Policy Including signposting to the Gender Reassignment in the Workplace and Alcohol & Substance Misuse Policy	July 2023	HR Team

	<p>Added point about those wishing to take leave relating to events important to their religious and cultural beliefs should be supported wherever possible.</p> <p>Added point about being mindful of different cultural practice in relation to bereavement and grief.</p> <p>Health at Work Policy added to the references</p> <p>Reference to pregnancy loss and leave entitlements for those who experience the loss of a child.</p>		
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<p>How will we monitor this and to whom will we report outcomes?</p> <p>The Chief Officer of the policy must be made aware of this assessment and any monitoring or rewriting in relation to outcomes 2,3 or 4</p> <p><i>Risks identified throughout the assessment process and controls designed to address them, must be described and rated and recorded on Datix or in service risk registers in line with Trust processes. Assurance mechanisms should be developed for each activity to ensure that equality and diversity compliance is achieved on an ongoing basis</i></p>	
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7. Who undertook this assessment and when?

Name: Joanna Harrison & Abigail Fitzpatrick	
Job Title: Equality, Diversity & Inclusion Manager & HR Advisor	Date assessment started: 09/05/2023
Service: ED&I and HR	Date assessment completed: 21/07/2023
Sign off: High – to be signed off by E&D Team Medium – to be signed off by Author with E&D advice Low – signed off by Lead Author	EIA Grade: Medium

8. Authorised by (Signature): A.Fitzpatrick

Date: 21.07.2023