



## Annual Leave Arrangements Operational Staff

### Policy Statement

London Ambulance Service NHS Trust is committed to ensuring that all staff are able to access and benefit from their full annual leave entitlement each year.

The Trust recognises the importance of annual leave and its impact on the health and wellbeing of all staff. The overarching policy aim will be to balance the need to grant leave against the need to provide a safe service to Londoners.

That said, decisions regarding the allocation of leave will always be dependent on the Trust's ability to provide an effective and clinically safe service. However, the key considerations differ between staff groups.

For many staff, primarily those in support services and who are office-based, allocation of leave is a matter of discretion between the individual and their line manager, taking into account factors such as immediate work commitments, workload and the team's ability to provide ongoing essential services to its internal and external stakeholders.

In Operations, including Control Services and the Patient Transport Service, arrangements for annual leave must also ensure that the Trust is able to ensure that is able to deliver critical patient care and fulfil contractual requirements. As such, it is essential that clinical staffing levels throughout London are sufficient to meet demand at any given time. In order to achieve this, it is imperative that annual leave arrangements take into account resource availability and are appropriately matched to demand profiles.

### Introduction

All staff are entitled to a period of paid annual leave and eight bank / general public holidays per year (pro rata for part time employees). Individual entitlement is dependent upon length of service and working hours.

Annual leave is an important part of work life balance; equally good management of annual leave by both the manager and the individual is essential to the health, safety and wellbeing of the employee. It is necessary however for the efficient management of operations, that all annual leave is well managed, monitored and kept within pre determined parameters.

The aim of these arrangements is to provide a consistent and equitable approach to the calculation of annual leave and bank / general public holidays, which takes into account the entitlements and arrangements defined in the NHS national terms and conditions handbook (Agenda for Change).

These arrangements apply to all operational staff in area operations and supersede any previous arrangements in regard to annual leave.

Special leave arrangements remain unchanged and are detailed in the special leave policy.

### Abstractions

An abstraction is defined as any planned or unplanned reason for not carrying out your rostered / non rostered duties.

It is the responsibility of the Trust to control and manage all abstractions within its ability.

The Trust has a set percentage of relief (hours / people) available to cover abstractions; therefore all abstractions need to be combined to ensure there is relief available to cover these abstractions. These abstractions will, for example include Leave, Sickness, Secondments, Training, Special Leave, and Maternity / Paternity *this is not intended to be an exhaustive list.*

Applications for all types of leave will be considered taking all other abstractions into account. Should the maximum amount of abstraction hours be exceeded, any short notice application for leave may be declined.

## **Responsibilities**

Line manager's responsibilities:

To ensure that these arrangements are fairly applied to all operational staff.

To ensure that employees are made aware of the procedure for applying for annual leave and that the employee is aware of their own entitlement.

To ensure that the employee's annual leave record is accurate and updated (within GRS).

To monitor the individual's uptake of annual leave to ensure that employees are taking regular breaks away from work and that they are managing their annual leave in such a way as to reduce the possibility of carrying over leave entitlement into the next leave year.

Individual employee's responsibilities:

To ensure that annual leave is planned and requested at regular intervals throughout the leave year to ensure that all leave entitlement is used within the leave year.

To request annual leave in line with these arrangements.

To ensure that any request for annual leave is authorised prior to committing to any holiday plans.

To ensure the correct "Type" of leave is applied for.

To ensure they have enough leave for the request.

To ensure Lieu days are used before they expire on their anniversary.

To ensure that any compensatory time off in lieu resulting from no rest break is applied for and taken within the timescales detailed within the rest break arrangements.

## **Entitlement**

Entitlement to annual leave and bank / general public holidays is in accordance with and subject to conditions referred to in section 13 of the NHS national terms and conditions of service handbook. A normal working day is defined as 7.5 hours excluding rest breaks. To ensure that staff, working regular shifts that are greater or shorter than 7.5 hours, are not advantaged or disadvantaged all Annual Leave for operational staff is therefore calculated and deducted in hours.

Individual entitlement:

On appointment      202.5 hours (27 days) + 60 hours (8 bank / general public holidays)

After 5 years            217.5 hours (29 days) + 60 hours (8 bank / general public holidays)

After 10 years          247.5 hours (33 days) + 60 hours (8 bank / general public holidays)

A bank / general public holiday shall be defined as a period of normal duty that starts within the period of midnight to midnight on a designated day. The designated bank / general public holidays are:

Christmas Day, Boxing Day, New Years Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday and Late Summer Bank Holiday.

When a bank / general public holiday falls on a Saturday or Sunday, the following Monday or Tuesday is designated as a bank / general public holiday for leave purposes.

When rostered on duty on a bank / general public holiday staff should expect to be at work, any request for annual leave will be automatically refused by the resource centre. Staff wishing to apply for annual leave when rostered on duty on a bank / general public holiday should submit their request via their line manager, their line manager will give such requests consideration on an individual basis.

## **Part time staff**

Employees who work less than full time hours of 37.5 per week will have their annual leave calculated in hours on a pro rata basis.

Part time staff's bank / general public holiday entitlement shall be added pro rata to their annual leave entitlement.

## **Carryover of annual leave**

It is expected that staff will be provided with the opportunity to use all of their leave entitlement within their leave year and that they will therefore use their full entitlement. It is recognised however that staff may on occasion, have a legitimate request to carry over some of their annual leave entitlement to their next annual leave year.

However, carryover of annual leave represents a financial burden to the Trust as it is treated as a financial liability and appropriate accrual and financial provision must be made. This serves to divert funds from service development and patient care.

In view of this, and consistent with the Trust's commitment that staff should take their full entitlement, carryover should only be considered in exceptional circumstances and will be granted subject to the exigencies of the service and at the discretion of management.

The maximum carryover that will be considered on application is 37.5 hours (5 standard days).

Managers will apply the policy and arrangements specific to individual staff groups, and will be required to monitor leave allocation and intervene as necessary should it appear that leave is not being taken and a potential issue with untaken leave entitlement and potential carry over liability arise. In circumstances where staff are not requesting leave in a timely manner, the Trust reserves the right to allocate leave in line with the provisions of the European Working Time Directive. This requires that equivalent notice is given to the amount of leave to be taken. For example, if a member of staff is to be allocated one week of annual leave, they must be given one week's notice.

Any annual leave carried forward into the next leave year should take this within the first three months of the new leave year, managers should monitor and facilitate this leave if need be.

If, due to long term sickness absence any member of staff who has not taken their statutory 28 days annual leave (inclusive of bank / general public holidays), i.e. any member of staff who has taken less than 28 days (210 hours) within the leave year, may request to carry forward statutory annual leave not taken due to long term sickness, i.e. 28 days minus any annual leave taken, to the following leave year. 28 days (210 hours) is the maximum amount to be carried forward (European Court of Justice ruling January 2009 refers.)

## **Application for Annual Leave**

All staff have access to "GRS Web" with an individual, secure log in.

Leave applications can only be made with two weeks or more notice before the start of the leave date.

*Annual leave applications giving less than two weeks notice can only be processed by the on duty management team, the Resource Centre will automatically refuse any applications with less than two weeks notice.*

The employee will select the start date and end date of the requested leave, inclusive, and then the type of leave requested (Annual leave, Time off in Lieu (ToiL) or Bank Holiday leave) or a mixture of all.

*If the required amount of ToiL available does not cover the shift then Annual Leave can / will be used to make up the shortfall.*

Once submitted the leave application will be actioned within 24 hours by the Resource Centre. They will check the percentage of hours already granted against the pre set parameters for that complex / station. If these are met the leave will be granted and the hours requested will be removed from the

employees entitlement. If the application exceeds the total percentage allowed the leave will be refused.

Employees can review their application for leave on GRS Web 24 hours after application.

Employees refused leave may appeal via their line manager.

Staff will not be able to pre-empt annual leave entitlement from their next annual leave year within their current leave year i.e. annual leave can be requested in advance but not taken prior to earning the entitlement.

### **LIEU DAYS**

A lieu day is a day that is granted when someone works as part of their rostered duties, on a Bank Holiday / Statutory Day. If an employee is off sick, Maternity Leave, Paternity leave or stood down, there is no entitlement to a lieu day. A lieu day = 7.5hrs (pro-rata for part time) Lieu days will be added to the employees allocation, where appropriate, when the Bank Holiday/ Statutory Day has passed. They are treated the same as Annual Leave for the purpose of time off and will form part of the percentage of hours allowed off at any time.

If a Bank Holiday / Statutory Day coincides with a rostered day off, the day this is deemed to be a Bank Holiday / Statutory Day and the entitlement will be recorded as a full lieu day.

Lieu days are valid for a full year from the date of the Bank Holiday / Statutory Day until its anniversary. If the lieu day is not used, it is lost. It is the responsibility of the employee to ensure they book off their lieu day and these cannot be retrospectively altered in GRS.

### **Allocation of Annual Leave**

To ensure that all staff have the opportunity to take their annual leave within the leave year, whilst ensuring that operational ambulance cover is adequately maintained to meet demand and national performance standards, a set level of annual leave will be granted throughout the year. This level of annual leave will be distributed across all rostered shifts using the same calculation.

A maximum of 20% (tbc) of hours produced by staff to cover all ambulance complex rosters for each day will be allocated for annual leave. This leave will be allocated by staff group (paramedic and non paramedic) and by all shifts across the complex for the day.

Additional annual leave above this level will be refused automatically, however in exceptional cases an individual may request leave over and above the allocated level. Managers should only grant such leave where cover can be found.

### **Extended periods of Annual Leave**

Normal leave allocation would be of a maximum of two weeks i.e. 10 working days or 75 rostered hours. In exceptional cases staff may request a period of extended annual leave of up to four weeks annual leave i.e. 20 working days or 150 hours. Requests for extended annual leave will not be unreasonably refused but should be considered in light of operational needs and cover arrangements.

### **Late return from holiday**

It is recognised that on rare occasions that staff may be subject to delays in returning from holiday e.g. flight cancellations due to industrial action overseas etc. The employee must make every effort to inform their line manager of the situation and make every effort to return to work as soon as possible. Upon their return to work consideration should be given to the merits of the case and the appropriate leave arrangements e.g. annual leave or unpaid leave agreed and applied retrospectively.

### **Review**

These arrangements will be in place from 1<sup>st</sup> ----- 2013 and will be reviewed in April 2016 or sooner if appropriate.