

Leave Policy Framework

Workforce Directorate Policy

Doc Ref: W19

Supported by:

- Chapter 1 Adoption Leave Procedure
- Chapter 2 Annual Leave & General Public Holidays Procedure
- Chapter 3 Employment Breaks Procedure
- Chapter 4 Fertility, Pregnancy & Maternity Leave Procedure
- Chapter 5 New Parent Support Leave and Pay (Paternity Leave) Procedure
- Chapter 6 Shared Parental Leave Procedure
- Chapter 7 Parental Leave Procedure
- Chapter 8 Special Leave Procedure

Additionally refer to

- Equality and Diversity
- Flexible Working
- Managing Sickness Absence
- Management of Health and Safety: Risk Assessment Forms
- NHS Terms and Conditions of Service Handbook as relevant
- Disciplinary Policy
- Counter Fraud Policy

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C Version Control Sheet

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Leave Framework Policy W19 Version History

Version	Date	Author	Status	Comment
1.1	Jan 15	Kate Youlden	Draft	Working Group Discussion Document
1.2	April	Kate Youlden	Draft	Response to staff side comments
1.3	April 15	Kate Youlden	Draft	Working Group Discussions
1.4	May 15	Kate Youlden	Draft	TNCC Policy Meeting
1.5	May 15	Kate Youlden	Draft	Working Group Discussion (KY and CB)
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1.7	July 15	Kate Youlden	Draft	TNCC Policy Meeting (July)
1.8	July 15	Kate Youlden	Final	TNCC (July)
2	Sept 19	Kate Youlden and Vicki Robinson	Draft	JNCC – updates to reflect changes to national terms and conditions in chapters 1, 4, 5, 6. Changes to bereavement leave provision chapter 8.
2.1	Oct 19	Kate Youlden	Draft	Updated at JNCC Policy Group
2.2	Dec 19	Kate Youlden	Final	Confirmed at PAG and SLT. To be ratified at next Trust board
3	Sept 2024	Leah Pullen and Sarah-Louise Clews	Draft	Updated the Annual leave framework policy in line with recent legislation changes affecting specific annual leave arrangements.

Relevant Policy Version History

Chapter 1 - Adoption Leave Procedure

Version	Date of Issue	Renewal Date
4	December 2019	October 2024

Chapter 2 - Annual Leave and General Public Holiday Procedure

Version	Date of Issue	Renewal Date
3	November 2023	November 2026

Chapter 3 - Employment Breaks Procedure

Version	Date of Issue	Renewal Date
4	October 2023	October 2026

Chapter 4 - Fertility, Pregnancy & Maternity Leave Procedure

Version	Date of Issue	Renewal Date
4	May 2024	May 2027

Chapter 5 - New Parent Support Leave and Pay (Paternity Leave) Procedure

Version	Date of Issue	Renewal Date
4	May 2024	May 2027

Chapter 6 - Shared Parental Leave Procedure

Version	Date of Issue	Renewal Date
5	December 2019	October 2024

Chapter 7- Parental Leave Procedure

Version	Date of Issue	Renewal Date
4	May 2024	May 2027

Chapter 8 - Special Leave Procedure

Version	Date of Issue	Renewal Date
4	December 2019	October 2024

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1. Policy on a Page

- 1.1 The Trust is committed to providing staff with access to leave arrangements which support them in balancing work responsibilities with personal commitments. This policy sets out the various ways that make up the Trust's approach to help staff balance work and home life.
- 1.2 The Leave Policy is supported by and includes:-
 - Chapter 1: Adoption Leave Procedure
 - Chapter 2: Annual Leave and General Public Holidays Procedure
 - Chapter 3: Employment Breaks Procedure
 - Chapter 4: Fertility, Pregnancy and Maternity Leave Procedure
 - Chapter 5: New Parent Support Leave and Pay (Paternity Leave) Procedure
 - Chapter 6: Shared Parental Leave Procedure
 - Chapter 7: Parental Leave Procedure
 - Chapter 8: Special Leave Procedure
- 1.3 Each procedure above, is available from the Trust Intranet and includes details of the procedures in the format of frequently asked questions (FAQ's).
- 1.4 All the above Leave procedures follow the NHS Terms and Conditions of Service 'Handbook.', The 'Handbook' is updated when there are legislative amendments to existing Leave arrangements. The Trust will update its own Leave procedures in line with these changes.
- 1.5 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Equality and Diversity Policy. Special attention should be made to ensuring the policy is understood when using it for staff new to the NHS or Trust.
- 1.6 Managers must respect the confidentiality of employees at all times and not disclose any personal information to a third party, with the exception of the HR Department or the Occupational Health Department.

2. Policy Statement

- 2.1 The purpose of this Leave Policy is to act as a Framework for all eight Leave Procedures within the Trust. This Framework sets out the relevant roles and responsibilities and procedures for all Leave Procedures.
- 2.2 The Trust is committed to support employees with their health and wellbeing at work. The Trust ensures that all staff have the opportunity to take their paid annual leave and general public holidays to ensure adequate rest from work and to ensure a healthy work life balance.
- 2.3 The Trust follows the Leave arrangements specified in the NHS Terms and Conditions of Service Handbook as they apply to all eight Leave procedures.
- 2.4 Line managers have an important role in supporting staff to take their entitled leave and how leave arrangements can be accessed.
- 2.5 Managers should give full, fair and reasonable consideration to all employee requests under the various Leave procedures that this framework covers in accordance with the needs of the service.

3. Scope

3.1 This Leave Policy framework applies to all staff directly employed by the Trust whether full time or part-time, temporary or permanent including those employed via the Temporary Staffing Department. For some Leave procedures qualifying criteria are relevant.

3.2 Noted Exceptions:-

Surrogacy	Employees having a child by means of surrogacy will not be eligible for Statutory Maternity Leave and will not normally be entitled to Statutory Adoption Leave and Shared Parental Leave. However they will be eligible for unpaid Parental Leave once in receipt of a parental order, see Parental Leave Procedure.
Agency Staff/Contractors	The Leave Policy and supporting procedures do not apply to individuals employed by agencies or other contractors. Issues relating to these individuals should be referred to the appropriate employer.
Annual leave	The annual leave procedure Chapter 2 does not apply to Medical and Dental Staff. Separate terms and conditions of employment apply to this group of staff.

4. Roles and Responsibilities

4.1 Trust Board

- The Trust Board has oversight of all policies including the Leave Policy framework and will ensure through Executive Directors and managers, that the Leave policy framework and the individual Leave procedures are implemented effectively and in line with NHS Terms and Conditions.

4.2 Chief People Officer

- Chief People Officer has overall responsibility for this policy and is accountable for the policy to the Trust Board

4.3 Managers

- Managers must ensure that all employees are made aware of the various Leave procedures that this Framework covers and how leave arrangements can be accessed.
- Managers must respond to all requests under this policy promptly and efficiently.
- In implementing the Leave procedures that this framework covers, managers should ensure that local/departmental administrative procedures are taken into account.
- Managers must give full, fair and reasonable consideration to all employee requests under the various Leave procedures that this framework covers in accordance with the needs of the service.
- Managers must liaise with other relevant departments as required i.e. Human Resources, Pay Services, Pensions, Occupational Health, Health and Safety.
- Ensuring that employees are made aware of any developments or changes relevant to the Leave procedures that this Framework covers.
- During periods of an employee's absence from the Trust, managers must maintain appropriate contact with their employees and ensure that employees are updated on any relevant developments in their department/directorate including inviting the employee to attend any relevant events or meetings.
- Maintain accurate records of leave accrued, taken or booked in accordance with the Leave Procedures that this framework covers.

4.4 Employees

- Employees should ensure they are familiar with all the Leave Procedures that this Framework covers.
- When accessing the various Leave procedures, employees should ensure they are clear about the process to follow and understand the approval protocol that supports each Leave procedure.
- Whenever possible, recognise the needs of the service in making requests for time away from the work place.
- Maintain appropriate contact with their manager and work colleagues (if relevant) during periods of absence, particularly ensuring that their manager is updated on any changes in their circumstances.
- Contact their manager as soon as possible if for any reason they are unable to return to work when expected.
- Liaise with other relevant departments as required, pensions, pay services, occupational health, health and safety and Psychological services for advice and to seek support.

4.5 Human Resources

- Provide support and guidance to staff and managers on the implementation and application of this policy framework and the Leave procedures that this policy covers.
- Monitor the application of this policy and update it as required.

4.6 Pay Services

- Provide pay related advice as applicable to the Leave procedures that are referred to in this Framework Policy.

4.7 Pensions

- The Pensions department should be contacted if employees have pension related queries relevant to the Leave Procedures provided by this Framework.

5. Leave Procedures

5.1 Chapter 1 – Adoption Leave

Parents who are matched for adoption will be entitled to adoption leave when the child is placed with them for adoption. The employee is required to provide a 'matching certificate' from their adoption agency as documentary evidence of their entitlement to take adoption leave. Employees must notify their manager in writing using the Adoption Leave Form of their intention to take adoption leave within 7 days of being notified of matching, unless that is not reasonably practicable.

The Paternity leave (amendment) Regulations referred to in this procedure, came into force in April 2024. For detail of the changes please refer to the Procedure.

5.2 Chapter 2 – Annual Leave

Annual leave requests should be made to the employee's line manager in accordance with the ward/department's local administrative arrangements. The leave request is only approved once the line manager has authorised it. Managers will approve leave subject to departmental circumstances and work pressures, ensuring that all employees take their annual leave entitlement. Due to work pressures it may not be possible for employees to take their full annual leave entitlement, and in those situations managers must consider authorising employees to carry over up to 5 days' annual leave into the next financial year. Please refer to the Procedure for further details.

5.3 Chapter 3 – Employment Break Procedure

Employees wanting to take an employment break should complete the Trust's Employment Break Application Form and submit it to their manager three months prior to the intended start of the employment break. An employment break should be between a minimum length of three months up to a maximum length of five years.

5.4 Chapter 4 – Fertility, Pregnancy & Maternity Leave Procedure

The Trust applies the arrangements set out within NHS Terms and Conditions of Service Handbook to support staff during pregnancy, maternity leave and on return to work.

An employee is required to notify their manager that they are pregnant as soon as possible in order for a risk assessment to be carried out and to ensure supportive measures are in place as required.

All employees should notify their manager in writing of their intention to take Maternity Leave no later than the 15th week before their expected week of childbirth, unless this is not reasonably practicable.

Employees must also produce a statement from MAT B1 certificate no less than 21 days before the commencement of Maternity Leave; this must indicate the expected date of childbirth.

The Paternity leave (amendment) Regulations came into force in April 2024. For detail of the changes please refer to the Procedure.

5.5 Chapter 5 – New Parent Support Leave and Pay (Paternity Leave) Procedure

The Trust recognises that partners need time at home to help support their partners during the birth/adoption of a child. Employees will need to inform the Trust of their intention to take leave 15 weeks before the expected week of childbirth, however, employees will only need to give 28 days' notice of the dates they wish to take.

Paternity leave can be split and taken in two non-consecutive periods of leave of a week each.

The Paternity leave (amendment) Regulations referred to in this procedure, came into force in April 2024. For detail of the changes please refer to the Procedure.

5.6 Chapter 6 – Shared Parental Leave

The Trust supports staff in applying for Shared Parental leave, (SPL) to enable eligible parents to choose how to share the care of their child during the first year of birth or adoption. This Procedure outlines the options available to staff, requirements for eligibility and provides guidance for managing this period of the employment relationship. The Trust applies the arrangements set out within NHS Terms and Conditions of Service Handbook to support staff. The Paternity leave (amendment) Regulations referred to in this procedure, came into force in April 2024. For detail of the changes please refer to the Procedure.

5.7 Chapter 7 – Parental Leave Procedure

The Trust supports the use of Parental Leave to enable employees to take unpaid time off work to look after their child or make arrangements for their child's welfare. Parents and those with formal parental responsibility can use it to spend more time with their children and strike a better balance between their work and family commitments. The Trust applies the arrangements set out within the NHS Terms and Conditions of Service Handbook to support staff. The Paternity leave (amendment) Regulations referred to in this procedure, came into force in April 2024. For detail of the changes please refer to the Procedure.

5.8 Chapter 8 – Special Leave

This chapter sets out the provisions provided by the Trust when employees need to take time off work to deal with personal commitments in urgent and non-urgent situations. A new Statutory Carers Leave entitlement came into force in April 2024, referred to in this procedure, after the Carers Leave Act was implemented in 2023. See the Procedure for further details.

6. Training

Management and monitoring of training will be in accordance with the Trust's Development and Training Policy (W11).

7. Review Process

The Trust will review this policy every 3 years, unless there are significant changes made to legislation, national policy, or locally. These changes will be reflected in the separate chapters of the policy or relevant procedures.

8. Equality Impact Assessment (EQIA)

This policy applies to all employees as relevant to the leave requested does not discriminate positively or negatively between the nine protective characteristics.

9. Process for Monitoring Compliance

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Access and uptake to be monitored	At policy review.	HR Team	At policy review	JNCC
Organisations expectations in relation to staff training	Management and monitoring of training will be in accordance with the Trust's Development & Training Support (HR59) policy.			

10. References

Legislation

- Equality Act 2010
- Employment Rights Act 1996
- The Maternity and Parental Leave and the Paternity and Adoption Leave (Amendment) Regulations 2006
- The Health and Safety and Work Act 1974
- Carers Leave Act 2023.
- Carers Leave entitlement April 2024.
- The Paternity leave (amendment) Regulations 2024.

Other references

The NHS Employers Website provides further information and resources on employees entitlements: [/www.nhsemployers.org](http://www.nhsemployers.org)

- NHS Terms and Conditions Service Handbook (AfC).
- ACAS Maternity Rights
- ACAS Adoption leave
- ACAS Paternity leave
- ACAS Parental leave