

## LEAVE POLICY

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| <b>AUTHOR:</b>  | Senior Human Resources Advisor   |
| <b>CONSULTATION GROUPS:</b>                                 | HR Policy Group, Joint Partnership Committee, Workforce Transformation Group   |
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| <b>POLICY SUMMARY</b>  |
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| <p>This Policy sets out, for managers, staff and Accredited Trade Union representatives, the framework for the arrangements and entitlements of employees to:</p> <ul style="list-style-type: none"> <li>• maternity &amp; adoption, paternity and parental leave</li> <li>• special leave</li> <li>• annual leave.</li> </ul> <p>It also sets out the scope of the policy and to whom it applies. It reflects the appropriate legislation and NHS Terms and Conditions.</p> |
| <p><b>The Trust monitors the implementation of and compliance with this policy in the following ways;</b></p>  |
| <p>This policy will be subject to review as per the agreed review schedule of Trust HR policies and as agreed by the Trust's Partnership Committee.</p> <p>Compliance with this policy will be against the Trust's agreed minimum requirements/standards as detailed within its Auditable Standards and Monitoring Arrangements, as well as the use of internal reporting and recording within the Human Resources Directorate.</p>  |

| <b>Services</b> | <b>Applicable</b> | <b>Comments</b> |
|-----------------|-------------------|-----------------|
| Trust wide      | ✓                 |                 |

**The Director responsible for monitoring and reviewing this policy is the Executive Director of Corporate Governance and Strategy**

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**ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST****LEAVE POLICY****1. ASSURANCE STATEMENT**

- 1.1 This Policy sets out the arrangements and entitlements to staff for parental, maternity, paternity, adoption, and special and annual leave. It reflects the appropriate legislation and NHS Terms and Conditions.
- 1.2 Employees should therefore also refer to the Agenda for Change: NHS Terms and Conditions of Service handbook and the terms and conditions for Medical & Dental Staff in addition to this Policy.
- 1.3 This Policy aims to ensure that all employees are treated equitably, and that leave will be provided in a timely, fair, reasonable and consistent way.
- 1.4 It is an integral part of the Trust's wellbeing agenda and assists with staff retention thus retaining valuable skills within the organisation.
- 1.5 The allocation of leave covered by this Policy within the Trust will be built on and demonstrate the Trust's corporate values and behaviours. These values are in being:
- Compassionate
  - Empowering
  - Open

In demonstrating these behaviours and values, supporting the achievement of its strategic objectives to:

- To continuously improve service user experience and outcomes through the delivery of high quality, safe, and innovative services.
- To be a high performing health and care organisation and in the top 25% of community and mental health Foundation Trusts.
- To be a valued system leader focused on integrated solutions that are shaped by the communities we serve.

**2. INTRODUCTION**

- 2.1 The aim of this policy is to inform employees of the arrangements under which leave may be granted.
- 2.2 The Trust aims to provide employees with appropriate opportunities for leave which support the wellbeing of the employees and their families as well as maintaining safe services across the Trust.
- 2.3 Managers will be required to adhere to the policy and procedure with employees required to engage and co-operate with the application of it.

### **3. DUTIES**

#### **3.1 Trust Directors/Service/Operational Directors**

Trust Directors/Service Operational Directors are responsible for ensuring that the policy is distributed to all staff

#### **3.2 Managers**

Managers are responsible for ensuring all staff are aware and have read and understood the policy.

Managers must ensure the correct application of this policy and that no staff are discriminated or disadvantaged as a result of a 'protected characteristic' when applying this policy. Managers should liaise with HR to ensure the Trust is not open to claims of discrimination when considering requests for leave.

#### **3.3 Staff**

Staff are expected to ensure that they have read and understood this policy, ensure that they give regular and effective attendance at work and apply for leave appropriately.

#### **3.4 Human Resources (HR)**

The HR Service will provide advice and support on all aspects of leave, with due regard to the employment legislation framework

#### **3.5 Local Counter Fraud Specialist (LCFS)**

The LCFS will provide advice and investigate any matters that arise as a result of suspected fraud and/or bribery.

### **4. SCOPE**

4.1 The policy applies to all employees of the Trust. It is recognised that there are differences in employees' entitlements to conditions of service that may require some difference in the detail of its application.

4.2 This Policy applies to all eligible employees who wish to take Maternity & Adoption, Paternity and Parental leave, Special leave and Annual leave

4.3 The policy does not apply to:

- Agency workers, medical locums or contractors.

4.4 This policy, and its related procedures, does not apply to Time Off In Lieu (TOIL) which will be applied by the Trust in accordance with the NHS Terms and Conditions of Service Handbook (Section 3).

## 5. DEFINITIONS

For the purposes of applying the provisions contained in this document a glossary of terms that are used within the policy are as follows:

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| <p><b>Continuous Service</b></p>        | <p>An employee's continuous previous service with any NHS employer counts as reckonable service.</p> <p>For all types of leave covered by this Policy the relevant sections of the NHS Terms and conditions handbook must be applied when calculating what constitutes a break in service or the circumstances where previous discontinuous service can be credited.</p> <p>Time off on Maternity, Adoption, Parental, Special and Annual Leave (paid or unpaid) counts towards continuous service.</p> |
| <p><b>Protected Characteristics</b></p> | <p>Characteristics as defined by the Equality Act 2010. These are ethnic origin, nationality, race, disability, gender, marital or partnership status, age, religion or belief, sexual orientation or transgender status.</p>   |

## 6. PRINCIPLES

- 6.1 The Trust will adhere to the appropriate legislation and give consideration to other frameworks.
- 6.2 The Trust seeks to promote fair, reasonable and consistent employment practices referring to relevant policies such as the Equality, Diversity and Human Rights Policy.
- 6.3 In drawing up this policy, aspects of discrimination have been considered so that particular groups are not disadvantaged.

## 7. MONITORING OF IMPLEMENTATION AND GOVERNANCE

- 7.1 This policy is subject to review as per the Trust HR policy review schedule and as agreed by the Trust's Partnership Committee.
- 7.2 Compliance with this policy will be against the Trust's agreed minimum requirements /standards as detailed within its Auditable Standards and Monitoring Arrangements

**8. POLICY REFERENCES /ASSOCIATED DOCUMENTATION**

- Employment Rights Act 1996
- Equality Act 2010
- NHS Pension Schemes - 1995, 2008 and 2015
- Working time Regulations 1998
- NHS Terms & Conditions of Service Handbook

**9. REFERENCE TO OTHER TRUST POLICIES/PROCEDURES**

This policy should be read in conjunction with other policies in place that may be relevant. These include:

- Respect and Dignity at Work Policy
- Flexible Working Policy
- Annual Leave Procedure
- Special Leave Procedure
- Buying & Selling of Annual Leave Procedural Guide
- Maternity, Adoption, Paternity and Parental Adoption Leave Procedure
- Fraud and Bribery Policy
- Equality & Diversity
- Health & Safety Risk Assessment
- Training and Study Leave
- Time out for Trade Union Duties & Activities
- Retirement Policy
- Record Management Policy
- Disciplinary (Conduct) Policy & Procedure
- Capability (Performance) Policy & Procedure

**END**