



East London
NHS Foundation Trust

PANDEMIC INCIDENT – ANNUAL LEAVE GUIDANCE

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Version Control

Version	Date	Author	Comments
1.0	April 2020	Created by People Business Partner and Staff Side	Document created for pandemic incorporating government guidelines
1.1	August 2020	Revised by COVID-19 Project Manager	5.4 and 5.5 added to incorporate government guidelines on travelling
1.2	December 2020	Revised by People Business Partner	Section 1 revised and section 6 added

1. Introduction

- 1.1. ELFT continues to monitor and follow government guidance regarding COVID-19 and the impact this has on staff and services. Numerous Pandemic Incidence Guidance documents have been produced to address queries staff may have.
- 1.2. This guidance has been produced and is continually amended as necessary as the pandemic progresses to provide clarity regarding the use of annual leave during the pandemic. This guidance applies to all substantive staff including permanent, fixed term and bank, agency or contract staff who have an ongoing assignment with us in which they pre-book their annual leave.

2. Cancellation of Annual Leave

- 2.1. Where staff have already pre-booked holidays, they should be allowed to take them where possible for rest and recuperation during this challenging, worrying and stressful period. Staff could, however, be asked to review any pre-booked annual leave commitments and offer their availability if needed on a voluntary basis.
- 2.2. Additionally, given the ongoing number of services that are being significantly impacted by Covid-19 resulting in staffing shortages and increased service needs, it may be necessary for managers to ask staff to cancel any pre-booked annual leave for the near future. ELFT will only ask this of staff if it is absolutely necessary and in line with service needs. This will be reviewed on an ongoing basis and there is an hope that staff will respond to these requests positively, being flexible with annual leave where possible.
- 2.3. Given the Government restrictions in place following the UK lockdown from 23rd March 2020, we recognise that staff may have annual leave pre-booked for the coming few months but may no longer wish to take this at this time, due to these restrictions. If this is the case, please let your line manager know as soon as possible that you wish to cancel or change your annual leave plans.

3. Outstanding Annual Leave for 2019/2020

- 3.1. When staff have been unable to take annual leave for the 2019/2020 leave year and this results in them having additional days left by 31st March 2020 the following options are available:
 - The working time directive in terms of yearly leave allowance stipulates that staff must take their minimum statutory yearly allowance of 28 calendar days (pro rata for part time staff). e.g. somebody entitled to 27 days per year plus 8 bank holidays has an overall entitlement of 35 days. The staff member would ordinarily be required to take the minimum statutory amount of 28 days. However, in view of these unprecedented circumstances and latest government advice, staff can carry over any days not taken into the 2020/2021 leave year for use in the next 2 years.

- The second option is for staff to sell their excess annual leave from the 2019/2020 leave year. However, the working time directive in terms of yearly leave allowance needs to be followed with regards to selling leave and staff must take their minimum statutory yearly allowance of 28 calendar days (pro rata for part time staff and this includes bank holidays). The staff member must take the minimum statutory amount of 28 days but can sell any additional days above this.

4. Selling of annual leave

- 4.1. To ensure staff are supported throughout this ongoing pandemic the Trust will allow for the selling of annual leave in the 2019/2020 and 2020/2021 leave years.
- 4.2. Selling of annual leave can be for the leave not taken in 2019/2020 and any leave staff do not wish to take in 2020/2021 (taking in to account the minimum statutory requirement of 28 days). When considering selling leave staff are strongly encouraged to consider their own wellbeing and plan for regular opportunities of rest and recuperation throughout the year.
- 4.3. Any payment for annual leave sold will be equivalent to the staff member's normal hourly rate of pay, inclusive of any allowances. Staff members must inform their line manager of the number of hours they wish to sell then the line manager will complete a change form if the request is approved. The manager should write on the change form the number of hours of annual leave the staff member wishes to sell. The manager should then deduct the amount of days sold from the annual leave entitlement on Health Roster and/or local records.
- 4.6. It is important that requests to sell annual leave are reviewed with balance, to ensure that staff are supported to rest and recuperate, each case must be considered on its merits will be at the line manager's discretion, in conjunction with advice from the relevant People Relations Advisor.

5. Requesting Annual Leave during and following the pandemic

- 5.1. Requesting of annual leave both during and following the pandemic needs to be in line with normal procedures outlined in the Trust Annual and Special Leave policy. However, staff are encouraged to provide as much notice as possible to allow for managers to adjust and design rotas and cover accordingly. Managers will only be able to approve requests in line with the needs of the service at that time. It is appreciated that it is a fast moving and changing landscape during the pandemic and managers and staff are encouraged to work together to ensure services are able to operate as required.
- 5.2. Staff should not book or arrange travel plans without their annual leave first being approved.
- 5.3. In the event that annual leave is approved then unexpected staffing shortages or service changes are needed during the pandemic section 2 of this guidance will apply in relation to reviewing annual leave. 5.4 As of 14th December 2020, registered health and care professionals travelling to the UK from high-risk countries are lawfully required to self-isolate for 10 days. If you choose to travel to a country whilst the Government has the 10 day return quarantine in place, you will need to agree an acceptable method of managing the quarantine period with your manager, prior to travel. Means of managing the 10 day quarantine are as follows:

- Work from home, where possible
 - Where you are unable to work from home, it may be possible temporarily to reassign appropriate work to enable you to do so.
- 5.5 An exemption was originally put in place, at the beginning of June 2020, which meant that registered health and care professionals did not have to self-isolate when travelling to England from overseas. However, this exemption is no longer valid.
- 5.6. If whilst travelling the travel corridor unexpectedly changes please discuss with your manager as soon as possible to agree how the 10 days quarantine period will be covered. If staffing shortages mean you are expected to return as soon as possible and this would involve paying for a test as part of the government scheme the cost will be met by the Trust.

6. Outstanding Annual Leave for 2020/2021

3.1. Staff are strongly encouraged to take all their leave allocation for the 2020/2021 leave year by 31st March 2021 to ensure they have the opportunity for rest and recuperation. Managers should work with staff and teams to plan annual leave so that all staff have the opportunity to take this before the end of the financial year.

3.2. When staff have been unable to take annual leave for the 2020/2021 leave year the usual option of carrying over 5 days pro rata, as per Trust policy applies. If in exceptional circumstances staff have more than 5 days (pro rata) outstanding as a direct result of the pandemic by 31st March 2021 the following options are available. Please note staff can use a combination of these options and doesn't just have to choose one.

- The working time directive in terms of yearly leave allowance stipulates that staff must take their minimum statutory yearly allowance of 28 calendar days (pro rata for part time staff). e.g. somebody entitled to 27 days per year plus 8 bank holidays has an overall entitlement of 35 days. The staff member would therefore be required to take the minimum statutory amount of 28 days to ensure they have had adequate rest periods. Any days above this that they have not been able to take due to the pandemic can be carried over into the 2021/2022 leave year to be used within that year. Managers should be mindful of any days the staff member carried over from the previous financial year (2019/2020) in line with section 3 and plan with them how they will use their annual leave throughout the year.
- The second option is for staff to sell excess annual leave from the 2020/2021 leave year. Staff can sell any excess annual leave as per the guidelines in section 4. The statutory requirement of 28 days leave per year must be followed for staff who wish to utilise the selling option e.g. if a staff member is entitled to 27 days per year plus 8 bank holidays their overall entitlement is 35. The staff member would therefore be required to take the statutory amount of 28 days and can sell any days in excess of this.
- The third option is for staff to bank days towards the holiday of a lifetime scheme in line with Trust policy. The statutory requirement of 28 days leave per year must be followed for staff who wish to utilise this option e.g. if a staff member is entitled to 27 days per year plus 8 bank holidays their overall entitlement is 35. The staff member would therefore be required to take the minimum 28 days and any days above this can be banked. If this option is chosen staff must wait at least 1 year before taking

the holiday of a lifetime and it can not be taken in the following leave year (2021/2022). Normal procedures around entitlement and notice periods will apply in line with Trust policy.