

Annual leave guidance during the COVID-19 pandemic

Context

Taking regular annual leave is an important factor in supporting staff health and wellbeing. The impact of the pandemic has meant that some staff have had annual leave cancelled or have not been able to book annual leave due to the needs of the service.

The NHS continues to face new challenges as it responds to the continued emergency demands of the pandemic while at the same time rebuilding capacity to address the backlog of unmet care, as a result of cancelled operations and appointments.

It is important for employers and staff sides to work in partnership to consider the management of annual leave during the next period, ensuring a fair approach which recognises the need for flexibility to support the health and wellbeing of staff, whilst maintaining safe and effective staffing levels.

Aim

The aim of this guidance is to set out some supporting principles by which employers and local trade unions can work in partnership to review their local annual leave policies in response to the COVID-19 pandemic.

Principles

Employers have a duty of care to staff to ensure that they have reasonable opportunities to request and take annual leave.

When reviewing local annual leave policies, it is recommended that the following factors should be considered:

- Wherever possible, prioritisation in allocation of leave should be given to staff who have:
 - previously had their annual leave cancelled
 - been working long hours over a long period
 - been unable to take a break for an extended period.

This is to ensure that they can rest and recover from their extended periods of work.

- Whenever possible, annual leave requests will be approved. In order to support this, planning of annual leave across teams is necessary, and this should take place by agreement through discussion between line managers and all employees in the team.

- If decisions to cancel leave need to be considered as part of emergency planning and contingency measures, this should be in consultation with local staff organisation representatives. Cancellation or restriction of annual leave should only be as a last resort where staff shortages would be operationally critical.
- If the needs of the service prevent some staff from taking all their leave within the year, there should be an agreed process to identify this in advance of the year-end and arrangements agreed to enable staff to carry over all remaining annual leave.
- Consideration should be given to the additional capacity that might be required, for example through use of bank staff or returners, to ensure safe and effective staffing levels are maintained and to facilitate staff being able to take their annual leave.
- Equality impact assessments will need to be reviewed and updated to ensure there is a robust process for monitoring and reviewing access to leave across all staff groups and protected characteristics.

Line managers, employees, and staff side reps should work together in planning when annual leave can be taken to ensure that everyone can take their annual leave to support their health and wellbeing.

- Any amendments to local annual leave policies should be agreed in partnership and the resulting expectations clearly communicated to staff and line managers, including whether these are temporary amendments and how long they will be in place.
- Staff should be encouraged to plan and book a certain amount of their annual leave within a reasonable agreed timeframe, e.g. each quarter, to ensure that they have regular rest opportunities. Where appropriate, discussions about annual leave should be documented in 1-1 meetings.
- Consideration should be given as to how annual leave arrangements can be planned and agreed within teams to ensure continuity of care.
- In normal circumstances carry over of annual leave would be by exception. If, due to the needs of the service, it is not reasonably practicable for a member of staff to take their full annual leave entitlement (contractual and statutory) then it may be necessary to carry over an amount beyond the normal provisions within local policies. If this does occur then plans should be in place to manage and support this, including processes for recording any additional carry-over and discussions about how it will be used over the next period.

- Staff may need to be more flexible as to when they take leave to ensure that they and their colleagues have an equal opportunity to take a break from work to rest and recuperate
- Annual leave processes and approvals will need to be monitored and reviewed to ensure fairness and equity. In particular, consideration should be given to the circumstances and needs of staff who have been shielding, staff who may have family overseas, and those with caring responsibilities.

NHS Staff Council Executive

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