

HSC Guiding Principles for the Approval, Use and Suspension of Annual Leave and Statutory Leave During the Covid19 Period

1.0 Introduction

The recent COVID19 Pandemic has undoubtedly brought unprecedented challenges to all HSC services and staff. There is also little doubt that all HSC staff must be commended for the way in which they have responded to these challenges and for their hard work, dedication and commitment. It has been a superb team effort.

In these exceptional circumstances it has been, and continues to be, difficult to predict service needs and staffing levels across all service areas and groups of staff. To date we have tried to get the balance right between preparing to operate at more than maximum capacity for a number of months during the COVID19 outbreak while at the same time ensuring that we maximize opportunities to facilitate social distancing at work by ensuring minimum numbers on duty and conserving the energy of staff when it is operationally possible to do so.

These guiding principles are not intended to be rigid and inflexible and managers will continue to take account of individual circumstances including the needs of the service, the impact on relevant teams and the unpredictable nature of the pandemic over the next number of months. The aim is to strike a balance between encouraging staff to continue taking annual leave, taking into account staff health and safety and service need whilst at the same time understanding that holiday plans are changing due to the impact of COVID19. They are designed to support, not replace, any established practices for the management of annual leave and should also be read in association with all other relevant guidance, e.g. Regionally Agreed Questions and Answers for HSC staff and will be kept under review to ensure they are consistent with the circumstances associated with the pandemic.

Regionally, Trade Unions have been involved in developing and agreeing these local guiding principles. They apply equally to staff working in the workplace or those working at home. None of these guiding principles are intended or should be interpreted as contrary to contractual Terms and Conditions.

As part of surge planning, staff have been asked to be flexible in terms of leave / statutory leave arrangements, and staff in some services have agreed to postpone their annual leave to date. We wish to thank staff sincerely for their flexibility and understanding. Staff rest and recuperation at this time is vital, however, and we must ensure that staff have enough rest in

order to maintain their own physical and mental wellbeing to sustain them over the next number of months of the pandemic.

2.0 General Principle Relating to Use of additional Annual Leave Carried Forward from 2019/2020 leave year

Where an employee has been given approval to carry forward additional annual leave from 2019/2020 if service pressures permit, he/she should be encouraged to use that carried forward leave ideally within a specified timeframe agreed with their line manager, for example, before the end of 30th June 2020, where this is possible.

The equivalent requirement should apply to those Medical staff who don't operate the standard April to March leave year. If at all operationally practicable additional carried forward leave from 2019/2020 should be used ideally no later than 2 months into the new leave year.

Any existing locally agreed carry over arrangements of up to 1 week will be honoured in accordance with normal practice.

3.0 General Principle Relating To Use Of Current Annual Leave By a Specified Timeframe

At this time of unprecedented pressure, it is important that all staff, are able to have a period of annual leave for much needed rest and "down time".

To meet and manage this need, we would encourage employees to agree with their line manager to use a specified allocation of their leave within an agreed timeframe. For example, a member of staff can agree with their line manager to use a minimum of 2 weeks of their annual leave entitlement for 2020/2021 within 6 months and by the mid-year point of 30th September 2020.

Medical staff who operate a different leave year pattern should have the same principle applied and agree to use a minimum of their leave allocation within a specified timeframe, if possible. Arrangements for annual leave for doctors in training are currently subject to ongoing discussion regionally.

4.0 Employee Requests To Suspend/Defer Planned Annual Leave

Employee requests to suspend/defer planned (pre-approved) annual leave can be approved providing this is consistent with the needs of the service and colleagues.

It is fully accepted that one of the effects of COVID19 has been the impact of everyone's ability to travel and this has resulted in the cancellation of a number of planned flights or holidays. Some employees affected by such cancellations who already had annual leave

booked for such holidays may therefore request to suspend/defer that booked annual leave to a later date.

In such circumstances, line managers are expected to be sympathetic to such requests taking account of the need for colleagues in the team to have time off.

No-one is certain when we will be able to travel freely again and cancelled holidays re-arranged. It may therefore regrettably not be possible for large numbers of staff to take their suspended/deferred annual leave at the same time and managers will have to manage this in a way that does not have any adverse impact on the needs of the service. This may include enabling affected employees to carry forward an additional period of leave in excess of 1 week in accordance with any pending change in Working Time legislation in NI.

5.0 Requests By Line Managers For Employees To Suspend/Defer Planned Annual Leave / Statutory Leave

The HSC would wish to assure employees that all reasonable efforts will be made to avoid having to ask staff to postpone/change their annual leave / statutory leave arrangements and that such requests will only be made when absolutely necessary and to maintain critical services to patients and service users across the wider HSC system. We recognise staff will be required to work periods they would not normally work and there may be occasions depending on surge activity where staff will be asked to postpone their leave or work on statutory holidays, as not to do so may have a direct impact on patient / client safety, particularly during this unpredictable emergency pandemic situation. In these instances, any postponement of annual leave or requests to work bank holidays, should be handled sensitively by managers, who should discuss this with the affected staff as soon as practicable ensuring adequate notice.

If, in order to meet any critical service needs throughout this pandemic, you are asked to postpone your leave in the future, it will be granted again as soon as possible. Should you be requested to work on a statutory day or differently from your normal working pattern, you will be paid in line with your terms and conditions.

Leave is a health and safety provision and where staffing levels permit, annual leave should be allocated in a way that meets the needs of the service and is fair and reasonable to all employees in the current unprecedented circumstances of social lockdown.

Under new measures introduced by the Government aimed at alleviating the pressure on organisations employing key workers, staff who cannot take all their holiday entitlement due to COVID19 will be able to carry over some of it into the next 2 leave years, 2021/2022 and 2022/2023. This change to the Working Time Regulations (Northern Ireland) 2016 Legislation will ensure no one will lose annual leave that they have been unable to take as a result of the COVID19 outbreak, and may be in addition to any existing locally agreed carry over arrangements of up to one week.