

PERSONNEL ISSUES

**ANNUAL LEAVE
POLICY NO: 2**

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Date of Issue:	April 2015	Next Review Date:	April 2017
Version:	2.2	Last Review Date:	April 2015
Author:	Senior Human Resources Manager		
Director(s) Responsible	Director of Workforce & Organisational Development		
Approval / Consultation Route LCNC/Terms & Conditions Group			
Approved By:		Date Approved:	
Terms & Conditions		February 2010	

Amendment History

Version	Status	Date	Reason for Change	Authorised
1			Policy written	
2		29 th January 2010	Reviewed and updated	Terms & Conditions Group
2.1	Approved	July 2013	Full review and no changes	-
2.2	Approved	April 2015	Amendment to way bank/public holidays are calculated	-

ANNUAL LEAVE POLICY

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1. PURPOSE

1.1 The aim of this policy is to provide a uniform and equitable approach to the calculation of annual leave and bank holiday entitlements, which take into account the entitlements and arrangements defined under Agenda for Change terms and conditions of service.

2. SCOPE

2.1 The Policy applies to all employees employed on Agenda for Change terms and conditions of service.

2.2 This policy is not applicable to Temporary Workers, staff not on Agenda for Change Terms and Conditions and staff covered by Medical & Dental Whitley Council conditions of service for whom separate provisions apply.

3. EQUALITY IMPACT ASSESSMENT

3.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No employee will receive less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, or on the grounds of trade union membership’.

4. ANNUAL LEAVE YEAR

4.1 The annual leave year runs from 1st April to 31st March the following year.

5. BASIC ANNUAL LEAVE ENTITLEMENTS

5.1 The basic annual leave provisions are detailed in the table below.

Length of Service*	Annual Leave	Public Holidays
On Appointment	27 days	8 days
After 5 years service	29 days	8 days
After 10 years service	33 days	8 days

5.2 The figures above detail the complete year entitlements for full-time staff working 5 days of even length per week. The entitlements for part-time staff are pro-rata and will be calculated in hours.

5.3 Equally where full-time staff work their contract hours over less than 5 days per week or have differing length working days, the entitlement will be calculated in hours. This provides equity for all by ensuring that staff do not either lose out or gain in comparison to colleagues through the effects of rounding up or down. Appendix 1 details the basic annual leave entitlements in hours.

6. BANK HOLIDAY ENTITLEMENTS

- 6.1 In addition to the basic annual leave entitlement employees are entitled to a Bank/Public holiday allowance. For full-time staff working five days per week, the usual entitlement is eight paid Bank/Public holidays. Full-time staff who work their hours over less than five days or work days of uneven length will have their entitlement calculated in hours (see appendix 2). The hours an employee would normally work on a Bank Holiday to be taken as leave should be deducted from the 'Total Leave Entitlement' (see Section 8).
- 6.2 For example, an employee works 21 hours per week over three days so will usually have 33.5 hours of bank holiday entitlement (see Appendix 2). The employee would deduct seven hours from their 'Total Leave Entitlement' as this is what they would normally work on any working day.
- 6.3 Part time staff are entitled to a pro-rata Bank/Public holiday allowance. As with basic annual leave, this allowance is calculated in hours to provide equity for all by ensuring that staff do not either lose out or gain in comparison to colleagues through the effects of either rounding up or down. Appendix 2 contains the Bank/Public holiday entitlement in hours per Bank/Public holiday and for a full year. However, for each Bank holiday the employee deducts the hours they were *due* to work that day from the 'Total leave entitlement' (see Section 8).
- 6.4 The recognised Public/Bank Holidays are as follows:
- Good Friday
 - Easter Monday
 - May Day
 - Spring Bank Holiday (late May)
 - August Bank Holiday
 - Christmas Day*
 - Boxing Day*
 - New Years' Day*

*If these dates fall on a weekend (Sat and/or a Sun) the official Bank/Public Holiday days will be the following Monday (and Tuesday in the case of both Christmas Day and Boxing Day falling at the weekend).

- 6.5 Where Easter falls wholly or partly in March, the Bank/Public holidays will be deemed to be part of the leave year's entitlement as it falls. If this situation occurs then the entitlement the following year will be calculated as having less the number of Bank/Public holidays that fell in the previous year (either one or two as appropriate).
- 6.6 The Bank/Public holiday period is defined as the 24 hour period from the midnight leading in to the Bank/Public holiday to midnight on the day of the Bank/Public holiday.

- 6.7 If an employee who has exhausted their Bank/Public holiday provision wishes or is required to take leave on a further Public/Bank holiday, the time taken will be deducted from the basic annual leave entitlement. This may be the case for someone who works part-time and the majority of Bank/Public holidays fall on their usual working day (see Section 8.1).
- 6.8 Where a service or department does not operate on a Bank/Public holiday but a part-time employee does not wish to use leave entitlement, if operationally possible, consideration should be given to allowing them to change their working days during that week in which the Bank/Public holiday falls. Alternatively and again if operationally possible, an employee may be able to increase their working hours on the other days they work in the week to compensate for the amount they should have worked on the Bank/Public holiday.
- 6.9 In some circumstances where a service or department does not operate on a Bank/Public holiday, it may be possible for an employee who does not wish to take leave on the Bank/Public holiday to undertake their duties or work in another part of the same service that does operate on Bank/Public Holidays.
- 6.10 This will be entirely at the discretion of the department/service concerned. It also needs to be made clear to the employee that if this option can be facilitated for them, it will not class as 'out of hours' working for the purposes of any unsocial hours supplement or any other payment. Equally it will simply mean that no leave is deducted from the employees Bank Holiday, Annual or total leave entitlements.

7. TOTAL HOLIDAY ENTITLEMENTS

- 7.1 Whilst basic annual leave and Bank/Public holiday entitlements have been shown separately for clarity of entitlement, it may be easier for many staff to record their annual entitlement as a total leave entitlement. To do this add together the respective entitlements from Appendix 1 and Appendix 2. Then whenever the employee takes leave whether it be annual leave or a Bank Holiday, the time taken is deducted from the total leave entitlement.

8. CALCULATION OF RECKONABLE SERVICE

- 8.1 For the purposes of determining entitlements to long service annual leave an employee's total aggregated NHS service is used. This essentially means that if an employee has broken periods of service all the periods of service are added together to give a total. It is however important to note that the periods of time spent outside the NHS are not counted unless covered by those Health Related Services detailed in Appendix 3.

Example: If somebody worked in the NHS for 5 years, left for 2 years and rejoined 3 years ago, their total service for annual leave purposes would be 8 years and not 10 years.

- 8.2 Appendix 3 lists the organisations recognised as NHS employers and Health Related Employment that will count for annual leave purposes.
- 8.3 Employees will be required to provide their Manager with reasonable evidence of previous service.

9. ENTITLEMENT ON JOINING

- 9.1 All new members of staff will be entitled to annual leave plus Bank Holidays in the year of joining the organisation, on a pro-rata basis.
- 9.2 Entitlement in the first year is calculated in relation to the number of complete calendar months worked after the date of joining and before the end of the annual leave year. Employees who commence up to the 7th calendar day in the month will receive the whole leave entitlement for that calendar month. Employees who join after the 7th calendar day in the month will not receive entitlement for this part month.
- 9.3 Leave entitlement for part years can be calculated using Appendix 1+2, but this must be pro-rata to the number of months left in the leave year from joining i.e. divide the leave for the whole year by 12 and multiply by the number of months remaining in the leave year from the date of joining.
- 9.4 **NOTE:** the Bank/Public holiday entitlement will be based on the number of Bank/Public holidays remaining in the current leave year from the date of joining.

EXAMPLE: A member of staff works 25 hours per week, their joining date is 5th September and they are new to the NHS.

- Their annual leave entitlement for a full year would be 135 hours (Appendix 1).
- As they started on 5th September, they are entitled to 7 months of annual leave i.e. 135 hours divided by 12mths multiplied by 7 months remaining, which is 79 hours of annual leave.
- There are 3 Bank/Public holidays (Christmas Day, Boxing Day and New Years Day) remaining in the leave year.
- Using Appendix 2 the number of hours of leave per Bank/Public holiday = 5 hours. Thus the Bank/public holiday entitlement for this leave year is 15 hours.
- So the total leave entitlement for this part leave year will be 79hrs + 15hrs = 94 hours to be taken by the 31st March.

10. CHANGE OF ENTITLEMENT DURING LEAVE YEAR (LONG SERVICE)

- 10.1 The policy of the Trust is that where entitlements change partway through a month the employee should not lose out significantly. In this respect the entitlement for the month where the change occurs will be based on how much of the month is left after the date of change.

10.2 If more days of the month fall after the date of gaining the higher entitlement, that month will be counted as a full month at the higher entitlement. Conversely if more days of the month fall before the change of entitlement, that month will be counted as a full month at the lower rate of entitlement.

10.3 Staff whose entitlement changes part way through a leave year by reaching a long service threshold (5 or 10 years) will have their annual leave

entitlement calculated based on the number of completed months worked in the leave year prior to reaching the long service threshold together with the number of months worked in the leave year after reaching the threshold to give a total annual leave entitlement for the year.

EXAMPLE: A member of staff works 30 hours per week achieves 5 years of reckonable NHS service on 10th July.

- From Appendix 1 their annual leave for less than 5 years service is 162 hours per annum and rises to 174 hours per annum after 5 years service.
- Thus as the majority of July falls in the higher entitlement the employee has three months at the lower rate plus 9 months at the higher rate. Therefore their overall annual leave entitlement for this year is 3/12ths of 162hrs + 9/12ths of 174 hours = 171 hours.

11. ENTITLEMENT ON CHANGING CONTRACT HOURS

11.1 Where staff change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed months on the new and the old contracted hours to give the full year entitlement.

11.2 The policy of the health community is that where staff change their contracted hours part way through a month, they should not lose out significantly on entitlement. Therefore, in these cases the entitlement for the first month will be calculated on the basic weekly contracted hours that they worked in that initial month.

EXAMPLE: A member of staff with less than 5 years service increases their contract hours from 20 to 25 on 11th October.

- From Appendix 1 their annual leave for 20 hours per week is 108 hours per annum and rises to 135 hours per annum for a 25-hour week.
- Thus as the majority of October falls in the higher entitlement the employee has six months at the lower rate plus 6 months at the higher rate.
- Therefore their overall annual leave entitlement for this year is 6/12ths of 108hrs + 6/12ths of 135 hours = 121.5 hours.

12. LOCAL ARRANGEMENTS

12.1 It is anticipated that individual departments shall have an approval process or local operational policy, which makes explicit the minimum standards by which staff may book and take paid annual leave. Such local policies should

describe the minimum notice requirements; identify the number of staff that can be on leave at any one time without disrupting the service and incurring cover costs; arrangements for Christmas, summer holiday arrangements when often a number of staff will want time off at the same time.

- 12.2 In some departments it may be necessary to identify how many staff must take leave per month in order to ensure all staff leave is taken throughout the year and, if no staff have booked leave for that particular period, the manager may have to enforce leave being taken.

13. CARRY OVER OF LEAVE

- 13.1 The Trust expects that within the leave year, staff should be provided with the opportunity to take all their annual leave. In **exceptional** circumstances up to one week of basic contracted hours (ie for a part time member of staff working 2 days per week, a week would equate to 2 days) may be carried over to the following leave year, with the agreement of the Manager.
- 13.2 Applications to carry over amounts of paid contractual annual leave in excess of the equivalent of one weeks leave ie for a part time member of staff working 2 days per week, a week would equate to 2 days will be approved only in circumstances where an employee is able to demonstrate they were prevented, solely due to the needs of the service, from taking their normal full entitlement during the relevant leave year or with their managers agreement they are transferring it for an agreed purpose. Such approval can only be granted by Directors, Divisional General Managers or nominated deputies.
- 13.3 Applications to carry over amounts of contractual paid annual leave from any current leave year to an immediately subsequent leave year, must be made in writing to the designated manager, prior to the end of any current leave year from which the paid contractual annual leave is to be carried over.
- 13.4 Designated managers should ensure staff carrying over amounts of paid contractual annual leave, agree a date by which the total amount of carried over paid contractual annual leave will be taken, prior to the request to carry over being approved.

14. SICKNESS OCCURRING DURING ANNUAL LEAVE OR BANK HOLIDAYS

- 14.1 If an employee falls sick whilst on annual leave, then in accordance with the [Sickness Absence Management Policy](#), the period covered will be treated as sick leave, allowing the employee to take the annual leave at another time.
- 14.2 The employee must contact their line manager to advise that they are sick and not on annual leave for the annual leave to be taken at another time. Where an employee does not advise their line manager at the time that they are off sick during an annual leave period then the period will continue to be counted as annual leave.

- 14.3 If illness results in the cancellation of a holiday, the employee may substitute sick leave for annual leave on production of a medical certificate (from the first day of sickness), provided the normal procedure has been followed for reporting sickness absence on the first day of illness.
- 14.4 Employees **will not** be entitled to an additional day off, if sick on a Bank/Public holiday that they would otherwise have been required to work as part of their basic week.

15. ENTITLEMENT ON LEAVING

- 15.1 Staff who leave the organisation will receive 1/12th of their annual leave entitlement per Appendix 1 for each complete calendar month worked in the current leave year, less any annual leave taken plus the benefit of any outstanding Bank Holiday hours that have occurred in the leave year prior to the date of leaving (Appendix 2).
- 15.2 Where the leave due to an employee exceeds what they have taken, payment will be made for the balance in the final pay packet.
- 15.3 Where the total leave taken exceeds the total leave earned, a deduction for the balance will be made in the final pay packet.

16. RECORDING AND AUTHORISATION OF ANNUAL LEAVE

- 16.1 Every member of staff should be issued with an annual leave card when they commence employment and at the beginning of every leave year. Annual leave cards can be ordered through Aggresso. For those staff that are using Rosterpro a card is not required as individual holiday requests and approval is recorded on the system.
- 16.2 The annual leave card should document the date the leave was requested, the dates of leave required and the Line Manager's signature.

Line Managers should also retain a record of all employees annual leave in order that they are aware of how much leave has been taken at any given time (Appendix 4). At the end of each financial year annual leave cards should be returned to Line Managers for inclusion in personal files.

- 16.3 Line managers are responsible for audit purposes for ensuring that there is a centrally held record of annual leave for their department. These records should be kept for a period of two years.

17. REVIEW

- 17.1 A review of this document will be conducted every two years or following a change to associated legislation or national/local terms and conditions of service and is the responsibility of the Director of Workforce & Organisational Development.

**AGENDA FOR CHANGE:
ANNUAL LEAVE ENTITLEMENT FOR COMPLETE YEARS
(EXCLUSIVE OF BANK HOLIDAYS)**

Weekly Basic Contracted Hours	On Appointment	After 5 Years Service	After 10 Years Service
	27 DAYS	29 DAYS	33 DAYS
	HOURS EQUIVALENT		
37.5	202.5	217.5	247.5
37.0	200.0	214.5	244.0
36.5	197.0	211.5	241.5
36.0	194.5	209.0	237.5
35.5	191.5	206.0	234.5
35.0	189.0	203.0	231.0
34.5	186.5	200.0	227.5
34.0	183.5	197.0	224.5
33.5	181.0	194.5	221.0
33.0	178.0	191.5	218.0
32.5	175.5	188.5	214.5
32.0	173.0	185.5	211.0
31.5	170.0	182.5	208.0
31.0	167.5	180.0	204.5
30.5	164.5	177.0	201.5
30.0	162.0	174.0	198.0
29.5	159.5	171.0	194.5
29.0	156.5	168.0	191.5
28.5	154.0	165.5	188.0
28.0	151.0	162.5	185.0
27.5	148.5	159.5	181.5
27.0	146.0	156.5	178.0
26.5	143.0	153.5	175.0
26.0	140.5	151.0	171.5
25.5	137.5	148.0	168.5
25.0	135.0	145.0	165.0
24.5	132.5	142.0	161.5
24.0	129.5	139.0	158.5
23.5	127.0	136.5	155.0
23.0	124.0	133.5	152.0
22.5	121.5	130.5	148.5
22.0	119.0	127.5	145.0
21.5	116.0	124.5	142.0
21.0	113.5	122.0	138.5
20.5	110.5	119.0	135.5
20.0	108.0	116.0	132.0
19.5	105.5	113.0	128.5
19.0	102.5	110.0	125.5

Formula = $\frac{\text{Weekly Contracted Hrs} \times \text{No. of Days Entitlement}}{5}$

**AGENDA FOR CHANGE:
ANNUAL LEAVE ENTITLEMENT FOR COMPLETE YEARS
(EXCLUSIVE OF BANK HOLIDAYS)**

Weekly Basic Contracted Hours	On Appointment	After 5 Years Service	After 10 Years Service
	27 DAYS	29 DAYS	33 DAYS
	HOURS EQUIVALENT		
18.5	100.0	107.5	122.0
18.0	97.0	104.5	119.0
17.5	94.5	101.5	115.5
17.0	92.0	98.5	112.0
16.5	89.0	95.5	109.0
16.0	86.5	93.0	105.5
15.5	83.5	90.0	102.5
15.0	81.0	87.0	99.0
14.5	78.5	84.0	95.5
14.0	75.5	81.0	92.5
13.5	73.0	78.5	89.0
13.0	70.0	75.5	86.0
12.5	67.5	72.5	82.5
12.0	65.0	69.5	79.0
11.5	62.0	66.5	76.0
11.0	59.5	64.0	72.5
10.5	56.5	61.0	69.5
10.0	54.0	58.0	66.0
9.5	51.5	55.0	62.5
9.0	48.5	52.0	59.5
8.5	46.0	49.5	56.0
8.0	43.0	46.5	53.0
7.5	40.5	43.5	49.5
7.0	38.0	40.5	46.0
6.5	35.0	37.5	43.0
6.0	32.5	35.0	39.5
5.5	29.5	32.0	36.5
5.0	27.0	29.0	33.0
4.5	24.5	26.0	29.5
4.0	21.5	23.0	26.5
3.5	19.0	20.5	23.0
3.0	16.0	17.5	20.0
2.5	13.5	14.5	16.5
2.0	11.0	11.5	13.0
1.5	8.0	8.5	10.0
1.0	5.5	6.0	6.5
0.5	2.5	3.0	3.5

Formula =
$$\frac{\text{Weekly Contracted Hrs} \times \text{No. of Days Entitlement}}{5}$$

APPENDIX 2

**AGENDA FOR CHANGE:
CALCULATION OF BANK HOLIDAY ENTITLEMENT**

Weekly Basic Contracted Hours	Hourly Entitlement For Full Leave Year	Weekly Basic Contracted Hours	Hourly Entitlement For Full Leave Year
	(8 BANK HOLIDAYS)		(8 BANK HOLIDAYS)
37.5	60.0	18.5	29.5
37.0	59.0	18.0	29.0
36.5	58.5	17.5	28.0
36.0	57.5	17.0	27.0
35.5	57.0	16.5	26.5
35.0	56.0	16.0	25.5
34.5	55.0	15.5	25.0
34.0	54.5	15.0	24.0
33.5	53.5	14.5	23.0
33.0	53.0	14.0	22.5
32.5	52.0	13.5	21.5
32.0	51.0	13.0	21.0
31.5	50.5	12.5	20.0
31.0	49.5	12.0	19.0
30.5	49.0	11.5	18.5
30.0	48.0	11.0	17.5
29.5	47.0	10.5	17.0
29.0	46.5	10.0	16.0
28.5	45.5	9.5	15.0
28.0	45.0	9.0	14.5
27.5	44.0	8.5	13.5
27.0	43.0	8.0	13.0
26.5	42.5	7.5	12.0
26.0	41.5	7.0	11.0
25.5	41.0	6.5	10.5
25.0	40.0	6.0	9.5
24.5	39.0	5.5	9.0
24.0	38.5	5.0	8.0
23.5	37.5	4.5	7.0
23.0	37.0	4.0	6.5
22.5	36.0	3.5	5.5
22.0	35.0	3.0	5.0
21.5	34.5	2.5	4.0
21.0	33.5	2.0	3.0
20.5	33.0	1.5	2.5
20.0	32.0	1.0	1.5
19.5	31.0	0.5	1.0
19.0	30.5		

Formula =
$$\frac{\text{Weekly Contracted Hrs} \times \text{No. of Days Entitlement}}{5}$$

NHS EMPLOYERS

ENGLAND

NHS Trusts
NHS Care Trusts
NHS Foundation Trusts
Strategic Health Authorities
All Special Health Authorities
NHS Direct
National Treatment Agency
National Institute for Clinical Excellence
Health Development Agency

NORTHERN IRELAND

Health Boards
HSS Trusts
Agencies

SCOTLAND

Health Boards
Special Health Boards
NHS Trusts
Primary Care Trusts
NHS 24
NHS education for Scotland

WALES

NHS Trusts
Local Health Boards

HEALTH RELATED EMPLOYMENT

GP Practices
Hospices
Medical Service in HM Armed Forces e.g. nurse/operating department practitioner
Equivalent Health Service experience overseas e.g. overseas nurse/allied health professional

APPENDIX 4

ANNUAL LEAVE RECORD

EMPLOYEE'S NAME:

NHS Start Date: **Days B/F from previous year:**

Entitlement for this year:

TOTAL:

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DATES REQUESTED		NUMBER OF DAYS BOOKED	NUMBER OF DAYS REMAINING
FROM	TO		