

Annual Leave Policy

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1. Introduction

All staff should be given paid annual holiday to provide a break from work at regular intervals throughout the year. The Trust will seek to ensure staff are able to take their paid annual leave entitlement.

When considering and approving paid annual leave requests, managers are responsible for making sure annual leave is planned to:

- take account of the needs of the service.
- make sure leave is spread evenly across the year and
- avoid use of NHS Professionals/agency workers to cover annual leave.

The entitlements to paid annual leave are for a pre-determined leave year from 1 April to 31 March inclusive.

2. Purpose or aim

This policy explains entitlements to annual leave and how annual leave should be managed.

3. Scope

The policy applies to all substantive employees of the Trust except for medical staff for whom separate terms and conditions exist.

4. Definitions

Annual leave entitlement for full time employees is:

- On commencement: 202.5 hours 27 days
- After 5 years' service: 217.5 hours 29 days
- After 10 years' service: 247.5 hours 33 days

'Service' is aggregated NHS service, regardless of breaks in service.

5. Policy description

5.1 How leave is calculated

Annual leave is accrued at 1/12 of the full year's entitlement for each completed calendar month of employment. If your employment begins after the start of the leave year, or your employment ceases before the end of the leave year, you will receive an adjusted proportionate amount of paid annual leave according to your completed months of service in the leave year.

Any part time Trust employee will receive a pro-rata amount of paid annual leave in accordance with the number of hours worked. Should an employee increase or decrease their working hours on a permanent basis, their annual leave entitlement should be recalculated from the date of change to accurately reflect the number of hours worked.

Where full time staff work their contract hours over less than five days per week or have longer working days, the entitlement will be calculated in hours. This provides equity for all, ensuring that staff do not either lose out or gain in comparison to colleagues through the effects of rounding up or down.

Where an employee's entitlement to annual leave increases due to length of service during the year; the additional entitlement pro rata for the leave year, will become effective from the first of the month after the date of the increased entitlement. Annual leave entitlement accrues during sick and maternity/paternity leave.

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There is an annual leave calculator on Ourspace which calculates annual and public holiday entitlement in hours and calculates entitlements for staff that join part way through the year.

5.2 Allocation of public holidays

The eight Bank Holidays in the year are:

New Year's Day
Good Friday
Easter Monday
May Day
Spring Bank Holiday
August Bank Holiday
Christmas Day
Boxing Day

The arrangements for general and public holidays are set out in the Agenda for Change Terms and Conditions Handbook.

When Christmas and New Year public holidays fall at weekends, [Annex 25](#) of the [NHS Terms and conditions of service handbook](#) sets out the arrangements that apply when staff work on public holidays in this holiday period.

Bank Holiday entitlement does not accrue during sick leave or during a period of suspension.

Staff on call during a Public Holiday will attract a day in lieu in accordance with paragraph 13.4 of the Agenda for Change terms and conditions irrespective of work done.

5.3 Application and authorisation to take Annual Leave

General

- Individual departments may have an authorisation process or local operational policy. This should make clear how staff may book and take paid annual leave and should incorporate the minimum requirements set out below. Some departments may:
 - require additional standards for paid annual leave allocation, such as a requirement for greater notice.
 - describe arrangements for peak holiday times, when a number of staff are likely to want time off at the same time.

Application to take paid annual leave

- Applications to take paid annual leave should be made in writing, normally by using an individual Annual Leave Record Card.
- Each manager should identify to staff the designated manager or supervisor with authority and responsibility for authorising applications to take annual leave. Staff and their managers should work together and take joint responsibility for making sure annual leave entitlements are used effectively throughout the year. Guidance on planning annual leave and avoiding carry-over of annual leave to the next leave year is provided on [Ourspace](#).
- The designated manager must approve applications to take paid annual leave before leave is taken, and subject to the provisions and recommendations set out in this policy. Requests will not be unreasonably refused. However, managers will need to consider the needs of the service and fairness and must be consistent when dealing with annual leave requests.

Application to buy additional annual leave

- Staff may apply to purchase up to two weeks additional annual leave, subject to manager approval. This leave must be taken in that leave year. In these cases, salary deducted by an equivalent amount to the leave value with the deductions usually made over 10 months. If short notice unpaid leave is authorised, the value will be deducted over the remaining months of that financial year.
- Purchased leave cannot be covered by bank or agency staff. Managers may turn down requests to maintain the quality of services. If they do so, you will receive a notification of this via email.

Notice requirements and duration of paid annual leave

The notice requirements are in accordance with Regulation 13 of the Working Time Regulations 1998. These state that an employee must normally apply to take leave giving a minimum period of notice of at least twice the duration of the leave requested. For example; for 10 consecutive calendar days annual leave, at least 20 working days' notice should be given before the first date of paid annual leave requested.,

Any local arrangements giving less notice will over-ride the Working Time Directive arrangements.

As a guide, requests to take leave of 5 days or more, which are made less than 6 weeks before the proposed start date are unlikely to be approved, where service adjustments or staffing cover arrangements will be required.

Maximum leave periods

Managers will not normally be able to approve a continuous period of leave of more than two weeks (including days off) except in exceptional circumstances. If you need to exceed this limit, you should make your request at least three months before the requested leave start.

Local departmental policies should meet these criteria.

It is the employee's responsibility to make sure their manager receives the written leave request with the right notice and they have received authorisation before taking leave.

Unauthorised leave

Any leave taken without authorisation or which does not meet the requirements of this procedure will be considered unauthorised absence. The Trust reserves the right to withhold payment or deduct from an employee's salary payment for all periods of unauthorised absence. The Trust also reserves the right to take action under its Disciplinary Procedure about any unauthorised absence, including, if appropriate, dismissal without notice.

Authorisation of annual leave requests

Managers should ensure that annual leave is planned so that it is spread fairly and evenly throughout the year and managers are referred to the [Guidance on Planning Annual Leave and Avoiding Carry Over of Annual Leave](#)

Managers authorising annual leave will ensure service needs are met and will normally set standards for the maximum number of staff who may be absent from work on annual leave at any one time. Managers should not ordinarily agree to annual leave which will incur an additional cost to the Trust, e.g. in cover arrangements, where this can be reasonably avoided.

Managers should not normally approve a continuous period of leave of more than two weeks (inclusive of days off). However, in exceptional circumstances and with careful consideration of how the service can be covered without incurring an additional cost or reduction in service quality, three weeks (inclusive of days off) may be granted. An exceptional circumstance may be, for example, leave to visit immediate family members overseas, particularly where the geographical distance is great. Any longer period of time must be approved by the ward manager/service manager/head of service/equivalent.

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Authorising managers should confirm whether authorisation is given within a week after receipt of the request. If a manager needs to extend this decision making time, they should give the employee a clear reason of the delay and give an estimated timescale when they will reach give the decision.

Employees' requests or existing arrangements for time off for training or trade union activities should always be considered separately from their annual leave requests.

We recommend that employees do not commit to holiday plans until requests to take annual leave have been authorised. The Trust is not responsible for any costs incurred by employees whose annual leave plans are not authorised.

Withdrawal of authorised leave

Authorisation of an employee's application to take annual leave will not normally be withdrawn, unless in exceptional circumstances; such as an emergency situation, such as pandemic flu. Managers will act fairly and reasonably in the circumstances and will avoid calling staff in from a holiday where flights, accommodation, etc. have been paid for, unless it is absolutely necessary and there are no other suitable staffing solutions.

Withdrawal of annual leave must be communicated to the affected employee as soon as possible and at least within the duration of the period of annual leave requested. In these rare circumstances, the employee will be encouraged to declare their potential financial losses and other potential personal impact on them, to assist the manager in making a better informed decision. This declaration would have to be evidenced by receipts of payment for activities booked for that period.

5.4 Staff on sickness absence

Employees absent due to a long term period of sickness are entitled to take annual leave and be paid accordingly during their period of absence. However, staff should not engage in any activities inconsistent with the nature of their illness or which may impede recovery. You may therefore be asked to attend Occupational Health to check that it is safe for you to take leave before a request for leave being authorised.

Staff who are ill during the whole or part of pre-authorised annual leave and who follow the correct sickness absence reporting procedures may have their leave classed as sickness absence on receipt of an appropriate medical certificate. In this case, their remaining annual leave entitlement will be credited back. Managers should seek HR advice to ensure a fair, consistent approach.

In line with section 14.8 of the Agenda for Change Terms and Conditions of Employment handbook, employees are not entitled to an additional day off, if sick on a statutory holiday.

5.5 Termination of employment

Leavers will receive any outstanding leave due to them when they leave the Trust. Outstanding leave will be calculated on entitlement for each completed month worked in the current leave year.

If you leave and have taken more than your accrued holiday entitlement for the completed months worked, the amount owed will usually be deducted from your final salary. If this is insufficient, the remainder will constitute a debt owed to the Trust, which you may have to pay back

A day's holiday pay is calculated by dividing the employee's annual salary at the relevant point in time by 12 and then dividing that figure by the number of days in the applicable month (pro-rata for part time staff).

5.6 Minimum leave and carry over entitlement

Staff must take at least 5.6 weeks (28 days) holiday per year, inclusive of public holidays, in accordance with the Working Time Regulations 1998 (pro-rata for part time staff).

The carry-over of annual leave from one year to the next should be avoided and managers should follow the [Guidance on Planning Annual Leave and Avoiding Carry Over of Annual Leave](#) to achieve this.

Exceptionally, designated managers may approve carry over a maximum of 5 days (pro-rata for part time staff) annual leave from any current leave year to an immediately subsequent leave year.

Applications to carry over paid annual leave must be made in writing to the designated manager, at least two months before the end of any current leave year. Failure to comply with this requirement may result in the loss of any untaken annual leave.

Designated managers should agree a date by which the total amount of carried over paid contractual annual leave will be taken, before the request to carry over being approved.

If a member of staff has not had an opportunity to take the minimum four weeks holiday required by the European Working Time Directive (inclusive of public holidays) (pro-rata for part time staff) in the leave year because they have been prevented from doing so due to long term sickness, managers should seek advice from HR.

5.7 Unpaid leave and undertaking paid work during annual leave

Staff must take at least 28 days holiday per year, inclusive of public holidays, in accordance with the Working Time Regulations 1998 (pro-rata for part time staff). Therefore, no employee is permitted to undertake paid work during the first 28 days of their holiday in any leave year (inclusive of public holidays).

Employees may elect to undertake paid work through the Trust Staff Bank during the remainder of their annual leave entitlement, once they have taken the statutory minimum of 28 days annual leave (including bank holidays) in the current annual leave year. Also, no employee is permitted to work in excess of 48 hours per week and no employee with a full time contract is permitted to undertake employment outside of the Trust without their manager's explicit permission. Further detail is set out in the Trust's standard employment contract.

There is no entitlement to unpaid leave. However managers may, exceptionally, approve such requests, subject to the needs of the service and only where staff have exhausted all other appropriate forms of leave. Reference should also be made to the Special Leave and Flexible Working Policies.

5.8 New employees

We will make every effort to meet the needs of new employees in respect of commitments to holidays booked before they started work for the Trust. Prospective/new employees should notify their manager and seek early authorisation of their leave request, give the required notice periods.

5.9 Appeal

If you are dissatisfied with the way in which this policy has been applied to your case, you are advised to try to resolve the matter informally, in accordance with the Trust's Grievance Procedure. If informal resolution is not possible, the matter may need to be pursued under the formal stage of the [Grievance and Disputes Policy](#).

6. Roles and responsibilities

6.1 Line managers will:

- Ensure that annual leave is managed in accordance with this policy
- Not unreasonably refuse requests for annual leave
- Ensure that annual leave does not cause undue service disruption or additional costs where avoidable

6.2 Employees will

- Be aware of the Annual Leave Policy and their individual entitlement.
- Request and take their annual leave in accordance with this policy.
- Complete the annual leave record card accurately, including the completion in hours where appropriate.

7. Training

There is no specific training provision, but advice on annual leave is available on [Ourspace](#) and from HR representatives.

8. Monitoring or audit

This policy will be measured against the requirements of employment legislation and the best practice expected from a modern health organisation.

Representatives from trades unions formally recognised by the Trust and management representatives have drawn up this policy.

This policy will be reviewed after 3 years or earlier at the request of either party.

9. References

This policy has been drawn up with reference to current UK and European employment legislation and relevant national terms and conditions.

10. Associated and Related Procedural Documents

[Guidance on Planning Annual Leave and Avoiding Carry-Over of Annual Leave](#)

[Annual Leave and Public Holiday Calculator Tool](#)

[Annual Leave Card](#)

[Annex 25 - Arrangements for general and public holidays over the Christmas and New Year holiday periods](#)

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Version History				
Version	Date	Revision description	Editor	Status
1.0	12 Sept 2013	New policy agreed by GNG on 27 August 2013 and ESEC on 12 September 2013 with a one year review period.	TW	Approved
1.1	11 Sept 2014	Extension of review date to 12 March 2015 approved by ESEC to ensure changes to other key policies can be incorporated via GMG.	HD	Approved
1.2	19 January 2016	Review date extended to 30 June 2016, as approved by Quality and Standards Committee	HD	Approved
2.0	23 May 2016	Transferred into new Trust policy template format and plain English amendments made	HR business partner	Approved
2.1	31 May 2016	Policy reviewed at GNG	HR business partner	Approved
2.2	30 August 2016	Policy reviewed and amended at GNG following comments from Quality and Standards.	Employee relations specialist	Approved
3.0	25/10/2016	Approved by Executive Team	Employee relations specialist	Approved
3.1	06/11/2019	Extended until end November 2019	Deputy HRD	Approved