

# Annual Leave Policy

## Endorsement Process

<b>Lead Author:</b>	Emily Barrett, Human Resources Advisor Adrian Down, Senior Human Resources Manager
<b>Developed by:</b>	Adapted from Cambridgeshire Community Services (CCS) Policy developed by CCS Human Resources (HR)Team
<b>Approved by:</b>	Joint Consultative Negotiating Partnership
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## Document Control Sheet

<b>Development and Consultation</b>	This policy has been developed to provide guidance to employees and line managers on the annual leave provision for NHS Cambridgeshire (NHSC) employees. Members of CCS HR Team were involved in the development of the document. NHSC's Join Consultative Negotiating Partnership (JCNP) were involved in the consultation and approval process.
<b>Dissemination</b>	This policy is available to all NHSC staff via the NHS Cambridgeshire website. Staff were informed of the updated policy via the staff extranet news page and an email briefing.
<b>Implementation</b>	This policy is used by all employees entitled to annual leave under the terms of their contract with NHSC.
<b>Training</b>	No formal training is required.
<b>Audit</b>	NHSC's HR Team hold a database of policies and a reminder is sent when a policy is due for renewal.
<b>Review</b>	NHSC's HR team will review the policy, with the JCNP, every three years, or sooner if legislation or other guidance requires it.
<b>Links with other documents</b>	This policy should be read in conjunction with: <ul style="list-style-type: none"> <li>▪ Carers and Special Leave Policy</li> <li>▪ Study Leave Policy</li> <li>▪ Flexible Working Policy</li> <li>▪ Management of Attendance Policy</li> </ul>
<b>Equality and Diversity</b>	Cambridgeshire Primary Care Trust (PCT) HR team carried out a Rapid Equality and Diversity Impact assessment and concluded the policy is compliant with the PCT Equality and Diversity Policy. Negative impacts were found for two groups: <ul style="list-style-type: none"> <li>▪ People in religious/faith groups: Bank Holidays do not reflect the needs of all faiths;</li> <li>▪ Equality of opportunity: Part-time staff who work predominantly on a Monday have less flexibility about when they can use their leave entitlement.</li> </ul>

### Revisions

Version	Page/Para no	Description of change	Date approved

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## ***Introduction***

Annual leave is an important part of the work life balance. Equally, the good management of annual leave by the individual and the manager is essential to the health and safety of the employee and the organisation.

### **1. *Purpose and Scope***

The aim of this policy is to provide a uniform and equitable approach to the calculation of annual leave and bank holiday entitlements.

This policy applies to all employees (except for Bank staff, *NHS Professionals* staff and Medical and Dental staff), who are employed under *Agenda for Change* terms and conditions. This includes managers on Very Senior Manager (VSM) terms.

The annual leave period shall be from 1 April to 31 March.

### **2. *Duties and Responsibilities***

#### **2.1. Individual Responsibility**

It is up to the individual to ensure that their annual leave is planned throughout the leave year in consultation with the team and in agreement with their line manager.

#### **2.2. Line Manager's Responsibility**

It is up to the Line Manager to:

- Monitor and ensure that individuals are taking their annual leave as planned and agreed.
- Monitor and ensure that there are appropriate arrangements to cover service needs.

### **3. *Guidance***

#### **3.1. Entitlement**

The basic annual leave provisions for complete years are:

- On commencement 27 days + 8 Public Holidays
- After 5 years' service 29 days + 8 Public Holidays
- After 10 years' service 33 days + 8 Public Holidays

These are detailed in Table 1 (see Appendix 1).

### **3.2. On Joining**

All new members of staff will be entitled to annual leave plus Bank Holidays in the year of joining NHSC on a pro-rata basis based on their contractual hours/working days.

Annual leave entitlement for part-years can be calculated using Tables 1, 2 and 4, (see Appendix 1) and this must be pro-rata to the number of contracted hours/working days in the leave year since joining. The Bank Holiday hours entitlement will be based on the number of Bank Holidays remaining in the current leave year from the date of joining.

Any employee whose employment commences after the start of the leave year, or whose employment ceases prior to the end of the leave year, shall receive an amount of paid annual leave, adjusted proportionate to his/her completed months of service in that leave year.

### **3.3. Annual leave increases due to length of service**

Where an employee's entitlement to annual leave increases due to length of service during the year, the additional entitlement (pro-rata for that leave year), will become effective from the first of the month following the date of the increased entitlement.

### **3.4. Accrual during absence**

Annual leave entitlement is accrued during any unpaid period of leave. This includes sick and maternity leave unless there has been an express agreement that such an entitlement does not accrue. For example, this may apply to unpaid sabbatical leave. In the case of sickness please refer to the HR Department.

The provisions relating to carry-over of leave should be noted in paragraph 3.1.5.

For more guidance on annual leave during absence please refer to the Management of Attendance policy.

### **3.5. Calculating Annual Leave**

The Agenda for Change terms and conditions specify that the annual leave entitlement is calculated in days for full-time and part-time staff, where their normal working pattern is 7.5 hours per working day.

However, if a member of staff's working pattern is not 7.5 hours on each occasion, annual leave will be calculated in hours regardless of whether they work full-time or part-time. This prevents staff on these shifts/working days receiving greater or lesser leave than colleagues on standard shifts/working days. For example, a member of staff working 10 hours per day, will have 10 hours annual leave booked and deducted from their leave entitlement.

The calculation of annual leave entitlement for all staff can be found in Appendix 1. Days and hours have been rounded up or down to the nearest 0.5 (i.e. the nearest ½ day or ½ hour).

### **3.6. General Public Holidays (Bank Holidays)**

The calculation of the Bank Holiday entitlement is based on the number of basic contracted hours/working days worked. Therefore, all employees have a fair, equitable and static entitlement rather than eligibility based solely on the normal days of work. This prevents some part-time employees not receiving the benefit of Bank Holidays unless they fall on their contracted working days. Similarly, this calculation (based on the number of basic weekly contracted hours), removes any inequalities in the case of staff whose working days vary.

For Annual Leave purposes, a General Public Holiday shall be defined as a period of normal duty that starts within the period of 24 hours from midnight to midnight.

Employees are entitled to paid time off for all paid General Public Holidays (Bank Holidays) in the leave year. Some employees may be required to work on the day the Bank Holiday falls and, therefore, are eligible to take their leave entitlement at another time during the same annual leave year. This is in line with provisions set out in paragraph 3.7.. All part-time staff are entitled to the Bank Holidays pro-rata to the full-time allowance based on their basic weekly contracted hours/working days. Table 1 (see Appendix 1) identifies this actual hours/days entitlement, pro-rata, per bank holiday and also for the total leave year.

The total leave entitlement is calculated by adding annual leave entitlement to the Bank Holiday hours/days entitlement.

The recognised Bank Holidays include:

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

When a General Public Holiday falls on a Saturday or Sunday, the following Monday or Tuesday is designated as a General Public Holiday for leave purposes.

### **3.7. Changes to Bank Holidays**

There will be some years when more (or less) than 8 Bank Holidays fall within the leave year because Bank Holidays follow the calendar year and the Easter Bank Holidays can be in March or April. When this situation arises the appropriate hours/days adjustment will need to be made.

In years where Easter falls before 1 April, Bank Holidays should be adjusted to take account of this change. For example, 10 days in one year and 6 days in the following year.

### **3.8. Examples for calculating leave entitlement:**

#### **Example 1**

A staff member works 25 hours per week, their joining date is 24 August and they are new to the NHS:

Their annual leave entitlement for a full leave year is 175 (135 + 40) hours, as per Tables 1 and 4. As their start date is 24 August, they are entitled to 7 months of annual leave i.e. 7/12ths of 135 hours which is 79 hours annual leave.

Bank Holiday hours must be added to this. This total will vary depending upon where the Bank Holidays fall during this calendar year. For the purposes of this example, assume that there are 4 Bank Holidays remaining in the leave year.

Therefore, using Table 1; {4 Bank Holidays x 5 hours per Bank Holiday} = 20 hours. The total leave entitlement for the part leave year will be {79hrs + 20hrs} = 99 hours, to be taken by the 31 March unless this is not practicable for service delivery reasons. In this case, managers' discretion can be used for carrying over annual leave days in excess of 5 days.

#### **Example 2**

A staff member works an average of 37.5 hours per week but works 10-hour shifts. They have worked for the NHS for four years.

Their annual leave entitlement for a full year is 202.5 hours and their bank holiday entitlement is 60 hours per year as per Table 1.

### **3.9. Bank Holidays and non-standard shifts/rotas**

On each and every occasion an employee (whether full or part time) takes paid time off on a Bank Holiday as part of their basic week, the appropriate deduction of their normal basic working hours/days for that day will be made from their overall entitlement.

#### **3.10. Examples for Calculation in hours for Bank Holidays.**

##### **Example 1**

A staff member works 30 hours per week. They would normally work 7.5 hours on a Monday.

If they are required to work on May Bank Holiday, their leave entitlement remains intact, as this day has not been taken off as leave.

If they are not required to work on August Bank Holiday, 7.5 hours is deducted from their total leave entitlement of 246 hours (see Table 1).

##### **Example 2**

A staff member works 30 hours per week. They would normally work 10 hours on a Monday, so 10 hours is deducted from their leave entitlement.

### **3.11. Requesting and Taking Leave**

In accordance with Regulation 13 of the Working Time Regulations 1998, applications to take paid annual leave must normally provide for a minimum period of notice to be given to the employee's designated manager. This should be not less than twice the duration of the leave requested.

#### **Example 1**

A staff member wishing to take 10 consecutive days annual leave, should provide his/her designated manager or supervisor with 20 working days notice, prior to the planned commencement of the paid annual leave requested. However, many departments will require a longer period of notice at peak periods, such as during school holidays. The maximum period of leave that can be taken in any one period is normally two weeks. If staff wish to take a longer period, this should be agreed by the Director of their Directorate.

Applications to take leave must be approved by the designated manager, prior to it being taken. They are subject to the provisions and recommendations set out above and to the exigencies of the service. Such requests will not be unreasonably refused.

Applications should be made in writing by using an individual Leave Record Card (see Appendix 2). Staff must also ensure that they follow any specific booking system used in their directorate.

It is important that employees do not commit to holiday plans until requests to take annual leave have been approved.

### **3.12. Reckonable Service**

Previous reckonable service is deemed to be continuous service in the National Health Service. As such, an employee's previous continuous service with any NHS employer will count as reckonable service in respect of annual leave. This includes continuous service with other employers when an individual has formally transferred to NHS employment under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE), or other statutory instruments that transfer individuals' employment between one employer and another.

In order to have previous service regarded as reckonable service, staff will need to provide formal documentary evidence of any relevant, reckonable service.

### **3.13. Re-appointment of previous NHS employees**

On returning to NHS employment, a previous period or periods of NHS service will be counted towards the employee's entitlement to annual leave.

### **3.14. Entitlement on Changing Contracted Hours**

Where staff change their contracted hours, this results in a recalculation of their annual leave entitlement. This is based on completed months of the new and old contracted hours/working days, to give the new full year entitlement. NHSC policy states that staff should not lose entitlement when they change their contracted hours/working days, part way through a month. In this situation, the entitlement for the first month will be calculated on the basic weekly contracted hours that they predominantly worked in that initial month.

### **3.15. Carry Over of Leave**

NHSC expects that within the annual leave year staff should be provided with the opportunity to take all their annual leave. The carryover of annual leave from one year to the next should be avoided. In exceptional circumstances, up to one week of basic contracted hours/days may be carried over to the following year, with the agreement of the manager.

Where staff have been prevented from taking their leave due to service demands, the amount carried forward should not normally exceed one week of basic contracted hours/days, unless this is not practicable for service delivery reasons. In this situation, case managers discretion can be used in carrying over days in excess of this amount.

Applications to carry over amounts of contractual paid annual leave from a current leave year to an immediately subsequent leave year, must be made in writing to the designated manager. This should be done prior to the end of any current leave year from which the paid contractual annual leave is to be carried over.

Designated managers should ensure staff carrying over amounts of paid contractual annual leave agree a date by which the total amount will be taken. This should be done prior to the request to carry over being approved.

### **3.16. Paid Work during Periods of Paid Annual Leave**

The purpose of annual leave is to ensure that staff have adequate breaks from work. Therefore, NHSC strongly discourages staff to undertake alternative paid work during paid annual leave.

### **3.17. Unpaid Leave**

There may be circumstances when it is appropriate for a manager to allow an individual to take unpaid leave. For example;

- To enable the employee to take an extended period of annual leave, if it is acceptable to the service needs.
- Where an employee has just started with the organisation, and has a pre-booked holiday for which they would not have enough annual leave entitlement.

Please note: managers must complete a **P3** form for the period of unpaid leave and send this to payroll.

### **3.18. Sickness occurring during Annual Leave or Bank Holidays**

If an employee falls sick whilst on annual leave, then in accordance with NHSC's Sickness Notification and Certification Policy, the period covered will be treated as sick leave, allowing the employee to take the annual leave another time. An employee should report the sickness to their manager on the first day and submit a medical sick note for the sickness period. Please refer to the Management of Attendance policy for further details.

In accordance with Agenda for Change terms and conditions, employees will not be entitled to an additional day off if they are sick on a Bank Holiday that they would otherwise have been required to work as part of their basic week.

### **3.19. Entitlement on Leaving**

Staff who leave NHSC will have their annual leave entitlement calculated on a pro-rata basis, based on their leaving date less any annual leave taken. This will include any outstanding Bank Holiday hours/days not taken, that have occurred in the leave year prior to the date of leaving.

Outstanding annual leave entitlements should normally be taken during the employee's period of notice. Payment will then be made for any holiday entitlement owing less any annual leave taken.

Where the leave taken exceeds that pro-rata annual leave accrued, an appropriate deduction will be made from the final salary payment.

## **4. Agreement**

This policy has been jointly agreed by Management and Trade Unions in partnership under the arrangements for implementation of Agenda for Change.

## **5. Review**

This policy will be reviewed by NHSC's Joint Consultative and Negotiating Council every three years, unless an earlier review is required, for example, due to changes in legislation or NHS directions.

**Human Resources  
October 2009**

## 6. Appendix 1

**Table 1 Annual Leave Entitlement for Complete Years Inclusive of Bank Holidays (in Hours)**

Weekly Basic Contracted Hours	On Appointment: 27 Days	After 5 Years Service: 29 Days	After 10 Years Service 33 Days	Bank Holiday Hourly entitlement for full leave year	Hourly Entitlement on each Bank Holiday as it occurs
37.5	202.5	217.5	247.5	60.0	7.5
37.0	200.0	214.5	244.0	59.0	7.4
36.5	197.0	211.5	241.0	58.5	7.3
36.0	194.5	209.0	237.5	57.5	7.2
35.5	191.5	206.0	234.5	57.0	7.1
35.0	189.0	203.0	231.0	56.0	7.0
34.5	186.5	200.0	227.5	55.0	6.9
34.0	183.5	197.0	224.5	54.5	6.8
33.5	181.0	194.5	221.0	53.5	6.7
33.0	178.0	191.5	218.0	53.0	6.6
32.5	175.5	188.5	214.5	52.0	6.5
32.0	173.0	185.5	211.0	51.0	6.4
31.5	170.0	182.5	208.0	50.5	6.3
31.0	167.5	180.0	204.5	49.5	6.2
30.5	164.5	177.0	201.5	49.0	6.1
30.0	162.0	174.0	198.0	48.0	6.0
29.5	159.5	171.0	194.5	47.0	5.9
29.0	156.5	168.0	191.5	46.5	5.8
28.5	154.0	165.5	188.0	45.5	5.7
28.0	151.0	162.5	185.0	45.0	5.6
27.5	148.5	159.5	181.5	44.0	5.5
27.0	146.0	156.5	178.0	43.0	5.4
26.5	143.0	153.5	175.0	42.5	5.3
26.0	140.5	151.0	171.5	41.5	5.2
25.5	137.5	148.0	168.5	41.0	5.1
25.0	135.0	145.0	165.0	40.0	5.0
24.5	132.5	142.0	161.5	39.0	4.9
24.0	129.5	139.0	158.5	38.5	4.8
23.5	127.0	136.5	155.0	37.5	4.7
23.0	124.0	133.5	152.0	37.0	4.6
22.5	121.5	130.5	148.5	36.0	4.5
22.0	119.0	127.5	145.0	35.0	4.4
21.5	116.0	124.5	142.0	34.5	4.3
21.0	113.5	122.0	138.5	33.5	4.2
20.5	110.5	119.0	135.5	33.0	4.1
20.0	108.0	116.0	132.0	32.0	4.0
19.5	105.5	113.0	128.5	31.0	3.9
19.0	102.5	110.0	125.5	30.5	3.8
18.5	100.0	107.5	122.0	29.5	3.7
18.0	97.0	104.5	119.0	29.0	3.6
17.5	94.5	101.5	115.5	28.0	3.5
17.0	92.0	98.5	112.0	27.0	3.4
16.5	89.0	95.5	109.0	26.5	3.3

<b>Weekly Basic Contracted Hours</b>	<b>On Appointment: 27 Days</b>	<b>After 5 Years Service: 29 Days</b>	<b>After 10 Years Service 33 Days</b>	<b>Bank Holiday Hourly entitlement for full leave year</b>	<b>Hourly Entitlement on each Bank Holiday as it occurs</b>
16.0	86.5	93.0	105.5	25.5	3.2
15.5	83.5	90.0	102.5	25.0	3.1
15.0	81.0	87.0	99.0	24.0	3.0
14.5	78.5	84.0	95.5	23.0	2.9
14.0	75.5	81.0	92.5	22.5	2.8
13.5	73.0	78.5	89.0	21.5	2.7
13.0	70.0	75.5	86.0	21.0	2.6
12.5	67.5	72.5	82.5	20.0	2.5
12.0	65.0	69.5	79.0	19.0	2.4
11.5	62.0	66.5	76.0	18.5	2.3
11.0	59.5	64.0	72.5	17.5	2.2
10.5	56.5	61.0	69.5	17.0	2.1
10.0	54.0	58.0	66.0	16.0	2.0
9.5	51.5	55.0	62.5	15.0	1.9
9.0	48.5	52.0	59.5	14.5	1.8
8.5	46.0	49.5	56.0	13.5	1.7
8.0	43.0	46.5	53.0	13.0	1.6
7.5	40.5	43.5	49.5	12.0	1.5
7.0	38.0	40.5	46.0	11.0	1.4
6.5	35.0	37.5	43.0	10.5	1.3
6.0	32.5	35.0	39.5	9.5	1.2
5.5	29.5	32.0	36.5	9.0	1.1
5.0	27.0	29.0	33.0	8.0	1.0
4.5	24.5	26.0	29.5	7.0	0.9
4.0	21.5	23.0	26.5	6.5	0.8
3.5	19.0	20.5	23.0	5.5	0.7
3.0	16.0	17.5	20.0	5.0	0.6
2.5	13.5	14.5	16.5	4.0	0.5
2.0	11.0	11.5	13.0	3.0	0.4
1.5	8.0	8.5	10.0	2.5	0.3
1.0	5.5	6.0	6.5	1.5	0.2
0.5	2.5	3.0	3.5	1.0	0.1

**Table 2 Annual Leave Entitlement For Complete Years Exclusive Of Bank Holidays in Days**

<b>Number of Working days per week.</b>	<b>Under 5 years service: 27 days</b>	<b>5 – 10 years service: 29 days</b>	<b>10+ years service: 33 days</b>
1	5.5	6	6.5
2	11	11.5	13
3	16	17.5	20
4	21.5	23	26.5
5	27	29	33

**Table 3 Calculation Of Bank Holiday Entitlement in Hours**

Number of Working Days per Week	Daily entitlement for the year.
1	1.5
2	3
3	5
4	6.5
5	8

**Table 4 Annual Leave allowances for New Starters**

Full Months Service left in Leave Year.	Under 5 years service:	Days	5 – 10 years service:	Days	10+ years service:	Days
	Hours equivalent		Hours equivalent		Hours equivalent	
1	17	2	18	2.5	20.5	3
2	34	4.5	36	5	41	5.5
3	50.5	7	54.5	7	62	8
4	67.5	9	72.5	10	82.5	11
5	84.5	11	90.5	12	103	14
6	101.5	13.5	109	14.5	124	16.5
7	118	16	127	17	144.5	19
8	135	18	145	19	165	22
9	152	20	163	22	185.5	25
10	169	22.5	181	24	206	27.5
11	186	25	199	26	227	30
12	202.5	27	217.5	29	247.5	33

**(This is not inclusive of Bank Holidays)**

**All hours/days have been rounded up/down to the nearest ½ hour or ½ day**

The formula used for the calculation for hours is:

$$\frac{\text{Weekly contracted hours}}{5} \times \text{Total number of day's entitlement for entire year}$$

For staff working part-time the same formula can be applied:

For example, a new staff member who works 20 hours a week will be entitled to:  
 $\{20/5 \times 27\} = 108$  hours a year.

Therefore, if the new member of staff has 4 months left of the annual leave year, the entitlement will be:

$$\{108/12 \times 4\} = 36$$
 hours annual leave to take.

