

Annual Leave Policy

Reference Number:	7030
Author & Title:	Gayle Williams Senior HR Advisor
Responsible Director:	Director of HR
Review Date:	09 January 2017
Ratified by:	Claire Buchanan Director of HR Strategic Workforce Committee
Date Ratified:	09 January 2014
Version:	1

Related Policies & Guidelines:	Work Life Balance Study and Professional Leave
---	---

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 1 of 14

Index:

1.	Policy Summary	3
2.	Purpose	3
3.	Definition of Terms Used	4
4.	Duties and Responsibilities	5
	4.1 Divisional Responsibilities	5
	4.2 Responsibility of the Manager	5
	4.3 Responsibility of the Employee	6
	4.4 Responsibility of the HR Team	6
5.	Leave Entitlement	6
	5.1 Annual Leave Entitlement	7
6.	Procedure	7
	6.1 Applications for Leave	7
	6.2 Public Bank Holidays	8
	6.3 Carry Forward of Leave	9
	6.4 Leaving the Trust	9
7.	Monitoring Compliance	9
8.	Review	10
9.	References	10
10.	Appendix 1: Annual Leave Record Form	11
	Ratification Assurance Statement	12
	Consultation Schedule	13
	Equality Impact: (A) Assessment Screening	14

Amendment History

Issue	Status	Date	Reason for Change	Authorised
1	Draft	12/12/13	New Policy	

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 2 of 14

1. Policy Summary

It is the Trust's policy to encourage all staff to take the majority of annual leave in blocks throughout the year to ensure that they derive the full benefit of a rest and break away from work. Staff should take the full annual leave entitlement each year and managers should try to ensure that workloads do not prevent staff from taking their annual leave entitlement

It is Trust policy to ensure that the application and management of annual leave and bank holiday entitlements is applied fairly to all staff irrespective of their race, colour, national or ethnic origin, religion or belief, gender, gender reassignment, sexual orientation, marital status, age, disability, social or cultural background, trade union membership, employment status or working pattern.

The Trust is committed to being a model employer and, as such, does not expect any staff to carry out work during periods of annual leave. Annual leave should enable staff to take time away from work to relax and enjoy a break. If staff feel pressured into working during, or at the expense of annual leave, they should seek advice from their line manager, trade union representative or from the operational HR Team.

2. Purpose

The purpose of the annual leave policy is to provide a clear framework for managing annual leave within the Trust, balancing the needs of the service and the staff. If annual leave is not managed appropriately, patient care may be compromised and the Trust may be unable to meet its service and financial targets.

Specifically the policy aims to:-

- Support the Trust's Work/Life Balance policies.
- Ensure that the Trust is adequately staffed throughout the year.
- Ensure all staff have an equal opportunity to book annual leave.
- Encourage staff, by agreement, to take annual leave at fairly even periods throughout the year in order to maximise the benefits to their health and wellbeing.
- Reduce the need for annual leave to be carried forward to the next leave year except in exceptional circumstances.

This policy applies to all staff who are employed on Agenda for Change terms and conditions.

All Bank staff receive an annual leave payment which is paid in addition to their basic hourly rate, and this is identified separately on their bank slip for all weeks worked.

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 3 of 14

3. Definition of Terms Used

An individual's annual leave entitlement is calculated in accordance with any legal standards, Agenda for Change and Medical and Dental national provisions and any appropriate local terms and conditions.

The national legal entitlement is 210 hours, (5.6 weeks). NHS provisions are more favourable than the national minimum entitlements under the Working Time Regulations 2009. The following guidelines are intended to support the management of annual leave in the context of the above principles:

- All leave for staff should be requested using the standard Trust leave forms (see Annual Leave procedure), and completed in hours.
- All members of staff employed are required to give 6 weeks notification for ALL annual leave requests of more than two weeks. Where the request is for two weeks or less, as much notice as is reasonably possible should be given, but the granting of leave will depend on the needs of the service. These notice periods will enable appropriate cover arrangements to be made.
- Staff must try to take their full allocation within their leave year. Requests for carry over into the next leave year should be made in writing to the line manager, and in exceptional circumstances agreement may be given for a maximum of 37.5 hours carry over, pro-rated for part time staff.
- Where staff are scheduled to be on-call during their leave period they are responsible in the first instance for ensuring their on-call commitments are covered. If, after demonstrating they have made every effort to arrange cover, they should contact their manager for further assistance.
- Where staff work as part of a team/pair and there are already existing arrangements requiring them to identify the cover arrangements at the time of requesting leave, this will continue.
- Wherever possible staff should plan ahead and book holiday evenly throughout the year. Forward booking for the whole year is encouraged to aid planning of staffing levels.
- At times of peak demand e.g. school holidays, bank holidays, Christmas, New Year, Easter and other religious festivals, managers must ensure a fair and equitable allocation.
- Where possible, managers should identify within their areas the maximum number of staff who can be on leave at any one time and the agreed skill mix which must be in place for operational purposes. This information should be circulated to staff to assist them in planning their leave and manage their expectations.
- All staff must use the annual leave form attached with this policy (Appendix 1), for the purposes of recording leave.

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 4 of 14

4. Duties and Responsibilities

4.1 Divisional Responsibilities

Divisions are required to work within the principles and guidelines contained within this policy. Where there is a need to have additional specific arrangements these should be implemented following consultation with the affected staff. Staff should also be informed at their local induction of any specific processes that should be followed within the Division in respect of requesting annual leave, planning and booking processes for all staff groups.

Whilst each line manager is responsible for managing annual leave within their own area, Divisions should also have arrangements in place to ensure there is an overview of annual leave planning and booking processes for all staff groups.

In managing the Annual Leave Policy, account should also be taken of other Trust leave policies, in particular the Study and Professional Leave, Work Life Balance and the Counter Fraud Policy.

Where there are disagreements between a staff member and their manager regarding the booking or granting of annual leave this should be raised with the Operational HR Team in the first instance to clarify the correct process.

4.2 Responsibility of the Manager

- To ensure that this policy is applied fairly to all staff.
- To calculate individual leave entitlements and notify them to staff.
- To ensure that employees are made aware of the local procedures for requesting annual leave within their own department and to ensure that each employee is aware of their own entitlement and has the opportunity to book leave throughout the year.
- The accurate recording of annual leave is both the responsibility of the manager and the Employee. Managers should maintain annual leave records or in exceptional cases identify a single keeper of the files. The manager is responsible for ensuring staff know who this person is and the process for booking annual leave.
- To keep accurate annual leave records for all employees in their department and monitor the uptake of annual leave to ensure that staff are taking regular breaks away from work. This should include ensuring that records are maintained appropriately at all times, including when the normal record keeper is away from work.

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 5 of 14

- If an annual leave request is declined, the line manager must clearly communicate the reasons to the individual.
- Managers must arrange to maintain and store annual leave records for at least a rolling 2 year period with the current record, to ensure staff are claiming outstanding annual leave correctly and to assist any other queries.

4.3 Responsibility of the Employee

- To be aware of the Annual Leave Policy and their individual entitlement.
- To request annual leave in line with local procedures, giving sufficient notice for planning and co-ordinating leave with other staff members.
- To ensure all statutory/mandatory training is up to date or planned and booked before requesting further leave.
- To complete the form accurately, including the completion in hours.

4.4 Responsibility of the HR Team

To review the policy and procedure on the application of annual leave and bank holidays, including ensuring that the policy and procedure is maintained and updated in line with any organisational or legislative changes.

5. Leave Entitlement

The leave year for staff runs from start date with the Trust. Staff whose start date is not the 1st of the month should have their leave entitlement calculated from the 1st of the following month.

The benefit for employees in calculating entitlement in hours is that this ensures equity for all by ensuring that employees who work variable hours/shifts do not receive either more or less leave than colleagues who work a standard pattern.

If an employee falls ill during a period of annual leave, and wishes their annual leave to be recorded as sickness, they must comply with the Trust's sickness reporting procedure and produce a self-certificate or medical certificate or fit note to cover the period of sickness. In the absence of a certificate or fit note, the period of absence will continue to be recorded as annual leave.

For the purposes of transfers or leavers from the Trust, all annual leave will be calculated in accordance with completed months' service. All new starters and employee changes will be calculated with effect from the first of the following month.

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 6 of 14

Managers must ensure that all appropriate employment forms (eform) are completed with accurate annual leave details to ensure that payments are correct.

A termination eform must include any outstanding annual leave hours owed or to be retrieved from the final salary payment. The line manager must ensure any hours included in the form correlate with the annual leave request for that current annual leave year.

If staff move internally to another post, they should maintain their annual leave record and pre-booked annual leave should normally be honoured.

Staff who are on annual leave, sick leave, adoption leave, maternity leave, parental, paternity, carer leave, or special leave will continue to accrue annual leave in accordance with the relevant policy.

Staff on career breaks or sabbaticals will not accrue annual leave.

Pay during annual leave will include regular paid supplements including any recruitment and retention premia, payments for work outside normal hours and appropriate allowances.

5.1 Annual Leave Entitlement

For Staff on Agenda for Change:

Length of service	Annual leave & public holidays
On appointment	202.5 plus 60 hours (27 days + 8 days)
After five years' service	217.5 plus 60 hours (29 days + 8 days)
After ten years' service	247.5 plus 60 hours (33 days + 8 days)

6. Procedure

6.1 Applications for Leave

Staff must ensure that they give the correct period of notice to take annual leave and that all annual leave has been approved by their line manager before they take their leave. If a member of staff takes a period of annual leave without prior approval then the Trust will consider that the employee has taken unauthorised absence and this may be unpaid and may lead to disciplinary action.

Request forms for annual leave are held on the HR Intranet

The manager must consider the application, taking into account the needs of the service and sign the appropriate approvals box to indicate that the leave has been authorised, before returning the record form within 2 weeks or less to the employee.

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 7 of 14

If the manager cannot authorise the leave, the reasons for refusal must be given to the member of staff.

Authorisation of leave must be given by the line manager. Under no circumstances should a manager authorise his/her own leave. This may constitute fraud and may lead to disciplinary sanctions as appropriate.

In the event of a disagreement the member of staff should initially raise the issue with their immediate line manager. Where the issue remains unresolved, the member of staff has the right to pursue the issue through the Trust's Grievance Procedure.

Staff should not commit themselves to any holiday plans until they have received approval from their line manager, to avoid disruptions to the service and to avoid any potential disagreements.

The member of staff's Annual Leave record should be updated and the absence recorded on the appropriate absence return to payroll for recording and management purposes.

6.2 Public Bank Holidays

In addition to annual leave entitlement, all full time employees are entitled to 8 paid bank holidays.

In the case of all part time staff this entitlement is pro rata to the full time allowance of 60 hours. The calculation of this entitlement is always proportional to the number of basic contracted hours worked. In this way, all staff have a fair and equitable entitlement rather than eligibility based solely on the normal days of work, which would result in some part time employees never receiving the benefit of bank holidays unless they fall on their normal days of work.

Similarly, this calculation based on the number of basic weekly contracted hours removes any potential for inequity in the case of staff whose working days vary.

Managers must make it clear to part time staff in particular about how their bank holiday entitlement works.

A bank holiday is defined as a period of normal duty that starts within the bank holiday period of 24 hours from midnight to midnight.

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 8 of 14

The 8 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

6.3 Carry Forward of Leave

Exceptionally, if a member of staff is unable to take all their leave during the leave year due to operational requirements, he/she should formally request to carry forward up to a maximum of 37.5 hours into the next leave year, pro-rated for part time staff.

This request should be made through the relevant line manager.

Line managers must ensure the correct amount of leave is recorded and carried forward. Reference should be made to the previous annual leave form to avoid any opportunities for fraud.

6.4 Leaving the Trust

Leavers will receive any outstanding leave due to them when they leave the Trust. Managers complete the calculation for the leaving eform by taking 1/12th of the annual leave entitlement for each complete month worked in the personal leave year, less annual leave taken, plus any outstanding bank holiday hours accrued in the annual leave year prior to the date of leaving.

Where total leave taken exceeds the earned total leave entitlement an appropriate deduction will be made from final monies owed.

7. Monitoring Compliance

Managers are responsible for ensuring that all staff have the appropriate amount of leave available recorded on their individual Annual Leave record.

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 9 of 14

8. Review

This policy will be subject to a planned review every 3 years as part of the Trust's Policy Review Process. It is recognised, however that there may be updates required in the interim, arising from amendments or release of new regulations, Codes of Practice or statutory provisions or guidance from the Department of Health or professional bodies. These updates will be made as soon as practicable to reflect and inform the Trust's revised policy and practise."

9. References

[NHS Terms and Conditions of Service Handbook \(Amendment 29, Pay Circular \(AforC\) 3/2013\)](#)

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 10 of 14

10. Appendix 1: Annual Leave Record Form

This form must be completed using hours only

Annual Leave Record Form

Annual Leave for the period from: To:

Name: Job Title: Base:

Leave entitlement for year:	hours	Bank holiday entitlement for year:	hours
-----------------------------	--------------	------------------------------------	--------------

Leave carried from previous year:	hours	Total leave allowance:	hours
-----------------------------------	--------------	-------------------------------	--------------

Dates of A/L	Dates of B/H	Total Hours	Cumulative total	Remaining balance	Date requested	Employee Signature	Manager Signature	Date approved

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 11 of 14

Ratification Assurance Statement

Dear _____

Please review the following information to support the ratification of the below named document.

Name of document: Annual Leave Policy

Name of author: Gayle Williams

Job Title: Senior HR Advisor

I, the above named author confirm that:

- The Policy presented for ratification meets all legislative, best practice and other guidance issued and known to me at the time of development of the Policy;
- I am not aware of any omissions to the Policy, and I will bring to the attention of the Executive Director any information which may affect the validity of the Policy presented as soon as this becomes known;
- The Policy meets the requirements as outlined in the document entitled Trust-wide Policy for the Development and Management of Policies (v4.0);
- The Policy meets the requirements of the NHSLA Risk Management Standards to achieve as a minimum level 2 compliance, where applicable;
- I have undertaken appropriate and thorough consultation on this Policy and I have documented the names of those individuals who responded as part of the consultation within the document. I have also fed back to responders to the consultation on the changes made to the Policy following consultation;
- I will send the Policy and signed ratification checklist to the Policy Coordinator for publication at my earliest opportunity following ratification;
- I will keep this Policy under review and ensure that it is reviewed prior to the review date.

Signature of Author: _____ **Date:** 09 January 2014

**Name of Person
Ratifying this policy:** Claire Buchanan

Job Title: Director of HR

Signature: _____ **Date:** 09 January 2014

To the person approving this policy:

Please ensure this page has been completed correctly, then print, sign and **post this page only** to: The Policy Coordinator, John Apley Building.

The **whole policy** must be sent electronically to: ruh-tr.policies@nhs.net

Document name: Annual Leave Policy	Ref.: 7030
Issue date: 11 February 2014	Status: Final
Author: Gayle Williams, Senior HR Advisor	Page 12 of 14

Consultation Schedule

Name and Title of Individual	Date Consulted
David Mawdesley, HR Business Partner	December 2013
Katy Coulam, HR Business Partner	December 2013
Alex Cudmore, HR Business Partner	December 2013
Lisa Southway, HR Advisor	December 2013
Sam Deere, HR Advisor	December 2013
Naomi Adams, HR Advisor	December 2013
Sue Smith, Deputy Director of HR	December 2013

The following people have submitted responses to the consultation process:

Name and Title of Individual	Date Responded
TCNC Policy Sub Group	December 2013

Name of Committee/s (if applicable)	Date of Committee
TCNC Policy Sub Group	December 2013
Strategic Workforce Committee	January 2014

Equality Impact: (A) Assessment Screening

To be completed when submitted to the appropriate Executive Director for consideration and approval.

Person responsible for the assessment:

Name: Gayle Williams
Job Title: Senior HR Advisor

Does the document/guidance affect one group less or more favourably than another on the basis of:	Yes/No	Comments
Race	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Ethnic origins (including gypsies and travellers)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Nationality	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Gender (including gender reassignment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Culture	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Religion or belief	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Sexual orientation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Age	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Disability (learning disabilities, physical disability, sensory impairment and mental health problems)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is there any evidence that some groups are affected differently?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If you have identified potential discrimination, are there any valid exceptions, legal and/or justifiable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the impact of the document/guidance likely to be negative?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If so, can the impact be avoided?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
What alternative is there to achieving the document/guidance without the impact?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Can we reduce the impact by taking different action?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

If you answered **NO** to **all** the above questions, the assessment is now complete, and no further action is required.

If you answered **YES** to any of the above please complete the
Equality Impact: (B) Full Analysis

Document name: Annual Leave Policy	Ref.:
Issue date:	Status: Draft
Author: Gayle Williams, Senior HR Advisor	Page 14 of 14