

ANNUAL LEAVE POLICY

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- Essential Reading for: **All Agenda for Change Staff**
All Staff
- Information for:

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Version Number: **4** *Helen Scott-South*

Signature: **Helen Scott-South**
Chief Executive

Date: **29 June 2016**

Burton Hospitals NHS Foundation Trust

POLICY INDEX SHEET

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ANNUAL LEAVE POLICY

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Burton Hospitals NHS Foundation Trust

ANNUAL LEAVE POLICY

1. INTRODUCTION

- 1.1 This policy details the annual leave entitlements for all employees of the Trust who are governed by national terms and conditions of service (Agenda for Change agreements). It provides guidance and examples of how annual leave and Bank Holiday entitlements should be calculated. The policy also ensures compliance with the Part-time Worker (Prevention of Less Favourable Treatment) Regulations 2000.
- 1.2 The aim of the Regulations is to ensure that part-time workers are treated no less favourably in their employment conditions compared with full timers. This means that part-time workers must receive the same treatment as full-timers (pro rata where appropriate). In order to enable the Trust to comply with these Regulations, annual leave entitlements for **ALL** Trust employees (on Agenda for Change terms and conditions of service) will be calculated in hours.

2. ANNUAL LEAVE ENTITLEMENTS

- 2.1 Annual leave is based on an employee's contracted hours of work per week and the length of qualifying NHS service or recognised service that an employee has attained (see Appendix 1 for details of what service can be recognised). Bank service does not count towards qualifying service for annual leave purposes.

The leave year will commence on the 1st April and end on the 31st of March.

- 2.2 Entitlements per leave year are as follows:

On appointment	5.4 weeks (27 days + 8 days Bank Holiday)
After 5 years service	5.8 weeks (29 days + 8 days Bank Holiday)
After 10 years service	6.6 weeks (33 days + 8 days Bank holiday)

The increased entitlement for 5 and 10 year's service does not apply for part year, and commences on 1st April following the anniversary date of commencement.

- 2.3 Annual leave is calculated for a twelve-month period by using the following formula:

Entitlement in Weeks x Number of contracted hours

- 2.4 Contractual annual leave shall not accrue during periods of unpaid leave (with the exception of unpaid maternity leave, adoption leave and paternity leave).

25 Employees who join the Trust or commence a new post during the course of a leave year will be entitled to a pro rata of the year's entitlement, based on the number of full months left in the leave year.

26 Each employee will have different entitlements depending on qualifying service and the contracted hours of work and therefore should be calculated individually. The entitlement should be rounded up or down to the nearest half hour. Entitlements will be calculated to 2 decimal places and rounded up or down as follows:

e.g. 100.00 - 100.24 will be rounded to 100 hours

100.25 - 100.74 will be rounded to 100.5 hours

100.75 - 100.99 will be rounded to 101 hours

27 Example Calculations:

a) An employee with less than 5 years qualifying service who is contracted to work 20 hours per week.

5.4 weeks x 20 hours = 108 hours

b) An employee with 6 years qualifying service working 32 hours per week.

5.8 weeks x 32 hours = 185.5 hours (with rounding)

c) An employee with 7 years qualifying service working 15 hours per week who commences with the Trust on 15th August.

5.8 weeks x 15 hours (pro rata for 7 months = 51 hours (with rounding) September to March)

28 Tables detailing specific hours of work and qualifying service to aid Managers in the determination of annual leave are available on the Trust Intranet site. In case of doubt Managers should consult with their HR Manager.

3. BANK HOLIDAY ENTITLEMENTS

31 All employees including part time staff or staff working flexible hours are entitled to 8 General Public Holidays (Bank Holidays). The entitlement (in hours) is dependant on your contracted hours of work and the number of days an employee is contracted to work.

32 A Bank Holiday is defined as a shift which commences on the day the Bank Holiday falls. There is no Bank Holiday entitlement for a shift which commences the day before and ends on the Bank Holiday.

i.e. No entitlement if an employee works a night shift on a Sunday night which will end on a Monday morning of a Bank Holiday. The entitlement will be for the employee who starts a night shift on the Monday night.

33 The Bank Holiday entitlement you will receive is calculated as follows:

0.2 x your average weekly contracted hours of work

(0.2 represents one fifth of a working week)

34 The Bank Holiday entitlement will be added to an individual's annual leave entitlement at the start of the leave year.

35 If an employee is required to work on a Bank Holiday and works more than a fifth of their contracted hours, the additional hours worked will be added to the annual leave entitlement following the Bank Holiday.

36 If an employee normally works a day on which a Bank Holiday falls and is not required to work, they will be required to book the necessary amount of leave to cover their working hours:

Example Calculations:

If you work full-time 37.5 hours but only work 4 hours on a day on which a Bank Holiday falls and you are not required to work, you will book 4 hours leave and have 3.5 hours remaining to take on another day.

If you work full-time 37.5 hours but work 10 hours on a day on which a Bank Holiday falls and you are not required to work, you will need to book 10 hours leave - 7.5 hours from your Bank Holiday entitlement and an additional 2.5 hours annual leave.

If you work part-time, working 30 hours and you work 10 hours on a day where a Bank Holiday falls but you are not required to work you need to book the 6 hours Bank Holiday entitlement (0.2 x hours in your working week) and an additional 4 hours of annual leave or you could make up 4 hours in the week if agreed by your Manager.

If you work part-time, working 30 hours and you work 3 hours on the day where a Bank Holiday falls but you are not required to work you need to book 3 hours from your Bank Holiday entitlement and you will have 3 hours to carry over.

37 If an employee does not normally work on a day on which a Bank Holiday falls they will be able to use the entitlement at some othertime.

38 For those areas on e-rostering, Bank Holiday entitlements are already added to annual leave entitlements.

39 Employees will not be entitled to a Bank Holiday entitlement if they are on sick leave on a Bank Holiday.

- 3.10 Employees on Maternity, Paternity or Adoption Leave will accrue a Bank Holiday entitlement using the formula in section 3.3.

4. TAKING OF ANNUAL LEAVE / BANK HOLIDAY ENTITLEMENT

- 4.1 Annual leave hours can be taken in the same manner as days. All annual leave will require authorisation using normal departmental procedures. You will need to request the time you require based on your working day through your Line Manager.

e.g. an employee works 7 hours in each day and requires taking a day off. The request will be for 7 hours annual leave.

- 4.2 If the employee works varying hours on a daily basis then the request should be in hours representative of the time they would have worked that day.

e.g. an employee works 5 hours on a Monday and 6 hours on a Tuesday and requires Monday off then the request will be for 5 hours annual leave.

- 4.3 Annual leave does not have to be taken in multiples of one day; any amount of hours can be requested and taken once authorised. The amount of annual leave taken and hours worked must equate to the number of contracted hours per week or contractual hour period if over more than one week.

- 4.4 Annual leave and Bank Holiday entitlements may be added together for the purpose of requesting leave. However recording of the different entitlements must be kept separate.

- 4.5 Employees are strongly advised not to book any holiday until after they have submitted their request and this has been authorised. Managers will be expected to review the service delivery requirements of their department before agreeing to any leave request.

- 4.6 Annual leave may be used to supplement a phased return following long term sickness this should be discussed with Human Resources, the employee and their Line Manager.

5. ADDITIONAL OR 'ONE OFF' ENTITLEMENTS

- 5.1 During certain leave years an employee may be entitled to additional days leave over and above the national NHS entitlements. Examples of this are Dedicated Service Policy or additional one off days given nationally or by the Trust.

- 5.2 The additional hours that an employee will receive will be based on a fifth of their contracted hours. This is calculated using the formula in section 3.3.

6. CARRYING OVER OF ANNUAL LEAVE

- 6.1 The carry over of annual leave to the next leave year will only be granted in exceptional circumstances. Every effort should be made by both the employer and employee to ensure that leave is taken within each leave year period.
- 6.2 The carry over of annual leave must be agreed and authorised by a Line Manager. If the annual leave left to carry over from the previous year was calculated in days, this will now be converted into hours before being transferred.
- 6.3 The carry over of annual leave should not exceed the employee's weekly contracted hours.
- 6.4 Bank Holiday entitlements will not be carried forward except where an employee has been unable to take the time off in lieu due to service difficulties, or due to authorised absences (e.g. Maternity Leave).
- 6.5 Any annual leave carried over should be taken by the employee as soon as is practicably possible. Payment for untaken annual leave will only be made where an individual leaves the organisation.

7. ANNUAL LEAVE AND LONG TERM SICKNESS

Where the employee is on sick leave for all or part of the annual leave year they are entitled to any untaken leave (provided for by the Working Time Directive (WTD) when they return to work, which might be in the next leave year. Statutory minimum leave is 20 days (pro rata) per year in accordance with the WTD.

8. ANNUAL LEAVE RECORDS

All annual leave and Bank Holiday records must be kept on the individual's personal file for 6 years.

9. ANNUAL LEAVE FOR BANK STAFF

- 9.1 For those staff who work solely on the bank, annual leave shall accrue on working hours up to 37.5 hours per week.
- 9.2 For those staff with more than one contract with the Trust, annual leave shall accrue up to 37.5 hours per week only.
- 9.3 Annual leave will accrue quarterly retrospectively at a rate of 1 hour for every 8 hours worked.
- 9.4 Bank staff will complete annual leave forms with the support of the Bank Coordinators in the Central Staffing Office.

10. ADDITIONAL INFORMATION

Clarification on any aspect of this policy can be sought from the employee's Line Manager or the Human Resources Department.

11. POLICY REVIEW

This policy will be reviewed in June 2019 or earlier if legislation requires. This policy will remain in force until either renewed or cancelled.

Qualifying and Recognised Service for Annual Leave

Qualifying service can be either NHS service or other recognised relevant experience and service. Service can be either continuous or be aggregated. Qualifying service should be checked with the employee and where possible verified with previous employers.

Definition of Terms

Relevant Previous Service – is defined for this purpose as meaning any NHS service plus: -

- Service in employments with an NHS GP practice, Blood Transfusion service, NHS Direction employer or Special Health Authority
- Service in the UK Armed Forces
- Service in Local Government, Charitable and paid Voluntary Sector organisations that is considered relevant to the employment being undertaken by the employee

The Trust will still have the discretion to count other relevant previous service where this is felt appropriate.

Verified Service –

Provided that recognised service is detailed on commencement form Payroll will attempt to verify that service.

Aggregated Service –

Aggregated service is the counting of total periods of service in days to obtain full credit for all years, months and days of service.

QUESTIONS AND ANSWERS

Q1. I work different hours on different days. How many hours annual leave do I book off when I want a day off?

A1. You need to book the number of hours you would work that day.

Q2. When my annual leave entitlement has been calculated in hours it comes to 80.6 hours per year. Should this be calculated in minutes?

A2. No - all annual leave hours will be rounded to the nearest half hour (section 2.6).

Q3. Because of my circumstances my Manager has allowed me to carry over annual leave. Should this be carried over in days or hours?

A3. Leave will be converted to hours before it is carried over.

Q4. Does my Annual Leave entitlement include Bank Holidays?

A4. No - Bank Holiday entitlements are in addition to annual leave (section 3).

Q5. I am a part time worker and currently do not work Mondays when the majority of Bank Holidays fall. Will I receive a Bank Holiday entitlement?

A5. Yes - you will receive an entitlement (section 3.3).

Q6. I am required to work a Bank Holiday, how will this affect my entitlement?

A6. Your Bank Holiday entitlement will already have been added to your annual leave entitlement at the start of the leave year. If you work more than your entitlement for the Bank Holiday the difference will be added to your entitlement following the Bank Holiday.

Q7. I would like to book more than 2 weeks off in Summer and my Manager has said this would be difficult to accommodate?

A7. Your Manager has to consider the sustainability of the service and the leave of other staff when annual leave is authorised. If leave can be granted, it will be, and is more likely if this is a 'once in a lifetime' holiday.