

## TRUST GUIDANCE FOR ANNUAL LEAVE

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	V.1.0	January 2023	Sian Brown	Major Changes, alignment of two legacy Trust policies and change to guidance.
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<b>To be read in conjunction with:</b>				
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<b>Contact for Review</b>			Sian Brown	
<b>Executive Lead Signature</b>				

# Annual Leave Guidance

## Introduction

University Hospitals of Derby and Burton NHS Foundation Trust (UHDB) recognises that annual leave is an important part of colleague's work-life balance and enables time and rest away from work. This guidance aims to inform colleagues what their entitlement is to annual leave, as well as support managers to implement a fair and people-centred approach to the management of annual leave. This policy applies to all colleagues in the Trust on Agenda for Change Terms & Conditions of Employment or Apprentice Terms & Conditions of Employment, and is not applicable to Medical and Dental colleagues, or individuals engaged via the temporary bank.

Our managers will review requests for annual leave fairly and compassionately considering a person-centred approach. This means we think about the person at the heart of a situation, the context of the situation, how the person is feeling, and how support can be tailored to them. Managers are required to balance the needs of the team, service and patients with an individuals' circumstances, using this guidance to support them.

Please read this guidance in conjunction with the Annual, Study and Special Leave Policy for Medical and Dental Staff.

## General Principles

The section below explores the general principles of this guidance and the expectations of UHDB colleagues and managers with reference to the annual leave guidance.

The annual leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March. To ensure that colleagues are receiving adequate annual leave rest periods throughout the year, it is advised that annual leave is proportionately spread out throughout the leave year. During the year, managers are expected to review annual leave taken and make requests to individual to book any outstanding annual leave where appropriate.

Expectations of UHDB colleagues:

- Colleagues are asked to discuss leave requests with their department manager and make requests for annual leave in accordance with this guidance and any local procedures in place
- Colleagues are asked to spread their leave evenly throughout the year where possible to ensure appropriate rest is taken from work

Expectations of UHDB managers:

- Managers will calculate colleagues leave entitlement and ensure each colleague is aware of their own entitlement
- Managers will ensure that colleagues are aware of this guidance and any local procedures within the department
- Managers must ensure that colleagues are given adequate opportunity to take their annual leave and encourage colleagues to take regular breaks from work
- Managers must respond to requests fairly and supportively, while balancing service delivery
- Managers should acknowledge leave requests as soon as practicably possible, and respond to all annual leave requests within a timely manner, or communicate to colleagues if this is not possible
- Managers should ensure that all leave is to be recorded on HealthRoster
- Managers should ensure that there is equal access to allocation and approval of leave, particularly around peak holiday periods and religious festivals.

## Section 1 – Entitlement

### Annual Leave Entitlement

Colleagues annual leave entitlement is based on their contracted hours of work per week and the length of their aggregated NHS service. The increased entitlement for five and ten years' service is to be applied for a part year and will commence on the date their service reaches this length of time. Bank service does not count towards aggregated NHS service for annual leave purposes.

Annual leave provisions under Agenda for Change Terms & Conditions are:

<b>Amount of Aggregated Service</b>	<b>Annual Leave Entitlement</b>	<b>Public Holiday Entitlement</b>
Less than five years	27 days	8 days
Between five and ten years	29 days	8 days
Ten or more years	33 days	8 days

Annual leave entitlements are to be calculated in hours for all colleagues in the Trust on Agenda for Change Terms & Conditions of Employment and should be calculated using the Trust's Annual Leave Ready Reckoner, available via [Net-1](#), and should be rounded off to the nearest 0.5 decimal i.e., to the nearest half hour.

The calculation of a day's annual leave is based on an average day, which is your weekly contracted hours, divided by five.

For annualised hours and term time contracts please refer to Appendix 1.

Apprentice Terms & Conditions entitle colleagues to 20 days annual leave and 8 days public holiday entitlement, which is to be calculated in hours and pro-rated for less than full time colleagues.

Contractual annual leave will not be accrued during periods of unpaid leave, with the exception of unpaid maternity leave, adoption leave, paternity leave, and sickness.

Colleagues' entitlements may change during the course of the leave year and it is the responsibility of the department manager to recalculate the entitlement and inform the e-Rostering team. Instances where an entitlement may change include:

- Increase of entitlement due to five or ten years' service
- Change to Contracted Hours
- Termination of Employment / New Starters
- Periods of Unpaid Leave / Career Breaks

## Public Holiday (Bank Holiday) Entitlement

The Public Holidays are set out by the government each year and the dates for these may vary. Colleagues will be entitled to all paid Public Holidays in the leave year and the calculation for this is based on your weekly contracted hours divided by five.

There can be a variation in the number of public holidays that fall within an annual leave year, depending upon whether the Easter holidays fall within March or not. In annual leave years where this occurs, staff will be permitted to public holidays as appropriate, e.g., nine or ten public holidays in one year and six or seven public holidays in the following year.

The Public Holiday entitlement will be added to colleague's annual leave entitlement at the start of each leave year.

For further details on how to manage Public Holiday entitlements, please refer to Appendix 2.

## Section 2 – Additions and Deductions to Annual Leave Entitlement

## Carry Over of Annual Leave

Managers are encouraged to put in place appropriate plan to ensure that colleagues can take their leave in a timely manner, ensuring that they have sufficient time to rest and recuperation. In exceptional circumstances, consideration may need to be given to allowing staff to carry untaken leave forward into the next leave year, where they have been prevented from taking their contractual annual leave.

Requests to carry annual leave over to the following year should be made via Department Managers and must be approved by General Manager or equivalent, who are then required to summarise all these requests and share with Divisional Directors for consistency purposes. Carry over request forms can be obtained from [Net-1](#).

If annual leave could not be taken due to maternity leave or sickness, the carry over amount should not exceed 20 days plus any bank holiday entitlement. Other exceptional substantial reasons deemed acceptable by the Trust may also be considered via discussions and agreement with line manager. Line managers must consider equity for the individual and other colleagues.

The amount of leave carried over should not exceed an employees weekly contracted hours except in the circumstances outlined above.

## Exceeding Annual Leave Entitlement

If a colleague has exceeded their annual leave entitlement during the current annual leave year, this will be deducted from the following annual leave years entitlement unless alternative arrangements are made between the colleague and their department managers to work or pay the hours back to the Trust. Where alternative arrangements have been made, these should be communicated to the e-Rostering team to avoid the following annual leave years entitlement being reduced.

# Section 3 – Recording of Annual Leave

## Booking / Taking Leave

All leave must be authorised in advance by the department manager. Managers should make colleagues aware of any local arrangements for the booking of annual leave. Holidays must not be booked with companies before annual leave is approved.

Requests for annual leave should be in hours. 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.

If at any time a colleague wishes to take an extended annual leave period, they should discuss this with their department manager before making the request. For extended periods of leave (i.e. more than 21 consecutive calendar days) approval must be given by Matron / General Manager / Head of Department or equivalent. Where a colleague needs to take annual leave at short notice, this should be discussed with their department manager at the earliest opportunity.

## Sickness During Annual Leave

If an employee falls ill during a period of annual leave and medical certification rules are followed, their absence will be classed as sick leave and not annual leave from the first day of certification, provided they have followed the correct sickness notification procedure. Fit notes can be provided retrospectively, if sickness occurs during a planned holiday however the correct sickness notification procedure must be followed.

Any public holidays occurring during a period of sickness will not be reimbursed.

Colleagues absent due to sickness will continue to accrue their annual leave. Colleagues accrue, and can take, statutory annual leave whilst they are on long term sickness. Colleagues must notify their manager and gain agreement if they are taking annual leave during long term sickness.

## Annual Leave on HealthRoster e-Rostering System

Annual leave is allocated in hours for all colleagues and thresholds for registered and unregistered clinical colleagues have been set for each area in the e-Rostering system. Department managers are aware of how to monitor this on a quarterly basis.

A maximum of 21 consecutive calendar days of annual leave can be requested using the HealthRoster e-Rostering System. Requests for annual leave that exceeds this amount will need to be approved by the Matron / General Manager / Head of Department or equivalent.

Colleagues are required to request annual leave via the EmployeeOnline system, and this will be managed via the HealthRoster e-Rostering system by department managers. All leave must be recorded on the HealthRoster e-Rostering system before the roster is finalised for payroll. It is the responsibility of department managers to conduct an annual leave review prior to the start of the annual leave year and calculate all entitlements considering any changes within the year and communicate this to the e-Rostering team at least one month prior to the start of the annual leave year.

## Pay During Annual Leave

Annual Leave pay is calculated on the basis of what colleagues would have received had they been at work and will include regularly paid supplements, in accordance with Agenda for Change Terms and Conditions.

# Section 4 – Administration of Annual Leave

## Resolving conflict with Annual Leave Requests

UHDB managers will apply a supportive and people centred approach to reviewing requests for annual leave and apply discretion when granting time away from work. It's encouraged that a variety of ways to support colleagues are explored, whilst also balancing the needs our patients and services. Should a situation arise where a request cannot be agreed compromises should be explored where possible, and if a request cannot be supported it's important to discuss the reasons for the decision. Should there be situations where a UHDB colleague feels a request for annual leave has been unreasonably refused, they are encouraged to raise this with their department manager informally in the first instance, and should an adequate resolution not be found there is the option to explore resolution through the Trust's Concerns Resolution Policy.

## Local Annual Leave Procedures

Whilst UHDB managers and colleagues must adhere to this guidance, where necessary departments are encouraged to agree local procedures to support with the allocation and management of annual leave. It is expected that UHDB managers will consult with colleagues before implementing any local procedures and are required to provide all new starters with a copy of this agreement at induction stage.

Local agreements can only apply to the booking and administration of leave.

Local agreements must be shared with the Trust People Services team and e-Rostering team for monitoring and recorded purposes. UHDB managers are required to ensure that any updates or changes to the local procedure is also shared.

Line managers need to ensure that local agreement are clear as to when requests for leave during school holidays and religious festivals are to be requested by, and when colleagues can expect for the request to be sanctioned. All colleagues must have had the opportunity to book leave should they need it during these times. Where high numbers of colleagues are requesting the same time off, discussions will need to take place between all parties. This should take into account previous years agreed holiday periods. Line managers need to be aware of differences between local education authorities holiday periods to ensure equitable spread of leave.