

# ANNUAL LEAVE POLICY

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# ANNUAL LEAVE POLICY

## 1. Introduction

Annual leave is an important part of an individuals work-life balance and enables staff to have a period of rest away from work. University Hospitals of Derby and Burton's NHS Foundation Trust (hereinafter referred to as the Trust) aims to provide a consistent and fair approach to the management of annual leave. This policy applies to all employees in the Trust on Agenda for Change Terms & Conditions of Employment, with the exception of Medical and Dental Staff and Bank staff.

## 2. Purpose and Outcomes

The purpose of this policy is to provide managers and employees with guidance on the calculation, application and management of all annual leave and public holidays ensuring that employees take adequate rest away from work whilst maintaining the needs of the service. The policy aims to provide an equitable approach to the calculation, application and management of annual leave entitlement.

## 3. Policy in Practice

### 3.1 General Principles

The Trust will seek to ensure that employees are able to take their annual leave entitlement. The timing of annual leave is discretionary however all requests to take leave will be dependent upon the needs of the service, in particular, the need to have a safe staffing level and an appropriate skill mix within each area.

It is expected that all individual Departments will have local annual leave procedures to clearly indicate the process for booking annual leave, i.e. minimum notice required to book annual leave. All leave must be recorded on the Annual Leave Request Form (Appendix 3)

The Annual Leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March. In order to minimise the impact of annual leave on service delivery it is advised that annual leave is proportionately spread out throughout the leave year. This in turn should also ensure that staff are receiving adequate annual leave rest periods. During the course of the year, managers will review annual leave taken and make requests to individuals to book any outstanding annual leave.

### 3.2 Annual Leave Entitlement including Public Holidays

All NHS service, regardless of breaks, counts towards Annual Leave entitlement and the calculation of trigger dates. Individual entitlements should be calculated using the ready reckoner which can be found on the Trust Intranet.

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

<b>Amount of Aggregated Service</b>	<b>Annual Leave</b>	<b>Public Holidays</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

**Please note the provisions above are based on full time hours for a full leave year.**

Employees will be entitled to all paid Public Holidays (Bank Holidays) in the leave year. Part time employees will receive Public Holidays on a pro rota basis even when the Public Holiday does not fall on a usual work day. This is already calculated when using the Annual Leave Ready Reckoner.

The eight public holidays are:

- |               |                                   |
|---------------|-----------------------------------|
| New Years Day | Spring Bank Holiday (May)         |
| Good Friday   | Late Summer Bank Holiday (August) |
| Easter Monday | Christmas Day                     |
| May Day       | Boxing Day                        |

There can be a variation in the number of public holidays that fall within a financial leave year, depending upon whether the Easter holidays fall within March or not. In financial leave years where this occurs, staff will be permitted to public holidays as appropriate, e.g. 9 or 10 public holidays in one year and 6 or 7 public holidays in the following year.

The Trust policy is that all annual leave entitlements are to be calculated in hours for all employees. Annual leave entitlement must be calculated using the Trust Annual Leave Ready Reckoner, available on the Intranet, and should be rounded off to the nearest 0.5 decimal i.e. to the nearest half hour.

### **3.3 Changes to Entitlement**

There are a number of instances where an employee's entitlement may change, including the following:

#### **3.3.1 Trigger Dates**

Trigger dates are when you have reached five or ten year's service. This is when your entitlement to annual leave increases, in accordance with Agenda for Change Terms and Conditions. Trigger dates should be recorded on the annual leave form.

On appointment employees will need to have their trigger dates calculated, taking into account any previous NHS service (see 3.4 for further detail). Managers are responsible for calculating trigger dates. If the employee has 10 years service or more, trigger dates are not required, as they will

already be entitled to the maximum entitlement. See Appendix 5 for calculation of trigger dates.

### **3.3.2 Change to Contracted Hours**

If an employee changes their contracted hours, their entitlement to annual leave will also change. This will need to be recalculated using the Ready Reckoner, based on the number of complete weeks on the old and new contracted hours to make the complete leave year.

### **3.3.3 Termination of Employment**

Employees leaving the Trust will have their leave entitlement re-calculated so that it is based on their current length of service. Entitlement will need to be pro rata to the number of week's service between the previous 1<sup>st</sup> April, or their start date, whichever is later, and their date of termination. Calculations will need to take into account any public holidays that have already occurred in that period.

Outstanding leave should be taken during the notice period. If this is not possible due to service demands, a payment in lieu will be made with the employee's final salary. This will only apply to the current leave year unless there has been agreement with their manager.

If an employee has taken leave in excess of their accrued entitlement, this will be deducted from their final salary payment.

When an employee dies in service, any annual leave outstanding at the date of death will be paid to their estate.

## **3.4 New Employees**

New employees will have their leave entitlement calculated pro-rata to the number of week's service between their start date and the subsequent 31st March.

Previous employment in the NHS and other recognised bodies will be taken into account for employees returning to the NHS regardless of any break or breaks in continuous service. New starters will be required to provide proof of previous NHS or other recognised employment for this purpose.

The following are recognised bodies:

- NHS Professionals
- Blood Transfusion Service
- Strategic Health Authorities / Health Boards
- GP Practices
- Dental Practices

Recognition of service with any other healthcare associated employer will be considered on an individual basis by line managers. Evidence will be required to prove length of service.

The following are not recognised for this purpose:

- Working in the NHS via an agency
- Working in the NHS via the Nursing or other bank
- Unpaid periods of training e.g. a bursaried placement

There is no qualifying period before which new employees can accrue and take leave i.e. they may apply to take leave from their first day of employment.

Public holiday entitlement will be worked out based on when the employee starts with the Trust i.e. if the employee starts mid way through the year and public holidays have passed the calculation will be based on the remaining public holidays.

### **3.5 Booking / Taking Leave**

All leave must be authorised in advance by the employee's manager. Managers should make employees 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.

Leave on Public Holidays should be identified by reference to the start of the shift. If an employee starts duty on a Sunday evening and the following Monday is a public holiday, the employee is not regarded as working a public holiday for any part of the shift for leave purposes. If however, the employee starts duty on the Monday evening, the whole of the shift should be regarded for leave purposes as a public holiday. For the purposes of pay, public holidays run from 12 midnight to 12 midnight

If at any time employees wish to take an extended holiday period they should discuss this first with colleagues as the request may restrict options for colleagues. Any longer period of leave (i.e. no more than 3 weeks inclusive of days off) must be approved by Matron / General Manager / Head of Department or equivalent. Where an employee needs to take annual leave at short notice, this should be discussed with their manager.

### **3.6 Carry Over of Entitlement**

Annual leave should ideally be staggered throughout the leave year to ensure that employees are able to take all leave entitlement. If service needs prevent an employee from taking all of their contractual leave in any year, they may carry some over to the next leave year. Requests to carry annual leave over to the following year should be made via Divisional Vacancy Control Groups and must be approved by Divisional Director / Head of Corporate Department. Carry over request forms can be obtained from Divisions / Corporate Heads. The amount carried over will not normally exceed one week's entitlement except in exceptional circumstances, i.e. if annual leave could not be taken due to maternity leave or long term sickness.

### **3.7 Annual Leave Using HealthRoster e-Rostering System**

Annual leave is allocated in hours for all members of staff on the HealthRoster e-Rostering system.

Annual Leave thresholds for registered and unregistered staff have been set for each area. Area Line / Ward 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 Divisional Nursing Director.

### **3.8 Record Keeping**

Entitlement, requests for and amount of leave taken should be recorded on the Annual Leave Form (Appendix 3).

### **3.9 Sickness during Annual Leave**

If an employee falls ill during a period of annual leave and that absence is medically certified via a Fit Note, 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.

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

### **3.10 Pay**

Annual Leave pay is calculated on the basis of what the employee would have received had they been at work and will include regularly paid supplements including any recruitment and retention premia, payment for work outside normal hours and high cost area supplements.

### **3.11 Accrual of Annual Leave**

Contractual annual leave will continue to accrue during periods of maternity, paternity or adoption leave and periods of sick leave. Contractual annual leave will not accrue during an employment break or a period of unpaid suspension.

### **3.12 Other Types of Leave**

For information on other types of leave please see the relevant policies, which are available on the Trust Intranet, as follows:

- For information Employment Break, Emergency Leave, Bereavement Leave, Parental Leave please see the Trust's Flexible Working Policy
- For information on Maternity Leave please see Trust's Maternity Policy
- For information on Paternity Leave please see Trust's Paternity Policy
- For information on Adoption and Fostering Leave please see Trust's Policy for Adoption Leave
- For information on leave for public duties please see the Trust Policy for the Provisions of Special Leave and Public Duties.

#### 4. **Monitoring Compliance and Effectiveness**

Annual Leave Policy will be monitored in a composite report presented through our Monitoring Report Template:

Monitoring Requirement :	<ul style="list-style-type: none"> <li>• The process for requesting and authorising annual leave</li> <li>• Review of annual leave not taken at year end</li> </ul>
Monitoring Method:	Random sample of annual leave not taken at year end by Division for year end accounts
Report prepared by:	Head of Human Resources
Monitoring Report presented to:	The recognised formal committees and forums in place at the time.
Frequency of Report	Annually

#### 5. **References**

NHS National Terms & Conditions of Employment  
 Trust Health & Attendance Policy  
 Working Time Regulations

## **Appendix 1 Procedural Responsibilities**

### **EMPLOYEES**

Our employees have a responsibility to:

- Apply for annual leave in line with departmental procedures and manage their annual leave in such a way as to ensure that they take their full entitlement and that this is, as far as possible, spread evenly throughout the year.

### **MANAGERS**

Our managers have the responsibility to:

- Calculate individual leave entitlements and ensure each employee is aware of their own entitlement.
- Ensure employees are aware of the procedure for applying for annual leave and the procedure for authorising the taking of leave.
- Ensure that employees are aware of the process to be followed should sickness absence occur during annual leave
- Ensure that the workloads of employees do not prevent them from taking their full entitlement and that employees are taking regular breaks away from work.
- Ensure that this policy is applied fairly to all regardless of age, gender, race, ethnicity, religion, belief, disability or sexual orientation.
- Keep accurate annual leave records.
- Enable staff to take annual leave.

### **WORKFORCE MANAGEMENT AND DIVISIONAL HR TEAMS**

The workforce management Directorate and Divisional HR Teams will be responsible for:

- Maintaining the Annual Leave Ready Reckoner on the Trust Intranet.
- Providing support and advice on the application of this Policy.

### **EXECUTIVE DIRECTOR OF WORKFORCE MANAGEMENT AND CORPORATE DEVELOPMENT**

The Executive Director of Workforce Management and Corporate Development has responsibility for:

- Ensuring the implementation and monitoring of HR Policies and Procedures. This work is maintained by Partnership Forum and reported to the Workforce Performance Forum and the Trust Joint Council.

### **WORKFORCE POLICY REVIEW AND APPROVAL PROCESS**

The recognised formal committees and forums in place at the time are responsible for the review, approval and monitoring of this policy.

## **Appendix 2 Policy Definitions**

<b>Statutory Minimum Leave</b>	Statutory minimum leave is 5.6 weeks per year in accordance with the Working Time Regulations.
<b>Contractual Leave</b>	The amount of leave to which employees are contractually entitled, determined by length of NHS service and contracted hours.
<b>Public Holidays</b>	There are eight designated national holidays, determined by the Government.
<b>Annual Leave Year</b>	The period of time with which annual leave runs from and to. All annual leave should be taken within this time. This is usually the 1 <sup>st</sup> April to the following 31 <sup>st</sup> March
<b>Pro Rata</b>	In proportion i.e. annual leave entitlement in proportion to your contracted hours
<b>Aggregated Service</b>	Any period of time that has been worked in the NHS, regardless of whether or not there has been a break in service.



## **Appendix 4 - Formula for calculation of entitlement**

The formula for calculating entitlements from days to hours is as follows:  
(weekly contracted hours ÷ 5 ) x number of days holiday entitlement = entitlement in hours

The formula for calculating entitlement from weeks to hours is as follows :  
Entitlement in weeks x weekly contracted hours = entitlement in hours

- 1 day should be expressed as 0.2 weeks
- 2 days should be expressed as 0.4 weeks
- 3 days should be expressed as 0.6 weeks
- 4 days should be expressed as 0.8 weeks

The following examples demonstrate how to calculate entitlements using these formulae;

### **An employee with between 5 and 10 years service and is contracted to work 30 hours per week.**

- Full time annual leave entitlement = 29 days
- Full time Public Holiday entitlement = 8 days
- Inclusive annual entitlement =  $(30 \div 5) \times (29 + 8)$  is  $6 \times 37 = 222$  hours

### **An employee with less than 5 years service contracted to work 20 hours per week, Monday to Friday**

- Full time annual leave entitlement = 27 days
- Full time Public Holiday entitlement = 8 days
- Inclusive annual leave entitlement =  $(20 \div 5) \times (27 + 8)$  is  $4 \times 35 = 140$  hours

### **An employee on an annualised hours contract of 150 hours with more than 10 years service.**

- Holidays are calculated using a notional average working week.
- Annual hours  $150 \div 365 \times 7 = 2.88$ . Round this up to 3 and x by 8.2 = 25 hours leave per annum

### **An employee with over 10 years service who reduces their weekly contracted hours from 37.5 to 30 hours on 1<sup>st</sup> January.**

Calculate a full year on 37.5 hours

$(37.5 \div 5) \times (33 + 8)$  is  $7.5 \times 41 = 307.5$  hours per annum

Pro rata this for the period 1<sup>st</sup> April to 31<sup>st</sup> December

$307.5 \div 52$  weeks x 39 weeks = 231 hours

Calculate a full year on 30 hours:

$(30 \div 5) \times (33 + 8)$  is  $6 \times 41 = 246$  hours per annum

Pro rata this for the period 1<sup>st</sup> January to 31<sup>st</sup> March:

$246 \div 52$  weeks x 13 weeks = 61 hours

Add 231 and 61 to give the full year entitlement = 292 hours.

### **A full time employee who achieves 10 years service on 1<sup>st</sup> August:**

Calculate a full year with an entitlement of 29 days and 8 Public Holidays:

$(37.5 \div 5) \times (29 + 8)$  is  $7.5 \times 37 = 277.5$  hours per annum

Pro rata this for the period 1<sup>st</sup> April and 1<sup>st</sup> August:

$277.5 \div 52 \text{ weeks} \times 17 \text{ weeks} = 91 \text{ hours}$

Next, calculate a full year entitlement of 33 days plus 8 Public Holidays:

$(37.5 \div 5) \times (33 + 8)$  is  $7.5 \times 41 = 246 \text{ hours per annum}$

Pro rata this for the period 1<sup>st</sup> August to 31<sup>st</sup> March

$246 \div 52 \text{ weeks} \times 35 \text{ weeks} = 166 \text{ hours}$

Add 91 and 166 to give full year entitlement = 257 hours

**A full time employee with 3 years service hands in their resignation and their last working day is 2<sup>nd</sup> November**

Calculate the number of weeks from 1<sup>st</sup> April – 1<sup>st</sup> November (31 weeks)

Using the Ready Reckoner, calculate the leave entitlement for this period, based on 3 years service and full time hours.

Deduct any annual leave already taken, including public holidays taken.

## **Appendix 5 - Formula for calculation of trigger dates**

Where an employee has less than ten years and / or less than five years the Manager will need to minus the employees NHS service from 10 years or 5 years to obtain the trigger date, using the following calculation.

Example:

- 5 year trigger  
An employee has 3 years and 3 months service (39 months) upon commencement in post.  
The 5 year (60 months) trigger date will be  $60 \text{ months} - 39 \text{ months} = 21 \text{ months}$ .  
The 21 months is added to the appointment date to give the 5 year trigger date.
- 10 year trigger  
The 10 year (120 months) trigger date add 60 months to the 5 year trigger date

## Appendix 6 - Policy Review and Approval Process

<b>Reference Number</b> HR 2015 040	<b>Version:</b> 2.2		<b>Status:</b> Final	<b>Author: Sue Millward</b>  <b>Job Title: Head of Human Resources</b>
Version / Amendment History	Version	Date	Author	Reason
	1a	Oct 2008	T. Riley	Employment Legislation
	2	June 2011	Head of Human Resources	Employment Legislation Update
	2.1	July 2012	Head of Human Resources	Minor Amendments
	2.2	June 2015	Divisional HR Manager	Minor Amendments
<b>Intended Recipients:</b> All employees on Agenda for Change Terms & Conditions, with the exception of Medical & Dental staff and Bank staff				
<b>Training and Dissemination:</b> Launched and disseminated through Trust Intranet and into Divisional Management teams via HR Managers. HR Advice is provided through ad hoc advice and support from Divisional HR Teams. Calculation of entitlement is via the Ready Reckoner available on the Intranet.				
<b>To be read in conjunction with:</b> HR Advisory Note – Leave Guidance				
EIRA Stage One Completed Stage Two Completed				
<b>Procedural Documentation Review Group Assurance and Date</b>			Workforce Policy Review Group (June 2015), Partnership (July 2015) and Trust Joint Council (August 2015), Workforce Performance Forum (August 2015), Management Executive (September 2015)	
<b>Approving Body and Date Approved</b>			Management Executive (September 2015)	
<b>Date of Issue</b>			October 2015	
<b>Review Date and Frequency</b>			Extended until October 2019 Extension agreed due to COVID, April 2022	
<b>Contact for Review</b>			Deputy Director of Workforce Management	
<b>Executive Lead Signature</b>			Executive Director of Workforce	

	Management and Corporate Development
<b>Approving Executive Signature</b>	Executive Director of Workforce Management and Corporate Development

## Appendix 7 HR Policy & Guidance Implementation Plan

**NB:** The Snr HR Lead is responsible for completing the implementation plan and co-ordinating the launch of the new policy/guidelines into the organisation.

<b>Policy / Guidelines Title:</b>	Annual Leave Policy
<b>HR Snr Lead (responsible for the policy)</b>	Donna Brown, HR Manager – Division of Unplanned Care
<b>Policy/Guidelines effective date:</b>	September 2015

<b>Version Control</b> (please outline any previous versions of policies/guidelines that this replaces)			
Name of policy/guidelines (inc version) that are replaced and need to be removed/archived	Where are they held (e.g. intranet, HRshared drive)	Date to be archived / removed	Who is responsible for removing it
Annual Leave Policy (Version 2.1)	Intranet	September 2015	Employment Services Team
Annual Leave Policy (Version 2.1)	Shared Drive	September 2015	Employment Services Team
HR Advisory Note – April 2012	Intranet	September 2015	Employment Services Team

<b>How will it be disseminated?</b> <i>Please describe below how the policy will be launched within the organisation and who is responsible for the different elements</i>			
Method	Date	Responsibility	
		Name	Job Title
<b>Flo</b> – Policy and associated Guidance Note to be updated on Flo	September 2015	Vicky Bailey	HR Advisor – Governance & Diversity
Communicated within the Divisions via email by Divisional HR Teams	September 2015	Divisional HR Teams	