

## ANNUAL LEAVE GUIDANCE

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## APPENDICES

Appendix 1:

[Departmental Protocol on Annual Leave](#)

Appendix 2:

[Pro rata Annual Leave Calculations for Complete Years](#)

Appendix 3:

[Term Time WTE Calculations and Contract Details Form](#)

Appendix 4:

[Application for the purchase of Annual Leave](#)

Appendix 5:

[Application for the selling of Annual Leave](#)

Appendix 6:

[Application for taking Annual Leave during a Sickness absence.](#)

Appendix 7:

[Consultants Annual Leave Guidance](#)

Appendix 8:

[a\) Annual Leave Carry-over Request Form – None sickness absence related](#)

[b\) Annual Leave Carry-over Request Form – Sickness absence related](#)

## 1. Introduction

Annual leave is an important part of 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 colleague and the Trust. It is also important to ensure that all colleagues take adequate rest away from work, in accordance with the Working Time Regulations (1998), and the Working Time (Amendment) Regulations 2003, whilst maintaining the needs of the service.

This policy is aligned to the nationally agreed Agenda for Change(AFC) terms and conditions of service for staff covered by these agreements. Those staff not covered by AFC are as follows and their annual leave is governed by the Terms and Conditions of service for:

- Hospital Medical and Dental Practitioners employed on the Whitley Scale
- Doctors in Public Health Medicine and the Community Health Service

## 2. Responsibilities

### Individual Responsibility

Colleagues are responsible for requesting annual leave in line with their workplace procedures. This should be planned ahead in line with local arrangements. Local procedures need to be in consideration of ensuring work life balance, equity and in accordance with Flexible working principles. This may be subject to HR or DDN oversight.

Colleagues, supported by managers, should ensure that they utilise their annual leave entitlement in the leave year that it is accrued to ensure that it is taken at regular intervals and complies with the minimum periods of rest stated in the Working Time Regulations.

Colleagues should be aware that there is no automatic right to be granted leave if adequate cover within teams is not available to meet the needs of the service. Colleagues are encouraged to submit leave requests in consideration of and respecting the leave needs of others.

### Line Manager's Responsibility

It is up to the Line Manager to:

- Monitor and ensure that individuals are taking their annual leave at regular intervals.
- To provide a departmental protocol on the taking of annual leave. See example Appendix 1.
- To ensure that all absence is recorded on HealthRoster under the appropriate Group and Reason

## 3. Leave Year

The leave year is from 1st April to 31st March. The exception to this is some medical and dental colleagues.

## 4. Annual Leave Entitlement

### 4.1 Overall Entitlement

Annual Leave entitlement for colleagues on Agenda for Change.

#### Length of service

On appointment to NHS

After 5 years NHS service

#### Annual leave + General Public Holidays

27 days + general public  
holidays

29 days + general public  
holidays

After 10 years NHS service      33 days + general public holidays  
 These entitlements include the Statutory Annual Leave entitlement of 20 days (pro rata)

Where colleagues trigger additional leave entitlement part way through a leave year, they will receive pro rata additional leave for the remainder of the year.

For more guidance on General Public Holidays see section 13.

*The above is based on colleagues working shifts of 7½ hours, excluding meal breaks. Where colleagues work standard shifts other than 7½ hours, excluding meal breaks, annual leave entitlements should be calculated on an hourly basis to prevent colleagues on these shifts receiving more or less leave than colleagues on standard shifts as set out in Appendix 2.*

**Part Time Arrangements**

*All part time colleagues should have their annual leave (and general public holidays) entitlement calculated in hours, on a pro-rata basis. Appendix 2 provides a ‘ready reckoner’ on how to pro-rata hours.*

**Medical and Dental Non-Consultant workforce:** annual leave is determined by grade as follows:

<b>Doctors in Training - Foundation Doctors, Core Trainees, Specialty Trainees</b>	On first appointment to the NHS: 27 days After five years’ completed NHS service: 32 days
<b>Trust Clinical Fellows (commenced from 1/1/2023)</b>	
<b>Trust Clinical Fellows (commenced before 1/1/2023)</b>	On the minimum, 1 <sup>st</sup> or 2 <sup>nd</sup> incremental points of their pay scale: 27 days per annum  On the 3 <sup>rd</sup> or higher incremental points of their pay scale: 32 days per annum
<b>Specialty Doctors (2008 and 2021 TCS)</b>	Less than 2 years’ service in grade, or equivalent service: 27 days More than 2 years’ service in grade, or equivalent service: 32 days
<b>Specialist Grade Doctors</b>	More than 7 years’ service in the grade, or prior SAS TCS: 34 days
<b>Associate Specialists (2008)</b>	32 days per annum  More than 7 years’ service in the grade, or prior SAS TCS: 34 days

\*All above entitlements are inclusive of the two statutory days.

## 4.2 Consultants Annual Leave – see Appendix 7

### 5. Purchase of Additional Annual Leave

- All colleagues have an option to purchase 37.5 hours/40 hours for medical colleagues (pro rata for part time employees) of additional annual leave, regardless of backfill cost arrangements.

There may be an additional option to purchase a further 2 weeks' annual leave, if this does not incur NHSP, agency or any other premium rate backfill expenditure. An application to purchase additional annual leave is at **Appendix 5**.

### 5.1. Selling of Annual Leave

- All colleagues can sell up to one week of annual leave entitlement as follows:
  - 37.5 hours for colleagues on Agenda for Change contracts (pro rata)
  - 40 hours for junior doctors/medical colleagues not paid in sessions.
  - Pro-rata for part time colleagues
- To apply to sell annual leave, colleagues need to complete the "Selling annual leave application" that can be found under **Appendix 6**.
- All fields on the form must be completed before submission to your line manager. Your line manager will then be responsible for progressing your request through to the next step.
- Colleagues will be able to make a request to sell leave from 1 January each year and the deadline for submitting a request will be 1 March.
- Line managers will then review all requests and submit them for consideration. Final sign off and submission to payroll is required by **31st March each year**.
- Colleagues and line managers must ensure that colleagues retain their Statutory Annual Leave entitlement i.e. 5.6 weeks (pro rata), including bank holidays (pro rata) when carrying over and/or selling annual leave.***

### 6. Carry-over of annual leave

- All colleagues are encouraged to take their full annual leave entitlement during the leave year in which it falls to ensure they have sufficient rest from work.
- Up to one working week's carry-over of annual leave can be routinely approved by a colleague's line manager using the Annual Leave Carry Over Request Form (**Appendix 8a**). Additional carry-over of annual leave may be requested on an exceptional basis and agreed only if approved by Executive Director.
- Once authorised by the line manager, the form should be sent to the Workforce team so that any carried over hours can be reflected on ESR & E-Roster (please note that this will not appear instantly as the workforce team will receive a large number of forms and may take time to process them)
- Normal rules regarding carry-over of annual leave during long term sickness (**as outlined in section 14**) and maternity / parental leave will apply. Colleagues should be aware that only Statutory annual leave (20 days' pro rata – minus any annual leave already taken), can be carried forward into the next leave year, if the leave has not been taken as a result of a sickness absence spanning one leave year into the next leave year, in which case **Appendix 8b** should be completed).

- Any requests to carry over annual leave should be made at the earliest opportunity. Any approved forms **MUST be submitted to workforce by 31<sup>st</sup> May of the following leave year, at the very latest.** Forms submitted after this date will not be processed.
- **Colleagues and line managers must ensure that colleagues retain their Statutory Annual Leave entitlement i.e. 5.6 weeks (pro rata), including bank holidays (pro rata) when carrying over and/or selling annual leave.**

## 7. Calculation of NHS Service

For the purpose of calculating annual leave entitlement, all NHS Service can be aggregated together to make a total.

The Trust will verify as much previous NHS service via the inter- authority process. In circumstances where it is not possible for the Trust to confirm all NHS service (i.e. previous NHS employer no longer exists) the individual will need to provide some evidence of that period of employment.

**On returning to NHS employment, a previous period or periods of NHS service will be counted towards the employee's entitlement to annual leave, including for those colleagues who retire and return to Trust employment.**

## 8. Entitlement on Joining

Entitlement to annual leave in the first year will be pro-rata based on the date of joining (from first day of employment).

E.g. If the full annual leave entitlement is 307.50 hours, this would be divided by 12 to get the month's entitlement = 25.625 hours for the month

If the colleague starts on a 31-day month and starts on the 15<sup>th</sup> – it would be  $25.625/31$  days = 0.8266 per day X 17 days for the 15<sup>th</sup> to the 31<sup>st</sup> of the month = 14.05 hours plus however many full months remain in that holiday year.

NB Based on 8 general public holidays.

## 9. Entitlement on Leaving

Colleagues who leave the Trust will be entitled to pro rata of their annual leave entitlement based on the last day of employment worked in the current year.

Where annual leave taken exceeds the entitlement, an appropriate deduction will be made from the final monies paid to the colleague.

## 10. Death during Service

Where a colleague dies in service, an allowance equivalent to the balance of the annual leave entitlement on the date of death, calculated on a proportionate basis, shall be paid to the colleague's personal representative. No deduction from the final salary payment should be made in respect of annual leave taken in excess of entitlement on the date of death.

## 11. Entitlement for colleagues with Term Time Only contracts

Term Time Only working enables colleagues to remain on a permanent contract and provides the right to unpaid leave during school holiday.

Pay will be calculated annually pro-rata (based on the number of hours the colleague is contracted to work each week, the weeks worked over the year, and will include the proportional annual leave and bank holiday entitlement over the whole year) and paid in 12 equal monthly payments.

Colleagues working on a term time only contract are not entitled to request annual leave during term time. This is because all annual leave is taken and allocated during the non-term-time weeks. Exceptions to this need to be agreed with the line manager.

The majority of the eight general bank holidays (with the usual exception of May Day) fall within the school holidays. However, all bank holidays (including May Day) will be added on a pro-rata basis when calculating working hours, leave entitlement and pay, on the basis that colleagues will not normally be required to work May Day even though it falls within term time. If a colleague is required to work on May Day for service reasons, they will be entitled to take a day off in lieu during term time. Lieu time should be agreed by line managers.

The formula for calculating the annualised whole time equivalent salary (WTE) for term time only colleagues is given at Appendix 3.

The formula for solely calculating the annual leave entitlement for term time only colleagues can be found in Appendix 3.

In order to ensure that the correct payment is made to colleagues on a Term Time Only contract for hours worked, annual leave and general public holidays, managers need to complete the Term Time annualised WTE salary calculation, the Annual Leave entitlement calculation & Contract Details Form in Appendix 3 which can be found under the supporting documents section of the Trust's Leave and Pay Policy. Both calculation forms should be sent with the change form to the Workforce Information team and retained on the colleague's personal file.

Please contact the workforce information team on [wah-tr.WorkforceInformation@nhs.net](mailto:wah-tr.WorkforceInformation@nhs.net) for advice and guidance on completing each calculation.

The colleague should receive an amendment to contract letter with the calculation forms enclosed and should be retained on the personal file.

For further information on term time working see Flexible Working Opportunities Policy.

## 12. Annualised Hours

The annual leave entitlement for employees on annualised hours forms part of the total number of contracted hours. (As in Appendix 2 hours per annum).

The employee will therefore book annual leave on the basis of either an average working week or average working day for further guidance see Flexible Working Policy.

### 13. General Public Holidays (“Bank Holidays”)

There are usually 8 General Public Holidays in the leave year as follows: -

- New Year’s Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- Late Summer Bank Holiday
- Christmas Day
- Boxing Day

**NB This figure varies in some year’s dependant on when the Easter holiday falls and if any ‘extra’ holidays are allocated by government for special events.**

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.

Colleagues required to work or to be on-call on a general public holiday are entitled to equivalent time to be taken off in lieu at plain time rates in addition to the appropriate payment for the duties undertaken.

#### 13.1 Part Time Colleagues

All part time colleagues are entitled to the General Public Holidays pro rata to the full time allowance of 8 General Public Holidays which will be added to the pro rata annual leave entitlement. (Appendix 5)

NB in some years the bank holidays may be less/more than 8 depending where Easter falls. An individual calculation will need to be made to the revised “ready reckoner” which is produced where the bank holidays are varied.

An existing part time worker who, prior to 1st October 2004, was in receipt of a Bank Holiday entitlement in excess of pro-rata to a full time worker, will no longer be entitled to protected of this additional leave entitlement.

#### 13.2 Flexible Working

In the main, colleagues should take the general public holidays as they occur or, where they have been rostered to work on the general public holiday, at the earliest opportunity, and book time taken against their allocated entitlement. However, flexible working practices should be promoted and services that are not 365 days per year should consider whether or not it is possible for those colleagues who may have a preference to work on general public holidays could do so.

Where a colleague chooses to work flexibly and work on a general public holiday, with the agreement of their line manager, this will be counted as a normal day’s work. Such arrangements should be agreed in advance.

## 14. Sickness and Annual Leave

If a colleague falls sick whilst on annual leave, and where a self-certificate or Med 3 certificate is provided in accordance with the Trust Sickness Absence Health and Wellbeing Policy, the period covered will be treated as sick leave, allowing the colleague to take the annual leave another time.

- All absences of 1-7 calendar days' duration (including weekends/days off) should be supported by a Trust Self-Certification Form, completed on the colleague's return to work or by the colleague on notification of more than 7 days' absence.
- All absences of more than 7 calendar days (including weekends/days off) must be supported by a doctor's note/certificate (Med 3).
- **Colleagues on long-term sick leave may request and take annual leave, provided it is approved by the appropriate manager in the normal way. We would encourage colleagues to use any accrued or remaining annual leave from the current leave year when they move into half/nil sick pay. Particularly as colleagues will be paid at their normal hourly rate for any annual leave taken during this period (as opposed to sick pay). Colleagues leave will continue to be marked as sick leave on e-roster in order that their absence is continuous. Managers should ensure that colleagues complete the 'Application for Taking a Period of Annual Leave During a Sickness Absence' form – Appendix 6.**
- **Colleagues on long-term sick leave whose sickness absence spans the end of one annual leave year and the beginning of the next, may carry forward their untaken Statutory Annual Leave entitlement, of up to a maximum of 20 days, (pro rata for part time colleagues), minus any annual leave already taken in that leave year. Therefore, if colleagues choose not to take any annual leave during the nil/half pay sickness absence period, they may lose their ability to take all of their occupational annual leave, if they are unable to take it all before the end of the annual leave year. Appendix 8b should be completed in connection with requests to carry over annual leave resulting from a sickness absence.**
- **Please contact the HR Advisory team for further advice**

## 15. Extended Period of Annual Leave

There are occasions when a colleague may wish to or need to take extended periods of annual leave. There is an option to purchase additional annual leave as outlined above. Such requests should not be unreasonably refused by the manager. However, the manager should seek to ensure that the individual has regular planned annual leave/time out throughout the rest of the annual leave year. The manager and the individual must ensure that the individual does not get 'over tired' whilst saving up their leave entitlement. This may mean that there is an agreement that the individual will take part of the extended leave as unpaid leave. Any such agreement will depend on the individual and their circumstances.

## 16. Rehabilitation/Staged Return to Work following sick leave

Where on the advice of Occupational Health or a GP, an individual requires a gradual return to work, outstanding annual leave may be used, however the manager and the individual must ensure that there is sufficient leave held for the remainder of the leave year to allow for planned annual leave/time off – refer to the Sickness Absence Health and Wellbeing Guidance.



## 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 colleague to take an extended period of annual leave.
- If a colleague has just started with the Trust and has a pre-booked holiday for which they would not have enough annual leave entitlement.

Managers and colleagues should also make reference to the following Policies: Leave and Pay Policy, Family Leave Policy and Flexible Working Opportunities Policies.

## 18. TOIL (Time Off in Lieu)

It is recognised that on occasion employees may be asked to work over their contracted hours due to the needs of the service.

It is the responsibility of the local manager to ensure that time owing is kept to a minimum and that, wherever possible, staff are able to complete their span of duty at the correct time.

Time Owing may not be accumulated or redeemed without the prior authorisation of the local Manager or those acting under their delegated authority.

Any time owing recorded without the local manager's knowledge/authority, regardless of the amount of time, will not be redeemable.

Staff may request to take time off in lieu as an alternative to overtime/additional hour's payments. However, staff that for operational reasons are unable to take time off in lieu for a single period within three calendar months, must be paid.

Payment in lieu of time owing will not be made where the Trust has made a reasonable offer for the employee to take the time owing in lieu, which has been declined.

Time owing must be recorded on the E-Roster using the "Time Owing" unavailability with zero hours allocated.

Arrangements for taking off, or payment for time off in lieu, are laid down in the Agenda for Change Terms and Conditions of Service. Senior staff paid in pay bands 8 or 9 will not be entitled to overtime payments (Agenda for Change Terms and Conditions Handbook). Time off in lieu of overtime payments will be at plain time rates.