

Non-Medical Staff Annual Leave Policy

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REVIEW DATES AND DETAILS OF CHANGES MADE DURING THE REVIEW

The previous version was agreed by Policy and Guidelines on in October 2018 with a review date of October 2021. This policy has therefore been reviewed in line with these dates. Changes have been made to update job titles, mirror wording in relation to annual leave carry over allowances to that in Senior Medical Staff Annual Leave Policy and Procedure and removal of bank holiday entitlement table.

KEY WORDS

Annual leave

Change of hours

Bank Holidays

Part time

Entitlement

1 INTRODUCTION AND OVERVIEW

- 1.1 This policy outlines the entitlement to annual leave for staff on Agenda for Change terms and conditions, together with information on how to manage the use of annual leave from an individual employee and managerial perspective.
- 1.2 The Trust recognises that annual leave is an important part of an employee's work-life balance.
- 1.3 The Trust is committed to ensuring that all employees are able to take their contractual annual leave in full during the relevant leave year period.

2 POLICY SCOPE

This policy applies to all staff under Agenda for Change terms and conditions, with the exception of bank staff and staff employed temporarily through the STAFFflow model (STAFFflow being those sourced from an agency, and employed on a Temporary Worker contract).

A separate policy exists for Medical Staff.

3 DEFINITIONS AND ABBREVIATIONS

None.

4 ROLES

4.1 Director of People and Organisational Development – Executive Lead

- 4.1.1 To ensure the development and implementation of appropriate guidance on the provision and use of annual leave. To ensure that any changes to terms and conditions and legal implications are reflected in the policy.

4.2 Managers

- 4.2.1 To provide a written departmental protocol on taking annual leave which takes account of both individual and service needs. All departmental leave protocols must be in line with the policy and procedure statements. Managers must engage with local staff side colleagues (where areas have local representatives in place) where new protocols/changes to protocols are being considered. The protocol will outline requesting of leave and booking rules.
- 4.2.2 To ensure all leave is appropriately recorded.
- 4.2.3 To encourage all staff to take their full annual leave entitlement during the current leave year.
- 4.2.4 To provide sufficient opportunities for staff to be able to take their entire annual leave provision within the current annual leave year.
- 4.2.5 Be responsible for identifying leave entitlement and any amendments due to change of contracted hours, reckonable service etc.
- 4.2.6 To consider requests for carry over of annual leave fairly and equitably.

4.3 Employees

- 4.3.1 To comply with the departmental protocol for booking annual leave and record accurately.

- 4.3.2 To ensure that annual leave is planned and evenly distributed throughout the leave year. To avoid using the majority of annual leave in the last three months of their leave year (unless there is prior agreement with manager), placing undue pressure on the service.
- 4.3.3 To notify their manager as soon as possible where it becomes apparent that it is difficult to take annual leave.
- 4.3.4 Inform their manager (or HR at appointment) if they have NHS reckonable service years that will impact on their annual leave entitlement, providing proof as required. Where satisfactory evidence cannot be provided the additional long service allowance will not be granted.
- 4.3.5 Provide six weeks' notice when requesting annual leave unless otherwise stated in departmental protocols. However, where possible, flexibility must be shown when requests are made in shorter timescales in line with service needs.
- 4.3.6 Inform their manager if their entitlement appears incorrect.

5 POLICY IMPLEMENTATION AND ASSOCIATED DOCUMENTS

5.1 Entitlements in a Full Leave Year:

- 5.1.1 The entitlement to paid annual leave and paid bank holiday provisions under Agenda for Change in a full annual leave year are set out below.

Length of service	Annual Leave + Bank Holidays
On appointment	27 days + 8 bank holidays (202.5hrs + 60hrs)
After 5 years service	29 days + 8 bank holidays (217.5hrs + 60hrs)
After 10 years service	33 days + 8 bank holidays (247.5hrs + 60hrs)

- 5.1.2 The annual leave year runs from 1 April to 31 March.

The above entitlements are based on full-time 37.5 hour contracts. Part time staff are granted annual leave entitlements on a pro-rata basis of the full time allowance (see calculator on Insite for further detail).

- 5.1.3 The Trust will calculate all paid leave entitlements in **hours** for all staff regardless of whether employees work full time or part time.
- 5.1.4 As a governing principle, the number of hours taken as paid leave will equal the number of hours the employee would otherwise have worked.
- 5.1.5 The 8 Bank Holidays within the year are:

Good Friday	Easter Monday
May Day	Spring Bank Holiday
August Bank Holiday	Christmas Day
Boxing Day	New Year's Day

There can be variation in the number of Bank Holidays that fall within a financial leave year depending upon whether the Easter Bank Holidays fall within March: For example if two Easter Bank holidays fall within the same financial year, an entitlement of 10 Bank Holidays will be applicable. Subsequently, Bank Holiday entitlement will be 6 days in the following annual leave year

5.2 Paid Annual Leave

- 5.2.1 Paid annual leave entitlements in relation to basic contracted working hours is set out in Agenda for Change, with entitlements rounded up to the nearest (decimal) 0.5, i.e. to the nearest half hour.
- 5.2.2 Annual leave will normally be taken in periods of not less than half the hours of a normal working day/shift.
- 5.2.3 In addition to paid annual leave entitlements, staff are entitled to paid bank holiday entitlements.
- 5.2.4 Where employees work varied shift patterns at least a quarter of their annual leave entitlement must be booked on their longer working weeks.

5.3 Qualifying Service for the Calculation of Paid Annual Leave

- 5.3.1 An employee's aggregated NHS service, i.e. any period of time that has been worked in the NHS, regardless of whether or not there has been a break in service, will count as reckonable service for the calculation of paid annual leave.
- 5.3.2 In addition to all aggregated NHS service, other time spent in a highly relevant role in organisations other than the NHS, may, at the discretion of the Trust, following HR advice, be counted towards aggregated service.
- 5.3.3 Staff may be required to provide formal documentary evidence of any relevant, qualifying service.

5.4 Part Time Staff and Bank Holidays

- 5.4.1 Members of staff who work part-time hours must add their Bank Holiday entitlement to their annual leave entitlement. Subsequently, as dictated by service need, they should take bank holidays which fall on their normal working day as annual leave.
- 5.4.2 Staff who take their bank holiday on a day when they would normally work, must book off the hours they would have otherwise worked. For example, if a member of staff usually works 6 hours on a Monday, and a bank holiday falls in this day, they must book 6 hours of annual leave. If a member of staff usually works 10 hours on a Monday, and a bank holiday falls in this day, they must book 10 hours of annual leave.
- 5.4.3 In line with the Agenda for Change Terms and Conditions and the Part-time Workers Regulations 2002, part-time workers will be entitled to paid Bank Holidays no less than pro-rata to the number of Bank Holidays for a full-time worker, rounded up to the nearest half day.
- 5.4.4 In cases where the department would normally close on a bank holiday, the following options can be considered and agreed with the staff member's line manager at the commencement of each leave year. Any agreements must take into account service needs.
- Use the total leave entitlement (leave entitlement + bank holiday entitlement) to book off the bank holidays. **This would be the default position where no other arrangement is in place.**
 - Use TOIL /flexitime already accrued to book off the bank holiday
 - Work another day of the week

5.5 Entitlement for New Starters and Leavers

- 5.5.1 Entitlement in the year of joining is dependent on the number of complete calendar months to be worked after the date of joining and before the end of the annual leave year.
- 5.5.2 Paid leave entitlements for part years can be calculated using the calculator available on Insite, prorated to the number of months remaining in the leave year from date of joining. Paid annual leave is calculated based on 1/12th of the full year entitlement for each complete calendar month remaining.
- 5.5.3 The bank holiday hours entitlement will be based on the number of bank holiday remaining in the current leave year from the date of joining.
- 5.5.4 Staff who leave the Trust will have accrued 1/12 of their paid annual leave entitlement for each completed month worked up to the date of leaving, plus any hours entitlement for bank holidays that have occurred in the leave year prior to the date of leaving. Where the entitlement accrued is greater than the hours taken, they will be entitled to be paid in lieu of the untaken hours.

Where total leave hours already taken exceeds the accrued total leave entitlement, an appropriate deduction will be made from final salary.

5.6 Entitlement on changing contracted hours

- 5.6.1 Where staff change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed months on the new and the old contracted hours to give the full year entitlement.

5.7 Carry Over of Leave

- 5.7.1 The Trust expects that all staff should normally use (and be given the opportunity to use) all their annual leave within the annual leave year. In **exceptional** circumstances up to one week of basic contracted hours (or 1/52 of annualised hours) may be carried over to the following year. Requests for carry over of leave must be discussed, agreed and documented with the line manager. Where a request cannot be agreed to, the reason(s) must be documented.
- 5.7.2 Where staff have been prevented from taking their leave due to service demands, the amount to be carried forward should not normally exceed one week of basic contracted hours (or 1/52 of annualised hours).
- 5.7.3 For those staff whose annual leave is managed within Health Roster, line managers must calculate the additional leave entitlement and submit requests for carryover of leave through to Electronic Rostering by the end of May for the year the carry over needs to be added to (exceptions only for staff on long term sickness absence).

5.8 Sickness occurring during Annual Leave or Bank Holidays

- 5.8.1 If an employee falls sick whilst on annual leave, then subject to the sickness notification and certification provisions of the Trust, the period covered will be treated as sick leave, allowing the employee to take the annual leave another time.
- 5.8.2 In line with Agenda for Change terms and conditions, employees will **not** be entitled to an additional day off if sick on a bank holiday that they would otherwise have been required to work as part of their basic week.
- 5.8.3 A minimum of 28 days' annual leave (including bank holidays) must be taken each financial year (prorated for part time staff). If due to sickness, a member of staff has

been unable to take 28 days leave by 31st March, the difference between 28 days and leave already taken, may be carried over into the next leave year but in any event must be taken within 18 months of the end of the year to which it relates.

- 5.8.4 Staff on long term sickness may choose to take a period of contractual annual leave at any time in line with the Sickness Absence Policy and Procedure.

5.9 Accrual of Annual Leave

- 5.9.1 Annual leave will continue to be accrued during maternity leave, adoption leave, and paternity leave, whether paid or unpaid (including bank holidays).

- 5.9.2 Where the amount of accrued annual leave would exceed normal carry over provisions (one working week), the person on maternity leave should take annual leave immediately before and/or after the formal (paid and unpaid) maternity leave period. If there are significant business reasons why the person on maternity leave is unable to do so, any accrued annual leave should be taken within 12 months of returning to work. All arrangements for accrued annual leave should be agreed between the manager and their member of staff.

6 EDUCATION AND TRAINING REQUIREMENTS

None.

7 PROCESS FOR MONITORING COMPLIANCE

7.1 The audit criteria for this policy and the process to be used for monitoring compliance are given in the table below:

Element to be monitored	Lead	Tool	Frequency	Reporting arrangements
Staff have the opportunity to take their annual leave entitlements.	Line Managers	Health Roster where in use or manual audit of records to be undertaken by line managers.	Annually	Any issues are to be dealt with by the line manager to rectify. Escalation to the next level of management where appropriate. HR advice available as and when required.
Staff have the correct entitlement for each year.	Line Managers / HR Recruitment Services for new starters.	Manual audit of records undertaken by line managers. New contracts are checked by supervisors within Recruitment Services. Annual leave calculator available to check entitlements.	Annually (or more frequently as necessary)	Any issues are to be dealt with by the line manager to rectify. HR advice available as and when required.
Carry over of leave does not exceed amounts outlined in the policy	Line Managers	Health Roster where in use or manual audit of records. Leave calculator available from HR.	Annually	Any issues are to be dealt with by the line manager to rectify. HR advice available as and when required.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity and appropriately according to their needs.
- 8.2 As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified.

9 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES

For contractual leave entitlements:

- Agenda for Change Terms and Conditions of Service Handbook

For statutory provisions:

- Part-time Workers Regulations 2002

Policies and Procedures Signposted:

- Sickness Absence Policy and Procedure (B29/2006)

10 PROCESS FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW

This document will be uploaded onto SharePoint and available for access by Staff through INsite. It will be stored and archived through this system.

The updated version of the Policy will then be uploaded and available through INsite Documents and the Trust's externally-accessible Freedom of Information publication scheme. It will be archived through the Trust's PAGL system.