

MERSEY CARE NHS TRUST

ANNUAL LEAVE PROCEDURE

Policy/Procedure Number HR17

Issued by HR March 2007

Reviewed May 2013

Next Review Date May 2015

1. Aim

The aim of the procedure is to provide a uniform and equitable approach to the calculation of annual leave and Public holiday entitlements which take into account the entitlements and arrangements defined under Agenda for Change.

2. Responsibilities of Managers

- To ensure that the procedure is applied fairly.
- To ensure that the procedure is applied in such a way that ensures that the needs of the service are met.
- To ensure that staff are made aware of the procedure for requesting annual leave within their own department and to ensure that each member of staff is aware of their own entitlement.
- To keep accurate annual leave records for all staff in their department and to manage the uptake of annual leave to ensure that staff are taking regular breaks away from work, and to ensure that staffing levels are sustainable.

Local procedures regarding notification processes/minimum staffing requirements will be agreed through the respective local partnership working arrangements with Trade Union representatives.

3. Responsibilities of Staff

- To familiarise themselves with the annual leave procedure.
- To request annual leave in line with notification procedures.
- To 'manage' their annual leave in a reasonable way, thus ensuring full entitlements are taken over the leave year and requests are submitted in good time and in accordance with local procedures.

4. Entitlement

The annual leave year runs from 1st April to 31st March, and the current entitlements under Agenda for Change are:

Length of service	Annual leave + General Public Holidays
On appointment	27 days + 8 days
After 5 years service	29 days + 8 days
After 10 years service	33 days + 8 days

Annual leave is prescribed in hours not days for staff who work shifts or who work on a part time basis to ensure equity. Calculation of annual leave entitlements in hours is shown in Table 2. It is expected that annual leave will normally be taken in periods of not less than ½ day.

In addition to annual leave entitlement, employees are entitled to 8 paid Bank Holidays. In the case of all part time staff this entitlement is pro rata to the full time allowance. (Table 3 shows the Public Holiday entitlement)

On each and every occasion a member of staff takes paid time off on a Public Holiday as part of their basic week, the appropriate deduction of their normal basic working hours for that day will be made from their entitlement.

There will be some years when more (or less) than 8 **Public** Holidays fall within the leave year simply because the dates when they fall move. When this situation arises the appropriate hours adjustment i.e. plus or minus, will need to be made using the final column of Table 3.

5. Calculation of Reckonable Service for Annual Leave

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.

Time spent in a role in organisations other than the NHS, but which is judged by the Trust to be relevant to NHS employment, may at the Trust's discretion be counted as reckonable service e.g. GP practices, other public sector organisations. For advice on relevance of previous employment, please contact Human Resources.

6. Entitlement on Joining

All new members of staff will be entitled to annual leave in the year of joining the Trust, on a pro-rata basis to the full year entitlement.

Entitlement in the first year is dependent on the number of full complete calendar months worked from the date of joining to the end of the annual leave year. The Trust will allow staff who commence up to the 14th calendar day in the month to receive the full annual leave entitlement in respect of that calendar month. Staff who join after the 14th calendar day in the month will not receive leave entitlement for this part month.

Annual leave is calculated based on 1/12th total annual leave for each complete calendar month (subject to the terms of the paragraph above).

The Public Holiday hour's entitlement will be based on the number of Public Holidays remaining in the current leave year from the date of joining.

7. Entitlement on Changing Contracted Hours

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.

8. Term Time Contract Working

Staff who work term time only and therefore take leave between terms or who are granted leave greater than their annual leave entitlement will first use their entire annual leave entitlement towards the required amount of annual leave and thereafter any additional leave will be unpaid.

Staff who take unpaid leave will have their annual leave entitlement reduced to pro-rata to the full time equivalent annual leave.

Table 4 provides details on the number of day's unpaid leave required to be taken to work term time only.

9. Carry Over of Annual Leave

The Trust expects that within the annual leave year staff should be provided with the opportunity to take, and that staff should take all their annual leave. In **exceptional** circumstances up to 37.5 hours (pro rata for part time staff) of annual leave may be carried over to the following year, with the agreement of the Manager.

Annual leave continues to accrue during a period of suspension. Any pre-authorized leave will be honoured, however this planned leave must be brought to the attention of the Investigating officer by the employee at the outset of the investigation.

However, where the period of suspension exceeds 6 weeks, it is necessary to manage the ongoing absence. This applies where annual leave has accrued and remains untaken in relation to the proportion of the remaining leave year. In these circumstances it is expected that the employee will be given the opportunity to take annual leave either during the course of the investigation, or at the end of the case, prior to returning to work. The timing of this leave will be arranged with the employee. Where necessary, Managers may allow staff suspended from duty to carry over leave.

In accordance with the Agenda for Change staff have an annual leave entitlement based on the length of their of continuous NHS service. Subject to the responsibility of staff to ensure that annual leave is spread across the year, in exceptional circumstances, where staff have been prevented from taking their annual leave before the end of the leave year, because of operational needs or demands, they may, with the prior approval of their manager, carry over to the next leave year, carry up to the contractual annual leave entitlement. This should be the exception

10. Sickness Absence and Annual Leave.

If a member of staff falls ill either prior to or whilst on annual leave, and wishes their annual leave to be recorded as sickness, they must comply with the Trust's sickness absence reporting procedure, including the production of a Fit Note for any periods in excess of 7 days. Provided that the Trust is satisfied that the sickness absence is genuine the period covered will be treated as sick leave, allowing the member of staff to take the annual leave at a later date in the leave year. Staff will only be permitted to carry over leave (up to a maximum of 20 days) to the next year if it is not possible to take the leave in the same year. In these circumstances annual leave must be taken within 18 months starting with the end of the annual leave year in which that annual leave was accrued. Upon expiry of that 18 month period, the right to use that annual leave will expire.

Staff who are on long term sick leave are still able to request annual leave. Managers must ensure that this is discussed with staff at any sickness review meeting. Managers may agree that staff take all or part of their annual leave entitlement and agree with staff how much leave is to be taken.

Where a member of staff is absent due to sickness and intends to take a holiday during their absence they will be expected to comply with the Trust's normal procedure for booking annual leave and ensure that it is authorised before taking it.

The amount of annual leave authorised during sickness absence should not exceed the amount of annual leave accrued up to the date of authorisation, less any leave already taken.

Payment in lieu of annual leave not taken due to sickness or any other reason is not permitted, save upon termination of employment.

Should staff returning from sickness absence wish to extend their phased return beyond the period agreed with their manager, managers may use their discretion to allow the member of staff to use annual leave to facilitate this.

Managers should discuss with Human Resources if they have any queries regarding the interaction between annual leave and sickness absence.

In accordance with Agenda for Change Terms and Conditions, staff will **not** be entitled to an additional day off if sick on a Public Holiday that they would otherwise have been required to

work as part of their basic week. Staff who work shifts and who are off sick on a Public holiday will have 7.5 hours deducted from **their Public holiday** entitlement. Staff who work part time and who are off sick on a Public holiday will have the pro-rata equivalent deducted from their Public holiday entitlement.

11. Entitlement on Leaving

Subject to any permitted carry over of annual leave entitlement in accordance with this policy, staff who leave the Trust will receive 1/12th of their annual leave entitlement as per Table 2 for each complete calendar month worked in the current leave year, plus the benefit of any Public holiday hours for Public holidays that have occurred in the leave year prior to the date of leaving, less any annual leave and public holidays taken.

Where total leave taken exceeds the earned total leave entitlement an appropriate deduction will be made from any final monies.

Table 2

AGENDA FOR CHANGE: ANNUAL LEAVE ENTITLEMENT FOR COMPLETE YEARS EXCLUSIVE OF PUBLIC HOLIDAYS

WEEKLY BASIC CONTRACTED HOURS	ON APPOINTMENT	AFTER 5 YEARS SERVICE	AFTER 10 YEARS SERVICE
	27 DAYS	29 DAYS	33 DAYS
	HOURS EQUIVALENT:		
37.5	202.5	217.5	247.5
37.0	200.0	214.5	244.0
36.5	197.0	211.5	241.0
36.0	194.5	209.0	237.5
35.5	191.5	206.0	234.5
35.0	189.0	203.0	231.0
34.5	186.5	200.0	227.5
34.0	183.5	197.0	224.5
33.5	181.0	194.5	221.0
33.0	178.0	191.5	218.0
32.5	175.5	188.5	214.5
32.0	173.0	185.5	211.0
31.5	170.0	182.5	208.0
31.0	167.5	180.0	204.5
30.5	164.5	177.0	201.5
30.0	162.0	174.0	198.0
29.5	159.5	171.0	194.5
29.0	156.5	168.0	191.5
28.5	154.0	165.5	188.0
28.0	151.0	162.5	185.0
27.5	148.5	159.5	181.5
27.0	146.0	156.5	178.0
26.5	143.0	153.5	175.0
26.0	140.5	151.0	171.5
25.5	137.5	148.0	168.5
25.0	135.0	145.0	165.0
24.5	132.5	142.0	161.5
24.0	129.5	139.0	158.5
23.5	127.0	136.5	155.0
23.0	124.0	133.5	152.0
22.5	121.5	130.5	148.5
22.0	119.0	127.5	145.0
21.5	116.0	124.5	142.0
21.0	113.5	122.0	138.5
20.5	110.5	119.0	135.5
20.0	108.0	116.0	132.0
19.5	105.5	113.0	128.5

Formula is $\frac{\text{Weekly Contracted Hrs}}{5} \times \text{No. of Days Entitlement}$

Table 2 cont.

AGENDA FOR CHANGE: ANNUAL LEAVE ENTITLEMENT FOR COMPLETE YEARS EXCLUSIVE OF PUBLIC HOLIDAYS

WEEKLY BASIC CONTRACTED HOURS	ON APPOINTMENT	AFTER 5 YEARS SERVICE	AFTER 10 YEARS SERVICE
	27 DAYS	29 DAYS	33 DAYS
	HOURS EQUIVALENT:		
19.0	102.5	110.0	125.5
18.5	100.0	107.5	122.0
18.0	97.0	104.5	119.0
17.5	94.5	101.5	115.5
17.0	92.0	98.5	112.0
16.5	89.0	95.5	109.0
16.0	86.5	93.0	105.5
15.5	83.5	90.0	102.5
15.0	81.0	87.0	99.0
14.5	78.5	84.0	95.5
14.0	75.5	81.0	92.5
13.5	73.0	78.5	89.0
13.0	70.0	75.5	86.0
12.5	67.5	72.5	82.5
12.0	65.0	69.5	79.0
11.5	62.0	66.5	76.0
11.0	59.5	64.0	72.5
10.5	56.5	61.0	69.5
10.0	54.0	58.0	66.0
9.5	51.5	55.0	62.5
9.0	48.5	52.0	59.5
8.5	46.0	49.5	56.0
8.0	43.0	46.5	53.0
7.5	40.5	43.5	49.5
7.0	38.0	40.5	46.0
6.5	35.0	37.5	43.0
6.0	32.5	35.0	39.5
5.5	29.5	32.0	36.5
5.0	27.0	29.0	33.0
4.5	24.5	26.0	29.5
4.0	21.5	23.0	26.5
3.5	19.0	20.5	23.0
3.0	16.0	17.5	20.0
2.5	13.5	14.5	16.5
2.0	11.0	11.5	13.0
1.5	8.0	8.5	10.0
1.0	5.5	6.0	6.5
0.5	2.5	3.0	3.5

Formula is $\frac{\text{Weekly Contracted Hrs}}{5} \times \text{No. of Days Entitlement}$

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Table 3

AGENDA FOR CHANGE: CALCULATION OF BANK HOLIDAY ENTITLEMENT

WEEKLY BASIC CONTRACTED HOURS	HOURLY ENTITLEMENT FOR FULL LEAVE YEAR	HOURLY ENTITLEMENT ON EACH BANK HOLIDAY AS IT OCCURS
	(8 BANK HOLIDAYS)	
37.5	60.0	7.5
37.0	59.0	7.4
36.5	58.5	7.3
36.0	57.5	7.2
35.5	57.0	7.1
35.0	56.0	7.0
34.5	55.0	6.9
34.0	54.5	6.8
33.5	53.5	6.7
33.0	53.0	6.6
32.5	52.0	6.5
32.0	51.0	6.4
31.5	50.5	6.3
31.0	49.5	6.2
30.5	49.0	6.1
30.0	48.0	6.0
29.5	47.0	5.9
29.0	46.5	5.8
28.5	45.5	5.7
28.0	45.0	5.6
27.5	44.0	5.5
27.0	43.0	5.4
26.5	42.5	5.3
26.0	41.5	5.2
25.5	41.0	5.1
25.0	40.0	5.0
24.5	39.0	4.9
24.0	38.5	4.8
23.5	37.5	4.7
23.0	37.0	4.6
22.5	36.0	4.5
22.0	35.0	4.4
21.5	34.5	4.3
21.0	33.5	4.2
20.5	33.0	4.1
20.0	32.0	4.0
19.5	31.0	3.9

Formula is $\frac{\text{Weekly Contracted Hrs}}{5} \times \text{No. of Days Entitlement}$

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Table 3 cont.

AGENDA FOR CHANGE: CALCULATION OF BANK HOLIDAY ENTITLEMENT

WEEKLY BASIC CONTRACTED HOURS	HOURLY ENTITLEMENT FOR FULL LEAVE YEAR	HOURLY ENTITLEMENT ON EACH BANK HOLIDAY AS IT OCCURS
	(8 BANK HOLIDAYS)	
19.0	30.5	3.8
18.5	29.5	3.7
18.0	29.0	3.6
17.5	28.0	3.5
17.0	27.0	3.4
16.5	26.5	3.3
16.0	25.5	3.2
15.5	25.0	3.1
15.0	24.0	3.0
14.5	23.0	2.9
14.0	22.5	2.8
13.5	21.5	2.7
13.0	21.0	2.6
12.5	20.0	2.5
12.0	19.0	2.4
11.5	18.5	2.3
11.0	17.5	2.2
10.5	17.0	2.1
10.0	16.0	2.0
9.5	15.0	1.9
9.0	14.5	1.8
8.5	13.5	1.7
8.0	13.0	1.6
7.5	12.0	1.5
7.0	11.0	1.4
6.5	10.5	1.3
6.0	9.5	1.2
5.5	9.0	1.1
5.0	8.0	1.0
4.5	7.0	0.9
4.0	6.5	0.8
3.5	5.5	0.7
3.0	5.0	0.6
2.5	4.0	0.5
2.0	3.0	0.4
1.5	2.5	0.3
1.0	1.5	0.2
0.5	1.0	0.1

Formula is $\frac{\text{Weekly Contracted Hrs}}{5} \times \text{No. of Days Entitlement}$

Table 4 – Term Time Working

To use the table:-

1. Find the total number of days leave required (in days based on 5 days per week)
2. Follow the row across to the appropriate column for the individuals leave entitlement.
3. The figure in the box is the number of days unpaid leave required (in days based on a 5 day week).
4. Convert to hours as follows:

Number of hours unpaid leave = days unpaid leave x contracted weekly hours ÷5

Full time leave entitlement (including public holidays)

Total leave required to work term time	35	37	41
36 days	1		
37 days	2		
38 days	3	1	
39 days	5	2	
40 days	6	3	
41 days	7	5	
42 days	8	6	1
43 days	9	7	2
44 days	10	8	4
45 days	12	9	5
46 days	13	10	6
47 days	14	12	7
48 days	15	13	8
49 days	16	14	9
50 days	17	15	11
51 days	18	16	12
52 days	20	17	13
53 days	21	19	14
54 days	22	20	15
55 days	23	21	17
56 days	24	22	18
57 days	25	23	19
58 days	27	24	20
59 days	28	26	21
60 days	29	27	23
61 days	30	28	24
62 days	31	29	25
63 days	32	30	26
64 days	33	31	27
65 days	35	33	28
66 days	36	37	30
67 days	37	35	31
68 days	38	36	32
69 days	39	37	33
70 days	40	38	34