

TRUST-WIDE NON-CLINICAL GUIDANCE DOCUMENT

ANNUAL LEAVE PROCEDURE

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2015 – Version 1

Quality, recovery and wellbeing at the heart of everything we do

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Further information about this document:

Document name	ANNUAL LEAVE PROCEDURE
Document summary	To provide information regarding annual leave entitlements for staff covered by Agenda for Change Term and Conditions. To provide a uniform and equitable approach to the calculation of annual leave and bank holiday entitlements and arrangements defined under Agenda for Change
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To be read in conjunction with	HR07 Management of Attendance Policy
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Version Control:

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Version 2	Fully reviewed and approved by Executive Committee	May 2015

SUPPORTING STATEMENTS – this document should be read in conjunction with the following statements:

SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Trust employees have a statutory duty to safeguard and promote the welfare of children and vulnerable adults, including:

- being alert to the possibility of child/vulnerable adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child/vulnerable adult;
- knowing how to deal with a disclosure or allegation of child/adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child/vulnerable adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or vulnerable adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, gender, race, religion or belief, sexual orientation and transgender. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Trust is committed to carrying out its functions and service delivery in line with a Human Rights based approach and the FREDA principles

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1 PURPOSE AND RATIONALE

- 1.1 **Purpose** – To provide information regarding annual leave entitlements for staff covered by Agenda for Change Terms of Conditions.
- 1.2 **Rationale** – To provide a uniform and equitable approach to the calculation of annual leave and bank holiday entitlements and arrangements defined under Agenda for Change.

2 SCOPE

- 2.1 This Trust wide procedure applies to all staff employed by the Trust under Agenda for Change Terms and Conditions.

3 DUTIES

- 3.1 **Lead Executive Director** – the lead Executive Director for this policy (Executive Director of Workforce) has strategic responsibility for ensuring compliance with the procedure.
- 3.2 **Managers** – Will ensure that the procedure is applied fairly, and that the procedure is applied in such a way that ensures that the needs of the service are met. They will ensure that staff are made aware of the procedure for requesting annual leave within their own ward/department and will ensure that each member of staff is aware of their own entitlement. Managers will keep accurate annual leave records for all staff in their ward/department and will manage the uptake of annual leave to ensure that staff are taking regular break away from work, and to ensure that staffing levels are sustainable.
- 3.3 **All Staff** – Staff should make themselves aware of the annual leave procedure, and ensure that they request annual leave in line with local notification procedures. They must manage their annual leave in a reasonable way, ensuring full entitlements are taken over the leave year and requests are submitted in good time and in accordance with local procedures. (excluding Medical Staff)

4 PROCESS / PROCEDURE

4.1 Entitlement

The annual leave year runs from 1st April to 31st March, and the basic annual leave provisions under Agency 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 Appendix A. It is expected that annual leave will normally be taken in periods of not less than ½ day.

4.2 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. (Appendix B shows the Bank Holiday entitlement)

4.3 On each and every occasion an employee takes paid time off on a Bank 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.

4.4 There will be some years when more (or less) than 8 Bank Holidays fall within the leave year simply because Bank Holidays follow the calendar year and the Easter Bank Holidays can be in March or April. When this situation arises the appropriate hours adjustment i.e. plus or minus, will need to be made using the final column of Appendix B.

4.5 **Calculation of Reckonable Service**

An employee's continuous previous service with an NHS employer will count as reckonable service in respect of annual leave. In addition, 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 annual leave. For the purpose of calculating aggregated service, time spent in a relevant role in organisations other than the NHS, may be counted as aggregated service, e.g. GP practices, other public sector organisations. For advice on relevant of previous employment, please contact Human Resources.

4.6 **Entitlement on Joining**

4.7 All new members of staff will be entitled to annual leave plus Bank Holidays in the year of joining the Trust, on a pro-rata basis. Entitlement in the first year is dependent on the number of full complete calendar months worked after the date of joining and before the end of the annual leave year.

4.8 Annual leave is calculated based on 1/12th for each complete calendar month. The Bank Holiday hours entitlement will be based on the number of Bank Holidays remaining in the current leave year from the date of joining.

4.9 **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.

4.10 **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 pro rata to the full time equivalent annual leave. Appendix C provides details on the number of days unpaid leave required to be taken to work term time only.

4.11 **Carry Over of Annual Leave**

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

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

4.13 **Sickness Absence and Annual Leave and Bank Holidays**

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. As long as a note is provided 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 who are sick 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 year in which that annual leave was accrued. Upon expiry of that 18 month period, the right to use that annual leave will expire.

- 4.14 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.
- 4.15 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 authorized before taking it.

- 4.16 The amount of annual leave authorized during sickness absence should not exceed the amount of annual leave accrued up to the date of authorization, less any leave already taken.
- 4.17 Payment in lieu of annual leave not taken due to sickness or any other reason is not permitted, save upon termination of employment.
- 4.18 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.
- 4.19 Managers should discuss with Human Resources if they have any queries regarding the interaction between annual leave and sickness absence.
- 4.20 In accordance with Agenda for Change Terms and Conditions, staff will **not** be entitled to an additional day off sick on a Bank 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 Bank Holiday will have 7.5 hours deducted from their Bank Holiday entitlement. Staff who work part time and who are off sick on a Bank Holiday will have the pro-rata equivalent deducted from their Bank Holiday entitlement.

4.21 **Annual Leave and Suspension**

Annual leave continues to accrue during a period of suspension. Any pre-booked annual leave will be honoured. This planned leave must be brought to the attention of the Investigating Officer by the employee at the outset of the investigation. Where the period of suspension exceeds 6 weeks, it is necessary to manage the annual leave. 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 matters which led to the suspension, 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 annual leave.

4.22 **Entitlement on Leaving**

Staff who leave the Trust will receive 1/12th of their annual leave entitlement for each complete calendar month worked in the current leave year, less any annual leave taken plus the benefit of any outstanding Bank Holiday hours for Bank Holidays that have occurred in the leave year prior to the date of leaving.

- 4.23 Where there is accrued annual leave that cannot be taken before the employee leaves the Trust, payment in lieu of this can be made. Where total leave taken exceeds the earned total leave entitlement an appropriate deduction will be made from final monies.

4.24 **Additional Unpaid Annual Leave**

Staff may request to 'buy' additional leave up to a maximum of 2 weeks (75 hours). This will be unpaid and the staff's salary will be recalculated to take account of the extra leave. Staff wishing to buy additional annual leave should apply in line with the requirements of the Trust Flexible Working Policy.

5 CONSULTATION

5.1 The following groups were consulted within the development of this procedure.

(a) HR Policies Group

6 TRAINING AND SUPPORT

6.1 Should the managers or staff require support in the application of this procedure; Human Resources Advisors will be available to provide this.

7 MONITORING

7.1 It is the Managers responsibility to monitor use of Annual Leave for there staff.

Annual Leave Procedure
Annual Leave Entitlement For Complete Years , Exclusive of Bank 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

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

Appendix B

Annual Leave Procedure Calculation of Bank Holiday Entitlements

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

Annual Leave Procedure 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.
The figure in the box is the number of days unpaid leave required (in days based on a 5 day week).
3. Convert to hours i.e. Number of hours unpaid leave = days unpaid leave x contracted Weekly hours ÷5

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