

# SALISUBURY NHS FOUNDATION TRUST

## Annual Leave Policy

Version Information			
Version No.	Updated by	Updated on	Description of Changes
1	Head of People Operations		New policy created from the separation of the existing leave policy. Now separate annual and special leave policies.
1.1	Head of People Operations	March 2021	Addition of section 10 linked to Trust offer of additional annual leave to be taken on an employee's birthday
FINAL	Senior Business Partner Employee Relations	January 2023	OD&P Policy and Procedure review in new template <ul style="list-style-type: none"><li>• Introduction of Employee Online facility for booking holiday</li><li>• Pro- rata of Birthday leave</li></ul>

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### 1. Quick Reference Guide –

- Annual Leave and Bank Holiday Leave entitlements for all non- medical employees excluding bank, contractor and volunteer colleagues.
- Continuous service definitions
- Calculation of annual leave and Bank holiday pay
- Requesting and Authorising Annual Leave
- Guidance for People Managers

## 2. Policy Introduction and Purpose

Our ability to deliver an outstanding patient experience every time is reliant on you working when you are required to do so.

We believe it is important for you to take your annual leave entitlement each year to maintain a healthy work-life balance.

We are committed to enabling you to take your annual leave when you choose to and we will balance your request with our service requirements in caring for our patients.

Your request will be considered with fairness according to our policy and procedure. We know you will understand when we ask you to consider your local operational resourcing requirements when making an annual leave request, ensuring that we can deliver the required care to our patients.

## 3 Eligibility

This policy and procedure applies to all non-medical employees with the required continuous service engaged on an Agenda for Change (AfC) contract of service including those on fixed-term contracts. It excludes agency, contractor, bank and volunteer colleagues.

## 4 Scope

This policy and procedure refers to annual leave entitlements and statutory bank holidays. We have separate Family Friendly policies detailing pay and leave entitlements as well as policies for compassionate leave emergency leave and unpaid leave.

- **Contractual leave** - holiday entitlement set out in the contract of employment in accordance with NHS Terms and Conditions of Service.
- **Statutory leave** - a worker's minimum entitlement to paid holiday as set out in the Working Time Regulations 20 days.
- **Long-term sickness absence** - a period of continuous absence lasting more than 28 calendar days.

Continuous service is aggregated NHS service i.e. any period of time worked in the NHS, regardless of whether or not there has been a break in service, will count as reckonable service for annual leave calculations. You may be required to provide evidence of any periods of NHS service for that period of employment. Recognised Employers for continuous employment are identified below. If you are transferred to the Trust as part of a transfer of Service (TUPE transfer) your service with the previous employer will count towards continuous service with the Trust. **Recognised Employers For Continuous Service**

ENGLAND	NORTHERN IRELAND
NHS Trusts including Foundation Trusts Special Health Authorities NHS England Clinical Commissioning Groups The Health and Social Care Information Centre National Institute for Health and Care Excellence Health Education England	HSC Health Board HSC Trusts Public Health Agency Business Services Organisation Patient and Client Council HSC Special Agencies
SCOTLAND	WALES
Health Boards Special Health Boards	NHS Trusts Local Health Boards

## 5 Annual Leave

### 5.1 Annual Leave Entitlement

Your annual leave year runs from 1 April to 31 March and entitlements are identified in the table below.

Annual Leave Entitlements	
Length of NHS Continuous Service	Annual Leave + Bank Holidays
On appointment	27 days + 8 bank holidays
After 5 years' service	29 days + 8 bank holidays
After 10 years' service	33 days + 8 bank holidays

If you work less than 37.5 hours per week you will receive a pro rata entitlement based on your contracted hours. You can calculate your annual leave entitlement using the [Electronic Annual Leave Calculator](#) and this information is also available in [Appendix A Leave Entitlements](#)

Your annual leave entitlement is calculated in hours regardless of full time or part time status. This maintains fairness for all employees including those working part-time or variable hours/shifts ensuring leave is not more or less than colleagues who work a standard pattern. When any leave is taken (whether annual or public holiday) your contracted hours that would normally be worked on that day should be deducted from the total leave entitlement.

In your first year of service your holiday entitlement is calculated from your first day of employment. We will honour pre-arranged annual leave if you are a new starter or you move to a new post within the Trust.

You must advise your manager when your annual leave changes as the result of an increase in your length of service or a change in hours, your new entitlement should be calculated from the date of the service anniversary or the date of hours change.

### 5.2 Public Holidays – 'Bank Holidays'

You are entitled to take all public holidays which fall within the leave year. The public holidays are classed as:

- Good Friday
  - Easter Monday
  - May Day
  - Spring Bank holiday
  - August Bank holiday
  - Christmas Day
  - Boxing Day
  - New Year's Day.
- There may be occasions where more or fewer than eight general public holidays fall within the leave year. You will be entitled to the actual number of public holidays occurring in that leave year (pro-rata for part-time staff).
  - Working on a general public holiday is defined as any period of normal duty that starts within the period of 24 hours from midnight to midnight on the day of the public holiday.

- If you are required to work or be on-call on a public holiday you are entitled to take the equivalent time off in lieu (TOIL) at basic time rates in addition to the appropriate payment for the duties undertaken. This includes if you are required to work more hours than your public holiday entitlement. For example, if you are contracted to work 7.5 hours per day, and you work nine hours on a public holiday, will be due 1.5 hours' TOIL as well as the appropriate payment for total hours worked on that day. As you have worked on that day there is no deduction from your leave entitlement

### 5.3 Additional Birthday Leave

As a gesture of appreciation for your hard work and commitment we will receive a day's leave on your birthday each year. This will be pro-rata for part-time staff in line with Bank Holiday entitlements. This is in addition to your annual leave entitlement. You will receive this on completion of 1 year's continuous service prior to your birthday.

You are expected to take this leave on or within 7 days of your birthday subject to operational requirements. Where it is not possible to take this leave due to operational requirements or you are on "other leave" you will be required to take this day's leave within 7 days of the earliest opportunity otherwise it will be lost. You should not use this to add on to or supplement other forms of leave. This should be recorded as "other leave" under your local annual leave recording process.

### 5.4 Carry Over of Annual Leave into the Next Leave Year

You are expected to take your full annual leave entitlement each year. You may in exceptional circumstances and at your manager's discretion carry over up to 5 days annual leave into the next leave year. Any annual leave **not used by 31st March will be lost** except in the following circumstances:

- Long term sickness has prevented the employee from taking leave (maximum carry over of 5.6 weeks as per statutory leave allowance)
- During, before or after maternity leave (no limit applied)
- If service demands have prevented the employee from taking leave. It is not anticipated that such events would equate to a leave carry over of more than 5 days, however cases will be considered on an individual basis where exceptional circumstances can be demonstrated.

Additionally, any carry over of annual leave must be authorised by your DMT.

### 5.5 Sickness Occurring During Annual Leave / Public Holidays

If you fall sick on annual leave, you will be able to take this time as sick leave provide you report your sick absence in accordance with our Attendance Management Policy and you provide a Fit Note for the period of sickness. This will enable you to take the annual leave at another time.

Under the Agenda for Change Terms and Conditions of service, you will not receive an additional day off if you are sick on a public holiday that falls on a day they would normally be required to work as part of your contracted working hours.

During long term sickness absence, you are able to identify and agree with your manager a period of the sickness absence that is to be treated as annual leave and receive appropriate payment for that period.

### 5.6 Extended Annual Leave Requests

Generally, you will be able to request a maximum of two weeks' leave at any one time, however your manager will not unreasonably refuse a request for longer periods so long as service

requirements can be maintained. Your request for an extended period of annual leave should be made at least 3 months in advance and will also need approval by your DMT

#### **5.7 Buying Additional Annual Leave**

You may at your line managers discretion purchase up to an additional 10 days annual leave per year. This process is communicated ahead of the start of each leave year in March. The process is detailed in **Purchasing Additional Annual Leave Appendix B**.

#### **5.8 Leaving Service**

Where you resign or your contract is terminated you will be paid for any leave accrued and not taken. This should be calculated on a pro rata basis from the start of the leave year (1<sup>st</sup> April) to your termination date with the Trust.

You will be expected to use any outstanding annual leave prior to leaving, however in cases where this is not possible then payment will be made to cover the outstanding annual leave.

Where your annual leave taken exceeds your entitlement for that leave year you will be required to repay annual leave taken in excess of your prorated entitlement and we will recover this amount usually from your final salary.

If you die in service, an allowance equivalent to the balance of the annual leave entitlement on the date of death will be calculated and paid to your estate. No deduction from the final salary should be made in respect of annual leave taken in excess of entitlement on the date of death.

#### **5.9 Calculation of Holiday Pay**

Your pay during annual leave, statutory holiday and Bank Holidays will include regularly paid supplements, such as any recruitment and retention premia, payments for work outside normal hours and high-cost area supplements. Pay is calculated on the basis of what you would receive if you were at work.

- If you work regular hours the reference period will be based on the previous three months at work or any other reference period that may be locally agreed.
- If you work irregular hours the reference period will be based on the last 52 weeks worked in a maximum of 104 weeks from the date the leave begins.

#### **5.10 Breaches of this Policy**

Any breach of this policy that may be considered fraudulent will be reported to the Trust Counter Fraud Department for investigation, and may result in criminal and/or disciplinary proceedings. Any allegation of fraud that is upheld in relation to this policy may result in dismissal with or without notice.

#### **5.11 Requesting and Authorising Annual Leave**

It is your responsibility to ensure that your annual leave entitlement is planned and used before 31 March in each leave year. You should plan ahead and book annual leave evenly throughout the leave year to support your health and wellbeing. Ideally 75% of your annual leave for any year should be booked (not taken) within the first 3 months of the leave year i.e. by July.

We recommend the following spread of annual leave:

- 40% of annual leave entitlement to be used by 31 August each year
- 35% to be taken between September and December, leaving no more than

- 25% which should be taken between January and the end of March.

All annual leave should be requested via [Employee Online](#). All annual leave requests must be authorised by your manager in advance. Leave taken that has not been agreed in advance by your Manager will normally be treated as unauthorised absence.

You must give your manager 'reasonable' notice of annual leave requests. We recommend the following notice periods when requesting annual leave:

- For 1 day's annual leave, a minimum notice period of 1 week
- For 1 week's annual leave, a minimum notice period of 1 month
- For 2 week's annual leave, a minimum notice period of 2 months

Many departments, due to service delivery requirements, will require a longer period of notice at peak periods such as school holidays, Christmas or towards the end of the annual leave year. In these circumstances your manager may decline your request for annual leave and require you to take it at a different time.

Authorised annual leave may only be revoked as a last resort due to service requirements and the minimum amount of notice you will receive is twice the amount of time of leave requested. The Trust will not reimburse the member of staff for any unavoidable and irrecoverable expenses directly associated with the leave provided the required minimum notice to cancel leave has been given

If you feel that your request has been unreasonably refused and the issue cannot be resolved informally, you may raise the matter under the Grievance Policy and Procedure .

## **6 Guidance for People Managers**

### **6.1 Benefits**

Your role is important in both assisting all our people in maintaining a healthy work life balance and ensuring we deliver the service in caring for our patients. Taking annual leave and bank holiday entitlements in a planned way is a key element in achieving these objectives. The benefits to our organisation include:

- improved work/life balance which can positively impact employee's health;
- reduce employee sickness absence and reduce cost for the Trust
- reduced build-up of leave putting pressure on the delivery of our service and cost to the Trust
- a more highly motivated workforce who will deliver high-quality work;
- a workforce which is both efficient and effective;
- legal compliance with the Working Time Directive

The benefits for our people include

- improved work/life balance which can positively impact employee's health;
- help improve the scope for employees to better manage their day-to-day responsibilities;
- supplementing sick leave and phased return to work and family friendly leave where appropriate

## 6.2 Your Responsibilities as a Manager

As a manager you are responsible for approving and accurately recording and monitoring levels of your employee's annual leave. You are also responsible for ensuring that granting annual leave will not does not adversely affect the service provision

You should advise employees to request their annual leave as soon as possible and in accordance with the recommended timescales see section 5.9 Requesting and Authorising Annual Leave as you must balance annual leave requests with service requirements.

It is important to recognise that all employees require annual leave however certain periods of time will be more popular than others e.g. school holidays, Christmas and Bank Holidays etc. You must ensure that all employees are treated fairly, and that no employee is given preferential treatment in relation to the approval of annual leave over such periods. You must be clear with your teams as to how annual leave allocation during popular annual leave periods will be agreed / managed.

On occasion there may be a business need to refuse the request for annual leave during popular periods due to potential difficulties in maintaining service provision and you should advise the individual accordingly suggesting alternative times which could be accommodated.

You may occasionally need to cancel previously approved leave for one or more individuals due to service requirements. It is recommended that you discuss this with your team to see if individuals may be able to be flexible with their leave dates to accommodate colleagues. However, where pre-approved leave must be cancelled you must give the individual at least twice as much notice as the leave requested.

## 7. Monitoring Compliance And Effectiveness Of This Policy

This will be monitored by the OD& People Directorate. Our People managers and our people are responsible for the implementation of this policy and procedure.

## 9. Equality Impact Assessment

An Equality Impact Assessment has been completed and was presented to the ratifying committee at the time of approval.

### Appendices

Appendix	Description	File
A	Annual Leave Calculator	 annualleavecalculat or8bankholidays202 <a href="https://mg.salisbury.nhs.uk/media/3587/annualleavecalculator8bankholidays2022-9.xls">https://mg.salisbury.nhs.uk/media/3587/annualleavecalculator8bankholidays2022-9.xls</a>  Appendix A - Annual Leave Calcul <a href="https://mg.salisbury.nhs.uk/media/3588/appendix-a-annual-leave-calculator--printable-version.docx">https://mg.salisbury.nhs.uk/media/3588/appendix-a-annual-leave-calculator--printable-version.docx</a>
B	Purchasing Additional Annual Leave	 Appendix B - Purchasing Additior

		<a href="https://mg.salisbury.nhs.uk/media/3586/appendix-b-purchasing-additional-annual-leave.docx">https://mg.salisbury.nhs.uk/media/3586/appendix-b-purchasing-additional-annual-leave.docx</a>
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<b>Post Holder /Author Responsible for Policy:</b>	Senior Business Partner Employee Relations
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