

Annual Leave Procedure

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Annual Leave Procedure

1 Introduction

The Tavistock and Portman NHS Foundation Trust is committed to helping staff to achieve a good work life balance. Taking annual leave is an important part of this. Good management of annual leave will protect staff, and make sure that the Trust can provide efficient and safe services for its service users.

2 Purpose

The purpose of this policy is to ensure that all staff take their annual leave entitlement whilst ensuring that full services are maintained. It provides a uniform and equitable approach for the management of annual leave.

3 Scope

This procedure applies to all staff employed by the Trust, including bank workers.

4 Definitions

Annual leave is the accrued contractual entitlement to paid time off from work. Entitlements vary based on the number of years aggregated reckonable service that a member of staff has and the contract they are employed on.

Public holidays are 8 statutory days. These are Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday, August Bank Holiday. When the usual date for a bank or public holiday falls on a Saturday or Sunday a substitute day is given.

WTR is the Working Time Regulations (2007).

5 Duties and responsibilities

Employees must:

- Request leave in good time, and in accordance with local requirements for their service
- Not assume that all individual leave requests will be approved
- Ensure their leave is authorised by their manager before leave is taken or holiday arrangements made
- Ensure their leave is taken within the leave year

- Tell their manager as soon as possible in line with the Trust's sickness reporting procedure if they fall sick during their annual leave
- Maintain accurate records of annual leave taken
- Tell their manager when their leave entitlement increases

Managers with responsibility for managing annual leave must:

- Make it clear to all staff how much notice they must give when requesting leave
- Make decisions about authorisation based on service need, taking into account other absence including study leave and planned sick leave
- Ensure cover arrangements are in place if needed
- Ensure that authorisation of leave will not leave the service vulnerable
- Notify staff of the outcome of their requests in good time
- Give reasons for any request that is declined and keep a file note
- Record and monitor annual leave taken by each employee, ensuring that the appropriate amount of annual leave is taken each leave year
- Calculate (and re-calculate as appropriate) annual leave entitlements for staff, including part-time and fixed-term staff, and staff whose annual leave entitlement has increased due to length of service or increased/decreased due to a change in contractual hours.
- Record and report if an employee reports sickness reported during approved annual leave, and take advice from HR
- Monitor the overall uptake of annual leave throughout the leave year to ensure that leave is taken

Service directors will:

- Approve requests to carry over more than 5 days annual leave to next leave year.

6 Procedures

Procedural principles

The annual leave year commences on the 01 April and ends on the 31 March of the following year. Leave requests must be agreed by the line manager before time off is taken.

Services are responsible for setting out their local procedures for booking and approving annual leave. This may be by using an annual leave card (an example is provided in appendix B) or using an electronic system. Managers should be clear with their staff if there are known peak periods of activity when annual leave will not be granted.

All staff should be provided with the opportunity to take their full annual leave entitlement within the annual leave year. If necessary managers can enforce when a member of staff takes annual leave. We do recognise, however, that members of staff may not always be able to take all of their annual leave and as a result may carry over up to 5 days leave (pro rated for part-time staff) to the following leave year, with the approval of their manager.

In exceptional circumstances, when the manager and member of staff agree, permission can be sought from the service director, to carry forward more than 5 days into the following leave year. Advice and support from the Human Resources Department should also be sought in these circumstances. The final decision rests with the relevant service director.

The Working Time Regulations set a legal requirement that all staff must take a minimum of 28 days annual leave (this includes public holidays) in any leave year.

The sickness absence procedure gives guidance on how annual leave should be managed when a member of staff is absent due to ill health.

Annual leave entitlements

Annual leave entitlement is based on each staff member's amount of aggregated NHS reckonable service. Any amount of NHS service, counts as reckonable service for the purpose of annual leave. The human resources department will seek confirmation of previous reckonable service upon appointment.

Staff covered by Agenda for Change (AfC) terms and conditions

Length of service	Annual leave
On appointment	27 days + 8 days bank holiday ¹
After 5 years' service	29 days + 8 days bank holiday
After 10 years' service	33 days + 8 days bank holiday

Staff covered by the junior doctor or consultant contract terms and conditions

Junior Doctors

Grade	Number of days
Specialty Registrars – 2016 contract	27 days on appointment 32 days after 5 years' service

Consultants

Year	Number of Years of Completed Service as a Consultant	
	Up to Seven Years	Seven Or More Years
From 1 April 2005	Six weeks	Six weeks + two days
In addition Consultant are entitled to two 'statutory' days, to be added to their annual leave entitlements.		

Annual leave for part time staff will be pro-rated.

When a member works enough service to qualify for the next tier of annual leave their increased entitlement starts immediately and is calculated on a pro rata basis for the remainder of that leave year. For new staff joining the Trust part way through a leave year their annual leave entitlement in the first year of employment will be on a pro rata basis.

Bank staff

Staff who work flexibly via the Trust bank are entitled to the statutory minimum amount of annual leave. Due to the ad hoc way in which temporary staff work they will be paid for their annual leave, in lieu, at an accrual rate of 12.07% of pay for every hour that they work.

When bank staff take time off from work they will not receive any further leave payments as they will have been paid for this.

Managers should ensure that bank staff take time off of work and that, as minimum, they have at least 28 days away from work each leave year. These 28 days include public holidays.

Calculating annual leave for staff who start part way through a leave year

Staff accrue annual leave at 1/12 of their entitlement for every complete month that they work. When a new member of staff starts working at the Trust their annual leave is calculated by:

1. Taking their full year entitlement and dividing this by 12
2. Multiplying the result by the number of complete months left in the annual leave year.

Calculating annual leave for part time staff

If a member of staff works less than full time or they work compressed hours then their leave entitlement should be calculated in hours.

The Prevention of Less Favourable Treatment (Part Time Workers) Regulations 2002 make it a requirement that less than full time staff receive the full benefit of public holidays. To ensure the Trust complies with this legal requirement all part time and staff who work compressed hours should have their bank holiday entitlement added to their annual leave entitlement. The 8 public holidays should be pro-rated. The way in which public holidays are accounted for are:

- Where a public holiday falls on a member of staff's normal working day then the number of hours the member of staff normally works should be deducted from the balance.

- When the public holiday falls on a day that the member of staff does not normally work then the member of staff can flexibly book the time off with the rest of their annual leave entitlement.

The method for calculating pro-rated annual leave is as follows for each staff group:

	Staff employed on AfC	Junior doctors and medical consultants
Multiply the annual leave and public holiday entitlement in days by:	7.5	8
Divide the result by	37.5	40
Multiply the final result by	The number of hours the member of staff works each week	The number of hours the member of staff works each week

Using the above method will give the annual amount of leave, in hours that the member of staff is entitled to. A table is provided in appendix C, D and E which outlines leave entitlements in hours for part time staff.

Staff who leave part way through an annual leave year

A member of staff who resigns and terminates their contract of employment is entitled to be paid for any annual leave accrued and not taken. Where annual leave taken exceeds the entitlement, an appropriate number of days will be deducted from final salary, except for death in service when no deductions will be made.

7 Training Requirements

There are no specific training requirements attached to this procedure, however, where managers are unclear about the application then they can speak to an HR adviser who will help with interpreting the requirements.

8 Process for monitoring compliance with this Procedure

Managers will be required to keep accurate records of their staff's annual leave. Periodically the Trust's internal audits or counter fraud service may conduct local audits to assess local service's procedures.

9 References

HM Government (2002) *The Prevent of Less Favourable Treatment (Part Time Workers) Regulations*. HM Stationery Office. London.

HM Government (2007) *The Working Time Regulations*. HM Stationery Office. London.

10 Associated documents²

Sickness Absence Procedure

² For the current version of Trust procedures, please refer to the intranet.

Appendix A: Equality Analysis

Completed by	Craig de Sousa
Position	Director of HR
Date	09 August 2017

The following questions determine whether analysis is needed	Yes	No
Is it likely to affect people with particular protected characteristics differently?		X
Is it a major policy, significantly affecting how Trust services are delivered?	X	
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?		X
Does the policy relate to an area with known inequalities?		X
Does the policy relate to any equality objectives that have been set by the Trust?		X
Other?		X

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

	Yes	No	Comment
Do policy outcomes and service take-up differ between people with different protected characteristics?		X	
What are the key findings of any engagement you have undertaken?		X	
If there is a greater effect		X	

on one group, is that consistent with the policy aims?			
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?		X	
Will the policy deliver practical benefits for certain groups?		X	
Does the policy miss opportunities to advance equality of opportunity and foster good relations?		X	
Do other policies need to change to enable this policy to be effective?		X	
Additional comments			

If one or more answers are yes, then the policy may unlawful under the Equality Act 2010 –seek advice from Human Resources.

Appendix B: Example Annual Leave Card

ANNUAL LEAVE CARD

Member of staff's name			
Annual leave year			
Annual Leave Entitlement			
Leave carried over			
Total Annual Leave			

Date Request From	Date Request To	No Days / Hours	Leave Remaining	Approved by

Appendix C: Part Time Annual Leave Entitlements for AfC Staff

Weekly Contracted Hours	On appointment 27 days + 8 public holidays	After 5 years NHS service 29 days + 8 public holidays	After 10 years NHS service 33 days + 8 public holidays
37.50	262.50	277.50	307.50
37.00	259.00	273.80	303.40
36.50	255.50	270.10	299.30
36.00	252.00	266.40	295.20
35.50	248.50	262.70	291.10
35.00	245.00	259.00	287.00
34.50	241.50	255.30	282.90
34.00	238.00	251.60	278.80
33.50	234.50	247.90	274.70
33.00	231.00	244.20	270.60
32.50	227.50	240.50	266.50
32.00	224.00	236.80	262.40
31.50	220.50	233.10	258.30
31.00	217.00	229.40	254.20
30.50	213.50	225.70	250.10
30.00	210.00	222.00	246.00
29.50	206.50	218.30	241.90
29.00	203.00	214.60	237.80
28.50	199.50	210.90	233.70
28.00	196.00	207.20	229.60
27.50	192.50	203.50	225.50
27.00	189.00	199.80	221.40
26.50	185.50	196.10	217.30
26.00	182.00	192.40	213.20
25.50	178.50	188.70	209.10
25.00	175.00	185.00	205.00
24.50	171.50	181.30	200.90
24.00	168.00	177.60	196.80
23.50	164.50	173.90	192.70
23.00	161.00	170.20	188.60
22.50	157.50	166.50	184.50
22.00	154.00	162.80	180.40
21.50	150.50	159.10	176.30
21.00	147.00	155.40	172.20
20.50	143.50	151.70	168.10
20.00	140.00	148.00	164.00
19.50	136.50	144.30	159.90

Weekly Contracted Hours	On appointment 27 days + 8 public holidays	After 5 years NHS service 29 days + 8 public holidays	After 10 years NHS service 33 days + 8 public holidays
19.00	133.00	140.60	155.80
18.50	129.50	136.90	151.70
18.00	126.00	133.20	147.60
17.50	122.50	129.50	143.50
17.00	119.00	125.80	139.40
16.50	115.50	122.10	135.30
16.00	112.00	118.40	131.20
15.50	108.50	114.70	127.10
15.00	105.00	111.00	123.00
14.50	101.50	107.30	118.90
14.00	98.00	103.60	114.80
13.50	94.50	99.90	110.70
13.00	91.00	96.20	106.60
12.50	87.50	92.50	102.50
12.00	84.00	88.80	98.40
11.50	80.50	85.10	94.30
11.00	77.00	81.40	90.20
10.50	73.50	77.70	86.10
10.00	70.00	74.00	82.00
9.50	66.50	70.30	77.90
9.00	63.00	66.60	73.80
8.50	59.50	62.90	69.70
8.00	56.00	59.20	65.60
7.50	52.50	55.50	61.50
7.00	49.00	51.80	57.40
6.50	45.50	48.10	53.30
6.00	42.00	44.40	49.20
5.50	38.50	40.70	45.10
5.00	35.00	37.00	41.00
4.50	31.50	33.30	36.90
4.00	28.00	29.60	32.80
3.50	24.50	25.90	28.70
3.00	21.00	22.20	24.60
2.50	17.50	18.50	20.50
2.00	14.00	14.80	16.40
1.50	10.50	11.10	12.30
1.00	7.00	7.40	8.20
0.50	3.50	3.70	4.10

Appendix D: Part Time Annual Leave Entitlements for Junior Doctors

Weekly Contracted Hours	On appointment 27 days + 8 public holidays	After 5 years NHS service 32 days + 8 public holidays
40.00	280.00	320.00
39.50	276.50	316.00
39.00	273.00	312.00
38.50	269.50	308.00
38.00	266.00	304.00
37.50	262.50	300.00
37.00	259.00	296.00
36.50	255.50	292.00
36.00	252.00	288.00
35.50	248.50	284.00
35.00	245.00	280.00
34.50	241.50	276.00
34.00	238.00	272.00
33.50	234.50	268.00
33.00	231.00	264.00
32.50	227.50	260.00
32.00	224.00	256.00
31.50	220.50	252.00
31.00	217.00	248.00
30.50	213.50	244.00
30.00	210.00	240.00
29.50	206.50	236.00
29.00	203.00	232.00
28.50	199.50	228.00
28.00	196.00	224.00
27.50	192.50	220.00
27.00	189.00	216.00
26.50	185.50	212.00
26.00	182.00	208.00
25.50	178.50	204.00
25.00	175.00	200.00
24.50	171.50	196.00
24.00	168.00	192.00
23.50	164.50	188.00
23.00	161.00	184.00
22.50	157.50	180.00

Weekly Contracted Hours	On appointment 27 days + 8 public holidays	After 5 years NHS service 32 days + 8 public holidays
22.00	154.00	176.00
21.50	150.50	172.00
21.00	147.00	168.00
20.50	143.50	164.00
20.00	140.00	160.00
19.50	136.50	156.00
19.00	133.00	152.00
18.50	129.50	148.00
18.00	126.00	144.00
17.50	122.50	140.00
17.00	119.00	136.00
16.50	115.50	132.00
16.00	112.00	128.00
15.50	108.50	124.00
15.00	105.00	120.00
14.50	101.50	116.00
14.00	98.00	112.00
13.50	94.50	108.00
13.00	91.00	104.00
12.50	87.50	100.00
12.00	84.00	96.00
11.50	80.50	92.00
11.00	77.00	88.00
10.50	73.50	84.00
10.00	70.00	80.00
9.50	66.50	76.00
9.00	63.00	72.00
8.50	59.50	68.00
8.00	56.00	64.00
7.50	52.50	60.00
7.00	49.00	56.00
6.50	45.50	52.00
6.00	42.00	48.00
5.50	38.50	44.00
5.00	35.00	40.00
4.50	31.50	36.00
4.00	28.00	32.00
3.50	24.50	28.00
3.00	21.00	24.00

Weekly Contracted Hours	On appointment 27 days + 8 public holidays	After 5 years NHS service 32 days + 8 public holidays
2.50	17.50	20.00
2.00	14.00	16.00
1.50	10.50	12.00
1.00	7.00	8.00
0.50	3.50	4.00

Appendix E: Part Time Annual Leave Entitlements for Consultants

Weekly Contracted Hours	On appointment 32 days + 8 public holidays	After 7 years as a consultant 34 days + 8 public holidays
40.00	320.00	336.00
39.50	316.00	331.80
39.00	312.00	327.60
38.50	308.00	323.40
38.00	304.00	319.20
37.50	300.00	315.00
37.00	296.00	310.80
36.50	292.00	306.60
36.00	288.00	302.40
35.50	284.00	298.20
35.00	280.00	294.00
34.50	276.00	289.80
34.00	272.00	285.60
33.50	268.00	281.40
33.00	264.00	277.20
32.50	260.00	273.00
32.00	256.00	268.80
31.50	252.00	264.60
31.00	248.00	260.40
30.50	244.00	256.20
30.00	240.00	252.00
29.50	236.00	247.80
29.00	232.00	243.60
28.50	228.00	239.40
28.00	224.00	235.20
27.50	220.00	231.00
27.00	216.00	226.80
26.50	212.00	222.60
26.00	208.00	218.40
25.50	204.00	214.20
25.00	200.00	210.00
24.50	196.00	205.80
24.00	192.00	201.60
23.50	188.00	197.40
23.00	184.00	193.20
22.50	180.00	189.00
22.00	176.00	184.80

Weekly Contracted Hours	On appointment 32 days + 8 public holidays	After 7 years as a consultant 34 days + 8 public holidays
21.50	172.00	180.60
21.00	168.00	176.40
20.50	164.00	172.20
20.00	160.00	168.00
19.50	156.00	163.80
19.00	152.00	159.60
18.50	148.00	155.40
18.00	144.00	151.20
17.50	140.00	147.00
17.00	136.00	142.80
16.50	132.00	138.60
16.00	128.00	134.40
15.50	124.00	130.20
15.00	120.00	126.00
14.50	116.00	121.80
14.00	112.00	117.60
13.50	108.00	113.40
13.00	104.00	109.20
12.50	100.00	105.00
12.00	96.00	100.80
11.50	92.00	96.60
11.00	88.00	92.40
10.50	84.00	88.20
10.00	80.00	84.00
9.50	76.00	79.80
9.00	72.00	75.60
8.50	68.00	71.40
8.00	64.00	67.20
7.50	60.00	63.00
7.00	56.00	58.80
6.50	52.00	54.60
6.00	48.00	50.40
5.50	44.00	46.20
5.00	40.00	42.00
4.50	36.00	37.80
4.00	32.00	33.60
3.50	28.00	29.40
3.00	24.00	25.20
2.50	20.00	21.00
2.00	16.00	16.80

Weekly Contracted Hours	On appointment 32 days + 8 public holidays	After 7 years as a consultant 34 days + 8 public holidays
1.50	12.00	12.60
1.00	8.00	8.40
0.50	4.00	4.20