

Annual Leave Policy

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Version Control Sheet

1		New Policy. Approved at JCNC May 2009	Local Agreement
1.1		Review date extended to 31 March 2011 to coincide with NHS/LCHS changes	Sheila Manning
1.2	04.03.11	Amendment to Section 10 Example 2	Rachel Ellis-Ingamells
1.3	22.03.11	Policy realigned following the implementation of the Transforming Community Services agenda and the new legal entity	Rachel Ellis-Ingamells
1.4	09.2011	Policy review date to be extended	Rachel Ellis Ingamells
2	01.2012	<p>Changed name to Annual Leave Policy – removed the wording 'inclusive'</p> <p>Removed paragraph that referred to the plan to introduce Buying and Selling of annual leave</p>	Melanie O'Brien

2.1	07.2014	<p>Removed paragraph that referred to future House of Lords judgement regarding claiming annual leave following a period of long term sick leave</p> <p>Updated equality statement in line with legislation</p> <p>Change of CE name and extension</p> <p>Extension agreed to May 2015 to allow for changes</p>	<p>Karen Stinson</p> <p>Employment Policy Group</p>
2.2	02.2015		
3	04.2015	<p>Minor amendments throughout sections 2,5, 7, 8, 11, 13, 14</p> <p>Removed 2 annual leave</p>	<p>Laura Herrick</p>
4 4.1	01.2017 March 2017	<p>Term time removed.</p> <p>Annualised hours calculation amended. Starters/leavers calculation removed and annual leave calculator referenced. Equality and Human Rights Lead updated. Section 2 of equality analysis removed as not utilised.</p> <p>Dental removed. Training</p>	<p>Sophie Coutts – HR Advisor</p> <p>Sophie Coutts – HR Advisor</p>

		removed as course not available. 6.1 table clarified based upon reckonable service. Manager responsibility to calculate leave	
5	February 2019	Full review – bank holiday deduction during absence clarified and annual leave carry over into next financial year clarified. Further detail added to section 17 Working during annual leave	Sophie Coutts – HR Advisor
6	June 2021	Full review	Vicky Cobb and Georgia Travis

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Procedural Document Statement

Background Statement

The purpose of this policy is to implement a coordinated and consistent approach to the taking of annual leave which applies to all members of staff within the remit of their current contractual agreement.

The organisation supports the enhancement of a work-life balance for all staff where it is important to promote consistency and equality, ensuring there is no discrimination or inequality which may affect one group to benefit less than other groups.

Annual leave will be inclusive and pro rata of Bank Holidays and will be accrued and taken in line with this policy so as to ensure that all staff whether part-time or full-time, flexible or non-flexible have consistent equal entitlements.

Responsibilities

Managers must ensure that individual needs are balanced with service needs and ensure there is an agreed and clearly understood local protocol. Compliance with the policy will be the responsibility of all staff.

Training

Specific training is not necessary. All staff should make themselves familiar with this policy.

Dissemination

Website

Resource implication

Annual leave is an important aspect of the staffing budget and the necessity to be able to cover needs to be taken into account when determining establishment and in workforce planning.

1. Introduction

- 1.1. Inherent within all of its practices Lincolnshire Community Health Services NHS Trust is committed to the principles of diversity, equality of treatment and equality of opportunity and believes that direct or indirect discrimination against any person is unacceptable.
- 1.2. This policy aims to ensure that no employee receives less favourable treatment on the grounds of age, disability, religion or belief (or lack of religion or belief), gender, sexual orientation, marriage and civil partnership, transgender (gender reassignment), pregnancy and maternity or trade union membership, or is disadvantaged by any conditions or requirements which are not justified by the job.
- 1.3. This policy covers all members of staff within the remit of their current contractual agreement. Medical staff are covered by their own Terms and Conditions.
- 1.4. The principles underlying this policy are to:
 - support a positive and healthy work-life balance for staff
 - promote consistency and equity across the organisation
 - to ensure that annual leave is accrued and taken in line with a corporate policy
 - to ensure that individual needs are balance with services needs.
- 1.5. Staff should have the opportunity and be encouraged to take annual leave spread across the year.
- 1.6. This policy also relates to the E-Roster Policy.

2. Annual Leave Year

- 2.1. The annual leave year is 1 April to 31 March.

3. Taking Annual Leave

- 3.1. Managers should ensure that staff are enabled to take their annual leave, however individuals have a responsibility to plan their annual leave and agree it with their manager. Annual leave should be requested through Employee Online by the staff member and then approved/declined by the line manager or appropriate person who has authority for full audit trail on the system.
- 3.2. Departments should ensure that all staff are aware of this policy and any departmental / service protocols which should clearly state in writing:
 - who is authorised to agree annual leave (normally the line manager)
 - timescales for requesting and agreeing annual leave
 - any operational rules that may apply to ensure adequate cover is maintained.
- 3.3 Departmental operational arrangements will seek to balance the needs of staff members and the needs of the service fairly, and will not be unduly restrictive.
- 3.4 All leave must be authorised before being taken.

3.5 Staff are responsible for claiming the accurate number of annual leave days/hours taken. Any leave taken in excess of their entitlement or falsification of annual leave records may be considered fraudulent. Any allegations of fraud are investigated appropriately in line with the Trust's Countering Fraud, Bribery and Corruption Policy and Response Plan.

4. Cancellation of Annual Leave

- 4.1. In an emergency only managers may, in negotiation with an employee(s), cancel annual leave in the interests of patient care eg. major clinical incident, pandemics, red alerts according to the major disaster emergency plan.
- 4.2. Where this has to be done every effort will be made to minimise any inconvenience for the staff member and in such extreme circumstances the employee may be reimbursed for any unavoidable financial loss incurred in respect to reasonable holiday expenses. The annual leave will be carried over to be taken as soon as possible.

5. Late Return from Holiday

- 5.1. If for any reason an employee cannot return from annual leave on the agreed date they must inform their line manager as soon as possible to provide details of the nature of the problem and the likely date of return. Failure to do so will mean that any extra days not worked will be classed as an unauthorised absence and a breach of contract subject to the disciplinary procedure. Where there is a reasonable explanation then the manager may agree that the employee can take additional leave, time in lieu or unpaid leave.

6. Contractual Entitlement

6.1. Agenda for Change provisions

Length of service	Annual leave + General Bank Holidays	Conversion to hours (Full Time)
On appointment with NHS/Trust	27 days + 8 days	202.5 hours + 60 hours
After 5 years reckonable service	29 days + 8 days	217.5 hours + 60 hours
After 10 years reckonable service	33 days + 8 days	247.5 hours + 60 hours

- 6.2. Medical staff entitlement will be in accordance with their specific Terms and Conditions and individual contracts.
- 6.3. The Trust's policy is to determine annual leave entitlement in hours rather than days for all staff regardless of whether the employee is full-time or part-time. Bank Holidays are included pro rata within this total entitlement for all staff. The benefit for all employees in calculating entitlement in hours is that this ensures equity for all by ensuring that staff who work variable hours/shifts do not receive either more or less leave than colleagues who work a more standard pattern. It is the manager's responsibility to ensure that annual leave is calculated correctly and action any changes based upon an increase in the length of service or change in hours by utilising the annual leave calculator accessible on the staff intranet or in useful documents. Managers should inform the HealthRoster team of entitlements and any changes so that it can be actioned in HealthRoster.

- 6.4. The chart of annual leave entitlements pertaining to all staff can be found on the intranet. Hours will be rounded up or down to the nearest 0.5 decimal point. (i.e. the nearest 1/2 hour) when using the annual leave calculator available on the intranet. Calculations of annual leave for Agenda for Change employees working annualised hours or term time only can be found on the intranet. If you are new to using annualised/term time calculations please contact the HR Department.
- 6.5. When a member of staff on Agenda for Change reaches five or ten years' reckonable service, their increased leave entitlement will start immediately from the anniversary date and is calculated on a pro rata basis for the remainder of that leave year

7. Bank Holidays

- 7.1. A Bank Holiday day is defined as a period of normal duty that starts within the period of 24 hours from midnight to midnight on the following days:
- | | | |
|---------------------|---------------------|----------------|
| Christmas Day | Boxing Day | New Year's Day |
| Good Friday | Easter Monday | May Day |
| Spring Bank Holiday | August Bank Holiday | |
- 7.2. All employees will be entitled to 8 paid Bank Holidays in the leave year which will be calculated (on a pro rata basis for part-time employees) in hours using the "5 day" formula which determines average hours per day over a working week (see example below). This will then be added to the individual's basic annual leave entitlement to give the total inclusive annual leave entitlement. There will be some annual leave years where more or fewer than 8 Bank Holidays fall within the leave year because the Easter holidays can be in March or April. Annual leave for this reason only can be carried over or taken from the next year's entitlement in order to accommodate this.
- 7.3. Staff who start or leave part-way through a leave year will still be entitled to pro rata of the Bank Holidays regardless of whether or not they fall within their period of employment. Example:- people working 22 hours per week will be entitled to 22 divided by 5 (average hours per day) multiplied by 8 Bank Holidays which equals 35.2 hours extra pro rata for Bank Holidays which is incorporated in the total entitlement of 154 hours in the chart.
- 7.4. Where an employee is not rostered as part of their weekly pattern to work a Bank Holiday, then no deduction needs to be made from the individual's total leave entitlement.
- 7.5. If an employee normally works a day on which a Bank Holiday falls but is not required to work e.g. a clinic is closed then they must deduct the hours they would normally work on this day from their leave entitlement. It is important that any differences between hours rostered and hours deducted for Bank Holidays are clearly identified on the timesheets/rosters and on annual leave record cards.
- 7.6. Where possible, and in agreement with managers, employees may work on Bank Holidays if they choose, either at home or in a designated work area which can be securely accessed on Bank Holidays. However enhanced payments will only be made if these are requested by the manager – where the choice is the individuals then flexi-working principles will apply (see Flexible Working Opportunities Policy).

- 7.7. The benefits of doing this include:-
Consistency in approach regardless of profession or staff group
Consistency across all service areas
Religious considerations for all faiths or non-faith
Ease of planning 24/7 service
Ease of planning during peak periods

8. Calculation of Reckonable Service

- 8.1. All verified previous period(s) of NHS service will be aggregated 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.
- 8.2. The Trust has local discretion to take into account any period of employment outside the NHS where it is judged to be relevant to the new post. Therefore for the purpose of calculating annual leave only consideration may be given for service outside the NHS (including work abroad) taking into account the knowledge, skills and experience the post holder is transferring into the NHS e.g. a staff nurse formerly employed by a private GP practice transferring the skills to work in the NHS.
- 8.3. Service in other organisations may only be recognised subject to approval by the HR Department and the relevant manager.

Non-reckonable service:

Locum agency and temporary agency service will not count as reckonable service.
Time spent on an agreed career break will not count as reckonable service in respect of annual leave.

9. Verification of Reckonable Service

- 9.1. The Trust will verify as much previous NHS service as possible; for example information may be sought from previous NHS employers including previous verified reckonable service and / or previous annual leave entitlement.
- 9.2. Where it is not possible for the Trust to confirm previous NHS service (e.g. a previous NHS employer no longer exists) the individual will need to provide satisfactory documentary evidence of that period of employment. Staff will need to provide satisfactory evidence of any non-NHS reckonable service.

Evidence may include the following:

Staff Transfer form
Inter Authority Transfer
Employment contract and/or payslips
Pension records
P60s
P45s
Reference from previous line manager.

- 9.3. Providing false evidence will be dealt with under the Trust's Disciplinary policy. The evidence must be verified before the reckonable service can be confirmed and additional annual leave granted.

10. Entitlement on Joining

10.1 Under Section 7 of the Working Time Regulations 1998 an employee accumulates annual leave from the first day of their employment. Joiners commencing part way through a leave year will therefore receive a pro rata entitlement based on the proportion of the leave year they work. Managers should inform the HealthRoster team of the entitlements so it can be actioned in the roster system. This is calculated using the starters tab of the LCHS annual leave calculator and inserting the number of days remaining in the financial year into point 3 for a part year calculation.

11. Entitlement on Changing Contracted Hours

11.1 Annual leave entitlement will be calculated on a pro-rata basis as above i.e. based on completed time on the new and the old contracted hours added together to give the full year entitlement. Managers should ensure that an EF2 is completed in relation to any change in hours. Where employees transfer between departments it is the line manager's responsibility to inform the new manager of how much leave has been taken and any that has already been approved and ensure the new manager receives the annual leave card. Managers should also inform the HealthRoster team of the entitlements so it can be actioned in the system.

12. Entitlement on Leaving

12.1 When an employee leaves the Trust, they are entitled to be paid for any annual leave accrued and not taken. This is calculated pro rata according to the proportion of the leave year which has already expired as at the termination date.

12.2 Where leave is owed to the employee, the last working day will be recorded but the termination date extended to pay any leave days owing, unless the excess leave can be taken before. This is important as these days are taken into account for pension reckoning and NI payments.

12.3 Where a leaver has taken more annual leave than their entitlement on leaving, all monies owing to the Trust will be deducted from their final salary. If the final salary is not enough to cover monies owing, the employee will be required to repay these monies.

12.4 The line manager must ensure that the annual leave calculations are correct and clearly stated on the EF3 to show whether or not too much leave has been taken. Entitlement on leaving is calculated using the leavers tab of the LCHS annual leave calculator and inserting the number of days worked in the financial year into point 3 for a part year calculation.

13. Carry Over of Leave

13.1 The Trust expects that within the annual leave year staff should be provided with the opportunity to take all their entitlement of annual leave. In exceptional circumstances, and with the express pre-agreement of the Head of Service, up to one week only (equivalent to pro rata working days) of basic contracted hours may be carried over to the following annual leave year. The HealthRoster team should be sent the carry leave

forward so that it can be included in the system and must include the authorisation from the Head of Service within the audit trail.

- 13.2 Where carry over of annual leave has been agreed as above, arrangements must be made for this annual leave to be taken within the first 3 months of the annual leave year i.e. before 30 June.
- 13.3 Employees cannot sell (be paid for) or buy any annual leave hours except when leaving employment or in exceptional cases as agreed by the Head of Human Resources.

14. Sickness / Absence and Annual Leave

- 14.1 If an employee falls sick whilst on annual leave or wishes to take annual leave whilst sick then the process as outlined in the Your Attendance Matters Policy must be followed.
- 14.2 Annual leave during exclusion / disciplinary proceedings - during a period of suspension annual leave will continue to accrue at the contractual level. An excluded employee may request to take annual leave during a period of exclusion and agreement must be given by the excluding officer before the annual leave is taken. Consideration will be given to individual circumstances, for example where a staff member booked a holiday before exclusion began. If an employee is dismissed following a disciplinary hearing any period of exclusion should be counted for the purpose of calculating annual leave entitlement.

15 Extended Period of Annual Leave and Unpaid Leave

- 15.1 In exceptional circumstances, additional leave days (i.e. more than the 5 days allowed in Section 13) could be carried over for a pre-determined and agreed period of extended leave in the following leave year only.
- 15.2 The maximum length of annual leave to be taken consecutively will normally be 2 weeks, however occasions may arise when an employee wishes or needs to take an extended period of annual leave ie all or most of their entitlement at once. Managers should give consideration to any such requests and not refuse them unreasonably but must consider the health and wellbeing of employees and seek to ensure that the employee has regular planned annual leave/time off throughout the rest of the year. Managers will need to clarify the local expectations and procedure in relation to the needs of the service, the amount of notice required and handover issues.
- 15.3 There may be circumstances when it is appropriate for a manager to allow an individual to take unpaid leave in addition to annual leave. Examples include where an employee has just joined the organisation and has a pre-booked holiday for which they would not have enough annual leave entitlement, or to enable an employee to take an extended period of annual leave. The employee's paid annual leave entitlement should be used up first.

16 Working during annual leave

- 16.1 Annual leave provides employees with a chance to recuperate and the Trust actively promotes health and wellbeing with staff taking all of their annual leave entitlement within the leave year. Employees are encouraged not to undertake paid work during this time,

either for the Trust, an alternative employer or in self-employment (this includes bank shifts) in accordance with the Working Time Directive and Additional Employment policy. However, if the individual is going to undertake paid work then the manager should ensure that they are compliant with the Working Time Directive in relation to daily and weekly rest periods and that they have taken their statutory annual leave as a minimum.

16.2 In the event that operational reasons require the employee to work, the annual leave should be cancelled and taken at a later date as outlined in section 4.

17 Local Agreement Statement

This Policy has been jointly agreed by Management and Trade Unions/Professional Organisations in partnership for implementation of locally agreed terms and conditions.

Appendix A - Equality and Health Inequality Impact Assessment Tool

This tool has been developed by the Equality, Diversity and Inclusion Leads for use in the NHS Provider organisations in Lincolnshire. The tool is designed to ensure due regard is demonstrated to the Equality Act 2010, the Public Sector Equality Duty and potential health inequalities are also identified and addressed (as outlined in the Health and Social Care Act). Please complete all sections below. Instructions are in *italics*. Email for all correspondence: email to lhnt.edifirst@nhs.net

A. Service or Workforce Activity Details	
1. Description of activity	Calculation and taking annual leave
2. Type of change	Adjust existing
3. Form completed by	<i>Vicky Cobb and Georgia Travis – Assistant HR Advisors</i>
4. Date decision discussed & agreed	<i>05/07/21</i>
5. Who is this likely to affect?	Service users <input type="checkbox"/> Staff <input checked="" type="checkbox"/> Wider Community <input type="checkbox"/> If you have ticked one or more of the above, please detail in section B1, in what manner you believe they will be affected.
B. Equality Impact Assessment	
<p>Complete the following to show equality impact assessment considerations of the decision making to ensure equity of access and to eliminate harm or discrimination for any of the protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Further, please consider other population groups which are at risk of health inequality and can include, but not be limited to, people who are; living in poverty / deprivation, geographically isolated (e.g. rural), carers, armed forces, migrants, homeless, asylum seekers/refugees, surviving abuse, in stigmatised occupations (e.g. sex workers), use substances etc.</p> <p>Please ensure you consider the connections (intersectionality) between the protected characteristics and population groups at risk of health inequality (e.g. it is recognised that older men from a BAME background, with one or more comorbidities and living in deprivation</p>	

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are more at risk of a poorer outcome if they contract CV-19).	
1. How does this activity / decision impact on protected or vulnerable groups? (e. g. their ability to access services / employment and understand any changes?) Please ensure you capture expected positive and negative impacts.	Consideration has been given to those individuals who may not wish to celebrate bank holidays relating to specific religions, e.g. Christianity, Hinduism, Buddhism, Atheism, etc
2. What data has been/ do you need to consider as part of this assessment? What is this showing/ telling you?	N/A
C. Risks and Mitigations	
1. What actions can be taken to reduce / mitigate any negative impacts? (If none, please state.)	Due to ongoing COVID-19 pandemic leave may need to be carried over into the next financial year and agreed by Heads of Services/Department should this incur.
2. What data / information do you have to monitor the impact of the decision?	Through the HealthRoster system showing carry over of leave
D. Decision/Accountable Persons	
1. Endorsement to proceed?	<i>Yes / No Delete as appropriate and add detail or rationale</i>
2. Any further actions required?	<i>eg. risk to be added to the risk register or capturing in local action log etc</i> <i>N/A</i>

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3. Name & job title accountable decision makers	
4. Date of decision	
5. Date for review	<i>Please note: the equality impact assessment is a 'live' document and must be reviewed regularly / when any significant change occurs. TBC</i>