

Policies, Procedures, Guidelines and Protocols

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Local Ref (optional)	N/A	
Main points the document covers	This policy sets out the arrangements for staff with regard to annual leave and public holidays.	
Who is the document aimed at?	Staff subject to Agenda for Change Terms and Conditions of Service	
Owner	People Services	
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Approved by (Committee/Director)	People Committee	
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Other	None	
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No	Date	Amendment
1	March 2014	Replaces previous PCT policies. Numbering of paragraphs for ease of reference. Clarity on manager responsibilities and service needs. New section on unauthorised leave and withdrawal of approved leave and public holidays.
2	May 2017 Version 2	Additional line manager responsibility (3.2.4), clarification around discretionary NHS/Partner Organisation service and verification of such service (4.4.1, 4.4.2, and 4.4.3), new paragraph relating to

		ESR calculating annual leave (4.5.2), amendment to entitlement to additional day's leave for long service now based on aggregate not continuous NHS service (4.5.8), and updated clarification relating to annual leave requests via employee self-service, managers recording approved annual leave on ESR and manager responses to leave requests (4.8.1, 4.8.3 4.8.4 and 4.8.6).
3	November 2018 Version 2.1	Amendments to staff responsibilities to ensure requests and cancellations are submitted and recorded through Electronic Staff Record (ESR) (3.3.3, 3.3.4 and 4.10.2). Amendments throughout policy removing references to manual forms to request and approve annual leave and replaced with references to ESR for this purpose (3.3.2, 4.5.5, 4.5.9, 4.8.1, and 4.8.4). Removal of appendices 1 and 2 as manual forms no longer required.
4	March 2019 Version 2.2	Minor changes made 1.1, 3.2.9, 3.2.10, 4.5.6, and 4.8 taking into account recommendations in the Internal Audit Report 14.18/19 in relation to the Electronic Staff Records (ESR) system being used to record, request and approve annual leave. Renumbering and reformatting throughout.
5	November 2021 Version 2.3	Addition of paragraphs 1.2 and 1.3 relating to booking 80% of leave entitlement by July each year, amendments and re-numbering of section 4 including 4.2.1 deleting 'in exceptional circumstances', additions to 4.2.2 and 4.2.10 relating to the completion of request form, addition to paragraph 4.4.4 regarding ESR calculation, deletion of paragraph 4.6.3 relating to minimum leave period and inclusion of a new section 5 relating to the sell-back of annual leave.
6	August 2024 Version 2.4	Minor changes to formatting, numbering, and grammar throughout. Introduction of Purchasing of Additional Annual Leave.

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1 Introduction

- 1.1 All contracted staff are entitled to a period of paid annual leave per annum including general public holidays (usually 8 days but can vary depending on the placement of Easter see 4.5.11). Individual entitlement to annual leave is dependent upon length of service and working hours.
- 1.2 We realise that the ability to spend time away from the workplace is an important component of work-life balance and helps reduce stress. We aim to ensure that employees are given the opportunity to take the leave to which they are entitled, and managers should endeavour to ensure that the workload does not prevent this, taking into account the service needs. We are committed to the Health and Wellbeing of staff and as such, do not expect any staff to fulfil working commitments during periods of annual leave.
- 1.3 Equally employees have a responsibility to ensure that they take ownership of the management of their own annual leave, and we ask that individual's book 80% of their annual leave entitlement by the end of July every year to ensure adequate periods of rest and relaxation are planned.

2 Purpose and Scope

- 2.1 The purpose of this policy is to provide guidance on the application and management of annual leave and general public holiday entitlements and to ensure that all staff take adequate rest away from work, whilst also maintaining the needs of the service.
- 2.2 This policy will primarily apply to Agenda for Change staff with the exception of those staff on term-time only contracts. However, the principle of carrying over annual leave applies to all staff. Other staff not covered by Agenda for Change for example Medical and dental staff, and Very Senior Managers (VSM's) should refer to the relevant terms and conditions of service and will be entitled to annual leave as outlined in their existing contracts.
- 2.3 This policy incorporates and will be automatically updated by any amendments to the NHS Agenda for Change Terms and Conditions Handbook, changes in statute, or variations in collectively negotiated agreements.
- 2.4 It is the policy of the Trust to apply this policy equally to all staff, irrespective of their gender, gender reassignment, marital or civil partnership status, race, belief, religion or belief, disability, age or sexual orientation.

3 Responsibilities

3.1 People Services

- 3.1.1 It is the responsibility of the People Services department to maintain the Annual Leave and General Public Holiday Policy in conjunction with local joint negotiation committee. They will ensure that the policy and procedure is properly maintained, in line with organisational and legislative changes.
- 3.1.2 People Services will provide advice support and guidance on the application of this policy to managers responsible for the management of Annual Leave and General Public holidays.

3.2 Line Managers

It is the responsibility of line managers to:

- 3.2.1 Ensure that the policy is applied equally to all staff, irrespective of their gender, gender reassignment, marital or civil partnership status, religion or belief, race, disability, age or sexual orientation.
- 3.2.2 Ensure that members of staff are made aware of this policy and the procedure for requesting annual leave within their departments.
- 3.2.3 Draw up a local leave procedure e.g. detail on how many staff can be off at any one time and to specify any times of the year when staff can and cannot take annual leave due to the needs of the service.
- 3.2.4 Verify employees previous NHS and other qualifying service (see 4.4) and communicate it to the Workforce Information Team for recording on Electronic Staff Record (ESR).
- 3.2.5 Ensure staff keep accurate annual leave records on ESR and to monitor the uptake of annual leave to ensure that staff take regular breaks from work.
- 3.2.6 Ensure that all leave is planned and structured in accordance with the needs of the relevant service or department.
- 3.2.7 Deal with all holiday requests fairly and equitably; wherever possible, to try to accommodate every individual's first choice for their first two weeks of annual leave in a year.
- 3.2.8 Refuse to approve requests for annual leave where approval would mean inadequate staffing levels to maintain the necessary levels of service taking into account service needs.
- 3.2.9 Ensure that annual leave requests are approved or declined through ESR prior to the leave being taken to ensure accuracy of records.

- 3.2.10 Ensure that any cancellation requests for future approved annual leave are agreed or declined through ESR in a timely manner to ensure accuracy of records.

3.3 Staff

It is the responsibility of staff to:

- 3.3.1 Be aware of and adhere to the Annual Leave and General Public Holidays Policy.
- 3.3.2 Ensure that any requests for annual leave are in line with Trust and departmental procedures and take account of the service needs of the area when requesting annual leave.
- 3.3.3 Ensure annual leave is requested and approved through ESR before annual leave is taken and not after the event to ensure that accurate records are maintained at all times.
- 3.3.4 Ensure that any cancellation requests for annual leave are submitted through ESR in a timely manner to ensure accuracy of records.
- 3.3.5 Obtain approval for leave prior to committing to holiday plans.
- 3.3.6 Take their allocated leave in the leave year.
- 3.3.7 Return from leave on time.

4 Carry Over of Annual Leave

- 4.1 The leave year runs from 00.01 1st April to midnight on 31st of March the following year, and staff should take their full annual leave entitlement in consultation and agreement with their line manager.
- 4.2 Whilst we encourage staff to take their full entitlement, we recognise that some individuals may not wish to. Provided that staff have taken their statutory entitlement of 4 weeks i.e. 20 days (pro rata for part time) excluding bank holidays, individuals can carry over to the next annual leave year a maximum of 1 week i.e. 5 days (pro rata for part time).

At the request of staff

- 4.2.1 An employee may request leave to be carried forward to the next leave year. This is limited to a maximum of 1 week i.e. 5 days calculated on a pro rata basis for part-time employees.
- 4.2.2 The individual and manager must complete the [Carry Over request form](#) and return to shropcom.esrselfservice@nhs.net by the end of February prior

to the commencement of the new annual leave year in April. Any carry over must be taken by the end of May of the new leave year.

- 4.2.3 Annual leave may not be drawn from the next leave year to the current leave year.

At the request of Manager/Service/Trust

- 4.2.4 Where a request for leave cannot be granted, every effort should be made by the service manager to re-accommodate it at a mutually agreeable date within the current leave year.
- 4.2.5 If, by the final quarter of the year, leave is still owed and remains unallocated with no prospect of its being accommodated, staff may be directed to carry over a maximum of 1 week's leave i.e. 5 days (pro rata for part time) to the next leave year.
- 4.2.6 Any leave that is carried over will be the first period of leave that is taken in the following leave year and must be taken by the end of May.
- 4.2.7 Any annual leave entitlement untaken at the end of the leave year will be lost.

As a result of sickness

- 4.2.8 In cases where sickness absence ends so close to the end of the leave year that there are insufficient days left in which to take accrued leave, requests for carrying forward any accrued but untaken annual leave will be considered on a case by case basis.
- 4.2.9 In cases of long-term sickness absence managers should see section 4.5.7 below and refer to attachment 3 of the Managing Attendance at Work Policy.

As a result of maternity or adoption leave

- 4.2.10 Employees unable to utilise annual leave untaken leave due to maternity or adoption leave in accordance with the Maternity, Adoption and Paternity Leave Policy can make a request to carry over annual leave. The individual and manager must complete the [Carry Over request form](#) and return to shropcom.esrselfservice@nhs.net by the end of February prior to the commencement of the new annual leave year in April.

4.3 Sickness during Annual Leave

- 4.3.1 If an employee falls ill during a period of annual leave, they may request that a period of pre-booked annual leave is designated as sickness absence providing that they comply with the Trust's sickness absence reporting procedure and provide a certificate (self-certification or a medical certificate from a GP) to cover the period of sickness as per the Managing Attendance At Work Policy and Procedure. Without compliance with the

sickness absence reporting procedure, the period of absence will continue to be recorded as annual leave.

- 4.3.2 Employees will not be entitled to an additional day off if sick on a statutory holiday.

4.4 Entitlements

- 4.4.1 Annual leave entitlement is determined by length of aggregate (total) NHS service, plus any discretionary service in NHS and/or Partner Organisations (see 4.4.3) relevant to the NHS in accordance with the provisions in Agenda for Change.

- 4.4.2 The Resourcing Team will verify previous NHS service and relevant discretionary service with an individual during recruitment. However, there may be occasions when managers will need to verify the evidence themselves e.g. individuals who do not make it known during recruitment that they have relevant NHS/Partner Organisation service. In these instances, the individual will need to provide the manager with evidence of the relevant employment periods in order for the managers to approve discretionary service, and annual leave entitlement. Advice and guidance should be sought from People Services. Managers will need to contact Workforce to record additional annual leave entitlement on ESR (see 3.2.4).

- 4.4.3 The NHS/Partner Organisations are as follows:

- ShropDoc
- NHS GP Practices
- NHS Direct
- Local Authority
- Blood Transfusion Service
- Charitable & Paid Voluntary Sector*
- Prison Service*
- UK Armed Forces*

* Healthcare related comparable roles

- 4.4.4 Leave entitlements will increase on completion of 5 and 10 years' aggregated service. Increased entitlement will commence from the first day of the following month in which the anniversary of service occurs. ESR checks if an individual will reach an annual leave milestone during the annual leave year and will have taken this into account when calculating and recording the annual leave entitlement.

4.4.5 Full time annual leave entitlement inclusive of general public holidays:

Length of service	Annual Leave and General Public Holidays
On appointment	262.5 Hours (27 days + 8 days = 35 days @ 7.5 hours)
After five years' service	277.5 Hours (29 days + 8 days = 37 days @ 7.5 hours)
After ten years' service	307.5 Hours (33 days + 8 days = 41 days @ 7.5 hours)
When an annual leave year has either fewer than or more than 8 general public holidays due to the placement of Easter, managers will need to take this into account when using the figures above and adjust entitlement accordingly if manually calculating entitlement.	

4.5 Calculation of Annual Leave

4.5.1 It is the Trust's policy that entitlements to annual leave and public holidays are calculated in hours not days, regardless of whether the member of staff is full-time or part-time.

4.5.2 Annual leave entitlement is calculated and recorded via ESR. Employees should check their annual leave entitlement on ESR and raise any queries with their line manager in the first instance.

4.5.3 If individuals wish to manually calculate a part-time employee's full annual leave entitlement they should use the following formula:

Part-time contracted hours divided by existing full time contracted hours, multiplied by full time annual leave entitlement inclusive of general public holidays in hours, and rounded up to the next whole hour and then to the nearest half day.

$$\frac{\text{PT contracted hours}}{\text{FT contracted hours}} \times (\text{FT A/L \& B/H hrs}) \text{ and round up as above} = \text{Annual Leave}$$

4.5.4 Hours will be rounded up at the end of the calculation only.

Changes to contractual hours

4.5.5 Where staff change their contracted hours this will result in ESR recalculating the paid holiday entitlement for the entire leave year.

Term Time contracts

4.5.6 Employees on term time contracts will have their annual leave calculated to ensure they receive consistent pay throughout the 52 weeks of the year. Annual leave should not be recorded on or requested via ESR as individuals

do not have a choice when to take annual leave other than for recording purposes during non-working time.

Impact of other types of leave on entitlement

- 4.5.7 Employees who are on long term sickness leave, maternity/adoption leave will accrue annual leave in accordance with the Managing Attendance at Work and Maternity and Adoption Leave Policies and Procedures.

If there is annual leave to carry over the individual and manager must complete the [Carry Over request form](#) and return to shropcom.esrselfservice@nhs.net by the end of February prior to the commencement of the new annual leave year in April.

- 4.5.8 On completion of 25 years' aggregate NHS service, staff are entitled to a one-off entitlement of an additional one day's annual leave or the pro rata equivalent for part-time employees within the remainder of that leave year after the date of completing 25 years' service. This date must have passed whilst in the service of this Trust.
- 4.5.9 Managers and staff need to be aware that ESR will not automatically include this one-off entitlement. Managers will need to authorise this and email the Workforce team to ensure it is added to the individual's annual leave entitlement recorded on ESR.
- 4.5.10 Pay during annual leave will include regularly paid supplements, including recruitment and retention premia, and payments for work outside normal hours. Pay is calculated on the basis of what the employee would have received had they been at work and would be based on the previous three months at work or any other reference period that may be locally agreed.

Public Holidays

- 4.5.11 There are eight Public Holidays in a normal leave year, although depending on the placement of the Easter holidays this can vary between six and ten. The dates of Public holidays can be identified annually by referring to www.direct.gov.uk

Public holidays fall as follows:

- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- August Bank Holiday
- Christmas Day
- Boxing Day

- 4.5.12 For pay purposes a Public Holiday starts and ends at midnight. Public Holiday payments will be made in accordance with the number of hours worked during this period.
- 4.5.13 Members of staff may be required to work on Public Holidays in accordance with their working pattern or rota.
- 4.5.14 In departments that normally close on Public Holidays, members of staff must take that time as paid holiday (booked in the normal way on ESR and making the appropriate deduction of their normal working hours for that day).
- 4.5.15 In departments that normally work on Public Holidays, members of staff wishing to take leave must make the appropriate deduction of their normal working hours for that day from their annual leave entitlement. The normal booking rules will apply.

4.6 Annual Leave Requests

- 4.6.1 Staff who wish to take more than 2 week's leave in any one block should put their request in writing to their line manager at least 3 months in advance to ensure that adequate cover is maintained in all departments in accordance with the needs of the service.
- 4.6.2 Where rotas are in operation, they should be published giving a minimum of 6 weeks' notice. This deadline should be respected by those seeking annual leave at shorter notice, as requests may not be granted at short notice.
- 4.6.3 Staff must ensure that all annual leave has been approved by their line manager via ESR before they take their leave. Employees should not commit themselves to any annual leave plans until they have received approval from their line manager to avoid disruptions to the service and to avoid any potential disputes. If an employee takes a period of annual leave without prior approval, the Trust will consider this as an unauthorised absence which may be unpaid and may result in disciplinary action being taken.

4.7 Procedure for Requesting Annual Leave

- 4.7.1 Requests for annual leave should be made via ESR employee self-service. Employees should ensure that they give as much notice as possible to assist in the management of the department or service, and have leave approved by their line manager (see 4.6.3).
- 4.7.2 The manager must promptly consider leave applications taking into account the needs of the service.
- 4.7.3 If the manager cannot authorise the leave, any reasons for refusal should be noted on ESR (there is space on ESR for managers to detail reasons).

4.8 Procedure for Changing Annual Leave

- 4.8.1 If an employee makes a leave request on ESR and changes their mind before the manager has approved it, the individual can ask the manager to decline the request and it will be discarded. The employee can then create a new request.
- 4.8.2 If an employee wants to change a future leave request that has been approved, the individual can 'Update' or 'Delete' the period of leave from the Absence Summary tab. It is manager's discretion as to whether or not to agree to the request.

4.9 Selling of Annual Leave

- 4.9.1 The opportunity to apply for selling annual leave is open to permanent and fixed-term employees, full and part-time. However, applications must be approved by the line manager and the approval process as set out in section 5.10 of the Buying and Selling of Annual Leave Scheme.
- 4.9.2 For further detail around the purchasing of Additional Annual Leave, please refer to the Trust's Buying and Selling of Annual Leave Scheme via Staff Zone.

4.10 Purchasing of Additional Annual Leave

- 4.10.1 The opportunity to apply for additional annual leave is open to permanent and fixed-term employees, full and part-time. However, applications must be approved by the line manager and the approval process as set out in section 4.7 of the Buying and Selling of Annual Leave Scheme.
- 4.10.2 For further detail around the purchasing of Additional Annual Leave, please refer to the Trust's Buying and Selling of Annual Leave Scheme via Staff Zone.

4.10 Part Leave Years

- 4.10.1 Changes to leave entitlement through total time served/contracted hours
For the purpose of the completion of 5 and 10 years total service (4.4.4) and changes in contracted hours (4.5.5), annual leave will be calculated in accordance with completed service with effect from the first day of the following month. Managers must see that all employment forms are fully completed so that annual leave is recorded accurately to ensure all payments are paid in full.

4.10.2 Untaken leave when leaving the Trust

If a member of staff leaves the Trust's employment, any outstanding annual leave should be taken prior to the agreed last day of service and should not extend the employees notice period. If due to extenuating circumstances such as service provision the employee is unable to take all their annual leave prior to their leaving date, the Line Manager must discuss this with the senior manager for their service (band 8a and above). The senior manager will need to agree and approve any payment for annual leave in writing and the Line Manager must provide this along with the completed termination form to the Workforce team for processing.

4.10.3 Negative balance of annual leave

Employees who leave with a negative balance of annual leave proportionate to the number of completed months of service during that leave year shall have the pay for that leave deducted from their final pay.

4.10.4 Death in Service

Where an employee dies in service, payment for untaken leave will be paid to the deceased employee's representative. If there is a negative balance no further action will be taken.

4.10.5 Unable to return from leave on time

If for any reason a member of staff is unable to return from leave on the agreed date, they must contact their manager and inform them of the situation at the earliest opportunity. In such circumstances they may be required to take additional paid leave from their leave entitlement or, as a last resort, unpaid leave.

4.10.6 Individual Disputes

In the event of an individual dispute arising from the application of this annual leave policy the employee should refer to the Trust's Grievances and Concerns Policy and Procedure.

4.11 **Unauthorised Absence**

4.11.1 Unauthorised absence is a breach of contract and will usually be regarded as gross misconduct. It will normally result in disciplinary action being taken against the member of staff – which could result in dismissal.

4.11.2 As unauthorised absence is unpaid, members of staff who take it will not be entitled to accrue an annual leave entitlement in relation to the period of unauthorised absence.

4.12 **Withdrawal of Agreement to Take Annual Leave**

4.12.1 In very rare and exceptional circumstances, the Trust reserves the right to withdraw approval for annual leave should the needs of the service warrant it. Each case must be referred to People Services. Every effort will be made to minimise the inconvenience for the member of staff, including reimbursement for any unavoidable documented financial loss

incurred in respect of their holiday expenses. The annual leave will be available to be taken in full at a later date at a time to be mutually agreed.

5 Related Documents

6.1 The following documents contain information that relates to this framework:

- Managing Attendance at Work Policy
- Maternity, Adoption and Paternity Leave Policy
- Long Service Awards Policy

6 Dissemination

7.1 These guidelines will be disseminated by being published to the website and awareness will be raised by People Services and formal staff side representatives.

7 Advice

8.1 Advice on this policy should be sought in the first instance from People Services.

8 Review and Compliance Monitoring

9.1 The rules and operation of this procedure will be periodically reviewed (at least every 3 years) in light of any developments in employment legislation; employee relations' practice or Agenda for Change Terms and Conditions and, if necessary, revised in order to ensure their continuing relevance and effectiveness. Any amendments will be introduced only after consultation with staff-side representatives.

9.2 The application of this policy will be monitored by People Services in accordance with the Trust's Equality and Diversity Policy.