

1	Policy Name	Annual Leave & Bank Holiday Entitlement Policy & Procedure			
2	Accountable Director	Director of Corporate Services			
3	Applies to:	All Employees			
4	Groups / individuals who have overseen the development of this policy	HR, Policy Harmonisation Working Group			
5	Groups which were consulted and have given approval	Joint Partnership Group-October 2019 Executive Management Team-January 2020			
6	Equality Impact Analysis	Policy Screened	Yes	Template Completed	Yes
7	Ratifying Committees & Date of final approval	Joint Partnership Group-October 2019 Executive Management Team-January 2020			
8	Version	1			
9	Available on	Intranet	Yes	Website	No
10	Related documents:	N/A			
11	Disseminated to:	All Employees			
12	Date of implementation	03 February 2020			
13	Date of next formal review	January 2023 or earlier should there be national NHS terms and condition/legislative changes			

# **Annual Leave & Bank Holiday Entitlement Policy & Procedure**

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## 1. Introduction

- 1.1. The following policy have been prepared in order to assist both managers and members of staff who are full or part time to calculate annual leave and Bank Holiday entitlements.
- 1.2. The aim of this policy is to ensure a uniform and equitable approach to the calculation of annual leave and general public holiday entitlements in accordance with the Agenda for Change Terms and Conditions
- 1.3. This policy applies to all employees employed by the CCG on NHS Terms and Conditions.

## 2. Annual Leave Year

The annual leave year operates from 1st April to 31st March.

## 3. Annual Leave Entitlement

In accordance with the Agenda for Change Terms and Conditions of Service, the annual leave entitlement are based on an employee's NHS service. The following table outlines the annual leave entitlement for full time staff. The annual/bank holiday entitlements are pro rata for employees working part-time/non-standard working hours.

Length of NHS Service	Annual Leave/ Bank Holiday Entitlement
0-5 years service	27 days + 8 public holiday entitlement
5-10 years service	29 days + 8 public holiday entitlement
10 years +	33 days + 8 public holiday entitlement

- 3.1. Where employees reach an anniversary which will increase their annual leave entitlement, the new entitlement will be calculated from the 1<sup>st</sup> day of the month following the anniversary.
- 3.2. Previous service with an NHS employer, regardless of whether or not there has been a break in service, will count as reckonable service for the purposes of annual leave.
- 3.3. In order to have previous service regarded as reckonable service, it will be the employee's responsibility to provide formal documentary evidence of any relevant reckonable service.

## 4. Annual Leave Entitlement for new employees joining the CCG during the leave year

- 4.1. On joining the CCG, all staff will be entitled to annual leave plus Bank Holidays, in the year of joining on a pro rata basis
- 4.2. An employee will start to accrue service from their first day of employment.

## 5. Bank Holiday Entitlement

- 5.1. Employees are entitled to 8 paid general public holidays. There will be some years where more or less than 8 general public holidays fall in the leave year. When this situation arises, the appropriate hours/days adjustment will be made on the workforce system.
- 5.2. In the case of part time staff, this entitlement is pro rata to the full time allowance. The calculation of this entitlement is always proportional to the number of basic contracted

hours worked. This removes the potential for inequity in cases where staff works varying days.

- 5.3. The general public holiday hour's entitlement will be pro rata based on the number of general public holidays remaining in the current leave year from the date of joining.
- 5.4. On each occasion an employee takes paid time off on a general public holiday as part of their basic week, the appropriate deduction of their normal basic hours per day will be made from their overall entitlement. For part time staff, where operationally possible, and subject to mutual agreement, an employee may change their days of working during a general public holiday week and therefore retain their leave entitlement in respect of a general public holiday. This leave could then be taken at another time.
- 5.5. In accordance with Agenda for Change terms and conditions, employees will not be entitled to an additional day off if they are sick on a Bank Holiday.

## **6. Change in contractual hours during the year**

- 6.1. Where staff change their contracted hours during the leave year, this will result in a recalculation of their annual leave entitlement based on completed months in the old and new contracted hours to give the full year entitlement.
- 6.2. Where staff change their contracted hours part way through a month they should not lose entitlement. Therefore in these cases the entitlement for the first month will be calculated on the basic weekly contracted hours that they predominantly worked during that initial month.

## **7. Annual Leave Requests**

- 7.1. Managers and employees must ensure that annual leave entitlements are taken during the leave year and should follow any locally agreed procedures in requesting and authorising annual leave.
- 7.2. Annual leave requests should be made in advance of the date they wish to take and will be considered in line with other staff requests and service needs.
- 7.3. Employees should not commit themselves to any holiday plans or book flights until they have received approval of their holiday requests
- 7.4. In accordance with statutory requirements, employees should take their annual leave entitlement which is inclusive of the statutory leave entitlement in accordance with the working time regulations. It is therefore best practice, where possible to ensure that annual leave is spread equally throughout the leave year to ensure that it is taken. Any remaining annual leave that is not taken by 31st March may be lost.
- 7.5. For staff who work full days, annual leave may only be taken in periods of not less than ½ day.
- 7.6. For recording purposes, all leave requests and approvals are required to be made via the Workforce System.

## **8. Recording Leave**

All leave will be recorded via the Workforce System.

## **9. Carry Over of Leave**

In exceptional circumstances, where it has not been possible to take full leave entitlement for business reasons, a member of staff may request permission to carry over a maximum of 5 days, into the next leave year. Requests must be approved by the line manager and the Director of Service or the equivalent.

## **10. How to Calculate Annual Leave**

10.1 Annual leave will be calculated automatically on the Workforce System. Information on how annual leave and bank holiday entitlement, including the calculation of leave in hours for employees working part-time hours/non-standard working patterns.

10.2 Annual leave entitlement calculations broken down by contractual hours can be found in Appendix 2, Table 1.

## **11. Annual leave entitlement on leaving the CCG**

Staff who leave the CCG will have their annual leave entitlement calculated on a pro rata basis, based on their last day with the CCG. This will include any outstanding Bank Holiday hours/days not taken that have occurred in the leave year prior to the date of leaving, where appropriate.

Outstanding annual leave entitlements should normally be taken during the employee's period of notice. Only if this is not possible, accrued unused annual leave at the termination date will leave be paid.

In cases where the annual leave taken at the termination date exceeds the pro-rata annual leave accrued at the termination date, the annual leave dates overtaken leave will be deducted from the employees' final salary with the CCG.

## **12. Annual leave/bank holiday accrued during maternity, adoption and paternity leave**

Please refer to the Maternity Policy & Procedure; Adoption Policy & Procedure and Paternity Policy & Procedure for further information.

## **13. Annual leave/bank holiday accrued during sickness absence**

Please refer to the Absence Management Policy for further information.

## **14. Sickness absence during a period of annual leave**

Please refer to the Absence Management Policy for further information.

## **15. Annual leave/bank holiday accrued during unpaid leave**

Please contact the HR Business Partner for further information and guidance.

## **16. Equality Statement**

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

The Equality Impact Assessment for this policy has been carried out, and is available on request from HR.

## **17. Data Protection / GDPR**

In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Personal Confidential Data of data subjects will be processed fairly and lawfully and in accordance with the six data protection principles. Data Subject's Rights and freedoms will be respected and measures will be in place to enable employees (data subjects) to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal confidential data. Employees will have access to the CCG's Data Protection Officer for advice in relation to the processing of their personal confidential data and data protection issues.

## **18. Monitoring & Review**

The guidance will be reviewed every three years by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change this will happen immediately.

Implementation and operation of this policy will be monitored on an annual basis by the HR Team. It will also be assessed on an ongoing basis as part of the monthly review of performance of NCL CCGs and the annual governance review of NCL CCGs.

## **19. Breach of Policy**

Unauthorised absence and/or the misuse of this guidance will be managed under the Disciplinary Policy.

## Appendix 1- Examples of annual leave calculations

### Example 1

Mr Smith has 7 years' of NHS Service and commenced working for the CCG on 15th July and will complete 8 months work until the end of this leave year on 31st March. Looking at the 29 working days leave column and to the 8 complete calendar months row, that Mr Smith will be entitled to 19 working days leave until the end of the annual leave year on 31st March.

### Example 2

Mr Smith has 7 years' of NHS Service and will be leaving the CCG on the 30th December. Therefore for the period between 1st April and 30th December, Mr Smith would have worked 9 months. He would therefore be entitled to 22 working days leave until his last working day on 30th December.

### Example 3: Term Time Working

Term time working is one of the many flexible-working schemes offered by the CCG. For more information on other types of Flexible Working schemes available, please refer to the Flexible Working Policy & Procedure. Term Time working is mainly used in Services that operate during the school term, such as School Nurses, however term time working can be operated in all services subject to the agreement of the manager and service needs. Below is an outline of the general Term Time Only Terms and Conditions and how term time is calculated.

- Term time is taken to be 39 weeks per annum. However this may vary depending on the term time period in schools.
- Employees on term time only contracts will be paid their total annual salary in twelve equal monthly instalments.
- Annual leave is calculated on a pro-rata basis and is paid to term time employees as part of their annual salary.
- The May Day Bank Holiday falls within school term time therefore term time employees are entitled to payment for this Bank Holiday.
- All other Bank Holidays fall outside of the school term therefore term time employees are not entitled to payment for them.
- Term time employees are not entitled to take paid annual leave during term time as annual leave is paid to them as part of their total annual salary
- Ensure that you notify HR of the term time arrangements so that payroll can be notified accordingly, otherwise this may result in an overpayment.

Based on the assumption that Term Time employees will:-

\* work 39 weeks per annum

\* work 37.5 hours per week during the school term

\* That whole-time staff are entitled to the following:

- 5.4 weeks (27 days) annual leave per annum (27 days leave/5 working days)

- 5.8 weeks (29 days) annual leave per annum (29 days leave/5 working days)

- 6.6 weeks (33 days) annual leave per annum (33 days leave/5 working days)



Annual leave is based on 39 weeks work compared to - 46.8 weeks work for whole-time staff who are entitled to 27 days leave (52.2 weeks per year less 5.4 weeks annual leave = 46.8) - 46.4 weeks work for whole-time staff who are entitled to 29 days leave (52.2 weeks per year less 5.8 weeks annual leave = 46.4)

- 45.6 weeks work for whole-time staff who are entitled to 33 days leave (52.2 weeks per year less 6.6 weeks annual leave = 45.6 )

Leave Allowance is 39 (term time weeks)/46.8 (weeks work) of 5.4 weeks

Thus  $39/46.8 \times 5.4 = 4.49$  weeks + 1 Bank Holiday (0.2) weeks

Salary is based on 39 weeks work plus 4.49 weeks paid leave plus 0.2 weeks (Bank Holiday)

Thus  $39 + 4.49 + 0.2 = 44.69$  weeks =  $(44.69 / 52.2) = .856$  WTE = .84 WTE

To calculate a term time employee who works part time hours, do the above calculation then

Full time WTE x part time hours = part time WTE Full time hours

e.g.

$0.84 \times 33.75 = 28.35$  hours = .75 WTE = .746 WTE If you have any questions on the above guidance, please refer to your HR Business Partner who will be able to assist you.

## Appendix 2

**Table 1**

### Annual leave entitlement for complete years inclusive of general public holidays

For staff on 37.5 hours, one day is equal to 7.5 hours

Weekly Basic Contracted Hours	Holiday Entitlement with no NHS Service		Holiday Entitlement after 5 years' service		Holiday entitlement after 10 years' service	
	Annual Leave	General public holiday	Annual Leave	General public holiday	Annual Leave	General public holiday
	27	8	29	8	33	8
	<b>Hours Equivalent</b>					
37.5	202.5	60.0	217.5	60.0	247.5	60.0
37.0	200.0	59.5	215.0	59.5	244.5	59.5
36.5	197.5	58.5	212.0	58.5	241.0	58.5
36.0	194.5	58.0	209.0	58.0	238.0	58.0
35.5	192.0	57.0	206.0	57.0	234.5	57.0
35.0	189.0	56.0	203.0	56.0	231.0	56.0
34.5	186.5	55.5	200.5	55.5	228.0	55.5
34.0	184.0	54.5	197.5	54.5	224.5	54.5
33.5	181.0	54.0	194.5	54.0	221.5	54.0
33.0	178.5	53.0	191.5	53.0	219.0	53.0
32.5	175.5	52.0	188.5	52.0	214.5	52.0
32.0	173.0	51.5	186.0	51.5	211.5	51.5
31.5	170.5	50.5	183.0	50.5	208.0	50.5
31.0	167.5	50.0	180.0	50.0	205.0	50.0
30.5	165.0	49.0	177.0	49.0	201.5	49.0
30.0	162.0	48.0	174.0	48.0	198.0	48.0
29.5	159.5	47.5	171.5	47.5	195.0	47.5
29.0	157.0	46.5	168.5	46.5	191.5	46.5
28.5	154.0	46.0	165.5	46.0	188.5	46.0
28.0	151.5	45.0	162.5	45.0	185.0	45.0
27.5	148.5	44.0	159.5	44.0	181.5	44.0
27.0	146.0	43.5	157.0	43.5	178.5	43.5
26.5	143.5	42.5	154.0	42.5	175.0	42.5
26.0	140.5	42.0	151.0	42.0	172.0	42.0
25.5	138.0	41.0	148.0	41.0	168.5	41.0
25.0	135.0	40.0	145.0	40.0	165.0	40.0
24.5	132.5	39.5	142.5	39.5	162.0	39.5
24.0	130.0	38.5	139.5	38.5	158.5	38.5
23.5	127.0	38.0	136.5	38.0	155.5	38.0
23.0	124.5	37.0	133.5	37.0	152.0	37.0
22.5	121.5	36.0	130.5	36.0	148.5	36.0
22.0	119.0	35.5	128.0	35.5	145.5	35.5
21.5	116.5	34.5	125.0	34.5	142.0	34.5
21.0	113.5	34.0	122.0	34.0	139.0	34.0
20.5	111.0	33.0	119.0	33.0	135.5	33.0
20.0	108.0	32.0	116.0	32.0	132.0	32.0

19.5	105.5	31.5	113.5	31.5	129.0	31.5
19.0	103.0	30.5	110.5	30.5	125.5	30.5
18.5	100.0	30.0	107.5	30.0	122.5	30.0
18.0	97.5	29.0	104.5	29.0	119.0	29.0
17.5	94.5	28.0	101.5	28.0	115.5	28.0
17.0	92.0	27.5	99.0	27.5	112.5	27.5
16.5	89.5	26.5	96.0	26.5	109.0	26.5
16.0	86.5	26.0	93.0	26.0	106.0	26.0
15.5	84.0	25.0	90.0	25.0	102.5	25.0
15.0	81.0	24.0	87.0	24.0	99.0	24.0
14.5	78.5	23.5	84.5	23.5	96.0	23.5
14.0	76.0	22.5	81.5	22.5	92.5	22.5
13.5	73.0	22.0	78.5	22.0	89.5	22.0
13.0	70.5	21.0	75.5	21.0	86.0	21.0
12.5	67.5	20.0	72.5	20.0	82.5	20.0
12.0	65.0	19.5	70.0	19.5	79.5	19.5
11.5	62.5	18.5	67.0	18.5	76.0	18.5
11.0	59.5	18.0	64.0	18.0	73.0	18.0
10.5	57.0	17.0	61.0	17.0	69.5	17.0
10.0	54.0	16.0	58.0	16.0	66.0	16.0
9.5	51.5	15.5	55.5	15.5	63.0	15.5
9.0	49.0	14.5	52.5	14.5	59.5	14.5
8.5	46.0	14.0	49.5	14.0	56.5	14.0
8.0	43.5	13.0	46.5	13.0	53.0	13.0
7.5	40.5	12.0	43.5	12.0	49.5	12.0
7.0	38.0	11.5	41.0	11.5	46.5	11.5
6.5	35.5	10.5	38.0	10.5	43.0	10.5
6.0	32.5	10.0	35.0	10.0	40.0	10.0
5.5	30.0	9.0	32.0	9.0	36.5	9.0
5.0	27.0	8.0	29.0	8.0	33.0	8.0
4.5	24.5	7.5	26.5	7.5	30.0	7.5
4.0	22.0	6.5	23.5	6.5	26.5	6.5
3.5	19.0	6.0	20.5	6.0	23.5	6.0
3.0	16.5	5.0	17.5	5.0	20.0	5.0
2.5	13.5	4.0	14.5	4.0	16.5	4.0
2.0	11.0	3.5	12.0	3.5	13.5	3.5
1.5	8.5	2.5	9.0	2.5	10.0	2.5
1.0	5.5	2.0	6.0	2.0	7.0	2.0
0.5	3.0	1.0	3.0	1.0	3.5	1.0