

DOCUMENT CONTROL	
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This policy applies to all Pennine Care NHS Foundation Trust employees	
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The purpose of this document is to provide managers and employees with guidance on the application and management of all annual leave and bank holiday entitlements.	
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HR001	Conduct & Disciplinary Policy
HR003	Grievance Policy
HR007	Managing Attendance at Work Policy
HR013	Maternity, Adoption and Paternity Leave Policy
HR014	Special Leave Policy
HR015	Flexible Working Policy
HR034	Trust's Central Temporary Staffing Department (CTSD) Policy
HR051	Shared Parental Leave Policy

Policy Associated Documents:	
TAD_HR059_01	Annual Leave Entitlement – example calculation
Other external documentation/resources to which this policy relates:	
	Freedom of Information Act (2000)
	Equality Act 2010
CQC Regulations	
This guideline supports the following CQC regulations:	

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1. INTRODUCTION

All employees are entitled to a period of paid annual leave and statutory bank holidays per annum. The individual entitlement is dependent upon the employee's length of service and working hours.

2. PURPOSE

The purpose of this policy is to provide managers and employees with guidance on the application and management of all annual leave and bank holiday entitlements

3. RESPONSIBILITIES, ACCOUNTABILITIES AND DUTIES

Responsibilities of the Workforce and OD department

To devise a policy and procedure on the handling of annual leave and bank holidays and to ensure that the policy and procedure is maintained and updated accordingly in line with any organisational changes or legislative changes.

To provide advice and support in the application of the policy.

Responsibilities of the Manager

To ensure that this policy is applied fairly to all employees, irrespective of their sex, race, belief, religion, disability, age or sexual orientation.

To ensure that employees are made aware of the procedure for requesting annual leave within their department and to ensure that each employee is aware of their own entitlement.

To keep accurate annual leave records for all employees in their department and to monitor the uptake of annual leave to ensure that employees are taking regular breaks away from work.

To ensure that employees do not overtake annual leave.

Responsibilities of the Employee

To be aware of the Annual Leave Policy and their own annual leave entitlement.

To request annual leave in line with their departmental procedures.

To endeavour to take their annual leave at regular intervals throughout the year to ensure that they are adequate rest periods and do not have a build-up of leave at the end of the holiday year.

To keep an accurate record of their annual leave by inputting all leave onto the ESR Self Service system and to ensure that they do not overtake their annual leave entitlement.

Responsibilities of Staff Side

To provide advice and support to their members on the Annual Leave Policy.

To work in partnership with Managers and the Workforce and OD Department to ensure all employees are treated fairly and consistently.

To encourage their members to take their full annual leave entitlement each year, and to take this leave at regular periods throughout the year to ensure an adequate break away from work.

4. POLICY STATEMENT

It is the policy of Pennine Care NHS Foundation Trust to encourage all employees to take their periods of annual leave in blocks throughout the year to ensure that they derive the full benefit of a rest and break away from work. Employees should take the full annual leave entitlement each year and managers should endeavour to ensure that the workloads of employees do not prevent any employee from taking their entitlement to annual leave.

It is the policy of Pennine Care NHS Foundation Trust to ensure that the application and management of annual leave and bank holiday entitlement, is applied fairly to all employees irrespective of their sex, race, belief, religion, disability, age or sexual orientation.

Pennine Care NHS Foundation Trust is committed to improving the Health and Wellbeing of employees, and as such does not expect any employee to fulfil work commitments during periods of annual leave. Annual leave should enable to member of staff to take time away from work to relax and enjoy a break. If employees do feel obliged into fulfilling work commitments during annual leave they should seek advice from their line manager, their staff side representative or the Workforce and OD department.

5. PRINCIPLES

Leave Year

The leave year runs from 1st April to 31st March. Staff should ensure that they take their full entitlement of annual leave in consultation and agreement with their Line Manager.

Carry over of annual leave

In exceptional circumstances, with prior agreement of their Line Manager, an employee may carry leave into the next holiday year subject to a maximum of 5 working days, pro

rata to the number of hours/days per week worked. Any leave that is carried over must be taken by the end of June of the new annual leave year (end of 1st Quarter).

For carrying over annual leave in sickness and maternity leave situations please refer to the Managing Attendance at Work and Maternity, Adoption and Paternity Leave

All requests to carry over annual leave need to be approved by the employees line manager via the electronic ESR form.

Entitlements

Agenda for Change

LENGTH OF SERVICE	ANNUAL LEAVE & BANK HOLIDAYS
On appointment	27 days per annum + bank holidays*
After 5 years' service	29 days per annum + bank holidays*
After 10 years' service	33 days per annum + bank holidays*

Consultants

LENGTH OF SERVICE	ANNUAL LEAVE & BANK HOLIDAYS
Up to 7 years' service	6 weeks + bank holidays
7 or more years' service	6 weeks + 2 days + bank holidays

Speciality Doctors

LENGTH OF SERVICE	ANNUAL LEAVE & BANK HOLIDAYS
minimum of two years' service in the specialty doctor grade and/or in equivalent grades or who had an entitlement to six weeks' annual leave a year or more in their immediately previous appointments	6 weeks + bank holidays
Doctors other than those described above	5 weeks + bank holidays

Dentists

SALARY POINT	ANNUAL LEAVE & BANK HOLIDAYS
First two salary points of Band A	27 days + bank holidays
All other salary points	32 days + bank holidays

*the number of bank holidays can vary from year to year according to when the bank holidays fall

Annual leave entitlements are shown in ESR self-service and can also be calculated by using the guidance in TAD059_01

An employee's annual leave entitlement is determined by the length of aggregated NHS service. Leave entitlements increase on the completion of 5 and 10 years aggregated NHS service (as shown above). ESR will automatically update an employee's annual leave entitlement based on their service held in ESR.

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 aggregated service for annual leave. For employees who are employed under a Pennine Care contract of employment, the Trust will also recognise service with a Local Authority employer or GP Practice when determining entitlement to annual leave. It is the responsibility of the employee to provide formal documentary evidence of their service history.

Annual leave entitlement in the first year of employment is calculated on a pro-rata basis from the employee's start date.

The bank holiday entitlement will be based on the number of bank holidays remaining in the current annual leave year from the date of joining.

Where employees change their contracted hours, there will need to be a recalculation of their annual leave entitlement. It is best practice for this change to be made effective from the 1st of the month as ESR will correctly account for the change in regards to their annual leave entitlement. If an employee is to change their contacted hours part way through a month then the line manager will need to contact the ESR Self Service Team so they can make the necessary amendment on ESR. This will ensure that the annual leave entitlement figure is correct based on this change of hours.

All employees have their annual leave calculated in hours on ESR Self Service

Part time employees' annual leave entitlements will be on a pro rata basis depending on their hours of work. This should be calculated in hours. When taking annual leave, the number of hours normally worked during that period or on a particular day, depending if working shifts or set days, should be taken off the entitlement.

Employees who are leaving the Trust will be entitled to the annual leave accrued up until their leaving date. Employees should use any outstanding annual leave during their notice period. If it is not possible for an employee to use all of their outstanding annual leave during their notice period then payment in lieu of the leave outstanding will be made in your final salary payment. This information should be included on the ESR termination form, which is completed by the Line Manager.

If the annual leave taken exceeds the annual leave entitlement an appropriate deduction will be made from the final salary. This information should be included on the ESR termination form, which is completed by the Line Manager.

Unless an employee is leaving the Trust there will be no payment in lieu of annual leave. Staff should take their entitlement as set out in this policy.

6 PROCEDURE

Employees must ensure that their Line Manager has approved all annual leave before the leave is taken or before they commit to any holiday plans. If an employee takes a period of annual leave without prior approval then it will be considered that the employees has taken unauthorised absence and this will be unpaid. The employee may also be subject to Disciplinary action, under the Trust's Conduct and Disciplinary Procedure.

All requests for annual leave should be made via ESR self-service. The employee must give as much notice as possible to assist their Line Manager in ensuring that service requirements can be met.

Employees who wish to take more than 2 weeks annual 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 accordance with the requirements of the service. In exceptional circumstances, managers' discretion can be utilised.

If an employee is requesting annual leave lasting longer than 3 weeks, approval from a Senior Manager is required.

The Line Manager must consider the application taking into account the requirements of the service. If the Line Manager is unable to authorise the annual leave, the reasons for refusal will be fully explained to the employee.

In the event of a dispute the employee should pursue their complaint under the Trust's Grievance Procedure.

The Trust will endeavour to honour pre-booked annual leave for new employees, provided this is raised when the individual is appointed and the employee has the sufficient annual leave entitlement remaining for that annual leave year.

7 BANK HOLIDAY ENTITLEMENT

The Trust recognises 8 designated public bank holidays; however the number of bank holidays that fall within the holiday year can vary from year to year. The bank holidays are as follows:

- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- Late Summer Holiday
- Christmas Day

- Boxing Day

In accordance with Agenda for Change Terms and Conditions, part-time employees will be entitled to paid bank holidays no less than pro-rata to the number of bank holidays for a full time employee, rounded up to the nearest 15 minutes

Bank holidays will be added to employees' annual leave entitlement, and employees will take the bank holidays they would normally work as annual leave, therefore reducing their annual leave entitlement accordingly.

8. TIME OFF FOR RELIGIOUS HOLIDAYS

Pennine Care NHS Foundation Trust recognises that the workforce is culturally diverse and staff may have different religious beliefs and follow different religious holidays to those recognised as Statutory Bank Holidays.

Employees requesting normal annual leave for religious holidays should make their Line Manager aware of the reason for their request. Management should endeavour to accommodate the request where appropriate.

Employees may wish to substitute a Statutory Bank Holiday for another religious date, for example, they may request to work Christmas Day and substitute this for Hanukkah, Eid, Biasakhi or Diwali. This should be accommodated where possible, however, if a department closes on a bank holiday then the bank holiday may need to be taken at that time if other arrangements cannot be supported.

9. PAY DURING ANNUAL LEAVE

Pay during annual leave is calculated on the basis on what the employee would have received had they been in work.

Employees who receive enhanced hours payments will be paid an additional percentage per hour at the time the employee is paid for the enhanced hours in line with payroll agreements, therefore compensating them for any enhanced hours that would have accrued during a period of annual leave.

Employees required to work or to be on-call on a general public holiday are entitled to equivalent time to be taken off in lieu at plain time rates, in addition to the appropriate payment for the duties undertaken.

10. ANNUAL LEAVE DURING SICKNESS

If an employee falls ill during a period of annual leave, and wishes for their annual leave to be recorded as sickness, they must comply with the Trust's sickness absence reporting procedure set out in the Trust's Managing Attendance at Work Policy.

Employees will not be entitled to an additional day off if they are sick on a bank holiday that they would otherwise have been required to work as part of the basic week. Employees must ensure that all bank holidays are deducted from their bank holiday/annual leave entitlement where they have taken these as a bank holiday or had a period of sickness on a bank holiday that they were due to work on.

Employees who are on sick leave will continue to accrue annual leave in accordance with the Trust's Managing Attendance at Work Policy.

During periods of long term sickness, it may be agreed that employees can take some of their annual leave. This will be discussed and agreed during the Long Term Sickness Absence Review Meetings, in line with the Trust's Managing Attendance at Work Policy.

If an employee has been unable to take any additional annual leave that has been purchased due to sickness absence, this can be reimbursed. The line manager can request for this to be reimbursed via Employment Services.

11. ANNUAL LEAVE DURING MATERNITY/ADOPTION LEAVE/SHARED PARENTAL LEAVE

Employees who are on maternity leave, adoption leave or shared parental leave will continue to accrue annual leave and bank holidays in accordance with the Trust's Maternity Leave Policy and the Trusts Shared Parental Leave Policy.

12. BUYING ADDITIONAL ANNUAL LEAVE

The purchase of additional annual leave scheme is intended to assist employees in balancing work and home life. It is an extension of the Trust's formal flexible working arrangements. There may be instances for example where an employee is planning a special trip, needs extra annual leave for personal reasons or simply would like more annual leave.

The scheme is not intended to replace the Trusts' special leave policies but provides a further option for time off where the requirement for additional time off cannot be considered under the special leave policies.

Any employee of the Trust may apply to buy additional leave, irrespective of length of service.

Up to a maximum of 2 weeks (pro rata) can be applied for.

Staff can apply for annual leave at two points throughout the annual leave year, these being mid-March and mid-September.

Additional annual leave granted under this scheme is unpaid, the cost of which will be deducted from an employee's salary over the annual leave year. This will ensure that the employee continues to receive a monthly salary, albeit at a reduced rate.

Applications received by mid-March will have the cost of buying the leave spread out over the whole of the following annual leave year. Applications made mid-September will have the cost spread out over the remaining 6 months of the current annual leave year.

Any member of staff who wishes to submit an application form should discuss this with their manager. If the manager approves the request then the online application form should be completed and submitted in accordance with the timescales mentioned above. This will enable deductions to commence either at the start or half way through the financial year.

Employees who buy additional annual leave will continue to make pension contributions based on the amount of pensionable pay they receive before this period. This will ensure unbroken pension membership.

Booking of leave will be subject to the normal departmental annual leave arrangements in that approval is at the discretion of the line managers and is subject to the needs of the service

There is no automatic entitlement to buy leave, however every application will be considered fully by the line manager. In the event that additional leave cannot be granted, the line manager will provide the employee with the reasons for the refusal.

Employees who buy additional annual leave will not be permitted to carry over any annual leave into the next leave year.

An application to buy annual leave should be made online via the Trust's intranet site or following the link below:

<http://teams/WFOD/employment-services/Buy-Additional-Annual-Leave>

The online application form will then be sent to the employee's line manager for approval.

13. TERM-TIME ONLY EMPLOYEES

Term-time only employees agree to work a set number of hours per week during term time. Employees who work on term time contracts receive a pro rata entitlement of annual leave and bank holidays to the whole time allowance. This annual leave is included in the calculation of the salary for term-time only employees. There is no entitlement to any other leave during term time.

When a term time only employee reaches 5 or 10 years' service their Line Manager is required to complete an ESR 3 form to ensure that the salary entitlement on ESR is amended to take in to account the new annual leave entitlement.

Advice can be sought from the Workforce and OD department regarding the calculation of annual leave for term-time only employees.

14. BANK STAFF

The Working Time Regulations for all workers in the UK states that workers should receive an equivalent 5.6 weeks statutory holiday entitlement as a minimum per year. When this is calculated to an average hourly rate it equates to 12.07% per hour, and this rate will be applied to all bank staff. This is in line with the Trust's Central Temporary Staffing Department (CTSD) Policy.

15. EQUALITY IMPACT ANALYSIS

As part of its development, this document was analysed to consider / challenge and address any detrimental impact the policy may have on individuals and or groups protected by the Equality Act 2010. This analysis has been undertaken and recorded using the Trust's analysis tool, and appropriate measures will be taken to remove barriers and advance equality of opportunity in the delivery of this policy.

16. FREEDOM OF INFORMATION EXEMPTION ASSESSMENT

Under the Freedom of Information Act (2000) we are obliged to publish our policies on the Trust's website, unless an exemption from disclosure applies. As part of its development, this policy was assessed to establish if it was suitable for publication under this legislation. The assessment aims to establish if disclosure of the policy could cause prejudice or harm to the Trust, or its staff, patients, or partners. This assessment has been undertaken using the Trust's Freedom of Information Exemption Guide, and will be reviewed upon each policy review.

17. INFORMATION GOVERNANCE ASSESSMENT

This Policy has been analysed to ensure it is compliant with relevant information law and standards as in place at the time of approval, and are consistent with the Trust's interpretation and implementation of information governance components such as data protection, confidentiality, consent, information risk, and records management.

Compliance will be reviewed against any changes to legislation / standards or at the next review of this document.

18. SAFEGUARDING

All staff have a responsibility to promote the welfare of any child, young person or vulnerable adult they come into contact with and in cases where there are safeguarding concerns, to act upon them and protect the individual from harm.

All staff should refer any safeguarding issues to their manager and escalate accordingly in line with the Trust Safeguarding Families Policy and Local Safeguarding Children/Adult Board processes.

19. MONITORING

The effective application of this policy, including adherence to any standards identified within will be subject to monitoring using an appropriate methodology and design, such as clinical audit.

Monitoring will take place on a biannual basis and will be reportable to the Quality Group via the Clinical Effectiveness and Quality Improvement Team.

The Workforce and OD department will monitor the operation of this policy, and the policy will be updated in line with any legislative changes or organisational needs.

This Policy will be reviewed after the first 12 months and then every 3 years thereafter

20. REVIEW

This policy will be reviewed three-yearly unless there is a need to do so prior to this; e.g. change in national guidance.

21. REFERENCES

Equality Act 2010

