

Annual Leave Policy

Effective from **01 December 2020**
Approved by the Executive Team on **1 December 2020**

Applies to all employees of NHS Cheshire CCG

This document will be read in conjunction with:

- Equal Opportunities Policy
- Attendance Management Policy
- Family Leave Policy

Policy Revisions and Amendments			
Date	Section	Reason for Change	Approved By
Dec 2020	3	Removal of <i>Staff employed on Very Senior Manager terms and conditions of employment, who should refer to the Pay Framework for Very Senior Managers</i> as VSM annual leave is under AfC	
	3 and 4.2	sex, race, belief, disability, age or sexual orientation have been replaced by <i>protected characteristics</i>	
	5.1	Inclusion of <i>Section 9</i> for clarity	
	5.2	Inclusion of <i>shared parental leave</i>	
	5.3	Inclusion of <i>e.g. submission of updated annual leave form to Line Manager, via ESR account</i>	
	8	Inclusion of <i>shared parental leave</i>	
	9.2	Section included to replicate/reflect the Attendance Management Policy	
	9.3	Section included to replicate/reflect the Attendance Management Policy	
	9.4	Inclusion to replicate/reflect the Attendance Management Policy <i>In the event that an employee has remaining annual leave following a period of sickness, reasonable opportunity should be given to allow the employee to take this leave within the same holiday year.</i> Inclusion for clarity <i>This leave carried forward must be used within 18 months.</i> Inclusion for clarity <i>Employees will not be entitled to an additional day off if they are sick on a bank holiday that they would otherwise have worked as part of their normal pattern of work.</i>	
	Appendix 1	Inclusion of <i>All annual leave entitlements are calculated in hours for all part-time and full-time employees, rounded up to the nearest full hour, including bank/public holidays.</i>	

Policy Obsolete		
Date	Reason	Approved By

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1. Introduction

All contracted staff are entitled to a period of paid annual leave inclusive of bank holidays each year. The individual entitlement is dependent upon the employee's length of service and working hours.

This policy will be applied equally to all staff covered by the policy and in accordance with the CCG Equal Opportunities Policy. The fair and equitable implementation of this policy will be monitored by Human Resources.

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 to ensure that all staff take adequate rest away from work whilst maintaining the needs of the service.

2. Purpose

Employees should take the full annual entitlement each year and managers should endeavour to ensure that workloads do not prevent any employee from taking their entitlement to annual leave.

It is the policy of the CCG to ensure that the application and management of annual leave and bank holiday entitlements is applied fairly to all staff irrespective of their protected characteristics.

The CCG is committed to improving working lives and as such does not expect any staff to fulfil working commitments during periods of annual leave. Annual leave should enable a member of staff to take time away from work to relax and enjoy a break. If staff feel pressured into fulfilling work commitments during annual leave they should seek advice from their manager or from Human Resources.

3. Scope

This policy will apply to all staff employed by the CCG with the exception of:

- Medical and Dental staff who should refer to the Terms and Conditions for Hospital, Medical and Dental Staff and Doctors in Public Health Medicine and the Community Health Service.

4. Responsibilities

4.1 Responsibilities of the CCG Governing Body

Ensure that the Annual Leave Policy is fairly and consistently applied to all staff irrespective of their protected characteristics.

Communication via appropriate mechanisms to inform staff about any changes to terms and conditions relating to annual leave entitlements.

4.2 Managers

Ensure that this policy is applied fairly to all, irrespective of their protected characteristics

To calculate leave for all direct reports.

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

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

4.3 Staff

Request annual leave in line with local team arrangements.

Manage their annual leave in a reasonable way, ensuring full entitlements are taken over the leave year and requests for leave are submitted in accordance with team procedures.

4.4 CCG Human Resources Business Partner

Provide advice, support and training to managers in the application of the policy.

5. Process

5.1 Leave Year

The leave year runs from 1 April - 31 March. Staff should ensure they take their full entitlement of annual leave in consultation and agreement with their manager.

In exceptional circumstances, with prior agreement of their manager, an employee's leave may be carried into the next annual leave year subject to a maximum of 1 week, pro rata to the number of hours worked per week.

Employees who have been unable to take their annual leave as a result of long term sickness absence should refer to section 9 and the CCG's Attendance Management Policy.

5.2 Entitlement

An employee's annual leave entitlement is determined by the length of aggregated NHS service, with leave entitlements increasing on the completion of 5 and 10 years aggregated NHS service as shown in appendix 1. The increase will take effect from the first of the following month after the completion of 5 and 10 years aggregated service is reached eg if the date falls on 6th July the increase would start on 1st August.

An employee's previous service with an NHS employer will count as reckonable service in respect of annual leave.

In addition, 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.

For purposes of aggregated service, time spent employed in a **highly relevant** role in organisations other than the NHS, may be counted as aggregated service, i.e. GP

Practices, General NHS Dental Practices, relevant overseas employment and local authorities. Agency service will not count. Agreement should be reached between the manager and Human Resources, on the application of highly relevant service, to ensure consistent application of this provision.

Any aggregated service should be agreed on appointment to an employee's first post within the CCG. There is no provision for retrospective application of the above.

All annual leave entitlements are calculated in hours for all part-time and full-time employees, rounded up to the nearest full hour, including bank/public holidays.

For the purposes of new starters to the CCG, leavers from the CCG and any changes in employment, all annual leave will be calculated on completed months of service. New starters and employee changes will be calculated with effect from the first of the following month.

Employees who are on sick leave, shared parental leave, adoption leave and maternity leave will continue to accrue annual leave in accordance with the relevant policies.

Pay during annual leave will include regularly paid supplements and payment for work outside normal hours. Pay is calculated on the basis of what the employee would have received had he/she been at work.

5.3 Procedure for Booking Annual Leave

Employees must ensure that their line manager has approved all annual leave before they take their leave. If an employee takes a period of annual leave without prior approval the CCG may consider that the employee has taken unauthorised absence and this may be unpaid.

Employees who wish to take more than 2 weeks leave in any one block must put their request in writing to their line manager as early as possible and discuss it with them to ensure that adequate cover is maintained.

All requests for annual leave should be made via the appropriate CCG procedure *e.g. submission of updated annual leave form to Line Manager, via ESR account.*

Employees should not commit themselves to any holiday plans until they have received approval from their manager.

The employee and line manager should both ensure that they have an up to date copy of the annual leave record.

6. Term Time Staff

Employees on term-time contracts of employment will have their annual leave entitlement pro rata to the number of weeks they work per annum.

7. Bank/Public Holidays

The term bank holidays in this policy refers to the eight bank and public holidays that normally occur each annual leave year.

Full-time employees are entitled to all eight bank holidays in the leave year. Part-time employees are entitled to bank holidays pro-rata to the full-time allowance and are included in the entitlements in the table in appendix 1.

The number of bank holidays per year varies depending when Easter falls. When this occurs, employees should still assume that there have been eight bank holidays in the year and plan their leave accordingly. This will ensure consistency across all leave years.

8. Unpaid Leave

Where a member of staff is given unpaid leave of a month or more in any given leave year (apart from unpaid maternity, shared parental or adoption leave) this will have the effect of reducing the total entitlement for the year. The entitlement will need to be re-calculated and the number of months of unpaid leave deducted from the full year entitlement.

9. Sickness and Annual Leave

This section should be read in conjunction with the CCG Attendance Management Policy.

9.1 Sickness During Annual Leave

If an employee falls sick during a period of annual leave either in this country or overseas, and the period of incapacity seriously interrupts the period of leave, then they may count the absence as sick leave provided they;

- Notify their line manager either in writing or by telephone at the earliest opportunity, in line with the CCG's procedures and no later than the fourth continuous day of illness; and
- Provide a statement by a qualified medical practitioner; the statement should cover the period of the illness and the nature of the illness and be written in English.

For information, a serious interruption of annual leave would be deemed as four or more days of continuous illness.

9.2 Requesting Annual Leave during sickness absence

Employees continue to accrue annual leave whilst on sick leave.

Staff may request to take annual leave whilst on long term sick and requests to do so should be made in advance and with the agreement of their line manager in the normal way.

Line Managers should in most cases allow staff on long term sickness to use annual leave to ensure that staff are able to take their annual leave entitlement for the current leave year.

When the annual leave is agreed, the time will be recorded as annual leave and paid as annual leave in which case sick pay, occupational and/or statutory as appropriate, will cease for the period of annual leave

In the case where annual leave is not approved, the period of absence will still be recorded as sickness absence if the absence has been certified by a medical practitioner.

If the annual leave is not approved and the absence is not certified by a medical practitioner then the absence will be treated as unauthorised and unpaid.

9.3 Pre-booked Annual Leave prior to Sickness Absence

If an employee is absent due to sickness and has pre-booked annual leave they must notify their manager as soon as possible that they are sick or it will be assumed that the annual leave is being taken.

If the employee intends to spend more than one night away from their normal place of residency whether it be overseas or in the UK as part of their recovery, they must provide a written statement to their line manager from a medical practitioner advising that the holiday would be beneficial to their condition or recovery, and in no way would aggravate or cause detriment to the illness / injury. Where necessary, the CCG will reimburse the cost of such letters.

In addition, the CCG may also choose to obtain a medical opinion from Occupational Health. If the leave is supported by a medical practitioner the employee will have the option to continue with sick leave and have the annual leave credited back or take the time as annual leave, in which case sick pay, occupational and/or statutory as appropriate, will cease for the period of annual leave. If an employee is physically unable to return to work after a holiday they must submit a medical certificate which covers them from the day on which they were expected to return to work. Should the employee take the leave as sickness, then entitlements to sick pay both occupational and statutory will be in line with the normal eligibility rules.

Where the request to continue with a pre-booked holiday is not supported by a medical practitioner, annual leave should be taken.

9.4 Opportunity to take Annual Leave and Carry Over Arrangements

Where an employee is considered long term sick between the months of January and March and annual leave is still outstanding, with no likely return to work date during this period, employees will be given the opportunity to take their annual leave as opposed to sick leave during this period.

In the event that an employee has remaining annual leave following a period of sickness, reasonable opportunity should be given to allow the employee to take this leave within the same holiday year.

If an employee on sick leave does not have the opportunity to take their full annual leave entitlement (27, 29 or 33 days) because of illness, within the current holiday year, they may have the opportunity to carry their remaining statutory (EU) holiday entitlement (currently 20 days for full time employees) over to the next holiday year. This will only be agreed in exceptional circumstances, by their line manager and any outstanding leave must be taken at the end of the sickness period. Where possible any outstanding holidays should be used as part of any phased return to work plan.

This leave carried forward must be used within 18 months.

For example, if an employee on long-term sickness absence had taken only 5 days annual leave prior to the sickness absence commencing, the carry over entitlement would be 15 days as this is the remainder of the statutory 20 days.

No lieu of bank or public holidays will be given if an employee is off sick on a statutory holiday. Employees will not be entitled to an additional day off if they are sick on a bank holiday that they would otherwise have worked as part of their normal pattern of work.

10. Monitoring

The fair application of this policy will be monitored by Human Resources. The policy will be reviewed every three years unless changes to employment legislation require a review to take place sooner.

Annual Leave Entitlement

Where staff:

- are not normally required to work on a bank holiday;
- could be required to work on a bank holiday, but are not on that occasion,

they should record this as the appropriate hours annual leave taken and deduct it from the cumulative total. Staff who do work a bank holiday, (or it is their day off) will take their leave at an alternative date.

All annual leave entitlements are calculated in hours for all part-time and full-time employees, rounded up to the nearest full hour, including bank/public holidays.

Weekly Contracted Hours	On appointment 27 + 8 = 35 days	After 5 years service 29 + 8 = 37 days	After 10 years service 33 + 8 = 41 days
37.5	263	278	308
37	259	274	304
36.5	256	270	299
36	252	267	295
35.5	249	263	291
35	245	259	287
34.5	242	255	283
34	238	252	279
33.5	235	248	275
33	231	244	271
32.5	228	241	267
32	224	237	263
31.5	221	233	258
31	217	230	254
30.5	214	226	250
30	210	222	246
29.5	207	218	242
29	203	215	238
28.5	200	211	234
28	196	207	230
27.5	193	204	226
27	189	200	222
26.5	186	196	217
26	182	193	213
25.5	179	189	209
25	175	185	205
24.5	172	181	201
24	168	178	197
23.5	165	174	193
23	161	170	189
22.5	158	167	185
22	154	163	181

Weekly Contracted Hours	On appointment 27 + 8 = 35 days	After 5 years service 29 + 8 = 37 days	After 10 years service 33 + 8 = 41 days
21.5	151	159	176
21	147	156	172
20.5	144	152	168
20	140	148	164
19.5	137	144	160
19	133	141	156
18.5	130	137	152
18	126	133	148
17.5	123	130	144
17	119	126	140
16.5	116	122	135
16	112	119	131
15.5	109	115	127
15	105	111	123
14.5	102	107	119
14	98	104	115
13.5	95	100	111
13	91	96	107
12.5	88	93	103
12	84	89	99
11.5	81	85	94
11	77	82	90
10.5	74	78	86
10	70	74	82
9.5	67	70	78
9	63	67	74
8.5	60	63	70
8	56	59	66
7.5	53	56	62
7	49	52	58
6.5	46	48	53
6	42	45	49
5.5	39	41	45
5	35	37	41
4.5	32	33	37
4	28	30	33
3.5	25	26	29
3	21	22	25
2.5	18	19	21
2	14	15	17
1.5	11	11	12
1	7	8	8

Example Annual Leave Calculations

The following examples are provided for illustrative purposes based on the Annual Leave Entitlement table (appendix 1).

An Annual Leave Calculator is available on the CCG intranet site.

Example One

Employee A works 20 hours per week and is a new starter to the CCG. They have no previous NHS Service. Their annual leave entitlement (inclusive of bank holidays) is 140 hours per year.

Where a bank holiday falls on Employee A's normal working day they must deduct the hours that they would have normally worked on that day (as if it had not been a bank holiday) from their annual leave entitlement.

Example Two

Employee B works full time and has 5 years NHS Service. Their annual leave entitlement (inclusive of bank holidays) is 278 hours per year. They must deduct 7.5 hours from their annual leave entitlement for each of the 8 bank holidays in the leave year.

Example Three

Employee C works 30 hours per week and has 10 years NHS Service. They join the CCG on 1 June. Their annual leave entitlement for the remainder of the leave year (inclusive of bank holidays) is:

$246 / 12 \times 10 = 205$ hours.

Where a bank holiday falls on Employee C's normal working day they must deduct the hours that they would have normally worked on that day (as if it had not been a bank holiday) from their annual leave entitlement.