

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

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<b>3</b>	<b>APPLIES TO:</b>	<b>All Employees</b>
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**DOCUMENT CONTROL**

<b>Date</b>	<b>Version</b>	<b>Action</b>	<b>Amendments</b>

BEFORE USING THIS POLICY ALWAYS ENSURE YOU ARE USING THE MOST UP TO DATE  
VERSION

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

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## 1. Introduction

- 1.1 The following guidelines 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 the guidelines 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 The guidelines apply to all employees who are employed by the CCG on NHS Terms and Conditions.

## 2. Policies statement

Islington CCG's policies set out the organisation's standards and intentions, and are written with the aim of being as clear and comprehensive as possible. However, we operate in a dynamic and evolving work environment and attention should be paid to the spirit of the policy as well as the letter. Policies by themselves cannot guarantee effective behaviour or the delivery of key objectives. While they are designed to support the CCG, and the people working within it, our success depends on continuous, high quality effort by everyone the policy covers. Therefore thought must be given to good practice when applying or interpreting any of the CCG's policies, and you should read any guidance or supporting documentation that relates to this policy to help you do this. In addition, this policy should work in accordance with national and local guidance on child and adult safeguarding as applicable.

## 3. Who this policy applies to

This Policy and Procedure applies to all Islington CCG employees.

## 4. Annual Leave Year

The annual leave year operates from 1<sup>st</sup> April to 31<sup>st</sup> March.

## 5. Annual Leave Entitlement

- 5.1 In accordance with the Agenda for Change Terms and Conditions of Service, the annual leave entitlement are based on an employee's NHS service.

<b>Length of NHS Service</b>	<b>Annual Leave/Bank Holiday Entitlement</b>
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

- 5.2 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.

- 5.3 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.
- 5.4 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.

## **6. Annual Leave Entitlement for staff joining the CCG during the leave year**

- 6.1 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:

<b>SERVICE DURING CURRENT LEAVE YEAR</b>	<b>27 DAYS</b>	<b>29 DAYS</b>	<b>33 DAYS</b>
1 completed calendar month	2	2	3
2 completed calendar month	5	5	6
3 completed calendar month	7	7	8
4 completed calendar month	9	10	11
5 completed calendar month	11	12	14
6 completed calendar month	14	15	17
7 completed calendar month	16	17	19
8 completed calendar month	18	19	22
9 completed calendar month	20	22	25
10 completed calendar month	23	24	28
11 completed calendar month	25	27	30
12 completed calendar month	27	29	33

- 6.2 Please note that an employee will accrue one complete month's service if the commenced employment in the post within the first 5 working days of that month or are leaving within the last 5 working days of that month.

## **7. Bank Holiday Entitlement**

- 7.1 Employees are entitled to paid general Bank Holidays falling within a leave year.
- 7.2 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 work varying days.
- 7.3 On each occasion an employee takes paid time off on a Bank Holiday as part of their basic week, the appropriate deduction of their normal basic hours per day will be made from their overall entitlement.

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

- 8.1 Where staff change their contracted hours during the leave year, this will result in a re-calculation of their annual leave entitlement based on completed months in the old and new contracted hours to give the full year entitlement.

8.2 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 first month.

## **9. Annual Leave Requests**

9.1 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.

9.2 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.

9.3 Employees should not commit themselves to any holiday plans until they have received approval of their holiday requests.

9.4 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 31<sup>st</sup> March may be lost.

## **10. Recording Leave**

10.1 It is the managers responsibility to record all leave taken for their staff members and ensure that this is accurately recorded in the monthly attendance records submitted to the payroll team.

10.2 Queries regarding the number of days leave staff have already taken should therefore be addressed to the relevant manager rather than Human Resources who do not have access to these records.

10.3 Attached at Appendix 1 is an employee annual leave card that managers may wish to use to assist in recording and monitoring leave.

## **11. 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 Director of Service.

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

12.1 In order to calculate your annual leave entitlement, you will need the following information:

1. Length of NHS Service (complete year). This does not need to be continuous NHS service but should be verified with the previous NHS employer(s).
2. The appropriate annual leave entitlements dependent on their length of NHS Service (27, 29 and 33 days).

3. The number of hours the employee works per week (refer to the Agenda for Change section of these guidelines).

- 12.2 If you work on a part time basis, please refer to the part time leave calculator (attached below).



"Pro Rata & Part  
Year Annual Leave C:

- 12.3 If you are full time, please refer to the full time annual leave chart in section 4.

### **13. Sickness occurring during annual leave or Bank Holidays**

- 13.1 If an employee falls sick whilst on annual leave, then in accordance with the CCG Management of Sickness and Attendance at Work Policy and Procedure, the period covered will be treated as sick leave, allowing the employee to take the annual leave another time.
- 13.2 An employee should report the sickness to their manager on the first day and submit a medical sick note for the sickness period from the first day of sickness absence.
- 13.3 Please refer to the CCG Management of Sickness and Attendance at Work Policy and Procedure for further details.
- 13.4 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.

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

- 14.1 Staff who leave the CCG will have their annual leave entitlement calculated on a pro rata basis, based on their leaving date less any annual leave taken. 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.
- 14.2 Outstanding annual leave entitlements should normally be taken during the employee's period of notice. Only if this is not possible, will leave be paid.
- 14.3 Where the leave taken exceeds that pro-rata annual leave accrued, any overtaken leave will be deducted from the employees final salary with the CCG.

### **15. Breach of Policy**

Unauthorised absence and/or the misuse of this policy 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 15<sup>th</sup> July and will complete 8 months work until the end of this leave year on 31<sup>st</sup> 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 31<sup>st</sup> March.*

### Example 2

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

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- 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  $\frac{39 + 4.49 + 0.2}{52.2} = (.836 \text{ WTE}) = .84 \text{ WTE}$

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

$$\frac{\text{Full time WTE} \times \text{part time hours}}{\text{Full time hours}} = \text{part time WTE}$$

e.g.

$$\frac{0.84 \times 33.75}{37.5} = .75 \text{ WTE} = .746 \text{ WTE}$$

If you have any questions on the above guidance, please refer to your HR Business Partner who will be able to assist you.



ANNUAL LEAVE CARD

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

Ward\Dept: \_\_\_\_\_

Site: \_\_\_\_\_

2015/2016 LEAVE ENTITLEMENT ..... DAYS

(This card is for ANNUAL leave only.  
Requests for SPECIAL/RECESS/ROTA leave must be made  
separately)