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Document History

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Equality Impact Assessment

Date	Issues
22.03.13	None

Policy Validity Statement

This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

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1. POLICY STATEMENT

1.1 The aim of the Annual Leave Policy is to ensure a uniform and equitable approach to the calculation of annual leave and general public holiday entitlements which take into account the arrangements as defined under NHS Terms and Conditions.

2. PRINCIPLES

2.1 This policy applies to all employees who are employed on NHS Terms and Conditions.

2.2 The annual leave period is from 1 April to 31 March.

2.3 An employees annual leave entitlement will be determined by the length of reckonable NHS service with leave entitlements increasing on the completion of 5 and 10 years reckonable NHS service

2.4 Training and support will be provided to all Line Managers in the implementation and application of this policy

3. PROCEDURE

The procedure is set out in Part 2.

4. EQUALITY

4.1 In applying this policy, the organisation 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.

5. MONITORING & REVIEW

5.1 The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

PART 2

1.1 Procedure

1.1 The annual leave period is from 1 April to 31 March.

1.2 The annual leave provisions under NHS Terms and Conditions are contained in **Table 1** below.

Length of Service	Annual Leave plus general public holidays
On appointment	27 days plus 8 days
After 5 years service	29 days plus 8 days
After 10 years service	33 days plus 8 days

1.3 Annual leave entitlement for part time staff will be calculated in hours, not days. The benefit of this is to ensure that staff who work variable hours or shifts, do not receive either more or less leave than colleagues who work a standard pattern.

1.4 Annual leave entitlement is calculated based on contractual hours except in the case of Minimum Hours Contract staff, where actual hours worked will be used for the calculation subject to a maximum of 37.5 hours per week.

1.5 The calculation of leave entitlement is shown in Table 2, which includes a calculation for general public holidays. Hours shown have been rounded to the nearest half hour.

1.6 For staff who work full days, annual leave may only be taken in periods of not less than ½ day.

1.7 Previous service with an NHS employer, regardless of whether or not there has been a break in service, will count as reckonable service for annual leave.

1.8 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.

1.9 On joining the organisation, all staff will be entitled to annual leave plus general public holidays, in the year of joining on a pro rata basis. Entitlement is accrued from the first day of employment and for the first year is calculated to the end of the annual leave year.

1.10 Where employees reach an anniversary which will increase their annual leave entitlement, the new entitlement will be calculated from the 1st day of the month following the anniversary.

1.11 Employees are entitled to 8 paid general public holidays. 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.

1.12 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.

1.13 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.

1.14 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 adjustment will need be made.

1.15 It is expected that all employees will be provided with the opportunity to take all their leave within a leave year. In exceptional circumstances, 5 days annual leave may be carried over to the following year, with the agreement of the Line Manager and in the following circumstances:-

- i) Where employees are prevented from taking the full allowance of annual leave before the end of the leave year because of business needs.
- ii) Where employees are prevented from taking annual leave because of sick leave, they will be allowed to carry forward up to 5 days during the following leave year at a time to be mutually agreed.
- iii) On application and consideration of an individual's personal circumstances subject to the exigencies of the service.

1.16 An employee falling sick during a period of annual leave or who is absent on sick leave and has pre-booked annual leave should refer to the Absence Management policy.

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

1.18 On leaving the organisation, any outstanding holiday leave remaining will be paid as will any outstanding general public holiday leave for general public holidays that have occurred in the leave year prior to the leave date. Holiday leave entitlement will be calculated to the date of leaving based on completed months of service.

1.19 When calculating leave due on leaving the CCG, the figure is not rounded i.e. if the calculation says someone is entitled to 2.66 days leave, that is what they will be paid for.

1.20 Where staff leave on 31st March they will only be entitled to be paid for up to 5 days leave they may have carried over into the next leave year.

1.21 On leaving the organisation any leave taken (including general public holiday entitlement) which is in excess of that which the staff member would have been entitled to (on a pro-rata basis) will be deducted from the final salary payment.

Term Time Working

1.22 Where an agreement has been made that staff will work during term time only, holiday entitlement will be calculated based on the average number of hours worked per week across the whole year. The calculation is the number of hours worked multiplied by the number of weeks worked then divided by 52.143 (the number of weeks in a year). This gives the average hours worked per week. The annual leave entitlement is then calculated by taking the average hours per week, divided by the full time equivalent for a week and then multiplying by the number of days entitlement. Please note that the number of weeks per year used in the examples shown in Appendix 1 may change depending upon the length of the term time.

1.23 All annual leave requests must receive management approval, in line with local/departmental arrangements, before being taken. An employee taking annual leave that has not been previously approved may be subject to disciplinary action.

1.24 All requests for annual leave should be made to their manager, in line with local/departmental arrangements, giving as much notice as possible. Employees wishing to take more than 2 weeks leave in any one block must put their request in writing to their manager at least 3 months in advance.

1.25 The manager must consider the application taking into account the needs of the service.

1.26 The manager will respond to the employee indicating whether the leave has been “approved” or “not approved”. In the event of the leave not being approved the reasons for refusal will be clearly explained.

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

1.28 The manager should record the request and update the employee’s Annual Leave Record, in line with local/departmental arrangements.

2.0 Sickness and Annual Leave

2.1 Employees still accrue annual leave whilst on sick leave. Therefore, 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.

2.2 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.

2.3 If an employee on sick leave does not have the opportunity to take their annual leave entitlement because of illness, within the current holiday year, they may have the opportunity to carry their statutory 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.

2.4 No lieu of bank or public holidays will be given if an employee is off sick on a statutory holiday.

Appendix 1

Example 1

Agreement is made for X to work 37.5 hours per week for 39 weeks per year. X is a new starter entitled to 27 days holiday

Average number of hours worked per week will be $\frac{37.5 \times 39}{52.143} = 28.05$ per week

Holiday entitlement will be $28.05/5 \times 27 = 151.5$ hours

General public holiday entitlement will be $28.05/5 \times 8 = 45$ hours

Example 2

Agreement is made for Y to work 20 hours per week for 39 weeks per year. Y has 6 years' service and is entitled to 29 days holiday

Average number of hours worked per week will be $\frac{20 \times 39}{52.143} = 14.96$ per week

Holiday entitlement will be $14.96/5 \times 29 = 87$ hours

General public holiday entitlement will be $14.96/5 \times 8 = 24$ hours

3.21 Where staff have less than a half day entitlement to annual leave they shall be permitted to supplement the annual leave by the use of flexi-time, so that the outstanding annual leave can be taken.

Appendix 2

Table 2

**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
Hours Equivalent						
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

Weekly Basic Contracted Hours	Holiday Entitlement with no service NHS Service	Holiday Entitlement after 5 years service	Holiday entitlement after 10 years service			
				General public holiday	Annual Leave	General public holiday
	Annual Leave	General public holiday	Annual Leave	General public holiday	Annual Leave	General public holiday
	27	8	29	8	33	8
	Hours Equivalent					
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

Appendix 3 - Equality Analysis Initial Assessment

Title of the change proposal or policy:

Annual Leave

Brief description of the proposal:

To ensure that the policy amends are fit for purpose, that the policy is legally compliant, complies with NHSLA standards and takes account of best practice.

Name(s) and role(s) of staff completing this assessment:

Shamshy Salehin, HR Consultant, Cheshire HR Service

Date of assessment: 22nd March 2013

Please answer the following questions in relation to the proposed change:

Will it affect employees, customers, and/or the public? Please state which.

Yes, it will affect all employees

Is it a major change affecting how a service or policy is delivered or accessed?

No

Will it have an effect on how other organisations operate in terms of equality?

No

If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC Terms and Conditions, is legally compliant and takes account of best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

Please return a copy of the completed form to the Equality & Diversity Manager