

ANNUAL LEAVE GUIDANCE

1. Purpose

- 1.1** The purpose of this document is to provide employees and managers with guidance on the application and management of annual leave and bank holiday entitlements; to ensure that all employees take adequate rest away from work whilst maintaining the needs of the service.
- 1.2** Employees should take periods of annual leave at regular intervals throughout the year to ensure that they receive the full benefit of a rest and break away from work, and by doing this ensure that patient care is delivered safely and to a high standard.
- 1.3** Employees should aim to take the full annual entitlement each year and managers should try to ensure that the workload does not prevent employees from taking their entitlement to leave.
- 1.4** If fulfilling work commitments creates difficulties for employees in taking annual leave, they should seek advice from their line manager or from the Human Resources (HR) Department.
- 1.5** The application and management of annual leave and bank holiday entitlements should be applied fairly to all employees irrespective of their age, gender, disability, race/ethnicity, religion or belief, sexual orientation, gender re-assignment, pregnancy and maternity or marital status.

2. Annual Leave Year

- 2.1** The annual leave year generally begins on 1 April each year and all annual leave should be taken before 31 March each year. It is the employee's responsibility to ensure that they take annual leave during the leave year where possible.
- 2.2** Individual departments may only agree to vary the date for the commencement of the annual leave year if business need dictates this and following consultation with the HR Department.
- 2.3** Approval is at the discretion of the Head of Department or Director.

3. Annual Leave Entitlement

- 3.1** The annual leave provisions under NHS Agenda for Change terms and conditions are:

Length of service	Annual Leave + Bank Holidays
On appointment	202.5 hrs + 60 hrs (pro rata for part time staff)
After 5 years service	217.5 hrs + 60 hrs (pro rata for part time staff)
After 10 years service	247.5 hrs + 60 hrs (pro rata for part time staff)

- 3.2** When employees reach the five or ten year anniversary part way through a leave year, an annual leave calculation will be made based on the two different rates. A calculation for the number of days worked on the lower rate, added to the number of days at the higher rate will give a total amount of annual leave for the year.
- 3.3** Annual leave entitlement for all employees will be expressed in hours per year and staff should book off their leave based on whatever hours of work they would have undertaken had they been at work. This system is in place to allow for employees who do not work their weekly contracted hours evenly throughout the week, as many variations exist in working practice.
- 3.4** The annual leave calculator available on the staff intranet should be used to assist with the calculation of annual leave entitlements according to Agenda for Change Terms and Conditions.

4. General Public Holidays (Bank Holidays)

- 4.1** Part-time employees will receive a pro rata entitlement of bank holidays to the hours per week they work.
- 4.2** Annual leave entitlements should be expressed in hours and must include the appropriate entitlement for the Bank Holidays. As a consequence of this, employees should not claim a lieu day when they work on a Bank Holiday as they have already been granted an entitlement of hours for bank holidays to compensate for this.
- 4.3** During the course of the annual leave year, as a Bank Holiday occurs and an employee is not required to work that day, they should deduct the number of hours from their annual leave that they would have worked on that day if it had not been a Bank Holiday. If an employee does not normally work the day of the week on which the Bank Holiday falls, they do not deduct any hours from their annual leave.
- 4.4** The Trust recognises that if employees are part-time, they may feel disadvantaged if they work a substantial amount of their weekly hours on the day that a Bank Holiday falls. Part-time employees who work a significant amount of their contracted hours on Mondays are particularly affected. Wherever possible, the employee's manager should allow individuals to roster the hours they would have worked, if the Bank Holiday had not occurred, onto another day of the week rather than have to use up large amounts of their annual leave

allowance. This is not an employee right but the Trust is committed to flexible working wherever service delivery will allow this.

- 4.5** There will be some years when more, or less, than 8 Bank Holidays fall within the leave year simply because Bank Holidays follow the calendar year and the Easter Bank Holidays can be in March or April. When this situation arises the annual leave calculator (available on the staff intranet) will be adjusted to accommodate this.
- 4.6** All employees are entitled to pay for the Bank Holidays that fall in the leave year. In the case of part time employees, this will be a proportionate number of Bank Holiday hours based on their basic weekly contracted hours. The annual leave calculator identifies the actual entitlement in hours pro-rata per Bank Holiday.
- 4.7** Where the service allows, if an employee wishes to work on a Bank Holiday in order to have time off later in the year, this can be agreed with their line manager but the enhanced rate of pay will not apply. The hours worked on the bank holiday will be recorded as a credit for use by the staff member at an appropriate time.

5. Statutory Minimum Annual Leave Requirements

- 5.1** The Working Time Regulations (1998) protects the health and safety of workers by placing limits on their hours of work and by making sure that they have breaks and holidays. The Regulations do not allow carry over of statutory leave entitlement to the next annual leave year and so the minimum of statutory leave must be taken by employees every leave year (e.g. 28 days which includes 8 Bank Holidays). Employees must not work on those annual leave days e.g. do Bank or Locum work to ensure they get adequate rest and comply with Health & Safety regulations and the working time directive. However, if an employee has more than 28 days annual leave (including bank holidays), they are permitted to work temporarily during those extra days e.g. an employee with 27 days annual leave plus 8 bank holidays is permitted to work temporarily for a maximum of 7 days.

6. Entitlement on Joining

- 6.1** New employees will be entitled to annual leave plus Bank Holidays in the year of joining the Trust, on a pro-rata basis.
- 6.2** Employee's entitlement in the first year is dependent on the number of days worked after the date of joining and before the end of the annual leave year.
- 6.3** Annual leave entitlement for part years can be calculated using the annual leave calculator, but this must be pro rata to the number of days in the leave year since joining. Annual leave is calculated based on 1/365 for each complete week.

7. Aggregation of Service

- 7.1** Any periods of employment within the NHS, regardless of whether or not an employee has had a break in service, will count as reckonable service when determining their entitlement to annual leave.
- 7.2** Substantive employment in a highly relevant role other than NHS organisations, may also count as aggregated service for annual leave purposes. In order to ensure consistency, the employee's manager should seek advice from the HR Department in defining "highly relevant" experience.
- 7.3** In order to have previous service recognised, the employee will need to provide formal documentary evidence of that service to their manager.
- 7.4** Agency and Bank work will not count as aggregated service.

8. Authorisation of Annual Leave

- 8.1** Annual leave requests should be submitted using the Trust's annual leave card (Appendix 1) or via the rostering system. Managers must approve any requests for annual leave before it can be taken and should approve or refuse employees request for leave within one week of receiving it. Approval is at the manager's discretion and will be dependent on the following:
- Availability of cover
 - Employee's workload and that of their department
 - The skill mix required for the department to function safely and effectively
 - Fairness to all employees
- 8.2** In order to balance the needs of the team, employees should give a minimum of six weeks' notice for annual leave requests. However, permission may be granted for requests made at short notice provided departmental circumstances permit. Staff should not book any holiday or travel arrangements before their line manager approves the annual leave request. If arrangements are made before gaining approval and the request for annual leave is refused, the employee will be responsible for any financial loss incurred.
- 8.3** Managers may receive numerous annual leave requests at certain times. During popular holiday times such as school holidays and Christmas, it may not always be possible to approve the entire leave dates staff request. The employee's manager will consider all requests and should apply a fair method of approval. Wherever possible it is advisable for employees to discuss their annual leave with their colleagues to ensure that everyone

receives a fair share of annual leave during school holidays. The Trust is committed to family friendly policies and flexible working practices.

- 8.4 All employees have equality when requesting annual leave and individuals who require annual leave in school holidays because of caring commitments will have no priority over other employees who require leave in school holidays for other reasons as it is essential that all employees have access to a regular break from work for a holiday.
- 8.5 A maximum of 2 weeks annual leave should be approved during school holiday periods in order to accommodate all staff unless exceptional circumstances can be agreed.
- 8.6 If leave is refused and the employee subsequently fails to attend work during the same period the manager will investigate the reasons for the non-attendance and this may result in disciplinary action taking place.
- 8.7 It is expected that an employee's annual leave will normally be taken in periods of not less than the equivalent of a ½ day. Exceptionally, and at their manager's discretion only, they may be allowed to take leave in one hour periods.
- 8.8 Occasionally, employees may need leave from work at short notice to cover emergency situations. Further information and procedures for applying for special leave, as well as eligibility and specific provisions, can be found in the separate guide "Special Leave Guidance".

9. Management of Annual Leave

- 9.1 Each ward/department should calculate the maximum amount of qualified and unqualified employees that can be given annual leave in any one week. An agreed number needs to be set by the manager and adhered to (please refer to the Roster Management Policy for calculation of examples). Employees should be made aware of the need to maintain this number constantly throughout the year. Should this number not be met, by way of requests, the ward/departmental manager will review outstanding leave required to be taken before the end of the annual leave year and may allocate leave following discussions with employees concerned.
- 9.2 Managers should be aware of the maximum number of requests that can be considered for annual leave on any single date or week and will have developed a local procedure to manage requests so that staffing levels are not compromised by poor annual leave management (see above paragraph).
- 9.3 In the interests of the service, the manager has the right to ask employees to be flexible in co-operating fully with local procedures where annual leave affects the staff of the department. Employees are encouraged to identify their annual leave requirements at the earliest opportunity. In order to safeguard their health and welfare, consideration should be

given to booking annual leave at regular intervals which in turn will help to avoid pressure being put on their ward/department towards the end of the leave year. As a guide, employees should be encouraged to use between a minimum of 15% and maximum of 35% of their annual leave every quarter.

- 9.4** It is expected that employees will take a week's leave every three months throughout the year so that they regularly receive a break from work at a time that is convenient. This will still leave employees with enough annual leave for an extended holiday sometime during the annual leave year.
- 9.5** Ward/department managers will monitor the booking of annual leave every quarter and any employee who has not booked their statutory minimum leave of 28 days (inclusive of bank holidays and pro rata for part-time workers) may have annual leave allocated to them.
- 9.6** Statutory annual leave must be taken in the year in which it is due (Working Time Regulations 1998). It is not permissible to carry over leave from one year to the next and leave cannot be replaced by a payment in lieu.
- 9.7** If an employee is moving to another department within the Trust it is the responsibility of the current manager to inform the new department manager of the employee's outstanding annual leave entitlement to date.

10. Duration of Annual Leave

- 10.1** The Trust accepts that employees may have times when they want to be away from work for special occasions. On these occasions, employees should meet with their manager to discuss the circumstances and the Trust will be as flexible as it can to allow them to carry forward more than one week's annual leave entitlement at basic contracted hours from the previous leave year and to book the leave up to 18 months in advance to get best value for money on flights for example.
- 10.2** In most circumstances, employees will be expected to take annual leave in blocks of up to two calendar weeks. However, the Trust recognises that there may be times when individuals would like to take a longer period of leave.
- 10.3** Requests for a period of annual leave of three calendar weeks or more should be made using the form in Appendix 1. Managers must meet with the individual to discuss their request for extended leave prior to reaching a decision to approve/decline the leave.
- 10.1** No travel arrangements or accommodation should be booked prior to agreeing annual leave with their manager. If employees make a booking and then annual leave is refused, the Trust accepts no liability for the loss and any costs associated with this will be met by employees.

- 10.2 If an employee fails to return to work on the agreed date following the period of approved leave, they may be subject to disciplinary action.
- 10.3 Employees do not have an automatic right to take annual leave when they wish.
- 10.4 The Trust will make every effort to accommodate requests for leave but the Trust may, on occasion, need to refuse leave if other employees have asked for leave at the same time and it is not possible to provide an acceptable, safe level of service.
- 10.5 There are restrictions placed on the amount of unpaid leave that employees may add to annual leave. Please refer to the Special Leave Guidance.

11. Pay During Annual Leave

- 11.1 Pay during annual leave will include regularly paid supplements, including any recruitment and retention premia, payments for work outside normal hours and high cost area supplements.
- 11.2 Pay is calculated on the basis of what the individual would have received had he/she been at work. This would be based on the previous three months at work or any other reference period that may be locally agreed.

12. Carry Over of Leave

- 12.1 The Trust expects that within the annual leave year employees should be provided with the opportunity to take all of their annual leave. In exceptional circumstances up to one working week of basic contracted hours may be carried over to the following year, with the agreement of the manager providing that they have taken their statutory minimum entitlement to leave.
- 12.2 Where employees have, exceptionally, been prevented from taking their leave due to service demands then the amount carried forward will be expressed in contracted hours and this should not normally exceed one working week.
- 12.3 There are separate provisions where employees have been prevented from taking their leave due to long-term sick leave (see sections 15 and 16).

13. Entitlement on Changing Contracted Hours

- 13.1 If an employee changes their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed weeks on the new and the old contracted hours to give their full year entitlement.

14. Entitlement on Leaving

- 14.1** If employees leave the Trust, they will receive 1/365 of their annual leave entitlement for each day worked in the current leave year, plus the benefit of any outstanding Bank Holiday hours for Bank Holidays that have occurred in the leave year prior to the date of leaving, less any annual leave taken. Managers should make every effort to ensure that employees are able to take accrued annual leave during their notice period.
- 14.2** Payment will be made for the balance of the employee's leave calculated as in the above paragraph.
- 14.3** If the employee's total leave taken exceeds the earned total leave entitlement an appropriate deduction will be made from their final monies.

15. Sickness Occurring During Annual Leave or Bank Holidays

- 15.1** If an employee is unwell during a period of annual leave and wishes to claim sickness rather than annual leave for a period within their holiday, they must make contact with the line manager when they first become ill on holiday. If it is not possible to make contact with the manager, the member of staff should speak to a senior manager relevant to the area of work.
- 15.2** In addition, the employee must provide, upon their return to work, evidence of the sickness from the doctor that examined them whilst on holiday. Failure to provide this documentation will mean they are not entitled to claim occupational sick pay in lieu of annual leave. Self-certification is not acceptable in these circumstances, regardless of the duration of the absence.
- 15.3** The employee must also advise their manager when they become fit to work again even if this is during their period of annual leave.
- 15.4** If absent due to sickness on a statutory Bank Holiday, there will be no entitlement to an additional day off.
- 15.5** During episodes of long term sickness absence (sickness of 28 days or longer), employees will continue to accrue annual leave and are entitled to take this leave whilst they remain on long term sickness. Employees must make an annual leave request to the line manager in the usual way. If annual leave is granted, the period of time will be paid as annual leave and not sick leave. This will result in the sick leave episode being broken into two episodes.

16. Booking of Annual Leave Following Sickness

- 16.1** When returning to work after a period of long term sickness absence, any outstanding annual leave accrued should be taken before a return to work, if practical, in agreement with the line manager. Alternatively, annual leave may be used to support an extended phased return, in agreement with the line manager.
- 16.2** Where employees have been on long term sickness absence for the majority of the leave year it may be possible to agree to carry forward some or all of the statutory entitlement to annual leave. This will be dependent on individual circumstances and employees should make their request to carry over leave in the usual way. Advice should be sought from the HR department regarding the entitlements to carry over leave in these circumstances.

17. Term Time Only Contracts Entitlement

- 17.1** Annual leave for a Term Time Only contract is calculated and paid according to the average number of weeks worked as agreed by the manager and employee at the outset of the contract.
- 17.2** The Trust assumes that the employee will take their paid annual leave within the number of weeks agreed when they will not be at work and therefore they have no entitlement to take annual leave within the weeks actually being worked.
- 17.3** Term Time Only contracts should be re-calculated following the five and ten year anniversary for annual leave.

18. Annualised Hours Contracts Entitlement

- 18.1** Annual leave for an annualised hours contract is calculated and added to the agreed amount of hours to be worked over the year. Therefore the employee's total pay will include holiday pay. This is calculated and agreed at the beginning of their contract.
- 18.2** The employee should agree with their manager the weeks when they will not be working for the Trust so that they can have time away from work but they do not actually book annual leave.
- 18.3** The employee's manager will agree with them a way of recording the hours they actually work to ensure that they work their contracted hours each year.
- 18.4** Annualised Hours contracts should be re-calculated following the five and ten year anniversary for annual leave.

19. Medical and Dental Staff

- 19.1** Separate guidelines are available on the application and management of annual leave for Medical and Dental Staff.

Appendix 1

ANNUAL/SPECIAL LEAVE RECORD CARD

LEAVE YEAR

Name			Department	
Post			Grade	
Annual Leave Entitlement Basic Hours			Carried Forward Hours	
Leave Dates	No of working hours taken	Balance of Leave hours remaining	Approved by	Type of Leave

All paid leave except Maternity Leave, Sick Leave and Study Leave to be recorded on this card.

Appendix 2



University Hospitals Sussex
NHS Foundation Trust

CONFIDENTIAL

UNIVERSITY HOSPITALS SUSSEX NHS FOUNDATION TRUST

RECORD OF ABSENCES FOR THE YEAR ENDING 31st March 20__

EMPLOYEE'S FULL NAME: _____ Mr/Mrs/Ms/Miss: _____ HOURS OF WORK: _____
 SITE: _____ DEPARTMENT: _____ SHIFT WORK: YES/NO
 JOB TITLE: _____ GRADE: _____ DATE OF BIRTH: _____

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	TOTALS
APRIL																																
MAY																																
JUNE																																
JULY																																
AUG.																																
SEPT.																																
OCT.																																
NOV.																																
DEC.																																

MARCH

KEY:	A – Absent	M – Maternity	S – Sick	SP – Special Leave
	AL – Annual Leave	JS – Jury Service	ST – Study Leave	TA – Territorial
	CL – Compassionate Leave			

REFERENCE SOURCES

Working Time (Amendment) regulations 2009	www.opsi.gov.uk/acts
Part Time Workers (protection from less favourable treatment) Regulations (2000)	www.opsi.gov.uk/acts
NHS Terms and Conditions of Service Handbook	www.nhsemployers.org