



# Annual Leave Policy

## Document Control Sheet

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This policy supersedes all previous issues.

## Version Control - Table of Revisions

All changes to the document must be recorded within the 'Table of Revisions'.

<b>Version number</b>	<b>Document section/ page number</b>	<b>Description of change and reason (e.g. initial review by author/ requested at approval group)</b>	<b>Author/ Reviewer</b>	<b>Date revised</b>
01	Full document	New Policy	K Forsyth	December 2015

This page should not be longer than one single page.

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## 1. Introduction

- 1.1 This policy sets out our arrangements for colleagues wishing to take holidays (also known as annual leave).
- 1.2 This policy covers all workers (including bank workers) at all levels and grades, including full-time, part-time, permanent and fixed-term employees, managers, directors, trainees, and homeworkers.
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time. We may also vary the policy as appropriate in any case.
- 1.4 Trust Procedure No: OPS65 (available on QPulse) contains further detail of the specific annual leave allocation procedure applicable to those who work in emergency care. In so far as that document conflicts with this policy, managers and workers must seek advice from HR about its provisions to ensure that best practice and legislative changes are read into it.

## 2. Purpose

- 2.1 The Trust recognises the importance of a work-life balance and is committed to providing adequate opportunities for rest, to ensure job satisfaction and safe working environments.
- 2.2 The Trust offers annual leave entitlements in excess of the statutory entitlement (28 days inclusive of bank holidays) and expects employees and their managers to ensure that full use is made of individual leave entitlements to support a positive work-life balance.
- 2.3 The purpose of this policy is to clarify the Trust's arrangements for booking and taking leave and to outline the special arrangements for the accrual of leave during periods of sickness, family leave and on termination of employment.

## 3. Duties - Roles & Responsibilities

### 3.1 Trust Board

The Trust Board is ultimately responsible for the successful operation of this policy.

### 3.2 HR Team

The HR Team is responsible for advising managers on the lawful application of this policy.

### 3.3 RSD and WFM

Resource Scheduling and Workforce Management are responsible for ensuring that annual leave is fairly allocated and that staff take their annual leave in the leave year in which it accrues (subject to the remaining sections of this policy).

### 3.4 Managers

Managers are responsible for the levels of working time that employees work. Concerns about unsafe working patterns must be escalated in accordance with normal reporting procedures.

## 4. Policy Content

### 4.1 Your holiday entitlement

- 4.1.1 The Trust's holiday year runs from 1 April to 31 March. Please note that due to IT system requirements, RSD's holiday year currently operates differently.
- 4.1.2 Annual leave entitlement is connected to length of service and is set out in the NHS Terms and Conditions of Service Handbook (currently section 13 of amendment 35).
- 4.1.3 The entitlements outlined in the NHS Terms and Conditions of Service Handbook are based on a 7.5 hour working day, excluding meal breaks. If you work standard shifts other than 7.5 hours, excluding meal breaks, then annual leave entitlements should be calculated on an hourly basis. If you are employed on a part time basis, your entitlement will be calculated on a pro-rata basis.
- 4.1.4 For the avoidance of doubt, the first four weeks of the leave you take in any holiday year shall be deemed to be the leave derived from regulation 13 of the Working Time Regulations 1998 and the remainder shall be deemed to be derived from regulation 13A of those regulations.
- 4.1.5 Except as set out in this policy, holiday entitlement must be taken during the holiday year in which it accrues. Any holiday not taken by the end of the holiday year will be lost and you will not receive any payment in lieu.
- 4.1.6 Unused holiday can only be carried over to another holiday year:
  - in cases involving sickness absence, as set out in paragraph 6;
  - in cases of maternity, paternity, adoption, parental or shared parental leave, as set out in paragraph 7;
  - in any other case where the appropriate manager in consultation with HR has given permission in writing limited to no more than five days and to be taken in the first three months of the next leave year;
  - if the statutory holiday entitlement of 28 days has been taken and the employee is unable to take their enhanced contractual entitlement owing to the requirements of the service; and
  - if otherwise required by law.

## 4.2 Taking holiday

- 4.2.1 All holiday must be approved in advance by your line manager. Please give as much notice as possible of holiday requests and where possible, give at least four weeks' notice of holiday requests to allow planning of rotas or work schedules where necessary. You must not make travel bookings until approval has been given.
- 4.2.2 We may require you to take (or not to take) holiday on particular dates, including when the business is closed, particularly busy, or during your notice period.

## 5. Sickness during Periods of Holiday

- 5.1 If you are sick or injured during a holiday period and would have been incapable of work, you may choose to treat the period of incapacity as sick leave and reclaim the affected days of holiday.
- 5.2 Employees already on sick leave before a pre-arranged period of holiday may choose to cancel any days of holiday that coincide with the period of incapacity and treat them as sick leave.
- 5.3 Trust sick pay will only be paid for such days if you comply with our Sickness Absence Policy, including notifying your manager immediately of your incapacity and obtaining medical evidence, even if you are abroad.
- 5.4 Dishonest claims or other abuse of this policy will be treated as misconduct under our disciplinary procedure.

## 6. Long-term Sickness Absence and Holiday Entitlement

- 6.1 Holiday entitlement continues to accrue during periods of sick leave.
- 6.2 If you are on a period of sick leave which spans two annual leave years, or if you return to work after sick leave so close to the end of the holiday year that you cannot reasonably take your remaining holiday, you may carry over any unused holiday from your full holiday entitlement to the following leave year.
- 6.3 Any holiday that is carried over under this rule but is not taken within 15 months of the end of the holiday year in which it accrued will be lost.
- 6.4 Alternatively you can choose to take your paid holiday during your sick leave, in which case you will be paid at your normal rate.

## **7. Family Leave and Holiday Entitlement**

- 7.1 Holiday entitlement continues to accrue during periods of maternity, paternity, adoption, parental or shared parental leave (referred to collectively in this policy as family leave).
- 7.2 If you are planning a period of family leave that is likely to last beyond the end of the holiday year, you should discuss your holiday plans with your manager in good time before starting your family leave. Any holiday entitlement for the year that cannot reasonably be taken before starting your family leave can be carried over to the next holiday year. For the avoidance of doubt this covers your full holiday entitlement.
- 7.3 Any holiday carried over should be taken immediately before returning to work or within three months of returning to work after the family leave.

## **8. Arrangements on Termination**

- 8.1 On termination of employment you may be required to use any remaining holiday entitlement during your notice period. Alternatively, you will be paid in lieu of any accrued but untaken holiday entitlement for the current holiday year to date, plus any holiday permitted to be carried over from previous years under this policy or as required by law.

## **9. Training Required for Compliance with this Policy**

- 9.1 The Trust will ensure that RSD, WFM and all managers are trained in the effective operation of this policy.
- 9.2 The HR Team will meet regularly to share best practice and review the consistent application of this policy across the Trust.

## **10. Equality and Diversity**

- 10.1 The Trust is committed to ensuring compliance with the Equality Act 2010.
- 10.2 The Trust is committed to ensuring that the way that we treat our staff does not discriminate against individuals or groups on the grounds of any protected characteristic.
- 10.3 An Equality Analysis Assessment has been performed for this policy (see attached). Further information can be obtained from the Equality and Diversity team within the Communications and Engagement Department.

## **11. Monitoring Compliance with and Effectiveness of this Policy**

- 11.1 Managers will listen to and address any concerns that their team members have regarding the booking and taking of annual leave, seeking and following advice from HR as required. Managers must report any concerns about the consistent application of this policy.
- 11.2 The HR Team will meet regularly to share best practice and review the consistent application of this policy across the Trust.
- 11.3 Compliance and Effectiveness Monitoring Table for this policy

Annual Leave Policy

Process in the policy	Monitoring and audit					
	Key Performance Indicators (KPI)/ Criteria	Method	Who By	Committee	Frequency	Learning/ Action Plan
Consistent application of the Policy	<ul style="list-style-type: none"> <li>Annual leave requests approved appropriately</li> <li>Any refused requests are appropriately responded to.</li> </ul>	Review of grievances raised to ensure none relate to annual leave requests	HR Team	Workforce Committee via the HR Strategy Group	Annually	<ul style="list-style-type: none"> <li>Sharing of best practice</li> <li>Learning from any grievances raised.</li> </ul>

## **12. Consultation and Review of this Policy**

This policy has been reviewed in consultation with the recognised Trade Unions.