Annual Leave Policy

# Document Control:

| **Document Control Information** | **Details** |
| --- | --- |
| Policy Name | Annual Leave  |
| Policy Number | MSEICB 047 |
| Version | 1.0 |
| Status | Approved  |
| Author / Lead | Senior HR Business Partner  |
| Responsible Executive Director | Executive Chief People Officer  |
| Date Ratified by Responsible Committee | 6 April 2022 |
| Date Approved by Board/Effective Date | 1 July 2022 |
| Next Review Date | 1 July 2024 |
| Target Audience | Refer to Scope in Policy  |
| Stakeholders engaged in development of Policy (internal and external)  | * Trade Unions
 |
| Impact Assessments Undertaken *(Delete if non-applicable)* | * Equality and Health Inequalities Impact Assessment
 |

# Version History

| Version | Date | Author (Name and Title) | Summary of amendments made |
| --- | --- | --- | --- |
| 0.1 | Feb 2022  | Senior HR Business Partner  | First draft ICB Policy |
| 0.2 | April 2022 | Viv Barnes, Governance Lead | Review for compliance with policy format |
| 0.1 | June 2022 | Senior HR Business Partner  | Final draft for ICB approval  |
| 1.0 | 28/07/22 | Senior HR Business Partner | Final Review of Version 1.0 |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

# Contents

[1. Introduction 4](#_Toc111052113)

[2. Purpose / Policy Statement 4](#_Toc111052114)

[3. Scope 4](#_Toc111052115)

[4. Definitions 4](#_Toc111052116)

[5. Roles and Responsibilities 4](#_Toc111052117)

[5.1. Integrated Care Board 4](#_Toc111052118)

[5.2. Chief Executive 5](#_Toc111052119)

[5.3. Policy Authors 5](#_Toc111052120)

[5.4. Executive Chief People Officer 5](#_Toc111052121)

[5.5. Line Managers 5](#_Toc111052122)

[5.6. All Staff 5](#_Toc111052123)

[6. Policy Detail 5](#_Toc111052124)

[6.1. Entitlements and Application 5](#_Toc111052125)

[6.2. Entitlements 6](#_Toc111052126)

[6.3. Extended Periods of Annual Leave 7](#_Toc111052127)

[6.4. Sickness and Annual Leave 7](#_Toc111052128)

[6.5. Procedure for Booking Annual Leave 7](#_Toc111052129)

[6.6. Bank Holidays 8](#_Toc111052130)

[6.7. Calculating Annual Leave and Bank Holiday Entitlement 9](#_Toc111052131)

[6.8. Calculation for Annual Leave for New Joiners 9](#_Toc111052132)

[6.9. Calculation of Bank Holiday Entitlement for New Joiners 9](#_Toc111052133)

[6.10. Leaving Employment 10](#_Toc111052134)

[6.11. Changes in Contracted Hours 10](#_Toc111052135)

[6.12. Long Service 10](#_Toc111052136)

[6.13. Other types of Leave 10](#_Toc111052137)

[7. Monitoring Compliance 11](#_Toc111052138)

[8. Staff Training 11](#_Toc111052139)

[9. Arrangements for Review 11](#_Toc111052140)

[10. Associated Policies, Guidance and Documents 11](#_Toc111052141)

[11. References 12](#_Toc111052142)

[12. Equality Impact Assessment 12](#_Toc111052143)

[Appendix A - Equality Impact Assessment 13](#_Toc111052144)

## Introduction

All employees of the Integrated Care Board (ICB) have a contractual entitlement to paid Annual Leave and Bank holidays. The statutory minimum holiday entitlement under the Working Time Regulations 1998 is currently 5.6 weeks (pro-rata for part time staff).

As an NHS employer the ICB offers contractual Annual Leave in line with Agenda for Change, therefore an individual’s entitlement is dependent upon the employees’ length of service and working hours.

## Purpose / Policy Statement

It is the policy of the ICB to encourage all employees to take their periods of annual leave throughout the year to ensure the welfare of its employees and that individuals receive the full benefit of a rest and break away from work. Employees must ensure they manage their annual leave effectively and should aim to take their full entitlement each year. Managers should endeavour to ensure that the workloads of employees do not prevent any employee from taking their entitlement of annual leave.

The ICB is committed to promoting health and wellbeing in the workplace and as such does not expect any employee to fulfil working commitments during periods of annual leave. Annual leave should enable an employee to take time away from work to relax and enjoy a break.

## Scope

This policy applies to all ICB Employees engaged on Agenda for Change Terms and Conditions of Service.

## Definitions

* Annual Leave – a contractual entitlement to paid time off work.
* Bank/public holiday – a national public holiday in the UK.

## Roles and Responsibilities

### Integrated Care Board

* + 1. The ICB Board is accountable and responsible for ensuring that the ICB has effective processes for the management of annual leave in accordance with relevant legislation and best practice guidance.

### Chief Executive

* + 1. The Chief Executive is accountable for the policy and procedure being in place to ensure fair and equitable approach to annual leave for employees.

### Policy Authors

* + 1. Policy authors are responsible for ensuring that this document is updated when any changes are made to either legislation or the NHS Agenda for Change Terms and Conditions of Service for annual leave.

### Executive Chief People Officer

* + 1. The Executive Chief People Officer oversees the implementation of this policy and is responsible for ensuring that managers take action to meet the organisation’s obligations to ensure equity and consistency.

### Line Managers

* + 1. Line managers are responsible for the approval/rejection of annual leave requests ensuring consistency and equity in the application of this policy.
		2. Line managers should give consideration to staffing levels and delivery of service provision before approving annual leave requests.
		3. Line managers should monitor annual leave requests to ensure that employees are taking leave throughout the annual leave year on a regular basis.
		4. Managers should follow this policy and to act on concerns or issues raised in a sympathetic, sensitive and supportive manner.

### All Staff

* + 1. Employees have a responsibility to familiarise themselves and act in accordance with this policy.
		2. Employees are responsible for raising any concerns that they may have regarding their annual leave with their line manager.

## Policy Detail

### Entitlements and Application

* + 1. The annual leave year runs from 1st April to 31st March each year. Employees should ensure that they take their full entitlement to annual leave each year in consultation and agreement with their line manager.
		2. In exceptional circumstances, with prior agreement by line managers, annual leave may be carried over into the following leave year, subject to a maximum of an employee’s normal working week (i.e. 37.5 hours for a full time employee). Any agreement to carry over leave is at the discretion of the line manager, who should make a note of their agreement on the employee’s annual leave record for the new leave year. Any leave that is carried over must be used up by the end of the new leave year and cannot be carried over again into a subsequent year.

### Entitlements

* + 1. Due to increasing numbers of employees working non-standard hours (e.g. hours different to working 7.5 hours, 5 days per week) the ICB has a policy of calculating all annual leave entitlement in hours as shown in the table below based on number of days of annual leave entitlement (27, 29 or 33) multiplied by the standard daily working hours of 7.5.

| Length of Service  | Entitlement in Days \* | Entitlement in Hours \* |
| --- | --- | --- |
| On appointment to the NHS | 27 days plus 8 days bank/public holidays (usually)  | 27 x 7.5 = 202.5 hours annual leave8 x 7.5 hrs = 60 hours bank/public holidays |
| After 5 years NHS service  | 29 days plus 8 days bank/public holidays (usually)  | 29 x 7.5 = 217.5 hours annual leave8 x 7.5 hrs = 60 hours bank/public holidays  |
| After 10 years NHS service  | 33 days plus 8 days bank/public holidays (usually) | 33 x 7.5 = 247.5 hours annual leave 8 x 7.5 hrs = 60 hours bank/public holidays |

\*Annual leave and bank holidays for part time employees will be calculated on a pro-rata basis to the full-time entitlement.

### Extended Periods of Annual Leave

* + 1. Employees who wish to take more than two weeks’ leave in any one block should put their request in writing to their line manager at least three months in advance to ensure that cover arrangements can be put in place in order to maintain adequate service provision.
		2. Granting of such requests will be at the discretion of the line manager, who must also consider the needs of the service. If the manager is unable to grant the request, then they should respond to the employee’s request in writing stating the reasons.

### Sickness and Annual Leave

* + 1. If an employee falls ill or is injured immediately before or during a period of annual leave the ICB may allow the employee to either postpone or transfer the holiday to another period in time. For further information on sickness and annual leave please refer to the ICB [Absence Management Policy](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=2).

### Procedure for Booking Annual Leave

* + 1. Employees must ensure that all annual leave requests have been approved by their line manager before they take their leave. If an employee takes a period of annual leave without prior approval, then the ICB will consider that the employee has taken unauthorised absence, and this may be unpaid. In addition, the employee will be investigated under the [ICB Disciplinary Policy & Procedure](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=2). Employees should not commit themselves to any holiday plans until they have received approval from their line manager that their annual leave request has been granted.
		2. All requests for annual leave should be made using the Electronic Staff Record Self Service (ESR), giving as much notice as possible to assist in the management of the department or service.
		3. The general notice period for taking leave is at least twice as long as the amount of leave an employee wants to take (e.g. 2 days’ notice for 1 day’s leave).
		4. The manager must consider the application taking into account the needs of the service and authorise (or not) via ESR.
		5. The manager can refuse a leave request but they must give as much notice as the amount of leave requested, for example 2 weeks’ notice if the leave requested was 2 weeks. If this is the case, the reasons for refusal should be discussed with the employee.
		6. In the event of a dispute regarding an annual leave request, the employee should pursue the ICB Grievance procedure.
		7. The ICB has the right to require their employees to take leave at certain times, e.g. bank holidays or Christmas. If the employee is required to take annual leave, they must be given a notice period for this that is at least twice as long as the leave they want their employee to take.
		8. Employees should not book or take any leave they are not entitled to; this is classed as fraud. For example, taking leave when they have already run out or, not recording leave taken. Any instances of fraud or other breach of this policy should be reported to the ICB’s Chief Finance Officer (CFO) or Local Counter Fraud Specialist (LCFS). This will be dealt with in line with the [Disciplinary Policy](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=2) and/or [Anti-Fraud, Bribery and Corruption Policy](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=2).

Eleni Gill (LCFS)

eleni.gill@wmas.nhs.uk

07827 308906

The NHS Counter Fraud Authority (NHSCFA) may also be contacted via their online reporting mechanism::

<https://cfa.nhs.uk/reportfraud>

Or via telephone: 0800 028 4060

The NHSCFA can receive anonymous reports.

### Bank Holidays

* + 1. In addition to annual leave entitlement, employees are (usually) entitled to 8 Bank Holidays per annum. In the case of part time employees this entitlement will be pro rata from the full time allowance of 8 days based on an individual’s contracted hours worked per week. From time to time, the actual number of bank holidays that fall within the ICB’s leave year will change depending on when Easter falls, therefore it is stated that there are 8 bank holidays (as a notional figure) but the actual number will flex according to the leave year.
		2. Full and Part-time employees will be required to book off any bank holidays that fall on their normal working day out of the pro-rata bank holiday allowance.
		3. Annual leave and bank holidays will be expressed as one total entitlement on ESR – the system does not differentiate between the two types of leave.
		4. Bank holidays are to be booked on ESR at the beginning of the annual leave/financial year. This is important as, depending on the working pattern, employees will need to be clear on how much entitlement they have remaining to use for annual leave eg if a part timer works on Mondays, they may need to take into account that this will use more hours (as most bank holidays are on Mondays).
		5. The number of hours booked for a bank holiday will depend on the normal number of hours worked by the employee on that day of the week e.g. if 9 hours are worked, 9 hours are to be requested.

### Calculating Annual Leave and Bank Holiday Entitlement

* + 1. To make an annual leave calculation in hours, the information needed is:
* Length of confirmed NHS service.
* Full time annual leave entitlement in hours (found under section 5.3 of this policy).
* Current number of hours of work per week.
* Full time weekly working hours of work (37.5).
	+ 1. ESR will automatically calculate annual leave based on individual hours per week.

### Calculation for Annual Leave for New Joiners

* + 1. If a new employee commences part way through the leave year, the entitlement will need to be pro-rata according to their starting date. This is calculated on the basis of the number of complete months between the start date and the end of the leave year plus the number of days worked in the month of joining. For example, someone starting on 10th December would be entitled three full month’s entitlement (for January, February and March) plus 22/31st of one month’s entitlement for December (31 days in December, minus 9 days not worked).
		2. With effect from the start of the following leave year, the employee would be entitled to a full year’s entitlement.

### Calculation of Bank Holiday Entitlement for New Joiners

* + 1. Full time employees commencing their employment part way through the year will be entitled to the bank holidays that are left in that current leave year.
		2. Part time employees commencing their employment part way through the year will be entitled to the bank holiday left in the current leave year on a pro-rata basis, dependent on their weekly hours worked.
		3. With effect from the start of the following leave year, the employee would be entitled to a full year’s bank holiday entitlement (pro-rata for part-time employees).

### Leaving Employment

* + 1. An employee leaving the ICB will receive the appropriate proportion of their annual leave entitlement for the period of time worked in the current leave year. This is calculated using the number of complete months worked, plus the days worked in the month of leaving, less any annual leave taken and Bank Holiday hours that have occurred in the leave year prior to the date of leaving.
		2. Payment may be made for period of time worked in the year less any annual leave already taken, however the ICB reserves the right to require an employee to take any outstanding leave during the employees period of notice.
		3. Where accrued annual leave is agreed not to be taken before the last day of work, this may be paid. However, this will extend the last day of service and payment is pensionable.
		4. Where leave taken exceeds the accrued total leave entitlement an appropriate deduction will be made from the employees’ final salary.
		5. Guidance can be sought from Human Resources regarding completion of the [Leavers Form](https://nhs.sharepoint.com/sites/99F_Connect/SitePages/HR-Forms-%26-Documents.aspx). The form is available on the intranet.

### Changes in Contracted Hours

* + 1. Where an employee has changed their contracted hours, their annual leave entitlement will automatically re-calculated in ESR for the period of time remaining in the current leave year.

### Long Service

* + 1. An employee who has achieved either 5 or 10 years NHS service part way through a leave year will be entitled to receive pro-rata entitlement to the additional portion of annual leave for the remaining months of the leave year. This is automatically calculated on ESR.

### Other types of Leave

* + 1. There are other types of leave that are available to employees and the relevant policies should be referred to:
* Special Leave.
* Maternity, Adoption and Paternity Leave.
* Parental Leave.
* Shared Parental Leave.

## Monitoring Compliance

Line Managers are primarily responsible for ensuring that staff are aware of their entitlement to annual leave and booking/taking the leave appropriately. Line Managers are able to check ESR Self Service, via supervisor access, to ensure that members of their team are regularly requesting annual leave.

The application of this policy and procedure will be monitored by the Human Resources team. This will be via any concerns around the policy through feedback and enquiries from members of staff and/or managers.

## Staff Training

No essential (including mandatory) learning and development requirements have been identified for any staff groups in order to fulfil the requirements stated within this policy.

Guidance can be sought from Human Resources team.

## Arrangements for Review

This policy will be reviewed no less frequently than every two years. An earlier review will be carried out in the event of any relevant changes in legislation, national or local policy/guidance, organisational change or other circumstances which mean the policy needs to be reviewed.

If only minor changes are required, the sponsoring Committee has authority to make these changes without referral to the Integrated Care Board. If more significant or substantial changes are required, the policy will need to be ratified by the relevant committee before final approval by the Integrated Care Board.

## Associated Policies, Guidance and Documents

#### [Associated Policies](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=2)

* Absence Management Policy.
* Grievance Policy.
* Disciplinary Policy.
* Counter Fraud, Bribery and Corruption Policy.

## References

* NHS Terms and Conditions of Service - any reference is to the latest edition.

## Equality Impact Assessment

The EIA has identified no equality issues with this policy.

The EIA has been included as Appendix A.

## Appendix A - Equality Impact Assessment

**INITIAL INFORMATION**

|  |  |
| --- | --- |
| **Name of policy:** Annual Leave **Version number (if relevant): 1.0** | **Directorate/Service**: Human Resources  |
| **Assessor’s Name and Job Title:** Senior HR Business Partner  | **Date:** March 2022 |

|  |
| --- |
| **OUTCOMES** |
| *Briefly describe the aim of the policy and state the intended outcomes for staff*  |
| The aim of this Policy is to provide a uniform and equitable approach to the calculation of annual leave and bank holiday entitlements, which takes into account the entitlements and arrangements defined under Agenda forChange. It also ensures consistency of approach in the granting of annual leave by line managers. |
| **EVIDENCE** |
| *What data / information have you used to assess how this policy might impact on protected groups?* |
| The ICB monitors the composition of its workforce under the nine protected equality characteristics and reports on this annually. This information helps the ICB to assess the potential impact of its policies upon staff. |
| *Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?*  |
| Relevant Trade Unions have been consulted on the policy and any comments will be taken into consideration when the policy is published. |

**ANALYSIS OF IMPACT ON EQUALITY**

The Public Sector Equality Duty requires us to **eliminate** discrimination, **advance** equality of opportunity and **foster** good relations with protected groups. Consider how this policy / service will achieve these aims.

N.B. In some cases it is legal to treat people differently (objective justification).

* ***Positive outcome*** *– the policy/service eliminates discrimination, advances equality of opportunity and fosters good relations with protected groups*
* ***Negative outcome*** *–**protected group(s) could be disadvantaged or discriminated against*
* ***Neutral outcome***  *–**there is no effect currently on protected groups*

Please tick to show if outcome is likely to be positive, negative or neutral. Consider direct and indirect discrimination, harassment and victimisation.

| ProtectedGroup | Positiveoutcome | Negativeoutcome | Neutraloutcome | Reason(s) for outcome |
| --- | --- | --- | --- | --- |
| Age |  |  | x |  |
| Disability(Physical and Mental/Learning) | x |  |  | Enables employees who are absent due to sickness/disability to re-book annual leave and applies statutory carry over into next year.  |
| Religion or belief |  |  | x |  |
| Sex (Gender) |  |  | x |  |
| Sexual Orientation |  |  | x |  |
| Transgender / Gender Reassignment |  |  | x |  |
| Race and ethnicity |  |  | x |  |
| Pregnancy and maternity (including breastfeeding mothers) | x |  |  | Enables annual leave to be accrued during maternity/adoption leave.  |
| Marriage or Civil Partnership |  |  | x |  |

|  |
| --- |
| **MONITORING OUTCOMES** |
| Monitoring is an ongoing process to check outcomes. It is different from a formal review which takes place at pre-agreed intervals. |
| *What methods will you use to monitor outcomes on protected groups?* |
| It is anticipated that any issues in respect of the implementation of the policy will be identified as a result of staff exercising their right of appeal or via the ICB’sGrievance policy.  |

|  |
| --- |
| **REVIEW** |
| *How often will you review this policy / service?*  |
| Every 2 years as a minimum and earlier if there are any significant changes in legislation, policy or good practice. |
| *If a review process is not in place, what plans do you have to establish one?* |
| N/A  |