# ANNUAL LEAVE PROCEDURE

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## PROCEDURE SUMMARY

The procedure sets out the framework for managers, staff and staff representatives in respect of the Trust’s approach to the application, allocation and approval process for Annual Leave. The procedure should be read in conjunction with the Leave Policy.

### The Trust monitors the implementation of and compliance with this procedure in the following ways:

This procedure will be subject to review as per the agreed review schedule of Trust HR policies and procedures and as agreed by the Trust’s Partnership Committee.

Compliance with this procedure will be against the Trust’s agreed minimum requirements/standards as detailed within its Auditable Standards and Monitoring Arrangements, as well as the use of internal reporting and recording within the Human Resources Directorate.

<table>
<thead>
<tr>
<th>Services</th>
<th>Applicable</th>
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</tr>
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<tbody>
<tr>
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The Director responsible for monitoring and reviewing this policy is Executive Director of Corporate Governance and Strategy.
<table>
<thead>
<tr>
<th>CONTENTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Assurance Statement</td>
<td>3</td>
</tr>
<tr>
<td>2  Introduction</td>
<td>3</td>
</tr>
<tr>
<td>3  Scope</td>
<td>5</td>
</tr>
<tr>
<td>4  Principles</td>
<td>5</td>
</tr>
<tr>
<td>5  Maintaining Annual Leave Records</td>
<td>6</td>
</tr>
<tr>
<td>6  Requesting &amp; Taking annual Leave</td>
<td>7</td>
</tr>
<tr>
<td>7  Part Time Employees (including Term Time)</td>
<td>8</td>
</tr>
<tr>
<td>8  Calculating Part Year’s Entitlement</td>
<td>9</td>
</tr>
<tr>
<td>9  Carry Over of Annual Leave</td>
<td>9</td>
</tr>
<tr>
<td>10 Leave Accrued During Maternity Leave</td>
<td>9</td>
</tr>
<tr>
<td>11 Monitoring of Implementation and Compliance</td>
<td>10</td>
</tr>
<tr>
<td>12 Policy References/ Associated Documentation</td>
<td>10</td>
</tr>
<tr>
<td>13 Reference to Other Trust Policies and Procedures</td>
<td>10</td>
</tr>
<tr>
<td>End</td>
<td></td>
</tr>
<tr>
<td>APPENDIX 1 Annual Leave Card</td>
<td></td>
</tr>
</tbody>
</table>
ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

ANNUAL LEAVE PROCEDURE

1. ASSURANCE STATEMENT

1.1 Essex Partnership University NHS Foundation Trust (the ‘Trust’) is committed to following best practice in its approach to the application, allocation and approval of annual leave.

1.2 This procedure aims to establish a framework for a common understanding of the process for management, staff and Trade Union representatives.

1.3 A comprehensive and clear procedure will ensure that services are managed effectively and professionally.

1.4 The management of annual leave within the Trust will be built on and demonstrate the Trust’s corporate values and behaviours. These values are in being:

- Compassionate
- Empowering
- Open

In demonstrating these behaviours and values, supporting the achievement of its strategic objectives to:

- To continuously improve service user experience and outcomes through the delivery of high quality, safe, and innovative services.
- To be a high performing health and care organisation and in the top 25% of community and mental health Foundation Trusts.
- To be a valued system leader focused on integrated solutions that are shaped by the communities we serve.

2. INTRODUCTION

2.1 The purpose of this procedure is to ensure that all applications for annual leave are treated in a timely, fair, reasonable and consistent way, and that holiday entitlement is taken appropriately.

2.2 This procedure ensures that the organisation complies with the NHS Terms and Conditions of Service on Annual Leave. The purpose of this policy is also to reinforce the Core Values of the organisation in order to deliver our Core Principle in line with Clinical Governance. To this end, the management and staff of the organisation agree to follow this policy during any application for annual leave.

2.3 Annual leave will be granted in line with the needs of the service.
2.4 Consideration for annual leave will be given to employees wishing to observe religious festivals.

2.5 All annual leave entitlement must ordinarily be taken in the relevant year (see Section 9).

2.6 There will be no payment in lieu for any holiday that is not taken, unless the reason is one of service need, sickness absence or maternity leave and the annual leave cannot be taken at a later time (see also Section 9 below, the Trust’s Policy on Working Time Regulations (HR22) and the Detailed Scheme of Delegation). It is the responsibility of managers to complete the necessary payroll forms or e-rostering systems for their staff to record annual leave.

2.7 To ensure the correct annual leave entitlements are calculated for each employee please check the following:

- Correct entitlement for a full-time employee
- Any additional Service Awards to be included
- The correct number of hours worked in a day
- The correct number of hours worked in a week
- The employee’s original entitlement and Terms & Conditions

2.8 If employees are sick during their annual leave, they will be able to claim this as sickness absence instead of annual leave subject to a satisfactory medical certificate being provided to the line manager in line with the Sickness Absence Reporting Procedure i.e. annual leave can be taken at a later time (subject to para 2.6). Details can be found within paragraph 5.0 of the Management of Sickness and Absence Procedure HRPG26B.

2.8.1. Employees who work part time and therefore calculate their bank holiday entitlement pro rata with their annual leave can claim back any annual leave hours due to be taken on that date, subject to the reporting and provision of documents as set out in 2.8, but not hours attributed to the bank holiday calculation.

2.9 In line with the Working Time Regulations all employees are entitled to a statutory minimum of 28 days annual leave per holiday year (this includes the 8 bank holidays). Employees should not undertake any work, including bank work, for any employer during time that is taken as statutory minimum annual leave.

The Agenda for Change annual leave and general public holiday entitlements are set out in Section 13. In normal circumstances all staff are entitled to 8 general public holidays in a twelve-month period. However, there may be occasions when Easter will fall during March; this may therefore mean that there will, in effect, be two Easter holidays in the same twelve-month period. In this instance bank holidays for part time staff will be pro rata to take into consideration the number of bank holidays which may fall in that year.
3. **SCOPE**

3.1 The policy applies to staff directly employed by the Trust. It is recognised that there are differences in entitlement to conditions of service that may cause some difference in the detail of its application.

The policy does not apply to:

- Agency workers, medical locums or contractors.
- Bank workers (see 3.2)

3.2 There are separate arrangements for bank workers regarding the payment of annual leave entitlement.

3.3 The annual leave procedure should be used for all leave that can be pre-planned. However, in exceptional or specific circumstances other procedures will be applicable:

- Time Out for Trade Union Duties
- Training & Study Leave
- Special Leave Procedure

3.4 Annual leave should not be used for the purpose of reducing working hours. In cases of requests for regular periods of short absence, flexible-working options may be more appropriate and a flexible working request should be considered in accordance with the Trust’s Flexible Working Policy HR39.

3.5 Cases of unauthorised absence, including where annual leave has been requested and declined, will be dealt with in accordance with the Trust’s Disciplinary (Conduct) Policy HR27A.

4. **PRINCIPLES**

4.1 All annual leave will be granted in accordance with the Trust’s policy on Equality & Diversity and Human Rights.

4.2 Line managers will ensure that all new employees are advised of and receive the correct annual leave entitlement (pro rata where applicable).

4.3 The annual leave year is a 12-month period starting on 1 April and ending 31 March every year, with the exception of Medical and Dental staff whose 12-month period of annual leave runs from the anniversary of their start date.

4.4 Aggregated NHS Hospital Medical and Dental staff terms and conditions of service will be valid when calculating annual leave entitlement.

4.5 Other time spent in a highly relevant role in organisations other than the NHS, may at the discretion of the recruiting manager be considered when calculating annual leave entitlement e.g. Nursing Homes, and GP practices. Locum or agency service will not count. Potential employees wishing to
include non-NHS experience for Annual Leave entitlement must provide formal documentary evidence to this effect. Reckonable service for the purposes of annual leave will not be evidence of reckonable NHS Service for purposes of other contractual benefits.

4.6 Annual leave will be granted on a pro-rata basis, for both part time employees and employees that do not complete a full year of service in the leave year.

4.6.1 Term time employees receive paid annual leave during school holidays (on a pro rata basis).

4.7 Where staff change their contracted hours, this will result in a recalculation of their annual leave based on completed months on the new and the old contracted hours to give the full year’s entitlement.

4.8 Authorised absentee employees will continue to accrue, and take, annual leave entitlement: see also the organisation’s policies and procedures on Maternity, Paternity, Training & Study Leave, Sickness Absence and the Suspension Procedure.

4.9 Any disputes relating to annual leave should be raised through line management. The line manager may seek an independent calculation of annual leave entitlement from the HR Directorate. However, where disputes remain they may be raised through the Trust’s Grievance Policy.

4.10 Any record held or information shared is done so in accordance with the requirements of the General Data Protection Regulations (2016) as laid out in the Trust’s Employee Privacy Notice.

4.11 All applications for annual leave will be dealt with within given timescales in Section 6 below.

4.12 Annual leave entitlement is in addition to public /bank holidays.

4.13 From January 2019 employees are provided with the opportunity to request to buy or sell annual leave. Details of this scheme are included within the ‘Buying & Selling Annual Leave Procedural Guide’.

5 MAINTAINING ANNUAL LEAVE RECORDS

5.1 It is the responsibility of line managers to calculate all leave for their staff.

5.2 It is the responsibility of the staff member to notify their Line Manager when their length of service increases which requires an adjustment in their annual leave.

5.3 Line managers must ensure the correct annual leave entitlements are entered and updated on the Trust e-rostering system. Departments not using e-rostering systems should issue a written statement of annual leave entitlement to each employee e.g. an annual leave card.
5.4 Line managers must maintain an individual record of all annual leave entitlement for staff for whom they hold responsibility in order to:

- Inform staff of their remaining annual leave entitlement.
- Enable monitoring/auditing of the procedure.

5.5 Requests for annual leave should be made electronically via the staff ‘Employee Online’ system. Departments not yet live on E-rostering/Health roster will need to continue with current processes. Annual Leave Cards for those not using e-rostering systems may be obtained by printing Appendix 1 – Annual Leave Card.

### REQUESTING & TAKING ANNUAL LEAVE

6.1 It is recommended that Annual Leave will be planned evenly and so taken proportionally throughout the leave year. The responsibility for this will lay equally with the employee and the authorising manager. Annual leave amounts should be taken accordingly by the following dates:

<table>
<thead>
<tr>
<th>Date Range</th>
<th>Percentage of Annual Leave</th>
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<tr>
<td>1 April to 31 August</td>
<td>40% of Annual Leave to be taken</td>
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<tr>
<td>1 September to 31 December</td>
<td>35% of Annual Leave to be taken</td>
</tr>
<tr>
<td>1 January to 31 March</td>
<td>25% of annual Leave to be taken</td>
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Managers should notify employees of any outstanding annual leave at the end of each period. If, annual leave is not being planned/requested by employees and leave remains un-booked, then the line manager should automatically schedule annual leave to ensure that the employee does not have excessive amounts to take at the end of the year. Where the line manager schedules annual leave the employee can request to change this to an alternative date, consideration will need to be given on the impact on the service before any changes are authorised.

6.2 All employees will be made aware as to whom they should make their requests for annual leave. Any such requests will then be considered by the employees’ line manager and a decision made by them as to whether to approve it or not. The decision will be communicated to the employee accordingly.

6.3 All requests for annual leave should be made via the Trust’s e-Rostering system those not on e-rostering systems should continue with current processes / Annual Leave Cards.

6.4 All annual leave dates must be approved in advance by the authorising manager.

6.5 Employees should give as much notice as possible, in line with requirements to develop work rotas, of proposed holiday dates; this must be at least twice the number of days’ notice as the amount of proposed leave.
6.6 The authorising manager should approve the request on the e-Rostering system or sign and return the Annual Leave Card as soon as possible. It should not be assumed that leave is unapproved until approval is confirmed by the manager. If the manager is unavailable then the request should be made with the next in line manager.

6.6.1 The authorising manager should give as much notice as possible as to whether the proposed annual leave will be granted. All requests should be responded to within 5 working days.

6.6.2 If the authorising manager declines the application for annual leave, an explanation must be provided in writing within 10 days of receipt of the application.

6.7 Employees will not ordinarily be granted annual leave in excess of two weeks. However, specific circumstances can be taken into account by the line manager in granting annual leave in excess of two weeks.

7 PART TIME EMPLOYEES (INCLUDING TERM TIME)

7.1 Annual Leave entitlements are normally calculated based on a whole-time employee. Where an employee only works for a proportion of the week, their annual leave entitlement must be reduced accordingly in proportion to the hours worked.

7.2 Part-time staff fall into two main categories:

- Those who work regular hours
- Those who work irregular hours

Part-time employees take annual leave entitlement on a pro rata basis to full-time employees. Part-time employees will not be at a detriment in their entitlement to bank holidays.

7.3 A leave calculator for part time employees is at:

7.4 Term-time employees are away from work during all school holidays. However, term-time salaries are paid in twelve equal monthly instalments. Please refer to the Trust’s Flexible Working Policy.

7.5 Although a payment is made pro-rata for annual leave and general public holidays, annual leave is to be taken during the non-term time periods.

7.6 Some bank holidays and teacher training days etc. fall within term time, term time only employees it is not necessary for any adjustment to be made as this has already been taken into consideration and paid within the salary.
7.7 Paid annual leave is calculated based on the annualised number of hours worked; the additional time taken off is unpaid.

8 CALCULATING PART YEAR’S ENTITLEMENT

8.1 All new employees will be entitled to a proportionate amount of annual leave from their start date within the Trust. The following calculation should be used to calculate the amount of leave:

\[
\text{Whole year entitlement in day/hours} \times \frac{\text{number of days employed in the leave year}}{365}
\]

8.1.1 An annual leave calculator is available on the Trust’s internet. This will calculate the employee’s proportionate amount of annual leave due from their start date within the Trust.

8.2 When exiting the Trust, employees will be entitled to a proportionate amount of annual leave in the final year: see also the Trust’s policies on the Management of Staff Leavers, Retirement & Long Service and Organisational Change.

8.2.1 If an employee takes more annual leave than they are entitled to in their final year, an appropriate deduction from the final salary will be made.

9 CARRY OVER OF ANNUAL LEAVE

9.1 As a general rule, all annual leave should be taken by 31 March each year (see 4.3 above). Managers should monitor and inform their employees of the annual leave they are still due to take.

9.2 In exceptional circumstances employees may ask to carry over up to 7 days annual leave – subject to written approval from their line manager (further guidance may be obtained from the Trust Detailed Schedule of Delegation).

9.3 Where employees are on long term sickness or suspension ‘carry over’ of more than 7 days may be arranged.

10 LEAVE ACCRUED DURING MATERNITY LEAVE

10.1 Where the amount of accrued annual leave exceeds normal carry over provisions (7 days), it may be mutually beneficial to both the line manager and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) maternity leave period. The amount of annual leave to be taken in this way, or carried over, should be discussed and agreed between the employee and line manager. Payment in lieu may be considered as an option in exceptional circumstances where accrual of annual leave exceeds normal carry over provision.
10.2 Bank holidays will continue to accrue during maternity/adoption leave, whether paid or unpaid.

10.3 An employee who returns to work on different contracted hours following maternity leave will accrue annual leave from the date of return based on the new contract hours.

11 MONITORING OF IMPLEMENTATION AND GOVERNANCE

11.1 This procedure is subject to review as per the Trust HR policy and procedure review schedule and as agreed by the Trust’s Partnership Committee.

11.2 Compliance with this procedure will be against the Trust’s agreed minimum requirements/standards as detailed within its Auditable Standards and Monitoring Arrangements.

12 POLICY REFERENCES /ASSOCIATED DOCUMENTATION

- Employment Rights Act 1996
- Equality Act 2010
- Working Time Regulations 1998
- General Data Protection Regulations (2016)

13 REFERENCE TO OTHER TRUST POLICIES/PROCEDURES

This policy should be read in conjunction with other policies in place that may be relevant. These include:

- Leave Policy
- Maternity, Adoption & Paternity Leave Procedure
- Special Leave Procedure
- Buying & Selling Annual Leave Procedural Guide
- Time Out for Trade Union Duties & Activities Policy and Procedure
- Flexible Working Policy
- Disciplinary [Conduct] Policy and Procedure
- Auditable Standards and Monitoring Arrangements.

END