

**Joint Policy for Cumbria Partnership Foundation Trust & North Cumbria
University Hospital NHS Trust**

Annual Leave Policy

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Policy On A Page

SUMMARY & AIM:

To provide guidance to Managers and staff covered by NHS Terms and Conditions of Service on the calculation and application of annual leave and General Public Holiday (GPH's) entitlements, ensuring that staff take adequate rest away from work whilst maintaining the needs of the service.

TARGET AUDIENCE:

1. All staff covered by NHS Terms and Conditions of Service.
2. Managers who lead teams who are covered by NHS Terms and Conditions of Service.

TRAINING:

1. There is no formal training requirement for this Policy.
2. Support and advice regarding the application of the Policy and procedure can be sought from the:
 - Human Resources Department for staff employed by at CPFT
 - ESR Data Management team for staff employed by NCUH

KEY REQUIREMENTS:

1. Employees are responsible for booking and ensuring they use their leave entitlement and that it is approved prior to them taking the leave.
2. Managers are responsible for authorising and recording leave for their team.
3. Annual leave will only be authorised when the needs of the service allow staff to be released.

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1. INTRODUCTION

This Policy provides guidance to Managers and staff covered by NHS Terms and Conditions of Service on the calculation and application of annual leave and General Public Holidays (GPH's), ensuring that all staff take adequate rest away from work whilst maintaining the needs of the service.

Medical & Dental employee's annual leave is covered in Staff Consultant and SAS Grade Annual Leave Arrangements Procedure.

2. PURPOSE

To provide a consistent approach to the calculation and management of annual leave and GPH's, as well as support the correct payment to staff during periods of annual leave.

3. POLICY DETAILS

3.1 Entitlement

The annual leave year runs from 1 April to 31 March. Employees will accrue annual leave from their first date of employment.

Employees have an individual annual leave entitlement plus 8 GPH's. Entitlements are calculated in hours, not days, regardless of whether the employee is full-time or part-time. The benefit for employees in calculating entitlement in hours is that it ensures equity for all by ensuring staff who work variable hours/shifts do not receive more or less than colleagues who work a more 'standard' working pattern.

Leave is based upon an employee's weekly contracted hours related to their aggregated length of NHS service.

On commencement with the Trust, an employee's previous period/s of NHS service will be counted towards their entitlement to annual leave (even where there has been a break/s in employment). NHS service is defined in Annex 1 of the NHS Terms and Conditions of Service. Leave entitlement increases with length of NHS service. Employees who wish to have previous NHS service counted as reckonable service will need to provide appropriate evidence to their Line Manager on commencement of employment (e.g. contracts of employment, P60s etc).

To view individual annual leave entitlement for the full leave year, please [click here](#).

3.2 General Public Holidays (GPH's)

In addition to their individual annual leave entitlement, employees are entitled to 8 GPH's per year. A GPH is defined as a period of normal duty that starts within the period of 24 hours from midnight to midnight.

This equates to 60 hours for employees who are contracted to full time (37.5 hours per week). Employees who are contracted to work less than 37.5 hours week are entitled to an equivalent pro-rata amount based on their contracted hours.

The Trust recognises the following 8 GPH's:

Christmas GPH	Boxing Day GPH
New Year's GPH	Good Friday GPH
Easter Monday GPH	May GPH
Spring GPH	August GPH

There are, on occasions, additional public holidays for special events and occasions. These additional days will be treated in the same way as other GPH's. There will also be occasions when the Easter Bank Holiday/s fall in the same year, meaning that there are more than 8 GPH's in that year. When this occurs, guidance will be issued at the time.

On each occasion an employee takes paid time off on a GPH as part of their basic working week, they must take their normal working hours for that day from their overall entitlement. In some circumstances, depending on their working pattern, hours of work and when GPH's fall in a particular year, an employee who works part-time:

- May not have enough GPH entitlement to cover the hours they would need to book to cover those days (e.g. they work on a Monday and a large number of GPH's fall on a Monday). Where this is the case, the following options are available subject to agreement with their Line Manager:
 - Where operationally possible, work on an additional day, or additional hours, during the GPH week and therefore retain the GPH entitlement;
 - Use any lieu time that has been accrued;
 - Use hours from their individual annual leave entitlement.
- May have more GPH entitlement than the hours they need to cover those days (e.g. working on Wednesdays or Thursdays when fewer GPH's fall). In this instance, individuals can use the hours at another time.

3.3 Requesting, Authorisation and Recording of Leave

Managers should treat all requests for leave in a fair and objective manner, and whilst every effort will be made to accommodate specific requests, there may be times when leave cannot be granted because of the needs of the service. If the Line Manager cannot authorise the leave, the employee will be notified of their reason for the refusal. Before authorising any requests, the Line Manager will need to ensure that adequate cover is maintained in accordance with the needs of the service.

Leave hours booked must reflect the scheduled working hours.

All annual leave must be formally recorded on either the e-roster system, ESR (for NCUH staff) or on the employee's annual leave record card (for CPFT staff).

All annual leave must be authorised by the employee's Line Manager before the employee takes their leave. Employees should not commit themselves to any holiday plans until they have received approval from their Line Manager or nominated deputy. Applications for annual leave are not guaranteed until authorised. If an employee takes a period of annual leave without prior approval the Trust will consider that the employee has taken unauthorised absence and this may be unpaid. If an employee subsequently takes sickness absence after refusal of an annual leave request, this will be investigated and may result in disciplinary action being taken.

In exceptional circumstances, e.g. where a major incident is declared, the Trust reserves the right to cancel pre-booked annual leave. In the unlikely event of this happening, the Trust's business continuity/major incident plan will be applied.

Line Managers may determine how many staff may be allowed time off at any one time, bearing in mind the needs of their particular service. Therefore annual leave requests within specific teams may have local protocols in place which limit the number of team members that may be absent at any given time.

Employees should give as much notice as possible. Line Managers may determine how much notice is required, bearing in mind the needs of their particular service. Therefore specific teams may have local protocols in place which outline how much notice is needed and in what circumstances.

It is expected that employees will evenly spread their annual leave out throughout the year. Ideally, by November employees should have taken 75% of their entitlement.

3.4 Annual Leave – Termination of Employment

Employees will accrue annual leave until their date of termination.

It is preferable for all outstanding leave to be taken prior to the date of leaving, and every aim should be made to ensure that this is facilitated, however if it is not possible, for example, due to operational or service reasons, a payment will be made for any leave not taken in the final salary.

Where an employee has taken more leave than their entitlement upon leaving, the Line Manager must record this on the termination form, and the appropriate deduction will be made from the final salary.

3.5 Changes to Contracted Hours / Leave Entitlement / Department

Where an employee changes their contracted hours, or their leave entitlement increases with NHS service, the leave entitlement must be re-calculated to ensure the correct entitlement for the year. If the employee changes part way through a

month, this month will be calculated on the basic weekly contracted hours that are predominantly worked for that month.

Where an employee transfers to another Department, they should take all their accrued leave entitlement prior to the point of transfer in their original role. In exceptional circumstances, where it has not been possible to do this, accrued annual leave will transfer with the employee to the new job. Any pre-booked leave should be honored by the new Department and should be discussed upon appointment.

3.6 Religious Festivals / Holidays

The Trust will support requests for time off during religious festivals, which are not covered by GPH's. Staff must use their annual leave entitlement for this purpose and it is recommended that they make their request as soon as the date/s are known in order to facilitate the effective planning of leave arrangements.

Managers should keep in mind that some religious holidays are determined by the lunar calendar, and so fall at different times each year. Staff may therefore not know too far in advance the dates they wish to take as holiday. Managers are expected to be sympathetic towards any such requests, and accommodate them where reasonable and practical, in line with service need. Whilst the Trust is respectful of the desire of employees to observe religious holidays and festivals, the needs of the service and patient care will prevail.

3.7 Working during Annual Leave

The Trust expects employees to take, as a minimum, their statutory leave entitlement. Employees should therefore refrain from undertaking any work during this period, including bank work.

Employees are reminded that working during a period of annual leave may also lead to breaches in the Working Time Directive and if an employee is unsure of their responsibilities with regards to this, they should contact the HR Department.

In addition, as per the contract of employment, employees should declare any secondary employment they have to the Trust.

3.8 Extended / Unpaid Leave Requests

Occasions may arise where an employee requests an extended period of leave (generally more than two weeks). Although such requests will not be unreasonably refused, they will be subject to the same service needs criteria as other leave requests. Before authorising such requests therefore the Manager will need to ensure that adequate cover is maintained in accordance with the needs of the service (and obtain authorisation from the Service/General Manager). In addition, the Manager should ensure that the individual has regular planned annual leave during the remainder of the annual leave year.

Wherever possible, requests for extended leave should be made at least three months in advance to avoid potential disappointment.

There may be circumstances when it is appropriate for a Manager to allow an individual to take unpaid leave. For example:

- To enable them to take an extended period of annual leave;
- If they have recently joined the Trust and already have a holiday booked for which they would not accrue sufficient paid leave in the current leave year.

Authorised unpaid leave requests should be entered on ESR by the Line Manager.

Staff should use flexi time where possible and use up any accrued time off in lieu (TOIL) prior to requesting unpaid leave.

3.9 Purchasing Additional Unpaid Leave

Staff may apply to purchase additional unpaid leave. The section below outlines the process for doing so.

- a) The normal annual salary will be paid on a pro rata basis to take account of the additional unpaid leave.

For example:

Employee earning £17,652 pa/52.14 = £338.55 pw
Employee takes 2 weeks additional unpaid leave per year
£338.55 x 2 weeks = £677.10 reduction in annual salary
New salary = £16,974.90 pa

- b) Agreements will run annually from 1 April to 31 March. Agreement must be reached prior to 30 September for the following year.

3.10 Carry Over of Leave

It is expected that employees will take their full leave entitlement each year, and that Managers will facilitate employees taking their leave. As such, carry over of leave will not be required. The Trust therefore does not operate a 'carry over of leave' arrangement (this is with the exception of employees on maternity and long term sickness leave).

3.11 Annual Leave and Sickness Absence

The use of annual leave to cover periods of sickness to avoid a trigger is not permitted, although annual leave can be used to facilitate a phased return.

If an employee is sick during annual leave and providing they have followed the correct reporting arrangements and provided the necessary medical certification has been issued, the annual leave days will be re-instated.

If an employee is on long term sickness they may wish to take a holiday. This must be discussed and agreed with their line Manager before any holiday is taken. The absence will still count as one period of sickness for the purposes of sickness monitoring and determining sick pay entitlement. If the employee has gone into half or no pay during their sickness period, they will receive full pay for their period of annual leave.

Statutory annual leave accrued during sickness absence may be carried forward to the following annual leave year or paid on termination of contract. In line with the Working Time Directive, this is a maximum of 20 days minus any annual leave already taken within the previous leave year. However, if employees return to work before the end of the current leave year and there is insufficient time left to enable them to take their accrued annual leave, they can request to carry over their remaining entitlement to the next leave year.

GPH's do not accrue during sickness absences, i.e. they are deemed to have been taken.

3.12 Death in Service

If an employee dies in service, an allowance equivalent to the balance of the annual leave entitlement at the date of death, calculated on a proportionate basis, shall be paid to the employee's personal representative. No deduction from the final salary payment will be made in respect of annual leave taken in excess of entitlement at the date of death.

3.13 Annual Leave and Suspension

If an employee wishes to request annual leave during a period of suspension this should be considered in the usual way.

4. TRAINING AND SUPPORT

No specific training exists for this Policy. Managers and employees can seek advice from the HR and/or the ESR Data Management team.

5. PROCESS FOR MONITORING COMPLIANCE

The process for monitoring compliance with the effectiveness of this Policy is as follows:

Aspect being monitored	Monitoring Methodology	Reporting		
		Presented by	Committee	Frequency
Line Managers and HR	Periodic reviews of annual leave undertaken	Principal HR Business Partner/Associate	HR Senior Management Team meeting	Quarterly

Aspect being monitored	Monitoring Methodology	Reporting		
		Presented by	Committee	Frequency
		Director of Workforce		

Wherever the above monitoring has identified deficiencies, the following must be in place:

- Action plan
- Progress of action plan monitored by the Workforce Group minutes
- Risks will be considered for inclusion in the appropriate risk registers

6. REFERENCES:

- NHS Terms and Conditions of Service
- Working Time Regulations 1998
- Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations
- Data Protection Act 2018/General Data Protection Regulations 2016/Data Protection Legislation
- Consultant and SAS Grade Annual Leave Arrangements Procedure

The Trust(s) are committed fully to compliance with the requirements of the General Data Protection Regulations (GDPR) 2016 and the Data Protection Act (DPA) 2018. The GDPR and DPA legislation aims to balance the requirements of organisations to collect, store and manage various types of personal data in order to provide their services, with the privacy rights of the individual about whom the data is held.

The GDPR and DPA legislation covers both manual and computerised records in any format, where the record contains details that can identify, directly or indirectly data on a natural person or persons. The DPA sets out principles which must be followed by those who process data; it gives rights to those whose data is being processed.

7. ASSOCIATED DOCUMENTATION:

Attendance Management Policy and Procedure
 Disciplinary Policy and Procedure
 Maternity/Adoption/Paternity Leave
 Special Leave
 Flexible Working

8. DUTIES (ROLES & RESPONSIBILITIES):

8.1 Chief Executive / Trust Board Responsibilities:

The Chief Executive and Trust Board jointly have overall responsibility for the strategic and operational management of the Trust, including ensuring that Trust policies comply with all legal, statutory and good practice requirements.

8.2 Director of Human Resources and Organisational Development Responsibilities:

The Director of Human Resources and Organisational Development has responsibility for the Policy and will delegate the day-to-day implementation to Trust Managers.

8.3 Managers Responsibilities:

- Ensuring the effective and consistent application of this Policy;
- Ensuring staff have the correct amount of annual leave entitlement (including when leave entitlements change due to length of service and/or changes in working hours);
- Approving annual leave and ensuring that it is accurately recorded;
- Making employees aware of the local arrangements for requesting leave;
- Managing requests for leave in a fair and equitable way, and resolving any issues relating to leave on an informal basis and as quickly as possible;
- Ensuring employees take their annual leave entitlement during the annual leave year;
- Ensuring annual leave is managed during periods of sickness absence;
- Ensuring service needs are balanced against requests for leave.

8.4 Staff Responsibilities:

All staff should be aware of this Policy and aim to discuss and resolve issues informally with their Line Manager whenever possible.

Staff are also responsible for:

- Ensuring that leave is requested and authorised by their Line Manager prior to taking their leave;
- Not booking holidays or making commitments without first having the leave approved by their Line Manager;
- Ensuring compliance with local arrangement for requesting leave;
- Ensuring they use all of their leave entitlement within the annual leave year;
- Following the process set out in the Trust's Sickness Absence Management Policy with regards to sickness and annual leave;
- Notifying their Line Manager should they experience any difficulties in taking their leave entitlement within the leave year.

8.5 Approving Committee Responsibilities; Joint Partnership Forum:

Joint Partnership Forum is responsible for ratifying this Policy.

Joint Partnership Forum are also responsible for monitoring the progress of any action plans where the process for monitoring compliance has identified deficiencies.

8.6 Human Resources / ESR Responsibilities:

Human Resources and ESR will provide advice and support in the use of this Policy.

9. ABBREVIATIONS / DEFINITION OF TERMS USED

ABBREVIATION	DEFINITION
ESR	Electronic Staff Record
GPH	General Public Holiday
HR	Human Resources
GDPR	General Data Protection Regulations (2016)
NCUH	North Cumbria University Hospitals
CPFT	Cumbria Partnership Foundation Trust
DPA	Data Protection Act (2018)
NHS	National Health Service

DOCUMENT CONTROL

Equality Impact Assessment Date	30 September 2018
Sub-Committee & Approval Date	Policy Sub-group 22 nd November 2018

History of previous published versions of this document:

Trust	Version	Ratified Date	Review Date	Date Published
CPFT	POL/004/015	1 March 2017	1 March 2020	1 March 2017
NCUH	3	20 April 2017	30 April 2020	21 June 2017
CPFT & NCUH	POL/WOR/029	28 May 2019	May 2022	29 May 2019

Statement of changes made from previous version

Version	Date	Section & Description of change
1.0	29/07/2019	<ul style="list-style-type: none"> Policy includes reference to Consultant and SAS Grade Annual Leave Arrangements Procedure
POL/004/015		<ul style="list-style-type: none"> Format changed in line with Joint Policy Template inc policy on a page GDPR guidance (new) added
		<ul style="list-style-type: none"> Policy wording/sections merged where similar. Wording changed in places to account for two different processes e.g Section 3 of joint policy: All annual leave must be formally recorded on either the e-roster system, ESR (for NCUH staff) or on the employee's annual leave record card (for CPFT staff).
		<ul style="list-style-type: none"> REMOVED Section 7: Note: Within the scope of this policy, NHS staff are considered to be those who have an entitlement to join the NHS Pension Scheme
		<ul style="list-style-type: none"> REMOVED Section 11: The Trust will allow employees who commence up to the first Monday if it falls on a Bank Holiday in a calendar month to receive the full annual leave entitlement in respect of that calendar month. Employees who join after the first Monday in a calendar month will not receive leave entitlement for this part month REMOVED Section 5.4 NCUH Policy: Similar wording
		<ul style="list-style-type: none"> REMOVED Section 13 Policy: If the leaving date for a member of staff is seven or less days from the final calendar day of the month the member of staff will receive a full month of annual leave entitlement. REMOVED Section 5.4 NCUH Policy: Similar wording
		<ul style="list-style-type: none"> CORRECTION Section 15 CPFT Policy: Working Time Regulations amended to Working Time Directive

Version	Date	Section & Description of change
		<ul style="list-style-type: none"> • REMOVED Section 5.9 NCUH Policy - Carry Over of Leave It is expected that employees will take their full leave entitlement each year, and that Line Managers will facilitate employees taking their leave. Carry over of leave will therefore not be required. In exceptional circumstances, the carry over of leave up to the equivalent of three days contracted hours can be approved by the Departmental Head and any leave must be taken within the first month of the leave year. Any requests to carry leave over must be agreed before the end of the leave year.
		<ul style="list-style-type: none"> • ADDED Section 5.10 NCUH Policy Annual Leave and Sickness Absence (Section 3.10 of new joint policy) DURING PERIODS OF SICKNESS WHERE AN EMPLOYEE IS RECEIVING REDUCED PAY (HALF PAY OR NO PAY), THEY MAY REQUEST TO TAKE THEIR PAID HOLIDAY FOR THE TIME THEY'RE OFF WORK SICK.
		<p>ADDED: Section 3.10 SICKNESS ABSENCE AND ANNUAL LEAVE</p> <ul style="list-style-type: none"> • The use of annual leave to cover periods of sickness to avoid a trigger is not permitted, although annual leave can be used to facilitate a phased return. • If an employee is sick during annual leave and providing they have followed the correct reporting arrangements and provided the necessary medical certification has been issued, the annual leave days will be re-instated. • If an employee is on long term sickness they may wish to take a holiday. This must be discussed and agreed with their line Manager before any holiday is taken. The absence will still count as one period of sickness for the purposes of sickness monitoring and determining sick pay entitlement. If the employee has gone into half or no pay during their sickness period, they will receive full pay for their period of annual leave. • Statutory annual leave accrued during sickness absence may be carried forward to the following annual leave year or paid on termination of contract. In line with the Working Time Directive, this is a maximum of 20 days minus any annual leave already taken within the previous leave year. However, if employees return to work before the end of the current

		<p>leave year and there is insufficient time left to enable them to take their accrued annual leave, they can request to carry over their remaining entitlement to the next leave year.</p> <ul style="list-style-type: none"> GPH's do not accrue during sickness absences, i.e. they are deemed to have been taken.
		<ul style="list-style-type: none"> ADDED to Section 3.2 of Joint policy: Stating Christmas, New Years GPH instead of just Christmas and New Years Day
		<ul style="list-style-type: none"> ADDED to Section 3.3 of Joint Policy: It is expected that employees will evenly spread their annual leave out throughout the year. Ideally, by November employees should have taken 75% of their entitlement.
POL/WOR/029	10/06/2019	<ul style="list-style-type: none"> ADDED Section 3.9 Purchasing Additional Unpaid Leave

List of Stakeholders who have reviewed the document

Name	Job Title	Date
CPFT Children and Families Care Group	Governance and Network Management Teams	October 2018
CPFT Mental Health Care Group	Senior Management Team	October 2018
CPFT Corporate Care Group	To all Heads of Services	October 2018
CPFT Community North Care Group	Senior Management Team	October 2018
CPFT Specialist Care Group	Senior Management Team	October 2018
NCUH	Senior Management Teams across Care Groups and Corporate functions	October 2018