

ANNUAL LEAVE AND GENERAL PUBLIC HOLIDAYS POLICY

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Name of originator/author:	Human Resources
Name of Sponsor:	Deputy Accountable Officer
Name of responsible committee	Governance Sub-committee
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Target audience:	All staff working within or on behalf of NHS Sheffield CCG

To ensure you have the most current version of this policy please access via the NHS Sheffield CCG Intranet Site by following the link below:

<http://www.intranet.sheffieldccg.nhs.uk/policies-procedure-forms-templates.htm>



POLICY AUDIT TOOL

To be completed and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.

Please give status of Policy:		Revised
1.	Details of Policy	
1.1	Policy Number	HR003/02/2023
1.2	Title of Policy:	Annual Leave and General Public Holidays Policy
1.3	Sponsor	Deputy Accountable Officer
1.4	Author:	HR and OD Business Partner
1.5	Lead Committee	Governance Sub-committee
1.6	Reason for policy:	Legislative and best employment practice
1.7	Who does the policy affect?	All employees
1.8	Are the National Guidelines/Codes of Practices etc issued?	Working Time Regulations 1998 and amendments 2002, 2003, 2009 Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
1.9	Has an Equality Impact Assessment been carried out?	Yes
2.	Information Collation	
2.1	Where was Policy information obtained from?	See 1.8
3.	Policy Management	
3.1	Is there a requirement for a new or revised management structure for the implementation of the Policy?	No
3.2	If YES attach a copy to this form.	n/a
3.3	If NO explain why.	Current management structure satisfactory
4.	Consultation Process	
4.1	Was there external/internal consultation?	Yes
4.2	List groups/persons involved	Joint Staff Consultative Forum
4.3	Have external/internal comments been included?	Yes
4.4	If external/internal comments have not been included, state why.	n/a
5.	Implementation	
5.1	How and to whom will the policy be distributed?	All employees via the intranet
5.2	If there are implementation requirements such as training please detail.	Ongoing via mandatory training
5.3	What is the cost of implementation and how will this be funded	No funding required
6.	Monitoring	
6.2	How will this be monitored	Workforce Reports
6.3	Frequency of Monitoring	Quarterly

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DEFINITIONS

Term	Definition
Annual Leave	An allocated amount of time per annum that an employee is able to take a paid rest from work.
Entitlement	The amount of annual leave an employee is contractually able to take each year.
General Public Holidays	National holiday days, sometimes referred to as 'bank holidays'.
Normal Working Day	A day of the week that the employee would normally attend work, were it not a General Public Holiday.
Pro Rata	A reduced amount directly in proportion to the number of hours an employee works.
Reckonable Service	The service that counts for length of service for entitlements to annual leave.
Total Cumulated NHS Service	The total number of months/years that an employee has worked for an NHS employer regardless of breaks between employers.

SECTION A – POLICY

1. Policy Statement, Aims and Objectives

- 1.1 NHS Sheffield Clinical Commissioning Group (CCG) recognises that annual leave is an important part of work life balance and good management of annual leave by both the employee and the manager is essential.
- 1.2 The purpose of this policy is to provide managers and employees with guidance on the application and management of all annual leave and general public holiday entitlements to ensure that all employees take adequate rest away from work whilst maintaining the needs of the organisation.
- 1.3 Employees should be encouraged to take their annual leave in periods throughout the year to ensure that they derive the full benefit of rest and a break away from work. A minimum period of annual leave will be half a day, or half of normal daily working hours, except in the last month of the annual leave year (March) where an employee would be expected to take any odd hours remaining.
- 1.4 Employee should take their full annual leave entitlement each year and managers should endeavour to ensure that the workloads of employees do not prevent an employee from taking their entitlement to annual leave.
- 1.5 The development of this policy:
 - Ensures employees are aware of their annual leave and general public holiday entitlement and the procedure for requesting this time away from work.
 - Ensures that all annual and general public holiday leave is applied fairly and consistently.

2. Legislation and Guidance

- 2.1 The following legislation and guidance has been taken into consideration in the development of this procedural document.
 - Working Time Regulations 1998 and amendments 2002, 2003, 2009
 - Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
 - NHS Terms and Conditions of Service Handbook

3. Scope

- 3.1 This policy applies to those members of staff that are directly employed by NHS Sheffield CCG and for whom NHS Sheffield CCG has legal responsibility. Seconded staff are covered by the policy of their employing organisation. For those staff covered by a letter of authority / honorary contract or work experience, this policy is also applicable whilst undertaking duties on behalf of

NHS Sheffield CCG or working on NHS Sheffield CCG premises and forms part of their arrangements with NHS Sheffield CCG. As part of good employment practice, agency workers are also required to abide by NHS Sheffield CCG policies and procedures, as appropriate, to ensure their health, safety and welfare whilst undertaking work for NHS Sheffield CCG.

4. Accountabilities and Responsibilities

4.1 Overall accountability for ensuring that there are systems and processes to effectively ensure compliance with this policy lies with the Accountable Officer. Responsibility is delegated to the following:

<p style="text-align: center;"><i>Deputy Accountable Officer</i></p>	<ul style="list-style-type: none"> • Maintaining an overview of the corporate ratification and governance process associated with the policy. • Ensuring that the policy is applied fairly, consistently and in a non-discriminatory manner.
<p style="text-align: center;"><i>Human Resources</i></p>	<ul style="list-style-type: none"> • Leading the development, implementation and review of the policy. • Advising Managers regarding the management of annual leave. • Providing advice to employees

<p style="text-align: center;"><i>Appointing Officers/ Line Managers</i></p>	<ul style="list-style-type: none"> • Ensuring they understand and adhere to their obligations in relation to this policy. • Ensuring the policy is applied fairly and consistently to all employees. • Providing a departmental protocol on taking annual leave to ensure adequate staffing levels are maintained. • Ensuring that employees are aware of the procedure for requesting annual leave and of their entitlement. • Issuing annual leave record sheets and ensuring they are updated throughout the year as annual leave is taken by employees. • Ensuring employees are taking regular breaks from work that are relatively evenly spread across the annual leave year. • Ensure employees are aware of this policy including referring new employees to the policy as part of their induction process.
<p style="text-align: center;"><i>All Employees</i></p>	<ul style="list-style-type: none"> • Ensuring they understand their responsibilities in relation to this policy. • Requesting leave in accordance with departmental protocols. • Ensuring that annual leave is managed so that it is taken in full each year and reasonably evenly spread throughout the year. • Ensuring they do not commit themselves to holiday plans until they have received approval for their annual leave request from their line manager.
<p style="text-align: center;"><i>Staff Side</i></p>	<ul style="list-style-type: none"> • Ensure they are familiar with the policy and procedure. • Advise and represent employees who are members of a recognised Trade Union.

5. Dissemination, Training and Review

5.1 Dissemination

The effective implementation of this procedural document will support openness and transparency. NHS Sheffield CCG will:

- Ensure all employees and stakeholders have access to a copy of this policy via the organisation's website.
- Ensure employees are notified by email of new or updated policies

5.2 Training

All employees will be offered relevant training commensurate with their duties and responsibilities. Employees requiring support should speak to their line manager in the first instance. Support may also be obtained through Human Resources.

5.3 Review

5.3.1 As part of its development, this policy and its impact on staff, patients and the public has been reviewed in line with NHS Sheffield CCG's Equality Duties. The purpose of the assessment is to identify and if possible remove any disproportionate adverse impact on employees, patients and the public on the grounds of the protected characteristics under the Equality Act.

5.3.2 The procedural document will be reviewed every three years, and in accordance with the following on an as and when required basis:

- Legislatives changes
- Good practice guidelines
- Case Law
- Significant incidents reported
- New vulnerabilities identified
- Changes to organisational infrastructure
- Changes in practice

5.3.3 Policy management will be performance monitored to ensure that policies are in-date and relevant to the core business of the organisation. The results will be published in the regular Governance Sub-committee Reports.

SECTION B – PROCEDURE

1. Entitlement

1.1 The annual leave year is from 1 April to 31 March.

1.2 Employees under NHS Agenda for Change terms and conditions of service receive annual leave based on their cumulative NHS service as follows:

Length of Service	Annual Leave + General Public Holidays (GPH)
On appointment to the NHS	27 days + GPH
After 5 years NHS service	29 days + GPH
After 10 years NHS service	33 days + GPH

1.3 Employees who are not employed under NHS Agenda for Changes terms and conditions of service should refer to their contract of employment for their annual leave and GPH entitlement.

1.4 General Public Holidays are:

- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- Late Summer Bank Holiday
- Christmas Day
- Boxing Day

1.5 For the purposes of annual leave entitlement, an employee's aggregated previous service (not necessarily continuous) with a NHS employer will count as reckonable service for all calculations towards annual leave entitlement.

1.6 NHS Sheffield CCG has the discretion to take into account aggregated periods of employment spent in a relevant role in non-NHS organisations. This will only be recognised where the service with the non-NHS organisation is directly relevant to the post the employee will be undertaking within the organisation and this requirement must be specified on the essential criteria of the person specification. Evidence of the service must be provided by the employee. Advice should be sought from Human Resources and it should be noted that these circumstances will be exceptional.

1.7 Reckonable service from other NHS organisations will be verified by Human Resources via the Electronic Staff Record System (ESR). In circumstances where service is unable to be verified the employee will be required to provide evidence of that period of employment.

1.8 Employees who join or leave employment with the organisation part way through a year will receive a pro-rata entitlement for that year based on the number of complete months worked plus a proportionate entitlement for any part month as detailed in section 1.9.

1.9 Where staff join or leave the organisation during the month, a proportionate entitlement should be added to their complete months entitlement for the part month as follows;

Start Date	Entitlement
1 st -10 th	2 days
11 th -20 th	1½ days
21 st -26 th	1 day

Leaving Date	Entitlement
6 th -10 th	1 day
11 th -20 th	1½ days
21 st -31 st	2 day

The number of days will apply regardless of completed years of reckonable service. The entitlements are for full time staff. Part time staff will receive the pro rata equivalent.

1.10 When an employee leaves employment, any outstanding annual leave must be taken prior to the termination date. However if this is not possible, the employee should speak to their manager and payment can be made in lieu of any outstanding annual leave owed. Where an employee has overtaken their pro-rata entitlement, a deduction will be made in respect of this leave from the final monies due in accordance with their contract of employment.

1.11 Where an employee changes posts internally within the organisation, discussions should take place between the existing and the new line managers to ensure a smooth transition of annual leave.

1.12 In the unfortunate event of an employee dying in service, an allowance equivalent to the balance of the annual leave on the day of death will be paid to the employee's estate. No deduction from the final salary payment will be made in respect of annual leave taken in excess of their entitlement on the day of death.

1.13 Where an employee requests annual leave for the purposes of time off to attend a religious event other than those designated to be a GPH, the manager should consider how best to meet the request and, where necessary, seek further guidance from Human Resources.

2. Calculating Annual Leave

2.1 Annual leave for employees working full time (37.5 hours per week) over 5

days (7.5 hours per day) is calculated in days. Annual leave for employees working work part time or who do not work an even spread of hours over 5 days e.g. condensed hours (9 day fortnight) is calculated in hours.

- 2.2 Entitlement for all employees will be based on the normal working week of 37.5 hours and calculated accordingly based upon their contracted hours.
- 2.3 Where an employee has a change to their contractual hours, this will result in a recalculation of their annual leave entitlement, on a pro rata basis, based on completed months on the new and old contracted hours during the leave year. Where an employee changes their entitlement part way through a calendar month, the entitlement for that month will be based on the number of hours they worked predominantly for that month.

Where an employee's annual leave entitlement increases due to their NHS reckonable years' service part way through the year this will result in a recalculation of their annual leave entitlement, on a pro rata basis. The entitlement would be based on completed months on the new and old entitlement during the leave year. Where an employee changes their entitlement part way through a calendar month, the entitlement for that month will be based on the number of hours they worked predominantly for that month.

E.g. A member of staff has 5 years NHS service as of 10th January. Their annual leave would be calculated as follows:
1st April – 31st December calculation based on 27 days annual leave per year
1st January – 31st March calculation based on 29 days annual leave per year

- 2.4 Employees working part time will receive a pro rata amount of annual leave and GPH based on their normal contractual hours, with the exception of employees who work on term time contracts.
- 2.5 Employees who work term time only are normally assumed to take their annual leave entitlement during the non-term time period. Additional payment is made in respect of this and is paid in twelve equal payments as part of basic pay, as per the term time arrangements. Exceptions to this are to be agreed with the line manager when a term time contract is requested or under review.

3. General Public Holidays (GPH)

- 3.1 When a GPH falls on a Saturday or a Sunday, the following weekday(s) is/are designated as a GPH for leave purposes.
- 3.2 Employees who are required to be on call during a GPH are entitled to the actual hours worked to be taken off in lieu at plain time rates, in addition to the appropriate rate of pay for the duties undertaken.

3.3 Where a GPH falls within the employee's normal working week, arrangements should be made for the time to be taken off. For full time employees working a 5 day week there is no requirement for this to be recorded on the annual leave record sheet. Employees that have their annual leave calculated in hours (e.g. part time and condensed hours) should record the GPH on their annual leave record and should reflect the number of hours they would normally have worked on that day. The pro rata entitlement to GPH is included in an employee's overall annual leave entitlement.

4. Carry Over of Annual Leave

4.1 Under normal circumstances, an employee is required to take all their leave within the annual leave year and to ensure that leave is reasonably evenly spread during the year to ensure adequate rest and regular breaks from work.

4.2 Under exceptional circumstances where the employee has not been able to take all of their leave, their line manager may apply discretion to carry over an amount not exceeding one normal working week. In these cases, the line manager should explore the reasons why the entitlement has not been taken and should agree measures to ensure leave is adequately taken the following year.

5. Personalised Annual Leave Scheme

5.1 The Accountable Officer will confirm to staff, in advance, on a six-monthly basis whether personalised annual leave will be offered. Personalised Annual Leave allows employees to 'buy' or 'sell' annual leave subject to minimum and maximum ceilings with a commensurate adjustment to their salary.

5.2 The minimum amount of annual leave to be taken by all employees is 5.6 working weeks per year inclusive of statutory holidays. An employee's week relates to the exact amount of contractual hours they work per week.

5.3 If personalised annual leave is offered employees will be able to request to 'sell' up to an equivalent of one of their weeks in hours (i.e. employee working 20 hours per week can sell to a maximum of 20 hours) before the beginning of each annual leave year.

5.4 If personalised annual leave is offered to employees they will be able to request to purchase additional annual leave at two occasions during the year. This is generally before the beginning of each annual leave year (i.e. in March) and at the mid-point of the annual leave year (i.e. September). The maximum amount that can be purchased would be to a total of 8 weeks per year plus statutory bank holidays.

E.g. An employee working full time on 5 days per week with 27 days' leave could purchase an additional 13 days per year. An employee working 20 hours per week with 5.6 weeks holiday entitlement (112 hours) could purchase annual leave up to a maximum of 8 weeks (160 hours) in total.

- 5.5** If personalised annual leave is offered to employees, a request and authorisation process will be put in place which will be overseen by the Human Resources Department. Employee requests must be put in writing to the line manager for consideration using the appropriate form. All requests will be given reasonable consideration and managers are required to take account of service needs when making a decision. As such, requests may not be granted where this presents operational difficulties.
- 5.6** If an employee 'buys' annual leave their gross salary is reduced by the additional number of hours purchased, this figure will be calculated on the employees' individual salary. Deductions from salary when 'buying' additional annual leave will be made in equal instalments over 12 months if purchasing additional annual leave before the beginning of the annual leave year, or over 6 months if purchasing additional annual leave at the mid-point of the annual leave year . Deductions will usually commence in April or October of the relevant annual leave year (as appropriate, depending on whether the request has been made at the beginning or mid-point of the annual leave year) and cannot be amended once they have commenced. Employees are responsible for ensuring they are fully aware of the pension implications of agreeing to a deduction from their gross salary.
- 5.7** If an employee 'sells' annual leave their salary is increased by the number of hours sold and this figure will be calculated on the employee's individual salary. All salary related benefits would be consequently affected. Payments when 'selling' annual leave will be made in equal instalments over 12 months. Payments will commence in April of the relevant annual leave year and cannot be amended once they have commenced.
- 5.8** All annual leave must be authorised by the Line Manager, taking into consideration the needs of the service, the individual and cover arrangements.
- 5.9** Where an employee is authorised to 'buy' additional annual leave but does not take it, it cannot be 'sold' back and normal provisions for the carryover of annual leave will still apply.
- 5.10** A record will be kept of all requests made to 'buy' and 'sell' annual leave, including those requests that are not authorised. A copy of any forms completed should be sent to the Human Resources Team.
- 5.11** If an employee leaves the organisation before all deductions have been made from their salary, a calculation will be made by the payroll department as to how much is outstanding and a lump sum deduction will be made from the employee's final salary.

6. Sickiness During Annual Leave or General Public Holidays

- 6.1** If an employee is sick whilst on annual leave, provided they adhere to the Sickiness Absence Policy with regard to notification and certification

requirements, the period of absence will be treated as sick leave and the annual leave will be reimbursed to be taken at another time during the same leave year. Only annual leave that has not been taken up to the statutory minimum leave entitlement will be allowed to be carried over in to the next annual leave year.

- 6.2** In accordance with Agenda for Change terms and conditions, employees will not be able entitled to an additional day if sick on a GPH.

7. Other Types of Long Term Leave

- 7.1** Employees will accrue annual leave entitlement for the full duration of their employment, including during periods of absence, such as maternity leave or long term sickness absence but excluding unpaid career breaks.

- 7.2** Where an employee is taking a planned long term absence, for example, maternity leave, they should factor in their use of annual leave when planning their absence.

8. Extended Periods of Annual Leave

- 8.1** There may be occasions when an employee wishes or needs to take extended periods of annual leave (longer than 2.5 weeks). The line manager should not reasonably refuse these requests, however should seek to ensure that the employee has regular planned breaks throughout the remainder of the annual leave year.

- 8.2** The line manager may request that part of the extended annual leave requested is taken as unpaid leave where it is considered that there will be insufficient annual leave remaining to provide the employee with adequate rest breaks. Any such agreements should be put in writing.

9. Unpaid Leave

- 9.1** There may be circumstances when it is appropriate for a manager to authorise an employee to take unpaid leave, for example where a new employee has insufficient annual leave to cover a pre booked holiday.

- 9.2** Managers and employees should make reference to the Flexible Working Policy. Employees must be advised that any periods of unpaid leave will not count towards their pension contributions. This should therefore be taken into account during the approval process.

10. Other Leave

- 10.1** The Special Leave Policy includes a provision for other leave including carers leave, bereavement leave and leave to cover urgent domestic or personal circumstances and employees may request leave under this policy. The
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Maternity, Adoption, Paternity and Parental Leave Policy may also be appropriate for use.

11. Annual Leave Records

- 11.1** Each new annual leave year, the line manager should issue a new annual leave record form ensuring that any changes to entitlement are accurately reflected.

12. Annual Leave Requests

- 12.1** All annual leave should be requested as far in advance as possible to avoid disappointment and to enable the organisation to be adequately covered. Employees should ensure they are aware of departmental protocols in relation to the booking of annual leave and cover arrangements.
- 12.2** All annual leave requests will need to be requested on the annual leave record form and signed off by the employee's line manager. Line managers should ensure that employees are aware of who is authorised to approve annual leave requests.
- 12.3** Annual leave will normally be granted on a first come, first served basis, although line managers may wish to agree with employees special provisions for requesting and allocating annual leave in periods of high demand, for example Christmas, Easter and school holiday periods.

NHS Sheffield CCG Equality Impact Assessment 2018

Title of policy or service	Annual Leave and General Public Holidays Policy	
Name and role of officers completing the assessment	HR and OD Business Partner	
Date assessment started/completed	October 2020	

1. Outline	
<p>Give a brief summary of your policy or service</p> <ul style="list-style-type: none"> • Aims • Objectives • Links to other policies, including partners, national or regional 	<p>This policy aims to provide managers and employees with guidance on the application and management of all annual leave and general public holiday entitlements to ensure that all employees take adequate rest away from work whilst maintaining the needs of the organisation.</p>

2. Gathering of Information

This is the core of the analysis; what information do you have that indicates the policy or service might *impact on protected groups, with consideration of the General Equality Duty.*

	What key impact have you identified?			What action do you need to take to address these issues?	What difference will this make?
	Positive Impact	Neutral impact	Negative impact		
Human rights		✓			
Age		✓			
Carers	✓				Personalised annual leave offers the opportunity to request additional leave which is likely to be of particular benefit to some of those with caring responsibilities
Disability		✓			
Sex		✓			
Race		✓			
Religion or belief	✓				Managers are encouraged to consider how best to meet requests where an employee requests annual leave for the purposes of time off to attend a religious event other than those designated to be a GPH.
Sexual orientation		✓			
Gender reassignment		✓			
Pregnancy and maternity		✓			
Marriage and civil partnership (only eliminating discrimination)		✓			
Other relevant group					

Please provide details on the actions you need to take below.

3. Action plan				
Issues identified	Actions required	How will you measure impact/progress	Timescale	Officer responsible
None				

4. Monitoring, Review and Publication			
When will the proposal be reviewed and by whom?	Every 3 years on policy review		
Lead Officer	HR and OD Business Partner	Review date:	October 2023