

# **ANNUAL LEAVE POLICY (H31)**

If you require a copy of this policy in an alternative format (for example large print, easy read) or would like any assistance in relation to the content of this policy, please contact the Equality and Diversity team on 01803 656680.

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|---|--|--------------------------|---------------|
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| <b>Version:</b>                               | 1.2                                      | <b>Last Review Date:</b> | February 2019 |
| <b>Author:</b>                                | HR Manager                               |                          |               |
| <b>Directorate:</b>                           | Workforce and Organisational Development |                          |               |
| <b>Approval Route</b>                         |  |                          |               |
| <b>Approved By:</b>                           |  | <b>Date Approved:</b>    |               |
| JCNC  |  | February 2017            |               |
| <b>Links or overlaps with other policies:</b> |  |                          |               |
|   |  |                          |               |
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|   |  |                          |               |

### Amendment History

| Issue | Status   | Date          | Reason for Change   | Authorised |
|-------|----------|---------------|---|------------|
| 1     | Approved | February 2017 | Integrated TSDHCT and SDHFT policies  | JCNC       |
| 1.1   | -        | January 2018  | Amended duplication in calculation of increase in leave entitlement mid-year. | -          |
| 1.2   | Approved | February 2019 | General review and audit  | HR Advisor |
|       |          |               |   |            |
|       |          |               |   |            |

## Rapid Equality Impact Assessment

|  |      |                         |                           |                             |                        |
|--|------|-------------------------|---------------------------|-----------------------------|------------------------|
| <b>Policy Title (and number)</b>   |      | Annual Leave Policy     |                           |                             |                        |
| <b>Policy Author</b>   |      | HR Directorate          |                           |                             |                        |
| <b>Version and Date (of EIA)</b>   |      | Version 1 February 2017 |                           |                             |                        |
| <b>Associated documents (if applicable)</b>  |      |                         |                           |                             |                        |
| <b>RELEVANCE: Does the aim/purpose of the policy relate to each of the aims of the Public Sector Equality Duty?</b>  |      |                         |                           |                             |                        |
| • Eliminate unlawful discrimination or other conduct prohibited by the Equality Act 2010   |      |                         |                           |                             | Yes x                  |
| • Advance equality of opportunity between people from different groups   |      |                         |                           |                             | Yes x                  |
| • Foster good relations between people from different groups   |      |                         |                           |                             | Yes x                  |
| <b>SIGNIFICANCE AND IMPACT: Consider the nature and extent of the impact, not the number of people affected.</b>   |      |                         |                           |                             |                        |
| Does the policy affect service users, employees or the wider community? (if no, proceed to sign off)   |      |                         |                           |                             | Yes x                  |
| Does the policy affect service delivery or business processes?   |      |                         |                           |                             | No x                   |
| Does the policy relate to an area with known inequalities (deprivation/unemployed/homeless)?   |      |                         |                           |                             | No x                   |
| <b>EQUALITY ANALYSIS: How well do people from protected groups fare in relation to the general population?</b>   |      |                         |                           |                             |                        |
| <i>PLEASE NOTE: Any 'Yes' answers may trigger a full EIA and must be referred to the equality leads below</i>  |      |                         |                           |                             |                        |
| Is it likely that the policy/procedure could treat people from protected groups less favorably than the general population? (see below)  |      |                         |                           |                             |                        |
| Age  | No x | Disability              | No x                      | Sexual Orientation          | No x                   |
| Race   | No x | Gender                  | No x                      | Religion/Belief (non)       | No x                   |
| Gender Reassignment  | No x | Pregnancy/ Maternity    | No x                      | Marriage/ Civil Partnership | No x                   |
| Is it likely that the policy/procedure could affect particular 'Inclusion Health' groups less favorably than the general population? (substance misuse; teenage mums; carers; travellers; homeless; convictions; social isolation; refugees) |      |                         |                           |                             | No x                   |
| Please provide details for each protected group where you have indicated 'Yes'.  |      |                         |                           |                             |                        |
| N/A  |      |                         |                           |                             |                        |
| What if any, is the potential for interference with individual human rights? (consider the FREDA principles of Fairness/ Respect/ Equality/ Dignity/ Autonomy)   |      |                         |                           |                             |                        |
| N/A  |      |                         |                           |                             |                        |
| <b>RESEARCH AND CONSULTATION</b>   |      |                         |                           |                             |                        |
| What is the reason for writing this policy? (What evidence/ legislation is there?)   |      |                         |                           |                             |                        |
| To provide guidance on annual leave entitlements, allocation and booking.  |      |                         |                           |                             |                        |
| Who was consulted when drafting this policy/procedure? What were the recommendations/suggestions?  |      |                         |                           |                             |                        |
| Trade Unions   |      |                         |                           |                             |                        |
| <b>ACTION PLAN: Please list all actions identified to address any impacts</b>  |      |                         |                           |                             |                        |
| <b>Action</b>  |      |                         | <b>Person responsible</b> |                             | <b>Completion date</b> |
|  |      |                         |                           |                             |                        |
|  |      |                         |                           |                             |                        |
| <b>AUTHORISATION</b>   |      |                         |                           |                             |                        |
| <b>Name of person completing the form</b>  |      | HR Manager              |                           |                             |                        |

## Contents

|           |   |           |
|-----------|---|-----------|
| <b>1</b>  | <b>Policy Statement .....</b>   | <b>5</b>  |
| <b>2</b>  | <b>Purpose .....</b>  | <b>5</b>  |
| <b>3</b>  | <b>Scope.....</b>   | <b>5</b>  |
| <b>4</b>  | <b>Equality and Diversity Statement.....</b>  | <b>5</b>  |
| <b>5</b>  | <b>Roles and Responsibilities.....</b>  | <b>5</b>  |
| <b>6</b>  | <b>Annual Leave Year .....</b>  | <b>6</b>  |
| <b>7</b>  | <b>Pay during Annual leave.....</b>   | <b>6</b>  |
| <b>8</b>  | <b>Basic Annual Leave Entitlements .....</b>  | <b>6</b>  |
| <b>9</b>  | <b>Bank Holiday Entitlements .....</b>  | <b>6</b>  |
| <b>10</b> | <b>Total Leave Entitlements .....</b>   | <b>8</b>  |
| <b>11</b> | <b>Calculation of Reckonable Service.....</b>   | <b>8</b>  |
| <b>12</b> | <b>Entitlement on Joining.....</b>  | <b>8</b>  |
| <b>13</b> | <b>Change of Entitlement During Leave Year (Long Service) .....</b>   | <b>9</b>  |
| <b>14</b> | <b>Entitlement On Changing Contracted Hours .....</b>   | <b>9</b>  |
| <b>15</b> | <b>Local Arrangements.....</b>  | <b>10</b> |
| <b>16</b> | <b>Carry Over of Leave .....</b>  | <b>10</b> |
| <b>17</b> | <b>Sickness Occurring During Annual Leave or Bank Holidays.....</b>   | <b>11</b> |
| <b>18</b> | <b>Entitlement on Leaving.....</b>  | <b>11</b> |
| <b>19</b> | <b>Training and Awareness.....</b>  | <b>12</b> |
| <b>20</b> | <b>Contact Details .....</b>  | <b>12</b> |
| <b>21</b> | <b>Monitoring, Audit and Review Procedures .....</b>  | <b>12</b> |
| <b>22</b> | <b>Appendix 1 - Agenda For Change: Annual Leave Entitlement For Complete Years<br/>(Exclusive Of Bank Holidays) .....</b> | <b>13</b> |
| <b>23</b> | <b>Appendix 2 - Agenda For Change: Calculation Of Bank Holiday Entitlement</b>  | <b>15</b> |
| <b>24</b> | <b>Appendix 3 - NHS EMPLOYERS.....</b>  | <b>16</b> |
| <b>25</b> | <b>Appendix 4 – EXAMPLE CALCULATIONS.....</b>   | <b>17</b> |
| <b>26</b> | <b>Appendix 5 - ANNUAL LEAVE RECORD.....</b>  | <b>18</b> |

## **1 Policy Statement**

- 1.1 Torbay and South Devon NHS Foundation Trust (the 'Trust') is committed to developing and maintaining working arrangements that enable staff to achieve a work life balance. The Trust recognises the importance of annual leave in helping staff to achieve this.

## **2 Purpose**

- 2.1 The aim of this policy is to provide a uniform and equitable approach in the calculation of annual leave and bank holiday entitlements and arrangements for staff as defined under Agenda for Change terms and conditions of service.

## **3 Scope**

- 3.1 This policy applies to all staff employed by Torbay & South Devon NHS Foundation Trust, together with those on a joint contract with the organisation and another employer.
- 3.2 This policy is not applicable to Bank Workers or staff covered under the Medical and Dental conditions of service for whom separate provisions apply

## **4 Equality and Diversity Statement**

- 4.1 The Trust is committed to preventing discrimination, valuing diversity and achieving equality of opportunity. No person (staff, patient or public) will receive less favourable treatment on the grounds of the nine protected characteristics (as governed by the Equality Act 2010): sexual orientation; gender; age; gender re-assignment; pregnancy and maternity; disability; religion or belief; race; marriage and civil partnership. In addition to these nine, the Trusts will not discriminate on the grounds of domestic circumstances, social-economic status, political affiliation or trade union membership.
- 4.2 The Trust is committed to ensuring all services, policies, projects and strategies undergo equality analysis.

## **5 Roles and Responsibilities**

### **5.1 Managers are responsible for:**

- 5.1.1 Ensuring that individuals are aware of the procedures for requesting annual leave within their own department and are responsible for authorising any leave requests
- 5.1.2 Ensuring that staff are aware of their annual leave entitlements.
- 5.1.3 Ensuring that annual leave is planned and subject to the needs of the service. Managers should ensure that all staff spread their leave over the year to avoid excessive levels of leave at the same time or towards the end of the leave year
- 5.1.4 Keeping records for annual leave requests
- 5.1.5 Adjusting annual leave entitlement on notification from employee that service entitlement has been reached

## 5.2 **Employees are responsible for:**

- 5.2.1 Familiarise themselves with this policy and request annual leave in accordance with the policy and local department procedure /guidelines
- 5.2.2 Ensuring that their annual leave is planned and taken across the annual leave year.
- 5.2.3 Requesting and obtaining authorisation for any leave requests prior to booking any arrangements outside of work eg travel, accommodation, package holiday
- 5.2.4 Notifying their line manager when their length of service reaches a point which requires adjustment to their annual leave entitlement

## 6 **Annual Leave Year**

- 6.1. The annual leave year runs from 1st April to 31st March the following year

## 7 **Pay during Annual leave**

- 7.1 Pay during annual leave is calculated on the basis of what the individual would have received had he/she been at work based on normal contractual hours and will include any regularly paid supplements.

## 8 **Basic Annual Leave Entitlements**

- 8.1 The basic annual leave provisions are detailed in the table below:

| <b>Length of Service</b> | <b>Annual Leave</b> | <b>Public Holidays</b> |
|--------------------------|---------------------|------------------------|
| On Appointment           | 27 days             | 8 days                 |
| After 5 Years' Service   | 29 days             | 8 days                 |
| After 10 Years' Service  | 33 days             | 8 days                 |

- 8.2 All staff will have annual leave entitlement calculated in hours. This provides equity for all, ensuring that staff who work variable hours / shifts do not either lose out or gain in comparison to colleagues who work a standard shift pattern (see Appendix 1)
- 8.3 Part-time staff will receive annual leave and public holiday entitlement pro-rata to full time hours.
- 8.4 The Trust will count all aggregated NHS service for the purposes of calculating annual leave entitlement, but not bank or recruitment agency service (see Section 11)

## 9 **Bank Holiday Entitlements**

- 9.1 In addition to the basic annual leave entitlement employees are entitled to a Bank/Public holiday allowance. All staff will have their entitlement calculated in hours (see appendix 2). The hours an employee would normally work on a Bank Holiday to be taken as leave should be deducted from the 'Total Leave Entitlement' (see Section 10).

- 9.2 Part time staff are entitled to a pro-rata Bank/Public holiday allowance. (see appendix 2 ). For each Bank holiday the employee deducts the hours they were due to work that day from the 'Total leave entitlement' (see Section 8).

For example, an employee works 21 hours per week over three days so will usually have 33.5 hours of bank holiday entitlement (see Appendix 2). The employee would deduct seven hours from their 'Total Leave Entitlement' as this is what they would normally work on any working day

- 9.3 The recognised Public/Bank Holidays are as follows:

- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday (late May)
- August Bank Holiday
- Christmas Day\*
- Boxing Day\*
- New Year's Day\*

\*If these dates fall on a weekend (Sat and/or a Sun) the official Bank/Public Holiday days will be the following Monday (and Tuesday in the case of both Christmas Day and Boxing Day falling at the weekend).

- 9.4 Where Easter falls wholly or partly in March, the Bank/Public holidays will be deemed to be part of the leave year's entitlement as it falls. If this situation occurs then the entitlement the following year will be calculated as having less the number of Bank/Public holidays that fell in the previous year (either one or two as appropriate).
- 9.5 The Bank/Public holiday period is defined as the 24 hour period from the midnight leading in to the Bank/Public holiday to midnight on the day of the Bank/Public holiday.
- 9.6 If an employee who has exhausted their Bank/Public holiday provision wishes or is required to take leave on a further Public/Bank holiday, the time taken will be deducted from the basic annual leave entitlement. This may be the case for someone who works part-time and the majority of Bank/Public holidays fall on their usual working day (see Section 8.1).
- 9.7 Where a service or department does not operate on a Bank/Public holiday but a part-time employee does not wish to use leave entitlement, if operationally possible, consideration should be given to allowing them to change their working days during that week in which the Bank/Public holiday falls. Alternatively and again only if operationally possible, an employee may be able to increase their working hours on the other days they work in the week to compensate for the amount they should have worked on the Bank/Public holiday.
- 9.8 In some circumstances where a service or department does not operate on a Bank/Public holiday, it may be possible for an employee who does not wish to take leave on the Bank/Public holiday to undertake their duties or work in another part of the same service that does operate on Bank/Public Holidays. This will be entirely at the discretion of the department/service concerned. It also needs to be made clear to the employee that if this option can be facilitated for them, it will not class as 'out of hours' working for the purposes of any unsocial hours supplement or any other payment. Equally it will simply mean that no leave is deducted from the employees Bank Holiday, Annual or total leave entitlements.

## 10 Total Leave Entitlements

- 10.1 Whilst basic annual leave and Bank/Public holiday entitlements have been shown separately for clarity of entitlement, it will be easier for many staff to record their annual leave and Bank/Public holiday entitlement as a total leave entitlement. To do this simply add together the respective entitlements from Appendix 1 and Appendix 2. The hours deducted are those that would normally be worked on the day taken as leave regardless of whether it is annual leave or Bank Holiday entitlement. These hours are then deducted from the 'Total Leave Entitlement'.

An Annual Leave Calculator is available on the Workforce information pages on ICON

<https://icon.torbayandsouthdevon.nhs.uk/areas/workforce-information/Pages/annual-leave-calculator.aspx>

- 10.2 An employee on sick leave, or special paid leave, will **not** accrue bank holiday entitlement during the period of absence. Therefore, if an employee has their annual leave and bank holiday leave added together as a total leave entitlement when they are away from work due to sickness and a bank holiday occurs the bank holiday entitlement due for that day must be deducted from the total

## 11 Calculation of Reckonable Service

- 11.1 For the purposes of determining annual leave entitlements for long service an employee's total aggregated NHS service (in whole months) is used. This essentially means that if an employee has broken periods of service all the periods of service are added together to give a total. It is however important to note that the periods of time spent outside the NHS are not counted unless covered by those Health-Related Services (see Appendix 3). For example, if an employee worked in the NHS for 5 years, left for 2 years and re-joined 3 years ago, their total service for annual leave purposes would be 8 years and not 10 years.
- 11.2 Appendix 3 lists the organisations recognised as NHS employers and Health-Related employment that will count for annual leave purposes. Further advice and clarification should be sought from your HR Advisor when necessary. Bank or recruitment agency service does not count towards aggregated service.
- 11.3 In addition The Trust will recognise service in from organisations outside the NHS as reckonable service for annual leave entitlement for professionally qualified Social Care roles (eg Social Workers).
- 11.4 Employees will be required to provide their manager with reasonable evidence of previous service.

## 12 Entitlement on Joining

- 12.1 All new members of staff will be entitled to annual leave on a pro rata basis, plus any remaining bank holidays left in the current annual leave year, when joining the organisation.
- 12.2 Entitlement in the first year is calculated from the first day of employment with the Trust please refer to Appendix 4 for example on how to calculate annual leave entitlement for a new employee.



- 12.3 The Bank/Public holiday entitlement will be based on the number of Bank/Public holidays remaining in the current leave year from the date of joining. Hours must be calculated pro-rata for part-time employees.
- 12.4 An employee commencing employment with the Trust who was previously employed by another NHS employer should ensure that all annual leave entitlements are used prior to commencing in their new post as annual leave entitlements cannot be carried over to the new position with the Trust

### 13 Change of Entitlement During Leave Year (Long Service)

- 13.1 Staff whose entitlement changes part way through a leave year by reaching a long service threshold (five or ten years) will have their annual leave entitlement calculated based on the number of completed months worked in the leave year prior to reaching the long service threshold together with the number of months worked in the leave year after reaching the threshold to give a total annual leave entitlement for the year.
- 13.2 If more days of the month fall after the date of gaining the higher entitlement, that month will be counted as a full month at the higher entitlement. Conversely if more days of the month fall before the change of entitlement, that month will be counted as a full month at the lower rate of entitlement.

EXAMPLE: A member of staff works 30 hours per week achieves 5 years of reckonable NHS service on 10th July.

From Appendix 1 their annual leave for less than 5 years service is 162 hours per annum and rises to 174 hours per annum after 5 years service.

As the majority of July falls in the higher entitlement the employee has three months at the lower rate plus 9 months at the higher rate. Therefore their overall annual leave entitlement for this year is 3/12ths of 162hrs + 9/12ths of 174 hours = 171 hours.

### 14 Entitlement On Changing Contracted Hours

- 14.1 Where staff change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed months on the new and the old contracted hours to give the full year entitlement.
- 14.2 If more days of the month fall after the date of changing hours, that month will be counted as a full month at the new hours. Conversely if more days of the month fall before the change of hours, that month will be counted as a full month at the old hours.

EXAMPLE: A member of staff with less than 5 years' service increases their contract hours from 20 to 25 on 11th October.

- From Appendix 1 their annual leave for 20 hours per week is 108 hours per annum and rises to 135 hours per annum for a 25-hour week.
- As the majority of October falls after the new hours the employee has six months at the new hour's rate and 6 months at the old hour's rate.
- Therefore their overall annual leave entitlement for this year is 6/12ths of 108hrs + 6/12ths of 135 hours = 121.5 hours.

## 15 Local Arrangements

- 15.1 It is anticipated that individual departments will have an approval process or local operational agreement, which makes explicit the minimum standards by which staff may book and take paid annual leave.
- 15.2 Local agreements should describe the minimum notice requirements; identify the number of staff that can be on leave at any one time without disrupting the service and incurring cover costs; arrangements for Christmas, summer holiday arrangements when often a number of staff will want time off at the same time.
- 15.3 In some departments it may be necessary to identify how many staff must take leave per month in order to ensure all staff leave is taken throughout the year and, if no staff have booked leave for that particular period, and after requesting employees take leave during the particular period, the manager may require leave to be taken.

## 16 Carry Over of Leave

- 16.1 The Trust expects that staff should be provided with the opportunity to take all their annual leave within the leave year and staff who are fit and able to attend work should be provided with the opportunity to take all their contractual leave.
- 16.2 In exceptional circumstances up to one week of basic contracted hours (ie for a part time member of staff working 2 days per week, a week would equate to 2 days) may be carried over to the following leave year, with the agreement of the Manager.
- 16.3 Applications to carry over amounts of paid contractual annual leave in excess of the equivalent of one week will only be approved in circumstances where an employee is able to demonstrate they were prevented, solely due to the needs of the service, from taking their normal full entitlement during the relevant leave year, or with their managers agreement, they are transferring it for an agreed purpose. Such approval can only be granted by Directors, Service Unit Managers or nominated deputies.
- 16.4 In relation to 16.3 above, The Working Time Regulations 1998 stipulate that the four weeks' statutory leave under reg.13 (pro-rotas for part-time employees) must be taken in the leave year it is accrued. Staff are therefore required to take a minimum of 20 days (pro-rotas) holiday in the leave year where a request to carry forward leave to the next year is made.
- 16.5 Applications to carry over amounts of contractual paid annual leave from any current leave year to an immediately subsequent leave year, must be made in writing to the designated manager, prior to the end of any current leave year from which the paid contractual annual leave is to be carried over.
- 16.6 Designated managers should ensure staff carrying over amounts of paid contractual annual leave agree a date by which the total amount of carried over paid contractual annual leave will be taken, prior to the request to carry over being approved.
- 16.7 For employees who are long term sick, the Trust is obliged to ensure that they receive the Working Time Regulation annual leave entitlement of 20 days (pro rata for part time staff). Employees will continue to accrue statutory annual leave whilst sick and where unable to take

it in the current holiday year due to sickness absence they are entitled to carry the statutory annual leave entitlement (20 days pro rata, minus any leave taken in that leave year) forward into the next year.

- 16.8 Employees on maternity leave continue to accrue their contractual annual leave including bank holiday entitlement. It is expected, where possible, that they will use any accrued annual leave prior to the date that they go on maternity leave. The contractual annual leave, including bank holidays, that they accrue during maternity leave will be carried over to the next annual leave year if their maternity leave bridges two annual leave years.

## **17 Sickness Occurring During Annual Leave or Bank Holidays**

- 17.1 Employees will not be entitled to an additional day off if sick on a Bank/Public holiday
- 17.2 If an employee falls sick whilst on annual leave, then in accordance with the Sickness Absence Management Policy, the employee must contact their line manager as soon as possible to inform them. If they wish to cancel the annual leave so that it can be taken at a later date the employee must provide a Fit Note and make a request to their line manager. A self-certification will not be accepted Annual leave can only be claimed back from the point of becoming sick.
- 17.3 In order claim back annual leave due to sickness, staff are required to provide a Fit Note certificate upon their first day returning to work or due to return to work if absence is longer, after their original annual leave was booked and at no point thereafter. The annual leave must be taken at a later date in agreement with their line manager. If taken ill whilst abroad the employee must provide the necessary paperwork, i.e. signed hospital admission, referral etc, to enable the annual leave to be reimbursed.

## **18 Entitlement on Leaving**

- 18.1 Staff who leave the Trust receive their pro rata annual leave and Bank/Public holiday entitlement calculated up to their 'last working day', less any leave taken. ( see Appendix 4 for example on how to calculate annual leave entitlement for a leaver)
- 18.2 Where the leave due to an employee exceeds what they have taken, payment will be made for the balance in the final pay.
- 18.3 Where the annual leave taken exceeds the annual leave accrued, a deduction for the balance will be made in the employee's final pay.
- 18.4 Details of all leave entitlement on termination must be entered on the Termination Form.
- 18.5 When calculating the entitlement on leaving for part-time employees who have added their annual leave hours together with their Bank/Public holiday hours to give 'total leave hours' the remainder of any Bank/Public holiday hours for the rest of the annual leave year must be deducted from the calculation.
- 18.6 Annual leave entitlements cannot be carried over to future employers, including NHS. All outstanding annual leave entitlements must be taken or will be paid for upon termination.

## **19 Training and Awareness**

- 19.1 Advice and support will be provided by the HR team to support staff and managers in adhering to this policy and their understanding of dealing with the calculation, and allocation of annual leave and bank holiday entitlements
- 19.2 The HR team will raise awareness of this policy through the publication of information on ICON and to advise staff of changes to the policy through the staff bulletin and ratification processes.

## **20 Contact Details**

- 20.1 Any queries regarding this policy should be directed to the HR team of the Directorate of Workforce and Organisational Development.
- HR Helpline – 01803 655754 (ext. 55754)
  - HR department – 01803 654506

## **21 Monitoring, Audit and Review Procedures**

- 21.1 This policy will be monitored and audited on a regular basis. A full review will take place every two years by the Directorate of Workforce and Organisational Development unless legislative changes determine otherwise.

**22 Appendix 1 - Agenda For Change: Annual Leave Entitlement For Complete Years (Exclusive Of Bank Holidays)**

| Weekly Basic Contracted Hours | On Appointment          | After 5 Years Service | After 10 Years Service |
|-------------------------------|-------------------------|-----------------------|------------------------|
|                               | 27 DAYS                 | 29 DAYS               | 33 DAYS                |
|                               | <b>HOURS EQUIVALENT</b> |                       |                        |
| 37.5                          | 202.5                   | 217.5                 | 247.5                  |
| 37.0                          | 200.0                   | 214.5                 | 244.0                  |
| 36.5                          | 197.0                   | 211.5                 | 241.5                  |
| 36.0                          | 194.5                   | 209.0                 | 237.5                  |
| 35.5                          | 191.5                   | 206.0                 | 234.5                  |
| 35.0                          | 189.0                   | 203.0                 | 231.0                  |
| 34.5                          | 186.5                   | 200.0                 | 227.5                  |
| 34.0                          | 183.5                   | 197.0                 | 224.5                  |
| 33.5                          | 181.0                   | 194.5                 | 221.0                  |
| 33.0                          | 178.0                   | 191.5                 | 218.0                  |
| 32.5                          | 175.5                   | 188.5                 | 214.5                  |
| 32.0                          | 173.0                   | 185.5                 | 211.0                  |
| 31.5                          | 170.0                   | 182.5                 | 208.0                  |
| 31.0                          | 167.5                   | 180.0                 | 204.5                  |
| 30.5                          | 164.5                   | 177.0                 | 201.5                  |
| 30.0                          | 162.0                   | 174.0                 | 198.0                  |
| 29.5                          | 159.5                   | 171.0                 | 194.5                  |
| 29.0                          | 156.5                   | 168.0                 | 191.5                  |
| 28.5                          | 154.0                   | 165.5                 | 188.0                  |
| 28.0                          | 151.0                   | 162.5                 | 185.0                  |
| 27.5                          | 148.5                   | 159.5                 | 181.5                  |
| 27.0                          | 146.0                   | 156.5                 | 178.0                  |
| 26.5                          | 143.0                   | 153.5                 | 175.0                  |
| 26.0                          | 140.5                   | 151.0                 | 171.5                  |
| 25.5                          | 137.5                   | 148.0                 | 168.5                  |
| 25.0                          | 135.0                   | 145.0                 | 165.0                  |
| 24.5                          | 132.5                   | 142.0                 | 161.5                  |
| 24.0                          | 129.5                   | 139.0                 | 158.5                  |
| 23.5                          | 127.0                   | 136.5                 | 155.0                  |
| 23.0                          | 124.0                   | 133.5                 | 152.0                  |
| 22.5                          | 121.5                   | 130.5                 | 148.5                  |
| 22.0                          | 119.0                   | 127.5                 | 145.0                  |
| 21.5                          | 116.0                   | 124.5                 | 142.0                  |
| 21.0                          | 113.5                   | 122.0                 | 138.5                  |
| 20.5                          | 110.5                   | 119.0                 | 135.5                  |
| 20.0                          | 108.0                   | 116.0                 | 132.0                  |
| 19.5                          | 105.5                   | 113.0                 | 128.5                  |
| 19.0                          | 102.5                   | 110.0                 | 125.5                  |

| Weekly Basic Contracted Hours | On Appointment          | After 5 Years Service | After 10 Years Service |
|-------------------------------|-------------------------|-----------------------|------------------------|
|                               | 27 DAYS                 | 29 DAYS               | 33 DAYS                |
|                               | <b>HOURS EQUIVALENT</b> |                       |                        |
| 18.5                          | 100.0                   | 107.5                 | 122.0                  |
| 18.0                          | 97.0                    | 104.5                 | 119.0                  |
| 17.5                          | 94.5                    | 101.5                 | 115.5                  |
| 17.0                          | 92.0                    | 98.5                  | 112.0                  |
| 16.5                          | 89.0                    | 95.5                  | 109.0                  |
| 16.0                          | 86.5                    | 93.0                  | 105.5                  |
| 15.5                          | 83.5                    | 90.0                  | 102.5                  |
| 15.0                          | 81.0                    | 87.0                  | 99.0                   |
| 14.5                          | 78.5                    | 84.0                  | 95.5                   |
| 14.0                          | 75.5                    | 81.0                  | 92.5                   |
| 13.5                          | 73.0                    | 78.5                  | 89.0                   |
| 13.0                          | 70.0                    | 75.5                  | 86.0                   |
| 12.5                          | 67.5                    | 72.5                  | 82.5                   |
| 12.0                          | 65.0                    | 69.5                  | 79.0                   |
| 11.5                          | 62.0                    | 66.5                  | 76.0                   |
| 11.0                          | 59.5                    | 64.0                  | 72.5                   |
| 10.5                          | 56.5                    | 61.0                  | 69.5                   |
| 10.0                          | 54.0                    | 58.0                  | 66.0                   |
| 9.5                           | 51.5                    | 55.0                  | 62.5                   |
| 9.0                           | 48.5                    | 52.0                  | 59.5                   |
| 8.5                           | 46.0                    | 49.5                  | 56.0                   |
| 8.0                           | 43.0                    | 46.5                  | 53.0                   |
| 7.5                           | 40.5                    | 43.5                  | 49.5                   |
| 7.0                           | 38.0                    | 40.5                  | 46.0                   |
| 6.5                           | 35.0                    | 37.5                  | 43.0                   |
| 6.0                           | 32.5                    | 35.0                  | 39.5                   |
| 5.5                           | 29.5                    | 32.0                  | 36.5                   |
| 5.0                           | 27.0                    | 29.0                  | 33.0                   |
| 4.5                           | 24.5                    | 26.0                  | 29.5                   |
| 4.0                           | 21.5                    | 23.0                  | 26.5                   |
| 3.5                           | 19.0                    | 20.5                  | 23.0                   |
| 3.0                           | 16.0                    | 17.5                  | 20.0                   |
| 2.5                           | 13.5                    | 14.5                  | 16.5                   |
| 2.0                           | 11.0                    | 11.5                  | 13.0                   |
| 1.5                           | 8.0                     | 8.5                   | 10.0                   |
| 1.0                           | 5.5                     | 6.0                   | 6.5                    |
| 0.5                           | 2.5                     | 3.0                   | 3.5                    |

Formula = 
$$\frac{\text{Weekly Contracted Hrs} \times \text{No. of Days Entitlement}}{5}$$

**23 Appendix 2 - Agenda For Change: Calculation Of Bank Holiday Entitlement**

| <b>Weekly Basic Contracted Hours</b> | <b>Hourly Entitlement For Full Leave Year</b> | <b>Weekly Basic Contracted Hours</b> | <b>Hourly Entitlement For Full Leave Year</b> |
|--------------------------------------|---|--------------------------------------|---|
|                                      | <b>(8 BANK HOLIDAYS)</b>                      |                                      | <b>(8 BANK HOLIDAYS)</b>                      |
| 37.5                                 | 60.0  | 18.5                                 | 29.5  |
| 37.0                                 | 59.0  | 18.0                                 | 29.0  |
| 36.5                                 | 58.5  | 17.5                                 | 28.0  |
| 36.0                                 | 57.5  | 17.0                                 | 27.0  |
| 35.5                                 | 57.0  | 16.5                                 | 26.5  |
| 35.0                                 | 56.0  | 16.0                                 | 25.5  |
| 34.5                                 | 55.0  | 15.5                                 | 25.0  |
| 34.0                                 | 54.5  | 15.0                                 | 24.0  |
| 33.5                                 | 53.5  | 14.5                                 | 23.0  |
| 33.0                                 | 53.0  | 14.0                                 | 22.5  |
| 32.5                                 | 52.0  | 13.5                                 | 21.5  |
| 32.0                                 | 51.0  | 13.0                                 | 21.0  |
| 31.5                                 | 50.5  | 12.5                                 | 20.0  |
| 31.0                                 | 49.5  | 12.0                                 | 19.0  |
| 30.5                                 | 49.0  | 11.5                                 | 18.5  |
| 30.0                                 | 48.0  | 11.0                                 | 17.5  |
| 29.5                                 | 47.0  | 10.5                                 | 17.0  |
| 29.0                                 | 46.5  | 10.0                                 | 16.0  |
| 28.5                                 | 45.5  | 9.5                                  | 15.0  |
| 28.0                                 | 45.0  | 9.0                                  | 14.5  |
| 27.5                                 | 44.0  | 8.5                                  | 13.5  |
| 27.0                                 | 43.0  | 8.0                                  | 13.0  |
| 26.5                                 | 42.5  | 7.5                                  | 12.0  |
| 26.0                                 | 41.5  | 7.0                                  | 11.0  |
| 25.5                                 | 41.0  | 6.5                                  | 10.5  |
| 25.0                                 | 40.0  | 6.0                                  | 9.5   |
| 24.5                                 | 39.0  | 5.5                                  | 9.0   |
| 24.0                                 | 38.5  | 5.0                                  | 8.0   |
| 23.5                                 | 37.5  | 4.5                                  | 7.0   |
| 23.0                                 | 37.0  | 4.0                                  | 6.5   |
| 22.5                                 | 36.0  | 3.5                                  | 5.5   |
| 22.0                                 | 35.0  | 3.0                                  | 5.0   |
| 21.5                                 | 34.5  | 2.5                                  | 4.0   |
| 21.0                                 | 33.5  | 2.0                                  | 3.0   |
| 20.5                                 | 33.0  | 1.5                                  | 2.5   |
| 20.0                                 | 32.0  | 1.0                                  | 1.5   |
| 19.5                                 | 31.0  | 0.5                                  | 1.0   |
| 19.0                                 | 30.5  |                                      |   |

Formula =  $\frac{\text{Weekly Contracted Hrs} \times \text{No. of Days Entitlement}}{5}$

5

## **24 Appendix 3 - NHS EMPLOYERS**

### **England**

NHS trusts including Foundation Trusts  
Special health authorities  
NHS England  
Clinical commissioning groups  
The Health and Social Care Information Centre  
National Institute for Health and Clinical Excellence  
Health Education England

### **Northern Ireland**

HSC Board  
HSC Trusts  
Public Health Agency  
Business Services Organisation  
Patient and Client Council  
HSC Special Agencies

### **Scotland**

Health boards  
Special health boards

### **Wales**

NHS trusts  
Local health boards

### **Health Related Employment**

GP Practices  
Hospices  
Medical Service in HM Armed Forces e.g. nurse/operating department practitioner  
Equivalent Health Service experience overseas e.g. overseas nurse/allied health professional

### **Other Employment**

The Trust may recognise service in from organisations outside the NHS as reckonable service for annual leave entitlement for professionally qualified Social Care roles (eg Social Workers)



## 25 Appendix 4 – EXAMPLE CALCULATIONS

### A4.1 Calculating annual leave for a new employee

1. Work out the entitlement for the full leave year (based on length of service).
2. Divide by 12 (months in the year).
3. Multiply the amount of leave entitlement per month by the number of whole months left in the leave year.
4. For the part month that the new employee started in divide the monthly figure by the number of days in the month they started and then multiply by the number of calendar days in the month since their first day.
5. Calculate in hours for any type of contract.
6. Annual leave must always be rounded **up** to the nearest half hour.
7. Bank/Public holiday hours will be calculated based on the number of Bank/Public holidays remaining in the leave year. Hours should then be pro-rata'd for part-time contracts by dividing weekly contracted hours by 5 and multiplying by the number of Bank/Public holidays remaining in the year.

#### Example

A new employee starts on a contract of 22.5 hours on the 15 May and has six years reckonable service.

1. Total entitlement for the whole year is **130.5 hours**.
2. Entitlement per month is **10.875 hours**.
3. Entitlement for whole months remaining is **10 x 10.875 hours = 108.75 hours**.
4. Entitlement for the month of May is **10.875 ÷ 31 x 17 = 5.963 hours**.
5. Total annual leave for the year is **108.75 + 5.963 = 114.713 hours**.
6. Rounded up to **115 hours**.
7. Bank/Public holidays remaining in the year are **5** (Spring Bank holiday, August Bank holiday, Christmas Day, Boxing Day and New Years Day). **22.5 hours ÷ 5 x 5 = 22.5 hours**.

### A4.2 Calculating annual leave for a leaving employee

1. Work out the entitlement for the full leave year (based on length of service).
2. Divide by 12 (months in the year).
3. Multiply the amount of leave entitlement per month by the number of whole months that the employee has worked for Torbay and Southern Devon Health and Care NHS Trust .
4. For any part month that the employee is employed divide the monthly figure by the number of days in the month they finish and then multiply by the number of calendar days up to their termination date.
5. Calculate in hours for any type of contract.
6. Annual leave must always be rounded **up** to the nearest half hour
7. Bank/Public holiday hours will be calculated based on the number of Bank/Public holidays that have occurred up to the termination date. Hours should then be pro-rata'd for part-time contracts by dividing weekly contracted hours by 5 and multiplying by the number of Bank/Public holidays that have already occurred.

**26 Appendix 5 - ANNUAL LEAVE RECORD**

**EMPLOYEE'S NAME:** .....

**NHS Start Date:** ..... **Days B/F from previous year:** .....

**Entitlement for this year:** .....

**TOTAL**

|  |
|--|
|  |
|--|

| DATES REQUESTED |    | NUMBER OF DAYS BOOKED | NUMBER OF DAYS REMAINING |
|-----------------|----|-----------------------|--------------------------|
| FROM            | TO |                       |                          |
|                 |    |                       |                          |
|                 |    |                       |                          |
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