GENERAL POLICY STATEMENT

This document sets out the Trust’s policy for the calculation of annual leave and general public holiday entitlements for all employees.

Staff should refer to their ‘Statement of Main Terms and Conditions Of Employment: Further Particulars’ for specific details of their individual entitlement, and further general information can be found in the NHS Terms & Conditions of Service Handbook which is available via the HR website on the Trust’s intranet.

This policy shall apply to all staff employed by the Trust, including those who are seconded out to another organisation. It does not apply to employees seconded into the Trust (those employees are the responsibility of their substantive employer), or other individuals engaged to undertake activities within the Trust, for instance, contractors and agency workers.

1 Aims

The policy provides advice to managers and employees on the calculation, recording and management of annual leave.

2 Duties (Roles and Responsibilities)

2.1 The Executive Team is accountable to the Trust Board for ensuring Trust-wide compliance with policy.

2.2 Directorate managers and heads of service are responsible to the Executive Team for ensuring policy implementation.

2.3 Managers are responsible for ensuring policy implementation and compliance in their area(s).

2.4 Staff are responsible for complying with policy.
3 General Principles

3.1 Under the Working Time Regulations 1998, workers are entitled to a statutory minimum of 5.6 weeks annual leave per year. For a full time worker working five days a week, this equates to 28 days’ annual leave (inclusive of eight Public Holidays).

3.2 Under NHS Terms and Conditions of Service (Agenda for Change), the above statutory entitlement is included within the Trust’s provisions for contractual annual leave which is detailed in Section 5 below.

3.2 The annual leave year is 1 April to 31 March each year. Employees are advised not to book any holiday until their leave request has been approved. Managers must review service need when considering whether a request can be approved.

3.3 The Trust expects all employees to take all of their annual leave entitlement within the current annual leave year. Carry over from one year to the next is discouraged. Where employees have been unable to take their entitlement due to maternity leave, adoption leave, paternity leave, shared parental leave, parental leave or sickness absence (as per the respective policies), the amount of annual leave an employee wishes to carry over must be approved in advance by the line manager/Clinical Director.

3.4 With the exception of the above and extenuating circumstances, the amount of accrued annual leave/public holidays an employee can carry over to the next annual leave year should not normally exceed 5 days i.e. one working week (pro-rata for part-time employees and full time employees who work less than 5 days per week). Where annual leave is carried over, the first amount(s) of leave taken will be deemed to be carry over until the total amount of carry-over is exhausted. Where the carry-over of statutory annual leave is appropriate, the amount which may be carried over to a new leave year is four weeks (i.e. the entitlement under the European Working Time Directive) - the additional 1.6 weeks’ annual leave under Regulation 13A of the Working Time Regulations does not carry over.

3.5 The Trust will not make payment in lieu of any untaken annual leave/public holidays. Payment will be made for untaken annual leave if an employee terminates their employment with the Trust and is unable to utilise accrued annual leave during their notice period due to service need.

3.6 If an employee is unwell whilst on a period of annual leave, they should refer to the Employee Wellbeing policy for information on conditions in order to receive replacement holiday on their return to work.

3.7 If an employee is unwell before the start of a period of planned annual leave, they should refer to the Employee Wellbeing policy for information on how to postpone their leave.
4 **Recording of Annual Leave**

4.1 Annual leave is recorded centrally via the ERA system and in the case of Medical and Dental staffing, annual leave is managed centrally within departments.

4.2 Managers should record their staff’s annual leave on the ERA system in a timely manner. In relation to medical and dental staff, managers should continue to record their annual leave on the ESR system.

4.3 Managers must keep a central record of any annual leave carried over by their staff to the next annual leave year. This must be available for scrutiny by Finance and external audit as and when required.

5 **Calculation of Entitlement to Annual Leave and Bank Holidays**

5.1 **General Principles Non-Medical Employees**

a) Annual leave entitlements for non-medical employees are as follows:

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Annual Leave Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>On appointment</td>
<td>27 days (202.5 Hours)</td>
</tr>
<tr>
<td>After 5 years’ service</td>
<td>29 days (217.5 Hours)</td>
</tr>
<tr>
<td>After 10 years’ service</td>
<td>33 days (247.5 Hours)</td>
</tr>
</tbody>
</table>

b) In addition to the above, there is normally a total of *eight general public holidays in a leave year. Entitlement is dependent on the number of hours/days normally worked per week.

(* Easter falls on a different date each year – either March or April. When Easter falls both in April and the following March there will be more public holidays in one annual leave year than the next. This will not affect employees who generally work Monday to Friday and take public holidays when they fall. For other employees, managers will need to be vigilant of the calendar and ensure calculations are based on the actual number of public holidays in the period. This also applies to individuals who join or leave the Trust partway through a leave year).

c) Annual leave and general public holiday entitlement is calculated in hours. To calculate leave and/or public holiday entitlements, please refer to the annual leave calculator available [here](#).

d) Employees who work part-time or job share shall receive entitlement to annual leave and public holidays on a pro-rata basis according to the number of hours worked. This is regardless of whether or not an employee works fixed days, or normally works on a roster basis on days that are not public holidays (e.g. weekends).
Where staff work standard shifts other than 7½ hours excluding meal breaks, annual leave and public holiday entitlements should be calculated on an hourly basis to prevent staff on these shifts receiving greater or less leave than colleagues on standard shifts.

Calculations in hours shall be rounded up or down to the nearest half hour (e.g. 1.7 = 1½ hours, 1.8 = 2 hours).

5.2 Starters, Leavers, Temporary/Fixed Term Contracts and Changes

a) Annual leave entitlement for all staff covered by this policy is calculated in hours using a '365-day' calculation. The calculation is applied as follows:

- When staff are appointed – entitlement in the first year (if not a full year) is the relevant full year entitlement (202½, 217½ or 247½ hours pro-rata for part-time) divided by 365-days multiplied by the number of calendar days in the leave year starting from the date of appointment and ending on 31 March. The amount will need to be recalculated if staff change their job and/or leave in the first year.

- When staff change their job (e.g. hours) – entitlement in the leave year should be calculated separately before and after the change. The calculation for each separate entitlement is:

  o Before the date of change – the relevant full year entitlement (202½, 217½ or 247½ hours pro-rata for part-time) divided by 365-days multiplied by the number of calendar days employed in the leave year before the date of change

  o From the date of change – the relevant full year entitlement (202½, 217½ or 247½ hours pro-rata for part-time) divided by 365-days multiplied by the number of calendar days of employment remaining in the leave year

The amount will need to be recalculated if staff change their job more than once and/or leave in the same leave year.

- When staff leave the Trust – entitlement in the year of leaving (if not a full year) is the relevant full year entitlement (202½, 217½ or 247½ hours pro-rata for part-time) divided by 365-days multiplied by the number of calendar days they have been employed in that year. The amount will need to take account of the employee’s start date and/or any job change(s) if they occurred in the year of leaving.

The annual leave calculator is available here.
5.3 Employees on Term Time Contracts

Annual Leave entitlement for a term-time employee is calculated based on contracted [actual working hours] and not paid hours. Annual leave is recorded in ERA based on an employee's contracted hours and not their paid hours.

Staff on a term-time contract should request from their manager (via electronic annual leave requests in EmployeeOnline) which of the school holidays will be taken as annual leave rather than as 'days off' in line with their annual leave entitlement. Requests should be actioned by the manager in ERA. Incorrect recording of annual leave for term-timers who work unsocial hours is likely to result in under or over payments detailed guidance can be found in the ERA Policy.

5.4 Additional Annual Leave for Long Service

Additional annual leave entitlement is accrued after 5 and 10 years’ service in accordance with the NHS Terms & Conditions of Service Handbook – see paragraph 6.1 above.

5.5 Unpaid Leave & Contractual Annual Leave Accrual

a) Contractual annual leave shall not accrue during periods of continuous unpaid leave (with the exception of unpaid maternity leave, adoption leave, paternity leave and Shared Parental Leave) in accordance with the following table:

<table>
<thead>
<tr>
<th>Amount of continuous Unpaid Leave</th>
<th>Deduction from Contractual Annual Leave*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 2 weeks</td>
<td>No Deduction</td>
</tr>
<tr>
<td>&gt;2-4 weeks&lt;</td>
<td>Half a Month</td>
</tr>
<tr>
<td>&gt;4-6 weeks&lt;</td>
<td>One Month</td>
</tr>
<tr>
<td>&gt;6-8 weeks&lt;</td>
<td>One and a Half Months</td>
</tr>
<tr>
<td>&gt;8-10 weeks&lt;</td>
<td>Two Months</td>
</tr>
<tr>
<td>&gt;10-12 weeks&lt;</td>
<td>Two and a Half Months</td>
</tr>
</tbody>
</table>

*Deduction from contractual annual leave will be applied without detriment to statutory entitlement.

b) Periods greater than those stated above will amount to a reduction on the basis of half a month for each further two-week period.

c) General public holidays shall not accrue during periods of unpaid leave (with the exception of unpaid maternity leave, adoption leave, paternity leave and Shared Parental Leave). If a general public holiday falls during unpaid leave (other than the exceptions identified above) it shall be deducted from entitlement.

d) Periods of unpaid leave continue to be pensionable. It is an employee’s responsibility to contact their pension’s officer prior to any
period of unpaid leave, to ensure they fully understand the pension implications and make any necessary arrangements regarding contributions during the unpaid period.

e) Where an employee holds a Certificate of Sponsorship the employee and/or the line manager must contact the Human Resources Department to discuss any request for unpaid leave prior to the request being agreed, to ensure the employee fully understands any potential implications on their sponsorship.

6 Bank Nurses

Bank nurses’ entitlement to statutory annual leave will be met by a payment on a quarterly basis in arrears. In addition to the basic rate of pay, a bank nurse will be paid an amount based on an average of earnings paid in the previous 12 weeks multiplied by 1.4 (a quarter of the full year’s statutory annual leave entitlement), this will be clearly shown on the payslip.

7 Manager’s Responsibilities

Managers must ensure that employees receive their correct entitlement to annual leave and public holidays.

8 Changes

8.1 When employees change:
- the number of contracted hours they work, or
- their shifts in any way that affects their annual leave entitlement (e.g. change from long shifts to short shifts, or from 2 days per week to 4 days, etc.), or
- their job within the Trust

Managers must ensure that the leave entitlement accrued before the date of change is taken in full before the change is affected. The following rules will apply:

8.2 Reduction in Hours

Example (undertaken leave):

A full timer (37½ hours) changing to half-time (18¾ hours) has one week remaining of full time annual leave entitlement before the change. This must be cleared before part-time hours commence. The employee's start date for part-time hours must be deferred by one week.

Example (overtaken leave):

A full timer (37½ hours) changing to half-time (18¾ hours) has overtaken one week of full time annual leave entitlement before the change. The following options are available:
• the overtaken full time leave can be deducted from the part-time entitlement. This must be calculated in actual terms e.g. one week at full time is equivalent to two weeks at half-time, or
• a deduction from salary can be made equivalent to the actual amount of overtaken leave, or
• the actual number of overtaken hours can be made up by the employee either before or after their change to part-time hours.

All of the above options are subject to agreement by the relevant manager.

8.3 Increase in Hours

Example (undertaken leave):

A part-timer (18¾ hours) changing to full time (37½ hours) has one week remaining of part-time annual leave entitlement before the change. This must be cleared before full time hours commence. The employee’s start date for full time hours must be deferred by one week.

Example (overtaken leave)

A part-timer (18¾ hours) changing to full time (37½ hours) has overtaken one week of part-time annual leave entitlement before the change. The following options are available:

• the overtaken part-time time leave can be deducted from the full time entitlement. This must be calculated in actual terms e.g. one week at part-time is equivalent to half a week at full time, or
• a deduction from salary can be made equivalent to the actual amount of overtaken leave, or
• the actual number of overtaken hours can be made up by the employee either before or after their change to full time hours.

All of the above options are subject to agreement by the relevant manager.

9 Leavers

Managers must notify the Human Resources Department of all employee resignations immediately to avoid any overpayment. This can be done by email, telephone or via the ‘Human Resources - Leavers’ mailbox on the Trust’s global email address. See ‘Staff Leaving the Trust’ Policy for further details. The Leaver’s Checklist’s notify’s ayroll of any annual leave outstanding/overtaken and other payments due or to be paid or recovered.
10 Medical & Dental Staff

10.1 Senior Medical and Dental staff job plans are made up of Programmed Activities (PAs), each PA being 4 hours. A standard full time contract is 10 PAs per week, typically worked 2 PAs per day, Monday to Friday. Staff working ‘long days’ (eg 2.5 PAs) over a shorter week should seek guidance on calculating annual leave entitlement from the Clinical Director in the first instance.

10.2 A medical/dental employee who in the course of their duty is required to be present in hospital or other place of work between the hours of midnight and 9.00am on a public holiday should receive a day off in lieu.

10.3 Consultants

10.3.1 Consultants are entitled to annual leave at the following rates per year:

<table>
<thead>
<tr>
<th>Number of Years Completed Service as a Consultant</th>
<th>Up to Seven Years</th>
<th>Seven or More Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>32 days</td>
<td>34 days</td>
<td></td>
</tr>
</tbody>
</table>

10.3.2 Annual leave should be discussed at the annual Job Plan review. Dates for annual leave and the arrangements for the medical and dental employee’s work to be done in their absence should be incorporated into the agreed Job Plan, or alternatively agreed six weeks in advance.

10.4 Associate Specialists

10.4.1 Associate specialists are entitled to 32 days’ annual leave per year:

10.4.2 Annual leave should be discussed at the annual Job Plan review otherwise Associate Specialists shall provide a minimum of six weeks’ notice of annual leave.

10.5 Speciality Doctors

10.5.1 Speciality Doctors are entitled to annual leave at the following rates per year:

- Doctors who have completed a minimum of two years’ service in the specialty doctor and/or in equivalent grades or who had an entitlement to six weeks’ annual leave a year or more in their immediately previous appointments shall be entitled to annual leave at the rate of 32 days a year.

- Specialty doctors other than those mentioned above shall be entitled to leave at the rate of 27 days a year.
10.6 Junior Doctors

10.6.1 2002 Junior Doctor Contract

<table>
<thead>
<tr>
<th>Grade</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foundation Year 1 or equivalent</td>
<td>27 Days</td>
</tr>
<tr>
<td>Foundation Year 2 or equivalent</td>
<td>27 Days</td>
</tr>
<tr>
<td>SpR, ST (on the minimum, 1st and 2nd incremental points)</td>
<td>27 Days</td>
</tr>
<tr>
<td>SpR, ST (on the 3rd or higher incremental points)</td>
<td>32 Days</td>
</tr>
</tbody>
</table>

10.6.2 2016 Junior Doctor Contract

<table>
<thead>
<tr>
<th>NHS Service</th>
<th>Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>On first appointment to NHS</td>
<td>27 Days</td>
</tr>
<tr>
<td>After five years’ completed NHS Service</td>
<td>32 Days</td>
</tr>
</tbody>
</table>

11 Training

A summary of the key changes will be notified to managers following implementation. Further advice and guidance will be available from the Human Resources Department.

12 Equality and Diversity

The Trust is committed to ensuring that, as far as is reasonably practicable, the way services are provided and the way staff are treated reflects their individual needs and does not unlawfully discriminate against individuals or groups. This policy has been properly assessed.

13 Monitoring Compliance with the Policy

<table>
<thead>
<tr>
<th>Standard / Process / Issue</th>
<th>Monitoring and Audit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Method</td>
</tr>
<tr>
<td>Management of overpayments</td>
<td>Review of overpayments</td>
</tr>
</tbody>
</table>

14 Consultation and Review of this Policy

This policy has been reviewed in consultation with the Employment Policies and Procedures Consultative Group.
15 Implementation of the Policy (including raising awareness)

A summary of the key changes will be notified to managers following implementation. Further advice and guidance will be available from the Human Resources Department.

16 Additional Documents

- Adoption Leave and Pay Policy
- Annual Leave Calculator
- Electronic Rostering and Attendance (ERA)
- Employee Wellbeing Policy – incorporating absence management
- Maternity Leave and Pay Policy
- Paternity Leave and Pay Policy
- Shared Parental Leave Policy

Author: Employment Policies and Procedures Consultative Group
The Newcastle upon Tyne Hospitals NHS Foundation Trust
Equality Analysis  Form A

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

PART 1

1. **Assessment Date:**

2. **Name of policy / guidance/ strategy / service development / Investment plan/Board Paper:**
   - Annual Leave & General Public Holidays

3. **Name and designation of author:**
   - Karen Pearce, Head of Equality, Diversity & Inclusion - People

4. **Names & Designations of those involved in the impact analysis screening process:**
   - EPPCG

5. **Is this a:**
   - Policy X
   - Strategy □
   - Service □
   - Board Paper □

   **Is this:**
   - New □
   - Revised X

   **Who is affected:**
   - Employees X
   - Service Users □
   - Wider Community □

6. **What are the main aims, objectives of the document you are reviewing and what are the intended outcomes? (These can be cut and pasted from your policy)**

   The policy provides advice to managers and employees on the calculation, recording and management of annual leave.
7. **Does this policy, strategy, or service have any equality implications?** Yes ☐ No X

If No, state reasons and the information used to make this decision, please refer to paragraph 2.3 of the Equality Analysis Guidance before providing reasons:

See below

8. **Summary of evidence related to protected characteristics**

<table>
<thead>
<tr>
<th>Protected Characteristic</th>
<th>Evidence</th>
<th>Does evidence/engagement highlight areas of direct or indirect discrimination?</th>
<th>Are there any opportunities to advance equality of opportunity or foster good relations? If yes what steps will be taken? (by whom, completion date and review date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race / Ethnic origin (including gypsies and travellers)</td>
<td>This policy applies to all staff. Annual Leave is recorded on ERA, which shows that annual leave entitlement is taken by all staff members. The Trust is committed to ensuring that no employee should be treated less favourably on the grounds of their age, disability, race, nationality, ethnic origin, sex, sexual orientation, religion and belief, gender identity / expression, marriage and civil partnership or pregnancy and maternity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sex (male/ female)</td>
<td>As above</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religion and Belief</td>
<td>As above</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual orientation including lesbian, gay and bisexual people</td>
<td>As above</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>As above</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disability – learning difficulties, physical disability, sensory impairment and mental health. Consider the needs of carers in this section</td>
<td>As above</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Annual leave may be converted into sick leave, if the employee becomes unwell whilst on annual leave.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Annual leave and general public holidays will accrue and statutory leave may be carried over into the next leave year, if the employee is unable to take their annual leave due to sick leave.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender Identity / Expression</td>
<td>As above</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Leave provisions for those undergoing Gender Reassignment are covered in the Trusts Employee Wellbeing Policy and Gender Identity Policy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marriage and Civil Partnership</td>
<td>As above</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maternity / Pregnancy</td>
<td>As above</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Annual leave/public holidays will continue to accrue during maternity leave and where possible should be taken during the relevant holiday year</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>EA for Maternity policy holds further information</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. Are there any gaps in the evidence outlined above. If ‘yes’ how will these be rectified?

Data is not available to show where requests have not been approved.

10. Engagement has taken place with people who have protected characteristics and will continue through the Equality Delivery System and the Equality Diversity and Human Rights Group. Please note you may require further engagement in respect of any significant changes to policies, new developments and or changes to service delivery. In such circumstances please contact the Equality and Diversity Lead or the Involvement and Equalities Officer.

Do you require further engagement  Yes  No  X

11. Could the policy, strategy or service have a negative impact on human rights? (E.g. the right to respect for private and family life, the right to a fair hearing and the right to education?)

No
PART 2

Signature of Author

K. Pearce

Print name

Karen Pearce

Date of completion

16th July 2019

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified, please refer to the Policy Author identified above, together with any suggestions for action required to avoid/reduce the impact.)