

Annual Leave and Bank Holiday Policy

PLEASE NOTE:

1. This policy has been adopted from Velindre NHS Trust. This will be reviewed as part of a review of all HEIW policies.
2. Any reference to the use of ESR should be replaced with 'completion of the Annual Leave Record Form (Interim) and approved by the line manager'. Staff will be informed as soon as ESR is fully functional.
3. Bank holidays **are included** in all employees' annual leave entitlement balances and **must be booked off as leave, in the same way as annual leave**. Former Cardiff University (CU) staff may want to check the details regarding this carefully to ensure they fully understand the requirements and implications, as this was not the case in CU. Bank holiday entitlements can be calculated on the CU annual leave calculator.

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1. Policy Statement

Health Education Improvement Wales (HEIW) views annual leave as an entitlement, which should be taken by all employees to assist them to achieve a balance between their work and home life. It recognises that the effective management of annual leave by individual employees and line managers is essential to the health, safety and well-being of our employees and the ability of HEIW to continue to deliver high quality services which meet the requirement of its service users.

It is also recognised that annual leave is granted subject to the exigencies of the service and that annual leave requests can be declined. In exceptional situations, an employee may be asked not to take previously agreed annual leave.

2. Scope of Policy

This policy provides a uniform and equitable approach to the management of annual leave and bank holiday entitlements for all staff groups employed within HEIW.

HEIW recognises that a large proportion of employees employed on Cardiff University contracts who are not covered by the NHS Terms and Conditions of Service. Such staff should refer to their contract of employment and Cardiff University terms and conditions to confirm the details of their annual leave entitlement.

3. Aims and Objectives

The aim of this policy is to provide guidance on how to appropriately manage annual leave and bank holiday entitlements. It also sets out the procedure that should be followed when requesting annual leave and booking bank holidays. In addition the policy describes the process to be followed when transferring or leaving the organisation, the provisions relating to the carrying over of annual leave whilst off work on maternity leave or long term sickness absence.

4. Responsibilities

4.1. Individual Employee Responsibilities

Employees are responsible for:

- Ensuring that their annual leave is planned and taken at regular intervals throughout the leave year, subject to approval and the needs of the service.
- Ensuring that where staff work shifts, weekends and bank holidays, they request their annual leave (which includes their bank holiday entitlement) generally proportionate to these working arrangements e.g. there is not a disproportionate taking of annual leave on particular shifts.
- Requesting leave via ESR, providing a minimum of 6 weeks' notice for medical staff and 72 hours' notice for non-medical staff, prior to taking such approved leave. In exceptional circumstances shorter notice periods may be approved by departmental managers.

- Ensuring that, in exceptional circumstances, where the provision of notice has not been possible, ESR should be completed and authorised within 72 hours of the employee's return to work.
- Bank Holidays **are included** in all employee's annual leave entitlement balances. Therefore, any bank holidays not worked (that fall on an employee's normal working day) **must be booked off as leave on ESR, in the same way as annual leave.**

If an employee is contracted to work on any of the bank holidays, the relevant number of days (up to the maximum for that year* days (pro-rata part time staff)) must be booked at the start of the annual leave year. Staff should book these days on ESR at the commencement of the new annual leave year (or when they commence in post), but in any event no later than the actual bank holiday date(s).

Employees should note that HEIW regularly undertakes audits to identify those employee that are failing to book their bank holidays. Should an employee fail to book their bank holiday leave and this results in them overtaking their contractual annual leave entitlement, the monetary value of these days will be claimed back as an overpayment of salary, via payroll, in accordance with HEIW's Recovery of Overpayments Policy. Staff who are required to book off bank holiday leave via ESR and fail to do so repeatedly, despite being instructed to do previously by their manager, may be dealt with under the NHS All-Wales Disciplinary Policy

N.B * *The Bank Holiday entitlement may vary each year depending on when they fall and therefore will be calculated accordingly.* * Noting that on occasions the Easter bank holiday dates may fall in the same annual leave year, resulting in one year having more bank holidays than the statutory 8 days and the next one having less.

4.2. Managers Responsibilities

Managers are responsible for:

- (ESR will calculate annual leave entitlement automatically for staff where applicable, when this functionality is available to HEIW staff). Calculating the annual leave entitlement for those staff employed on part-time contracts, who have not completed a full 'ESR' month who are, reaching 5 or 10 years' service during the annual leave year; who have requested to change their contracted hours during the annual leave year. In these circumstances the manager is responsible for checking the accuracy of the leave calculation on ESR and recalculate where necessary.
- Working with their employees to ensure that they appropriately manage their annual leave throughout the leave year and ensuring that they take their leave balanced across the year.

- Checking that where a bank holiday(s) fall on an employee's normal working day and they are not required to work it, that the leave has been requested and approved. Should an employee fail to book a bank holiday(s), the manager must bring this matter to their attention immediately and request that they submit retrospective and if appropriate prospective bank holiday leave requests. Where staff repeatedly fail to book their bank holidays despite being requested to do so, the manager should seek advice from the Workforce and OD Department.
- Managers must approve annual leave requests when an employee submits it through ESR. Until leave is approved on ESR it will not be deducted from the employee's annual and bank holiday leave total, resulting in an inaccurate entitlement.
- Ensuring that employees take the minimum leave per year, in accordance with the Working Time Regulations. However, managers have a responsibility to ensure that staff are using their contractual entitlement to support the health and wellbeing of their employees.
- Ensuring that where staff work shifts, weekends and bank holidays, they take their annual leave (which includes their bank holiday entitlement) generally proportionate to these working arrangements e.g. there is not a disproportionate taking of annual leave on week end shifts.

5. Implementation / Policy Compliance

5.1 Annual Leave Year

The annual leave year will run from 1st April to 31st March for all staff groups covered by NHS Terms and Conditions of Service.

5.2 Annual Leave Entitlements

Part-time employees will be entitled to a pro-rata share of the whole-time equivalent annual leave and bank holiday entitlement (as defined in **Appendix 1, 2 and 3**). All employees are required to book and take their annual leave in hours. Their leave application must be based on the actual hours due to be worked on the day in line with normal working patterns.

Please Note: *The calculation of annual leave entitlements in hours contained in Appendix 1 have been rounded up or down to the nearest 0.5 decimal point (i.e. the nearest ½ hour).*

5.3 Bank Holiday

The NHS terms and conditions of service allows for 8 bank holiday days per year*: Good Friday, Easter Monday, May Day, Spring Bank Holiday, August Bank Holiday, Christmas Day and New Year's Day.

To ensure consistency and equal allocation of bank holidays for all employees HEIW also converts this element of leave into hours **which are** and then added to an employee's overall annual leave entitlement. *This will result in a deduction of hours, equivalent to those that would have been worked, from the employee's aggregated entitlement on each bank holiday that falls on a scheduled working day, on which they are not required to work.*

*Staff who are not rostered to work on a bank holiday but agree to do so on a voluntary basis, will be entitled to paid overtime. They are **not** however, entitled to an additional day of in lieu, as this day is already added into their annual leave / bank holiday entitlement and can therefore be taken off on an alternative date.*

N.B *The Bank Holiday entitlement may vary each year depending on when they fall and therefore will be calculated accordingly. * Noting that on occasions the Easter bank holiday dates may fall in the same annual leave year, resulting in one year having more bank holidays than the statutory 8 days and the next one having less.

5.4 Calculation of Annual Leave

- Annual Leave entitlements are set out in Appendix 1. An annual Leave calculator is available (add intranet link)

5.5 Entitlement on Joining HEIW

Annual leave and bank holiday entitlement in the first year will be pro-rata, based on the number of complete days worked after the date of joining and before the end of the annual leave year (rounded up or down to the nearest $\frac{1}{2}$ hour).

For Example:

Mr. Jones joins HEIW on 12th September and works 32 hours per week.

Annual Leave

*(Annual entitlement \div days per year) x No of days remaining in the leave year
(173hrs \div 365 days) x 201 days = 95.25 hours (Rounded to **95 hours**).*

Bank Holidays

(Pro rata bank holiday entitlement in hours \div 8) x No of bank holidays remaining in the leave year in days.

*(51 \div 8) x 3 = 19.12 (Rounded to **19 hours** bank holiday leave).*

Total entitlement for that year: = 95 +19 = 114 hours.

*In some annual leave years, there may be 9 bank holidays, if Easter is early and falls in March. In this situation the formula should be (51 \div 9) x 4 = 22.66 (Rounded to **23 hours** bank holiday leave).*

An annual Leave calculator is available via HEIW's Policy Intranet page.

5.6 Deduction of Annual Leave and Bank Holiday Leave

The deduction of annual leave and bank holiday leave should reflect the number of hours that the employee was due to have worked during the contracted shift or working day on which they wish to take leave.

For example:

Part-time employee works 22 hours;
Monday and Tuesday's - 7½ hour days;
Wednesday and Thursday's 3½ hour days.

For recording purposes for a day's leave on ESR, the employee would deduct either 7.5 or 3.5 hours depending on the working day the annual leave falls.

5.7 Entitlement on Termination from HEIW

Employees who leave HEIW will be entitled to the pro-rata of their annual leave and bank holiday entitlement for each completed day worked in the current leave year (round up or down to the nearest ½ **hour**).

For Example

Mr. Jones leaves HEIW on 27th July and works 22 ½ hours per week .

Annual Leave

(Yearly entitlement ÷ days per year) x No of days worked up until & including termination date (121 ½ hrs ÷ 365 days) x 118 days = 39.27 hrs (Rounded to 39 ½ hours annual leave).

Bank Holidays

(Pro rata bank holiday entitlement ÷ number of bank holidays in the year) x No of days worked in the leave year.

$(4 \div 8) \times 36 = 18 \text{ hours bank holiday leave.}$

Total entitlement for the year: = 39 ½ + 18 = 57 ½ hours.

Please note - Managers must remember to deduct any annual leave and bank holidays already taken.

5.8 Transferring to another post within HEIW

Both positive and negative annual leave balances will be carried with the individual when they transfer to another post within HEIW.

5.9 Outstanding Leave on Termination from HEIW.

The manager will work with the employee to ensure that all outstanding annual leave is taken before their termination date, where possible.

Where service provisions, long term sickness or maternity leave prevent the employee taking their leave, HEIW will make a payment to the employee for outstanding leave due. Advice from the People team must be sought in all cases of this nature.

5.10 Carry Over of Annual Leave

5.10.1 Normal circumstances

Employees are responsible for managing their annual leave throughout the leave year, ensuring that they take their leave balanced across the whole year.

NHS Terms and Conditions of Service Annex 0, confirms existing arrangements which state that where employees are prevented from taking their full allowance, they shall be allowed to carry forward annual leave into the next holiday year.

Subject to the exigencies of the service up to a maximum of 5 days can be carried forward on application and approval by the line manager to be taken in the following leave year. Except in these and other circumstances for which special provisions have been made, annual leave shall not be carried over.

5.10.2. Long Term Sickness Absence

Where staff return from long term sickness absence, they should be expected to take any outstanding leave within the current leave year. This should be managed carefully, taking account of the needs of the service and the practicalities of the employee being able to use up all of their entitlement in that leave year.

Employees on long term sick leave must be given the opportunity to take annual leave during their sick leave period. Please refer to the NHS All-Wales Sickness Absence Policy.

Where the employee has not taken their annual leave entitlement during the period of sickness absence, and the sickness absence spans two or more leave years, they will accrue annual leave for the period of their sick leave and can be asked to take all of their accrued, but untaken annual leave, by the end of the leave year in which they return.

The leave entitlement for the previous year/years will be the **statutory** element of their leave not their full contractual annual leave and bank holidays.

Where an employee returns to work in a new leave year, after a period of long term sickness absence, they are entitled to carry over the statutory element of their leave, in line with (Working Time Regulations. - refer to the NHS All-Wales Sickness Absence Policy, Section 8.4). Managers must remember to deduct any annual leave and/or bank holidays that they took before or during their period of sickness absence.

Any annual leave accrued, at the time of the return to work, may also be taken to extend an agreed phased return to work i.e. in circumstances whereby a phased return to work is extended beyond the maximum 4 weeks period (in line with HEIW's Sickness Absence Policy).

5.11 Sickness Occurring during Annual Leave

When an employee falls sick during annual leave they will be required to report that episode of sickness in line with normal notification procedures and produce a fit note covering the period from the first day of sickness (in line with Section 7 of HEIW's Sickness Absence Policy).

In order to allow annual leave to be reinstated a satisfactory fit note must be received within 3 working days of the beginning of the illness (unless abroad). In such cases the employee will be deemed to have been on sickness absence rather than annual leave from the date of the certificate.

Only in exceptional cases will a foreign medical certificate of more than one month be accepted for payment purposes. A United Kingdom fit note should be obtained on return to the country.

5.12 Maternity Leave

5.12.1. Annual Leave

Annual leave will continue to accrue during maternity / adoption leave, whether paid or unpaid, as set out in the NHS Terms and Conditions of Service. Employees are encouraged to take any outstanding annual leave due to them before the commencement of Occupational Maternity Leave / adoption leave, or towards the end of the leave period, if the maternity / adoption leave period falls within the current annual leave year and there is sufficient time to take this leave. It should be noted that the provisions relating to the carry forward of annual leave will apply equally to staff on maternity / adoption leave.

Employees returning to work on reduced hours must take any accrued annual leave either prior to the commencement of maternity leave or prior to their return. Thereafter, annual leave will be calculated pro rata to the new hours worked.

Employees not intending to return to work following maternity / adoption leave should take any outstanding annual leave prior to commencement of maternity / adoption leave. The date of termination of service will then be calculated as the last working day plus any outstanding annual leave days, plus 39 weeks maternity leave.

5.12.2. Accrual of Bank Holidays

In accordance with the Maternity and Parental Leave Regulations 2008, employees are entitled to accrue bank holidays (pro rata) that fall during their

maternity / adoption leave. Please refer to the Maternity, Adoption, Paternity and Parental Leave Policy for further information.

5.13 Annual Leave Entitlement on Changing Contracted Hours

Where employees change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed days on the new and the old contracted hours to give the full year entitlement. Depending on the change, the annual leave entitlement may go up or go down. *For staff on ESR the system will calculate this automatically, managers should however check the accuracy of this calculation (please refer to section 4.2).*

If a reduction in contracted hours results in leave being overtaken, upon agreement with the individual this will either be deducted from the following years annual leave entitlement or a financial deduction made from their salary.

5.14 Annual Leave Entitlement for Term-time Working

An employee who wishes to work term time will have their annual leave and bank holiday entitlement annualised, and the entitlement *included* in their salary payments, over the period of the year.

Please liaise with the Payroll Department within NWSSP, should you wish to see your calculations.

5.15 Annual Leave Entitlement for Annualised Hours Working

The calculation of annual leave for employees who work annualised hours is as follows:

Total hours worked in the year = 850.

Annual weekly average = $850 \div 52.143 = 16\frac{1}{2}$ hours (to the nearest $\frac{1}{2}$ hour).

Refer to **Appendix 1** for appropriate entitlements.

e.g. 89 hours annual leave, $26\frac{1}{2}$ hours bank holiday leave.

Total entitlement = **115½ hours.**

*** Employees may opt to reduce their annualised hours by deducting their annual leave entitlement. Any subsequent time off will then be unpaid and must be agreed by the manager.*

6. Bank Holidays Falling on Saturday or Sunday

When any of the Christmas /New Year bank holidays falls on a Saturday or Sunday arrangements will need to be made to ensure that the right of staff to receive three public holidays are preserved.

7. Sickness Occurring during a Bank Holiday

Employees **will not** be entitled to an additional day if they fall sick or are already away from work sick on a bank holiday. Please refer to All Wales Sickness Absence Policy for further information Statutory Entitlements during long term sickness absence.

8. Annual Leave When Under Suspension

Please refer to the NHS All-Wales Disciplinary Policy and Procedure Section 10.7.

9. Purchase of Annual Leave

HEIW operates an Annual Leave Purchase Scheme, which provides staff with the opportunity to apply to purchase additional annual leave, with the associated cost being deducted from their salary on a monthly basis, if approved. The purchase of additional annual leave is subject to certain conditions, and is at the line manager's discretion. Please refer to the Health Boards Purchase of Annual Leave Scheme Procedure.

10. Equality Impact Assessment Statement

This policy has been adopted from Velindre NHS Trust, which has undertaken an Equality Impact Assessment (EQIA) of this policy.

11. Getting Help

Further information and support is available from your People team.

12. Related Policies

Recovery of Overpayments Policy;
Purchase of Annual Leave Scheme;
Sickness Absence Policy;
Maternity, Adoption, Paternity and Parental Leave Policy;
NHS Terms and Conditions Handbook;

Appendix 1 – Annual Leave Entitlement

In accordance with Section 12 of the NHS Terms and Conditions of Service annual leave entitlement, all previous NHS service, whether continuous or not, will be aggregated. HEIW will verify as much previous NHS service as possible e.g. contacting the previous employer using an Inter Authority Transfer (IAT).

In circumstances where it is not possible for HEIW to confirm all of the employees previous NHS service (i.e. previous NHS employer no longer exists) the employee will be required to provide evidence to confirm these periods of employment e.g. contract of employment, offer letter, payslips etc.

Employees are entitled to receive extra annual leave at defined intervals, as shown in the table below.

Table 1:- ANNUAL LEAVE ENTITLEMENT (COMPLETE YEAR) FOR STAFF EXCLUSIVE OF BANK HOLIDAYS

Formula: Weekly contracted hours ÷ 5 x No. of annual leave days' entitlement based on 27 days (5.4 weeks) 29 days (5.8 weeks) 33 days (6.6 weeks).

WEEKLY BASIC CONTRACTED HOURS	ON APPOINTMENT	AFTER 5 YEARS' SERVICE	AFTER 10 YEARS SERVICE
	27 DAYS	29 DAYS	33 DAYS
HOURS EQUIVALENT:			
37.5	202.5	217.5	247.5
37.0	200.0	214.5	244.0
36.5	197.0	211.5	241.0
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	180.5	194.0	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
WEEKLY BASIC CONTRACTED HOURS	ON APPOINTMENT	AFTER 5 YEARS' SERVICE	AFTER 10 YEARS SERVICE
	27 DAYS	29 DAYS	33 DAYS
HOURS EQUIVALENT:			
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	127.7	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
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

WEEKLY BASIC CONTRACTED HOURS	ON APPOINTMENT	AFTER 5 YEARS' SERVICE	AFTER 10 YEARS SERVICE
	27 DAYS	29 DAYS	33 DAYS
HOURS EQUIVALENT:			
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	5.0	5.5	6.5
0.5	2.5	3.0	3.5