

# Annual Leave Policy

## 1 Policy Statement

The aim of the Annual Leave Policy is to ensure a uniform and equitable approach to the calculation of annual leave and bank holiday entitlements that take into account the arrangements as defined under NHS Terms and Conditions of Service.

The procedures established for booking annual leave shall remain as specified in local procedures within the Institute.

## 2 Principles

In accordance with Institute's equality and diversity policy, this procedure will not discriminate, either directly or indirectly, on the grounds of age, gender, race, religion, colour, HIV status, sexual orientation, disability, marital status, social and employment, domestic circumstances, nationality, trade union membership, ethnic or national origin or political affiliation.

This policy applies to all Institute employees who are employed on NHS Terms and Conditions and takes effect from the 1<sup>st</sup> December 2004 (backdated to 1<sup>st</sup> October for those staff in post between 1<sup>st</sup> October 2004 and 30<sup>th</sup> November 2004)

## 3 Reckonable Service

Previous service with an NHS employer, regardless of whether or not there has been a break in service, will count as reckonable service for annual leave. The Institute will request confirmation of an employee's previous NHS service from their most recent NHS employer. However, if this information is not returned and in order to have previous service regarded as reckonable service, it will be the employee's responsibility to provide formal documentary evidence of any relevant, reckonable service.

## 4 Entitlement

The annual leave period is from 1 April to 31 March.

The annual leave provisions under NHS Terms and Conditions of Service are contained in Table 1 below.



$$37.5/5 \times 0.87 = 6.5 \text{ hours}$$

Therefore the leave entitlement for the month of October would be 6.5 hours (rounded up to one day for a full-time employee).

Where staff reach an anniversary which will increase their annual leave entitlement, the new entitlement will be calculated from the 1<sup>st</sup> day of the month following the anniversary.

## **7 Bank Holiday entitlements**

Employees are entitled to 8 paid Bank Holidays. In the case of part time staff, this entitlement is pro rata to the full time allowance. The calculation of this entitlement is always proportionate to the number of basic contracted hours worked and rounded up to the nearest half day. This removes the potential for inequity in cases where staff work varying days.

The Bank Holiday hours entitlement will be pro rata based on the number of Bank Holidays remaining in the current leave year from the date of joining.

On each occasion an employee takes paid time off on a Bank Holiday as part of their basic week, the appropriate deduction of their normal basic hours per day will be made from their overall entitlement. For part time staff, where operationally possible, and subject to mutual agreement, an employee may change their days of working during a Bank Holiday week and therefore retain their leave entitlement in respect of a Bank Holiday. This leave could then be taken at another time.

There will be some years where more or less than 8 Bank Holidays fall in the leave year. When this situation arises, the appropriate hours adjustment will need be made.

An existing part-time worker who, prior to 1 October 2004, was in receipt of a bank holiday entitlement in excess of pro-rata of a full time worker, shall have their excess entitlement protected for a period of 5 years from 1 October 2004.

## **8 Assimilation to new leave entitlements**

Some Institute staff are entitled to additional leave under the Agenda for Change terms and conditions. The additional leave should be taken during the leave year 2004/5.

Any member of staff whose leave entitlement is reduced under the Agenda for Change terms and conditions will have their existing entitlement protected for five years from the date of assimilation (1 October 2004). During this period these staff members should continue to claim their existing entitlements with no increases until the end of the protection period, or their entitlement under Agenda for Change exceeds their existing entitlement.

Senior managers employed on NHS Consultant terms and conditions or whose pay is determined by the Institute's remuneration committee will remain on their current terms and conditions and their annual leave entitlements will not be affected.

The calculation for part-time leave entitlement will be as follows

$\frac{\text{Part time contracted hours}}{\text{Full time equivalent hours}} \times \text{full time leave entitlement (hours)} = \text{part time entitlement}$

Full time equivalent hours

### **8.1 Institute staff**

#### **Administrative & Clerical**

Years of Service	Current Entitlement	New Entitlement from 1 October 2004 (for full year)	Additional days for leave year 2004/5
Up to 2 years	22 days	27 days	2.5 days
2 years and up to 3 years	23 days	27 days	2 days
3 years and up to 5 years	24 days	27 days	1.5 days
5 years and up to 7 years	25 days	29 days	2 days
7 years and up to 10 years	26 days	29 days	1.5 days
Over 10 years	27 days	33 days	3 days

#### **Senior Manager**

Years of Service	Current Entitlement	New Entitlement from 1 October 2004 (for full year)	Additional days for leave year 2004/5
Up to 2 years	27 days	27 days	N/A
2 years and up to 3 years	28 days	27 days	N/A
3 years and up to 5 years	29 days	27 days	N/A
5 years and up to 7 years	30 days	29 days	N/A
7 years and up to 10 years	31 days	29 days	N/A
Over 10 years	32 days	33 days	0.5 days

## **8.2 Staff previously employed by HDA**

### **Administrative & Clerical - for up to and including Grade 6**

Years of Service	Current Entitlement	New Entitlement from 1 October 2004 (for full year)	Additional days for leave year 2004/5
Up to 5 years	20 days + 2 statutory days	27 days	2.5 day
Between 5 and 10 years	23 days + 2 statutory days	29 days	2 days
Over 10 years	25 days + 2 statutory days	33days	3 days

### **Administrative & Clerical - for Grade 7 and above**

Years of Service	Current Entitlement	New Entitlement from 1 October 2004 (for full year)	Additional days for leave year 2004/5
Up to 5 years	23 days + 2 statutory days	27 days	1 day
Between 5 and 10 years	26 days + 2 statutory days	29 days	0.5 day
Over 10 years	28 days + 2 statutory days	33days	1.5 days

### **Senior Manager**

Years of Service	Current Entitlement	New Entitlement from 1 October 2004 (for full year)	Additional days for leave year 2004/5
Up to 5 years	25 days + 2 statutory days	27 days	N/A
Between 5 and 10 years	28 days + 2 statutory days	29 days	N/A
Over 10 years	30 days + 2 statutory days	33days	0.5 days

## **9 Carrying over annual leave to the new leave year.**

It is expected that all employees will be provided with the opportunity to take all their leave within a leave year. Staff must take at least 20 days holiday per year in accordance with the Working Time Regulations 1998 (pro-rata for part time staff).

Up to 5 days annual leave may be carried over to the following year, with the agreement of the Line Manager where employees are prevented from taking the full allowance of annual leave before the end of the leave year because of business needs.

In exceptional circumstances, more than 5 days may be carried over to a new leave year, with the agreement of the Line Manager and the approval of the Head of Human Resources. Such circumstances may include:

- Where employees are prevented from taking annual leave because of sick leave/maternity leave etc.
- On application and consideration of an individual's personal circumstances subject to the exigencies of the service.

## **10 Annual leave and sickness absence**

If staff have pre-arranged annual leave but then fall sick, they must follow the absence reporting procedures applicable to their place of work in order for the leave to be taken at another time.

## **11 Annual leave when leaving the Institute**

On leaving the Institute, any outstanding holiday leave remaining will be paid as will any outstanding Bank Holiday leave for Bank Holidays that have occurred in the leave year prior to the leave date. Holiday leave entitlement will be calculated to the date of leaving using the formula in section 6 for any part month. When calculating leave due on leaving the Institute, the figure is not rounded i.e. if it is calculated that someone is entitled to 2.66 days leave, that is what they will be paid for. Where staff leave on 31<sup>st</sup> March they will only be entitled to be paid for up to 5 days leave they may have carried over into the next leave year, unless prior approval has been given that they may carry forward more days in accordance with section 9.

On leaving the Institute any leave taken (including Bank Holiday entitlement) which is in excess of that which the staff member would have been entitled to (on a pro-rata basis) will be deducted from the final salary payment.

## **12 Staff on Protected Hours**

For staff who are protected on 36 hours (i.e. all staff who are employed on a contract based on 36 hours per week (or pro rata), their annual leave and Bank Holiday leave is calculated based on 7.2 hours per day. (See Table 3)

## **13 Review**

This policy and procedure will be reviewed periodically in partnership with recognised representatives, giving due consideration to legislative changes.

**Table 2**

**Annual leave entitlement for part time staff based on pro-rata of full time equivalent of 37.5 hours per week**

**For staff on 37.5 hours per week, one day is equal to 7.5 hours**

Formula for staff working 37.5 hours per week part-time annual leave hours

$$\frac{\text{Weekly basic contracted hours}}{\text{No of days in the week}} \times \text{Annual leave (or bank holidays)}$$

E.g. part time staff working 3.5 days per week =

$$\frac{26.25 \text{ (hours)}}{5} \times 27 = 189 \text{ hours leave}$$

$$\text{plus } \frac{26.25 \text{ (hours)}}{5} \times 8 = 42 \text{ hours leave}$$

Weekly Basic Contracted Hours	Holiday Entitlement with no NHS Service		Holiday Entitlement after 5 years service		Holiday entitlement after 10 years service	
	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday
	27	8	29	8	33	8
	<b>14 Hours Equivalent</b>					
37.5	202.5	60.0	217.5	60.0	247.5	60.0
37.0	200.0	59.5	215.0	59.5	244.5	59.5
36.5	197.5	58.5	212.0	58.5	241.0	58.5
36.0	194.5	58.0	209.0	58.0	238.0	58.0
35.5	192.0	57.0	206.0	57.0	234.5	57.0
35.0	189.0	56.0	203.0	56.0	231.0	56.0
34.5	186.5	55.5	200.5	55.5	228.0	55.5
34.0	184.0	54.5	197.5	54.5	224.5	54.5
33.5	181.0	54.0	194.5	54.0	221.5	54.0
33.0	178.5	53.0	191.5	53.0	219.0	53.0
32.5	175.5	52.0	188.5	52.0	214.5	52.0
32.0	173.0	51.5	186.0	51.5	211.5	51.5
31.5	170.5	50.5	183.0	50.5	208.0	50.5
31.0	167.5	50.0	180.0	50.0	205.0	50.0
30.5	165.0	49.0	177.0	49.0	201.5	49.0
30.0	162.0	48.0	174.0	48.0	198.0	48.0
29.5	159.5	47.5	171.5	47.5	195.0	47.5
29.0	157.0	46.5	168.5	46.5	191.5	46.5
28.5	154.0	46.0	165.5	46.0	188.5	46.0
28.0	151.5	45.0	162.5	45.0	185.0	45.0
27.5	148.5	44.0	159.5	44.0	181.5	44.0
27.0	146.0	43.5	157.0	43.5	178.5	43.5
26.5	143.5	42.5	154.0	42.5	175.0	42.5

Weekly Basic Contracted Hours	Holiday Entitlement with no NHS Service		Holiday Entitlement after 5 years service		Holiday entitlement after 10 years service	
	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday
	<b>27</b>	<b>8</b>	<b>29</b>	<b>8</b>	<b>33</b>	<b>8</b>
26.0	140.5	42.0	151.0	42.0	172.0	42.0
25.5	138.0	41.0	148.0	41.0	168.5	41.0
25.0	135.0	40.0	145.0	40.0	165.0	40.0
24.5	132.5	39.5	142.5	39.5	162.0	39.5
24.0	130.0	38.5	139.5	38.5	158.5	38.5
23.5	127.0	38.0	136.5	38.0	155.5	38.0
23.0	124.5	37.0	133.5	37.0	152.0	37.0
22.5	121.5	36.0	130.5	36.0	148.5	36.0
22.0	119.0	35.5	128.0	35.5	145.5	35.5
21.5	116.5	34.5	125.0	34.5	142.0	34.5
21.0	113.5	34.0	122.0	34.0	139.0	34.0
20.5	111.0	33.0	119.0	33.0	135.5	33.0
20.0	108.0	32.0	116.0	32.0	132.0	32.0
19.5	105.5	31.5	113.5	31.5	129.0	31.5
19.0	103.0	30.5	110.5	30.5	125.5	30.5
18.5	100.0	30.0	107.5	30.0	122.5	30.0
18.0	97.5	29.0	104.5	29.0	119.0	29.0
17.5	94.5	28.0	101.5	28.0	115.5	28.0
17.0	92.0	27.5	99.0	27.5	112.5	27.5
16.5	89.5	26.5	96.0	26.5	109.0	26.5
16.0	86.5	26.0	93.0	26.0	106.0	26.0
15.5	84.0	25.0	90.0	25.0	102.5	25.0
15.0	81.0	24.0	87.0	24.0	99.0	24.0
14.5	78.5	23.5	84.5	23.5	96.0	23.5
14.0	76.0	22.5	81.5	22.5	92.5	22.5
13.5	73.0	22.0	78.5	22.0	89.5	22.0
13.0	70.5	21.0	75.5	21.0	86.0	21.0
12.5	67.5	20.0	72.5	20.0	82.5	20.0
12.0	65.0	19.5	70.0	19.5	79.5	19.5
11.5	62.5	18.5	67.0	18.5	76.0	18.5
11.0	59.5	18.0	64.0	18.0	73.0	18.0
10.5	57.0	17.0	61.0	17.0	69.5	17.0
10.0	54.0	16.0	58.0	16.0	66.0	16.0
9.5	51.5	15.5	55.5	15.5	63.0	15.5
9.0	49.0	14.5	52.5	14.5	59.5	14.5
8.5	46.0	14.0	49.5	14.0	56.5	14.0
8.0	43.5	13.0	46.5	13.0	53.0	13.0
7.5	40.5	12.0	43.5	12.0	49.5	12.0
7.0	38.0	11.5	41.0	11.5	46.5	11.5
6.5	35.5	10.5	38.0	10.5	43.0	10.5
6.0	32.5	10.0	35.0	10.0	40.0	10.0
5.5	30.0	9.0	32.0	9.0	36.5	9.0
5.0	27.0	8.0	29.0	8.0	33.0	8.0
4.5	24.5	7.5	26.5	7.5	30.0	7.5

Weekly Basic Contracted Hours	Holiday Entitlement with no NHS Service		Holiday Entitlement after 5 years service		Holiday entitlement after 10 years service	
	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday
	<b>27</b>	<b>8</b>	<b>29</b>	<b>8</b>	<b>33</b>	<b>8</b>
4.0	22.0	6.5	23.5	6.5	26.5	6.5
3.5	19.0	6.0	20.5	6.0	23.5	6.0
3.0	16.5	5.0	17.5	5.0	20.0	5.0
2.5	13.5	4.0	14.5	4.0	16.5	4.0
2.0	11.0	3.5	12.0	3.5	13.5	3.5
1.5	8.5	2.5	9.0	2.5	10.0	2.5
1.0	5.5	2.0	6.0	2.0	7.0	2.0
0.5	3.0	1.0	3.0	1.0	3.5	1.0

### Table 3 – Calculation of part time entitlement

**Annual leave entitlement for part time staff based on pro-rata of full time equivalent of 36 hours per week**

**For staff on 36 hours per week, one day is equal to 7.2 hours**

Formula for staff working 36 hours per week part time annual leave in hours

$\frac{\text{Weekly basic contracted hours}}{\text{No of days in the week}} \times \text{Annual leave (or bank holidays)}$

E.g. part time staff working 3.5 days per week =

$\frac{25.2 \text{ (hours)}}{5} \times 27 = 136 \text{ hours leave}$

plus  $\frac{25.2 \text{ (hours)}}{5} \times 8 = 40.5 \text{ hours leave}$

Weekly Basic Contracted Hours	Holiday Entitlement with no NHS Service		Holiday Entitlement after 5 years service		Holiday entitlement after 10 years service	
	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday
	27	8	29	8	33	8
	<b>Hours Equivalent</b>					
36.0	194.5	57.5	209.0	57.5	237.5	57.5
35.5	191.5	57.0	206.0	57.0	234.5	57.0
35.0	189.0	56.0	203.0	56.0	231.0	56.0
34.5	186.5	55.0	200.0	55.0	227.5	55.0
34.0	183.5	54.5	197.0	54.5	224.5	54.5
33.5	181.0	53.5	194.5	53.5	221.0	53.5
33.0	178.0	53.0	191.5	53.0	218.0	53.0
32.5	175.5	52.0	188.5	52.0	214.5	52.0
32.0	173.0	51.0	185.5	51.0	211.0	51.0
31.5	170.0	50.5	182.5	50.5	208.0	50.5
31.0	167.5	49.5	180.0	49.5	204.5	49.5
30.5	164.5	49.0	177.0	49.0	201.5	49.0
30.0	162.0	48.0	174.0	48.0	198.0	48.0
29.5	159.5	47.0	171.0	47.0	194.5	47.0
29.0	156.5	46.5	168.0	46.5	191.5	46.5
28.5	154.0	45.5	165.5	45.5	188.0	45.5
28.0	151.0	45.0	162.5	45.0	185.0	45.0
27.5	148.5	44.0	159.5	44.0	181.5	44.0
27.0	146.0	43.0	156.5	43.0	178.0	43.0
26.5	143.0	42.5	153.5	42.5	175.0	42.5
26.0	140.5	41.5	151.0	41.5	171.5	41.5
25.5	137.5	41.0	148.0	41.0	168.5	41.0

Weekly Basic Contracted Hours	Holiday Entitlement with no NHS Service		Holiday Entitlement after 5 years service		Holiday entitlement after 10 years service	
	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday
	27	8	29	8	33	8
25.0	135.0	40.0	145.0	40.0	165.0	40.0
24.5	132.5	39.0	142.0	39.0	161.5	39.0
24.0	129.5	38.5	139.0	38.5	158.5	38.5
23.5	127.0	37.5	136.5	37.5	155.0	37.5
23.0	124.0	37.0	133.5	37.0	152.0	37.0
22.5	121.5	36.0	130.5	36.0	148.5	36.0
22.0	119.0	35.0	127.5	35.0	145.0	35.0
21.5	116.0	34.5	124.5	34.5	142.0	34.5
21.0	113.5	33.5	122.0	33.5	138.5	33.5
20.5	110.5	33.0	119.0	33.0	135.5	33.0
20.0	108.0	32.0	116.0	32.0	132.0	32.0
19.5	105.5	31.0	113.0	31.0	128.5	31.0
19.0	102.5	30.5	110.0	30.5	125.5	30.5
18.5	100.0	29.5	107.5	29.5	122.0	29.5
18.0	97.0	29.0	104.5	29.0	119.0	29.0
17.5	94.5	28.0	101.5	28.0	115.5	28.0
17.0	92.0	27.0	98.5	27.0	112.0	27.0
16.5	89.0	26.5	95.5	26.5	109.0	26.5
16.0	86.5	25.5	93.0	25.5	105.5	25.5
15.5	83.5	25.0	90.0	25.0	102.5	25.0
15.0	81.0	24.0	87.0	24.0	99.0	24.0
14.5	78.5	23.0	84.0	23.0	95.5	23.0
14.0	75.5	22.5	81.0	22.5	92.5	22.5
13.5	73.0	21.5	78.5	21.5	89.0	21.5
13.0	70.0	21.0	75.5	21.0	86.0	21.0
12.5	67.5	20.0	72.5	20.0	82.5	20.0
12.0	65.0	19.0	69.5	19.0	79.0	19.0
11.5	62.0	18.5	66.5	18.5	76.0	18.5
11.0	59.5	17.5	64.0	17.5	72.5	17.5
10.5	56.5	17.0	61.0	17.0	69.5	17.0
10.0	54.0	16.0	58.0	16.0	66.0	16.0
9.5	51.5	15.0	55.0	15.0	62.5	15.0
9.0	48.5	14.5	52.0	14.5	59.5	14.5
8.5	46.0	13.5	49.5	13.5	56.0	13.5
8.0	43.0	13.0	46.5	13.0	53.0	13.0
7.5	40.5	12.0	43.5	12.0	49.5	12.0
7.0	38.0	11.0	40.5	11.0	46.0	11.0
6.5	35.0	10.5	37.5	10.5	43.0	10.5
6.0	32.5	9.5	35.0	9.5	39.5	9.5
5.5	29.5	9.0	32.0	9.0	36.5	9.0
5.0	27.0	8.0	29.0	8.0	33.0	8.0
4.5	24.5	7.0	26.0	7.0	29.5	7.0
4.0	21.5	6.5	23.0	6.5	26.5	6.5
3.5	19.0	5.5	20.5	5.5	23.0	5.5

Weekly Basic Contracted Hours	Holiday Entitlement with no NHS Service		Holiday Entitlement after 5 years service		Holiday entitlement after 10 years service	
	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday	Annual Leave	Bank Holiday
	<b>27</b>	<b>8</b>	<b>29</b>	<b>8</b>	<b>33</b>	<b>8</b>
3.0	16.0	5.0	17.5	5.0	20.0	5.0
2.5	13.5	4.0	14.5	4.0	16.5	4.0
2.0	11.0	3.0	11.5	3.0	13.0	3.0
1.5	8.0	2.5	8.5	2.5	10.0	2.5
1.0	5.5	1.5	6.0	1.5	6.5	1.5
0.5	2.5	1.0	3.0	1.0	3.5	1.0