

Annual Leave Policy

Reference Number:	This will be applied to all new ICB-wide PPSs by the Governance and Corporate Affairs Team and will be retained throughout its life span.
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Department:	Corporate Office

VERSION HISTORY

Date	Version	Changes made to previous version	Consulting and Endorsing Stakeholders, Committees / Meetings / Forums etc.
09/10/2023	2.0	Rights remain the same. Policy re-written to be clearer. Reviewed in accordance with review schedule	Human Resources Team, Staff Partnership Forum, Staff Forum, Execs, EQIA Quality Assurance, PAG and People Committee

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1 INTRODUCTION

- 1.1 The Annual Leave Policy provides a consistent and equal approach to the calculation and application of annual leave and public holiday entitlements, in line with Agenda for Change Terms and Conditions.
- 1.2 This policy also links into other ICB policies including: Absence Management and Wellbeing, Special Leave, Maternity, Paternity, Adoption and Buying and Selling Annual Leave.

2 PRINCIPLES

- 2.1 This policy applies to all employees who are employed on NHS Agenda for Change Terms and Conditions. This policy does not apply to bank or medical staff.

3 RESPONSIBILITIES

3.1 Line Manager Responsibilities

- To ensure employees are aware of the Annual Leave Policy; staff entitlements; and the department's leave booking arrangements.
- To ensure that this policy is applied fairly and consistently when considering annual leave requests, ensuring their employees are being given ample opportunity to take regular breaks in line with service demands
- To seek HR and Payroll advice where any clarification is needed over the policy and its application.
- To authorise leave as appropriate via the Electronic Staff Record system (ESR)

3.2 Employee Responsibilities

- To request annual leave in advance in line with this policy and local department 'rules'
- Obtain authorisation appropriately before taking any annual leave.

3.3 Human Resources Responsibilities

- To assist managers in the fair and consistent application of the policy
- To provide advice to employees and managers concerning any issues raised over policy content.

4. ENTITLEMENTS AND PROCEDURE

4.1 Annual Leave and General Public/Bank Holiday Entitlement

- 4.1.1 The annual leave year for all staff runs from 1 April to 31 March.
- 4.1.2 The below table outlines entitlement to annual leave and general public holidays for employees on Agenda for Change Terms and Conditions, based on full time hours (37.5 hours per week).

Length of Service	Annual Leave plus general public holidays
On appointment	27 days +/- 8 days (202.5 hours + 60 hours)
After 5 years' service	29 days +/-8 days (217.5 hours + 60 hours)
After 10 years' service	33 days +/-8 days (247.5 hours + 60 hours)

- 4.1.3 Annual leave and public holiday entitlement for all staff will be calculated in hours (not days), based on contractual hours. This allows for all staff to receive the correct entitlement of leave, regardless of their working pattern. Annual leave entitlement is pro-rated for part-time staff.
- 4.1.4 All previous NHS service, regardless of any break in service, counts as reckonable service for calculation towards annual leave entitlement. In order to have previous service regarded as reckonable service, formal documentary evidence will be required to evidence this.
- 4.1.5 In the first year of employment with the ICB, all staff will be entitled to annual leave plus general public holidays on a pro rata basis, calculated from the first day of employment to the end of the annual leave year.
- 4.1.6 Where employees reach an anniversary which will increase their annual leave entitlement, the new entitlement will be calculated from the date of the anniversary, pro-rated.
- 4.1.7 It is expected that all employees will be provided with the opportunity to take all their leave within a leave year. In exceptional circumstances, 5 days annual leave may be carried over to the following leave year, with the prior agreement of their Line Manager.
- 4.1.8 An employee falling sick during a period of annual leave should refer to the Attendance and Wellbeing policy. Provided the employee notifies their line manager of their sickness in line with the timeframe outlined in the Attendance and Wellbeing policy and can provide medical certification to cover this period of illness, this period of annual leave can be recorded as sick leave and the annual leave returned to the employee.
- 4.1.9 Employees will not be entitled to an additional day off if they are unwell on a bank holiday, in line with Agenda for Change.
- 4.1.10 Where an employee is absent from work on a period of long-term sickness, there may be the option for employees to utilise their accumulated annual leave whilst remaining absent from work due to sickness absence. This should be discussed in conjunction with HR.
- 4.1.11 Annual leave continues to be accrued during maternity and shared parental leave. Where this amount of leave exceeds the normal carry over provisions, managers and employees should agree arrangements for this leave to be taken either prior to or immediately following the maternity or shared parental leave period.
- 4.1.12 Where staff change their contracted hours, this will result in a re-calculation of their annual leave entitlement pro-rated to the date of the contract change.
- 4.1.13 Upon leaving their employment it is expected that staff will take all outstanding leave as calculated to their leaving date. However, if that is not possible, any outstanding annual leave remaining will be paid in the individual's final salary. Any leave taken in excess of the employee's entitlement will be deducted from their final salary payment.

4.2. Authorising Annual Leave

- 4.2.1 All requests for leave are subject to agreement by the relevant line manager. All requests must be made in line with the agreed requesting procedure of the relevant department.

4.2.2 All requests will be considered in line with service demands. To balance the requests of annual leave at peak times, requests of more than 2 weeks will only be considered in exceptional circumstances.

4.3 Buying and Selling Annual Leave

4.3.1 Staff with one years' continuous service with the ICB may be eligible to participate in the 'Buying and Selling of Annual Leave', so long as they have their line managers' approval, and they meet the eligibility criteria as outlined below:

- All annual leave entitlement and statutory and mandatory training on ESR must be accurate and up-to-date
- They have not carried over any annual leave from the previous year
- They are not subject to formal sickness absence or formal performance management processes

4.3.2 The amount of leave that can be bought or sold can only be equivalent to an employee's contracted working hours in a week.

4.3.3 Any additional leave purchased will be added to the employee's normal annual leave entitlement and will be authorised in the same way as normal annual leave requests.

4.3.4 All requests must be made by the 31st December for the following leave year commencing on 1st April. All annual leave that is bought must be taken within the next leave year and not carried over to the following financial year (except in cases of long-term sickness absence).

4.3 Time off in Lieu

4.3.1 For employees looking to utilise 'Time off in Lieu' (sometimes referred to as 'TOIL') the Flexible Working Policy should be reviewed.

5 DATA PROTECTION

5.1 In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected, and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues".

6 EQUALITY

6.1 In applying this policy, the ICB will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

7 MONITORING & REVIEW

- 7.1 The application of this policy and procedure will be monitored by the Human Resources team, and the policy and procedure formally reviewed every 3 years in conjunction with ICB Governing Body. Where review is necessary due to legislative change, this will happen immediately.