

Annual Leave Policy

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VERSION HISTORY

Date	Version	Changes made to previous version	Consulting and Endorsing Stakeholders, Committees / Meetings / Forums etc.

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1 INTRODUCTION

1.1 The aim of the Annual Leave Policy is to ensure a uniform and equitable approach to the calculation of annual leave and general public holiday entitlements which take into account the arrangements as defined under Agenda for Change Terms and Conditions.

2 PRINCIPLES

- 2.1 This policy applies to all employees who are employed on NHS Agenda for Change Terms and Conditions. The policy does not apply to medical staff who are covered by the Medical and Dental Whitley Council Terms and Conditions.
- 2.2 Under employment law, all employees are entitled to a statutory minimum 20 days annual leave per annum. This may be extended by employers, and within the NHS entitlements have been agreed and established above that minimum by the NHS Staff Council, with different entitlements relating to lengths of NHS service.
- 2.3 All requests for leave on particular dates however, are subject to agreement by the employer. Therefore, all individual requests must be approved by the relevant line manager in advance of the leave being taken. Account should be taken of any department 'rules' which may apply to the booking and taking of leave in any ICB function. Such rules may relate for example to the number of staff allowed to be on leave at any time, and variations to that number depending upon seasonal variations in workload. Local service 'rules' may also be established relating to notice periods prior to booking leave, and cancelling leave, particularly where cover arrangements have had to be made. In all cases where it is felt necessary to set such rules, any proposals will be discussed with all staff affected prior to implementation. HR advice should be sought in relation to proposals as necessary.
- 2.4 An employee's annual leave entitlement will be determined by the individual's total aggregated NHS service i.e. all service regardless of any length of breaks in service. Annual leave entitlements increase on the completion of 5 and 10 years aggregated NHS service.
- 2.5 Only NHS service with NHS employers, as defined under the Agenda for Change Terms and Conditions, will be counted.
- Individuals joining the Integrated Care Board (ICB) from another NHS employer will have the same leave entitlements as they had on leaving their last employer.
 - Individuals joining the ICB from a GP Practice will not have their service with that or other GP Practices counted towards their leave entitlement, unless the individual can evidence that they were employed on AFC Terms and Conditions at any of those practices.
 - Leave entitlements for staff employed by the ICB prior to the adoption of this policy will be honoured and continue unchanged.
- 2.6 Training and support will be provided to all Line Managers in the implementation and application of this policy.

3 RESPONSIBILITIES

3.1 Line Manager Responsibilities

- To ensure that employees are aware of the Annual Leave Policy; staff entitlements; and leave booking arrangements.
- To be clear with employees, the rules and regulations relating to leave booking both outlined in the policy but also those specific to the department/team in which they work.
- To seek HR advice where any clarification is needed over the policy and its application.
- To authorise leave as appropriate via the Electronic Staff Record system (ESR) and keep copies of appropriate written documentation where this applies.

3.2 Employee Responsibilities

- To read the policy and be aware of the need to book annual leave in advance in line with department/team 'rules', and to obtain authorisation appropriately before taking any annual leave.
- To engage with any action taken in line with the policy

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

4.2 The annual leave provisions under Agenda for Change Terms and Conditions are contained in Table 1 below:

Length of Service	Annual Leave plus general public holidays
On appointment	27 days +/- 8 days
After 5 years' service	29 days +/-8 days
After 10 years' service	33 days +/-8 days

4.3 Annual leave and public holiday entitlement for all staff will be calculated in hours, not days. The benefit of this is to ensure that staff who work variable hours or shifts do not receive either more or less leave than colleagues who work a standard pattern. This also accords with the application of the Electronic Staff Record (ESR) system to record leave.

4.4 Annual leave entitlement is calculated based on contractual hours. The table in Appendix 1 shows the full time entitlements in days as stated in the AFC Terms and conditions, but also shows entitlements in hours based on contracted hours pro rata.

4.5 In order to have previous service regarded as reckonable service, formal documentary evidence will be required of any relevant, reckonable service. This may be in the form of previous pay slips; employment contracts; commencement/termination letters; confirmation of pension payments via separate employers obtained from NHS Pensions; or HMRC information confirming tax paid via different employers.

4.6 On joining the organisation, all staff will be entitled to annual leave plus general public holidays, in the year of joining on a pro rata basis, calculated from the first day of employment to the end of the annual leave year.

4.7 Where employees reach an anniversary which will increase their annual leave entitlement, the new entitlement will be calculated from the date of the anniversary.

4.8 Employees are entitled to +/-8 paid general public holidays, the number depending on how many fall within any leave year period. For part time staff, this entitlement is pro rata to the full time allowance, proportional to the number of basic contracted hours worked. For example, an individual with less than 5 years' service would have a full time allowance of 27 days, but is contracted to work 30 hours per week or 80% of full time hours, will have their leave calculated as follows. Their full time equivalent entitlement would be 27 x 7.5 (f/t) hours, which is 202.5 hours. Their leave entitlement will therefore be 80% of 202.5, or 162 hours. A table of annual leave and bank holiday entitlements depending on contracted hours is provided as Appendix 1 to this document.

4.9 On joining as a new employee, the public holiday hour's entitlement will be pro rata based on the number of public holidays remaining in the current leave year from the date of joining.

4.10 For part time staff, where operationally possible, and subject to mutual agreement, an employee may change their days of working during a general public holiday week and therefore retain their leave

entitlement in respect of a general public holiday. This leave could then be taken at another time. On each occasion an employee takes paid time off on a general public holiday as part of their basic week, the appropriate deduction of their normal basic hours per day should be made from their overall entitlement.

- 4.11 It is expected that all employees will be provided with the opportunity to take all their leave within a leave year. However, in exceptional circumstances, 5 days annual leave may be carried over to the following year, with the agreement of the Line Manager and in the following circumstances:
- Where employees are prevented from taking the full allowance of annual leave before the end of the leave year because of business needs;
 - On consideration of an individual's personal circumstances subject to the needs of the service.
- 4.12 An employee falling sick during a period of annual leave or who is absent on sick leave and has pre-booked annual leave should refer to the Absence Management policy.
- 4.13 Where staff change their contracted hours, this will result in a re-calculation of their annual leave entitlement.
- 4.14 Upon leaving their employment it is expected that staff will take all of their leave entitlement due 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. Annual leave entitlement will be calculated to the date of leaving, and the amount of leave due will not be rounded up or down, i.e. if 2.66 days are owed by the leaving date, the individual will be paid for 2.66 days.
- 4.15 On leaving the ICB, any leave taken in excess of that which the staff member would have been entitled to, (on a pro-rata basis to the termination date), will be deducted from the final salary payment.

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.

Appendix 1

Annual leave entitlement for complete years inclusive of general public holidays For staff on 37.5 hours, one day is equal to 7.5 hours

Weekly Basic Contracted Hours	Holiday Entitlement with no NHS Service		Holiday Entitlement after 5 years service		Holiday entitlement after 10 years service	
	Annual Leave	General public holiday	Annual Leave	General public holiday	Annual Leave	General public holiday
	27	8	29	8	33	8
	Hours Equivalent					
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
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

Weekly Basic Contracted Hours	Holiday Entitlement with no NHS Service Holiday		Holiday Entitlement after 5 years service		Holiday entitlement after 10 years service	
	Annual Leave	General public holiday	Annual Leave	General public holiday	Annual Leave	General public holiday
	27	8	29	8	33	8
	Hours Equivalent					
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
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