



Shropshire, Telford
and Wrekin

Annual Leave and Bank Holiday Policy

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The formally approved version of this document is that held on the NHS Shropshire, Telford and Wrekin ICB website: <https://www.shropshiretelfordandwrekin.nhs.uk/>

Printed copies or those saved electronically must be checked to ensure they match the current online version.

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1 Introduction

- 1.1 All contracted staff are entitled to a period of paid annual leave inclusive of bank holidays each year. The individual entitlement is dependent upon the employee's length of service and working hours.
- 1.2 This policy will be applied equally to all staff covered by the policy and in accordance with the principles of the ICB's Equality and Diversity Policy. The fair and equitable implementation of this policy will be monitored by the Director of Corporate Affairs.
- 1.3 The purpose of this policy is to provide managers and employees with guidance on the application and management of all annual leave and bank holiday entitlements to ensure that all staff take adequate rest away from work whilst maintaining the needs of the service.

2. Scope

- 2.1 This policy will apply to all staff employed by the ICB with the exception of:
- a) Medical and Dental staff who should refer to the Terms and Conditions for Hospital, Medical and Dental Staff and Doctors in Public Health Medicine and the Community Health Service;
 - b) Any Staff who have retained their right to remain on local terms and conditions of employment, who should refer to their contract of employment;

3. Policy Statement

- 3.1 Employees should take the full annual entitlement each year and managers should endeavour to ensure that the workloads of employees do not prevent any employee from taking their entitlement to annual leave.
- 3.2 It is the policy of the ICB to ensure that the application and management of annual leave and bank holiday entitlements, is applied fairly to all staff irrespective of their sex, race, belief, religion, disability, age or sexual orientation.
- 3.3 The ICB is committed to improving working lives and as such does not expect any staff to fulfil working commitments during periods of annual leave. Annual leave should enable a member of staff to take time away from work to relax and enjoy a break. If staff feel pressured into fulfilling work commitments during annual leave, they should seek advice from their manager or from HR/the Executive Services Manager.

4. Authority and Responsibilities

4.1 Scheme of Delegation

The Operational Scheme of Delegation sets out who has responsibility for HR decisions.

4.2 Responsibilities of the Director of Corporate Affairs

- 4.2.1 Ensure policy is monitored and reviewed as determined by the Executive Team or as required by any changes in legislation or national requirements.
- 4.2.2 Ensure that the policy is communicated to all staff and also that managers have the knowledge and skills to implement the policies effectively and are supported to do so as required.

4.3 Responsibilities of the ICB's Commissioning Support Provider

- 4.3.1 Provide advice, support and training to managers in the application of the policy.

4.4 Responsibilities Managers

- 4.4.1 Ensure that this policy is applied fairly to all, irrespective of their age, sex, religion, belief, disability, age or sexual orientation.
- 4.4.2 To calculate leave for all direct reports.
- 4.4.3 Ensure that employees are made aware of the procedure for requesting annual leave within their own team and to ensure that each employee is aware of their own entitlement.
- 4.4.4 Manage leave arrangements within their team to ensure there is adequate cover at all times to meet the services needs and priorities of the ICB.
- 4.4.5 Keep accurate annual leave records for all employees in their team and to monitor the uptake of annual leave to ensure that employees are taking regular breaks away from work.

4.5 Responsibilities of Employees

- 4.5.1 Request annual leave in line with local team arrangements.
- 4.5.2 Manage their annual leave in a reasonable way, ensuring full entitlements are taken over the leave year and requests for leave are submitted in accordance with team procedures.

5. Policy in Practice

5.1 Leave Year

- 5.1.1 The leave year runs from 1 April - 31 March. Staff should ensure that they take their full entitlement of annual leave in consultation and agreement with their manager.
- 5.1.2 In exceptional circumstances, with prior agreement of their manager, an employee's leave may be carried into the next year subject to a maximum of 1 working week, pro rata to the number of hours worked per week.
- 5.1.3 Employees who have been unable to take their annual leave as a result of long term sickness absence should refer to the ICB's Attendance Management Policy.

5.2 Entitlement

- 5.2.1 An employee's annual leave entitlement is determined by the length of aggregated NHS service, with leave entitlements increasing on the completion of 5 and 10 years aggregated NHS service as shown in **Appendix 1**.
- 5.2.2 An employee's continuous previous service with an NHS employer will count as reckonable service in respect of annual leave.
- 5.2.3 In addition, aggregated NHS service, i.e. any period of time that has been worked in the NHS, regardless of whether or not there has been a break in service, will count as reckonable service for annual leave.
- 5.2.4 For purposes of aggregated service, time spent employed in a highly relevant role in organisations other than the NHS, may be counted as aggregated service, i.e., GP Practices, General NHS Dental Practices, relevant overseas employment and local authorities. Locum agency service will not count. Agreement should be reached between the manager and Chief Executive Officer, advised by the commissioning support provider, on the application of highly relevant service, to ensure consistent application of this provision.

The aforementioned guidance refers to Agenda for Change terms and conditions, however, the ICB Executive team have made a local decision to only accept NHS service for the purposes of aggregated and/or continuous service. Therefore, managers should only accept previous NHS service and should contact the local HR team for any further queries.

- 5.2.5 Any aggregated service should be agreed on appointment to an employee's first post within the ICB. There is no provision for retrospective application of the above.
- 5.2.6 Annual leave entitlements are calculated in hours for part-time employees, rounded up to the nearest full hour, including bank/public holidays. Entitlements for full time staff may be calculated in hours or days. Employees whose working day is either greater or fewer than 7.5 hours a day, on any day, will calculate their annual leave and public holiday entitlement in hours. This ensures that this group of employees do not receive either more or less leave than colleagues who work a standard pattern.
- 5.2.7 Employees who wish to take more than 2 weeks leave in any one block must discuss their request with their line manager at least 3 months in advance to ensure that adequate cover is maintained.
- 5.2.8 If any employee falls ill during a period of annual leave and wishes their annual leave to be recorded as sickness, they must comply with their local sickness absence reporting procedure and produce a medical certificate to cover the period of sickness. In the absence of a doctor's medical certificate the period of absence will continue to be recorded as annual leave. Employees will not be entitled to an additional day off if they are sick on a bank holiday that they would otherwise have worked as part of their normal pattern of work.

- 5.2.9 For the purposes of new starters to the ICB, leavers from the ICB and any changes in employment, all annual leave will be calculated in accordance with completed months of service. New starters and employee changes will be calculated with effect from the first of the following month.
- 5.2.10 Employees who are on sick leave, adoption leave, and maternity leave will continue to accrue annual leave in accordance with the relevant policies.
- 5.2.11 Pay during annual leave will include regularly paid supplements and payment for work outside normal hours. Pay is calculated on the basis of what the employee would have received had he/she been at work.

5.3 Procedure for Booking Annual Leave

- 5.3.1 Employees must ensure that their line manager has approved all annual leave before they take their leave. If any employee takes a period of annual leave without prior approval, then the ICB may consider that the employee has taken unauthorised absence and this may be unpaid.
- 5.3.2 All requests for annual leave should be made on the appropriate annual leave request form.
- 5.3.3 Employees should not commit themselves to any holiday plans until they have received approval from their manager.
- 5.3.4 The employee and line manager should both ensure that they have an up to date copy of the annual leave record.

6. Term Time Staff

- 6.1 Employees on term-time contracts of employment will have their annual leave entitlement abated proportionate to the number of weeks they work per annum.

7. Bank/Public Holidays

- 7.1 The term bank holidays in this policy refer to the 8 bank and public holidays that normally occur each annual leave year.
- 7.2 Full-time employees are entitled to all 8 bank holidays in the leave year. Part-time employees are entitled to bank holidays pro-rata to the full-time allowance. On each occasion an employee takes paid time off on a general public/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.
- 7.3 There will be years where more or less than 8 general public/bank holidays fall in the leave year. When this situation arises, the appropriate hours adjustment will need be made. Any further additional bank holidays which occur will be factored into calculations using the same methodology applied to existing bank holidays as and when they are granted.

8. Bank Staff

- 8.1 Bank staff are entitled to accrue annual leave based on the minimum entitlement under the Working Time Regulations (20 days).

8.2 This entitlement is calculated as 1 hour for every 12 hours worked and will be calculated every 13 weeks. The individual has the option to receive payment for accrued annual leave (which will be paid in the following month's pay), or they can elect to take their annual leave. Individuals should inform their manager of which option they have chosen.

8.3 An example of how leave is calculated is shown below.

An employee has worked 132 hours on bank over a thirteen-week period. The calculation for annual leave would be $132 \div 12 = 11$ hours annual leave or payment in lieu of annual leave.

9. **Sickness and Annual Leave**

9.1 Employees still accrue annual leave whilst on sick leave. Therefore, in the event that an employee has remaining annual leave following a period of sickness, reasonable opportunity should be given to allow the employee to take this leave within the same holiday year.

9.2 Where an employee is considered long term sick between the months of January and March and annual leave is still outstanding, with no likely return to work date during this period, employees will be given the opportunity to take their annual leave as opposed to sick leave during this period.

9.3 If an employee on sick leave does not have the opportunity to take their annual leave entitlement because of illness, within the current holiday year, they may have the opportunity to carry their statutory holiday entitlement (currently 20 days for full time employees) over to the next holiday year. This will only be agreed in exceptional circumstances by their line manager and any outstanding leave must be taken at the end of the sickness period. Where possible any outstanding holidays should be used as part of any phased return to work plan.

9.4 No lieu of bank or public holidays will be given if an employee is off sick on a statutory holiday.

10. **Unpaid Leave**

10.1 Where a member of staff is given unpaid leave of a month or more in any given leave year (apart from unpaid maternity or adoption leave) this will have the effect of reducing the total entitlement for the year. The entitlement will need to be re-calculated and the number of months of unpaid leave deducted from the full year entitlement.

11. **Equality and Diversity**

11.1 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.

12. Monitoring and Review

- 12.1 The ICB will have responsibility to monitor the effectiveness of this policy and review it every 3 years in conjunction with Human Resources and Trade Union representatives. Where a review is necessary due to legislative change, this will happen immediately. Minor changes may be approved by the Chief Executive Officer.

Appendix 1

Annual Leave Entitlement

(refer to the leave calculator on the intranet when there are more or less than 8 bank holidays)

Annual leave entitlements are calculated in hours for all part-time employees, rounded up to the nearest full hour, including bank/public holidays. Entitlements for full time staff may be calculated in hours (see table below), or days (see top row of the table below).

Employees whose working day is either greater or fewer than 7.5 hours a day, on any day, will calculate their annual leave and public holiday entitlement in hours.

Weekly Contracted Hours	On appointment 27 + 8 = 35 days	After 5 years' service 29 + 8 = 37 days	After 10 years' service 33 + 8 = 41 days
37.5	263	278	308
37	259	274	304
36.5	256	270	299
36	252	267	295
35.5	249	263	291
35	245	259	287
34.5	242	255	283
34	238	252	279
33.5	235	248	275
33	231	244	271
32.5	228	241	267
32	224	237	263
31.5	221	233	258
31	217	230	254
30.5	214	226	250
30	210	222	246
29.5	207	218	242
29	203	215	238
28.5	200	211	234
28	196	207	230
27.5	193	204	226
27	189	200	222
26.5	186	196	217
26	182	193	213
25.5	179	189	209
25	175	185	205
24.5	172	181	201
24	168	178	197
23.5	165	174	193
23	161	170	189
22.5	158	167	185
22	154	163	181
21.5	151	159	176
21	147	156	172
20.5	144	152	168
20	140	148	164

Weekly Contracted Hours	On appointment 27 + 8 = 35 days	After 5 years' service 29 + 8 = 37 days	After 10 years' service 33 + 8 = 41 days
19.5	137	144	160
19	133	141	156
18.5	130	137	152
18	126	133	148
17.5	123	130	144
17	119	126	140
16.5	116	122	135
16	112	119	131
15.5	109	115	127
15	105	111	123
14.5	102	107	119
14	98	104	115
13.5	95	100	111
13	91	96	107
12.5	88	93	103
12	84	89	99
11.5	81	85	94
11	77	82	90
10.5	74	78	86
10	70	74	82
9.5	67	70	78
9	63	67	74
8.5	60	63	79
8	56	59	66
7.5	53	56	62
7	49	52	58
6.5	46	48	53
6	42	45	49
5.5	39	41	45
5	35	37	41
4.5	32	33	37
4	28	30	33
3.5	25	26	29
3	21	22	25
2.5	18	19	21
2	14	15	17
1.5	11	11	12
1	7	8	8

Appendix 2

Example Annual Leave Calculations

The following examples are provided for illustrative purposes based on the Annual Leave Entitlement table (see Appendix 1).

Example One

Employee A works 20 hours per week and is a new starter to the ICB. They have no previous NHS Service. Their annual leave entitlement (inclusive of bank holidays) is 140 hours per year.

Where a bank holiday falls on Employee A's normal working day then they must deduct the hours that they would have normally worked on that day (as if it had not been a bank holiday) from their annual leave entitlement.

Example Two

Employee B works full time and has 5 years NHS Service. Their annual leave entitlement (inclusive of bank holidays) is 278 hours (29 days + 8 days) per year. They must deduct 7.5 hours/1 day from their annual leave entitlement for each of the 8 bank holidays in the leave year if their entitlement has been calculated to include public/bank holidays rather than their leave card showing only annual leave and the public/bank holidays are taken as they arise.

Example Three

Employee C works 30 hours per week and has 10 years NHS Service. They join the ICB on 1st June. Their annual leave entitlement for the remainder of the leave year (inclusive of bank holidays) is:

$$246 / 12 \times 10 = 205 \text{ hours.}$$

Where a bank holiday falls on Employee C's normal working day then they must deduct the hours that they would have normally worked on that day (as if it had not been a bank holiday) from their annual leave entitlement.

Appendix 3

EQUALITY IMPACT ASSESSMENT RECORD (TOOL)

To be completed and attached to any corporate document when submitted to the appropriate committee for consideration and approval.

		Yes/No	Comments
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	• Race	No	
	• Ethnic origins (including gypsies and travellers)	No	
	• Nationality	No	
	• Gender	No	
	• Culture	No	
	• Religion or belief	No	
	• Sexual orientation including lesbian, gay and bisexual people	No	
	• Age	No	
	• Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable?	N/A	
4.	Is the impact of the policy/guidance likely to be negative?	No	
5.	If so can the impact be avoided?	N/A	
6.	What alternatives are there to achieving the policy/guidance without the impact?	N/A	
7.	Can we reduce the impact by taking different action?	N/A	

HUMAN RIGHTS IMPACT ASSESSMENT - No aspect of this policy breaches a person's Human Rights