

ANNUAL LEAVE POLICY

March 2018

Authorship:	HR Lead, eMBED			
Committee Approved:	Senior Management Team			
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	Relevant	Screening	Full / Completed	Outcome
Equality Impact Assessment	Yes	Yes	No	<i>No Issues Identified</i>
Sustainability Impact Assessment	Yes		Yes	<i>No Issues Identified</i>
Privacy Impact Assessment	No	No	No	<i>Not Relevant</i>
Bribery Checklist	No		No	<i>Not Relevant</i>
Target Audience:	All CCG Staff			
Policy Reference No:	SCRCCG P600			
Version Number:	V.1.1			
Publication/Distribution	Website	Email Staff		Others (i.e. SBC)
	Yes	Yes		No

The on-line version is the only version that is maintained. Any printed copies should, therefore, be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.

POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

New Version Number	Issued by	Nature of Amendment	Approved by & Date	Date on website
DRAFT	SRCCG	Draft policy for CCG	Senior Management Team	23.09.2014
DRAFT	SRCCG	Draft policy for CCG	JTUPF	5.11.2014
FINAL	SRCCG	Final Policy for CCG	Senior Management Team	2.12.14
1.1	SRCCG	Minor Amend - Updated in regards to GDPR	Senior Management Team	12/03/18

Approval Record

Applicable <input checked="" type="checkbox"/>	Committee / Group	Consultation / Information/ Ratification	Date taken to group	Date last Approved
<input type="checkbox"/>	Audit and Governance Committee	Choose an item.		
<input type="checkbox"/>	Business Committee	Choose an item.		
<input type="checkbox"/>	Communications and Engagement Committee	Choose an item.		
<input type="checkbox"/>	Council of Clinical Representatives	Choose an item.		
<input type="checkbox"/>	Finance and Contracting Committee	Choose an item.		
<input type="checkbox"/>	Governing Body	Choose an item.		
<input type="checkbox"/>	Primary Care Co-Commissioning	Choose an item.		
<input type="checkbox"/>	Quality and Performance Committee	Choose an item.		
<input type="checkbox"/>	Remuneration Committee	Choose an item.		
<input checked="" type="checkbox"/>	Senior Management Team	Ratification	12/3/18	12/3/18
<input checked="" type="checkbox"/>	All Employees	Consultation		
<input checked="" type="checkbox"/>	Yorkshire and Humber Social Partnership Forum	Consultation	10/1/18	10/1/18
<input type="checkbox"/>	Other	Choose an item.		

Note: A new policy only needs to be ratified by the appropriate Committee (and the Governing Body if new) and for information only to the other committees after consultation.

Policies should follow the following ratification process. The delegated committee for ratification is specified in Section 10.

Version control should also be managed as outlined below where x = current version number and y = the new version number.

Consultation and Ratification Process	Version Number
Reviewed policies should be circulated to staff for comment prior to ratification	V x.1
HR policies and policy changes directly impacting on staff should be sent to the Social Partnership Forum for Union consultation prior to ratification	V x.2
Reviews and minor amends should be ratified by the delegated Committee	V x.3
All new policies and policies where significant changes have been made should be ratified by the delegated Committee and Governing Body	V x.4
Ratified policy is circulated and published (if appropriate) on the website	V y.0

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1 INTRODUCTION

- 1.1** Scarborough and Ryedale Clinical Commissioning Group (The CCG) recognises that enabling its employees to achieve an effective work life balance benefits its employees and the CCG.
- 1.2** This policy describes annual leave provisions covered by the Agenda for Change national terms and conditions and outlines the discretionary options available to employees regarding annual leave.
- 1.3** Other discretionary forms of leave are available and may be granted by the appropriate manager. Guidance on these can be found in the Other Leave Policy. Separate policies are available for maternity, maternity support (paternity), adoption, carers and parental leave.

2 ENGAGEMENT

- Social Partnership Forum/Policy Subgroup.
- CCG Staff via Team meetings, Staff newsletter.
- CCG Senior Management Team.

3 IMPACT ANALYSES

- 3.1** The following impact assessments have been completed in respect of this policy:
 - Equality Impact Assessment – No issues identified
 - Sustainability Impact Assessment – No issues identified
- 3.2** These assessments are recorded in the relevant registers and available to view on the CCG website.
- 3.3** The Bribery Act does not apply to this policy.

4 SCOPE

- 4.1** This policy applies to all employees who are employed on NHS Agenda for Change Terms and Conditions. This includes employees on temporary contracts and fixed term contracts. Staff who are seconded from other employing organisations are not within the scope of this policy, nor are contractors. Agency Workers who meet the 12 week qualifying period will receive the same entitlement to annual leave as an employee and should request annual leave in the same way (in line with regulations 6 and 7 of the Agency Worker Regulations 2011).
- 4.2** Statutory office holders are not entitled to annual leave.
- 4.3** Bank staff are not entitled to take annual leave however they will be paid a percentage in addition to the agreed basic hourly rate to account for annual leave accrued which is based on the number of hours worked. Bank staff do not accrue leave in between any periods that they are asked to work.

- 4.4** The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCGs Data Protection and Confidentiality and related policies and procedures.

5 POLICY PURPOSE AND AIMS

- 5.1** The purpose and objectives of this policy are to protect the CCG along with its customers, service users, staff and other stakeholders, as well as the assets of the CCG, whilst ensuring delivery of its strategic and corporate objectives which are:

- To commission high quality services
- To engage patients, carers and other organisations in our planning and decision process
- To ensure value for money
- To be open and honest in our transactions, and accountable to our communities
- To respect our staff and promote a learning environment
- To improve health outcomes

- 5.2** 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 NHS Agenda for Change terms and conditions. It also sets out a consistent procedure for requesting annual leave.

6 ROLES / RESPONSIBILITIES / DUTIES

Line Manager's responsibilities:

- 6.1** To make accurate annual leave calculations and ensure this policy is adhered to.
- To record, monitor and authorise the annual leave of their employees and ensure that if an employee transfers to another department or leaves the organisation they have not taken too much annual leave than they have accrued and are entitled to and that any leave accrued and owing has been taken or paid.
 - To recalculate annual leave and Bank Holiday entitlements when employees either increase or decrease their contractual hours and to ensure this information is communicated to the employee concerned and a new annual leave card issued.
 - To consider all leave requests fairly, taking into consideration an employee's entitlement and the CCG's needs.
 - Managers should encourage employees to take annual leave to which they are entitled and should endeavour to ensure that their workload does not prevent this, annual leave requests should be balanced with the needs of the service.

Employee's responsibilities:

- Ensure annual leave is taken in accordance with the processes outlined in this policy.
- To request annual leave in a timely manner giving adequate notice.

- To ensure that as far as possible, they plan to take the whole of their annual leave entitlement within the year that it is due, failure to do this could result in the loss of entitlement.
- Employees should discuss annual leave plans with their colleagues to co-ordinate holidays and cover arrangements.
- To ensure they have their annual leave provisionally approved prior to making any holiday bookings.
- Employees must be aware that leave taken in excess of their annual entitlement may be considered to be fraudulent.
- Both employees and line managers have a responsibility to read and understand the policy, any breaches of this policy may be investigated and may result in the matter being treated as a disciplinary issue under the CCG's disciplinary procedure.

6.2 The workforce team will support both managers and individuals in ensuring this policy is followed and implemented equitably.

7 IMPLEMENTATION

7.1 This policy will be communicated to staff via team meetings, Staff Newsletter and available on the CCG website.

7.2 Failure to comply with this policy would be considered to be a breach of the terms and conditions of employment and may result in the matter being treated as a disciplinary offence under the CCG's disciplinary procedure.

8 TRAINING AND AWARENESS

8.1 A copy of the policy will be available on the CCG website. Training needs will be identified via the annual appraisal process and training needs analysis.

9 MONITORING AND AUDIT

9.1 Line managers are responsible for monitoring individual's compliance with this policy.

9.2 The implementation of this policy will be reviewed on an annual basis by the Senior Management Team and reported to the Governing Body.

10 POLICY REVIEW

10.1 The policy and procedure will be reviewed at least every three years by the CCG in conjunction with managers, staff and Trade Union representatives if appropriate, with changes made as required and the outcome published. Where review is necessary due to legislative change, this will happen immediately.

10.2 The Senior Management Team has delegated responsibility for monitoring and reviewing the policy and will report any concerns to the Governing Body.

PROCEDURE

11 ENTITLEMENT AND RECKONABLE SERVICE

- 11.1** The annual leave period for all employees is from 1 April to 31 March.
- 11.2** An employee's annual leave entitlement will be determined by the length of reckonable NHS service with leave entitlements increasing on the completion of 5 and 10 years reckonable NHS service. The annual leave provisions as specified in the NHS Agenda for Change Terms and Conditions are contained in the table below:

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

Reckonable service

- 11.3** An employee's previous continuous service with any NHS employer, regardless of whether there has been a break in service will count as reckonable service in respect of annual leave.
- 11.4** Time spent working in a highly relevant role in organisations other than the NHS may, following consultation with a Workforce representative, be counted as aggregated service (e.g. independent Primary Care Contractors, County Council, City Council, Social Services or the Department of Health).
- 11.5** Agency work will not count as reckonable service.
- 11.6** In order to have previous service regarded as reckonable service, it will be the employee's responsibility to provide their line manager with formal documentary evidence of any relevant, reckonable service as per the guidance contained within agenda for change.
- 11.7** Annual leave entitlement for all employees will be calculated in hours, not days. The benefit of this is to ensure that employees, who work part time or variable hours or shifts, do not receive either more or less leave than colleagues who work a standard pattern.
- 11.8** Annual leave entitlement is calculated based on contractual hours except in the case of Minimum Hours Contract employees, where actual hours worked will be used for the calculation subject to a maximum of 37.5 hours per week.
- 11.9** The calculation of leave entitlement is shown in Appendix 2, which includes a calculation for general public holidays. Hours shown have been rounded to the nearest half hour.
- 11.10** For guidance on calculating annual leave please see Appendix 2.
- 11.11** For employees who work full days, annual leave should normally be taken in periods of 3.75 hours or more.

- 11.12** On joining the CCG, all employees will be entitled to annual leave plus general public holidays from the first day of their employment. This will be on a pro rata basis for the first year of joining from the first day of employment to the end of the annual leave year.
- 11.13** Where employees reach an anniversary which will increase their annual leave entitlement, the new entitlement will be calculated pro rata from the 1st day of the month following the anniversary.
- 11.14** Where employee's change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed months on the new and the old contracted hours to give the full year entitlement. Where employees change their contracted hours part way through a month they should not lose entitlement. Therefore, in these cases the entitlement for the first month will be calculated on the basic weekly contracted hours that they predominantly worked for that initial month.

12 PUBLIC HOLIDAYS

- 12.1** Employees are entitled to 8 paid general public holidays per annum, which are:
- New Year's Day
 - Good Friday
 - Easter Monday
 - May Day
 - Late spring (May)
 - Late summer (August)
 - Christmas Day
 - Boxing Day
- 12.2** In the case of part time employees, this entitlement is pro rata to the full time allowance. The calculation of this entitlement is always proportional to the number of basic contracted hours worked. This removes the potential for inequity in cases where employees work varying days.
- 12.3** The general public holiday hour's entitlement will be pro rata based on the number of general public holidays remaining in the current leave year from the date of joining.
- 12.4** 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 will be made from their overall entitlement. For part time employees, 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.
- 12.5** There will be some years where more or less than 8 general public holidays fall in the leave year. When this situation arises, the appropriate hours adjustment will need to be made.
- 12.6** Employees required to work or be on call on a bank holiday are entitled to equivalent time off in lieu at plain time rates in addition to the appropriate payment for the duties undertaken.

13 OFFICE CLOSURE OVER CHRISTMAS AND NEW YEAR PERIOD

- 13.1** Office based staff working in the CCG Headquarters (Scarborough Town Hall site only) will be required to take annual leave to cover the days in the Christmas Period when the CCG Headquarters are closed. As the number of days will vary from year to year, the number of days designated as 'closure days,' will be specified to staff as soon as the CCG has been informed by Scarborough Borough Council. The hours that would usually be worked by individuals on these days should be deducted from their annual leave entitlement.
- 13.2** To ensure business continuity some staff may be required to work whilst the office is closed, and therefore need to make use of alternative working arrangements such as home working or an alternate office location, rather than having mandated annual leave. This would only be for senior staff, and the need would be determined by the CCG.
- 13.3** Please note that the above arrangements do not apply to Partnership Commissioning Unit staff.

14 ACCRUAL OF ANNUAL LEAVE DURING MATERNITY LEAVE ETC

- 14.1** Employees accrue annual leave during both paid and unpaid periods of maternity leave. Please refer to the CCG's Maternity, Maternity Support (Paternity), Adoption and Parental Leave Policy for further information.

15 CARRY FORWARD OF LEAVE

- 15.1** 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 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.
 - Where employees are prevented from taking annual leave because of sick leave. Please refer to point 16.4 of the policy.
 - On application and consideration of an individual's personal circumstances subject to the exigencies of the service.
- 15.2** A form is available at Appendix 3 for employees to request to carry forward leave to the following leave year. This should be submitted to the line manager by 1 March of each leave year for consideration.
- 15.3** It may be possible for an employee to request to bring forward annual leave from the following leave year into the current leave year. This is only in exceptional circumstances and must be approved by a member of the Senior Management Team of the CCG.
- 15.4** Whilst the CCG is fortunate to be able to provide flexibility for employees it is essential that line managers ensure that all employees have the opportunity to take the statutory minimum annual leave of 20 days (excluding bank holidays) during the annual leave year.

16 ANNUAL LEAVE AND SICKNESS

- 16.1** 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 CCG's policy on the Management of Attendance and should ensure that they comply with the policy on the Management of Attendance.
- 16.2** Employees still accrue annual leave whilst absent due to sickness. In the event that an employee has remaining annual leave following a long term period of sickness, reasonable opportunity should be given to allow the employee to take this leave within the same annual leave year.
- 16.3** 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.
- 16.4** Every effort should be made by an employee to take their annual leave before the end of the leave year. If an employee is absent due to sickness and does not have the opportunity to take their annual leave entitlement within the current annual leave year they will have the opportunity to carry their statutory annual leave entitlement over to the next annual leave year. This currently stands at 20 full days for full time employees in line with the Working Time Directive 1998, and is pro rata for part time staff. This will need to be agreed by their line manager following submission of medical evidence of the sickness as per the Absence Management Policy. Any outstanding leave must be taken at the end of the sickness period and where possible any outstanding annual leave should be used as part of any phased return to work plan.
- 16.5** No lieu of bank or public holidays will be given if an employee is off sick on a statutory holiday.

17 LEAVING THE CCG

- 17.1** Employees will be encouraged to take their annual leave prior to leaving the CCG however, where this is not possible any outstanding annual leave remaining will be paid, as will any outstanding general public holiday leave for general public holidays that have occurred in the leave year prior to the leave date. Annual leave entitlement will be calculated to the date of leaving based on completed months of service. Any annual leave taken (including general public holiday entitlement) which is in excess of that which the employee has accrued up to their last date of employment will be deducted from the final salary payment.
- 17.2** When calculating leave due on leaving the CCG, the figure is not rounded i.e. if the calculation says someone is entitled to 2.66 days leave that is what they will be paid for.
- 17.3** Where employee's leave on 31st 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 and they must have taken the statutory minimum of annual leave to ensure there is no breach of the Working Time Directive.

18 TERM TIME WORKING

18.1 Where an agreement has been made that employees will work during term time only, annual leave entitlement will be calculated based on the average number of hours worked per week across the whole year. The calculation is the number of hours worked multiplied by the number of weeks worked then divided by 52.143 (the number of weeks in a year). This gives the average hours worked per week. The annual leave entitlement is then calculated by taking the average hours per week, divided by the full time equivalent for a week and then multiplying by the number of days' entitlement. Please note that the number of weeks per year used in the examples shown in Appendix 2 may change depending upon the length of the term time.

19 REQUESTING ANNUAL LEAVE

- 19.1** Employees should submit all requests for annual leave to their line manager, in writing, giving as much notice as possible. A combined record should be kept of all requests and leave taken. Line managers will be expected to keep annual leave records for employees and to ensure that these are accurate and complete.
- 19.2** Employees wishing to take more than 2 weeks leave in any one block must put their request in writing to their manager at least 3 months in advance.
- 19.3** The manager must consider all applications taking into account the needs of the service and will respond to the employee indicating whether the leave has been "approved" or "denied". In the event of the leave being denied the reasons for refusal will be clearly explained.
- 19.4** An employee taking leave that has not been previously approved will be classed as being on unauthorised absence and therefore may be subject to disciplinary action.
- 19.5** Employees should not commit themselves to any holiday plans until they have received confirmation that their request for annual leave has been provisionally approved.
- 19.6** Line managers should encourage employees to plan and book their leave as early as possible and be proactive in booking regular leave to avoid loss, unnecessary carry forward and to ensure regular rest breaks for health and wellbeing.
- 19.7** Where employees have less than a half day entitlement to annual leave they shall be permitted to supplement the annual leave by the use of flexi-time where this is available, so that the outstanding annual leave can be taken.
- 19.8** The manager should record the request and update the employee's annual leave record, in line with local/departmental arrangements.
- 19.9** In the event of a dispute between the manager and the employee regarding the outcome of a request for annual leave an attempt should be made to try and resolve the matter informally in the first instance. HR support may be sought should managers require advice or guidance. In the event that the matter cannot be resolved informally, the CCG's Grievance policy should be referred to.

20 APPENDICES

- Appendix 1 Annual leave entitlement
- Appendix 2 Annual leave calculation examples
- Appendix 3 Request to carry forward annual leave

21 ASSOCIATED DOCUMENTATION

- Equality Impact Assessment
- Sustainability Impact Assessment

22 REFERENCES AND ASSOCIATED DOCUMENTATION

22.1 For further information please refer to the following reference sources:

- Working Time Directive (1998)
- Agency Worker Regulations (2011)
- Agenda for Change Terms and Conditions of Employment
- Working Time Regulations 1998
- Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Employment Rights Act 1996
- Flexible working policy
- Flexi time scheme
- Other leave policy
- Maternity, Maternity Support (Paternity) Adoption and Parental Leave policy
- Career break scheme
- <http://www.nhsemployers.org/EmploymentPolicyAndPractice/UKEmploymentPractice/Pages/AccrualofStatutoryAnnualLeaveonLongtermSickLeave.aspx>
- Anti-Fraud, Bribery and Corruption policy
- Disciplinary Policy
- Absence Management Policy
- Grievance Policy