

Lead Employer Trust

Annual Leave and Public Holidays

POLICY INFORMATION SHEET

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March 2019	Standard working day	Page 7		Version 7
August 2020	Update on annual leave payment calculation	Page 14		Version 8
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1 POLICY STATEMENT

- 1.1 This Policy applies to all the Lead Employer Trust (LET) Employees.
- 1.2 Annual leave allowances comply with and exceed Working Time Regulations. The purpose of annual leave is to provide adequate rest time between periods of work. The host training organisations, and the LET have a responsibility to ensure employees take their annual leave, though it is the employee's responsibility to request it.
- 1.3. The leave year for Public Health Trainees (non-medical staff) commences on 1st April and ends on 31st March each year.

For Medical Staff the leave year commences on the date of appointment to the Grade (or incremental date for those who were on the 2002 T&Cs), unless changed by mutual agreement.

- 1.4 Annual Leave is approved by Line Managers within the Host Training Organisation, subject to the needs of the service. Normally annual leave should only be taken in whole or half days. There may be times when the manager cannot agree to an application for annual leave on the grounds of staff coverage and demands of the service, however in such cases a full explanation will be provided and documented.

Employees must not book a holiday until they have had their annual leave request approved by their manager. The leave would need to be approved by the host training organization where the trainee is based at the time of the leave. Leave entitlement is proportionate to the placement e.g. 4 months rotation entitlement would be 9 days (27 days annual entitlement).

Managers should monitor the annual leave of their staff, to ensure that it can be taken within the leave year. If an employee has a significant proportion of their leave either untaken or unallocated the manager should raise this with the employee and take steps to ensure that the leave will be taken by the end of the leave year.

It is the responsibility of the employee to ensure that they take their leave entitlement within the current leave year in collaboration with other team members, departmental planning and work life balance

NOTE 1: where there are local/department agreements for the taking of annual leave, employees are responsible for ensuring they familiarise themselves with and follow these arrangements.

NOTE 2: Medical staff are required to give a minimum of 8 weeks' notice of an annual leave request wherever possible

NOTE 3: In exceptional circumstances an employer may require an employee to take annual leave on a particular date or dates the minimum period of notice given will be twice as many days in advance of the earliest day i.e. if the host training organisation wants an employee to take two weeks leave at a particular time, the notice period would be 4 weeks). Managers are advised to seek advice from the LET and host training organisation HR department.

- 2 **LEAVERS** – where an employee leaves the employment of an NHS body to immediately take up a post with another NHS body, their service shall be regarded as continuous for the purposes of annual leave entitlement. Employees leaving the LET shall, except where their employment is terminated for disciplinary reasons, be entitled to annual leave proportionate to the number of completed months of service during that year (see Appendix A, Tables C and D)

- 3 **CHANGES IN ENTITLEMENTS** – where an employee's entitlement to annual leave changes during a leave year due to long service leave entitlement, the change in annual leave entitlement should be calculated and take effect on the 1st of the following month
- 4 **FULL-TIME EMPLOYEES** – where staff work standard shifts other than 40 hour weeks (whole time) excluding on-call, meal breaks, annual leave and general public holiday entitlements should be calculated (Appendix A).
- 5 **LESS THAN FULL-TIME EMPLOYEES** have the same annual leave and public holiday entitlement as full-time employees based on their less than full-time hours pro-rata to whole time (Appendix A).

In calculating annual leave and public holiday entitlements for less than full-time staff, the entitlement will be in number of hours to the nearest half hour (see Appendix B). The public holiday entitlement should be added to their annual leave entitlement at the start of the individual leave year. For example, a less than full-time member of staff contracted to work 15 hours per week will have the following public holiday entitlement: 1.6 weeks (8 days) x 15 hours per week = 24 hours. This should be added to the employees annual leave entitlement.

Less than full-time employees shall take public holidays they would normally work as annual leave and the appropriate deductions made from their outstanding leave balance.

Where less than full-time employees work primarily at the beginning of the week (when most public holidays fall), they may need to adapt, as their proportionate share of public holidays may not be enough to cover all of the public holidays that fall on their working days of the week. There are options to compensate for this shortfall in hours, and alternatives might include working on a different day of that week or taking annual leave (as indicated above).

- 6 **EMPLOYEES ON FIXED TERM CONTRACTS** will have a pro-rata annual leave entitlement in accordance with the number of complete months of service worked. See Appendix A, Table C. Where a fixed term contract commences mid-month, the complete months will be counted from that date e.g. a contract for 5 months from 19 June – 23 November would accrue 5/12 of the annual leave entitlement. Employees on Fixed term contracts will also be entitled to only the Bank Holidays which fall during the term of their contract (pro-rata in the case of less than full-time employees).
- 7 **CARRY OVER OF ANNUAL LEAVE** – both the host training organisations, and the LET expects that within the annual leave year employees should be provided with the opportunity to take all their annual leave regardless of circumstances i.e. maternity leave. There is no facility to carry forward annual leave from one leave year to the next due to an inability to take annual leave whilst on maternity leave. In exceptional circumstances e.g. where employees have exceptionally been prevented from taking their leave due to service demands up to 5 days may be carried over to the following year, with the agreement of the Line Manager and all host training organisations involved (if employee is rotating between host training organisations). However this is extremely rare and it is more probable that untaken leave will be paid.

There is no provision for employees to either buy back or sell annual leave.

Employees who are absent from work due to illness/sickness are entitled to accrue their statutory annual leave entitlement during the period of absence. Employees on long term sick leave can request to take statutory holidays (in accordance with the Working Time Regulations) for the time they were absent i.e. pro-rata to 5.6 weeks (28 days including 8 Public Holidays). They can request to take this leave during the periods of sickness or at

some point on their return to work even if it means the holiday entitlement is carried forward into the next leave year. Any leave taken will be deducted from the employees leave entitlement.

The LET has no obligation to meet any statutory holiday request which was not made during the leave year when the worker was off on long term sick leave or immediately after returning from long term sick leave.

Accrued annual leave during absence must be taken no later than 18 months from the end of the relevant annual leave year. Refer to the Management of Attendance Policy for full details.

- 8 PAYMENT OF ANNUAL LEAVE** both the host training organisations, and the LET expects that within the annual leave year employees should be provided with the opportunity to take all their annual leave regardless of circumstances i.e. maternity leave. There is no facility to be paid for annual leave from one leave year to the next due to an inability to take annual leave. In exceptional circumstances e.g. where employees have exceptionally been prevented from taking their leave due to service demands and where annual leave cannot be carried out (as per above) up to 5 days may be paid, with the agreement of the Line Manager and all host training organisations involved (if employee is rotating between host training organisations).

There is no provision for employees to either buy back or sell annual leave.

Payment of annual leave will be done in accordance to the calculation in Appendix C.

- 9 RECKONABLE SERVICE** – Entitlement to annual leave is calculated according to an individual's aggregated not continuous NHS service. Aggregated NHS service is any time that has been worked in the NHS, regardless of whether or not there has been a break in service.

Employment not in the NHS does not count e.g. Local Authorities, nursing homes or GP Practices.

In order to have previous service, as detailed above, regarded as reckonable service, staff will need to provide formal documentary evidence of any relevant, reckonable service.

Medical staff annual leave entitlement will be based on the incremental point of their payscale as per the national Terms and Conditions of Service. Practitioners who are on the minimum or incremental point one or two of their pay scale will be entitled to 27 days annual leave per annum (pro rata for less than full time). When practitioners reach the third incremental point, their annual leave will increase to 32 days per annum (pro rata for less than full time).

10 WORKING ON A PUBLIC HOLIDAY

For those on the 2002 T&Cs employees required to work or be on-call on a public holiday are entitled to equivalent time to be taken off in lieu at plain time rates in addition to any appropriate payments for work done e.g. if an employee works for 4 hours then they will be entitled to 4 hours in lieu. This includes any scheduled hours for work, e.g. you are rota for an 8 hour on call but actually only work 4 hours, the individual is still eligible for 8 hours in lieu.

For those on 2016 T&Cs, a doctor who in the course of their duty is required to be present in the hospital (or other place of work) at any time (from 00.01 to 23.59) on a public holiday, or who is rostered to be on call on a public holiday, will be entitled to a standard working day off in lieu. (Standard Working Day is 8 hours)

Employees will not be entitled to an additional day off, if sick on a public holiday.

Public Holidays will be accrued during absences due to Maternity Leave, Adoption Leave, Employment Break, Maternity Support/Paternity Leave.

Please refer to the LET's Religious Observance Policy for further guidance for employees who wish to take the public holiday at a different time due to religious or other reasons.

11 GENERAL INFORMATION

11.1 Periods of Special Leave, Unpaid Leave or other types of leave – please refer to the Special Leave Policy.

11.2 Occasions when Easter falls twice within the same leave year – the public holiday entitlements should be adjusted to reflect that there are 10 or 6 public holidays in a leave year.

11.3 Taking of Annual Leave in a Single Block – where employees wish to take the majority of their annual leave entitlement in a single block, line managers have the discretion to approve this on an exceptional basis (including weddings, travelling to another country for a bereavement/funeral), subject to the needs of the service. However, where possible, with enough suitable notice, the LET would be in support of a trainee receiving this leave for exceptional circumstances/life events.

11.4 Annual Leave Form

Annual leave cards are issued on commencement with the Terms and Conditions of Service. Trainees are expected to ensure their leave card is completed and authorised when annual leave is requested, and should be kept with the trainee through rotational placements during the leave year. Once the annual leave entitlement is exhausted, the card should be countersigned by a Host Training Organisation signatory, and returned to the LET Human Resources Department for a new one to be issued.

11.5 Sickness occurring during Annual Leave

If an employee falls sick whilst on annual leave, and produces at that time a medical certificate they will be regarded as being on sick leave from the date of the certificate, allowing the employee to take the annual leave another time. The absence will only be recorded as sick leave from the point at which it is reported to the LET.

For circumstances where an employee goes on a pre-booked holiday during a period of sick leave refer to the Management of Attendance Procedure.

12 APPEALS

Employees will be entitled to a written reason from their line manager for refusal of any application. If they remain dissatisfied with the reason, they may raise this through Stage 3 of the Grievance Procedure.

13 EQUALITY & DIVERSITY STATEMENT

The LET is committed to providing equality of opportunity, not only in its employment practices but also in all the services for which it is responsible. As such, an Equality Impact Assessment has been carried out on this policy to identify any potential discriminatory impact. The LET also values and respects the diversity of its employees and the wider community it serves. In applying this policy, representatives of the Trust will have due regard for the need to:

- Eliminate unlawful discrimination

- Promote equality of opportunity
- Provide for good relations between people of diverse groups

For further information, please refer to the LET's Equality Diversity and Human Rights Policy.

14 MONITORING AND REVIEW

The LET Head of Human Resources is responsible for monitoring the application of this Policy and to ensure that the Policy is reviewed no later than three years from the date of issue. The Policy may be amended at any time in light of legislative changes.

15 LEGISLATION/REFERENCES/RELEVANT POLICIES

Working Time Regulations 1998

Agenda for Change Terms and Conditions Handbook

ANNUAL LEAVE CALCULATIONS

Table A

Full-Time Employees – Non Medical – Agenda for Change (Public Health)

Length of NHS Service	Annual Leave + Public Holidays (Days)	Annual Leave + Public Holidays (Hours)
On Appointment	27 + 8	202.5 + 60
After 5 Year's service	29 + 8	217.5 + 60
After 10 years' service	33 + 8	247.5 + 60

Table B

Full-Time Employees – Medical Staff (Specialty Trainees)

Length of NHS Service	Annual Leave + Public Holidays + statutory days
Points 0-2 on MN37/MN39/MN35	27 + 8
Points 3 onwards on MN37/MN39/MN35	32 + 8

Table C

New Starters/Terminations/Fixed Term Contracts (Non Medical, Agenda for Change)

No. of complete months service during current annual leave year	On Appointment or with less than 5 years NHS service (Days)	After 5 years NHS Service (Days)	After 10 years NHS service (Days)
12	27	29	33
11	25	26.5	30
10	22.5	24	27.5
9	20	21.5	24.5
8	18	19.5	22
7	15.5	17	19
6	13.5	14.5	16.5
5	11	12	13.5
4	9	9.5	11
3	6.5	7	8
2	4.5	5	5.5
1	2	2.5	3

For Less than full-time employees the calculation is:

$$\frac{\text{No. of hours entitlement (see Appendix B)}}{12} \times \text{No. of completed months service}$$

12

Table D

New Starters/Terminations/Fixed Term Contracts (Medical Staff)

No. of complete months service during current annual leave year	On Appointment (27 days)	After 2 Years in Grade (32 days)
12	27	32
11	25	29.5
10	22.5	26.5
9	20	24
8	18	21.5
7	15.5	18.5
6	13.5	16
5	11	13.5
4	9	10.5
3	6.5	8
2	4.5	5.5
1	2	2.5

APPENDIX B

ANNUAL LEAVE CALCULATIONS IN HOURS (non-medical staff – Agenda for Change)

Less than full-time Employees/Full-Time Employees working shifts of variable length

Weekly basic contracted hours	On appointment or with less than 5 years NHS Service (for non-medical staff) or incremental points 0,1 and 2 for medical staff (27 days)	After 5 years NHS Service (for non-medical staff) (29 days)	Incremental points 3 and above for non-medical staff (32 days)	After 10 years NHS service (for non-medical staff) (33 days)	Public Holidays (based on 8 in the leave year)
40	216	232	256	264	64
39.5	213.3	229.1	252.8	260.7	63
39	210.6	226.2	249.6	257.4	62
38.5	207.9	223.3	246.4	254.1	62
38	205.2	220.4	243.2	250.8	61
37.5	202.5	217.5	240	247.5	60
37	200	214.5	236.8	244.0	59
36.5	197.0	211.5	233.6	241.0	58.5
36	194.5	209.0	230.4	237.5	57.5
35.5	191.5	206.0	227.2	234.5	57
35	189	203.0	224	231.0	56
34.5	186.5	200.0	220.8	227.5	55
34	183.5	197.0	217.6	224.5	54.5
33.5	181	194.5	214.4	221.0	53.5
33	178	191.5	211.2	218.0	53
32.5	175.5	188.5	208	214.5	52
32	1. 173	185.5	204.8	211.0	51
31.5	170	182.5	201.6	208.0	50.5
31	167.5	180.0	198.4	204.5	49.5
30.5	164.5	177.0	195.2	201.5	49
30	162	174.0	192	198.0	48
29.5	159.5	171.0	188.8	194.5	47
29	156.5	168.0	185.6	191.5	46.5
28.5	154.0	165.5	182.4	188.0	45.5
28	151.0	162.5	179.2	185.0	45
27.5	148.5	159.5	176	181.5	44
27	146.0	156.5	172.8	178.0	43
26.5	143.0	153.5	169.6	175.0	42.5
26	140.5	151.0	166.4	171.5	41.5
25.5	137.5	148.0	163.2	168.5	41

25	135.0	145.0	160	165.0	40
24.5	132.5	142.0	156.8	161.5	39
24	129.5	139.0	153.6	158.5	38.5
23.5	127.0	136.5	150.4	155.0	37.5
23	124.0	133.5	147.2	152.0	37
22.5	121.5	130.5	144	148.5	36
22	119.0	127.5	140.8	145.0	35
21.5	116.0	124.5	137.6	142.0	34.5
21	113.5	122.0	134.4	138.5	33.5
20.5	110.5	119.0	131.2	135.5	33
20	108.0	116.0	128	132.0	32
19.5	105.5	113.0	124.8	128.5	31
19	102.5	110.0	121.6	125.5	30.5
18.5	100.0	107.5	118.4	122.0	29.5
18	97.0	104.5	115.2	119.0	29
17.5	94.5	101.5	112	115.5	28
17	92.0	98.5	108.8	112.0	27
16.5	89.0	95.5	105.6	109.0	26.5
16	86.5	93.0	102.4	105.5	25.5
15.5	83.5	90.0	99.2	102.5	25
15	81.0	87.0	96	99.0	24
14.5	78.5	84.0	92.8	95.5	23
14	75.5	81.0	89.6	92.5	22.5
13.5	73.0	78.5	86.4	89.0	21.5
13	70.0	75.5	83.2	86.0	21
12.5	67.5	72.5	80	82.5	20
12	65.0	69.5	76.8	79.0	19
11.5	62.0	66.5	73.6	76.0	18.5
11	59.5	64.0	70.4	72.5	17.5
10.5	56.5	61.0	67.2	69.5	17
10	54.0	58.0	64	66.0	16
9.5	51.5	55.0	60.8	62.5	15
9	48.5	52.0	57.6	59.5	14.5
8.5	46.0	49.5	54.4	56.0	13.5
8	43.0	46.5	51.2	53.0	13
7.5	40.5	43.5	48	49.5	12
7	38.0	40.5	44.8	46.0	11
6.5	35.0	37.5	41.6	43.0	10.5

Calculation of Payment of Annual Leave

The annual salary calculation will be used for all trainees being paid for annual leave. Elements (Weekend Allowance, On Call Availability, Additional Rostered Hours, Night Duty) will be added to your annual salary to average the payment of annual leave made.

If you are receiving a Cash Floor, Section 2 or Higher Salary Protection this figure will be used in the above Annual Salary calculation.

Example includes:

Trainee taking 1 day leave (based on average 8 hours) currently receiving 10% weekend allowance, on call availability, 10 additional rostered hours per week and 5 night duty hours per week.

Annual salary / 52.1428 (weeks of the year) / 40 hours = hourly rate

Weekend allowance = hourly rate * 8 hours * 10%

On call availability = hourly rate * 8 hours * 8%

Additional rostered hours = hourly rate * 10 = weekly rate / 40 hours * 8 hours

Night Duty = hourly rate * 37% = enhanced hourly rate * 5 hours / 40 hours * 8 hours

The preliminary impact assessment is a quick and easy screening process.

It should:

- Identify those policies, procedures, services, functions and strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Division/Department

LET HR Department

Title of policy, procedure, function or service

Annual Leave and Public Holidays

Type of policy, procedure, function or service

- Existing
- New/proposed
- Changed



Q1 - What is the aim of your policy, procedure, project or service?

To outline the annual leave entitlements of LET staff and provide clarity on the terms of taking that leave.

Q2 - Who is the policy, procedure, project or service going to benefit?

All LET Employees

Q3 - Thinking about each group below, does, or could the policy, procedure, project or service have a negative impact on members of the equality groups below?

Group	Yes	No	Unclear
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Age	X		
Disability		X	
Race		X	
Gender		X	
Transgender		X	
Sexual Orientation		X	
Religion or belief		X	
Marriage & Civil Partnership		X	
Pregnancy & Maternity Leave		X	
Relationships between groups		X	
Other socially excluded groups		X	

If the answer is “Yes” or “Unclear” you **MUST** complete a full EIA

Q4 – Does, or could, the policy, procedure, project or service help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age		X	
Disability		X	
Race		X	
Gender		X	
Transgender		X	
Sexual Orientation		X	
Religion or belief		X	
Marriage & Civil Partnership		X	
Pregnancy & Maternity Leave		X	
Relationships between groups		X	
Other socially excluded groups		X	

Q5 – Do you have any feedback data from equality groups that indicate how this policy, procedure, project or service may impact upon these groups?

Group	Yes No Impact	Yes Impact	No	Unclear
Age			X	
Disability			X	
Race			X	
Gender			X	
Transgender			X	
Sexual Orientation			X	
Religion or belief			X	
Marriage & Civil Partnership			X	
Pregnancy & Maternity Leave			X	

Relationships between groups			X	
Other socially excluded groups			X	

Q6 – Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, procedure, project or service?

Yes		No	X
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If you have answered “Yes” now follow the EIA toolkit and complete a full EIA form

Q7 – How have you come to this decision?

Increased entitlements for long service adversely affect younger employees; however this is a nationally agreed term of employment and is considered to be proportionate for the purposes of recruitment and retention. No indication that other equality groups would be adversely affected by this policy.

Q8 – What is your priority for doing the full EIA

High	Medium	Low
		X

Q9 – Who was involved in the EIA?

LET HR Department

This EIA has been approved by:

General Manager, Lead Employer Trust

Date: 18.5.2023

Contact number:

0191 275 4769

Please ensure that this assessment is attached to the policy document to which it relates.

