

ANNUAL LEAVE POLICY

November 2014

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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 and Date	Date on Intranet
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CONTENTS

	Page	
1	Introduction	5
2	Engagement	5
3	Impact Analyses	5
	3.1 Equality	5
	3.2 Sustainability	5
	3.3 Bribery Act 2010	6
4	Scope	6
5	Policy Purpose and Aims	6
6	Policy Principles	6
7	Definitions	6
8	Roles / Responsibilities / Duties	6
9	Implementation	7
10	Training and Awareness	7
11	Monitoring and Audit	7
12	Policy Review	8
13	References and Associated Documentation	8
Part 2	Procedure	
1	Entitlement and reckonable service	9
2	Public holidays	10
3	Accrual of annual leave during maternity leave	11
4	Carrying Leave Forward	11
5	Annual leave and sickness	11
6	Leaving the CCG	12
7	Term time working	12
8	Requesting annual leave	12

Appendices

Appendix 1 - Annual leave authorisation form	14
Appendix 2 - Annual leave entitlement	15
Appendix 3 - Annual leave calculation examples	17
Appendix 4 - Request to carry forward annual leave	19
Appendix 5 - Equality Impact Assessment	20
Appendix 6 - Sustainability Impact Assessment	31

1 INTRODUCTION

The Harrogate and Rural District Clinical Commissioning Group (CCG) recognises that enabling its employees to achieve an effective work life balance benefits its employees and the CCG.

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.

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, adoption, paternity and parental leave.

2 ENGAGEMENT

The policy has been developed by the North Yorkshire and Humber Commissioning Support Unit (the CSU) Workforce team with expert advice from the Local Counter Fraud Specialist, and consultation with the CCG's senior management team, employee policy group, the CCG's Integrated Governance and Audit Committee and the Joint Trades Union Partnership Forum.

3 IMPACT ANALYSES

3.1 Equality

In applying this policy, the CCG 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. An equality impact assessment has been carried out and can be seen at appendix 5. The assessment found that the policy potentially has a positive impact on people who share the following protected characteristics :

- Race
- Age
- Pregnancy and maternity
- Religion and belief

As a result of performing the analysis, the policy does not appear to have any adverse effects on people who share *Protected Characteristics* and no further actions are recommended at this stage.

3.2 Sustainability

The policy has been assessed against the CCG's Sustainability themes. Please see Appendix 6. The conclusion(s) drawn from the sustainability assessment is that the policy has no negative impact on the sustainability themes but may have a positive impact on work-life balance under the workforce theme.

3.3 Bribery Act 2010

The CCG follows good NHS business practice as outlined in the Business Conduct Policy and has robust controls in place to prevent bribery. Due consideration has been given to the Bribery Act 2010 in the development (or review, as appropriate) of this policy document and no specific risks were identified. Advice from a Counter Fraud Specialist suggests the Bribery Act is not relevant to this policy.

4 SCOPE

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).

Statutory office holders are not entitled to annual leave.

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.

5 POLICY PURPOSE AND AIMS

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 POLICY PRINCIPLES

The annual leave period is usually from 01 April to 31 March.

An employee's annual leave entitlement will be determined by the length of reckonable NHS service with leave entitlements increasing on the completion of five and 10 years reckonable NHS service (see part 2, point 1.3 for guidance).

7 DEFINITIONS

List and describe the meaning of terms used, if appropriate.

8 ROLES / RESPONSIBILITIES / DUTIES

Line Manager's responsibilities :

- To make accurate annual leave and Bank Holiday entitlement calculations on an annual basis 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 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.

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

9 IMPLEMENTATION

All employees will receive notification that the policy has been approved and will receive confirmation of where the policy is located.

This policy should be incorporated as part of the employee induction process for all new employees joining the CCG.

10 TRAINING AND AWARENESS

Training and support will be available to all line managers in the implementation and application of this policy.

11 MONITORING AND AUDIT

The implementation of this policy will be audited on an annual basis by the Workforce team and reported to the CCG senior management team.

12 POLICY REVIEW

This policy will be reviewed every two years by the Workforce team in conjunction with operational managers and trade union representatives. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation or guidance. Where review is necessary due to legislative change, this will happen immediately.

13 REFERENCES AND ASSOCIATED DOCUMENTATION

- Working Time Directive (1998)
- Agency Worker Regulations (2011)
- Agenda for change
- 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
- 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

PART 2

Procedure

1 Entitlement and reckonable service

- 1.1 The annual leave period for all employees is usually from 01 April to 31 March.
- 1.2 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

1.3 Reckonable service

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.

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).

Agency work will not count as reckonable service.

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 and the Starting Salaries Policy.

- 1.4 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.
- 1.5 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.
- 1.6 The calculation of leave entitlement is shown in Appendix 1, which includes a calculation for general public holidays. Hours shown have been rounded to the nearest half hour.
- 1.7 For guidance on calculating annual leave please see Appendix 2.
- 1.8 For employees who work full days, annual leave should normally be taken in periods of 3.75 hours or more.
- 1.9 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.

- 1.10 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.
- 1.11 Where employee's change their contracted hours, this will result in a re-calculation of their annual leave entitlement. The full year entitlement will be calculated based on months completed on the old and the new contracted hours.

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.

2 Public Holidays

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

- 2.1 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.
- 2.2 The general public holiday entitlement will be calculated in hours pro rata and based on the number of general public holidays remaining in the current leave year from the date of joining.
- 2.3 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.
- 2.4 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.
- 2.5 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.

3 Accrual of annual leave during maternity, maternity support (paternity), adoption and parental leave

- 3.1 Accrual of annual leave during periods of Maternity, maternity support (paternity), adoption and parental leave will be as set out in the appropriate policy.

4 Carrying Leave Forward

- 4.1 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:-

- i) Where employees are prevented from taking the full allowance of annual leave before the end of the leave year because of business needs.
- ii) Where employees are prevented from taking annual leave because of sick leave. Please refer to point 5.4 of the policy.
- iii) On application and consideration of an individual's personal circumstances subject to the exigencies of the service.

A form is available at appendix 4 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.

- 4.2 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 Director of the CCG.
- 4.3 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.

5 Annual leave and sickness

- 5.1 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 Absence Management policy and should ensure that they comply with the Absence Management policy
- 5.2 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.
- 5.3 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.
- 5.4 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.

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

6 Leaving the CCG

- 6.1 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.
- 6.2 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.
- 6.3 Where employee's leave on 31 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.

7 Term Time Working

- 7.1 Where an agreement has been made that employee's 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.

8 Requesting annual leave

- 8.1 Employees should submit all requests for annual leave to their line manager in writing using the prescribed annual leave authorisation form, 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.
- 8.2 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.

- 8.3 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.

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.

- 8.4 Employees should not commit themselves to any holiday plans until they have received confirmation that their request for annual leave has been provisionally approved.
- 8.5 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.
- 8.6 The manager should record the request and update the employee’s annual leave record, in line with local / departmental arrangements.
- 8.7 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.

Appendix 2 – Annual leave entitlement

Annual leave entitlement for complete years inclusive of general public holidays
For employees 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

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	Annual Leave	General public
	27	8	29	8	33	8
	Hours Equivalent					
20.0	108.0	32.0	116.0	32.0	132.0	32.0
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

Appendix 3 - Annual leave calculation examples

Annual leave can be calculated using the following five steps :

1. ascertain the number of years reckonable service the individual has (see part 2, point 1.3).
2. ascertain the number of annual leave days the individual is entitled to for full-time in a full year (see part 3, point 1.2).
3. ascertain the number of hours this equates to, based on the individual's contracted hours per week (see appendix 1).
4. ascertain the bank holiday entitlement of the individual from appendix 1 (calculated pro rata for part-time workers).
5. add the annual leave and bank holiday entitlement together.

If the individual has not worked a full annual leave year, in addition :

1. Calculate the reduced entitlement for both annual leave and Bank Holidays.

Example A :

Employee A works 21 hours per week, commenced work with the CCG on the 01 April and has one year reckonable service. Using the five steps above :

1. 1 years' service
2. 27 days annual leave
3. This equates to 113.5 hours annual leave based on 21 hours per week
4. Plus 33.5 hours Bank Holiday
5. = 147 hours leave per year (as the employee is working the full calendar year)

Example B :

Employee B works 30 hours per week, commenced work with the CCG on the 06 November and has 15 years reckonable service. Using the five steps above :

1. 15 years' service
 2. 33 days annual leave
 3. This equates to 198 hours annual leave based on 30 hours per week
 4. Plus 48.0 hours Bank Holiday (6.1 hours per bank holiday)
 5. = 246 hours leave per year (based on the full calendar year)
1. There are 145 days between 06 November and the end of March (the end of the holiday year) therefore employee B is entitled to $\frac{198}{365} \times 145 = 98$ hours annual leave in their first year

There are three remaining Bank Holidays in that year (Christmas and New Year) therefore they are also entitled to 18.3 hours Bank Holiday (6.1 hours x 3).

Term time only working examples

Example 1

Agreement is made for X to work 37.5 hours per week for 39 weeks per year. X is a new starter entitled to 27 days annual leave.

Average number of hours worked per week will be $\frac{37.5 \times 39}{52.143} = 28.05$ per week

Entitlement will be $28.05/5 \times 27 = 151.5$ hours

General public holiday entitlement will be $28.05/5 \times 8 = 45$ hours

Example 2

Agreement is made for Y to work 20 hours per week for 39 weeks per year. Y has six years' service and is entitled to 29 days annual leave

Average number of hours worked per week will be $\frac{20 \times 39}{52.143} = 14.96$ per week

Entitlement will be $14.96/5 \times 29 = 87$ hours

General public holiday entitlement will be $14.96/5 \times 8 = 24$ hours

Appendix 4 - Request to carry forward annual leave

Name..... Job title.....

Date of application.....

Number of days you wish to carry forward:.....

A maximum of five days (pro rata for part time staff) may be carried forward

Reason for application (please include any reasons for this request, such as special circumstances during the next annual leave year requiring extra leave and any restrictions on taking outstanding leave during the current leave year)

.....
.....
.....
.....

Signed (Applicant):

Application forms must be submitted to your line manager by 01 March.

For completion by Line Manager :

Your request to carry forward days leave is / is not* approved

* (please state reason)

.....
.....

SignedPrint name.....Date.....
(Line Manager)

Appendix 5

EQUALITY IMPACT ANALYSIS ANNUAL LEAVE POLICY – HaRD 004

1. Equality Impact Analysis									
Policy / Project / Function:	Annual Leave Policy								
Date of Analysis:	08/02/2014								
This Equality Impact Analysis was completed by: (Name and Department)	Christine Brown, Workforce								
What are the aims and intended effects of this policy, project or function?	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.								
Please list any other policies that are related to or referred to as part of this analysis?	<ul style="list-style-type: none"> • Working Time Directive (1998) • Agency Worker Regulations (2011) • Agenda for change • 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, Paternity and adoption leave policy • Career break scheme • Anti-Fraud, Bribery and Corruption policy 								
Who does the policy, project or function affect? Please Tick ✓	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Employees</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Service Users</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Members of the Public</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other (List Below)</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Employees	<input checked="" type="checkbox"/>	Service Users	<input type="checkbox"/>	Members of the Public	<input type="checkbox"/>	Other (List Below)	<input type="checkbox"/>
Employees	<input checked="" type="checkbox"/>								
Service Users	<input type="checkbox"/>								
Members of the Public	<input type="checkbox"/>								
Other (List Below)	<input type="checkbox"/>								

2. Equality Impact Analysis: Screening

	Could this policy have a positive impact on...		Could this policy have a negative impact on...		Is there any evidence which already exists from previous (e.g. from previous engagement) to evidence this impact
	Yes	No	Yes	No	
Race	✓			✓	<p>Para 8.2 requires that 'employees wishing to take more than 2 weeks leave in any one block must put their request in writing to their manager'. It should be noted that where the request is to travel to an employee's country of origin and this is some distance away (i.e. Australia) any refusal of the request may require the decision to be objectively justified.</p> <p>There is a requirement for line managers to take account of the Equality Act (para 3.1) and should therefore consider the circumstances of this type of request. On that basis this is assessed as positive impact.</p>
Age	✓			✓	Staff with longer reckonable service are entitled to greater annual leave. This has a potential positive impact on older staff.
Sexual Orientation		✓		✓	
Disabled People		✓		✓	Whilst staff with disabilities may require a greater number of hospital appointments, this can be addressed through other policies (absence management, other leave policy). In addition, staff that are on long or short term sick leave as a result of their disability will still accrue annual leave. This policy should not have an adverse impact on this protected group.
Gender		✓		✓	Para 2.1 states '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.' Women are often part time and this paragraph supports equity. In addition, annual leave calculations are based on hours rather than days

					and Bank Holiday calculations will be on a pro-rata basis.
Transgender People		✓		✓	
Pregnancy and Maternity	✓			✓	Section 3 states that employees continue to accrue annual leave during maternity leave.
Marital Status		✓		✓	
Religion and Belief	✓			✓	Staff with religious beliefs may need annual leave on specific days to celebrate festivals or take part in religious ceremonies. In applying the policy managers are required to take account of the Equality Act 2010 (para 3.1). This potentially has a positive impact on this group.
Reasoning					

If there is no positive or negative impact on any of the Nine Protected Characteristics go to Section 7

3. Equality Impact Analysis: Local Profile Data

Local Profile/Demography of the Groups affected (population figures)	
General	Total number of employees in the CCG is 22
Age	72.73% are aged 30-55 29.27% of staff are over 55 No employees are under 30
Race	90.9% staff employed in the CCG are White 4.55% staff are Black 4.55% of staff have are not stated/undefined their ethnicity
Sex	54.55% staff employed are male 45.45% staff employed are female
Gender reassignment	No information at this stage
Disability	86.36% of staff employed declared themselves as having no disability 13.64% did not declare /undefined No staff have declared a disability
Sexual Orientation	77.27% of staff described themselves as heterosexual 22.73% did not wish to respond /undefined
Religion, faith and belief	Christianity is the largest religious group declared by staff in the CCG (40.91%) 27.27% declared themselves Atheist 27.27% were undefined or did not wish to declare 4.55% of staff have other beliefs/religious beliefs
Marriage and civil partnership	81.81% of employees are married. No employees are in a civil partnership. The remainder (18.19%) are single/divorced/legally separated or widowed
Pregnancy and maternity	No information yet as the CCG has not been established long enough to build meaningful data

4. Equality Impact Analysis: Equality Data Available

<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1. Application success rates <i>Equality Groups</i> 2. Complaints by <i>Equality Groups</i> 3. Service usage and withdrawal of services by <i>Equality Groups</i> 4. Grievances or decisions upheld and dismissed by <i>Equality Groups</i> 5. <i>Previous EIAs</i> 	<p>Yes <input checked="" type="checkbox"/> - employee data</p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document).</p>
<p>List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function</p>	<p>Consultation has taken place nationally and locally with Trade Unions.</p>
<p>Promoting Inclusivity How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</p>	<p>The policy contributes to promoting equality and diversity by providing a framework for equitable allocation of annual leave.</p>

5. Equality Impact Analysis: Assessment Test

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010*?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Gender (Men and Women)	✓			Para 2.1 states '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.' Women are often part time and this paragraph supports equity. In addition, annual leave calculations are based on hours rather than days and Bank Holiday calculations will be on a pro-rata basis.
Race (All Racial Groups)		✓		Para 8.2 requires that 'employees wishing to take more than 2 weeks leave in any one block must put their request in writing to their manager' It should be noted that where the request is to travel to an employee's country of origin and this is some distance away (i.e. Australia) any refusal of the request may require the decision to be objectively justified. There is a requirement for line managers to take account of the Equality Act (para 3.1) and should therefore consider the circumstances of this type of request. On that basis this is assessed as positive impact.
Disability (Mental and Physical)	✓			Whilst staff with disabilities may require a greater number of hospital appointments, this can be addresses through other policies (absence management, other leave policy). In addition, staff that are on long or short term sick leave as a result of their disability will still accrue annual leave. This policy should not have an adverse impact on this protected group.
Religion or Belief		✓		Staff with religious beliefs may need annual leave on specific days to celebrate festivals or take part in religious ceremonies. In applying the policy managers are required to take account of the Equality Act 2010 (para 3.1). This potentially has a positive impact on this group.
Sexual Orientation (Heterosexual, Homosexual and Bisexual)	✓			

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010*?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Pregnancy and Maternity		✓		Section 3 states that employees continue to accrue annual leave during maternity leave.
Transgender	✓			
Marital Status	✓			
Age		✓		Staff with longer reckonable service are entitled to greater annual leave. This has a potential positive impact on older staff.

6. Action Planning

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010*?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:

7. Equality Impact Analysis Findings

Analysis Rating:	Red	Red/Amber	Amber	□ Green
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		Actions	Wording for Policy / Project / Function
Red Stop and remove the policy	Red: As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.	Remove the policy Complete the action plan above to identify the areas of discrimination and the work or actions which needs to be carried out to minimise the risk of discrimination.	No wording needed as policy is being removed
Red Amber Continue the policy	As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.	The policy can be published with the EIA List the justification of the discrimination and source the evidence (i.e. clinical need as advised by NICE). Consider if there are any potential actions which would reduce the risk of discrimination. Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.	As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason exists which justifies the use of this policy and further professional advice. <i>[Insert what the discrimination is and the justification of the discrimination plus any actions which could help what reduce the risk]</i>

Equality Impact Findings (continued):

		Actions	Wording for Policy / Project / Function
<p>Amber</p> <p>Adjust the Policy</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p>	<p>The policy can be published with the EIA</p> <p>The policy can still be published but the Action Plan must be monitored to ensure that work is being carried out to remove or reduce the discrimination.</p> <p>Any changes identified and made to the service/policy/ strategy etc. should be included in the policy.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p><i>[Insert what the discrimination is and what work will be carried out to reduce/eliminate the risk]</i></p>
<p>Green</p> <p>No major change</p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>	<p>The policy can be published with the EIA</p> <p>Another EIA must be completed if the policy is changed, reviewed or if any discrimination is identified at a later date</p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>

Brief Summary/Further comments	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>
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Approved By		
Job Title:	Name:	Date:

Appendix 6

SUSTAINABILITY IMPACT ASSESSMENT ANNUAL LEAVE POLICY – HaRD 004

Staff preparing a policy, Governing Body (or Sub-Committee) report, service development or project are required to complete a Sustainability Impact Assessment (SIA). The purpose of this SIA is to record any positive or negative impacts that this is likely to have on sustainability.

Title of the document	Annual Leave Policy – HaRD 004
What is the main purpose of the document	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.
Date completed	21 March 2014
Completed by	Caroline Carter

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = n/a	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
Travel	Will it provide / improve / promote alternatives to car based transport? Will it support more efficient use of cars (car sharing, low emission vehicles, environmentally friendly fuels and technologies)? Will it reduce 'care miles' (telecare, care closer) to home? Will it promote active travel (cycling, walking)? Will it improve access to opportunities and facilities for all groups?	0		

Procurement	<p>Will it specify social, economic and environmental outcomes to be accounted for in procurement and delivery?</p> <p>Will it stimulate innovation among providers of services related to the delivery of the organisations' social, economic and environmental objectives?</p> <p>Will it promote ethical purchasing of goods or services?</p> <p>Will it promote greater efficiency of resource use?</p> <p>Will it obtain maximum value from pharmaceuticals and technologies (medicines management, prescribing, and supply chain)?</p> <p>Will it support local or regional supply chains?</p> <p>Will it promote access to local services (care closer to home)?</p> <p>Will it make current activities more efficient or alter service delivery models</p>	0		
Facilities Management	<p>Will it reduce the amount of waste produced or increase the amount of waste recycled?</p> <p>Will it reduce water consumption?</p>	0		
Workforce	<p>Will it provide employment opportunities for local people?</p> <p>Will it promote or support equal employment opportunities?</p> <p>Will it promote healthy working lives (including health and safety at work, work-life/home-life balance and family friendly policies)?</p> <p>Will it offer employment opportunities to disadvantaged groups?</p>	1		
Community Engagement	<p>Will it promote health and sustainable development?</p> <p>Have you sought the views of our communities in relation to the impact on sustainable development for this activity?</p>	0		
Buildings	<p>Will it improve the resource efficiency of new or refurbished buildings (water, energy, density, use of existing buildings, designing for a longer lifespan)?</p>	0		

	<p>Will it increase safety and security in new buildings and developments?</p> <p>Will it reduce greenhouse gas emissions from transport (choice of mode of transport, reducing need to travel)?</p> <p>Will it provide sympathetic and appropriate landscaping around new development?</p> <p>Will it improve access to the built environment?</p>			
Adaptation to Climate Change	<p>Will it support the plan for the likely effects of climate change (e.g. identifying vulnerable groups; contingency planning for flood, heat wave and other weather extremes)?</p>	0		
Models of Care	<p>Will it minimising 'care miles' making better use of new technologies such as telecare and telehealth, delivering care in settings closer to people's homes?</p> <p>Will it promote prevention and self-management?</p> <p>Will it provide evidence-based, personalised care that achieves the best possible outcomes with the resources available?</p> <p>Will it deliver integrated care, that co-ordinate different elements of care more effectively and remove duplication and redundancy from care pathways?</p>	0		