

# Annual Leave Policy

## October 2019

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Name of Policy:	Annual Leave Policy
Date Issued:	October 2019
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<b>Policy Title:</b>	<b>Annual Leave Policy</b>	
<b>Supersedes: (Please List)</b>	All previous Annual Leave Policies.	
<b>Description of Amendment(s):</b>	<p>Duty inserted regarding communication and confirmation from employee and line manager when an employee has reached an anniversary and thus increased their annual leave entitlement.</p> <p>Inserted paragraph regarding pay during annual leave to be in line with AFC.</p> <p>Changed the process regarding when annual leave is calculated from when an employee reached an anniversary.</p> <p>Amended wording slightly in some parts for clarity.</p>	
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## **1. INTRODUCTION**

- 1.1 NHS Hull Clinical Commissioning Group (The 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 (AFC) 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.

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

## **2. SCOPE**

This policy applies to all employees who are employed on NHS Agenda for Change and VSM 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.

Contractors should refer to their contracts of employment for details regarding their annual leave.

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. To complete the qualifying period the agency worker must work in the same role with the CCG for 12 continuous calendar weeks (in line with regulations 6 and 7 of the Agency Worker Regulations 2011).

Bank staff are entitled to take annual leave and their entitlement will be calculated based on the hours they have actually worked. Their holiday pay will be calculated based on their average weekly remuneration from the previous 12 weeks that they were actually paid, no account shall be taken of a week where no remuneration was payable

Bank staff do not accrue leave in between any periods that they are asked to work.

Statutory office holders are not entitled to annual leave.

### **3. 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.

### **4. GENERAL DATA PROTECTION REGULATION (GDPR)**

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. IMPACT ANALYSIS**

#### **5.1 Equality**

The CCG is committed to: 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 developing this policy, an Equality Impact Analysis has been undertaken and is attached at Appendix 4. As a result of the initial screening, the policy does not appear to have any adverse effects on people who share protected characteristics and no further actions are required at this stage.

The application of this policy will be monitored to ensure fair application.

#### **5.2 Bribery Act 2010**

NHS Hull Clinical Commissioning Group has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from The Bribery Act 2010.

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed. The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

For further information see <http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>.

If you require assistance in determining the implications of the Bribery Act please contact the Local Counter Fraud Specialist on telephone number 01482 866800 or email at [nikki.cooper1@nhs.net](mailto:nikki.cooper1@nhs.net).

Due consideration has been given to the Bribery Act 2010 in the development of this policy document and consistent application of this policy will mitigate bribery in relation to this policy.

## **6. NHS CONSTITUTION**

- 6.1 The CCG is committed to: Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.
- 6.2 This Policy supports the NHS Constitution as follows: The NHS aspires to the highest standards of excellence and professionalism in the provision of high-quality care that is safe, effective and focused on patient experience; in the planning and delivery of the clinical and other services it provides; in the people it employs and the education, training and development they receive; in the leadership and management of its organisations; and through its commitment to innovation and to the promotion and conduct of research to improve the current and future health and care of the population

## **7. ROLES / RESPONSIBILITIES / DUTIES**

### **7.1 Employees**

- To 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 (see section 22).
- 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.
- To ensure they have their annual leave approved prior to making any holiday bookings.
- Employees must be aware that leave taken in excess of their entitlement may be considered to be fraudulent.
- Employees should communicate to their line managers when they are due an increase in their annual leave entitlement due to reaching an anniversary which impacts on their entitlement and show evidence of this from their contract of employment or seek confirmation from the HR department,

### **7.2 Line Manager**

- 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.
- Ensure that when an employee claims they are due an increase in their annual leave entitlement due to reaching an anniversary that they have had confirmation of this detailed in the employees contract of employment or from the HR department,
- To consider all leave requests fairly, taking into consideration an employee's entitlement and the CCG's needs.
- Ensure relevant cover, as required during the requested annual leave period

Managers should encourage employees to take annual leave to which they are entitled by the end of the leave year and should endeavour to ensure that their workload does not prevent this. Annual leave requests should be balanced with the needs of the service and the wellbeing of employees.

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.

## **8. IMPLEMENTATION**

- 8.1 This policy will be communicated to staff via team meetings/team brief and will be available for staff on the intranet.
- 8.2 Breaches of this policy may be investigated and may result in the matter being treated as a disciplinary offence under the CCG's disciplinary procedure.
- 8.3 Training and support will be available to all Line Managers in the implementation and application of this policy
- 8.4 The workforce team will support both managers and individuals in ensuring this policy is followed and implemented equitably.

## **9. TRAINING AND AWARENESS**



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

## **10. MONITORING AND EFFECTIVENESS**

The implementation of this policy will be audited on an annual basis by the CCG and reported to the CCG's Governing Body.

## **11. POLICY REVIEW**

**11.1** This Policy will be reviewed after 4 years from the date of implementation. Where review is necessary due to legislative change, this will happen immediately.

## **12. REFERENCES**

For further information please refer to the following reference sources:

- Working Time Directive (1998)
- Agency Worker Regulations (2011)
- NHS 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
- Other Leave policy
- Maternity, Paternity and Adoption leave policy
- Career Break Policy
- <http://www.nhsemployers.org/EmploymentPolicyAndPractice/UKEmploymentPractice/Pages/AccrualofStatutoryAnnualLeaveonLongtermSickLeave.aspx>
- Anti-Fraud, Bribery and Corruption policy
- Disciplinary Policy
- Absence Management Policy
- Grievance Policy
- Starting Salaries and Reckonable Service Policy

## **13. ASSOCIATED DOCUMENTATION**

- Flexible Working policy
- Other Leave policy
- Maternity, Paternity and Adoption leave policy

- Career Break Policy
- NHS Agenda for Change Terms and Conditions of Employment

## 14. ENTITLEMENT AND RECKONABLE SERVICE

14.1 The annual leave period for all employees is from 1 April to 31 March.

14.2 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 based on full time members of staff, this would be pro rata for part time staff
On	27 days (202.5 hours) plus 8 days (60 hours)
After 5 years	29 days (217.5 hours) plus 8 days (60 hours)
After 10	33 days (247.5 hours) plus 8 days (60 hours)

14.3 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 comparable and highly relevant role in additional recognised organisations other than the NHS may be counted towards aggregated reckonable service for the purposes of annual leave in line with the CCG's Starting Salaries and Reckonable Service policy, following consultation with a Workforce representative. This includes the following organisations

- GP Practice or NHS Dentist working exclusively on NHS work
- County Council / City Council / Social Services
- The Department of Health
- Social Enterprise delivering NHS services

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 CCG's Starting Salaries and Reckonable Service policy.

- 14.4 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.
- 14.5 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.
- 14.6 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.
- 14.7 For guidance on calculating annual leave please see appendix 2.
- 14.8 For employees who work full days, annual leave should normally be taken in periods of 3.75 hours or more.
- 14.9 On joining the CCG, all employees on AFC and VSM contracts 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 with the CCG to the end of the annual leave year.
- 14/10 Annual leave cannot be carried between different NHS organisations.
- 14.11 Where employees reach an anniversary which will increase their annual leave entitlement, the new entitlement will be calculated *pro rata* from the day the employee reaches their anniversary. To calculate this please ask the HR department for the annual leave calculator.
- 14.12 Where employee's change their contracted hours, it 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. Therefore If an employee reduces their hours they will be entitled to any untaken leave in full which they may have accrued before the reduction in 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.

## **15. PAY DURING ANNUAL LEAVE**

Employees will be paid during annual leave in accordance with section 13.9 of the NHS Agenda for Change Terms and Conditions of Employment which states; "Pay during annual leave will include any regular supplements including any recruitment and retention premia, payments for work outside normal hours and high cost area supplements. Pay is calculated on the basis of what the individual would have received had he/she been at

work. This would be on the previous three months at work or any other reference period that may be locally agreed”.

## **16. 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

This may increase or decrease for each annual leave year depending upon when Easter falls

- 16.1 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.
- 16.2 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.
- 16.3 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. Likewise if a bank holiday falls on an employee's non-working day the appropriate addition of their pro rata hours will be added to their general 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.
- 16.4 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 for both full time and part time employees.
- 16.5 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.

## **17. ACCRUAL OF ANNUAL LEAVE DURING MATERNITY LEAVE**

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.

## **18. CARRY FORWARD OF LEAVE**

18.1 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 19.4 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 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.

18.2 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 member of the Senior Leadership Team of the CCG.

18.3 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 take their annual leave) during the annual leave year. Annual leave is central to the health and wellbeing of employees.

## **19. ANNUAL LEAVE AND SICKNESS**

19.1 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 this policy.

19.2 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.

19.3 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, line managers may agree for employees to take their annual leave as opposed to sick leave during this period. This may be beneficial where an individual is not in receipt of occupational or statutory sick pay. This will be determined on a case by case basis, referring to the CCG's Absence Management policy and after seeking advice from a HR representative.

- 19.4 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 and any outstanding leave must be taken at the end of the sickness period. Where possible any outstanding annual leave should be used as part of any phased return to work plan.
- 19.5 No lieu of bank or public holidays will be given if an employee is off sick on a statutory holiday.

## **20 LEAVING THE CCG**

- 20.1 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.
- 20.2 Annual leave cannot be carried forward to other NHS organisations.
- 20.3 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.
- 20.4 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 or the equivalent hours included within their annual leave calculation that is what they will be paid for.
- 20.3 Where employee's leave on 31<sup>st</sup> 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

## **21. TERM TIME WORKING**

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.

## **22. REQUESTING ANNUAL LEAVE**

- 22.1 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.
- 22.2 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. If an employee wishes to take an extended period of leave for example due to personal reasons or religious pilgrimage (e.g. Hajj or the Umrah) please refer to the Other Leave policy and/or the Career Break policy.
- 22.3 The manager must consider all applications taking into account the needs of the service and will respond to the employee within 10 working days 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.
- 22.4 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.
- 22.5 Employees should not commit themselves to any holiday plans until they have received confirmation that their request for annual leave has been approved.
- 22.6 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.
- 22.7 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 or unpaid leave, so that the outstanding annual leave can be taken. This must be agreed by the line manager in advance so that deductions to pay can be processed if necessary.
- 22.8 The manager should record the request and update the employee’s annual leave record, in line with local/departmental arrangements.

22.9 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.

## **APPENDICES**

Appendix 1 – Annual Leave Entitlement

Appendix 2 - Annual Leave Calculation Examples

Appendix 3 - Request to Carry Forward Annual Leave

Appendix 4 - Equality Impact Assessment



**Annual Leave Entitlement**

**Appendix 1**

**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
	<b>Hours Equivalent</b>					
37.5	202.5	60.0	217.5	60.0	247.5	60.0
37.0	200.0	59.5	215.0	59.5	244.5	59.5
36.5	197.5	58.5	212.0	58.5	241.0	58.5
36.0	194.5	58.0	209.0	58.0	238.0	58.0
35.5	192.0	57.0	206.0	57.0	234.5	57.0
35.0	189.0	56.0	203.0	56.0	231.0	56.0
34.5	186.5	55.5	200.5	55.5	228.0	55.5
34.0	184.0	54.5	197.5	54.5	224.5	54.5
33.5	181.0	54.0	194.5	54.0	221.5	54.0
33.0	178.5	53.0	191.5	53.0	219.0	53.0
32.5	175.5	52.0	188.5	52.0	214.5	52.0
32.0	173.0	51.5	186.0	51.5	211.5	51.5
31.5	170.5	50.5	183.0	50.5	208.0	50.5
31.0	167.5	50.0	180.0	50.0	205.0	50.0
30.5	165.0	49.0	177.0	49.0	201.5	49.0
30.0	162.0	48.0	174.0	48.0	198.0	48.0
29.5	159.5	47.5	171.5	47.5	195.0	47.5
29.0	157.0	46.5	168.5	46.5	191.5	46.5
28.5	154.0	46.0	165.5	46.0	188.5	46.0
28.0	151.5	45.0	162.5	45.0	185.0	45.0
27.5	148.5	44.0	159.5	44.0	181.5	44.0
27.0	146.0	43.5	157.0	43.5	178.5	43.5
26.5	143.5	42.5	154.0	42.5	175.0	42.5
26.0	140.5	42.0	151.0	42.0	172.0	42.0
25.5	138.0	41.0	148.0	41.0	168.5	41.0
25.0	135.0	40.0	145.0	40.0	165.0	40.0
24.5	132.5	39.5	142.5	39.5	162.0	39.5
24.0	130.0	38.5	139.5	38.5	158.5	38.5
23.5	127.0	38.0	136.5	38.0	155.5	38.0
23.0	124.5	37.0	133.5	37.0	152.0	37.0
22.5	121.5	36.0	130.5	36.0	148.5	36.0
22.0	119.0	35.5	128.0	35.5	145.5	35.5
21.5	116.5	34.5	125.0	34.5	142.0	34.5
21.0	113.5	34.0	122.0	34.0	139.0	34.0
20.5	111.0	33.0	119.0	33.0	135.5	33.0
20.0	108.0	32.0	116.0	32.0	132.0	32.0

Weekly Basic Contracted Hours	Holiday Entitlement with no NHS Service		Holiday 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
	<b>Hours Equivalent</b>					
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 2

### 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 individuals 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 1 April and has 1-year reckonable service. Using the 5 steps above:

1. 1 years' service
2. 27 days annual leave
3. 113.5 hours annual leave based on 21 hours per week
4. 33.5 hours Bank Holiday
5. Total = 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 6 November and has 15 years reckonable service. Using the 5 steps above:

1. 15 years' service
2. 33 days annual leave
3. 198 hours annual leave based on 30 hours per week
4. 48 hours Bank Holiday (6.1 hours per Bank Holiday)
5. Total = 246 hours leave per year (based on the full calendar year)

There are 145 days between 6 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 3 remaining Bank Holidays in that year (Christmas Day, Boxing Day and New Year's Day) 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  $\frac{37.5}{52.143} \times 39 = 28.05$  per week

Entitlement will be  $\frac{28.05}{5} \times 27 = 151.5$  hours

General public holiday entitlement will be  $\frac{28.05}{5} \times 8 = 45$  hours

## **Example 2**

Agreement is made for **Y** to work 20 hours per week for 39 weeks per year. **Y** has 6 years' service and is entitled to 29 days annual leave

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

Entitlement will be  $\frac{14.96}{5} \times 29 = 87$  hours

General public holiday entitlement will be  $\frac{14.96}{5} \times 8 = 24$  hours

### 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 1<sup>st</sup> March.**

---

For completion by Line Manager:

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

\* (please state reason).....

.....  
.....

Signed ..... Print name..... Date.....  
(Line manager)



Clinical Commissioning Group

Please refer to the EIA Overview & Navigation Guidelines located in *Y:\HULLCCG\Corporate Templates and Forms\Equality and Diversity Information before completing your EIA*)

**HR / Corporate Policy Equality Impact Analysis:**

<b>Policy / Project / Function:</b>	Annual Leave Policy
<b>Date of Analysis:</b>	25/06/2019
<b>Completed by: (Name and Department)</b>	Sophie Lucas – HR Humber
<b>What are the aims and intended effects of this policy, project or function?</b>	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.
<b>Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?</b>	No – No significant changes made more just changes for the purpose of clarity.

<p><b>Please list any other policies that are related to or referred to as part of this analysis</b></p>	<ul style="list-style-type: none"> <li>• Working Time Directive (1998)</li> <li>• Agency Worker Regulations (2011)</li> <li>• NHS Agenda for Change Terms and Conditions of Employment</li> <li>• Working Time Regulations 1998</li> <li>• Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000</li> <li>• Fixed-Term Employees (Prevention of Less Favorable Treatment) Regulations 2002</li> <li>• Employment Rights Act 1996</li> <li>• Flexible Working policy</li> <li>• Other Leave policy</li> <li>• Maternity, Paternity and Adoption leave policy</li> <li>• Career Break Policy</li> <li>• <a href="http://www.nhsemployers.org/EmploymentPolicyAndPractice/UKEmploymentPractice/Pages/AccrualofStatutoryAnnualLeaveonLongtermSickLeave.aspx">http://www.nhsemployers.org/EmploymentPolicyAndPractice/UKEmploymentPractice/Pages/AccrualofStatutoryAnnualLeaveonLongtermSickLeave.aspx</a></li> <li>• Anti-Fraud, Bribery and Corruption policy</li> <li>• Disciplinary Policy</li> <li>• Absence Management Policy</li> <li>• Grievance Policy</li> <li>• Starting Salaries and Reckonable Service Policy</li> <li>• Flexible Working policy</li> <li>• Other Leave policy</li> <li>• Maternity, Paternity and Adoption leave policy</li> <li>• Career Break Policy</li> <li>• NHS Agenda for Change Terms and Conditions of Employment</li> </ul>
<p><b>Who will the policy, project or function affect?</b></p>	<p>All Employees</p>
<p><b>What engagement / consultation has been</b></p>	

<p><b>done, or is planned for this policy and the equality impact assessment?</b></p>	<p>Consultation has taken with Trade Unions and staff</p> <ul style="list-style-type: none"> <li>• SLT</li> <li>• CCG Employees</li> <li>• SPF Sub group</li> <li>• SPF</li> <li>• Governing Body (approval)</li> </ul>
<p><b>Promoting Inclusivity and Hull CCG's Equality Objectives.</b></p> <p>How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?</p> <p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> <li>1. Ensure patients and public have improved access to information and minimise communications barriers</li> <li>2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job</li> <li>3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve</li> <li>4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs</li> </ol>	<p>This policy is designed to ensure that leave is managed as fairly as possible, taking into account all individual circumstances and supports our equality objective of recruiting and maintaining a well-supported, skilled workforce, which is representative of the population we serve.</p>



## Equality Data

**Is any Equality Data available relating to the use or implementation of this policy, project or function?**

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 *Protected Characteristics* – referred to hereafter as '*Equality Groups*'.

Examples of *Equality Data* include: (this list is not definitive)

- 1: Recruitment data, e.g. applications compared to the population profile, application success rates
- 2: Complaints by groups who share / represent protected characteristics
- 4: Grievances or decisions upheld and dismissed by protected characteristic group
- 5: Insight gained through engagement

Yes

No

Where you have answered yes, please incorporate this data when performing the *Equality Impact Assessment Test* (the next section of this document). If you answered No, what information will you use to assess impact?

**Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.**

## Assessing Impact

Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?  
(Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> <sup>1</sup> exists (see footnote below – seek further advice in this case)
<p>It is anticipated that these guidelines will have a positive impact as they support policy writers to complete meaningful EIAs, by providing this template and a range of potential issues to consider across the protected characteristics below. There may of course be other issues relevant to your policy, not listed below, and some of the issues listed below may not be relevant to your policy.</p>				
<b>Gender</b>	✓			<p>Women are more likely to be part time employees than men however as stated in section 15 of the policy:</p> <p>“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.</p> <p>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”</p>
<b>Age</b>	✓			<p>Staff with longer reckonable service will be awarded a higher annual leave entitlement however this is not directly linked to age so will not have an impact.</p>
<b>Race / ethnicity / nationality</b>	✓			<p>This policy is consistent in its approach and process to all AFC employees regardless of race, ethnicity or nationality.</p>
<b>Disability</b>	✓			<p>Staff who are off sick will still accrue any holiday entitlement so will</p>

1. <sup>1</sup> The action is proportionate to the legitimate aims of the organisation (please seek further advice)

				not impact on those with a disability.
<b>Religion or Belief</b>	✓			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). The policy also states: "If an employee wishes to take an extended period of leave for example due to personal reasons or religious pilgrimage (e.g. Hajj or the Umrah) please refer to the Other Leave policy and/or the Career Break Policy).
<b>Sexual Orientation</b>	✓			This policy is consistent in its approach and process to all AFC employees regardless of sexual orientation.
<b>Pregnancy and Maternity</b>	✓			The policy states "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." It therefore has no impact on employees on maternity leave.
<b>Transgender / Gender reassignment</b>	✓			This policy is consistent in its approach and process to all AFC employees regardless of their gender or any gender reassignment they may have had.
<b>Marriage or civil partnership</b>	✓			This policy is consistent in its approach and process to all AFC employees regardless of their Marital status.

### Action Planning:

**As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?**

<b>Identified Risk:</b>	<b>Recommended Actions:</b>	<b>Responsible Lead:</b>	<b>Completion Date:</b>	<b>Review Date:</b>
Equal application of the policy is essential	Monitoring the use of the policy and its application	HR Lead		1 year from implementation


**Sign-off**

**All policy EIAs must be signed off by Mike Napier, Associate Director of Corporate Affairs**

**I agree with this assessment / action plan**

**If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:**



**Signed:**

**Date: 27.08.19**