

ANNUAL LEAVE AND BANK HOLIDAY POLICY

Summary

This policy and procedure sets out the guiding principles for ensuring that requests for annual leave (and Bank Holiday leave where applicable) are dealt with in a fair, timely and consistent manner across the Trust. To accompany this policy there is a separate Paid Annual Leave and Bank Holiday Entitlement Calculation Guide for full time and part time employees which can be found on the Trust Intranet. Also, an Annual Leave Calculator with guidelines on its use is available on the Trust Intranet.

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1. Introduction

- 1.1 The aim of the policy is to provide a consistent and fair approach to the management of annual leave for The Royal Marsden NHS Foundation Trust employees (hereinafter referred to as the Trust).
- 1.2 The Trust believes in providing equity in its services, in treating people fairly with respect and dignity and in valuing diversity both as a provider of cancer health and community services and as an employer.

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- 1.3 Annual leave is an important part of work-life balance and therefore the Trust will seek to ensure employees are able to take the paid leave to which they are entitled.
- 1.4 Managers should ensure annual leave and Bank Holiday entitlements are calculated correctly and planned well so that the needs of the service are taken into account when considering and approving requests.

2. Purpose and Scope

- 2.1 The purpose of the Annual Leave and Bank Holiday Policy and Procedure is to provide a set of guidelines for the application and approval of annual leave requests (and Bank Holiday leave where applicable). It also sets out the rights and responsibilities of managers and employees.
- 2.2 The policy applies to all substantive employees of the Trust, including medical employees. It does not apply to Bank workers.
- 2.3 Although leave entitlement for employees appointed on Honorary, Joint Appointment or Institute of Cancer Research contracts is determined and managed by a separate employer, the general principles of this policy applies. These employees (including consultants) must give adequate notice, and cooperate with Trust departmental procedures for booking leave. This will ensure Trust service delivery is maintained. Please see Section 6.

3. Annual Leave Year

- 3.1 The entitlements to paid annual leave and Bank Holidays are for a pre-determined leave year. The leave year applied by the Trust is from 1st April to 31st March inclusive.
- 3.2 Depending on when Easter falls, there can be between six and ten bank holidays in any one leave year. This should be checked before calculating bank holiday entitlement.

4. General Principles

- 4.1 It is expected that individual departments will have a local annual leave procedure. This should clearly state the minimum standards by which staff may book and take annual leave, for instance a minimum of one week's notice should be given and no more than two weeks of annual leave should be taken at one time. The local procedure should also incorporate a clear and accurate process for recording when an employee has taken annual leave and their remaining entitlement for the year (i.e. HealthRoster).
- 4.2 Annual leave and Bank Holiday entitlements for part time staff (including term-time and annualised hours) are based on full time provisions but are pro-rata according to basic contractual hours.
- 4.3 Whilst annual leave requests should not be unreasonably refused, all leave requests must be approved (before the period of leave is due to start) taking into

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account the needs of the service and where this will be compromised, managers have the right to refuse or delay the request. Managers should wherever possible respond to a request within 10 working days, however, different arrangements will apply for periods where there is high demand i.e. Christmas and Summer Holidays.

- 4.4 In very exceptional circumstance it may be necessary for the Trust to request staff take annual leave at a specific time. This could be both for planned service closure e.g. if the service faced an unexpected closure. The Trust will always aim to give notice of at least twice the period of leave that an employee is required to take.
- 4.5 Previous service with an NHS employer will count as reckonable service in respect of annual leave, regardless of any break in service. It is an employee's responsibility to provide evidence of any previous service.
- 4.6 Annual leave from a future leave year can not be brought forward to a current leave year. E.g. if an employee uses their entitlement they can not access next years entitlement before the start of the next leave year on 1st April.

5. Roles and Responsibilities

Managers are responsible for:

- Calculating their employees' entitlement at the start of the annual leave year
- Calculating a new joiners leave entitlement
- Monitoring annual leave and Bank Holiday leave to ensure that individuals take their entitlement in a planned way and that in doing so, service needs are not compromised
- Creating local procedures for the requesting and taking of annual leave - please see the separate Paid Annual Leave and Bank Holiday Entitlement Calculation document for guidance
- Ensuring contingencies are in place to maintain services and appropriate cover arranged where necessary, once leave has been approved
- Contacting the Employee Relations Team for support with complex leave entitlement calculations.

Employees are responsible for:

- Ensuring that their annual leave is planned throughout the year in co-ordination with their team and with the agreement of their line manager
- Requesting annual leave in a timely manner
- Recognising and accepting that leave may not be granted if insufficient notice is given or if there would be a detrimental impact on the service
- Directing any queries related to leave entitlement to their Line Manager in the first instance
- Providing necessary evidence of NHS service in order to access increased annual leave entitlement at 5 or 10 years.

Human Resources are responsible for:

- Providing calculation guidance of annual leave entitlement in the Paid Annual Leave and Bank Holiday Entitlement Calculation document for guidance
- Providing access to an electronic annual leave calculator
- Advising managers on complex leave queries.

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ANNUAL LEAVE AND BANK HOLIDAY PROCEDURE

6. General

- 6.1 For annual leave and Bank Holiday leave, it is anticipated that individual departments shall have a local annual leave procedure, which clearly states the minimum standards and timescales by which staff may book and take paid annual leave. Local procedures should also describe arrangements for Christmas, Easter summer holidays and other holiday periods when a number of staff may want to take their paid leave at the same time.
- 6.2 Individual departments are required to have a clear and accurate process in place for recording when an employee has taken annual leave and their remaining entitlement for the year.
- 6.3 Employees are required to follow the local procedures within their department when applying for leave.
- 6.4 Managers are required to develop and review local procedures for requesting annual leave and are to make sure employees are aware of the procedure and any updates. Please find below in sections 7-9 a set of guidelines, which can be incorporated into your local procedure.

7. Applications to Take Paid Annual Leave - Guidance

- 7.1 Managers must identify to staff the designated manager or supervisor with authority and responsibility for approving applications to take paid annual leave. Applications to take paid annual leave must be approved by the designated manager before it is taken. If it is not, the leave will be classified as unauthorised absence and may lead to disciplinary procedures.
- 7.2 Applications to take paid annual leave should be made in writing. Individual departments may use paper or electronic systems to record annual leave requests and approvals. An example of an individual Annual Leave Record Card can be found in Appendix 1.
- 7.3 Staff under Agenda for Change and on Local Trust terms and conditions are required to give a minimum period of notice to their designated manager. As a guide, notice should not be less than twice the duration of the leave requested (with a minimum notice of one week). For example, an employee who wishes to take 10 consecutive days annual leave should provide their designated manager or supervisor with at least 20 working days notice. Whereas an employee who wishes to request 2 days of annual leave would be required to give a minimum of one week's notice. Please note, local arrangements can override this but only if they are applied consistently within the department.
- 7.4 Staff may request annual leave to observe religious holidays or festivals. Managers will sympathetically consider all requests but will need to take into account the needs of the services to be provided and the number of staff requesting the same time off. Where the precise date of a festival is not known and can only be

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confirmed a few days in advance, staff should indicate the likely date to their manager and make a request for annual leave accordingly and in line with the notice periods identified in 7.3 above. Managers are asked to take a flexible and sensitive attitude to these circumstances and ensure that all staff are treated equally and fairly in regard to their requests.

- 7.5 For emergency annual leave requests, please refer to the Special Leave Policy and Procedure available on the Trust Intranet.
- 7.6 Employees on medical terms and conditions are required to give at least 6 weeks notice for annual leave requests. Consultants on the 2003 contract are required to give at least 2 months notice. This is to ensure appropriate arrangements can be made to cover clinical services and maintain quality of care and patient safety. However, medical staff and consultants may take up to two days of their annual leave without seeking formal permission provided that they give notification beforehand and take responsibility for the arrangement of cover through colleagues for their clinical duties. Failure to follow these guidelines may be considered as a conduct issue which could lead to disciplinary action.
- 7.7 Employees should not commit to holiday plans (e.g. book or pay for flights) until requests to take annual leave have been applied for and approved by the designated manager. This is because the manager still has the right to refuse the request if the leave will impact negatively on service needs.

8. Duration and Timing of Paid Annual Leave - Guidance

- 8.1 Paid annual leave should be taken in blocks of 1-2 weeks whenever possible and should be spread throughout the leave year.
- 8.2 It is recommended to employees who wish to take more than 2 weeks of annual leave in one block that they make their request at least 3 months before the date of the leave requested. For exceptional, one-off lengthy leave requests, as much notice as possible should be given to enable the manager to arrange suitable cover.

9. Approval of Annual Leave Requests - Guidance

- 9.1 Managers approving annual leave will ensure service needs are met and will normally set standards for the maximum number of staff who may be absent from work on annual leave at any one time.
- 9.2 Managers should encourage flexibility and empower staff to co-ordinate their leave with colleagues, particularly around Bank Holidays and Christmas / summer time. Where this cannot be achieved, managers should put a rota system in place to ensure fairness for all staff.
- 9.3 Managers approving annual leave requests should confirm at the earliest opportunity whether approval is given. Generally this should be no later than 10 days after receiving the request, unless approval from a more senior manager is required.

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10. Annual Leave and Bank Holiday Entitlements

10.1 **Agenda for Change:** The basic annual leave provisions under Agenda for Change (applicable from 1st October 2004) are:

| Length of Service | Annual Leave | General Public Holidays Note: The number of Bank Holidays may vary in each leave year, ensure this is checked. | Total |
|-------------------|---|---|---|
| On appointment | 5.4 weeks or 27 days or 202.5 hours | 1.6 weeks or 8 days or 60 hours | 7 weeks or 35 days or 262.5 |
| After 5 Years | 5.8 weeks or 29 days or 217.5 hours | 1.6 weeks or 8 days or 60 hours | 7.4 weeks or 37 days or 277.5 hours |
| After 10 Years | 6.6 weeks or 33 days or 247.5 hours | 1.6 weeks or 8 days or 60 hours | 8.2 weeks or 41 days or 307.5 hours |

10.2 Provisions outlined in 10.1 above are based on employees working full-time, i.e. 5 shifts of 7.5 hours per week, excluding meal breaks. Part-time employees will receive a proportion of these figures depending on how many hours they work each week.

10.3 **Trust Terms and Conditions:** The basic annual leave and Bank Holiday provisions for staff on Trust / Local Terms and Conditions are as follows:

| Trust Salary Scale | Annual Leave <5 years Royal Marsden service | General Public Holidays | Total | Annual Leave >5 years Royal Marsden service | General Public Holidays Note: The number of Bank Holidays may vary in each leave year, ensure this is checked. | Total |
|--------------------|---|-------------------------------------|---------------------------------------|---|---|---------------------------------------|
| CZ27 - CZ24 | 4.4 weeks/ 22 days/ 158.5 hours | 1.6 weeks/ 8 days/ 57.5 hours | 6 weeks/ 30 days/ 216 hours | 4.8 weeks/ 24 days/ 173 hours | 1.6 weeks/ 8 days/ 57.5 hours | 6.4 weeks/ 32 days/ 230.5 hours |
| CZ23 - CZ21 | 5 weeks/ 25 days/ 180 hours | 1.6 weeks/ 8 days/ 57.5 hours | 6.6 weeks/ 33 days/ 237.5 hours | 5.4 weeks/ 27 days/ 194.5 hours | 1.6 weeks/ 8 days/ 57.5 hours | 7 weeks/ 35 days/ 252 hours |
| CZ 19 + | 5.4 weeks/ 27 days/ 194.5 hours | 1.6 weeks/ 8 days/ 57.5 hours | 7 weeks/ 35 days/ 252 hours | 5.8 weeks/ 29 days/ 209 hours | 1.6 weeks/ 8 days/ 57.5 hours | 7.4 weeks/ 37 days/ 266.5 hours |

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Note: The above is based on full time Local Grade employees working 7.2 hours a day, 5 days a week (36 hours per week). To calculate annual leave and Bank Holiday entitlements for employees who do not work these hours, please see the Paid Annual Leave and Bank Holiday Entitlement Calculation Guide is available on the Trust intranet.

10.4 **Medical and Dental:** The basic annual leave provisions and Bank Holiday provisions for staff on medical terms and conditions are:

| Grade/Post Title | Annual Leave | General Public Holidays Note: The number of Bank Holidays may vary in each leave year, ensure this is checked. | Total |
|--|---|--|---|
| Consultants (pre 2003 contract) | 6 weeks or 30 days or 60 sessions or 240 hours | 2 weeks or 8 days + 2 statutory days or 20 sessions or 80 hours | 8 weeks or 40 days or 80 sessions or 320 hours |
| Consultants (New 2003 contract) with less than 7 years completed service as a consultant | 6 weeks or 30 days or 60 PAs or 240 hours | 2 weeks or 8 days + 2 statutory days or 20 PAs or 80 hours | 8 weeks or 40 days or 80 PAs or 320 hours |
| Consultants (New 2003 contract) with 7+ years completed service as a consultant | 6.4 weeks or 32 days or 64 PAs or 256 hours | 2 weeks or 8 days + 2 statutory days or 20 PAs or 80 hours | 8.4 weeks or 42 days or 84 PAs or 336 hours |
| SpRs on the minimum 1 st or 2 nd incremental pay points | 5 weeks or 25 days or 200 hours | 2 weeks or 8 days + 2 statutory days or 80 hours | 7 weeks or 35 days or 280 hours |
| SpRs on the 3 rd or higher incremental pay point | 6 weeks or 30 days or 240 hours | 2 weeks or 8 days + 2 statutory days or 80 hours | 8 weeks or 40 days or 320 hours |
| Associate Specialists & Specialty Doctors with 2 or more years service or who already qualified for 30 days leave with a previous employer | 6 weeks or 30 days or 60 PAs or 240 hours | 2 weeks or 8 days + 2 statutory days or 20 PAs or 80 hours | 8 weeks or 40 days or 80 PAs or 320 hours |
| Specialty Doctors, Clinical Fellows, Teaching Fellows and Junior Doctors in training with less than 2 years service | 5 weeks or 25 days or 50 PAs or 200 hours | 2 weeks or 8 days + 2 statutory days or 20 PAs or 80 hours | 7 weeks or 35 days or 70 PAs or 280 hours |

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- 10.5 **Bank Holiday Entitlement:** Employees working full-time hours will be entitled to all public holidays in the leave year. Employees working part-time hours should calculate their entitlement on a pro-rata basis.
- 10.6 For further information on entitlements, please see Section 1 of the separate Annual Leave and Bank Holiday Entitlement Calculation Guide for full time and part time employees. This can be found on the Trust Intranet.
- 11. Reckonable Service in Respect of Annual Leave Entitlement**
- 11.1 Aggregated NHS service, i.e. any period of time that has been worked in the NHS – regardless of whether or not there has been a break in service – will count as reckonable service for annual leave.
- 11.2 The Trust has discretion to acknowledge service with non-NHS organisations. This service must be continuous (not aggregated), and must relate to the employment immediately prior to taking up a post with the Trust.
- 11.3 In order for service outlined in 11.1 and 11.2 to be considered as reckonable, it is an employee’s responsibility to provide formal documentary evidence of previous service.
- 12. Entitlements on Joining and Leaving**
- 12.1 The Trust will make every effort to meet the needs of new employees in respect of commitments to holidays made prior to the commencement of employment. Managers should ask new members of staff whether they have any booked leave before the employee’s start date so they can plan in advance how to accommodate it.
- 12.2 All new employees will be entitled to annual leave plus Bank Holidays in the year of joining the Trust, on a pro-rata basis. All employees terminating their contract before the end of the leave year will be entitled to accrued annual leave and Bank Holidays up to their leave date on a pro-rata basis.
- 12.3 An Annual Leave Calculator is available on the Trust Intranet to help with the calculation of annual leave and Bank Holidays entitlements for employees joining or leaving the Trust. Working examples of how to calculate these can be found in section 5 of the separate Annual Leave and Bank Holiday Entitlement Calculation Guide.
- 12.4 Upon notice of termination of employment with the Trust, any outstanding paid annual leave and Bank Holiday entitlements should be taken during the employee’s period of notice. Where in exceptional circumstances and at the discretion of the employee’s designated manager, the needs of the service necessitate that requests to take paid leave during an employee’s period of notice are not approved, the employee shall receive payment in lieu for any leave outstanding.

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12.5 Where, following termination of employment, the amount of paid leave taken during an employee's final leave year exceeds the amount of entitlement accrued at the date of the termination of their employment with the Trust, the Trust shall recover from the employee pay equivalent to the number of days/hours the employee has exceeded their entitlement by. Where possible this will be collected from the employee's final salary.

13. Annual Leave Entitlement on Changing Contracted Hours

13.1 When employees change their contracted hours, this will result in a re-calculation of their annual leave entitlement based on completed days on the new and the old contracted hours to give the full year entitlement.

14. Accrual of Annual Leave

14.1 Contractual annual leave will continue to accrue during:

- any period of maternity, paternity or adoption leave
- any period of sick leave
- periods of *paid* special leave

14.2 Annual leave will not accrue during:

- an Employment/Career Break
- significant periods of unpaid unauthorised leave i.e. more than 10 days/2 weeks – pro rata for part time staff
- a period of unpaid suspension

15. Carry Over of Annual Leave

15.1 The carry over of annual leave from one year to the next should be avoided. Designated managers are able to approve the carry over of a maximum of 5 working days (pro-rata for part time staff) but only in exceptional circumstances and at their discretion. The employee would need to make this request in writing at least one month before the end of the leave year. The carried over amount would then need to be taken within a month of the new leave year.

15.2 Please note that the Trust will not pay for any unused Annual Leave remaining at the end of the leave year.

15.3 Applications to carry over amounts of annual leave in excess of the 5 working days, must also be made in writing at least one month before the end of the leave year, and will be approved only in circumstances where an employee is able to demonstrate that they were prevented, solely due to the needs of the service, from taking their normal full entitlement during the relevant leave year or, with their manager's agreement, that they are transferring it for an agreed purpose. Such approval can only be granted by a senior manager (i.e. Divisional Director, Divisional Medical Director or equivalent senior manager within the department). There should be an agreement as to when the leave will be taken – usually within an agreed period of time.

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15.4 Staff who have accrued annual leave whilst on long-term sick leave and who will **not** be returning to work before the end of the leave year, are entitled to carry over only the **statutory** amount of annual leave for that year. This is a maximum of 20 days/4 weeks (pro rata for part time workers). Any annual leave already taken **must** be deducted from the maximum 20 days. The leave carried forward must be used within 18 months from the end of the leave year in which it was accrued. For the current annual leave year Agenda for Change contractual leave entitlement will apply.

E.g. an employee takes 8 days of annual leave. They are then off sick from December to June. A new leave year began in April. The employee can carry forward a maximum of 20 days. The employee has taken 8 days annual leave, so the carry forward is 12 days.

15.5 Staff who have accrued annual leave while on long-term sick leave but will be returning to work before the end of the leave year, will be required to take their accrued annual leave before the end of the leave year (and will be subject to the conditions outlined in section 7).

15.6 The annual leave rules should be applied equally to all staff. Annual leave accrued prior to or during maternity/adoption leave up until the end of the leave year should be taken before you commence your maternity leave dependent on the needs of the service. For carry over provisions during maternity leave, please refer to section 8 of the Maternity, Adoption and Maternity Support (Paternity) Leave Policy and Procedure available on the Trust Intranet.

16. Paid Work during Periods of Paid Annual Leave

16.1 Employees need to ensure they take their full annual leave entitlement within the leave year for rest and refreshment, as this could be a health and safety risk if they do not.

16.2 To ensure employees use their leave entitlement in the required way, employees may not undertake paid work (including bank work) during any periods of paid statutory leave entitlement (equivalent to 5.6 weeks or 28 days, inclusive of Bank Holidays). This would be on a pro-rata basis for part time employees.

16.3 Employees may elect to undertake paid work during periods of paid *contractual* annual leave (i.e. leave entitlement after the first 5.6 weeks), through registering for Bank work via the Trust's Temporary Staffing Office. However, it is the employee's responsibility to ensure they do not work unsafe or excessive hours.

17. Part time employees

17.1 Annual leave and Bank Holiday entitlements for part time staff are based on full time provisions but are pro-rata according to basic contractual hours. Part time employees include those that:-

- a) work less than 37.5 hours per week 52 weeks a year
- b) work any hours up to 37.5 but less than 52 weeks a year – this would include term time only workers and those working annualised hours.

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- 17.2 If working 52 weeks a year, annual leave is to be requested via the line manager following local procedures. To work out entitlements please see the separate Annual leave and Bank Holiday Calculation Guide. Alternatively use the Annual Leave Calculator on the intranet. Go to Other departments and teams/HR/Annual Leave Calculator folder.
- 17.3 Term time only / annualised hours employees must take their paid leave entitlement during their non working time and do not need to make any requests to their line manager.
- 17.4 Term Time Only (TTO) employees
Some employees are contracted to work Term Time Only (TTO) e.g. community staff in schools. Annual leave for TTO employees is pro rata to the number of weeks worked in the year.
- 17.5 It is a requirement that TTO employees only take annual leave during the school holidays.
- 17.6 Salary for TTO employees is calculated and paid in 12 equal monthly payments. Salary is an average that consists of the number of hours per week that is worked, the number of weeks in the year that is being worked plus annual leave entitlement accrued during weeks to be worked. Because the number of weeks worked over the year for TTO employees is always less than a full time employee, all TTO employees are treated as part time so annual leave is pro rata.

18. Sickness During Annual Leave and Bank Holiday

- 18.1 If an employee becomes sick during a period of annual leave the period covered may be treated as sick leave provided that the employee follows their department's procedure for reporting the sickness at the time they fall sick and provided they can supply a 'Statement of Fitness for Work' (in English or translated to English if abroad) completed at the time of becoming ill, confirming the dates they would not have been fit enough to carry out their normal duties. The annual leave will then be reimbursed. If an employee fails to follow the procedure for notifying the Trust they are sick, their absence will continue to be classified as annual leave, not sick leave and the manager will have the right to question travel plans in these circumstances.
- 18.2 Employees will not be entitled to an additional day off if they are sick during a public or Bank Holiday, in line with Agenda for Change terms and conditions. If sickness does occur on a public or bank holiday, the day should be recorded as sick and the day deducted from the employees' entitlement.
- 18.3 Whilst on sick leave an employee can request to take their annual leave. Requests need to be made following local procedures. If taking annual leave, managers should arrange for relevant meetings or occupational health appointments to occur on the employees return from annual leave. More information can be found in the Managing Sickness Absence Policy.
- 18.4 For further information related to managing sickness and leave please refer to the Policy for Managing Sickness Absence Policy.

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19. Unpaid Leave

- 19.1 Requests for unpaid leave should be considered by managers on an individual basis. The Special Leave Policy and Procedure should be consulted to determine if the reason for leave is covered using another leave provision of the Trust. Unpaid leave should **not** be granted to employees until paid annual leave has been exhausted (unless it is covered by an alternative policy e.g. carers leave, time off for trade union duties etc).
- 19.2 However, there may be *exceptional circumstances* where a manager thinks it appropriate to grant unpaid leave without first exhausting paid annual leave entitlement, for example:
- Newly appointed employee joins the Trust with existing leave commitments and not sufficient paid annual leave entitlement to cover the planned leave period. Note: Unpaid leave period, plus paid annual leave, must not exceed an employee's total annual leave entitlement for a complete year.
- 19.3 The maximum amount of unpaid leave that would normally be granted in any single leave year is four weeks.
- 19.4 Managers have the discretion to refuse any period of unpaid leave if it is felt that the request will have a detrimental impact on service needs or other team members or if there has been insufficient notice given.
- 19.5 Once approval has been given for an unpaid leave period, managers must ensure this is recorded appropriately, and the relevant documentation is completed to ensure Payroll is informed of unpaid leave dates.
- 19.6 If employees take unpaid leave without authorisation, this would be considered unauthorised absence and may be managed under the Trust's disciplinary procedure.

20. Other Types of Leave

- 20.1 For information on other types of leave policies are available on the Trust Intranet. For example:
- Leave for domestic responsibilities, emergency leave, carers leave and parental leave please refer to the Trust's [Special Leave Policy and Procedure](#);
 - For information on sickness absence please refer to the Trust's [Managing Sickness Absence Policy](#);
 - For information on Maternity, Paternity and Adoption Leave please refer to the Trust's [Maternity, Adoption and Maternity Support \(Paternity\) Leave Policy and Procedure](#).
 - For information on leave for Trust Union Duties please refer to the [Time off for Trade Union Duties and Activities Policy](#).
- 20.2 The Trust aims to support employees' work-life balance with a variety of leave options. This includes options of both paid and unpaid leave. Full details are in the Special Leave Policy and Procedure.

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