



ANNUAL LEAVE POLICY

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WEST MIDLANDS AMBULANCE SERVICE NHS FOUNDATION TRUST
ANNUAL LEAVE POLICY

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	Initial Draft document	
Spring / Summer 2008	Consulted with HR Policy Group representatives at meetings in March, April, May June and August	
Spring / Summer 2008	Consulted with Locality Directors	
Aug 08	Changes proposed at August HR Policy Group meeting	
March 2009	Consulted with Regional Partnership Forum	
September 2009	Consulted with HR Policy group	
November 2009	Final check with HR Policy group	
January 2010	Regional Partnership Forum	Agreed
April 2010	Workforce Sub Group for agreement (v1)	Agreed
May 2010	IPGC for agreement	Agreed Final Version 1 HR-Policy-014
Nov 2011	Policy Group	Discussions held
March 12	Policy group	Recommended to Progress to RPF
May 2012	RPF	Agreed
June 2012	Workforce Development Committee (v2)	Agreed
22 January 2016	Agreed Extension with no changes to document until March 2016	Workforce Development Committee
23 Feb 2016	Proposed changes HR Managers	HRM Mtg

WEST MIDLANDS AMBULANCE SERVICE NHS FOUNDATION TRUST
ANNUAL LEAVE POLICY

March 2016	Consideration of proposed changes	Policy group
11 April 2016	Agreed	Workforce Development group
13 April 2016	Formal consultation Forum	Regional Partnership Forum

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1 Introduction

- 1.1 All staff are entitled to a period of paid annual leave and eight Bank/general public holidays per annum (pro rata for part-time employees). The individual entitlement is dependent upon the employee's length of service and working hours.
- 1.2 Annual leave is an important part of work life balance; equally the good management of annual leave by the individual and the manager is essential to the health and safety of the employee and West Midlands Ambulance Service NHS Trust (the Trust).
- 1.3 The aim of this Policy is to provide a consistent and equitable approach to the calculation of annual leave and bank holiday entitlements, which take into account the entitlements and arrangements defined under Agenda for Change terms and conditions.
- 1.4 The Trust is committed to improving work life balance and as such does not expect any staff to fulfil working commitments during periods of annual leave. Annual leave should enable a member of staff to take time away from work to relax and enjoy a break. Staff must not be forced or pressured into fulfilling work commitments during annual leave.
- 1.5 There are no equality issues relating to this document in respect of Race/ Disability/Age/Gender/Religion or Belief/Sexual Orientation.
- 1.6 Periods of annual leave will be granted in accordance with any arrangements or leave rosters applying to specific Locality, Sections/Directorates or Departments. Line managers will be able to provide staff with such arrangements.
- 1.7 While all managers and employees must adhere to the principles of the Policy, it does not stop managers, staff representatives and staff, at a local level, agreeing arrangements local procedures for the management of annual leave.

2 Scope

- 2.1 This Policy applies in full to all employees employed on Agenda for Change terms and conditions (principles followed for colleagues not on Agenda for Change). This Policy supersedes all other Annual Leave Policies previously held by the regional Trust and / or the former individual Trusts.

- 2.2** For staff employed on contracts not covered by the Agenda for Change terms and conditions who subsequently choose to transfer to Agenda for Change terms and conditions, this policy will apply at the beginning of the next calendar month after the date they notify their agreement to transfer.

Staff not on Agenda for Change terms and conditions are expected to follow the principles and procedures within this document, whilst it is accepted that entitlements may differ.

- 2.3** This policy incorporates changes in Statute, or variations in collectively negotiated agreements and will be automatically updated by any amendments to the NHS Terms and Conditions handbook.

3 Responsibilities

3.1 Line Managers Responsibility

- 3.1.1** To ensure that this policy is applied fairly to all, irrespective of their age, sex, religion, belief, disability, age or sexual orientation.
- 3.1.2** To ensure that employees are made aware of the procedure for requesting annual leave within their own department and to ensure that each employee is aware of their own entitlement.
- 3.1.3** To ensure that accurate annual leave records for all employees in their department are maintained.
- 3.1.4** To monitor the uptake of annual leave to ensure that employees are taking regular breaks away from work.
- 3.1.5** To ensure that all leave is planned and structured.
- 3.1.6** To locally agree with staff representatives (through LPF) maximum levels of annual leave at any one time.
- 3.1.7** To agree requests for annual leave, in line with the exigencies of the service.

3.2 Individual Responsibility

- 3.2.1** To ensure that annual leave is planned and requested at regular intervals throughout the leave year.
- 3.2.2** To request annual leave in line with Trust and or departmental procedures.
- 3.2.3** To obtain approval for leave prior to committing to holiday plans.

3.3 Human Resources Responsibilities

- 3.3.1** To maintain the annual leave policy in conjunction with local joint negotiation committees. Together they will ensure the policy and procedure is properly maintained in line with organisational and legislative changes.
- 3.3.2** To provide initial and ongoing support for all managers in dealing with the management of annual leave and general public holidays.
- 3.3.3** To provide advice and support in the application of the policy in individual cases.

4 Leave Year

The leave year is from 1st April to 31st March.

Annual leave may be requested from 1 October for the following leave year (however it should be noted that leave may be booked prior to 1 October on an individual basis). For example, the leave year 1 April 2008 – 31 March 2009, leave can be requested from 1 October 2007.

5 Calculation of NHS Service and Reckonable Service

- 5.1** An employee's continuous previous service with an NHS employer, and/or time spent in a relevant role in either a GP Practice or Social Services, counts as reckonable service. Employment with a GP Practice or Social Services will need to be judged on an individual basis to be relevant to NHS employment. The individual will need to provide formal documentary evidence of any relevant, reckonable service.
- 5.2** For the purpose of calculating annual leave entitlement, **all** NHS Service will be aggregated. Therefore, on returning to NHS employment, a previous period or periods of NHS service will be counted towards the employee's entitlement to annual leave.
- 5.3** The Trust will wherever possible verify previous NHS service. However, where it is not possible for the Trust to confirm all NHS service (i.e. previous NHS employer no longer exists) the individual will need to provide some evidence of that period of employment.

6 Entitlement

6.1 General

- 6.1.1** The basic annual leave provisions under Agenda for Change are contained in the table below.

6.1.2 Entitlement to annual leave and general public holidays (Bank Holidays) is in accordance with the table below subject to conditions referred to in Section 13 of the Agenda for Change Terms & Conditions of Service Handbook. Annual Leave and Bank Holiday entitlement is calculated in hours.

6.1.3	Length of Service	Annual Leave	General Public Holidays (Bank Holidays)
	On appointment	27 Days or 202.5 Hours	8 Days or 60 Hours
	After 5 Years Service	29 Days or 217.5 Hours	8 Days or 60 Hours
	After 10 Years Service	33 Days or 247.5 Hours	8 Days or 60 Hours

6.1.4 The days entitlements outlined in the table above are based on a 7.5 hour working day, excluding meal breaks. If you work standard shifts other than 7.5 hours, excluding meal breaks, then annual leave entitlements should be calculated on an hourly basis as above.

6.1.5 Staff not covered by Agenda for Change and those who remain on Trust contracts will be entitled to annual leave as shown in their existing contracts.

6.1.6 Employees on term time only contracts and annualised hours contracts will have their leave calculated with regard to their total working hours. Please refer to Flexible Working Policy.

6.2 Part Time Staff

6.2.1 Employees who work less than full time hours of 37.5 per week will have their annual leave calculated in hours on a pro-rata basis.

6.2.2 Part-time employees' bank holiday entitlement shall be added pro rata to their annual leave entitlement, and they shall take bank holidays they would normally work as annual leave.

6.3 Entitlement for Employees with Term Time Contracts

6.3.1 Where a term time policy exists annual leave entitlement is as follows:-

- The salary for this type of contract is based on the number

- of weeks actually worked;
- A pro rata of the annual leave and general public holiday entitlement.

This salary will be paid in 12 equal payments. Calculations are detailed in Appendix 2

- 6.3.2** Although a payment is made for pro rata annual leave and general public holidays, it is assumed to be allocated during the non-term time period.
Exceptions to this need to be agreed with the line manager.

6.4 Annualised Hours

The annual leave entitlement for employees on annualised hours, forms part of the total number of contracted hours.

6.5 Entitlement on changing contracted hours

Where staff 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.

6.6 Entitlement for New Members of Staff

- 6.6.1** Entitlement in the first year will be pro rata based on the number of **complete days** worked after the date of joining and before the end of the annual leave year.

- 6.6.2** **Full time staff** calculate their leave in hours.

6.7 Entitlement on Leaving

- 6.7.1** On cessation of employment with the Trust, staff will be entitled to the pro rata of their annual leave entitlement for each complete day worked in the current year.

- 6.7.2** Payment will be made for any outstanding annual leave, with a salary calculation made and days / hours counted on the shift pattern the individual will work.

- 6.7.3** Where total leave taken exceeds the earned total leave entitlement an appropriate deduction will be made from final monies.

- 6.7.4** Where an individual member of staff works as part of an allocated leave rota pattern, it should be noted that contracted hours completed for the pro rata period will be calculated as well as pro rata annual leave. Staff should take note that if they have

underworked hours then these hours will need to be deducted from their wages/repaid, whereas, if hours are overworked then these will be reimbursed to the employee.

6.8 Death in Service

Where an employee dies in service, an allowance equivalent to the balance of the annual leave entitlement on the date of death, calculated on a proportionate basis shall be paid to the employee's personal representative. No deduction from the final salary payment should be made in respect of annual leave taken in excess of entitlement on the date of death.

6.9 Bank Workers Entitlement

6.9.1 Bank employees are entitled to annual leave and general bank holidays during the year. Payment for annual leave will be made as a percentage, paid on hours actually worked.

6.9.2 Hours worked x 8.33% x hourly rate.

7 Payment for Annual Leave

7.1 All employees are entitled to their current rate of pay during annual leave for all authorised absence, i.e. what they would have received had they been at work, including unsocial hours and recruitment and retention premium where applicable to the post. Staff submitting claim forms/time sheets will be required to indicate all periods of annual leave.

7.2 Employees who are on paid sick leave, paternity leave, adoption leave and maternity leave will continue to accrue annual leave in accordance with the sickness absence policy, the maternity leave policy and appropriate sections of National Terms and Conditions.

7.3 Payment at current rate of pay will be made in lieu of annual leave accrued but not taken on termination of employment, except where gross misconduct is the reason for termination, or unauthorised absence occurs during notice period.

7.4 Annual leave pay for the final holiday year on termination of employment will be calculated by dividing the total annual entitlement at the date of leaving by 365 and multiplying this by the number of completed days service in that holiday year. Any fraction thereby achieved will be rounded up to an hour.

8 Arrangements to Take Holiday

- 8.1 All requests for annual leave should be made on an appropriate 'Annual Leave Request' form or through GRS, always giving as much notice as possible to assist in the management of the service or department.
- 8.2 The manager must consider the application taking into account agreed allocation figures. The employee is advised if the leave has been authorised or not. If the manager cannot authorise the leave, the reasons for refusal will be included on the reply. Managers should retain appropriate records.
- 8.3 Annual Leave must be approved by appropriate managers and taken in accordance with agreed local levels.
- 8.4 Where rotas operate they must be published giving a minimum of 28 days notice and ordinarily should give a full calendar months notice. Requests for leave will be dealt with promptly. Where the immediate manager is not available, leave should be authorised by next level of management. It may be difficult and at times not possible to accommodate leave at short notice.
- 8.5 In the event that an employee is unable to return from leave on the agreed date they must contact their manager and inform them of the situation. In such circumstances they may be required to take additional paid leave from their leave entitlement or as a last resort, unpaid leave.

9 Carry Over of Annual Leave

- 9.1 The Trust expects that within the annual leave year, staff will be provided with the opportunity to take all their annual leave.
- 9.2 Employees may request to carry a maximum of the equivalent of one week, 37 ½ hours, pro rata for part time staff, annual leave from one leave year to the next, provided it is booked and agreed prior to 31 March and taken within the first **three months** of the new leave year and subject to the agreement in writing of the line manager. This is in addition to the quota for the current leave.
- 9.3 Leave may only be drawn forward in exceptional circumstances. This requires written management agreement.
- 9.4 If leave is still owed and unallocated in the last quarter of the year, with no prospect of being accommodated despite all efforts made to do so, then employees can be directed to carry through a maximum of the equivalent of one week's annual leave, pro rata, to the next leave year. Any other leave that remains untaken will not be carried over unless there are specific reasons (e.g. extended training, operational pressures) to do so. This should be considered on an individual basis.

- 9.5** Managers should explore the reasons why annual leave entitlement has not been taken and agree measures (on an individual basis) to avoid the need for carry over of annual leave in the following year.
- 9.6** If, due to long term sickness, any member of staff who has not taken their statutory 28 days annual leave (inclusive of Bank Holidays), i.e. any member of staff who has taken less than 28 days leave within the leave year, may request to carry forward statutory annual leave not taken due to long-term sickness, i.e. 28 days minus leave taken, to the following leave year. 28 days is the maximum amount to be carried forward (European Court of Justice ruling January 2009 refers). Staff are unable to carry forward their contractual entitlement (Section 9.2) in addition to the statutory minimum.
- 9.7** The calculation of annual leave entitlements pertaining to all staff is contained in Appendices 1 and 2. Hours have been rounded up or down to the nearest hour.

10 Sickness Occurring During Annual Leave

- 10.1** When an employee is absent through medical/hospital certified sickness during a period of agreed annual leave that leave shall be suspended from the date of the first statement and will be reinstated on return to work.
- 10.2** If an employee falls ill during a period of annual leave and wishes their annual leave to be recorded as sickness, they must comply with the Trust's sickness absence reporting procedure and produce a medical certificate to cover the period of sickness. In the absence of medical certification the period of absence will continue to be recorded as annual leave.
- 10.4** In accordance with Agenda for Change Terms and Conditions, a member of staff will **not** be entitled to an additional day off if sick on a Bank Holiday that they would otherwise have been required to work as part of their basic week. (refer to Section 9, Carry Over of Leave, above).

11 Extended Period of Annual Leave

- 11.1** There are occasions when a member of staff may wish to or need to take extended periods of annual leave in excess of their entitlement. This must be discussed with the manager. The manager should not unreasonably refuse such requests. However, the manager should seek to ensure that the individual has regular planned annual leave / rest periods throughout the rest of the annual leave year.

- 11.2** The manager and the individual must ensure that the individual does not get 'over tired' whilst saving up their leave entitlement. Any such agreement will depend on the individual and their circumstances.

12 Unpaid Annual Leave

- 12.1** There may be circumstances when it is appropriate for a manager to allow an individual to take unpaid leave. For example:
- To enable the member of staff to take an extended period of annual leave
 - If a member of staff has just started with the Trust, and has a pre-booked holiday for which they would not have enough annual leave entitlement.
- 12.2** Managers and staff should also make reference to the Employment Break Scheme in the Agenda for Change Terms and Conditions Handbook.

13 Annual Leave and Suspension

Annual leave will be accrued during the period of suspension. Upon return to work the leave entitlement will be reinstated (subject to carry forward agreements above). However, should the suspended employee go away on holiday during the period of suspension, and, therefore, not be available to the Trust, then annual leave would be deducted from the accrued leave.

14 General Public Holidays

Entitlement to Bank Holidays

- 14.1** All full time staff are entitled to 8 paid Bank Holidays in a leave year.
- 14.2** In the case of part time staff, this will be a proportionate number of Bank holiday hours based on their basic weekly contracted hours.
- 14.3** The total leave year entitlement is calculated by adding annual leave entitlement to Bank Holiday hours entitlement of 60 hours per year based on a 7.5 hour working day for full time employees (pro rata for part time hours).
- 14.4** On each and every occasion an employee takes paid time off on a bank holiday as part of their basic week, the appropriate deduction of their normal basic working hours for that day will be made from their overall entitlement.
- 14.5** In the case of staff who are **never** required to work on any Bank Holidays that fall on a normal working day, Managers and staff may find it helpful to make the appropriate total Bank Holidays deduction so that the balance of

leave entitlement is identified and recorded. Clearly this deduction cannot be made if the employee's working days vary.

- 14.6** There will be some years when **more (or less) than 8** Bank Holidays fall within the leave year because Bank Holidays follow the calendar year and the Easter Bank Holidays can be in March or April. When this situation arises the appropriate hours adjustment, i.e. plus or minus, will be made.

Designated Days

- 14.7** A General Public Holiday shall be defined as a period of normal duty that state within the period of 24 hours from midnight to midnight.

- 14.8** The 8 General Public Holidays in the year are:

Christmas Day	Boxing Day	New Year's Day
Good Friday	Easter Monday	
May Day	Spring Bank Holiday	Late Summer

- 14.9** When a General Public Holiday falls on a Saturday or Sunday, the following Monday or Tuesday is designated as a General Public Holiday for leave purposes. Please refer to National A4C Terms & Conditions.

- 14.10** Within the Patient Transport Services Department, Bank Holidays will be designated according to the contract with each Hospital and may be either the two days stated above for Easter or the Easter Monday and Tuesday.

- 14.11** Staff required to work or be on-call on a General Public Holiday are entitled to equivalent time to be taken off in lieu at plain time rates in addition to the appropriate payment for the duties undertaken.

15 Non Christian / Other Religious Holidays

- 15.1** In line with the Trust's Equal Opportunities Policy, staff may elect to take General Public Holidays on a recognised religious holiday other than the Christian days as noted above.

- 15.2** The total number of days taken this way must not exceed 8 days (pro rata for part time staff) in the normal annual leave year.

- 15.3** If an employee wishes to nominate up to 8 alternative dates, this must be applied for in writing to the Director of Workforce and OD, by October prior to the annual leave year commencing in April.

- 15.4** Payment for any one of the nominated days will be at current rate of pay. No other enhancements will be paid and no alternative day off will be allocated, unless the nominated day falls on a rota day off. If you work on a 'nominated' day as overtime, you will be paid at double time. Managers should inform Pay and Records on the usual returns and it will be paid at

the appropriate rate.

- 15.5** General Public Holidays / nominated days will be treated as normal working days attracting your current rate of pay.

16 Disputes

In the event of a dispute arising from the annual leave policy, members of staff should first seek the help of Human Resources and Staff-Side Representatives to reach agreement; failing that, staff can pursue the Trust's Grievance Procedure.

17 Audit & Monitoring

Monitoring of annual leave should be undertaken at both a local (e.g. station/hub.) and strategic (i.e. board) level in the Trust to identify circumstances that would suggest excessive or unusual trends in the taking of annual leave and to ensure compliance with Working Time Regulations. This will be through a report to the Workforce Development Group on an Annual basis.

The Trust and staff representatives agree to review this policy in light of National guidance and changes to statute or case law as appropriate.

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West Midlands Ambulance Service **NHS**

NHS Trust

LEAVE APPLICATION FORM

SECTION 1

District/Department		Location	
Applicant's Name		Date	

I request permission to take the following leave (please tick box)

(a) Annual Leave	<input type="checkbox"/>	(b) Special Leave	<input type="checkbox"/>
(c) In Lieu of Bank Holiday	<input type="checkbox"/>	(d) Flexi	<input type="checkbox"/>
(d) or by reason of _____			<input type="checkbox"/>

Dates (inclusive) From: _____ To: _____ No: of Days

Applicant's Signature: _____

Authorised by : _____

SECTION 2

For Office Use Only : Section 1 and 2 to be retained on appropriate Central Records
Please tick appropriate boxes

Entitlement Checked: Valid: Yes No
Recorded: Recommended:

LEAVE ENTITLEMENT:	Annual Leave	Bank Holiday
Current		
Prior Application		
Balance Now		

Authorised by : _____

TEAR OFF AND RETURN TO APPLICANT IF REQUIRED

To: _____

Your application for Leave From: _____ To: _____
 HAS/HAS NOT been approved
 (delete as appropriate) Signed: _____

	Annual Leave	Bank Holiday
Your leave entitlement is:		
Prior to Application you had:		
Your current balance is:		

Appendix Two

TO CALCULATE WHOLE TIME EQUIVALENT (WTE) FOR TERM TIME ONLY STAFF

To be able to calculate the WTE the following information is required:

- Contracted weekly hours **(A)**
- Number of actual weeks worked **(B)**
- Full time annual leave entitlement depending on length of service **(C)**

- | | |
|---|------------------------|
| I. $1950 - ((27 + 8) \times 7 \frac{1}{2})$ | Under 5 years service |
| II. $1950 - ((29 + 8) \times 7 \frac{1}{2})$ | After 5 years service |
| III. $1950 - ((33 + 8) \times 7 \frac{1}{2})$ | After 10 years service |

This information should then be put into the following formula:

$\frac{\text{Hours worked per week (A)}}{37\frac{1}{2}}$	x	<p style="text-align: center;">Full time hours worked (37½) x Number of weeks worked (B) (e.g. 40)</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;">Total number of hours available to work (52 weeks x 37½) – (Annual leave + general</p>
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This gives a working formula as follows:

$\frac{(A)}{37\frac{1}{2}}$	x	<p style="text-align: center;">(37½) x (B)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">1642½ (C) i</td> <td style="width: 50%;">Under 5 years service</td> </tr> <tr> <td>1672½ (C) ii</td> <td>After 5 years service</td> </tr> <tr> <td>1687½ (C) iii</td> <td>After 10 years service</td> </tr> </table>	1642½ (C) i	Under 5 years service	1672½ (C) ii	After 5 years service	1687½ (C) iii	After 10 years service
1642½ (C) i	Under 5 years service							
1672½ (C) ii	After 5 years service							
1687½ (C) iii	After 10 years service							

The salary paid to holders of term time only contracts includes a payment for:

1. Hours worked across the defined number of term time weeks
2. Annual leave as appropriate for length of service
3. 8 days general public holidays (pro rata)

Appendix Three

ANNUAL LEAVE POLICY

Form to record Term Time Only contract details

In order to ensure that the correct payment is made to staff on a Term Time Only contract for hours worked, annual leave and general public holidays please supply the following information:

Complete the form below and return it with the **commencement form** or **changes form** when a member of staff is put onto a Term Time Only contract:

- Name of member of staff
- Post Title
- Starting in post
- Department/Location
- Contracted weekly hours =
- Number of actual weeks worked =
- Full time annual leave entitlement based on length of service =
.....

Managers Signature.....

Managers Name.....