Workforce Directorate Policy W19 – Leave Policy Chapter 2: Annual leave Procedure includes Flowcharts, FAQ and Relevant Forms/Paperwork

** Special annual leave restrictions may apply during COVID-19 due to service need and travel restrictions. Please see Intranet FAQs to check current requirements**

It is the policy of the Shrewsbury & Telford Hospital NHS Trust to ensure that staff have the opportunity to take their paid annual leave and general public holiday entitlement as defined by the NHS Terms and Conditions of Service Handbook within a framework that allows patient care to be delivered throughout the year.

This procedure applies as an overarching framework to all departments.

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Introduction

1. Who does this policy apply to?

This policy applies to staff employed on Agenda for Change Contracts (under NHS Terms and Conditions of Service Handbook), it does not apply to Medical and Dental Staff.

2. When does the leave year fall?

The leave year for staff covered by the NHS Terms and Conditions of Service Handbook is 1st April to 31st March.

Leave Entitlement

3. If I am full time, what is my leave entitlement?

Section 13.1 of the handbook provides that all full time staff (where the full time hours for their staff group are 37.5 hours per week or 1 wte equivalent) have the following annual leave entitlement per annum:

	Annual	Public	
	Leave	Holidays**	Total
	Days*	Days	Days
On appointment	27	8	35
After 5 years NHS service	29	8	37
After 10 years NHS service	33	8	41

- * For the purpose of this calculation, one annual leave day is the equivalent of 7.5 hours.
- ** There are 8 public holidays in each calendar year (January December) but because our leave year runs April – March, the number of public holidays may vary depending on where Easter is placed.

4. If I am part time, what is my leave entitlement?

For members of staff working part time, the full time entitlement must be pro-rated in accordance with their contracted hours.

If you do not work standard shifts (7.5 hours) see calculation of leave section regarding the calculation of leave in hours.

5. How much of my NHS service is reckonable for the purpose of calculating my annual leave entitlement?

All proven NHS service is reckonable for the purposes of calculating the annual leave entitlement – regardless of the length of any breaks in that service. Information about employees length of service is not held on ESR, but occasionally your m manager may request to see proof of your service.

Calculation of Annual Leave

6. Is my leave calculated in days or hours?

To ensure that all Trust employees have an equitable amount of annual leave, all annual leave and public holiday entitlements are calculated in hours not days, regardless of whether the member of staff is full-time or part-time.

7. How do I calculate my personal annual leave and public holiday entitlement? The formula you need to use is as follows:

Your weekly		The Annual Leave/Public		Your Annual
contracted hours		Holiday entitlement <i>in days</i>	=	Leave/Public Holiday
5	x	for a full time member of		entitlement for the
		staff for a full year		year <i>in hours</i> *

Do all rounding at the end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

8. Is there a ready-reckoner with leave entitlements worked out?

Yes. Please see Appendix A and B.

9. How do I work out my annual leave if I have annualised hours, term-time only or other flexible employment contract?

Please contact the HR Advisory Team for advice on your specific circumstances.

10. How do I calculate my leave entitlement if I join or leave the Trust during the leave year?

Divide the annual entitlement by 52.17 and then multiply this by the number of full weeks the employee will be employed.

Do all rounding at end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

11. If I am leaving the Trust's employment, do I need to take all my leave entitlement for the leave year before I leave?

If you leave the Trust's employment, the leave entitlement you would have been allowed up to your date of leaving will be calculated on a pro rata basis.

If you have outstanding holiday entitlement on leaving, you will be paid the corresponding amount of money in your final salary payment.

If you have taken more than your pro-rata holiday entitlement, or you have sold back to the Trust more than your entitlement, this amount of money will be deducted from you in your final salary payment. If the amount of holiday you have taken equates to more money than your final salary payment, you will not receive your final salary payment. Refer to the Trusts Overpayments/Underpayments Procedure.

12. How do I calculate my leave for the year if I pass an anniversary of 5 or 10 years' NHS service during the leave year?

You are entitled to one 12th of your annual entitlement for each completed month of employment in the leave year. If your annual entitlement changes during the leave year because you move across the boundaries for 5 or 10 years' NHS service, you will need to work out the number of complete months leave that relate to each and add them together.

In these circumstances, where the majority of a month falls under one length of NHS service, this is counted as a complete month.

Do all rounding at the end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

13. How do I calculate my leave for the year if my contracted hours change during the leave year?

Your leave entitlement is based on the number of hours you are contracted for every week. If this changes, your leave entitlement for a full year will also change.

You will need to work out leave entitlement per month that relates to your contracted hours, then multiply that figure by the number of complete months you worked those contracted hours, and add them together to create a full 12 months' worth of leave.

In these circumstances, where the majority of a month is worked based on a certain number of contracted hours, this counts as a complete month.

Do all rounding at the end of the calculation. Then you can round up to the nearest 0.5 decimal point (i.e. the nearest half hour).

General Public Holidays

14. How many public holidays are there, and where do they fall?

There are eight Public Holidays in a normal leave year, although depending on the placement of the Easter holidays this can vary between six and ten. The dates of public holidays can be identified annually by referring to direct.gov.uk. Public holidays fall as follows:

- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- August Bank Holiday
- Christmas Day
- Boxing Day

15. When does a public holiday start and finish?

For pay purposes, a public holiday starts and ends at midnight. Public holiday payments will be made in accordance with the number of hours worked during this period.

16. Will I always be able to take a day off on a public holiday?

If your ward/department is open on a public holiday, you may not always be able to take the day of a public holiday as leave. You may be asked to work on in accordance with your normal working pattern or rota and use your public holiday leave entitlement on another day.

If your ward/department normally closes on public holidays, you must take that public holiday as paid holiday deducted from your public holiday leave entitlement. Your manager may agree to you working an alternative day or area and not deduct hours from your entitlement if the service needs support this.

Booking Annual Leave 17. How do I book my annual leave?

All annual leave requests should be made to your line manager in accordance with your ward/department's local method (paper forms, e-Rostering etc.). Your leave request is only approved once your line manager has contacted you and authorised it. An example Leave Booking Sheet is included at Appendix C.

18. How many hours do I deduct from my leave entitlement?

Booking a Week – regardless of shift patterns if a member of staff wishes to be absent from work on annual leave for a week, the number of hours deducted from their leave entitlement will equal their weekly contracted hours.

Booking a day or less than your working full week - the number of hours recorded should either :-

• Equal the standard shift length for the department/individual (e.g. 11.5 hours for long shift wards)

or

• Equal the number of hours the individual would have been rostered to work.

19. What is a week?

- For pay purposes, the week is defined as a 7 day period, commencing with a Sunday.
- For leave purposes, a week is your contracted weekly hours so a week off will include your working days and normal non-working days.

20. Can I always take my leave when I want to?

Your line manager will approve leave subject to departmental circumstances and work pressures, and may seek to allocate leave in order to make sure everyone fits their entitlement in over the course of the leave year.

21. How much notice do I need to give when requesting leave?

Your ward/department may have some local rules about this, so please check with your line manager.

22. Is there a minimum amount of leave I must take at any one time?

There is no minimum as annual leave is calculated and taken in hours.

Carry Over of Leave between Years

23. Do I have to take all my leave every leave year?

You must take the equivalent of at least 28 days holiday (including Public Holidays) each leave year – pro-rated for joiners/leavers within the leave year and for part-time staff. This is the statutory minimum requirement set out in the Working Time Regulations. From the Trust perspective, we want you to take your leave entitlement because it is important for your health and wellbeing.

If you would like to sell back any leave in excess of the statutory minimum, you can do that – please see section on Selling Leave.

24. Can I carry over some of my annual leave between leave years?

The Trust prefers you to take all your contractual paid leave entitlement for the year within that year, because it is important for your health and wellbeing that you take enough rest. In exceptional circumstances your manager may allow you to carry over annual leave equivalent to 5 days at 7.5 hours per day (pro rata for part timers) between leave years. It is expected that any carried over leave will be taken as soon as possible in the new leave year, and definitely before the end of June.

25. Can I bank some of my annual leave entitlement to next year's entitlement?

Under the Working Time Regulations, you have to take 28 days leave (annual leave and public holidays) a year for your own health and wellbeing – this is known as the *Statutory Minimum Leave*. This leave entitlement is pro-rated for part time staff and those who join or leave our employment during the year.

If your total contractual leave entitlement is greater than 28 days, you can ask your line manager whether you can bank the excess leave entitlement for the next leave year.

The Trust would not expect to see regular requests to bank leave.

You must discuss this with your line manager as soon as possible, because the overall ward/department roster will be affected.

Your line manager has the discretion to decide whether they will approve your request.

26. What if I have more leave to carry over than I am allowed to have?

Unfortunately, this leave will be lost – unless you had booked to take it in the final three months of the last leave year and your manager asked you to cancel it because of the demands of the service.

27. What if I booked to take my leave in the final three months of the last leave year and my manager asked me to cancel it because of the demands of the service?

In these circumstances you are entitled to carry over that annual leave into the following leave year. It will be deemed to be the first annual leave taken in the new leave year and it is expected that you will take it by the end of June in the new leave year.

Annual Leave and Sickness Absence

28. Do I accrue leave during a period of long term sickness absence?

If you are absent from work because of long term sickness absence you will accrue your full occupational annual leave entitlement (excluding general public holidays) during the first 3 months of sickness absence. After this, you will accrue statutory annual leave only, at the rate of 12.5 hours per month (pro-rata for employees contracted for less than 37.5 hours per week). This entitlement will be calculated on a rolling monthly basis.

(For a ready-reckoner demonstrating the effects for staff employed on Agenda for Change terms and conditions of employment please see Appendix A.)

29. If I am on annual leave and become ill, can I convert my annual leave into sick leave? Yes if you report your sickness absence in accordance with your ward/department's sickness reporting procedure (if your sickness absence is 8 calendar days or more you will need a Fit Note or equivalent if overseas which must include the medical practitioners details and patient identifying reference).

If you are unable to take your annual leave in the current leave year, it is expected that you will take your reinstated annual leave as soon as possible in the new leave year, and definitely before the end of June. In the unlikely event that this is not achieved, any leave must be taken within 18 months of the end of the year during which the holiday was accrued.

30. If am off sick and have some pre-booked annual leave, can I reclaim that annual leave to be taken at a later date?

Yes. If you have pre-booked annual leave that falls during a period of sickness absence your annual leave will be cancelled. However please see the next question.

- E-Rostering actions this cancellation automatically when your sickness absence is entered onto the system. Where E-rostering is not utilised you are advised to discuss this with your manager to ensure your leave record is accurate.
- You can request that your sick leave is converted to annual leave. (See question Can I be paid annual leave at the same time as I am on sick leave?)

31. If I am off sick, can I be away from home for an extended period (normally a period exceeding your normal weekly days off) e.g. on holiday and is that holiday deducted from my leave entitlement?

Yes you can be away from home for an extended period however you must notify your manager in advance that you will be away from home. It is your responsibility to be available and attend any sickness related meetings during your sick leave. It is also your responsibility to keep in contact with your manager during sick leave. Failure to do so or abusing this policy position could result in sick pay being withheld. Holiday will not be deducted from your leave entitlement unless you request sick leave to be converted to annual leave.

32. Can I be paid annual leave at the same time as I am on sick leave?

If you are off sick, your employment status will always be 'off sick' until you are fit to return to work. However, if you and your manager agree, you can be paid for your annual leave at the same time as you are off sick. Practically this means that once you and your manager have agreed the number of days annual leave you wish to take, these days are deducted from your leave entitlement and your manager will instruct Pay Services to make a payment equivalent to the leave in the next pay period. It is your responsibility to make sure you have fully explored all of your personal financial circumstances (including the effect of a leave payment on any benefits you may be receiving).

33. If I am off sick on a bank holiday, can I reclaim that bank holiday leave to be taken at a later date?

No.

Selling Annual Leave

34. Can I request to be paid instead of actually taking my annual leave entitlement? Under the Working Time Regulations, you have to take 28 days leave (annual leave and public holidays) a year for your own health and wellbeing. This leave entitlement is pro-rated for part time staff and those who join or leave our employment during the year.

If your total contractual leave entitlement is greater than 28 days, you can choose to apply to your line manager to sell back your excess leave entitlement, accrued up to the date the payment is made, instead of taking it as holiday. You need to use the form at Appendix D.

The Trust will pay you your basic rate of pay, without enhancements, for the leave. The payment will not be pensionable, but it will be eligible for tax and national insurance contributions. Payment will be made through payroll as a lump sum in the next available pay month.

Your line manager has the discretion to decide whether they will approve your application. They will consider it in the light of the needs of the service, the budget available to pay for the leave and your own sickness absence record.

Once your application has been approved, it cannot be changed during this leave year.

The decision does not affect future years' entitlements.

Accruing Annual Leave during Other Types of Leave

35. How is leave accrued during maternity, paternity and every other sort of leave?

See the relevant frequently asked question document for the type of leave you are taking.

36. Do I accrue annual leave during any unpaid leave?

No, there is no entitlement to accrue either the statutory minimum or the contractual annual leave entitlement during extended periods of unpaid leave (i.e. during unpaid leave of one month or longer) with the exception of during unpaid periods of sickness absence). This does not apply to short periods of Special Leave and occasional days of unpaid leave agreed by the manager.

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Failure to Return from Leave

37. What happens if in exceptional circumstances I cannot get back from leave?

If, in exceptional circumstances you are unable to return from leave on the date agreed, you must contact your line manager as soon as possible to discuss the situation. Depending on the circumstances (flight delay, natural disaster, illness etc.) and expected length of additional absence, your line manager may require you to take additional leave from your paid holiday entitlement or take unpaid leave, time in lieu or special leave.

If you do not return from leave on the date agreed and you do not make contact with your line manager to discuss this, your absence will be treated as unauthorised. It is recognised that in exceptional circumstances contact could be delayed but this is expected to be rare.

Unauthorised Absence

38. What happens if I am absent from work without my line manager's permission?

We will normally consider this to be unauthorised absence, which is breach of your contract of employment and will usually be regarded as gross misconduct. It will normally result in disciplinary action being taken against you – which could result in the termination of your employment with the Trust. It is recognised that exceptional circumstances may apply however this is expected to be rare.

You will not accrue leave entitlement during periods of unauthorised absence.

Withdrawal of Approval/or Cancellation of Annual Leave

39. Can my manager withdraw approval for my annual leave?

In *very rare and exceptional circumstances*, the Trust reserves the right to withdraw approval for annual leave should the needs of the service warrant it.

Because it is so unusual, each case must be referred to the Human Resources Advisory Team for advice. Your line manager will make every effort to minimise the inconvenience for you, including reimbursement for any unavoidable documented financial loss incurred in respect of your holiday expenses. Your line manager will ensure that the lost annual leave will be available to be taken in full at a later date at a time to be mutually agreed.

40. Can I withdraw a leave application once it has been made/approved?

If you want to do this you need to talk to your line manager as soon as possible. They have the discretion as to whether to agree to your request, taking into account the needs of the service and the effect on the ward/department roster.

Annual Leave Entitlement Ready Reckoner

The following table provides a ready-reckoner of the paid annual leave entitlement in hours for staff according to their contracted hours and number of complete years' service. The calculation is as set out in section 8.

	On Appointment	After 5 Years	After 10 Years
Weekly Beeie	27 daya	Service	Service
Weekly Basic Contracted	27 days	29 days	33 days
Hours			
nouis	I	Hours Equivalent	
39	211	226.5	257.5
38.5	208	223.5	254.5
38	205.5	220.5	251
37.5	202.5	217.5	247.5
37	200	215	244.5
36.5	197.5	212	241
36	194.5	209	238
35.5	192	206	234.5
35	189	203	231
34.5	186.5	200.5	228
34	184	197.5	224.5
33.5	181	194.5	221.5
33	178.5	191.5	218
32.5	175.5	188.5	214.5
32	173	186	211.5
31.5	170.5	183	208
31	167.5	180	205
30.5	165	177	201.5
30	162	174	198
29.5	159.5	171.5	195
29	157	168.5	191.5
28.5	154	165.5	188.5
28	151.5	162.5	185
27.5	148.5	159.5	181.5
27	146	157	178.5
26.5	143.5	154	175
26	140.5	151	172
25.5	138	148	168.5
25	135	145	165
24.5	132.5	142.5	162
24	130	139.5	158.5
23.5	127	136.5	155.5
23	124.5	133.5	152
22.5	121.5	130.5	148.5
22	119	128	145.5

Appendix A continued

			Appendix A			
	On Appointment	After 5 Years	After 10 Years			
	07.1	Service	Service			
Weekly Basic	27 days	29 days	33 days			
Contracted Hours						
21.5	116 F	Hours Equivalent	142			
21.5	116.5 113.5	125	142			
20.5		122 119	135.5			
20.5	111 108	119	135.5			
19.5	105.5	113.5	132			
19.5	103.5	110.5	125.5			
18.5	100	107.5	123.5			
18.5	97.5	107.5	119			
17.5	94.5	104.5	115.5			
17.5	94.5		112.5			
17	<u> </u>	99 96	112.5			
16.5	86.5	98	109			
15.5	<u> </u>	93	102.5			
15.5	<u> </u>	87	99			
14.5	78.5	84.5	96			
14.5	76.5	81.5	92.5			
13.5	73	78.5	89.5			
13	70.5	75.5	86			
12.5	67.5	72.5	82.5			
12.5	65	72.5	79.5			
11.5	62.5	67	76			
11	59.5	64	73			
10.5	57	61	69.5			
10	54	58	66			
9.5	51.5	55.5	63			
9	49	52.5	59.5			
8.5	46	49.5	56.5			
8	43.5	46.5	53			
7.5	40.5	43.5	49.5			
7	38	41	46.5			
6.5	35.5	38	43			
6	32.5	35	40			
5.5	30	32	36.5			
5	27	29	33			
4.5	24.5	26.5	30			
4	22	23.5	26.5			
3.5	19	20.5	23.5			
3	16.5	17.5	20			
2.5	13.5	14.5	16.5			
2	11	12	13.5			
1.5	8.5	9	10			
1	5.5	6	7			
0.5	3	3	3.5			

Public Holiday Entitlement Ready Reckoner

The following table provides a ready-reckoner of the Public Holiday leave entitlement in hours for staff according to their contracted hours. It includes calculations to cover variations in the number of Public Holidays falling within the leave year. The calculation is as set out in section 8.

	of Public Holidays	Variation on 'normal' number of Public Holidays	Holidays	'normal' number of Public Holidays	Variation on 'normal' number of Public Holidays
Weekly Basic	6 days	7 days	8 days	9 days	10 days
Contracted					
Hours					
			Hours Equivalent		
39	47	55	62.5	70	78
38.5	46.5	54	62	69.5	77
38	46	53.5	61	68.5	76
37.5	45	52.5	60	67.5	75
37	44.5	52	59.5	67	74
36.5	44	51.5	58.5	66	73
36	43.5	50.5	58	65	72
35.5	43	50	57	64	71
35	42	49	56	63	70
34.5	41.5	48.5	55.5	62.5	69
34	41	48	54.5	61.5	68
33.5	40.5	47	54	60.5	67
33	40	46.5	53	59.5	66
32.5	39	45.5	52	58.5	65
32	38.5	45	51.5	58	64
31.5	38	44.5	50.5	57	63
31	37.5	43.5	50	56	62
30.5	37	43	49	55	61
30	36	42	48	54	60
29.5	35.5	41.5	47.5	53.5	59
29	35	41	46.5	52.5	58
28.5	34.5	40	46	51.5	57
28	34	39.5	45	50.5	56
27.5	33	38.5	44	49.5	55
27	32.5	38	43.5	49	54
26.5	32	37.5	42.5	48	53
26	31.5	36.5	42	47	52
25.5	31	36	41	46	51
25	30	35	40	45	50
24.5	29.5	34.5	39.5	44.5	49
24	29	34	38.5	43.5	48
23.5	28.5	33	38	42.5	47
23	28	32.5	37	41.5	46
22.5	27	31.5	36	40.5	45

I	Variation on	Variation on	Normal' number	Variation on	Variation on
		'normal' number		'normal' number	
	of Public	of Public	Holidays	of Public	of Public
	Holidays	Holidays	•	Holidays	Holidays
Weekly Basic	6 days	7 days	8 days	9 days	10 days
Contracted Hours			Hours Equivalent		
22	26.5	31	35.5	40	44
21.5	26	30.5	34.5	39	43
21	25.5	29.5	34	38	42
20.5	25	29	33	37	41
20	24	28	32	36	40
19.5	23.5	27.5	31.5	35.5	39
19	23	27	30.5	34.5	38
18.5	22.5	26	30	33.5	37
18	22	25.5	29	32.5	36
17.5	21	24.5	28	31.5	35
17	20.5	23.5	27.5	31	34
16.5	20	23.5	26.5	30	33
16	19.5	22.5	26	29	32
15.5	19	22	25	28	31
15	18	21	24	27	30
14.5	17.5	20.5	23.5	26.5	29
14	17	20	22.5	25.5	28
13.5	16.5	19	22	24.5	27
13	16	18.5	21	23.5	26
12.5	15	17.5	20	22.5	25
12	14.5	17	19.5	22	24
11.5	14	16.5	18.5	21	23
11	13.5	15.5	18	20	22
10.5	13	15	17	19	21
10	12	14	16	18	20
9.5	11.5	13.5	15.5	17.5	19
9	11	13	14.5	16.5	18
8.5	10.5	12	14	15.5	17
8	10	11.5	13	14.5	16
7.5	9	10.5	12	13.5	15
7	8.5	10	11.5	13	14
6.5	8	9.5	10.5	12	13
6	7.5	8.5	10	11	12
5.5	7	8	9	10	11
5	6	7	8	9	10
4.5	5.5	6.5	7.5	8.5	9
4	5	6	6.5	7.5	8
3.5	4.5	5	6	6.5	7
3	4	4.5	5	5.5	6
2.5	3	3.5	4	4.5	5
2	2.5	3	3.5	4	4
1.5	2	2.5	2.5	3	3
1	1.5	1.5	2	2	2
	-	-			

Appendix B continued

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Appendix C

Example Annual Leave Request Form

Name:			Leave year:		
	al Leave lement		Holiday lement	Total Leave	e entitlement
Days	Hours	Days	Hours	Days	Hours

It is Trust policy that entitlements to annual leave and Public Holidays are calculated in hours not days, regardless of whether the member of staff is full-time or part-time.

Date From	Date To	No. Hours Requested	No. Hours Remaining	Authorised by: (signature)	Date:

Once authorised, please ensure your annual leave is recorded on the ward/department's central record

Appendix D

Request to Sell Annual Leave

For completion by E	mployee		
Employee Name		Job Title	
Department		Centre	
Payroll Number			
Managers Name			
Normal Leave Entitlen	nent in Hours (including/excl ^y	uding bank holidays) <i>Delete a</i>	s appropriate
	Details of Reques	st	
For the leave year	/ I wish to sell hours annua	l leave.	
accordance with Trust that payment will be m This will be paid to me but will attract tax and leave year, a re-calcul will be required to repa	roval of the sale of my annual leave is at the t policy. I understand that I will forego the nade at my basic hourly rate of pay (exclu- e in a lump sum (normally in the next avail national insurance contributions. I under lation of my annual leave will be undertake ay any over payment from my final salary.	se hours from my annual leav ding payments for overtime or able pay month), which will no stand that should I leave part en. If I have sold more than m	e entitlement and enhancements). of be pensionable way through the ny entitlement, I
5			Please tick
For Completion by L I have read and under annual leave as set ou	rstand section 34 of this procedure and ag	ree to the request for selling	one box only
I do not agree to the r follows:	equest for selling annual leave as set out	above. The reasons are as	
I have discussed this	with the employee and explained why I ha	ve declined the request.	
Signed		Date	

A copy of this form must be retained on personal file. A copy of this form must be given to the employee. Where the request is agreed a copy must be sent to pay services to action the request. Where a request is declined a copy of this form must be sent to HR.

	FOR OFFICE	USE ONLY	
ACTIONED BY:	Payroll	Date	

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