

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

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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Annual Leave and Sickness Absence

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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 Leave Days*	Public Holidays** Days	Total 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 employee's length of service is not held on ESR, but occasionally your manager may request to see proof of your service. Bank service is also reckonable where individuals can evidence they have worked a minimum of two shifts per month or the 488 hours per year that Temporary Staffing ask individuals to complete to remain active on the bank. This bank service where identified would be counted towards service for annual leave purposes when appointed to a permanent or fixed term post.

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. If a member of staff joins the Trust part way through the leave year they get a pro rata number of hours for Annual leave and public holidays based on the number of weeks left in the leave year and the number of public holidays remaining in the year, see question 10.

7. How do I calculate my personal annual leave and public holiday entitlement for a full year?

The formula you need to use is as follows:

$$\frac{\text{Your weekly contracted hours}}{5} \times \text{The Annual Leave/Public Holiday entitlement *in days* for a full time member of staff for a full year} = \text{Your Annual Leave/Public Holiday entitlement for the year *in hours**$$

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 (annual leave and public holiday entitlement) if I join or leave the Trust during the leave year?

Your entitlement will be based on the number of weeks worked during the leave year and the number of general public holidays remaining in the current leave year from the date of joining, or the number of general public holidays that have already occurred in the case of a member of staff leaving.

Divide the annual leave entitlement (not including public holidays) for a full year by 52.14 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).

Some examples are below:

Example 1 – A member of staff working full time with over ten years' service would have 247.5 hours annual leave. They only work 12 weeks of the leave year, therefore they are entitled to

$$247.5 / 52.14 * 12 = 56.96$$

They leave on 24th June therefore they are entitled to four public holidays in addition to the annual leave above

$$7.5 * 4 = 30$$

A total leave entitlement of hours from 1st April until their leave date of 24th June, (56.96 + 30 = 86.96 rounded up to 87)

Example 2 - A member of staff works 25 hours per week, their joining date is 1st January, and they are new to the NHS.

Their annual leave entitlement for a full leave year would be 135 hours (Appendix A). As they started on 1st January, they are entitled to 12.5 weeks of annual leave

$$135 / 52.14 * 12.5 = 32.36$$

For 8 public holidays they would be entitled to 40 hours for a full leave year, however they are only entitled to one (1st January) due to their start date therefore $40 / 8 = 5$

So, the total leave entitlement from joining on 1st January to 31st March will be $32.36 + 5$ hours = 37.36 rounded to 37.5 hours.

For full leave years for part time staff please refer to the ready reckoner in Appendix B as part time staff accrue public holiday entitlement on a pro rata basis.

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, see question 10.

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 52nd of your annual entitlement for each completed week 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 weeks leave that relate to each and add them together.

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

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).

Example 3 – Full time member of staff reaches 10 years' service on 1st July =

13 weeks at 5 years = $217.5 / 52.14 * 13 = 54.22$

39.14 weeks at 10 years = $247.5 / 52.14 * 39.14 = 185.79$

$54.22 + 185.79 = 240.01$ rounded to **240 hours**

Public Holiday entitlement is not affected by length of service, so this remains as per the entitlement in Appendix B (60 hours) added to the above figure equates to **300 hours**

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 week that relates to your contracted hours, then multiply that figure by the number of complete weeks you worked those contracted hours and add them together to create a full 52.14 weeks' worth of leave.

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

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 on 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. The deduction from your leave entitlement should be your weekly contracted hours.

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 or can I carry over some of my annual leave between leave years?

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.

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 your contracted weekly hours into the following leave year. 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.

The Trust would not expect to see regular requests to carry forward 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 to carry leave forward.

If you would like to sell back some of your leave entitlement – please refer to the Trust Guidance on the Process for Buying and Selling Leave, available on the Policy Page of the intranet..

Managers are encouraged to discuss annual leave with their staff to try and support as much leave as possible to balance the needs of the service with the employee's wellbeing, allowing for rest and recuperation using their annual leave.

24. 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. – Please note question 23 for leave years 2021/22 and 2022/23.

25. 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 or you have made a request to sell it (refer to Appendix D) and this has been agreed in the timescales outlined in the process.

26. Buying/Selling Annual Leave Can I request to buy or sell some of my annual leave entitlement?

Yes, please refer to the Trust guidance on the Process for Buying and Selling Leave on the Policy Page of the intranet.

Accruing Annual Leave during Other Types of Leave

27. 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.

28. 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, maternity leave or parental leave). This does not apply to short periods of Special Leave and occasional days of unpaid leave agreed by the manager.

Failure to Return from Leave

29. 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. Please refer to the Special Leave Policy Chapter.

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

30. 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 may 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 and you will not be paid for any days/hours where you are on unauthorised absence

Withdrawal of Approval/or Cancellation of Annual Leave

31. 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.

32. 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.

Sickness and Annual Leave

For information on Sickness and Annual Leave please refer to the Managing Employee Health and Wellbeing Policy, available on the intranet.

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 question 7.

Weekly Basic Contracted Hours	On Appointment	After 5 Years Service	After 10 Years Service
	27 days	29 days	33 days
Hours Equivalent			
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

	On Appointment	After 5 Years Service	After 10 Years Service
Weekly Basic Contracted Hours	27 days	29 days	33 days
	Hours Equivalent		
21.5	116.5	125	142
21	113.5	122	139
20.5	111	119	135.5
20	108	116	132
19.5	105.5	113.5	129
19	103	110.5	125.5
18.5	100	107.5	122.5
18	97.5	104.5	119
17.5	94.5	101.5	115.5
17	92	99	112.5
16.5	89.5	96	109
16	86.5	93	106
15.5	84	90	102.5
15	81	87	99
14.5	78.5	84.5	96
14	76	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	65	70	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 question 7.

Weekly Basic Contracted Hours	Variation on 'normal' number of Public Holidays	Variation on 'normal' number of Public Holidays	Normal' number of Public Holidays	Variation on 'normal' number of Public Holidays	Variation on 'normal' number of Public Holidays
	6 days	7 days	8 days	9 days	10 days
	Hours Equivalent				
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

	Variation on 'normal' number of Public Holidays	Variation on 'normal' number of Public Holidays	Normal' number of Public Holidays	Variation on 'normal' number of Public Holidays	Variation on 'normal' number of Public Holidays
Weekly Basic Contracted Hours	6 days	7 days	8 days	9 days	10 days
	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
0.5	1	1	1	1	1

Appendix B continued

