

# **Annual leave policy**

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## Document control sheet

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## Version control

Version number	Revision date	Revision by	Nature of revisions
V1.1	January 2021	POD project manager	Update for new policy template and for amendments to policy
V1.2	June 2021	POD people partners	Update including amendments for buying extra annual leave and annual leave arrangements for workers
V.2	20 August 2021	POD board	Updated policy ratified by POD board.

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## 1. Introduction

Annual leave should enable colleagues to take time away from work and provide an opportunity to relax and take a break from the working environment.

NHS Kernow Clinical Commissioning Group (NHS Kernow) encourages colleagues to take their annual leave in even blocks throughout the year, where possible, so that they can enjoy the full benefit of a rest and break away from work.

Managers should try to ensure that workloads do not prevent colleagues from taking their annual leave entitlement and colleagues should take their full annual leave entitlement each year. There should be no expectation on the part of the manager or colleague for any work to be undertaken during a period of annual leave.

## 2. Purpose

NHS Kernow's annual leave policy aims to ensure that all managers and colleagues are aware of the process for calculating, recording, authorising and managing annual leave and purchasing additional annual leave where applicable. Its purpose is also to ensure that all colleagues are treated consistently and fairly throughout the organisation.

This policy applies to all colleagues of NHS Kernow who are employed under agenda for change terms and conditions.

## 3. Definitions

### Working Time Regulations

The Working Time Regulations 1998 impose limits on workers' hours of work.

## 4. Responsibilities

### Board members and senior managers

To recognise the benefits of annual leave on colleague's work and life balance and general health and wellbeing, particularly when taken in regular blocks of time throughout the year.

### Managers

Managers should:

- ensure the policy is applied fairly to all colleagues
- ensure that processes are in place for leave entitlements to be calculated
- ensure that colleagues are aware of the local procedures for requesting leave
- try to ensure colleagues book leave in regular intervals throughout the year
- accurately record annual leave for all colleagues in their teams

- clearly communicate the reason should a request for leave be turned down
- fairly review requests for purchase of additional annual leave
- follow the process detailed in this policy for authorising requests for additional leave

## People and organisational development

POD will regularly review the policy and procedure, including ensuring the policy is updated inline with any organisational or legislative changes.

They will provide managers and colleagues with advice and guidance on the application of the policy and related procedures, particularly where there may be disagreement regarding the requesting or granting of annual leave.

## Role of individual colleagues

Colleagues should request annual leave in line with local procedures, giving sufficient notice for planning and co-ordinating arrangements with other members of the team. They should also ensure all mandatory training is up to date or planned and booked before taking leave.

## Additional annual leave

Should a colleague wish to purchase additional annual leave, they should make a request in writing to their line manager using the form attached at [appendix 2](#).

Colleagues should ascertain how much their monthly deduction from salary will be, ensuring they fully consider the financial implications for themselves. They should also make sure that they have the capacity to take any additional annual leave in the leave year it is purchased.

## Role of payroll department

The payroll department will, on receipt of an approved application form for additional purchase of annual leave, adjust the colleague's salary and advise them accordingly.

# 5. Annual leave entitlement

## Leave year and entitlement

NHS Kernow's leave year runs from 1 April to 31 March.

The annual leave provision for full time employees is provided in the table below. The entitlement for a part time employee is based on a pro-rata amount depending on the number of hours worked and rounded up to the nearest half day ([appendix 1](#)).

Length of service	Annual leave	Bank or public holidays
On appointment	27 days or 202.5 hours	8 days or 60 hours

Length of service	Annual leave	Bank or public holidays
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

All annual leave and bank or public holiday entitlement will be calculated and taken in hours to allow for different working patterns and shift patterns of unequal length. The entitlements for part time colleagues will be calculated pro-rata to full time, in hours, based on their number of contract hours which they work in a week.

For full time colleagues the annual leave entitlement is recorded as 1 figure which includes their bank holiday entitlement. For part time colleagues this will be 2 figures: 1 for the pro-rata annual leave entitlement and 1 for the pro-rata bank holiday entitlement.

All new colleagues will be entitled to annual leave plus bank and public holidays on a pro-rata basis in the year of joining the NHS Kernow. Entitlement in the first year and leave entitlement for part years can be calculated with help from the departmental personal assistant or the POD team. Bank or public holiday entitlement will be based on the number of bank or public holidays remaining in the current leave year from the date of joining.

## Part time employees, colleagues on varied hours and zero-hour workers

Part time employees and colleagues on varied hours will be entitled to accrue leave on a pro-rata basis for the bank and public holidays which occur during the leave year, regardless of the colleagues working pattern and whether the bank holiday falls on a day they would normally work or not.

Holiday entitlement for a part time colleague is based on a pro-rata amount depending on the number of hours worked and rounded up to the nearest half day ([appendix 1](#)). Part time colleagues will be entitled to accrue leave on a pro-rata basis for the bank and public holidays which occur during the leave year, regardless of the colleagues working pattern and whether the bank holiday falls on a day they would normally work or not.

Zero hours workers are entitled to the equivalent of 5.6 weeks (28 days) paid holiday per year. The entitlement will accrue based on the pro-rata number of hours worked per quarter and includes public holidays.

The CCG will pay zero hours workers in lieu of any holiday accrued but not taken on a quarterly basis. The amount of such payment in lieu shall be 1 hour's pay for each accrued but untaken hour of holiday entitlement.

## Entitlement on changing length of service

Where there is a change of entitlement part way through a leave year, for example, an increase in length of service to either 5 or 10 years or a change in the number of hours worked, the leave entitlement will need to be re-calculated and amended on

the colleague's record. This can be worked out by the departmental personal assistant with assistance from a POD team member where appropriate.

All annual leave and bank or public holiday entitlement will be calculated and taken in hours to allow for different working patterns and shift patterns of unequal length. The entitlements for part time colleagues will be calculated pro-rata to full time, in hours, based on their number of contract hours which they work in a week.

## **Broken service**

For the purposes of determining a colleague's entitlement to annual leave a colleague's total aggregated NHS service is used. This means that if a colleague has broken periods of service, all the periods of service are added together to give a total. Thus, for example, if a colleague worked in the NHS for 5 years, left for 2 years and re-joined 3 years ago, their total service for annual leave purposes would be 8 years.

Colleagues whose working day is either greater or fewer than 7.5 hours a day, on any day, will calculate their annual leave and public holiday entitlement in hours. Calculating entitlement in hours ensures that this group of colleagues do not receive either more or less leave than colleagues who work a standard pattern.

## **Entitlement on changing hours**

Where a colleague changes their contracted hours, this will result in a re-calculation of their annual leave entitlement. This can be worked out by the departmental personal assistant with assistance from a POD team member where appropriate.

## **New colleagues**

All new colleagues will be entitled to annual leave plus bank and public holidays on a pro-rata basis in the year of joining the NHS Kernow. Entitlement in the first year and leave entitlement for part years can be calculated by using the annual leave calculator available on the NHS intranet. Bank or public holiday entitlement will be based on the number of bank or public holidays remaining in the current leave year from the date of joining.

## **Entitlement on leaving**

Colleagues who leave NHS Kernow should re-calculate their leave entitlement based on their leaving date. This can be worked out by the departmental personal assistant with assistance from a POD team member where appropriate.

Where the leave due to a colleague exceeds what they have already taken, payment in lieu will be made for the balance in the final salary payment.

Where the total leave taken exceeds the total leave earned, a deduction for the balance will be made in the final salary payment.



## 6. Approval for annual leave

There is no automatic right to have requests for annual leave approved and colleagues are advised not to commit themselves to holiday plans until approval has been given. However, managers are required to give proper consideration to any requests for leave, taking account of operational workload.

Wherever possible, colleagues should plan ahead and book holiday evenly throughout the year. NHS Kernow expects that within the leave year, colleagues will take all their annual leave. In very exceptional circumstances, up to 1 week of basic contracted hours may be carried over to the following leave year. This must be applied for in writing and have the agreement of the manager. Where this is the case, reasons for the carry over and agreement from the manager will be recorded on the personal file.

Colleagues should ensure that they give sufficient notice to take annual leave and that all annual leave has been approved by the appropriate line manager before they take their leave.

Where a manager is unable to authorise a request for leave, the reasons for the refusal must be given to the colleague.

In the event that a colleague is not satisfied with the reason given for refusing a leave request, they should initially have a conversation with their line manager. Where the issue remains unresolved, the colleague can choose to pursue the matter through the [grievance and dignity at work procedure](#).

## 7. Additional annual leave purchase scheme

There may be times when colleagues wish to take more than their standard contractual entitlement to annual leave and so NHS Kernow has implemented a scheme which offers the opportunity for them to purchase up to 2 weeks of weekly contracted hours additional annual leave subject to certain conditions and the effect on service provision.

### Principles

The scheme provides the opportunity to buy up to 2 weeks (contracted weekly hours) additional leave in each leave year. Applications must be made for complete weeks. Individual days (equivalent hours) will not be considered. For part time colleagues, applications must be made for the number of hours they are contracted to work in any 1 week.

Employment will not be broken during the periods of additional annual leave and continuous service will be maintained.

The purchase of additional annual leave must be repaid by the colleague in full within 12 months (or less if requested by colleague).

The scheme will ensure pension entitlements are not affected as pension contributions will be made prior to deduction from salary.

If a colleague either increases or reduces their contractual hours during the leave year, the situation will be reviewed and the amount to be deducted from salary recalculated.

If, having purchased additional annual leave, the colleague fails to take it before the end of the relevant year, the leave will be lost. Only in exceptional circumstances can arrangements be made for the carry forward of the additional leave and agreement for this can only be given by their director or head of service.

Any colleague or manager wishing to withdraw from the arrangement must give at least 3 months' notice of any withdrawal. Salary deductions will continue in respect of any purchased leave already taken.

Colleagues leaving NHS Kernow will be reimbursed if the salary deductions on leaving amount to more than the leave taken. Payments will be recovered prior to leaving if the value of the salary deductions is less than the value of the leave taken. If the final salary is insufficient to allow for the whole of such a deduction, the colleague will be required to repay the outstanding amount within 1 month of the date of the termination of their employment with NHS Kernow.

## **Approval for purchasing additional annual leave**

Colleagues wishing to apply for additional annual leave should do so by completing the [application form](#) and submitting this to their line manager.

The line manager should consider the request and confirm their decision to the colleague, with clear reasons if approval is not given, within 14 calendar days of the request being received.

There is no automatic right to additional annual leave. However, every application will be fully considered on the basis of the colleague's role and the effect their additional leave could have on other members of their team and service delivery.

Once approval has been given, the signed form must be forwarded by the line manager to the payroll department in order for adjustments to be made to the colleague's annual salary.

NHS Kernow reserves the right to refuse a colleague's application to purchase additional annual leave for operational or technical reasons related to a colleague's role and service needs. If approval is not given, managers must provide the reason in writing within 14 calendar days and explore if there are any alternative options available, such as, granting 1 week's leave where 2 has been requested. Care must be taken to avoid unfairness in the application of the scheme.

The application and authorisation of requests are treated individually and will only be valid for a year. A further application must be made each year the scheme is in operation.

Approval of any additional annual leave purchased must be recorded on the colleague's annual leave record. Booking of additional annual leave will be subject to normal departmental annual leave arrangements and in accordance with any locally agreed protocols. Approved leave must be taken in the leave year in which it is purchased. The annual leave year runs from 1 April to 31 March.

## Adjustments to pay

The cost of any approved additional annual leave will be deducted from a colleague's salary over a 12-month period (or less if requested by the colleague). The colleague will thereby continue to receive a monthly salary but at a reduced rate. Deductions will commence in the next available pay period following receipt of the application form by the payroll department.

Colleagues should note that, by completing and submitting the application form for additional annual leave, the form will also act as their consent to the applicable salary adjustment if the leave is approved.

Example calculations illustrating the cost of purchasing additional annual leave are given at [appendix 3](#).

It is the colleague's responsibility to ascertain how much the monthly deduction from their salary will be.

The payroll department will confirm the amount of the monthly deductions in writing prior to commencement of the first payment.

## Medical colleagues

If consultants and senior medical colleagues wish to pursue this option, they should discuss this with their specialty or clinical director in the first instance. They will need to provide assurance that purchasing additional annual leave will not impact on their colleagues or service commitments.

## 8. Bank holidays

The 8 recognised bank or public holidays are as follows:

- Easter Good Friday
- Easter Monday
- May day
- spring bank holiday (late May)
- August bank holiday
- Christmas Day\*
- Boxing Day\*
- New Year's Day\*

\* If these dates fall on a weekend (Saturday and/or Sunday), the official bank or public holiday days will be the following Monday and Tuesday in the case of both Christmas Day and Boxing Day falling at the weekend.

The bank or public holiday period is defined as the 24-hour period from the midnight leading into the bank or public holiday, to midnight on the day of the bank or public holiday.

Colleagues required to work or to be on call on a general bank or public holiday are entitled to equivalent time off in lieu at normal rates, in addition to the appropriate payment for duties undertaken.

Each leave year will be treated as having 8 bank or public holidays. However, there may be some years when there are more than 8 bank or public holidays within a leave year for example where Easter falls in March. In these circumstances, the additional days will be taken from the following years' bank or public holiday entitlement which would contain 6 rather than 8 bank or public holidays.

Where a service or department does not operate on a bank public holiday, but a part time colleague does not wish to use annual leave entitlement, if operationally possible, consideration should be given to allowing them to change their working days during that week in which the bank or public holiday falls. For example, if the colleague normally works Monday, Tuesday and Wednesday allowing them to switch to Tuesday, Wednesday and Thursday that week. Alternatively, and again if operationally possible, a colleague may be able to increase their working hours on the other days they work in the week, to maintain their contract hours.

## **9. Recording annual leave**

At the beginning of each financial year, each colleague should be issued with a new annual leave entitlement on IRIS. New colleagues who start employment part way through the financial year will receive a pro-rata entitlement.

The amount of annual leave deducted from the total entitlement, on each occasion when leave is taken (whether annual leave or bank or public holiday), will equate to the hours that would have been worked on that day, if the individual had been on duty.

Part time colleagues are encouraged to book all bank holidays on IRIS at the start of the leave year so that they are aware of the number of hours of annual leave they have remaining. Part time colleagues are only required to book off the bank holidays that occur on what would otherwise have been a working day as part of their working pattern. The number of hours deducted should equate to the hours they would have worked that day.

## **10. Carrying forward annual leave**

Where, in exceptional circumstances, a colleague has been prevented from taking all their leave due to service demands and the amount of leave due exceeds the

equivalent of 1 week of basic contracted hours, then 1 week of basic contracted hours may be carried over to the following leave year and the balance outstanding will be paid in the April payroll. The line manager concerned will be required to provide a brief explanation as to why there is a requirement to pay outstanding annual leave which can be reviewed and authorised by an appropriate internal process.

Where a colleague has been unable to take their annual leave entitlement because they have been off work on long term sickness, they are entitled to carry over any statutory leave that has not been taken into the next leave year; however, this proposal is limited to only the 4 weeks (pro-rata for part time colleagues) provided by the European legislation rather than the 5.6 weeks (pro-rata for part time colleagues) provided under regulation 13a of the Working Time Regulations. Any such leave carried over must be taken within 18 months of the end of the leave year when the holiday was accrued.

## **11. Term time working and annualised hours**

The calculation of weekly hours and salaries for colleagues on term time working and annualised hours contracts will include a proportional annual leave entitlement based on contract hours and weeks worked and length of service.

Where possible, it would be advisable for the manager to explore alternatives with the colleague such as job plan review, flexible working with annualisation of clinical sessions or swapping of additional sessions for annual leave.

## **12. Fraud awareness**

Fraud within NHS Kernow is unacceptable and diverts valuable resources away from patient care. Any concerns over deliberate misapplication of the flexible options outlined in this policy and procedure must be referred to the local counter fraud specialist in accordance with the [antifraud and bribery policy](#).

## **13. Implementation plans and monitoring effectiveness**

This policy will be reviewed by a group from staff voice and the unions. It will be made available on the [document library](#) with a communication to colleagues to confirm it has been updated.

All POD policies will be included in management training where appropriate.

The POD team will monitor the number issues received in respect of annual leave. Monitoring information, where available, should be analysed and used to review and revise policies and procedures to ensure their continuing effectiveness.

Records should be kept on IRIS for a minimum of 2 years to ensure that colleagues are claiming outstanding annual leave correctly and to assist any other queries.

## 14. Update and review

The policy will be reviewed every 3 years or where there is a major change in annual leave arrangements.

## 15. Policies referred to in this document

- [Anti-fraud and bribery policy](#)
- [Grievance and dignity at work policy](#)

## Appendix 1: Annual leave entitlement

Weekly basic contracted hours	Annual leave entitlement less than 5 years' service	Annual leave entitlement 5 years' services or more	Annual leave entitlement 10 years' service or more	Bank or public holiday entitlement (regardless of length of service)
37.5	202.5	217.5	247.5	60
37	200	214.5	244	60
36.5	197	211.5	241	60
36	194.5	209	237.5	60
35.5	191.5	206	234.5	60
35	189	203	231	56.25
34.5	186.5	200	227.5	56.25
34	183.5	197	224.5	56.25
33.5	181	194.5	221	56.25
33	178	191.5	218	56.25
32.5	175.5	188.5	214.5	52.5
32	173	185.5	211	52.5
31.5	170	182.5	208	52.5
31	167.5	180	204.5	52.5
30.5	164.5	177	201.5	52.5
30	162	174	198	48.75
29.5	159.5	171	194.5	48.75
29	156.5	168	191.5	48.75
28.5	154	165.5	188	48.75
28	151	162.5	185	45
27.5	148.5	159.5	181.5	45
27	146	156.5	178	45
26.5	143	153.5	175	45
26	140.5	151	171.5	45
25.5	137.5	148	168.5	41.25
25	135	145	165	41.25
24.5	132.5	142	161.5	41.25
24	129.5	139	158.5	41.25
23.5	127	136.5	155	37.5
23	124	133.5	152	37.5
22.5	121.5	130.5	148.5	37.5
22	119	127.5	145	37.5
21.5	116	124.5	142	37.5
21	113.5	122	138.5	33.75
20.5	110.5	119	135.5	33.72
20	108	116	132	33.75
19.5	105.5	113	128.5	33.75
19	102.5	110	125.5	33.75
18.5	100	107.5	122	30
18	97	104.5	119	30
17.5	94.5	101.5	115.5	30

<b>Weekly basic contracted hours</b>	<b>Annual leave entitlement less than 5 years' service</b>	<b>Annual leave entitlement 5 years' services or more</b>	<b>Annual leave entitlement 10 years' service or more</b>	<b>Bank or public holiday entitlement (regardless of length of service)</b>
17	92	98.5	112	30
16.5	89	95.5	109	30
16	86.5	93	105.5	26.25
15.5	83.5	90	102.5	26.25
15	81	87	99	26.25
14.5	78.5	84	95.5	26.25
14	75.5	81	92.5	22.5
13.5	73	78.5	89	22.5
13	70	75.5	86	22.5
12.5	67.5	72.5	82.5	22.5
12	65	69.5	79	22.5
11.5	62	66.5	76	18.75
11	59.5	64	72.5	18.75
10.5	56.5	61	69.5	18.75
10	54	58	66	18.75
9.5	51.5	55	62.5	15
9	48.5	52	59.5	15
8.5	46	49.5	56	15
8	43	46.5	53	15
7.5	40.5	43.5	49.5	15
7	38	40.5	46	11.25
6.5	35	37.5	43	11.25
6	32.5	35	39.5	11.25
5.5	29.5	32	36.5	11.25
5	27	29	33	11.25
4.5	24.5	26	29.5	7.5
4	21.5	23	26.5	7.5
3.5	19	20.5	23	7.5
3	16	17.5	20	7.5
2.5	13.5	14.5	16.5	7.5
2	11	11.5	13	3.75
1.5	8	8.5	10	3.75
1	5.5	6	6.5	3.75
0.5	2.5	3	3.5	3.75

\* Bank or public holiday entitlement is rounded up to the nearest half day and based on 8 day



## Appendix 2: Application for purchasing additional annual leave

### Section 1

To be completed by the colleague requesting additional annual leave.

**Name:**

**Payroll number:**

**Job title:**

**Hours worked per week:**

**Department:**

**Manager's name:**

**Start date with NHS Kernow:**

**How much additional annual leave would you like to purchase?**

(Please specify in weeks and hours: maximum = 2 weeks):

**If your manager is unable to approve the full request, do you want him or her to consider part of the request?**

☐ Yes ☐ No

Please note:

1. The booking of additional annual leave will be subject to the usual rules of your department.
2. Where additional annual leave is approved, the cost of any approved leave will be deducted from your salary in
3. monthly instalments over a 12-month period (or less at your request). The deductions will commence in the next
4. available pay period following receipt of the application by the payroll department.
5. The basic hourly rate will be based on your salary as at 1 April of the year in which the leave will be taken

### Declaration

I agree for deductions to be made from my salary in 12 monthly instalments for the total cost of my additional annual leave. Payroll will confirm the monthly deductions, in writing, prior to commencement of these deductions.

I also understand that, if I leave the organisation's employment, any outstanding balance will be recovered or refunded as appropriate against my final salary or, if my final salary is insufficient to allow for the whole of such a deduction, I agree to repay the outstanding amount within 1 month of the date of the termination of my employment with NHS Kernow.

**Signature of staff member:**

**Date:**

Please forward this form to your manager for consideration of your request.

## **Section 2: To be completed by the manager**

Request fully approved: ☐ Yes ☐ No

Request partially approved: ☐ Yes ☐ No

Please provide details (use separate sheet if necessary)

Request refused: ☐ Yes ☐ No

Please provide details (use separate sheet if necessary)

**Signature of manager:**

**Date:**

Please give a copy of this form to your colleague within 14 calendar days of its receipt and send the signed application form to the at [nhskernowccg.peopleteam@nhs.net](mailto:nhskernowccg.peopleteam@nhs.net) who will retain a copy on their personal file.

**Date application received:**

**Date processed:**

**Date confirmation sent:**

**POD team signature:**

## Appendix 3: Calculation illustrating the cost of purchasing additional annual leave

The deduction that will be taken from the colleague's salary each pay period will be taken over 12 monthly instalments (or less if requested by the colleague) and will be calculated as follows:

- 1 week's leave  
= weekly contracted hours x the hourly rate as at the 1 April of the financial year in which the leave is to be taken
- 2 week's leave  
= 2 x weekly contracted hours x the hourly rate as at the 1 April of the financial year in which the leave is to be taken

### Example 1

A colleague is successful in their application to buy 1 weeks additional leave in October 2021. They will be taking this additional leave in February 2022. The colleague's contracted hours are 37.5 per week and their hourly rate, as at 1 April 2015, was £12.50. Deductions from the colleague's pay are calculated as follows:

$$37.5 \text{ hours} \times £12.50 = £468.75$$

Payment to be deducted over 12 months, commencing in November 2021 with the final payment being taken in October 2022

$$\text{Monthly deduction} = £468.75 \text{ divided by } 12 = £39.06 \text{ per month.}$$

### Example 2

A colleague is successful in their application to buy 2 weeks additional leave in January 2022. They will be taking the additional leave in March 2022. The colleague's contracted hours are 24 per week and their hourly rate, as at 1 April 2015, was £23.75 per hour. Deductions from the colleague's pay are calculated as follows:

$$48 \text{ hours} \times £23.75 = £1,140.00$$

Payment to be deducted over 12 months, commencing in February 2022 with the final payment being taken in January 2023

$$\text{Monthly deduction} = £1,140.00 \text{ divided by } 12 = £95.00 \text{ per month.}$$

## Appendix 4: Equality impact assessment

**Name of policy or service to be assessed:** Annual leave policy

**Department or section:** People and organisational development team

**Date of assessment:** 23 March 2021

**Person(s) responsible for the assessment:** Tricia Phillips

**Is this a new or existing policy?** Existing

### Aims, objectives and purpose of the policy

#### Describe the aims, objectives and purpose of the policy

To provide a uniform and equitable approach to the calculation of annual leave and bank holiday entitlements, which take into account the entitlements and arrangements specified in the agenda for change terms and conditions of service. To provide clear guidance on the opportunity to purchase additional leave.

#### Who is intended to benefit from this policy, and in what way?

All colleagues of the organisation (except doctors, dentists, and contingent workforce).

#### What outcomes are wanted from this policy?

To ensure that the NHS Kernow has a consistent approach of relevant terms and conditions.

#### What factors or forces could contribute or detract from the outcomes?

Poor communication and awareness of both colleagues and managers with regards to the application, entitlement and authorisation of annual leave.

#### Who are the main stakeholders in relation to the policy?

All colleagues employed under agenda for change terms and conditions.

#### Who implements the policy, and who is responsible for the policy?

POD team and governance.

### Differential impacts

#### Perspective of race, nationality and/or ethnic origin

**Does this have a positive or negative impact on black, Asian and minority ethnic (BAME)?**

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another. The decisions to approve annual leave will be determined by business need.

**How will any negative impact be mitigated?**

Not applicable.

**Perspective of sex**

**Does this have a positive or negative impact on people who identify as male, female or intersex?**

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another. Monitoring will be undertaken to ensure that there is no disproportionate impact on any particular gender. The decision to approve annual leave will be determined by business need, regardless of the gender of the individual submitting the request.

**How will any negative impact be mitigated?**

Not applicable.

**Perspective of disability**

**What is the positive or negative differential impact on people from the perspective of disability?**

This policy is designed to protect all colleagues and it is anticipated that this should not impact on any 1 group of people over another. Support will be offered to individual colleagues to understand this policy according to their individual circumstances, where this is required. Monitoring of the number of queries raised by colleagues with a disability will be undertaken, to ensure that they are not disproportionately affected. Information will be made available in alternative formats so that colleagues are able to access the policy.

July 2015: The policy now reflects current case law which limits the amount of annual leave that can be carried over into the next leave year where a colleague has been of on long term sick. However, this is countered by the ability for colleagues to “convert” sick leave into annual leave.

Where a colleague has been unable to take their annual leave entitlement because they have been off work on long term sickness, they are entitled to carry over any statutory leave that has not been taken into the next leave year; however, this proposal is limited to only the 4 weeks (pro-rata for part time colleagues) provided by the European legislation rather than the 5.6 weeks (pro-rata for part time colleagues) provided under

regulation 13a of the Working Time Regulations. Any such leave carried over must be taken within 18 months of the end of the leave year when the holiday was accrued.

**How will any negative impact be mitigated?**

Converting sick leave into annual leave

**Perspective of sexual orientation**

**Does this have a positive or negative impact on people who identify as heterosexual, lesbian, gay, bisexual, pansexual or asexual?**

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another.

**How will any negative impact be mitigated?**

Not applicable.

**Perspective of age**

**What is the positive or negative differential impact on people from the perspective of age?**

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another.

**How will any negative impact be mitigated?**

Not applicable.

**Perspective of religion or belief**

**What is the positive or negative differential impact on people from the perspective of religion or belief?**

This policy is designed to protect all colleagues and does not impact on any 1 groups of people over another.

**How will any negative impact be mitigated?**

Not applicable.

### **Perspective of marriage and civil partnership**

**What is the positive or negative differential impact on people from the perspective of marriage and civil partnership? This is particularly relevant for employment policies.**

The policy exists to facilitate and support all colleagues irrespective of their marriage or civil partnership status.

**How will any negative impact be mitigated?**

Not applicable.

### **Perspective of gender re-assignment**

**Does this have a positive or negative impact on people who identify as trans or transgender, non-binary or gender fluid?**

The policy exists to facilitate and support all colleagues irrespective of any gender re-assignment or transgender matters.

**How will any negative impact be mitigated?**

Not applicable.

### **Perspective of pregnancy and maternity**

**Does this have a positive or negative impact on people who are pregnant, breast feeding mothers, or those on maternity leave?**

This policy is designed to protect all colleagues and does not impact on any 1 group of people over another and the organisation will actively monitor the use of this policy to ensure that there is no discrimination on the grounds of pregnancy or maternity. The legislative entitlements will apply with regards to time off from work with pay.

**How will any negative impact be mitigated?**

Not applicable.

### **Other identified groups**

Consider carers, veterans, different socio-economic groups, people living in poverty, area inequality, income, resident status (migrants), people who are homeless or living in unstable accommodation, long-term unemployed, people who are geographically isolated, people who misuse drugs, those who are in stigmatised occupations, people

with limited family or social networks, and other groups experiencing disadvantage and barriers to access.

**How will any negative impact be mitigated?**

Not applicable.

**Human rights values**

**How have the core human rights values of fairness, respect, equality, dignity and autonomy been considered in the formulation of this policy, service or strategy?**

The purpose of this policy is to ensure that the NHS Kernow has a practical mechanism to treat all colleagues equally and consistently. The core human rights values underpin this policy and in line with the organisation's commitment to equality, diversity and human rights as set out in its equality and diversity policy.

This policy is designed to ensure that a fair system is in place for those colleagues who wish to make an application for discretionary leave, and that any decision is based upon an individual's needs balanced with the needs of the business only. All individuals working for the organisation will be treated fairly, with dignity and respect, whilst acknowledging their right to equality and autonomy whilst undertaking their work.

**Which of the human rights articles does this document impact?**

- ☐ To life
- ☐ Not to be tortured or treated in an inhuman or degrading way
- ☐ To liberty and security
- ☐ To a fair trial
- ☒ To respect for home and family life, and correspondence
- ☐ To freedom of thought, conscience and religion
- ☐ To freedom of expression
- ☐ To freedom of assembly and association
- ☐ To marry and found a family
- ☐ Not to be discriminated against in relation to the enjoyment of any of the rights contained in the European Convention
- ☐ To peaceful enjoyment of possessions

**What existing evidence (either presumed or otherwise) do you have for this?**

The policy is underpinned by a commitment to protect the rights and individual needs of those individuals who make an application for annual leave.



**How will you ensure that those responsible for implementing the policy are aware of the human rights implications and equipped to deal with them?**

Through a series of management updates via the staff intranet and guidance and best practice information from POD.

## **Public Services (Social Value) Act 2012**

NHS Kernow is committed and obliged to fulfil the requirements of the Public Services (Social Value) Act 2012. This Act requires the organisations to consider how services commissioned or procured might improve the economic, social and environmental wellbeing of an area.

**Please describe how this will support and contribute to the local system, wider system and community.**

The policy exists because NHS Kernow Clinical Commissioning Group (NHS Kernow) encourages colleagues to take their annual leave in even blocks throughout the year, where possible, so that they can enjoy the full benefit of a rest and break away from work.

**Describe how the policy contributes towards eliminating discrimination, harassment and victimisation.**

It ensures a consistent approach.

**Describe how the policy contributes towards advancing equality of opportunity.**

It ensures a consistent approach.

**Describe how the policy contributes towards promoting good relations between people with protected characteristics.**

This policy is designed to protect all colleagues and does not impact on any 1 groups of people over another.

**If the differential impacts identified are positive, explain how this policy is legitimate positive action and will improve outcomes, services and/or the working environment for that group of people.**

Not applicable.

**Explain what amendments have been made to the policy or mitigating actions have been taken, and when they were made.**

Not applicable.

**Signed (completing officer):** Tricia Phillips

**Date:** 23 March 2021

**Signed (head of department or section):** Emma Goudge

**Date:** 23 March 2021

Please ensure that a signed copy of this form is sent to both the corporate governance team with the policy and the equality and diversity lead.