



SCOTTISH EXECUTIVE

Health Department
Workforce Directorate

Dear Colleague

AGENDA FOR CHANGE – ANNUAL LEAVE POLICY

Summary

1. The Agenda for Change agreement introduced new annual leave and public holiday arrangements for all staff covered by the agreement. The new arrangements are effective from the 1st October 2004.
2. A policy has been developed for NHSScotland in line with the Agenda for Change agreement which provides a uniform and equitable approach to the calculation of annual leave and public holiday entitlements. The policy has gone through an extensive partnership process, and has been agreed by the Scottish Terms and Conditions Committee (STAC).
3. The annual leave and public holiday policy for NHSScotland is outlined in full at Annex A to this HDL.

Action

4. NHS Boards and Special Health Boards are asked to ensure that the annual leave and public holiday policy attached to this letter is implemented.
5. Employers are asked to make their own arrangements for obtaining additional copies of this letter and the policy.

31 July 2006

Addresses

For action

Chairs, NHS Boards and Special Health Boards
Chief Executives, NHS Boards and Special Health Boards
Directors of Human Resources, NHS Boards and Special Health Boards.

For information

Members, Scottish Terms and Conditions Committee
Members, Scottish Partnership Forum
Members, Scottish Workforce and Governance Group
Members, Scottish Pay Reference and Implementation Group

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6. The documents can be viewed on www.show.scot.nhs.uk/sehd/publications.asp and on the Agenda for Change pay modernisation website.

Yours sincerely

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AGENDA FOR CHANGE

Annual Leave Policy

ANNUAL LEAVE POLICY (NON-MEDICAL STAFF)

1. Introduction

The Terms and Conditions Guidance Group on behalf of the Scottish Terms and Conditions Committee has developed this policy in line with the new Annual Leave and Public Holiday entitlements within the Agenda for Change Agreement.

This policy will be applied across NHSScotland.

2. Purpose

The aim of this policy is 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 defined under Agenda for Change.

3. Scope

The policy applies to all employees who will be employed on Agenda for Change terms and conditions, the principles contained within this policy also apply to bank staff. Under this policy Bank Staff will be paid an additional payment of 11.59% on all hours worked, which equates to their annual leave entitlement. Agenda for Change does not apply to Medical and Dental Staff. This policy takes effect from the 1st October 2004 for staff who will transfer to Agenda for Change.

4. Annual leave year

The annual leave period shall be from 1 April to 31 March. This may be reviewed at some point in the future.

5. Exclusions

This policy is not applicable to Medical and Dental staff for whom separate provisions apply.

6. Entitlement

6.1 Entitlement for complete years

The basic annual leave provisions under Agenda for Change, **which apply from 1st October 2004**, are contained in Table 1 overleaf.

TABLE 1
Annual leave entitlement for full time staff
(Pro rata for part time staff)

Length of service	Annual leave + General Public Holidays¹
On appointment	27 days + 8 days (202.5 + 60 hours)
After 5 years service	29 days + 8 days (217.5 + 60 hours)
After 10 years service	33 days + 8 days (247.5 + 60 hours)

There is an expectation on every member of staff that they will fully utilise their entitlement to annual leave during the holiday year in which it accumulates. The improvements in the amount of annual leave available under Agenda for Change – and in the factors to be included when calculating that entitlement – are in line with the overall intentions of making the NHS an exemplary employer. Annual leave ensures that every member of staff has adequate time away from work for rest and respite.

All requests for annual leave should therefore be dealt with in accordance with the principles of partnership working in NHS Scotland. There should be mutual agreement between the member of staff and their manager. Requests for specific dates should normally be accepted and agreed and should only be refused if there are justifiable service/staffing reasons for so doing. Staff will be expected to be flexible in such circumstances.

Staff will be entitled to take annual leave in the periods that will most benefit them in line with the above principles.

It is expected that annual leave will normally be taken in periods of not less than ½ day/shift.

However, this national policy is to determine annual leave entitlement in hours not days for all staff regardless of whether the employee is full-time or part time. The benefit for all employees in calculating entitlement in hours is that this ensures equity for all by ensuring that staff who work variable hours/shifts do not receive either more or less leave than colleagues who work a standard pattern.

The calculation of annual leave entitlements pertaining to all staff is contained at Table 2. Hours have been rounded up or down to the nearest 0.5 decimal point (i.e. the nearest ½ hour).

In addition to annual leave entitlement, employees are entitled to 8 days (60 hours) paid general public holidays. In the case of all part time staff this entitlement is pro rata to the full time allowance of 8 . The calculation of this entitlement is always proportional to the number of basic contracted hours worked. In this way, all employees have a fair and equitable, static entitlement rather than an eligibility based solely on the normal days of work which would result in some part time employees never receiving the benefit of public holidays unless they fall on their normal days of work. Similarly, this calculation based on the number of basic weekly contracted hours removes any potential for inequity in the case of staff whose working days vary.

Table 3 contains the public holiday entitlement for all staff per public holiday and for a full leave year. Further guidance pertaining to Public Holidays is contained in section 13 of the Agenda for Change terms and conditions handbook.

¹ Hours based on a 37½ hour working week

To calculate an employee's total leave entitlement inclusive of public holidays, Tables 2 and 3 should be added together. They are shown separately so that the composition of an employee's full entitlement is clear.

6.2 Calculation of Reckonable Service

Principles

An employee's previous service with any NHS employer will count as reckonable service in respect of NHS agreements on redundancy, maternity, sick pay and annual leave. On returning to NHS employment, a previous period or periods of NHS service will be counted towards the employee's entitlement to annual leave.

NHS employers have the discretion to take into account any period of periods of employment with employers outside the NHS where these are judged to be relevant to NHS employment. In this respect it has been agreed that there should be a consistency of approach across NHSScotland.

Details

For the purposes of calculating Annual Leave entitlement for a new employee, NHSScotland employers should count as reckonable service any previous service with the following employers:

Private Sector

Where an employee has TUPE transferred out of the NHS to a private sector employer under a PPP/PFI contract arrangement and decides to rejoin NHSScotland.

Other NHS organisations

GP Employed Staff

Voluntary Sector

Voluntary sector – paid employees in an organisations providing a health care provision or a service closely related to health care. Examples would be Hospices, McMillan or Maggies.

Overseas

People who have worked overseas will be determined locally but the following principles will apply:

The person must have worked for an organisation delivering health services in a not for profit environment or organisation.

6.3 Entitlement on joining

All new members of staff will be entitled to annual leave plus public holidays in the year of joining the organisation, on a pro-rata basis.

Entitlement to annual leave accrues from the date of commencement in post and entitlement in the first year is dependent on the number of days worked after the date of joining and before the end of the annual leave year.

Annual leave entitlement for part years can be calculated using Tables 2+3. The public holiday hours entitlement will be based on the number of public holidays remaining in the current leave year from the date of joining e.g. a member of staff works 25 hours per week, their joining date is 24th August and they are new to the NHS:

Leave entitlement for a full leave year would be 175 hours (Tables 2 & 3)

Entitlement from 24 August to 31 March would be 220 days (220/365 x 135 hours) = 81.36 rounded up to 81.5 hours of annual leave

Add public holiday hours to this (assume 4 days left in this leave year) = 20 hours (4 x 5 hours – Table 3)

Total for this part year = 81.5 hours plus 20 hours = 101.5 hours to be taken by 31 March

6.4 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 the number of days on the new and the old contracted hours to give the full year entitlement.

7. General public holidays

Until the outcome of the ongoing national review of unsocial hours the definition of public holidays, for pay arrangement purposes, should be in accordance with the current Whitley Council arrangements for individual staff groups.

Full time employees will be entitled to all paid general public holidays in the leave year. All part time staff are entitled to the public holidays pro rata to the full time allowance based on number of contracted hours worked.

There are 8 Public Holidays in the year, four of which have been agreed for NHSScotland and are:

25th December
26th December
01 January
02 January

Where the above dates fall at the weekend guidance contained within Whitley Council agreements should be followed, during the application of the interim regime, i.e. from 1 October 2004 to 31 March 2006.

The other four days will be determined locally.

All full time employees are entitled to 8 paid public holidays in the leave year subject to paragraph 13.5 of the Agenda for Change terms and condition handbook. In the case of part time staff, this will be a proportionate number of public holiday hours based on their basic weekly contracted hours. Locally, and where it is agreed in line with the Agenda for Change agreement, up to four days not designated nationally can be converted into annual leave. Table 3 identifies the actual hours entitlement pro rata per bank holiday and for the total leave year. The total leave entitlement is calculated by adding their annual leave entitlement per Table 2 to the public holiday hours entitlement in Table 3.

On each and every occasion an employee takes paid time off on a public 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 (i.e. Tables 2+3 combined) e.g. employee A is not required to work on Public Holiday. Their normal contracted hours of work are 18 per week. They would normally work 6 hours on a Monday and they have less than 5 years service. So, using the above principle, 6 hours will be deducted from their total entitlement of 126 hours (Tables 2+3) e.g. employee B works 30 hours per week. They would normally work 7.5 hours on a Monday and have over 10 years service. They are required to work on public holiday so their leave entitlement remains intact as this day has not been taken off as leave. They are not required to work on public holiday so 7.5 hours will be deducted from their total leave entitlement of 246 hours (Tables 2+3).

Where operationally possible and subject to mutual agreement, an employee may change their days of working during a Public Holiday week and therefore retain their leave entitlement in respect of the Public Holiday. This can then be taken as time off at another time.

There will be some years when more (or less) than 8 public holidays will fall within the leave year simply because holidays follow the calendar year e.g. Easter holidays (where designated as public holidays) can be in March or April. When this situation arises these days should be taken from the following year's leave allocation.

8. Cover of leave

It is expected that staff will take their annual leave within the leave year. In certain circumstances up to one working week of basic contracted hours may be carried over to the following year, with the agreement of the Manager.

Where staff have, exceptionally, been prevented from taking their leave due to service demands then, again, the amount carried forward will be expressed in contracted hours and this should not normally exceed one working week of basic contracted hours.

9. Sickness occurring during annual leave or public holidays

If an employee falls sick whilst on annual leave and complies with local Sickness Notification and Certification Policies, the period covered will be treated as sick leave, allowing the employee to take the annual leave another time. In accordance with Agenda for Change Terms and Conditions, employees will not be entitled to an additional day off if sick on a public holiday that they would otherwise have been required to work as part of their basic week.

10. Entitlement on leaving

Employees leaving the service of a body constituted under the National Health Service and Health Services Acts are entitled in the leave year of cessation to annual leave proportionate to the number of calendar days between 1 April and the date of termination. The period of employment of these employees shall, if necessary, be extended so as to permit them to take any balance of leave to which they are entitled on the proportionate basis, always excepting cases where the employment is terminated on disciplinary grounds.

Staff who leave the employing organisation will receive their full annual leave entitlement per Table 2 for each day they have worked in the current leave year, less any annual leave taken plus any outstanding public holiday hours, i.e. for those hours still to be taken as a result of the employee working a public holiday. (Table 3)

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

Payment in lieu of annual leave shall be made only when staff are leaving the NHS Board.

Where an employee dies in service an allowance equivalent to that part of the annual leave entitlement, calculated on the proportionate basis, not taken at date of death shall be paid to employee's personal representative. No deduction from the final salary payment should be made in respect of annual leave taken in excess of entitlement at the date of death.

11. Former ancillary and maintenance Whitley Staffs Council leave rules.

When Ancillary and Maintenance Staff in post in the leave year beginning on 1st April, 1988 leave the service they will be entitled to take the number of days of annual leave to which they became entitled on the 1st April 1989, based on their aggregated service completed by 31st March 1989 and calculated in accordance with the appropriate tables in the respective former Whitley Council Handbooks. Staff shall have this entitlement once only. If it is not convenient for the employing authority to allow the whole or any part of such leave before the date of leaving the service payment in lieu shall be made at the rate in force at the date of termination and in accordance with the agreement which exists to cover payment during annual leave when the employee leaves the service. Where it is more beneficial to the employee, accrued annual leave entitlement shall be based on upon the contracted hours at the 31st March 1989 rather than at the time of leaving the service. Any leave in excess of that due in paragraph 7.1 above may be deducted from the total of the leave to which the employee was due on 1st April 1989.

12. Protection for any members of staff whose leave (and general public holiday) entitlement is reduced under Agenda for Change

Any existing member of staff whose total leave (including general public holiday) entitlement is reduced under Agenda for Change will have their existing total leave entitlement protected for five years from 1 October 2004. The protection applies even when staff move post. During this period staff may continue to claim existing entitlements.

Example

Under Whitley employee entitled to 30 days annual leave plus 10 public holidays – total 40 days.

Under Agenda for Change entitlement is 29 days plus 8 public holidays – total 37 days.

Employee entitled to protection of 3 days for 5 years.

13. Agreement

This Policy has been jointly agreed by the Scottish Terms and Conditions Committee for NHSScotland under the arrangements for implementation of Agenda for Change.

TABLE 2
Agenda for Change
Annual leave entitlement for complete years exclusive of public holidays

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
37.0	200.0	214.5	244.0
36.5	197.0	211.5	241.0
36.0	194.5	209.0	237.5
35.5	191.5	206.0	234.5
35.0	189.0	203.0	231.0
34.5	186.5	200.0	227.5
34.0	183.5	197.0	224.5
33.5	181.0	194.5	221.0
33.0	178.0	191.5	218.0
32.5	175.5	188.5	214.5
32.0	173.0	185.5	211.0
31.5	170.0	182.5	208.0
31.0	167.5	180.0	204.5
30.5	164.5	177.0	201.5
30.0	162.0	174.0	198.0
29.5	159.5	171.0	194.5
29.0	156.5	168.0	191.5
28.5	154.0	165.5	188.0
28.0	151.0	162.5	185.0
27.5	148.5	159.5	181.5
27.0	146.0	156.5	178.0
26.5	143.0	153.5	175.0
26.0	140.5	151.0	171.5
25.5	137.5	148.0	168.5
25.0	135.0	145.0	165.0
24.5	132.5	142.0	161.5
24.0	129.5	139.0	158.5
23.5	127.0	136.5	155.0
23.0	124.0	133.5	152.0
22.5	121.5	130.5	148.5
22.0	119.0	127.5	145.0
21.5	116.0	124.5	142.0
21.0	113.5	122.0	138.5
20.5	110.5	119.0	135.5
20.0	108.0	116.0	132.0
19.5	105.5	113.0	128.5

Formula is Weekly Contracted Hrs X No. of Days Entitlement

TABLE 2
Agenda for Change
Annual leave entitlement for complete years exclusive of public holidays

Weekly basic contracted hours	On appointment	After 5 years service	After 10 years service
	27 DAYS	29 DAYS	33 DAYS
	HOURS EQUIVALENT:		
19.0	102.5	110.0	125.5
18.5	100.0	107.5	122.0
18.0	97.0	104.5	119.0
17.5	94.5	101.5	115.5
17.0	92.0	98.5	112.0
16.5	89.0	95.5	109.0
16.0	86.5	93.0	105.5
15.5	83.5	90.0	102.5
15.0	81.0	87.0	99.0
14.5	78.5	84.0	95.5
14.0	75.5	81.0	92.5
13.5	73.0	78.5	89.0
13.0	70.0	75.5	86.0
12.5	67.5	72.5	82.5
12.0	65.0	69.5	79.0
11.5	62.0	66.5	76.0
11.0	59.5	64.0	72.5
10.5	56.5	61.0	69.5
10.0	54.0	58.0	66.0
9.5	51.5	55.0	62.5
9.0	48.5	52.0	59.5
8.5	46.0	49.5	56.0
8.0	43.0	46.5	53.0
7.5	40.5	43.5	49.5
7.0	38.0	40.5	46.0
6.5	35.0	37.5	43.0
6.0	32.5	35.0	39.5
5.5	29.5	32.0	36.5
5.0	27.0	29.0	33.0
4.5	24.5	26.0	29.5
4.0	21.5	23.0	26.5
3.5	19.0	20.5	23.0
3.0	16.0	17.5	20.0
2.5	13.5	14.5	16.5
2.0	11.0	11.5	13.0
1.5	8.0	8.5	10.0
1.0	5.5	6.0	6.5
0.5	2.5	3.0	3.5

Formula is $\frac{\text{Weekly Contracted Hrs}}{5} \times \text{No. of Days Entitlement}$

TABLE 3
Agenda for Change
Calculation of public holiday entitlement

Weekly basic contracted hours	Hourly entitlement for full leave year	Entitlement rounded up to the nearest half day	Hourly entitlement on each bank holiday as it occurs
	(8 Bank Holidays)	(8 Bank holidays)	
37.5	60.0	60.0	7.5
37.0	59.0	60.0	7.4
36.5	58.5	60.0	7.3
36.0	57.5	60.0	7.2
35.5	57.0	60.0	7.1
35.0	56.0	56.25	7.0
34.5	55.0	56.25	6.9
34.0	54.5	56.25	6.8
33.5	53.5	56.25	6.7
33.0	53.0	56.25	6.6
32.5	52.0	52.5	6.5
32.0	51.0	52.5	6.4
31.5	50.5	52.5	6.3
31.0	49.5	52.5	6.2
30.5	49.0	52.5	6.1
30.0	48.0	48.75	6.0
29.5	47.0	48.75	5.9
29.0	46.5	48.75	5.8
28.5	45.5	48.75	5.7
28.0	45.0	45	5.6
27.5	44.0	45	5.5
27.0	43.0	45	5.4
26.5	42.5	45	5.3
26.0	41.5	45	5.2
25.5	41.0	41.25	5.1
25.0	40.0	41.25	5.0
24.5	39.0	41.25	4.9
24.0	38.5	41.25	4.8
23.5	37.5	37.5	4.7
23.0	37.0	37.5	4.6
22.5	36.0	37.5	4.5
22.0	35.0	37.5	4.4
21.5	34.5	37.5	4.3
21.0	33.5	33.75	4.2
20.5	33.0	33.72	4.1
20.0	32.0	33.75	4.0
19.5	31.0	33.75	3.9

Formula is $\frac{\text{Weekly Contracted Hrs}}{5} \times \text{No. of Days Entitlement}$

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TABLE 3
Agenda for Change
Calculation of public holiday entitlement

Weekly basic contracted hours	Hourly entitlement for full leave year	Entitlement rounded up to the nearest half day	Hourly entitlement on each bank holiday at it occurs
	(8 Bank holidays)	(8 Bank holidays)	
19.0	30.5	33.75	3.8
18.5	29.5	30	3.7
18.0	29.0	30	3.6
17.5	28.0	30	3.5
17.0	27.0	30	3.4
16.5	26.5	30	3.3
16.0	25.5	26.25	3.2
15.5	25.0	26.25	3.1
15.0	24.0	26.25	3.0
14.5	23.0	26.25	2.9
14.0	22.5	22.5	2.8
13.5	21.5	22.5	2.7
13.0	21.0	22.5	2.6
12.5	20.0	22.5	2.5
12.0	19.0	22.5	2.4
11.5	18.5	18.75	2.3
11.0	17.5	18.75	2.2
10.5	17.0	18.75	2.1
10.0	16.0	18.75	2.0
9.5	15.0	15	1.9
9.0	14.5	15	1.8
8.5	13.5	15	1.7
8.0	13.0	15	1.6
7.5	12.0	15	1.5
7.0	11.0	11.25	1.4
6.5	10.5	11.25	1.3
6.0	9.5	11.25	1.2
5.5	9.0	11.25	1.1
5.0	8.0	11.25	1.0
4.5	7.0	7.5	0.9
4.0	6.5	7.5	0.8
3.5	5.5	7.5	0.7
3.0	5.0	7.5	0.6
2.5	4.0	7.5	0.5
2.0	3.0	3.75	0.4
1.5	2.5	3.75	0.3
1.0	1.5	3.75	0.2
0.5	1.0	3.75	0.1

Formula is $\frac{\text{Weekly Contracted Hrs}}{5} \times \text{No. of Days Entitlement}$