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ANNUAL LEAVE AND BANK HOLIDAY POLICY

Policy Statement:

The Annual Leave and Bank Holiday policy sets out the responsibilities of Public Health Wales in respect of annual leave and bank holiday entitlements and the method of calculation.

The policy also sets out the employee's responsibility:

- To manage their annual leave entitlement
- To ensure that it is planned and taken at regular intervals throughout the leave year: and
- That it is requested via the agreed procedure.

It also describes the manager's responsibility to calculate an employee's annual leave entitlement accurately; and to ensure that the leave entitlement is taken in a timely manner. The aim is to avoid unnecessary accruals or deficits, which may result in a breach of the Working Time Regulations, NHS Terms and Conditions of Service and/or this policy.

The Policy also outlines the benefits of the Annual Leave Purchase Scheme and the process for employees to follow.

Policy Commitment

Public Health Wales is committed to creating a vibrant, inclusive, and healthy culture where all our people are supported to thrive.

As an organisation, we have a duty of care for our staff and, in line with our values of working together with trust and respect to make a difference, we want all staff to be treated with dignity, trust and respect, and with a kind and compassionate approach.

We are committed to creating and nurturing a positive, flexible and sustainable work environment. Our aspiration is to be an exemplar organisation for wellbeing, where our staff are supported to ensure that their experience of work enables them to be healthier, happier in work, and able to be at their best.

This policy aims to help employees achieve a balance between their work and home life. It also aims to help Public Health Wales fulfil its duty of care to protect the health, safety and wellbeing of its employees. It does this by

establishing a clear framework for the management of annual leave entitlements.

The policy aims to ensure that annual and bank holiday leave entitlements are taken in full, at regular intervals, by all employees; and that they are managed consistently throughout the organisation.

Our documents are written in plain language so that all staff are clear about what is expected, and all policies are available on our internet and/or intranet sites.

Supporting Procedures and Written Control Documents

[All corporate policies and procedures are available on the Public Health Wales website](#)

Other related documents are:

- Managing Attendance at Work Policy
- Family Leave policy and Procedure
- Disciplinary Policy

Scope

This procedure applies to all Agenda for Change employees

Impact Assessments	An Equality, Welsh Language and Health Impact Assessment has been completed for this policy.
Approved by	People and Organisational Development Committee
Approval Date	15 March 2023
Review Date	15 March 2026
Date of Publication:	30 March 2023
Group with authority to approve supporting procedures	People and Organisational Development Committee
Accountable Executive Director/Director	Neil Lewis, Director of People and Organisational Development
Author	Ruth Tofton, Senior People and OD Advisor

Disclaimer

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Summary of reviews/amendments

Version number	Date of Review	Date of Approval	Date published	Summary of Amendments
2	2022	15/03/23	30/03/23	Annual Leave Purchase Scheme guidance and application form added as appendices. Updated name of related policy on Family Leave. Removing requirement for Annual leave forms and advising to use ESR only Highlighting the need to be compassionate for AL requests for Religious Holidays Guidance on line managers accepting self-certificated (previously policy stated fit notes only) absence providing the employee has followed the notification procedures if they are sick during a period of booked AL Inclusion of guidance during a Pandemic Merger of Annual Leave Purchase Scheme into this policy.
2	2024	-	21/11/24	Slight amendment to paragraph 3 of point 9, Purchasing additional annual leave.

1 Introduction

Public Health Wales is committed to creating and nurturing a vibrant, inclusive, and healthy culture where all our people are supported to thrive.

As an organisation, we have a duty of care for our staff and, in line with our values of working together with trust and respect to make a difference, we want all staff to be treated with dignity, trust and respect, and with a kind and compassionate approach.

We are committed to creating and nurturing a positive, flexible and sustainable work environment. Our aspiration is to be an exemplar organisation for wellbeing, where our staff are supported to ensure that their experience of work enables them to be healthier, happier in work, and able to be at their best.

This policy aims to help employees achieve a balance between their work and home life. It also aims to help Public Health Wales fulfil its duty of care to protect the health, safety and wellbeing of its employees. It does this by establishing a clear framework for the management of annual leave entitlements.

The policy aims to ensure that annual and bank holiday leave entitlements are taken in full, at regular intervals, by all employees; and that they are managed consistently throughout the organisation.

2 Aims and objectives

Annual leave is a contractual entitlement. It should be taken in full, by all employees, to assist them to achieve an appropriate work/life balance.

The effective and appropriate management of annual leave is an essential requirement of employees, to ensure that they fulfil their duty of care to protect their health, safety and wellbeing.

The effective management of annual leave entitlements by managers will also enable Public Health Wales to continue to deliver high quality services, which meet the requirements of service users.

3 Scope of the policy

This policy applies to all Public Health Wales employees who are employed on Agenda for Change NHS Terms and Conditions of Service or, former Velindre NHS Trust Terms and Conditions of Service.

The policy does not cover annual leave entitlements for medical staff employed by Public Health Wales. Such staff should refer to the relevant sections of Medical and Dental Staff Whitley Council Handbook for details of their annual leave entitlement.

4 Legislative and national initiatives

This policy complies with the Employment Rights Act (2006) and the ACAS Guidance on Holidays, Sickness and Leave.

5 Definitions

5.1 Annual Leave Year

For all employees covered by this policy, the annual leave year will run from 1 April to 31 March.

6 Roles and responsibilities

6.1 Employee responsibilities

Employees are responsible for:

- checking their annual leave entitlement is correct
- planning their annual leave;
- requesting annual leave in advance of the proposed date(s), in accordance with divisional protocols, prior to taking such leave;
- requesting annual leave in line with local arrangements and ensuring approved annual leave is recorded on ESR;
- ensuring annual leave entitlement is taken at regular intervals throughout the leave year, subject to necessary departmental approval and subject to the needs of the service;
- ensuring, where it has not been possible to pre-book their annual leave, due to exceptional circumstances, they submit their annual leave request to their line manager within 72 hours of their return to work, to be authorised retrospectively and recorded on ESR; and
- ensuring at the beginning of the leave year, all bank holidays are recorded on ESR.

6.2 Line Manager responsibilities

Line Managers are responsible for:

- informing all employees of the team operational protocol for booking annual leave and bank holiday working;

- calculating employees' annual leave entitlement, in accordance with their length of service eligibility, as specified in their contractual terms, ensuring ESR is correct;
- maintaining accurate team annual leave records for all employees;
- reminding employees to request and record annual leave on ESR;
- ensuring employees are effectively planning their annual leave, so that they do not run out part way through the leave year, or have excessive leave to take towards the end of the leave year;
- ensuring that employees are taking their requested and authorised annual leave entitlement and are not breaching the relevant Working Time Regulations (where applicable);
- ensuring that employees take their contractual annual leave entitlement each leave year, subject to the urgent needs of the service with reasons for inability to take annual leave being documented and approved; and
- providing consideration for extended leave requests for periods greater than two weeks.

6.3 People & Organisational Development Team:

People and OD are responsible for:

- Providing advice and guidance in the event that individuals need to use this Policy/ Procedure/ Scheme. This can be sought from PeopleSupport.PHW@wales.nhs.uk

7 Bank holidays

Employees employed on Agenda for Change NHS Terms and Conditions of Service are entitled to eight bank holiday days per year, namely:

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

N.B. A small number of employees who have chosen to retain former Velindre NHS Trust Terms and Conditions of Service have agreed to either:

- retain their eight bank holiday and two additional statutory holiday days (to be taken on the day following the May Day and August Bank holidays respectively); or
- convert the two statutory days into their annual leave entitlement.

7.1 Easter bank holidays

There will be some years when more (or fewer) than eight bank holidays fall within the annual leave year. This is because the bank holidays follow the calendar year and the Easter bank holidays can fall in March.

When this happens, ESR will be updated automatically.

Example: If there are 10 Bank holidays in the annual leave year the calculation will be:

*Yearly Bank holiday entitlement: 10 bank holidays x 7.5 hours
= **75 hours or 10 days.***

If there are 6 Bank Holidays in the annual leave year the calculation will be:

*Yearly Bank Holiday entitlement 6 x 7.5 = **45 hours or 6 days***

7.2 Religious Holidays

Whilst many religious holidays are not officially classified as bank holidays, line managers should act sensitively to any requests from employees to take these particular dates as annual leave.

8 Annual leave and bank holiday entitlements

Annual leave and bank holiday entitlements will be determined by the employee's terms and conditions of service. Part-time employees will be entitled to a pro-rata share of the whole-time equivalent annual leave and bank holiday entitlement within the annual leave year.

All employees are entitled to the total number of paid bank holidays that fall within the leave year, part time employees will be entitled to a pro rata amount of the total paid bank holidays. Full time employees who are not required to work on bank holidays do not need to have their bank holidays calculated separately but must record them on ESR.

Full time employees who are required to work on a bank holiday should not book this day on ESR, instead they will retain those leave hours to use at another time. Payment for hours worked on that day will be at the appropriate rate.

Part-time employees' bank holiday entitlement shall be added to their annual leave entitlement. Such employees are required to take annual leave in respect of bank holiday days on which they would normally work.

8.1 Employees employed on NHS Terms and Conditions of Service

The annual leave and bank holidays entitlements for employees employed on NHS Terms and Conditions of Service can be obtained by using the Annual Leave Calculator.

8.2 Employees employed on the former Velindre NHS Trust Terms and Conditions of Service

The annual leave and bank holiday entitlements for employees employed on former Velindre NHS Trust Terms and Conditions of service can be obtained using the Annual Leave Calculator.

8.3 Sickness occurring during annual leave

Should an employee fall sick during annual leave they will be required to report the illness in line with normal notification procedures and produce a Statement of Fitness for Work/medical certificate from the first day of sickness. Subject to satisfactory Statements of Fitness for Work/medical certificates being received upon their return to work, the employee will be deemed to have been on sickness absence rather than annual leave from the date indicated on the medical certificate. The employee will therefore be credited with the period of annual leave in question.

Line Managers may accept self-certification sickness absence providing the employee has followed the required notification process. Annual leave will not be credited where employees retrospectively advise their line managers on return to work of their sickness during the booked period of holiday.

8.4 Sickness occurring during a bank holiday

Employees are not entitled to an additional day's leave should they fall sick on a bank holiday. In such circumstances, part time employees who are entitled to a pro rata share of the whole-time equivalent bank holiday entitlement should have the day deducted as normal from their annual leave entitlement.

8.5 Employees on maternity/adoption leave during a bank holiday

In accordance with the Maternity and Parental Leave Regulations 2008, employees are entitled to accrue public holidays that fall during their maternity/paternity/adoption leave. Further guidance can be found in the Public Health Wales Family Leave Policy and Procedure.

9 Purchasing Additional Annual Leave

Public Health Wales recognises that it can sometimes be difficult for employees to balance their work and personal commitments and therefore allow employees to purchase additional annual leave under the Annual Leave Purchase Scheme. Please see Appendices 1 and 2 for details of the scheme, including how to apply.

This scheme sets out Public Health Wales' provisions regarding purchase of annual leave, ensuring a balance between the needs of the individual with those of the organisation. It enables employees to spread out the financial burden of purchasing additional leave, as payments are deducted over a 6 or 12 month period, rather than taking unpaid leave, which would result in a significant salary reduction in any one month.

All employees will be able to apply to purchase annual leave on an annual basis, as long as the duration of their contract (at the commencement of repayment) is greater than the number of months over which the amount owed is to be repaid, e.g. if repayments start in April for 12 months, there must be a contract in place beyond the 12 month repayment period.

As with the flexible working policy, all requests for additional leave should be treated with equity and consistency, and approached on the assumption they will be granted, unless legitimate business reason(s) exist for refusing the request.

Guidance relating to the Annual Leave Purchase Scheme can be found in Appendix 1.

10 Continuous service increased annual leave entitlement

Employees employed on NHS Terms and Conditions of service who have previously completed a period or periods of NHS employment will have their service aggregated and it will be counted towards their annual leave entitlement.

The small minority of employees who have chosen to retain former Velindre NHS Trust Terms and Conditions of Service will only have their previous continuous NHS service (subject to a maximum break of three months) recognised for annual leave entitlement purposes.

10.1 *Establishing continuous service*

Public Health Wales will verify as much previous NHS service as possible by using an Inter Authority Transfer Form via Payroll.

In circumstances where it is not possible for Public Health Wales to confirm all of the employee's previous NHS service (e.g. the previous NHS employer no longer exists) the employee will be required to provide documentary evidence confirming their previous periods of NHS service, such as a contract of employment, offer letter or payslip.

11 Booking annual leave

Annual leave must be requested and authorised by the manager in advance of the dates required. In exceptional circumstances, employees may verbally request emergency annual leave. In such cases they must submit their annual leave request via ESR within 72 hours of their return to work, to enable the leave to be authorised retrospectively.

Annual Leave is calculated in hours and employees are permitted to request their annual leave in hours.

12 Outstanding annual leave on termination from Public Health Wales

The employee's manager will work with the employee to ensure that all outstanding accrued annual and bank holiday leave is taken prior to their termination date, where possible.

Where the urgent needs of the service prevent the accrued leave from being taken, Public Health Wales will make a payment to the employee for any outstanding annual and bank holiday leave due, in their final salary calculation.

12.1 *Overtaken annual leave on termination from Public Health Wales*

Where an employee has taken annual and/or bank holiday leave which exceeds their part year entitlement, an appropriate deduction will be made from their final salary. This will be as detailed in the main statement of Terms and Conditions of employment.

13 Transfer of annual leave and bank holiday entitlements

Should an employee of Public Health Wales be promoted or seconded into a new post during the annual leave year, their annual leave entitlement balance, whether positive or negative, will be taken forward with them. It will be the responsibility of the employee and their new line manager to manage the accrued or deficit leave balance.

There is no facility for NHS employees commencing employment in Public Health Wales to carry forward annual leave from their previous NHS Trust.

14 Carry over of annual leave

All Public Health Wales employees are expected to manage and to take their full annual leave entitlement during the annual leave year. As such, employees should not normally request or be expected to carry over annual leave from one leave year to the next.

In exceptional circumstances, or where the urgent needs of Public Health Wales service delivery/needs have prevented an employee from taking their annual leave entitlement, an employee may request to carry forward up to a **maximum of five days** annual leave, in any given annual leave year.

The employee must submit a written application to their manager, clearly explaining why they have been unable to take their annual leave entitlement and when they propose to take the outstanding amount; any such requests should be submitted by the end of February, to ensure that staff are able to use their outstanding annual leave should the request for carry forward of leave be refused

All requests should be authorised by the line manager and should then be submitted to the POD Team for collation. The HR Department will present the submission to the Chief Executive for ultimate approval. In any event, where a carry forward of leave is authorised, the leave must be taken within the first three months of the start of the new annual leave year. This is necessary to ensure that the employee is able to appropriately manage their contractual annual leave entitlement, within the current annual leave year.

Since the introduction of the new International Financial Reporting Standards, it is particularly important that Public Health Wales manages the carry forward of annual leave effectively, and minimises

the number of days carried forward. There is now a requirement to include a provision for annual leave carry forward in the organisation's annual accounts. Any increase in these figures will adversely affect Public Health Wales' financial position.

Any queries relating to this part of the policy may be directed to Peoplesupport.PHW@wales.nhs.uk

15 Accrual of annual leave during a period of long term sick leave

Employees on long term sick leave will be given the opportunity to take annual leave during their sick leave period, as long as the leave is expected to support rather than hinder their recovery.

Where an employee has not taken their annual leave entitlement during the period of sickness absence and where the period of absence spans two or more annual leave years, they will accrue annual leave for the period of their sick leave at the statutory minimum entitlement, i.e. 20 days. Employees can be asked to take all of their accrued, but untaken annual leave, by the end of the leave year in which they return to work.

16 Deduction of annual leave and bank holiday leave in hours

Where an employee has their annual leave/bank holiday entitlement calculated in hours, when requesting leave they must request/have deducted the total number of hours which they would have been required to work during their normal shift / day, had they not taken annual leave.

Example: A part-time employee is contracted to work 22 hours over a 4 day week. The employee works two 7.5 hour days (Tuesday and Wednesday) and two 3.5 hour days (Thursday and Friday), each week.

Should the employee request to take two days off as annual leave on a Wednesday and Thursday, for recording purposes, they would request 7.5 hours for the Wednesday and 3.5 hours for the Thursday.

17 Pandemic Guidance

In the event of a pandemic situation, how staff rest and recuperate is vital. Line manager will need to consider how they ensure that staff have enough rest in order to maintain their own physical and mental wellbeing.

In these exceptional circumstances, there may be difficult choices to be made and there may be instances where pre-booked leave may need to be delayed in order to provide continuity of services. In these particular circumstances, the position must be discussed with individuals in a sensitive manner. All other avenues should be explored before a decision is taken to cancel leave.

Staff will continue to be entitled to their annual leave allowances as set out in the Agenda for Change NHS Terms and Conditions Handbook.

18 Training

There will be no requirement for Public Health Wales staff to attend a training course on this policy. Further information on ESR is available via [Sharepoint](#).

19 Communication to staff

This policy applies to all staff employed on NHS Terms and Conditions of Service. It does not apply to medical and dental staff. Managers are responsible for bringing this policy to employees' attention.

The policy will be available via the Public Health Wales intranet site and will be promoted via the Public Health Wales Staff e-Bulletin.

20 Monitoring and auditing

The policy lead will monitor and audit this policy to ensure it is compliant with current legislation, to ensure it is implemented and to ensure that the policy is being adhered to.

21 Review and Feedback

We are continually looking to improve our employment practices and welcome any feedback you may have in relation to this Policy. Feedback can be provided by emailing, PeopleSupport.PHW@wales.nhs.uk

This policy will be reviewed in three years' time after its approval or if there are legislative changes.

22 Records Management

All documents generated under this procedure are official records of Public Health Wales and will be managed and stored and utilised in

accordance with the Public Health Wales' Guidance on Record Retention and Destruction.

23 Information Governance

This policy has been considered by the Information Governance Group which agreed that there were no special or additional implications for privacy beyond normal considerations of where records are retained and for how long.

Appendix 1 – Annual Leave Purchase Scheme

1. Introduction

We have an ongoing commitment to creating a more flexible workplace, to enable the recruitment and retention of staff and also to facilitate a healthy work-life balance.

Public Health Wales recognises that it can sometimes be difficult for employees to balance their work and personal commitments and therefore allow employees to purchase additional annual leave under the Annual Leave Purchase Scheme.

2. Roles and Responsibilities

Meaningful discussion should be undertaken between staff and managers so there is full understanding of how the workload can be covered.

Additional annual leave requests should be treated in the same way as all other leave requests i.e. employees are responsible for planning their proposed additional annual leave. Managers may also reasonably expect that employees will have given some thought as to how their additional annual leave can be covered. This information should provide the basis of discussion, where managers and employees consider the impact on the service together.

Managers may wish to receive all requests within a specified timeframe, in line with the deadlines detailed in Appendix 2, in order that they can assess the impact of multiple requests within a team. The relevant responsibilities for the applicant, line manager and divisional director, are detailed in Appendix 2 – Annual Leave Purchase Request and Approval Form.

3. Conditions of the Scheme

Up to 10 days additional leave (* pro rata) may be purchased in any financial year, based upon the employee's contractual hours and may be purchased in the number of hours required (i.e. in whole or half days).

* Part time staff who wish to apply for additional annual leave will be able to do so on a pro rata basis, where they may apply for the pro rata equivalent of 10 days additional leave.

Requests for purchase of additional annual leave should ideally include dates for when the leave is planned to be taken, to allow for business planning by the line manager. Where dates are not agreed at the outset, no guarantee can be provided that dates requested at

a later date will be authorised as they will have to be considered in line with business need at the time of the request.

Employees are not obliged to state the reasons for requesting the additional leave, but this information will assist line managers to give full and fair consideration to requests.

Line Managers may only approve requests when there are no resulting requirements for backfill, temporary or agency cover requirements to cover the absence. Approval of additional leave will be captured on ESR and authorised as usual once approved.

Payment for leave will normally be taken over a fixed period of 12 months or six months, depending on the date of application, via deduction from salary.

Additional annual leave, once purchased, may not be sold back to Public Health Wales. Line managers must ensure that all additional annual leave purchased is taken in the relevant leave year, as any untaken additional annual leave will be lost at the end of the leave year.

Once signed and authorised, the approved application form (Appendix 2) will act as formal written consent from the employee and line manager. **NWSSP Payroll Services must be in receipt of this by the deadlines below, in advance of deductions from salary, and before the planned additional leave is taken.**

Requests must be submitted to the Line Manager / Payroll by the following dates:

- By the last working day of February for repayments over 12 months
- By the last working day of August for repayments over the remaining 6 months of the financial year

Please note: any approved additional annual leave will be valid for that leave year only and a new application will need to be made to buy additional annual leave in any subsequent leave year, should the scheme still be available.

4. Deductions from Salary

Salary will be reduced by the value of the number of days purchased, multiplied by the hourly rate applicable at the time of processing the first salary deduction (see FAQ for further information and examples).

Should any change to salary occur during the term of the leave purchase agreement, the contribution towards this scheme will

fluctuate accordingly, i.e. change of pay band, pay point increases/decreases, as well as any annual incremental rises.

Should an employee leave the organisation, salary reimbursements or deductions will apply on a pro rata basis. In other words, employees leaving the organisation will be reimbursed salary if the deductions amount to more than the leave taken. Similarly, if the total leave taken amounts to more than the salary deducted, payments will be taken from the final salary payment.

It is the manager's responsibility to inform NWSSP Payroll Services by email of any untaken purchased annual leave when their employee leaves the organisation. If no separate instruction detailing the amount untaken is received, NWSSP payroll will assume all purchased annual leave has been taken prior to termination, and the relevant outstanding deductions will be taken from the employees' final salary.

5. Pension Contributions

Pension Contributions are deducted on an employee's normal pay therefore pension contributions, where made, are unaffected by an employee's use of the annual leave purchase scheme.

6. Maternity/Adoption Pay

Deductions in salary from the annual purchase scheme may impact on maternity/adoption pay, as maternity/adoption pay is calculated on the basis of an employee's average earnings during an 8 week period, which ends 15 weeks before the due date/date of placement.

Any salary reduction during this period will have a subsequent impact on average earnings and, therefore, on maternity/adoption pay entitlements. As such, the effect on maternity/adoption pay entitlements will vary on an individual basis, depending on the timing of any additional annual leave deductions.

7. Application Process

7.1 How to Apply

The line manager should complete the form in Appendix 2, indicating whether the additional leave can be supported, taking into account the needs of the service and whether the absence could be tolerated without the need for backfill, temporary or agency cover. The line manager will then submit the form and provide a summary of all applications to the relevant Divisional Director for information.

The summary should include an indication of how many staff within the team have applied for additional leave. Consideration must be

given to balance fairness for the individual against organisational need and business planning.

The line manager will notify the employee if the request for additional leave has been approved. If the request is approved, the information must be emailed to the Payroll Team, who will process the deductions. The form serves as the express authorisation from the employee to make the necessary deductions from salary.

If the request is rejected, the line manager will inform the employee of this and ensure that they are aware of the reasons that the application was refused.

7.2 Unsuccessful Applications

Public Health Wales reserves the right to refuse the request on the basis of operational service needs. If the request is refused, the line manager will provide reasons in writing to the employee within 10 days of receiving the request. Examples of legitimate grounds for turning down a request include:

- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes
- Consideration of numbers of applications received in a team

7.3 Appeals

Where an employee disagrees with the reasons given for turning down a request to purchase additional annual leave, the employee has the right to appeal this decision.

An employee who wishes to appeal this decision should do so in writing to their line manager (or the person who provided the written reasons for refusal) within 14 days of receipt of the letter. An appeal will normally be heard by a manager one level above the manager who made the original decision.

8. Monitoring

A record of all applications, approved or not, should be kept by the line manager.

Managers are required to maintain a record of savings delivered through the application of this scheme.



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Appendix 2 – Application

To submit an application, please click on the link below:

[Annual Leave Purchase Scheme - Approval Form](#)