

Policy on Annual Leave and Special Leave

1. It is the policy of the Trust to ensure that employees take the annual leave to which they are entitled. It is therefore essential that the organisation of annual leave is planned in order that there is minimum disruption to the service at all times.
2. The Trust also recognises that at various stages during employees' working lives, domestic and family commitments and responsibilities potentially reduce or hinder their ability to fulfil work responsibilities. Practical help is offered through this policy in order to help reduce anxiety and stress amongst employees during these times.
3. All leave granted under this policy is subject to the needs of the service as agreed with the manager and a request for a specific period of leave should not be looked upon as a right. In order to ensure fair and equitable treatment of all staff, a Human Resource Manager/Officer should be consulted for advice relating to this policy by a member of staff or manager. Legislation applies in the following leave – Court Witness and Notifiable Disease.
4. This policy excludes Medical staff.

Annual Leave

5. The leave year runs from 1st April to 31st March. Annual leave entitlement is specified in the Contract of Employment. Additional annual leave is awarded at 5 and 10 years service. For details on calculating annual leave entitlements, please refer to the Addendum.
6. It is the responsibility of each manager to ensure that staff are able to take their annual leave through good forward planning to ensure that departments are adequately staffed at all times. Managers must introduce rules for the booking and allocation of annual leave which should be in writing and made known to **all** staff. Planning by managers and staff should avoid the situation where several members of staff have substantial accumulated annual leave at the year end and wish to be

away at the same time thereby resulting in a possible reduction of the service. In addition to this local arrangement may also be in place for the management of leave in order to prevent agency and overtime being required. Employees should be aware that the voluntary accumulation of annual leave at the year end may result in annual leave being lost if it is not convenient for leave to be taken at that time. Staff should not book leave and return to work through an agency in the same Trust for the first four weeks of their annual leave.

7. The Trust operates zero carry over of annual leave. Only in exceptional circumstances, where needs of the service have prevented employees from taking annual leave, can up to 3 days be carried over. This must be authorised by the Director of Operations or Divisional Chairman. (*Chief Executive Officer for the 2009/10 leave period*). Staff are expected to plan and take their leave across their 12 months leave year, managers must ensure that $\frac{3}{4}$ of their entitlement has been taken by 31st December.
8. Annual leave will continue to accrue during periods of long-term sickness absence. Carry over of annual leave into a new leave year due to long term sickness absence will be limited to the statutory amount of 20 days (pro rata for part time staff). Any contractual entitlement over and above the 20 days (pro rata for part time staff) should be taken within the current leave year to avoid losing the entitlement. Individuals on long term sickness absence are able to take annual leave whilst on sickness absence and may wish to use annual leave once they have moved into half or no pay as annual leave will be paid at normal pay rates. It is not permitted for any additional leave to be carried across annual leave years or for payment to be made in lieu. It is important that the manager discusses annual leave entitlement with the member of staff to avoid them losing their entitlement.
9. If sickness occurs during a period of annual leave, the employee will be eligible to reclaim the period of annual leave if a Medical Certificate is provided to cover for that period and that they have notified their manager at the beginning of the period of sick leave irrespective of them being on annual leave.
10. The above paragraph also applies to annual leave taken during periods of notice.

11. When employees give notice of leaving the service, agreement must be reached as to whether leave is to be taken before the leaving date or whether payment is given in lieu of leave. Holiday entitlement is pro-rata for completed months/weeks as appropriate. If employees have taken in excess of their entitlement at their leaving date, any hours in excess will be deducted from their final pay.

Bank Holidays Entitlements

- a. Bank holiday entitlements for full time staff is 8 days and these bank holidays are:-

New Years Day
Good Friday
Easter Monday
May Bank Holidays x2
August Bank Holiday
Christmas Day
Boxing Day

Working Time Regulations

12. The Working Time Regulations (WTR) which came into force in October 1998, set out rules for calculating the rate at which staff should be paid for holidays.

How the Regulations affect Holiday Pay

13. Staff are entitled to 4 weeks annual leave under these regulations. Certain staff groups who are contracted to work set hours but at different times which may attract shift premiums or enhancements will receive enhanced annual leave payments under the regulations. (This will be on the Working Time annual leave entitlement only i.e. 4 weeks from November 1999.) e.g. A nurse who receives enhanced payments for week-end hours will now have these enhancements included in the annual leave pay calculations as opposed to receiving basic pay.

- a. A monthly allowance is paid for enhanced leave).
- b. Those staff on zero hours and bank contracts, now receive paid annual leave under the Regulations.

Which staff are affected

14. This agreement covers all staff who receive enhancements to basic pay with the exception of:-

- Medical & Dental staff
- Ancillary staff*
- Estates and Maintenance staff*
- Telephonists*
- Certain Horton Support staff*

* **N.B. These staff groups are already in receipt of enhanced annual leave under their normal terms and conditions of service. Please check with your HR Manager if you require further clarification.**

Annual Leave Entitlement, Monitoring and Taking

15. For Trust staff who have a contract with the Trust (excluding zero hours and bank contracts) there will be no change in the way leave is taken and booked with line managers.

Dual Contracts with the Trust

16. Staff who hold a substantive contract with the Trust in addition to a casual contract (zero hours, bank, but not an NHSP contract), will already have contracts of employment entitling them to 4 or more weeks paid annual leave (pro rata for part-time staff). In these circumstances, they will be receiving the annual leave entitlement provided for in the Working Time Regulations, therefore no additional annual leave entitlement accrues. However, in calculating annual leave pay, the additional pay earned on zero hours and bank contracts will be taken into account.

17. Annual leave should therefore be taken in the normal way with line managers' agreement.

More than 1 Employer

18. For those staff who hold a contract with the Trust and have an additional post with another employer e.g. NHS Professionals, they will be entitled to annual leave under this second contract.
19. Working Time Regulations annual leave under the Trust contract will be managed under this policy, and should therefore be taken in the normal way with line managers' agreement. However, annual leave accrued with another employer will be monitored and paid by that employer.

Zero Hours/Bank Contracts only

20. Annual leave should be taken with the line manager's agreement who should monitor that staff are taking their annual leave entitlement under the Working Time Regulations. Staff will receive annual leave pay to reflect that 4 weeks of their working time attract annual leave pay at a rate appropriate to the hours worked (including enhancements). This will be paid on a monthly basis at a rate of 11.59%.

N.B. As the Working Time Regulations were introduced with the aim of improving health and safety, individuals and managers alike should ensure that work is not undertaken during Working Time Regulations annual leave.

Overtime

21. Payments for overtime will not be included in the annual leave payment made to staff provided they have 'normal' working hours. This will be the same for part time staff so that any hours they work in excess of their normal working hours will not be included in the calculation for annual leave pay.

Time Off for Religious Observance

22. It may be appropriate for the Trust to accommodate time off for an individual's religious observance and this should be done in consultation with the individual concerned.

a. Reasonable accommodation could include:-

- Adjusting working hours/days or exchanging bank holidays for holy days
- Floating or optional holidays
- Use of lunch time in exchange of or early departure (although Working Time Regulations should be taken into account)
- Adjusting working arrangements e.g. flexible arrival, departure times
- Allowing time off to be made up
- Swapping of hours

b. The Trust is not obliged to give paid time off for religious observance where the time is not made up.

Carers/Compassionate Leave

23. In cases of urgent domestic distress e.g. bereavement, illness of a child, partner, close relative or dependant, an emergency situation arising from the breakdown of normal carer arrangements or making arrangements for a longer term coping with a care problem, the aim of compassionate leave is to provide a sympathetic and compassionate response to these immediate needs. The leave will essentially be short time and normal pay arrangements will apply.

24. Staff should request this leave from their Line Manager. Managers may authorise up to 1 week of basic contracted hours paid compassionate leave in the first instance. In special circumstances, up to a further 1 week of basic contracted hours may be granted. Managers should deal with these requests in a sensitive and understanding way and may wish to seek advice from the Human Resources Department.

25. There may be cases where a longer period of leave is required, for example, caring for a seriously ill relative. In this case, managers should seek to negotiate a longer period of time with the employee and consider other options e.g. the use of unpaid leave or a Career Break or the combination of annual leave and compassionate leave.

26. Career Breaks (Refer to Policy on Flexible Working Option : Policy No. 39)

27. Maternity Leave (Refer to Policy on A Guide to Maternity Leave : Policy No. 14)

28. Paternity Leave (Refer to Policy on A Guide to Maternity Leave : Policy No. 14)

Parental Leave

29. Parental leave is the right to take time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments. The leave is unpaid. Examples of the way leave might be used:-

- To spend more time with the child in early years
- Checking out new schools
- Settling the child into new childcare arrangements
- Enable the family to spend more time together, for example, taking the child to stay with grandparents

Eligibility

30. Employees must have completed one year's service within the NHS.

31. The child or children must have been born or adopted after the 15th December 1999.

32. The right to parental leave will apply to mothers and fathers and to a person who has obtained formal parental responsibility for a child under the Children Act or its Scottish equivalent.
33. The manager can ask to see evidence to confirm the employee is the parent or the person who is legally responsible for the child; evidence might take the form of information contained on the child's birth certificate, papers confirming a child's adoption or the date of placement in adoption cases, or in the case of a disabled child, the award of Disability Living Allowance for the child. The Manager's request must be reasonable; it may not be reasonable for the Manager to check on the employee's entitlement on every occasion on which the leave is asked for.

Key elements of Parental Leave that will apply in every case

- 13 weeks' in total parental leave for each child in total
- The right to take the leave continues until the child's fourteenth birthday
- Parents of disabled children will be able to use their leave over a longer period, up until the child's 18th birthday (for the purposes of parental leave, a disabled child is one for whom a disability living allowance has been awarded)
- In adoption cases, parental leave can be taken until the child's 18th birthday
- The right to remain employed whilst on parental leave

Terms and Conditions

- In most cases, leave must be taken in blocks or multiples of one week
- Parents of disabled children can take leave in blocks or multiples of one day
- **In all cases** a maximum of 4 weeks' parental leave in a year can be taken in respect of any individual child
- 21 days notice must always be given to the appropriate manager and confirmation of acceptance by the manager should be detailed on the Compassionate/special Leave/Parental Leave form with a copy to the individual and to the relevant Human Resources Department
- The manager has the right to postpone the leave where the service would be particularly disrupted if the leave were taken at the time requested

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- The leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption
 - The guaranteed right to return to the same job as before
 - A period of parental leave counts towards continuous employment for the purposes of statutory employee protection rights including calculating a redundancy payment

Postponement of Parental Leave

34. If the manager considers that an employee's absence would unduly disrupt the service, then the manager can postpone the leave. The manager should discuss the matter with the employee and confirm the postponement arrangements in writing no later than 7 days after the employee's notice to take leave. The manager's notice should state the reason for the postponement and set out the new dates of parental leave. The length of the leave should be equivalent to the employee's original request.

34.1 Managers may be justified in postponing leave when:-

- During peak annual leave periods (e.g. summer holidays)
- Where a significant proportion of staff applies for parental leave at the same time
- When the employee's role is such that his or her absence at a particular time would unduly disrupt the service

35. Employees have the right to refer to their Human Resources Department or Trade Union Representative for advice if the manager prevents or attempts to prevent them from taking parental leave. In situations where matters remain unresolved, the employee will be entitled to refer to the Grievance Procedure, and once internal procedures are exhausted may seek redress from an Employment Tribunal. An employee who takes parental leave will also be protected from victimisation, including dismissal, provided the Terms and Conditions within this Policy have been met.

36. If, because of postponement, the period of parental leave falls after the child's fourteenth birthday, then the employee is allowed to take the leave after this date or up to the child's eighteenth birthday for parents of disabled or adopted children.

Pensions

37. Before taking any period of parental leave, employees are advised to seek advice from the Pensions Agency.

Record Keeping

38. Managers and employees will keep accurate records of any period of parental leave taken for each child.

Leave for Blood Donation

39. Employees who wish to donate blood locally to the Blood Transfusion Service will be given time off with pay, subject to the needs of the service and having provided notice to management.

Leave for Dentists/Doctors/Hospital and Opticians Appointments

40. If possible, appointments for the above should normally be made outside working hours. However, if the above is not possible, managers may grant time off with pay subject to the needs of the service. Each department should ensure that they apply this policy in a consistent manner. Staff may be asked to produce appointment cards.

Leave to attend to Personal Legal Affairs (i.e. non-work related)

41. If possible, appointments for non-work related legal affairs should be made outside working hours. However, if the above is not possible, managers may grant time off without pay or may agree with the employee to make the time up.

Attendance at Work during periods of Inclement Weather

Late Arrival/Early Departure

42. Late arrival and early authorised departure resulting from difficulty in travelling conditions due to inclement weather should not result in staff being penalised financially.

Absence from Work

43. There may be circumstances where employees have made every effort to arrive at work but owing to the severity of the conditions and taking into account where they live, the route they would have to travel etc, it may not be appropriate for them to be financially penalised for not attending. The managers will take into account all relevant factors before a decision is made. In case of doubt, advice should be sought from the Human Resources Department.

Leave to attend Interviews

44. Employees who have applied for other vacancies within the NHS will be allowed reasonable time off with pay to attend for interview, subject to the needs of the service and reasonable notice. Paid time off for non-NHS interviews are at the manager's discretion, however, unpaid leave will be granted.

Leave to undertake Public Duties

45. The Employment Protection Consolidation Act permits an employee to have paid time off for the purpose of performing duties as:-

- A Justice of the Peace
- Member of Local Authority
- Member of a Boards Authority
- Member of a Statutory Tribunal
- Member of a National Health Service Statutory body
- Member of the managing or governing body of an educational establishment by a local authority

- Member of a governing body of a grant maintained school
- Member of a governing body of a higher education corporation or the board of management of a College of Further Education
- Member of the National Rivers Authority
- Member of a Board of Visitors for Prisons

46. In the first instance, before standing for election, employees should inform their manager. If necessary, employees may be granted up to 18 working days paid leave in a 12 month period to attend meetings and carry out required duties. If more than one public duty is undertaken, the total paid leave will not exceed 18 working days in 12 months. Leave may be taken in days or half days but permission must be sought from managers. Leave must be recorded appropriately.

47. An employee appointed as Lord Mayor (or Lord Provost) may be granted up to 24 working days paid leave in 12 months for carrying out civic duties including any magisterial duties. Further leave without pay may be granted at the discretion of the Trust.

Leave for Jury Service

48. Certain health service staff, e.g. nurses, midwives can be exempt from Jury Service if they so wish, or if the needs of the hospital require the employee to remain on duty.

49. Employees called for Jury Service should advise their manager in the first instance and pass to them the official communication from the Clerk to the Court to verify the dates they are required to attend for Jury Service. A Special Leave Form should then be completed and forwarded to the Human Resources Department. Leave with pay will be granted for Jury Service on the understanding that no claims are made to the Court in respect of loss of salary. Claims for expenses can be made to the Court.

Leave to attend Court as a Witness

50. Any requests for the above should initially be reported to the immediate line manager. Staff who attend Court as a witness, either with the consent of the Oxford Radcliffe Hospitals NHS Trust or on a subpoena or Witness Summons or otherwise as a legal obligation, shall be granted special leave with pay for that purpose on the understanding that any witness fee received (as distinct from allowances for travelling and subsistence expenses) is handed over to the Trust. No travelling expenses or subsistence allowances shall be paid by the Trust. If you are called as an expert witness not on behalf of the Trust, you will not receive pay and will be required to take unpaid leave for this purpose.

Leave for Parliamentary Candidates

51. Members of staff who are adopted as a candidate at a Parliamentary election, will be granted 4 weeks special leave without pay to enable them to pursue their candidature. On being elected as a Member of Parliament, a full time employee would be required to resign in order to undertake Parliamentary duties. Resignation would be unconditional and would not be linked to any re-employment on ceasing to be a Member of Parliament. Continued employment of a part time employee elected to Parliament would depend on their ability to continue to fulfil the requirements of the employment.

Leave for Training with the Reserve and Cadet Forces

52. For employees who, after consultation with their manager, volunteer for service with the Reserve Forces or who, at the time of their appointment, declare their membership of a Reserve Force and the manager does not object, may negotiate up to 2 weeks leave in addition to annual leave for Reservist and Cadet activities.

53. Employees required to undergo short periods of training additional to annual camp and are unable to arrange for such training to be undertaken in off-duty time, may be granted special leave with pay for this purpose, at the discretion of the manager.

Leave for Reservist Duties

54. If the Government calls out reservists to support possible future operations call out orders can be issued under Section 54 of the Reserve Forces Act 1996. Reservists can also volunteer for mobilised service, however the Trust must first give their consent before voluntary mobilisation can take place.
55. Financial loss can occur for reservists where their Trust earnings are greater than their service pay when mobilised. In such cases individuals should make a claim to the Ministry of Defence. During periods of mobilisation the Trust will continue to make employers contributions into the individual's pension scheme. In addition to this they will make the employee's pension payments. The Trust will be reimbursed by the Ministry of Defence for the employee contributions. The individual should inform the Ministry of Defence of the payments and need for reimbursement.
56. The Trust is obliged to re-employ an employee who was last employed by the Trust in the 4 – week period prior to being called up. Re-employment should be to the same role and on terms and conditions no less favourable than those that applied if they had not been mobilised. If reinstatement is not possible, for example where there has been a reorganisation or change, then the employee should be offered the most favourable terms and conditions possible in the circumstances. Please refer to the Trust's Management of Change process.

Leave for Special Constabulary Duties

57. The Chief Police Officer will approach the Trust regarding any applications from medical and nursing staff to join the Special Constabulary. Each individual case will be treated on its merits.

Absence from Duty following Contact with a Case of Notifiable Disease

58. Employees who are absent from duty following contact with a case of notifiable disease shall be granted special leave with full pay. The employee must follow the usual arrangements for absence reporting, and provide relevant documentation.

Leave for Union Duties (refer to Time Off for Trade Union Activities and Facilities Agreement)

Special Leave

59. Special leave may also be allocated in accordance with the Performance and Conduct Procedure.

Unpaid Leave

60. Unpaid leave should not be regarded as a right and should only be considered where all the annual leave of an employee has been allocated. This is only available at the manager's discretion and should be subject to the needs of the service.

61. Each request should be considered by managers on an individual basis but consistency throughout the Trust is to be encouraged. A member of the Human Resources Department should be consulted if help is needed.

62. Unpaid leave can only be considered when all types of appropriate leave have been exhausted.

63. Career breaks should be taken if an individual would like more than 6 months unpaid leave. **Please refer to the Trust's Policy on Flexible Working Options : Policy No. 39.**

CALCULATING ANNUAL LEAVE ENTITLEMENT FOR NON MEDICAL STAFF
Definitions

'The Trust' – Oxford Radcliffe Hospitals NHS Trust

'Trade Unions' – recognised and accredited by the Trust

'Agenda for Change' – the new NHS Pay System

Exclusions

This policy is not applicable to Bank Staff, Zero Hours staff or Medical Staff for whom separate provisions apply

Entitlement for complete years

The basic annual leave provisions under Agenda for Change, which apply from 1st October 04 are contained in Table 1 below.

This entitlement includes the consolidation of two extra-statutory days, which, for some staff, have previously been separately identified.

Table 1 ANNUAL LEAVE ENTITLEMENT

Length of service	Annual leave + General Public Holidays
On appointment	27 days + 8 days
After 5 years service	29 days + 8 days
After 10 years service	33 days + 8 days

The Trust 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 Trust 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 paid General Public Holidays (Bank Holidays). In the case of all part time staff this entitlement is pro rata to the full time allowance of 8 days. 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 Bank 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 Bank Holiday entitlement for all staff per Bank Holiday and for a full leave year.

To calculate an employee's total leave entitlement inclusive of Bank 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.

An existing part time worker who, prior to 1st October 2004, was in receipt of a bank holiday entitlement in excess of pro-rata to a full time employee will have their excess entitlement for a period of five years.

Calculation of Reckonable Service

An employee's previous service with a NHS employer (which need not be continuous) will count as reckonable service in respect of annual leave.

Previous service in public sector health and social care providers (including time working in contracted out services) will be counted for the purposes of reckonable service.

Student Training (Project 2000) and Reckonable Service

Where an employee undertook their training under a College of Health, they were part of the NHS, this period of training will be counted as reckonable service in respect of annual leave. Where an employee undertook training under a Polytechnic or University, this was not part of the NHS and this period of training will not be counted as reckonable service in respect of annual leave.

Determining the length of Reckonable Service

In order to have previous service, as detailed above, regarded as reckonable service, staff will need to complete the attached pro forma (appendix 1) detailing any relevant service, and submit this to their line manager, who will forward a copy to the Human Resources Department to be placed on the personal file.

Staff in receipt of additional annual leave in respect of long service entitlement prior to 1st October 2004 will retain their entitlement, and need not reapply.

Entitlement on joining

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

Entitlement in the first year is dependent on the number of weeks worked after the date of joining until the end of the leave year. Managers will divide a full entitlement (determined using tables 2+3) by the number of weeks in a year (ie 52) and multiply that amount by the number of full weeks remaining in the leave year from the date of appointment of the new employee.

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 completed weeks on the new and the old contracted hours to give the full year entitlement.

General Public Holidays ('Bank Holidays')

A General Public Holiday shall be defined as a period of normal duty that starts within the period of 24 hours from midnight to midnight.

Employees will be entitled to all paid General Public Holidays (Bank Holidays) in the leave Year. All part time staff are entitled to the Bank Holidays pro rata to the full time allowance.

The 8 Bank Holidays in the year are:

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

Employees are entitled to the above 8 paid Bank Holidays in the leave year pro rata. In the case of part time staff, this will be a proportionate number of Bank Holiday hours based on their basic weekly contracted hours. Table 3 identifies this 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 Bank Holiday hours entitlement in Table 3.

When a bank holiday falls on a day that an employee is usually at work as part of their basic week (unless it is a rostered day off), the appropriate deduction of their normal basic working hours for that day will be made from their overall entitlement (ie Tables 2+3 combined). An employee may change their days of working during a Bank Holiday week, subject to mutual agreement, or as appropriate work on the Bank Holiday, and therefore retain their leave entitlement in respect of the Bank Holiday. This can then be taken as time off at another time.

When a bank holiday falls on a day that an employee would not normally work no deduction is made from their overall leave entitlement.

An employee who is required to work on a Bank Holiday will receive double pay and retain their leave entitlement in respect of the Bank Holiday. This can then be taken as time off at another time.

Eg. Employee A is not required to work on May Bank 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)

Eg. 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 May Bank Holiday so their leave entitlement remains intact as this day has not been taken off as leave. They are not required to work on August Bank Holiday so 7.5 hours will be deducted from their total leave entitlement of 246 hours (Tables 2+3)

There will be some years when **more (or less) than 8** Bank Holidays fall within the leave year simply because Bank Holidays follow the calendar year and the Easter Bank Holidays can be in March or April. When this situation arises the appropriate hours adjustment ie plus or minus, will need to be made using the final column of Table 3.

Calculation of Leave Entitlement for Term Time Contracts

Details for calculating this entitlement are available in Appendix 2. It is the responsibility of managers to inform payroll of any changes to the Whole Time Equivalent (WTE)

Protection for any members of staff whose leave entitlement is reduced under Agenda for Change

Any existing member of staff whose total leave entitlement is reduced under Agenda for Change will have their existing entitlement protected for a maximum of five years from their date of assimilation into the new system.

Protection will be determined by comparing entitlement to combined Annual Leave and Bank Holidays for the twelve months preceding 1 October 2004, with the new entitlement under Agenda for Change Arrangements. If the total leave entitlement is lower under Agenda for Change arrangements, then protection arrangements will apply.

Please see next page

Table 2

AGENDA FOR CHANGE: ANNUAL LEAVE ENTITLEMENT FOR COMPLETE YEARS EXCLUSIVE OF BANK 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

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

5

Table 2 (cont)

AGENDA FOR CHANGE: ANNUAL LEAVE ENTITLEMENT FOR COMPLETE YEARS EXCLUSIVE OF BANK HOLIDAYS

WEEKLY BASIC CONTRACTED HOURS	ON APPOINTMENT	AFTER 5 YEARS SERVICE	AFTER 10 YEARS SERVICE
	27 DAYS	29 DAYS	33 DAYS
	HOURS EQUIVALENT:		
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
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

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

5

Table 2 (cont)

AGENDA FOR CHANGE: ANNUAL LEAVE ENTITLEMENT FOR COMPLETE YEARS EXCLUSIVE OF BANK HOLIDAYS

WEEKLY BASIC CONTRACTED HOURS	ON APPOINTMENT	AFTER 5 YEARS SERVICE	AFTER 10 YEARS SERVICE
	27 DAYS	29 DAYS	33 DAYS
	HOURS EQUIVALENT:		
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 $\frac{\text{Weekly Contracted Hrs} \times \text{No. of Days Entitlement}}{5}$

Table 3**AGENDA FOR CHANGE CALCULATION OF BANK HOLIDAY ENTITLEMENT**

WEEKLY BASIC CONTRACTED HOURS	HOURLY ENTITLEMENT FOR FULL LEAVE YEAR	HOURLY ENTITLEMENT ON EACH BANK HOLIDAY AS IT OCCURS
	(8 BANK HOLIDAYS)	
37.5	60.0	7.5
37.0	59.0	7.4
36.5	58.5	7.3
36.0	57.5	7.2
35.5	57.0	7.1
35.0	56.0	7.0
34.5	55.0	6.9
34.0	54.5	6.8
33.5	53.5	6.7
33.0	53.0	6.6
32.5	52.0	6.5
32.0	51.0	6.4
31.5	50.5	6.3
31.0	49.5	6.2
30.5	49.0	6.1
30.0	48.0	6.0
29.5	47.0	5.9
29.0	46.5	5.8
28.5	45.5	5.7
28.0	45.0	5.6
27.5	44.0	5.5
27.0	43.0	5.4
26.5	42.5	5.3
26.0	41.5	5.2
25.5	41.0	5.1
25.0	40.0	5.0
24.5	39.0	4.9
24.0	38.5	4.8
23.5	37.5	4.7
23.0	37.0	4.6
22.5	36.0	4.5
22.0	35.0	4.4
21.5	34.5	4.3

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

5

Table 3 (cont)**AGENDA FOR CHANGE CALCULATION OF BANK HOLIDAY ENTITLEMENT**

WEEKLY BASIC CONTRACTED HOURS	HOURLY ENTITLEMENT FOR FULL LEAVE YEAR	HOURLY ENTITLEMENT ON EACH BANK HOLIDAY AS IT OCCURS
	(8 BANK HOLIDAYS)	
21.0	33.5	4.2
20.5	33.0	4.1
20.0	32.0	4.0
19.5	31.0	3.9
19.0	30.5	3.8
18.5	29.5	3.7
18.0	29.0	3.6
17.5	28.0	3.5
17.0	27.0	3.4
16.5	26.5	3.3
16.0	25.5	3.2
15.5	25.0	3.1
15.0	24.0	3.0
14.5	23.0	2.9
14.0	22.5	2.8
13.5	21.5	2.7
13.0	21.0	2.6
12.5	20.0	2.5
12.0	19.0	2.4
11.5	18.5	2.3
11.0	17.5	2.2
10.5	17.0	2.1
10.0	16.0	2.0
9.5	15.0	1.9
9.0	14.5	1.8
8.5	13.5	1.7
8.0	13.0	1.6
7.5	12.0	1.5
7.0	11.0	1.4
6.5	10.5	1.3
6.0	9.5	1.2
5.5	9.0	1.1
5.0	8.0	1.0

Table 3 (cont)**AGENDA FOR CHANGE CALCULATION OF BANK HOLIDAY ENTITLEMENT**

WEEKLY BASIC CONTRACTED HOURS	HOURLY ENTITLEMENT FOR FULL LEAVE YEAR	HOURLY ENTITLEMENT ON EACH BANK HOLIDAY AS IT OCCURS
	(8 BANK HOLIDAYS)	
4.5	7.0	0.9
4.0	6.5	0.8
3.5	5.5	0.7
3.0	5.0	0.6
2.5	4.0	0.5
2.0	3.0	0.4
1.5	2.5	0.3
1.0	1.5	0.2
0.5	1.0	0.1

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

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APPENDIX 2**Term Time Contracts.****Calculating Salary for Agenda for Change.**

Due to the new annual leave entitlements, the Whole Time Equivalent of staff working "Term time only" contracts will change. **Managers will need to complete a changes form to address this.**

The calculations should be done by taking the total number of hours which the staff member will work in a year (taking account of bank holidays) and comparing them with the hours worked by a staff member with a standard contract of an equivalent number of hours.

The total leave taken by a term time staff member is:

(Total no of weeks leave x weekly hours) + (no of BH days taken outside of these weeks x daily hours) (**A**)

Total leave entitlement of a standard contract staff member is found from the sum of the appropriate figures in tables 2 and 3 (**B**)

Total annual hours for term time staff member = (52 x weekly hours + 1 x daily hours) – total leave hours (as in **A**)
(1 year = 365 days = 52 weeks and 1 day)

Total annual hours for equivalent standard staff member = (52 x weekly hours + 1 x daily hours) – total standard leave (as in **B**)

Percentage of normal salary for hours worked to be paid = (Total annual hours for term time staff/ total annual hours for standard staff member) x100 = **P**

Percentage of full time salary to be paid = **P** x (weekly hours/ full time weekly hours)

N.B. The normal weekly hours used in the calculation should take account of any protection which applies.

Examples.**1. Staff member with less than 5 years service.**

This person works full time on a 37 hour contract (hours protected) but wishes to take 10 weeks leave during school holidays plus the May Day bank holiday (all other bank holidays will fall within the 10 weeks leave).

The total hours leave taken will be $10 \times 37 + 7.4 = 377.4$

A staff member on a standard contract has a total leave entitlement of $200 + 59 = 259$ hours (see tables 2 and 3)

Total hours worked by staff member on term time contract = $(52 \times 37 + 7.4) - 377.4$
= 1554

Total hours worked by staff member on standard contract = $(52 \times 37 + 7.4) - 259$
= 1685.8

Percentage of salary received by term time staff member = $1554/1685.8 \times 100$
= 92%

2. Staff member with 5 years service.

This person works 20 hours a week where the full time contract is 37.5 hours. They wish to take 12 weeks of annual leave and all bank holidays will fall within those 12 weeks.

Total hours leave taken will be $12 \times 20 = 240$ hours.

Total leave entitlement for standard contract staff on 20 hours per week = $116 + 32$
= 148 hrs

Total hours worked by staff member on term time contract = $(52 \times 20 + 4) - 240$
= 804

Total hours worked by staff member on standard contract = $(52 \times 20 + 4) - 148$
= 896

Percentage of 20 hour salary received is therefore = $804/896 \times 100$
= 89.7 %

Percentage of full time salary = $(804/896) \times (20/37.5) \times 100$
= 48%

3. Staff member with 10 years service.

This person works 17.5 hours of a 35 hour full time contract (protected) and takes 8 weeks leave plus the May Day bank holiday – all other bank holidays fall within the 8 weeks.

Total leave taken = $8 \times 17.5 + 3.5$ hours

$$= 143.5 \text{ hours}$$

$$\begin{aligned} \text{Leave entitlement on standard contract for staff working 17.5 hrs/wk} &= 115.5 + 28 \\ &= 143.5 \end{aligned}$$

This person therefore works the standard year and therefore receives the same salary as any other worker on a 17.5 hour contract i.e 50% of full time salary.

If they wish to increase their leave to 9 weeks then total leave taken will be 161 hours

$$\begin{aligned} \text{total number of hours worked by term time staff member} &= (52 \times 17.5 + 3.5) - 161 \\ &= 752.5 \end{aligned}$$

$$\begin{aligned} \text{Total hours worked by standard contract staff member} &= (52 \times 17.5 + 3.5) - 143.5 \\ &= 770 \end{aligned}$$

$$\begin{aligned} \text{Percentage of 17.5 hour salary received} &= 752.5/770 \times 100 \\ &= 97.7 \end{aligned}$$

$$\begin{aligned} \text{Percentage of full time salary} &= 97.7 \times 17.5/35 \\ &= \mathbf{49\%} \end{aligned}$$