**Lead Employer Annual Leave Policy**

**Tool Kit**

**Updated: January 2025**

# Entitlements

Annual leave entitlements vary depending upon the relevant national terms and conditions which apply to individual Colleagues-in-training.

The contractual entitlement is per national contracts of employment per annum based on a 5 day working week plus bank holidays.  Annual leave and bank holiday entitlement for LTFT colleagues will be calculated on a pro rota basis based on individual contracted working days.

## 2002 TCS

|  |  |
| --- | --- |
| **Service** | **Entitlement** |
| First and Second incremental points |  25 days |
| Third incremental point and above |  30 days |
| All colleagues-in-training  | 2 statutory days in addition to the above |
| Statutory bank holidays  | In line with UK Government BH entitlements  |

## 2016 TCS

|  |  |
| --- | --- |
| **Service** | **Entitlement**  |
| On first appointment to the NHS: | 27 days |
| After five years’ completed NHS service | 32 days |
| Statutory bank holidays  | In line with UK Government BH entitlements |

## Agenda for Change (AFC)

|  |  |
| --- | --- |
| **Service** | **Entitlement**  |
| On appointment to the NHS | 202.5 hours |
| After 5 full years NHS service | 217.5 hours |
| After 10 full years NHS service | 247.5 hours |
| Statutory bank holidays  | In line with UK Government BH entitlements |

## Dental Foundation

|  |  |
| --- | --- |
| **Service** | **Entitlement**  |
| Any | 20 days  |
| Statutory bank holidays  | In line with UK Government BH entitlements |

## Bank Holidays

Bank holiday entitlements for all colleagues-in-training will depend on the number of bank holidays which fall in the year. There are normally 8 per year, however this may change and will be calculated accordingly. Bank holiday entitlement for part time colleagues-in-training will be prorated.

Please note that bank holiday entitlement is in line with English government bank holiday entitlement and may fluctuate.

A trainee who in the course of their duty is required to be present in their Host Organisation at any time (from 00.01 to 23.59) on a bank holiday, or who is rostered to be on call on a bank holiday, will be entitled to a standard working day off in lieu.

Where a colleagues-in-training working pattern includes scheduled rest days (sometimes known as zero hours’ days) and such a day falls on a bank holiday, then the trainee will be given a day off in lieu of the bank holiday.

Where a public holiday, including Christmas Day (25 December), Boxing Day (26 December) or New Year’s Day (1 January), falls on a Saturday or a Sunday, the public holiday will be designated instead as falling on the first working weekday thereafter. In such circumstances, no day in lieu then arises for the work undertaken on Christmas Day (25 December), Boxing Day (26 December) or New Year’s Day (1 January).

Bank Holidays do not need to be recorded within the ESR system for Full Time or Less than Full Time (LTFT) Colleagues-in-training.

## Annual Leave Calculator

To support in the calculation of Annual Leave, Lead Employer has created a calculator which can be found here: [Lead Employer - MWL | Annual Leave Calculator (merseywestlancs.nhs.uk)](https://leademployer.merseywestlancs.nhs.uk/annualleavecalculator)

# Approval of Annual Leave

Colleagues-in-training should apply for leave to the relevant personnel at each Host Organisation to which they rotate. Leave will be approved by each Host Organisation who ensure that ESR is updated and accurate records of colleagues-in-training annual leave is provided to the Lead Employer in line with local processes.

Colleagues-in-training should ensure that their requests for leave are submitted in good time and in accordance with local procedures.

In exceptional circumstances, for example, where a trainee is not currently attached to a Host Organisation and wishes to take a period of annual leave, further guidance should be sought from Lead Employer at lead.employer@sthk.nhs.uk

# Annual Leave Carry Over

All Colleagues-in-training should make every effort to take their annual leave proportionately across their placements i.e. if you have 27 days per year and have two six month placements then 13.5 days leave should be taken in each placement and this is primarily for two reasons:

Educational – Each Trainee will during their placements take annual and study leave and there may be occasions when further leave is taken i.e. special leave or sick leave. If Colleagues-in-training also carry unused annual leave over to their next placement then this may mean that they will not spend enough time in that placement to be ‘educationally signed off’.

Rotas – Colleagues-in-training will normally be assigned to rotas with on-call duties which will factor in annual leave for the number of Colleagues-in-training assigned to the rota. Carrying over any unused annual leave impacts upon service provision and can lead to other colleagues having to work a disproportionate number of on-call duties.

Only in exceptional circumstances should Colleagues-in-training apply to carry over annual leave, in which case please note that:

* Colleagues-in-training must be able to demonstrate the reason for the request i.e. they have not been permitted to take annual leave in their current placement (for example due to service demands), although this should be raised as a concern to their Host Organisation and the Lead Employer in a timely manner to enable this to be addressed before the end of the placement. Colleagues-in-training must also seek full agreement from the current and receiving placement that they may carry over annual leave to establish whether appropriate arrangements can be put in place to accommodate the request without adversely impacting the service or other Colleagues-in-training within their new Host Organisation.
* A maximum of 5 days (pro rata for LTFT) only may be considered subject to the above.

# Annual Leave and Educational Working Days

Since Education/Study Days are considered part of employees contracted working hours, any requests for annual leave which span across an education/study day should be inclusive of the annual leave request.

# Use of Annual Leave during Phased Returns

As per the Lead Employer Attendance Management Policy, Annual Leave will be used to aid any agreed phased return to work, subject to the requirements of the Working Time Directive being met.

Colleagues-in-training are only required to supplement Phased Returns with Annual Leave where full days are not worked and/or less than 50% of their scheduled working day.

Please see below example for an 80% Less Than Full Time Trainee, working 4 days per week:

*\*\*\*Example – Week 1 – 50 % - 2 full days working – 2 days accrued leave would be used \*\*\**

*\*\*\*Example – Week 1 – 50 % - 4 half days working – 0 days accrued leave would be used \*\*\**

# Annual Leave Process Flow Chart