



## Annual Leave Policy

Inmind Reference:	HR02
Category:	Human Resources
Version Number:	1
Reviewed on:	February 2018
Next review date:	February 2020
Lead Officer:	HR Manager
Equality Impact Assessment completed:	Yes

<b>Applicable Legislation/Regulations:</b>
The Equality Act 2010 Management of Health and Safety at Work Regulations 1999; Health and Safety at Work Act 1974 The Working Time Regulations 1998; The Working Time Directive The Employment Rights Act 1996
<b>Codes of Practice:</b>
<b>Purpose:</b>
<ul style="list-style-type: none"> <li>To ensure that all employees understand their own responsibilities in relation to using annual leave.</li> <li>To ensure that all managers understand their responsibilities in managing leave, both in the interests of the service and in supporting employees to achieve a positive work-life balance.</li> <li>To ensure that all requests for annual leave are dealt with in a fair and equitable manner and that continuous service provision is considered at all times.</li> </ul>

<b>Version Control Table</b>		
<b>Date Ratified</b>	<b>Version Number</b>	<b>Status</b>
	1	Live

<b>Date</b>	<b>Key Revision</b>
11/02/18	New policy created separating from original Sickness and Absence Policy. Addition of provision to allow for rollover of annual leave due to other statutory leave entitlements. Reference to purpose of annual leave in accordance with working time regulations.

***Please check to ensure this is the most current electronic copy of this document as it is updated and published in electronic format only (hard copies may become out of date).***

## **1.0 The Policy**

- a) All employees will be informed of their contractual entitlement to paid annual leave at the outset of their employment.
- b) Employees must take their full annual leave entitlement during the leave year for which it is given, unless prevented from doing so due to other statutory leave.
- c) Managers will enable their employees to take their full contractual annual leave entitlement during the year for which it is given and will ensure that work plans for the year are developed taking into account the full annual leave entitlements for their employees.
- d) Employee requests for annual leave must be made in accordance with the Company's procedure and recorded by managers to ensure that accurate records are available.
- e) All requests for annual leave will be fully considered and decisions reached on a fair, equitable, objective and justifiable basis within the context of service needs.
- f) Managers will respond to requests for annual leave in line with company procedure and legislative requirements.
- g) Inmind Healthcare Group understands that circumstances may arise where changes to pre-booked annual leave are required due to unexpected personal circumstances and will do its best to accommodate such circumstances and support employees.

## 2.0 The Procedure

- a) Inmind Healthcare Group's leave year runs from 1<sup>st</sup> January to 31<sup>st</sup> December.
- b) All staff must take their full annual leave entitlement during the leave year for which it is given, unless prevented from doing so due to other statutory leave. The only exception to this is if there is a specific management request that a staff member delays their annual leave for operational reasons when this may be allowed by specific exemption.
- c) Since the purpose of annual leave is to "enable the worker to rest and enjoy a period of relaxation and leisure" (judgement by European Court of Justice in the case of Asociación Nacional de Grandes Empresas de Distribución v Federación de Asociaciones Sindicales and others), it is Inmind's belief that annual leave should be spread throughout the year to encourage health and well-being. For this reason, and to enable effective annual leave cover, at least half of an employee's annual leave entitlement should be taken between 1<sup>st</sup> January and 30<sup>th</sup> June.

### 2.1 Procedure for requesting annual leave

- a) With the nature of the care sector annual leave must be taken at times convenient to the service and agreed with the Registered Manager. In all cases annual leave must not commence without first seeking and obtaining written consent from the Registered Manager.
- b) Inmind will do all in its power to respect and agree annual leave requests and will not unreasonably refuse them. However, the Registered Manager may refuse a request if it impacts on the practical staffing of the service.
- c) The sort of issues that may lead to a refusal of an annual leave request are:
  - There has been insufficient notification.
  - There is insufficient leave allowance for that member of staff (e.g. the requested annual leave is greater than annual leave due).
  - There would be insufficient cover remaining in the service should the absence be allowed.
  - There are other staff requesting the same period/time of absence.
- d) Staff must not assume requested leave will be permitted. Therefore, holidays and other plans that require an absence from duty/work must not be booked prior to written agreement from the Registered Manager. The Inmind Healthcare Group and its management will not be held responsible for any loss whatsoever incurred by a member of staff as a result of an annual leave request being declined.

### 2.2 Duration of annual leave

- a) Staff are not permitted to take more than ten working days (two weeks) annual leave at any one time unless, in exceptional circumstances, by prior written agreement from the Registered Manager.

- b) Inmind understands that there may be occasions when an employee wishes to request a longer period of leave. In such circumstances, this request must be made to the Registered Manager.

### 2.3 Maintaining records of annual leave

- a) Registered Managers must retain contemporaneous and accurate records of all annual leave.

### 2.4 Changes to pre-planned leave

- a) Inmind understands that circumstances may arise where changes to pre-booked annual leave are required due to unexpected personal circumstances.
- b) If an employee finds themselves in a situation where they need to request a change to their pre-planned annual leave, they must discuss this with their manager as soon as possible.
- c) It is at the discretion of the Registered Manager, taking service requirements into account, to either approve or refuse the request.

### 2.5 Sickness during annual leave

- a) Where an employee falls ill during annual leave, providing the relevant notification procedures are followed, as per the Sickness and Absence Policy, the annual leave can be converted to sick leave (and pay adjusted accordingly).
- b) If an employee's annual leave is converted to sick leave, the Registered Manager, upon the employee's return to work, must agree with the employee (whilst ensuring service demands are met) when their replacement annual leave will be taken.

### 2.6 Annual leave unable to be taken due to other statutory leave

- a) Employees who are unable to take their annual leave due to being on another type of statutory leave (e.g. sick leave, maternity leave, paternity leave) are not required to take their annual leave entitlement within the year to which it applies and may carry their unused annual leave to the next annual leave year.
- b) The employee must then take all their outstanding leave within the annual leave year during which they return to work.

### 2.7 New Starters

- a) Where an employee starts part-way through the leave year, annual leave for that year will be calculated on a pro-rata basis.
- b) New starters should raise existing annual leave bookings at interview, which Registered Managers will honour if they are able to, whilst still meeting clinical need.

- c) If the requirement for leave has not been raised at interview, it will be at the Registered Manager's discretion to determine whether the leave can be granted.

## 2.8 Management Discretion

- a) Any decisions relating to the taking of annual leave must be agreed with the Registered Manager.
- b) The Registered Manager reserves the discretion to make changes to local procedure (including the amount of staff to be on leave during any one period) to accommodate any changes in service need and service user safety.

## 2.9 Calculation of leave following termination

- a) If employment is terminated by the company for gross misconduct, staff will not be entitled to any further annual leave. They will however be entitled to pay in lieu of annual leave which is "owing" on a pro-rata basis at the point of dismissal.
- b) The company reserves the right to require staff to take any unused annual leave entitlement during their notice period with one day of notice.
- c) At the termination of employment, any annual leave taken in excess of the pro rata entitlement will be deducted from any final pay and all employees consent to this in their contracts of employment.

**Appendix 1**

**Equality Impact Assessment for this policy**

<b>Protected Characteristic (domain)</b>	<b>Area of conflict</b>	<b>Resolution</b>
Age	Nil	N/A
Disability	Nil	N/A
Gender Reassignment	Nil	N/A
Pregnancy & Maternity	Nil	N/A
Race	Nil	N/A
Religion or Belief	Nil	N/A
Sex	Nil	N/A
Sexual Orientation	Nil	N/A
Marriage and Civil Partnership	Nil	N/A

All relevant persons are required to comply with this policy and must demonstrate sensitivity and competence in relation to diversity in race, faith, age, gender, disability and sexual orientation. If you feel you are disadvantaged by this policy, please contact the Registered Manager and the service will actively respond to the enquiry.