

Annual Leave and General Public Holiday Policy (Non-Medical Staff)

This policy describes the process for a uniform and equitable approach to calculation, application and management of paid annual leave and general public holiday entitlement in line with NHS Terms & Conditions

Policy Reference Number: P130

Version Number: 7

Date Approved: 16 September 2026

Approving Group: Workforce Development Group

Review Date: March 2029

Expiry Date: September 2029

Type of Policy: Non-Clinical

Keywords: Annual, Leave, Holiday



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Policy on a Page

Summary and Aim

This policy aims to ensure that all staff are aware of how annual leave and general public holidays are calculated, applied in a work setting and managed.

The annual leave entitlement is set out in the NHS Terms and Conditions of Service handbook (<https://www.nhsemployers.org/tchandbook>) and is inclusive of the statutory entitlement laid down in the Working Time Regulations.

Staff must request their normal annual leave in advance, 75% 6 weeks before start of the leave year, and the balance by 30 September of the leave year it relates to.

This policy will be available on the Trust internet to ensure that the current version is available.

Target audience

Adherence to this policy is mandatory and applies to all staff except bank workers and medical and dental employees, for whom separate provisions apply. The policy excludes staff on annualised hours and term time only contracts of employment as they do not have entitlement to bookable annual leave due to the nature of the contracts.

Training

There is no training requirement identified within this policy.

Introduction and Purpose

The purpose of this policy is to provide a uniform and equitable approach to the calculation, application and management of paid annual leave and paid general public holiday entitlements in line with the provisions set out under NHS Terms and Conditions. This will ensure that calculation, application and management of annual leave and general public holidays is undertaken in a fair, equal and consistent approach.

Policy Requirements and Objectives

The Trust has a duty of care to ensure that annual leave can be taken regularly throughout the year and that staff are given opportunity to take their full annual leave entitlement for the benefit of the health and wellbeing.

Duties within the Organisation

The Trust Board has a legal responsibility for Trust policies and for ensuring that they are carried out effectively. Trust Board Sub-committees have the responsibility for ratifying policies and protocols.

Directors and Heads of Service are responsible for:

Ensuring that comprehensive arrangements are in place regarding adherence to this policy and how this policy is applied within their own department.

Ensuring that team managers and other management staff are given clear instruction about the policy arrangements so that they in turn can instruct staff under their direction.

These arrangements will include:

- Distributing information about the policy in a timely manner throughout the Directorate/Department or Service to a distribution list which will be agreed in advance with local managers.
- Ensuring all staff has access to the up-to-date policy, either through the intranet, or if policy manuals are maintained that the resources are in place to ensure these are updated as required.
- For their area of responsibility, Mandating and maintaining that one of the Trust's approved systems for capturing and managing annual leave, and that staff have been made aware of the system and how to use it.

Managers and Team leaders are responsible for:

- Consistent application and management of annual leave and general public holidays for staff in their areas.
- Ensuring leave is planned in accordance with Section 8 of this policy.
- Ensuring all leave is appropriately recorded on ESR or Health Roster (E-Roster) in a timely manner
- Facilitate staff to take annual leave in ways that support their health and wellbeing.
- To provide sufficient opportunities for staff to be able to take their entire annual leave provision within the current annual leave year.
- Ensure this policy is shared with all new staff as part of local induction and that staff understand how their entitlement works.

- Ensure that their staff know how and where to access the current version of this policy via the Trust website.
- Use the ready reckoner on Staffnet to calculate remaining annual leave entitlement for staff leaving the Trust. See Section 18 for more information. If staff have been unable to take their annual leave entitlement within the current financial year and request to carry over entitlement, engage in the carry over process. See Section 12 for more information.

Staff are responsible for:

All staff (including seconded staff) should be aware that despite the above responsibilities of senior staff, every member of staff has an individual responsibility to ensure that they:

- Know where to locate this policy when necessary and adhere to this policy at all times
- On appointment, check the annual leave entitlement stated in their contract and raise any queries with HR within 3 months of their starting. See Section 7.8 of this policy for more information.
- Request annual leave in line with Section 8 of this policy.
- Be mindful of their own health and wellbeing and ensure annual leave is evenly distributed throughout the leave year. Request annual leave through ESR Self Service or HealthRoster

Human Resource are responsible for:

- All calculation of annual leave and general public holiday entitlements, with the exception of where staff are leaving the Trust.
- Providing consistent advice and guidance on the application of this policy and management of annual leave and general public holidays.

Introduction

- 4.1 Leicestershire Partnership NHS Trust recognises that annual leave is an important part of an employee's work-life balance.
- 4.2 This policy outlines the entitlement to annual leave for staff on NHS terms and conditions, together with information on how to manage the use of annual leave from an individual employee and managerial perspective.
- 4.3 The approval of annual leave is dependent upon the needs of the service. Employees must apply for their annual leave and wait for approval from the line manager. Line managers must consider all annual leave requests in line with the needs of the service before they approve the leave. This is to ensure that the management of annual leave is undertaken in a fair, equal and consistent approach.
- 4.4 Local guidelines will be managed at local level in services; however, they must also comply with the requirements of this policy.
- 4.5 All staff should act in accordance with our Trust leadership behaviours for all and be able to evidence adherence in situations that involve annual leave and general public holidays. A fundamental approach to developing our Leadership

behaviours for all is our ability to both give and receive feedback in a positive and insightful way. The feedback method is based on defining; Context, Understanding, Behaviour and Effect (CUBE).

Annual Leave Year

- 5.1 The annual leave year for all LPT employees runs from 01 April to the following 31 March.

Exclusions

- 6.1 This policy is not applicable to 'bank' workers.
- 6.2 For staff covered by medical and dental terms and conditions, separate provisions apply.

Entitlement: Annual Leave

- 7.1 The basic paid annual leave provisions under NHS Terms and Conditions in a full annual leave year for an employee are set out below:

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

- 7.2 The Trust policy is to calculate all paid leave entitlements in **hours not days** for **all employees** regardless of whether employees work full-time or part time. This is to ensure equity between all, so that employees working variable hours/shifts do not receive either more or less paid leave than colleagues who work a fixed pattern.
- 7.3 As a governing principle, the number of hours that need to be taken as paid leave will equal the number of hours the employee would otherwise have worked.
- 7.4 Full time is defined as 37.5 hours a week. Paid annual leave entitlements for all employees in relation to basic contracted working hours are calculated using the following formula:

Weekly contracted hours	÷ 37.5	X	Full year annual leave entitlement for relevant length of service	=	Year's annual leave entitlement
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An example calculation is included in the appendices.

- 7.5 In addition to paid annual leave entitlements, employees are entitled to 8 days paid general public holidays. In the case of all **part time employees** this entitlement is pro rata to the full-time whole year allowance of 8 days, based on their basic weekly contracted hours worked. In this way, all employees have a fair and equitable, static entitlement rather than

eligibility based solely on the normal days of work which would result in some part time employees never receiving the benefit of general public holidays unless they fall on their normal days of work.

7.6 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. Further details pertaining to General Public Holidays are contained in paragraph 9.

7.7 To calculate an employee's total leave entitlement inclusive of General Public Holidays, the following formula is followed:

Weekly contracted hours	÷ 37.5	X	Hours for General Public Holidays in the year (or left in the year)	=	General Public Holiday entitlement
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An example calculation is included in the appendices.

7.8 Calculation of Reckonable service

7.9 Reckonable service is the total time you have worked for NHS employers in substantive posts. It does not include bank work. This time determines your annual leave entitlement. This will be calculated by HR on appointment and will be detailed in your contract of employment.

7.10 New starters must check the annual leave entitlement stated in their contract and raise any queries with HR within 3 months of commencing employment with the Trust.

7.11 Entitlement on Joining

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

7.13 Entitlement in the first year is dependent on the number of calendar days that remain in the leave year that the employee joins. . A pro rata amount for the year of joining will be calculated based on the calendar days remaining in that leave year.

7.14 Paid annual leave is built up (accrued) from the date of joining and is calculated as 1/365 of the full leave entitlement for each day. This calculation ensures that staff receive the correct leave entitlement when calculation only part of the year.

7.15 The General Public Holiday's hour's entitlement will be based on the number of standard general public Holidays remaining in the current leave year from the date of joining. Regardless of when Easter falls, entitlements are based on there being 8 General Public Holidays in a year.

Process for the Requesting Approval and Allocation of Annual Leave

- 8.1 At the beginning of the leave year, managers and staff should look ahead and plan how leave will be taken.
- 8.2 A minimum of 75 % of an employee's total leave allowance (annual leave plus general public holidays) must be requested by 14 February, 6 weeks in advance of the start of the leave year.
- 8.3 Members of staff should request at least 75% of their leave by 14 February in order to provide the approving manager opportunity to review all requests and allocate fairly. Managers will provide confirmation of what has been approved by the start of the new leave year (i.e. 1 April). Any remaining entitlement relating to this 75% will then need to be agreed with managers as to when it can be taken. If this cannot be mutually agreed by 1 April, then managers will allocate leave.
- 8.4 The remaining leave entitlement must have been requested and booked by September 30 of the leave year. Approval by the line manager will be granted in line with service need. Any leave not requested and approved by the employee's line manager by 30 September will be allocated by the line manager automatically to ensure that all leave is taken and that service needs are met. This will be done following discussion with the employee(s) concerned.
- 8.5 It may be necessary to accommodate emergency leave requirements and line managers will ensure that personal circumstances are taken into account if there is a need to reallocate pre-approved leave.
- 8.6 Requests and allocation of leave will be managed as per local service arrangements.
- 8.7 New staff joining the Trust should agree most of their leave with their manager ordinarily within 1 month of their start date. If they start before 30 September, new starters can retain 25% of their leave to agree by that date but should then fall in line with the normal arrangements to book residual leave by 30 September.
- 8.8 All staff must request annual leave using ESR Self-Service or HealthRoster, depending which system is in use in their service.

Example based on entitlement when joins NHS

Total leave booking and allocation based on full time hours

Annual Leave entitlement in days plus bank holidays NHS Terms and Conditions entitlement	Total Hours	1 April 75 % of leave to be booked. If this is not the case, either because requested leave cannot be approved; or 75% of leave has not been requested, it will be allocated by the line manager.	30 September Remaining leave to be booked If remaining leave has not been requested and approved it will be allocated by the line manager. Annual leave cannot be carried over to the following leave year unless there are exceptional circumstances (See Section 12 for more information).
Example based on entitlement when joins NHS 27 + 8 general public holidays	262.5 hours	75% booked 197 hours	Residual 25% booked 65.5 hours

General Public Holidays ('Bank Holidays')

The 8 General Public Holidays in the year are:

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

- 9.1 All employees are entitled to the above 8 paid General Public Holidays in a full leave year (see also paragraph 7.15). In the case of part time staff, this will be a proportionate number of General Public Holiday hours based on their basic weekly contracted hours.
- 9.2 The total leave entitlement is calculated by adding their annual leave entitlement to the appropriate General Public Holiday hour's entitlement as shown in section 7.
- 9.3 On each and every occasion an employee takes paid time off on a General 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 total leave entitlement.

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

Example: Employee A is not required to work on May Bank Holiday (Monday). They are entitled to a full year's leave allowance. 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.

Example: Employee B works 30 hours per week. They are entitled to a full year's leave allowance. 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, under these circumstances the Bank Holiday will attract enhancements. 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.

- 9.5 It is possible that on occasion, and for some part time employees (particularly if they work 'fixed' days including Mondays), that there are more actual days of general public holidays falling on their normal working days than they have general public holiday hour's entitlement. Where this is the case and the service is closed, so the employee needs to take the period as leave, the following options are available. These should be agreed with the manager at the commencement of each leave year:
- a) Use hours out of their total paid leave entitlement to take the general public holiday as paid leave; or
 - b) Use time accrued through flexi-time to take the general public holiday as paid leave; or
 - c) To not work the general public holiday and to work instead another day in the same week. Alternatively, this 'additional' day may be worked within four weeks following the general public holiday by agreement and subject to trust/service needs; or
 - d) Agree with their manager which general public holidays they wish to take as paid leave in the year and which will be taken as unpaid leave. Where unpaid leave is agreed in this way the manager will then have to record this appropriately so that the employee's pay is adjusted accurately.
- 9.6 To ensure flexibility and help to achieve work-life balance, the options above can be changed at the start of each leave year by agreement with the line manager.
- 9.7 There will be some years when as many as 10 or as few as 6 paid general public holidays fall within the leave year, because the Easter holidays can fall

in March or April. When this occurs, no adjustments will be made to the calculation of paid leave entitlements, since overall entitlements will 'balance out' between years. Each year will be treated as if 8 general public holidays fell within it. Staff should follow point 9.5 of this policy to cover residual days where more than 8 actual general public holidays fall in the leave year.

- 9.8 The NHS terms and conditions of service provide for all employees, including part time workers, required to work or be on-call on a general public holiday to receive the appropriate payment for the duties undertaken and equivalent time to be taken off in lieu at plain time rates. All employees within the trust (excluding those in section 6 for whom separate provisions apply) already have their general public holiday entitlement for the year incorporated into their total leave entitlement for the year. This means that if employees are required to work on a bank holiday they have already been allocated the number of hours needed to take time off in lieu at a later date. These hours when taken should be recorded on ESR or HealthRoster.

Sickness Occurring during General Public Holidays

- 10.1 NHS Terms and Conditions states "Employees will not be entitled to an additional day off if sick on a statutory holiday" (also known as Bank holiday and General Public Holiday). This means that if sick on a General Public Holiday the annual leave entitlement for that day cannot be used at another time.

If staff are absent due to sick leave on a Bank Holiday, Human Resources will ensure that the appropriate amount of hours of leave is recorded, which will mean it is not available to be taken at a later date.

Please refer to the Attendance Management and Wellbeing Policy and Procedure for further details.

Entitlement on Changing Contracted Hours

- 11.1 Where employees change their contracted hours, their annual leave entitlement will be automatically recalculated and updated in ESR or HealthRoster.

Changes in Long Service Entitlements During the Year

- 12.1 Where employees annual leave entitlement increases upon reaching 5 and 10 years' service, their annual leave entitlement will be automatically recalculated and updated in ESR or HealthRoster.

Carry Over of Leave

- 13.1 The Trust expects that all employees will be provided with the opportunity to take all of their annual leave within the annual leave year and it is expected that all leave will be taken within the year it relates to.
- 13.2 Employees do not have a right to carry annual leave over from one leave year to the next. Where, exceptionally, staff have been explicitly prevented from

taking their leave due to service demands to carry over up to a maximum of one working week, expressed in terms of contracted hours, and may be carried forward with the approval of the Head of Service and Executive Director. The carry over of annual leave application form in the Appendix must be completed.

As per the Trust's Pregnancy, Maternity, Paternity, Adoption, Shared Parental Leave and Parental Leave Policy and Procedure, if staff have been unable to take all their annual leave entitlement due to new parent leave, they can make a request to carry over leave into the following year. The carry over of annual leave application form in the Appendix must be completed.

As per the Trust's Attendance Management and Wellbeing Policy and Procedure, if staff have been unable to take all their annual leave entitlement due to long term sickness absence, they can make a request to carry over leave into the following year. In this circumstance, the amount of leave that can be carried over, is limited by the statutory leave entitlement, this is explained in the Trust's Attendance Management and Wellbeing Policy and Procedure. The carry over of annual leave application form in the Appendix must be completed.

- 13.3 Payment will not be made in lieu of untaken annual leave other than on termination of employment.

Religious and cultural observance

- 14.1 Subject to service needs, the Trust will support requests, wherever possible, for time off during religious festivals which are not covered by General public holidays. Line managers should use discretion to grant annual leave, time off in lieu, flexible working or unpaid leave when considering requests for such leave.
- 14.2 It is recommended that staff make their request for time off as soon as the dates are known in order to facilitate the effective planning of leave arrangements. Line managers should keep in mind that some religious festivals are determined by the lunar calendar and, therefore, dates change from year to year. Managers will be expected to consider such requests in accordance with service needs and accommodate these where reasonable to do so.

Other forms of leave/ Unpaid Leave

- 15.1 In normal circumstances paid annual leave should be exhausted prior to any unpaid leave being granted.

Duration of Annual Leave

- 16.1 In normal circumstances the maximum duration of any one period of annual leave will be 2 working weeks.
- 16.2 A longer period may be granted subject to mutual agreement.
- 16.3 As a governing principle, the number of hours taken as paid leave will equal the number of hours the employee would otherwise have worked.

Entitlement on Leaving

17.1 When a member of staff hands in their notice, managers should use the ready reckoner on Staffnet to calculate their annual leave entitlement.

Employees who leave the Trust will receive:

- 1/365th of their annual leave entitlement for each completed day worked up to the date of leaving, less any annual leave taken
- plus, any outstanding general public Holiday hours for Bank Holidays that have occurred in the leave year prior to the date of leaving, less any leave already taken from this entitlement.

Where possible staff leaving the Trust should use all their annual leave entitlement before their leaving date. This may mean booking more annual leave or cancelling planned annual leave where the remaining entitlement is no longer sufficient.

17.2 Where total leave taken is less than the earned total leave entitlement an appropriate payment will be made in the final salary by the HR team.

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

17.4 Where an employee's contract of employment is terminated on grounds of ill health, they will be paid in lieu for any outstanding accrued annual leave.

Standards/Performance Indicators

TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Care Quality Commission registration standards (outcome 14) <i>Supporting Workers</i> (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010	That the trust maintains compliance with CQC registration standards, this policy supports outcome standards 14

Appendix One: Definitions

The Trust	Leicestershire Partnership Trust
NHS Terms and Conditions	The NHS grading and pay system for all NHS staff except doctors, dentists, and some senior managers.
Annual Leave	Amount of leave that an employer grants an employee on an annual basis.
Annual Leave Year	The period of time with which annual leave runs from and to and should be taken within this period. The annual leave year for all LPT employees runs from 01 April to the following 31 March.
General Public Holidays	A statutory holiday
Due Regard	Having due regard for advancing equality involves: • Removing or minimising disadvantages suffered by people due to their protected characteristics. • Taking steps to meet the needs of people from protected groups where these are different from the needs of other people. • Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
Pro Rata	In proportion, according to a factor that can be calculated exactly. The Trust policy is to calculate all paid leave entitlements in hours not days for all employees regardless of whether employees work full-time or part time. This is to ensure equity between all, so that employees working variable hours/shifts do not receive either more or less paid leave than colleagues who work a fixed pattern.

Appendix Two: Exceptional Request Form to apply for carry over of annual leave

Name:		Assignment No:	
Department:		Employee No:	

I wish to carry forward hour(s) of my annual leave entitlement to the next leave year for the following reason*:

Reason unable to take leave entitlement in current year	Indicate which:	Approval required
Long term sickness: please see guidance in the Attendance Management and Wellbeing Policy and Procedure on what can be carried over in this situation		Human Resource Advisor
New parent leave (includes maternity, shared parental and adoption)		Head of Service
Service demands		Head of Service and Executive Director

Further detail:

Signed:		Date:	

I certify that the above named is unable to take all their annual leave in this leave year for the reason specified above.

Signed: (Head of Service or HR advisor)		Date:	
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Authorised by

Signed: (Executive Director where required)		Date:	
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Please note:

1. Subject to the needs of the service, up to 1 working week (pro rata to contracted hours) annual leave may be carried forward on application and taken in the following year.

2. Where a staff member is entitled to leave carried over from the previous leave year, the leave first taken in the current year shall be deemed to be that carried over until the amount of carried over leave is exhausted.
3. Except in those circumstances for which special provision has been made the annual leave not taken shall not be carried over to the following year.
4. Payment will not be made in lieu of annual leave not taken, except on termination of employment.

Completed forms to request carry over need to be approved as per the table above and are not approved till all required parties have authorised the form.

If carry over of leave is authorised, the completed and fully authorised form should be sent to lpt.hrinputting@nhs.net

Appendix Three: Bank Holidays

Upcoming bank holidays for England can be found at:

<https://www.gov.uk/bank-holidays?v=home>

Appendix Four: Annual Leave Example Calculations

For all calculations, total annual leave entitlement is rounded up to the nearest half hour. All rounding is completed at the last stage in any calculation to determine annual leave; general public bank holiday entitlement; and associated calculations to pro rata this to either part time hours or number of days remaining in the year.

Entitlement: Annual Leave

Full time is defined as 37.5 hours a week. Paid annual leave entitlements for all employees in relation to basic contracted working hours are calculated using the following formula:

	Pro rata for weekly contracted hours					
Annual leave:	Weekly contracted hours	÷	Full time equivalent weekly hours	x	Full year annual leave entitlement for relevant length of service	= Annual leave entitlement
example	20	÷	37.5	x	202.5	= 108

Entitlement: General public holidays

	Pro rata for weekly contracted hours					
General public holidays	Weekly contracted hours	÷	Full time equivalent weekly hours	x	Full time entitlement for number of general public holidays remaining in the year	= General public holiday entitlement
example	20	÷	37.5	x	60	= 32

Appendix Five : Governance

Version control and summary of changes

Version number	Date	Description of key change
7	June 2026	• Policy transferred to new Trust policy template • Removal of tables to calculate annual leave/general public holiday allowance to ensure consistency in calculations to arrive at individual entitlements.

Responsibilities

Responsibility	Title
Executive Lead	Group Chief People Officer
Policy Author	Senior HR Advisor

Governance

Governance Level	Name
Level 1 Assurance Oversight	Joint People and Culture Committee
Level 2 Delivery Group for policy approval and compliance monitoring	Workforce Development Group
Consultation	Trust Policy Experts
	Staff side
	All LPT Employees Bands 7 and above

Compliance Measures

KPI (only need 1-2 KPI's per policy)	Where will this be reported and how often
Monitoring of annual leave booked during the leave year	Monitored through monthly Directorate Workforce Report at WDG bi-monthly.

Training Requirements

There is no training requirement identified within this policy.

References

This policy was drafted with reference to the following:

1. NHS Terms and Conditions of Service Handbook
2. Leicestershire Partnership Trust 'Attendance Management and Wellbeing Policy and Procedure'
3. Leicestershire Partnership Trust Maternity/Paternity/Adoption and Shared Parental Leave and Parental Leave Policy and Procedure (including loss during or after pregnancy) Policy'
4. Health & Safety Executive: The Working Time Regulations
5. Gov.uk website <https://www.gov.uk/bank-holidays>