



Dear Colleague

NHS SCOTLAND ANNUAL LEAVE POLICY FOR AGENDA FOR CHANGE STAFF

Summary

1. This letter provides guidance on the provision of annual leave and general public holidays for Agenda for Change staff working in NHS Scotland and is designed to be read in conjunction with Section 13 of the Agenda for Change Handbook.

2. The Annex to this letter supercedes the previous version of this policy issued as DL(2017)4, and all other versions which predate it.

Action

3. NHS Boards and Special Health Boards should ensure that their policies on annual leave and public holiday comply with the provisions outlined in this letter.

4. This letter can be obtained online at –
<https://www.publications.scot.nhs.uk>.

Yours sincerely

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DL (2024) 07

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Addresses

For action

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For information

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AGENDA FOR CHANGE

Annual Leave Policy

Note: For speed and convenience, and to ensure consistency across the service, an online annual leave and public holiday calculator has been developed as part of the NHS Scotland Workforce Policies. This calculator should now be used to calculate annual leave and public holiday entitlement for all Agenda for Change staff in Scotland. The calculator can be found at:

<https://workforce.nhs.scot/calculators/annual-leave-calculator>

ANNUAL LEAVE POLICY (NON-MEDICAL STAFF)

Introduction

1. The Scottish Terms and Conditions Committee has developed this policy in line with the annual leave and public holiday entitlements within the Agenda for Change Agreement. This policy will be applied across NHS Scotland.

Purpose

2. The aim of this policy is to provide a uniform and equitable approach to the calculation of annual leave and public holiday entitlements for Agenda for Change staff.

Scope

3. The policy applies to all employees who are employed on Agenda for Change terms and conditions. The principles contained within this policy also apply to bank workers. For further guidance on leave for bank/casual workers, see NHS Circular [CEL 15\(2011\)](#).

Annual leave year

4. The annual leave period shall be from 1 April to 31 March. This may be reviewed at some point in the future.

Exclusions

5. This policy is not applicable to Medical and Dental staff, for whom separate provisions apply.

Entitlement

Entitlement for complete years

6. The basic annual leave provisions under Agenda for Change, which apply to full-time staff and have been effective since 1 October 2004, are contained in Table 1 below. Note that full-time hours are due to decrease over the coming years from 37.5 to 36, so the table also provides confirmation of what the leave entitlement will be in hours at each point of reduction.

TABLE 1
Annual leave entitlement for full-time staff (Pro-rata for part-time staff)

Full-Time Hours – 37.5			
Length of Service	Annual Leave + General Public Holidays	Annual Leave in Hours	Public Holidays in Hours
On appointment	27 days + 8 days	202.5	60
After 5 years	29 days + 8 days	217.5	60
After 10 years	33 days + 8 days	247.5	60

Full-Time Hours – 37			
Length of Service	Annual Leave + General Public Holidays	Annual Leave in Hours	Public Holidays in Hours
On appointment	27 days + 8 days	200.0	60
After 5 years	29 days + 8 days	214.5	60
After 10 years	33 days + 8 days	244.0	60

Full-Time Hours – 36.5			
Length of Service	Annual Leave + General Public Holidays	Annual Leave in Hours	Public Holidays in Hours
On appointment	27 days + 8 days	197.0	60
After 5 years	29 days + 8 days	211.5	60
After 10 years	33 days + 8 days	241.0	60

Full-Time Hours – 36			
Length of Service	Annual Leave + General Public Holidays	Annual Leave in Hours	Public Holidays in Hours
On appointment	27 days + 8 days	194.5	60
After 5 years	29 days + 8 days	209.0	60
After 10 years	33 days + 8 days	237.5	60

*Note that because public holidays are rounded up to the nearest half day, the allocation will continue to be 60 hours for full-time staff. See Tables 2 and 3 at the end of this guidance for full information on part-time hours entitlement.

7. There is an expectation on every member of staff that they will fully utilise their entitlement to annual leave during the holiday year in which it accumulates. The improvements in the amount of annual leave available under Agenda for Change – and in the factors to be included when calculating that entitlement – are in line with the overall intentions of making the NHS an exemplary employer. Annual leave ensures that every member of staff has adequate time away from work for rest and respite.

8. All requests for annual leave should therefore be dealt with in accordance with the principles of partnership working in NHS Scotland. There should be mutual agreement between the member of staff and their manager. Requests for specific dates should normally be accepted and agreed and should only be refused if there are justifiable service/staffing reasons for doing so. Staff will be expected to be flexible in such circumstances.

9. Staff will be entitled to take annual leave in the periods that will most benefit them in line with the above principles, subject to the approval of their line manager.

10. It is expected that annual leave will normally be taken in periods of not less than ½ day/shift.

11. However, the national 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 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.

12. Table 1 above indicated the entitlement for full-time staff. Part-time staff will receive a pro-rata entitlement based on contracted hours, rounded up or down to the nearest 0.5 decimal point (i.e. the nearest ½ hour).

13. In addition to annual leave entitlement, full-time employees are entitled to 8 days (60 hours) paid general public holidays. In the case of all part-time staff, this entitlement is pro rata to the full-time allowance of 8 days, rounded up to the nearest half day as per paragraph 13.6 of the Agenda for Change Handbook. 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 public 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.

14. For convenience, an online annual leave and public holiday calculator has been developed which takes account of all relevant guidance – <https://workforce.nhs.scot/calculators/annual-leave-calculator>.

15. For clarity, the figures which underlie the calculator for annual leave and public holidays are attached as Table 2 and Table 3. However, staff and managers should from now on refer to the online calculator as the key point of reference for calculating entitlement and may wish to bookmark the web page for ease of future reference. Care should be taken to enter the correct data into the calculator (public holidays left in the leave year, years of service etc). If circumstances change during the leave year, a further calculation period can be added. For example, when an employee's NHS service increased from 4 to 5 years. Particular care should be taken to enter the correct contracted hours as the working week for Agenda for Change staff reduces over the coming years. It may be helpful if both staff and managers enter information into the calculator separately as a way of double-checking entitlement.

16. For staff working annualised hours or during term time only please refer to the SPRIG guidance letter SGL/2005/011 which can be found in the Other NHS Scotland Guidance section of the MSG website – <https://www.msg.scot.nhs.uk/publications>.

Calculation of Reckonable Service

Principles

17. An employee's previous service with any NHS employer will count as reckonable service in respect of NHS agreements on redundancy, maternity, sick pay and annual leave. On returning to NHS employment, a previous period or periods of NHS service will be counted towards the employee's entitlement to annual leave.

18. NHS employers have the discretion to take into account any period or periods of employment with employers outside the NHS, where these are judged to be relevant to NHS employment. In this respect, it has been agreed that there should be a consistency of approach across NHS Scotland.

Details

19. For the purposes of calculating annual leave entitlement for a new employee, NHS Scotland employers should count as reckonable service any previous service with the following employers:

Private Sector

20. Where an employee has TUPE transferred out of the NHS to a private sector employer under a PPP/PFI contract arrangement and decides to rejoin NHS Scotland.

Other NHS organisations

21. GP Employed Staff.

Voluntary Sector

22. Voluntary sector – paid employees in organisations providing a health care provision or a service closely related to health care. Examples would be hospices, McMillan or Maggies.

Overseas

23. Overseas service should be considered in line with the relevant legislation, as set out in Annex 28 of the Agenda for Change Handbook “Guidance on Frequently Asked Questions”.

Entitlement on Joining

24. All new members of staff will be entitled to annual leave plus public holidays in the year of joining the organisation on a pro-rata basis.

25. Entitlement to annual leave accrues from the date of commencement in post and entitlement in the first year is dependent on the number of days worked after the date of joining and before the end of the annual leave year.

Entitlement on changing contracted hours

26. Where staff change their contracted hours, this will result in a re-calculation of their leave entitlement based on the number of days on the new and the old contracted hours to give the full year entitlement. In this situation, the user should use the function in the online calculator to add a calculation period. This allows the two separate sets of criteria to be added into the online calculator for the leave year up to the date of change and the leave year after the date of change –

<https://workforce.nhs.scot/calculators/annual-leave-calculator>.

General public holidays

27. There are 8 Public Holidays in the year, four of which have been agreed for NHS Scotland. These are:

25 December

26 December

01 January

02 January

28. The other four days will be determined locally.
29. All full-time employees are entitled to 8 paid public holidays in the leave year subject to Section 13 of the Agenda for Change Terms and Conditions Handbook. In the case of part-time staff, this will be a proportionate number of public holiday hours based on their basic weekly contracted hours rounded up to the nearest half day as per paragraph 13.6 of the Handbook. Locally, and where it is agreed in line with the Agenda for Change agreement, up to four days not designated nationally can be converted into annual leave. Table 4 identifies the actual hours entitlement pro-rata per bank holiday on the basis that a staff member's full entitlement has been rounded up to the nearest half day.
30. On each and every occasion an employee takes paid time off on a public holiday as part of their basic week, the appropriate deduction as per Table 4 of their normal basic working hours for that day will be made from their overall entitlement.
31. It is recognised that within NHS Scotland there are a range of shift lengths and rota patterns that both full and part-time staff may be involved in when being allocated a public holiday. In order to ensure that staff are not treated detrimentally in respect of their total public holiday entitlement or end up in a situation where, by default, their annual leave hours are being used to offset public holiday hours, the following should be applied.
32. When deducting public holiday hours if taken, this must be based upon the content of Table 4 and not the duration of the shift that the staff member would have been rostered to work on any public holiday. For example, if a full-time staff member's normal shift length is 12 hours and they are off on a public holiday then they should only have 7.5 hours deducted from their total annual leave and PH entitlement and not 12. Similarly for a part-time member of staff working 23 hours a week the public holiday deduction would be 4.7 hours.
33. Where operationally possible, and subject to mutual agreement, an employee may change their days of working during a public holiday week and therefore retain their leave entitlement in respect of the public holiday. This can then be taken as time off at another time.
34. There will be some years when more (or fewer) than 8 public holidays will fall within the leave year simply because holidays follow the calendar year e.g. Easter holidays (where designated as public holidays) can be in March or April. When this situation arises, these days should be taken from the following year's leave allocation.

Cover of leave

35. It is expected that staff will take their annual leave within the leave year. In certain circumstances up to one working week of basic contracted hours may be carried over to the following year, with the agreement of the Manager.
36. Where staff have, exceptionally, been prevented from taking their leave due to service demands then, again, the amount carried forward will be expressed in contracted hours and this should not normally exceed one working week of basic contracted hours.

Carry over of annual leave following sick leave

37. Any employee who is not able to use up their leave entitlement in a given year because of sick leave will be entitled to the difference between any annual leave and/or public holidays taken before sick leave began and the statutory entitlement. From 1 April 2009 the Working Time Directive statutory entitlement to annual leave is 5.6 weeks (28 days). This should be carried over and added to the entitlement in the new leave year or, where an employee terminates and does not return to work, should be paid at full pay rates in lieu of leave. See [CEL 17\(2009\)](#) for further information on this issue.

38. It should be noted that staff are entitled to statutory leave only and employees are not entitled to carry over (or be paid on termination) the full amount of leave provided by their NHS terms and conditions of employment.

Sickness occurring during annual leave or public holidays

39. If an employee falls sick whilst on annual leave and complies with local Sickness Notification and Certification Procedures (as per the [NHS Scotland Attendance Policy](#)), the period covered will be treated as sick leave, allowing the employee to take the annual leave at another agreed time. In accordance with Agenda for Change Terms and Conditions, employees will not be entitled to an additional day off if sick on a public holiday that they would otherwise have been required to work as part of their basic week.

Entitlement on leaving

40. Employees leaving the service of a body constituted under the National Health Service and Health Services Acts are entitled in the leave year of cessation to annual leave proportionate to the number of calendar days between 1 April and the date of termination. The period of employment of these employees shall, if necessary, be extended so as to permit them to take any balance of leave to which they are entitled on the proportionate basis, always excepting cases where the employment is terminated on disciplinary grounds. The online calculator can be used to calculate entitlement to annual leave and public holidays on leaving - <https://workforce.nhs.scot/calculators/annual-leave-calculator>.

41. Staff who leave the employing organisation will receive their full annual leave entitlement for each day they have worked in the current leave year, less any annual leave taken plus any outstanding public holiday hours, i.e. for those hours still to be taken as a result of the employee working a public holiday.

42. Where total leave taken exceeds the earned total leave entitlement an appropriate deduction will be made from final monies due.

43. Payment in lieu of annual leave shall be made only when staff are leaving the NHS Board.

44. Where an employee dies in service an allowance equivalent to that part of the annual leave entitlement, calculated on the proportionate basis, not taken at date of death shall be paid to the employee's personal representative. No deduction from the final salary payment should be made in respect of annual leave taken in excess of entitlement at the date of death.

Former Ancillary and Maintenance Whitley Staffs Council Leave rules.

45. When Ancillary and Maintenance Staff in post in the leave year beginning on 1 April 1988 leave the service, they will be entitled to take the number of days of annual leave to which they became entitled on 1 April 1989, based on their aggregated service completed by 31 March 1989, and calculated in accordance with the appropriate tables in the respective former Whitley Council Handbooks.

46. Staff shall have this entitlement once only. If it is not convenient for the employing authority to allow the whole or any part of such leave before the date of leaving the service payment in lieu shall be made at the rate in force at the date of termination and in accordance with the agreement which exists to cover payment during annual leave when the employee leaves the service. Where it is more beneficial to the employee, accrued annual leave entitlement shall be based upon the contracted hours at 31 March 1989, rather than at the time of leaving the service. Any leave in excess of that due at Table 1 above may be deducted from the total of the leave to which the employee was due on 1 April 1989.

Agreement

47. This Policy has been jointly agreed by the Scottish Terms and Conditions Committee for NHS Scotland under the arrangements for implementation of Agenda for Change.

TABLE 2
Agenda for Change
Annual leave entitlement for complete years exclusive of public holidays

Weekly basic contracted hours	On appointment 27 DAYS	After 5 years service 29 DAYS	After 10 years service 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
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

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

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TABLE 2 (cont)
Agenda for Change
Annual leave entitlement for complete years exclusive of public holidays

Weekly basic contracted hours	On appointment	After 5 years service	After 10 years service
	27 DAYS	29 DAYS	33 DAYS
	HOURS EQUIVALENT:		
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
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 $\frac{\text{Weekly Contracted Hrs}}{5} \times \text{No. of Days Entitlement}$

TABLE 3
Agenda for Change
Calculation of public holiday entitlement

Weekly basic contracted hours	Hourly entitlement for full leave year	Entitlement rounded up to the nearest half day
(8 Bank Holidays)		
37.5	60.0	60.0
37.0	59.0	60.0
36.5	58.5	60.0
36.0	57.5	60.0
35.5	57.0	60.0
35.0	56.0	56.25
34.5	55.0	56.25
34.0	54.5	56.25
33.5	53.5	56.25
33.0	53.0	56.25
32.5	52.0	52.5
32.0	51.0	52.5
31.5	50.5	52.5
31.0	49.5	52.5
30.5	49.0	52.5
30.0	48.0	48.75
29.5	47.0	48.75
29.0	46.5	48.75
28.5	45.5	48.75
28.0	45.0	45
27.5	44.0	45
27.0	43.0	45
26.5	42.5	45
26.0	41.5	45
25.5	41.0	41.25
25.0	40.0	41.25
24.5	39.0	41.25
24.0	38.5	41.25
23.5	37.5	37.5
23.0	37.0	37.5
22.5	36.0	37.5
22.0	35.0	37.5
21.5	34.5	37.5
21.0	33.5	33.75
20.5	33.0	33.72
20.0	32.0	33.75
19.5	31.0	33.75

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

TABLE 3 (cont)
Agenda for Change
Calculation of public holiday entitlement

Weekly basic contracted hours	Hourly entitlement for full leave year	Entitlement rounded up to the nearest half day
(8 Bank Holidays)		
19.0	30.5	33.75
18.5	29.5	30
18.0	29.0	30
17.5	28.0	30
17.0	27.0	30
16.5	26.5	30
16.0	25.5	26.25
15.5	25.0	26.25
15.0	24.0	26.25
14.5	23.0	26.25
14.0	22.5	22.5
13.5	21.5	22.5
13.0	21.0	22.5
12.5	20.0	22.5
12.0	19.0	22.5
11.5	18.5	18.75
11.0	17.5	18.75
10.5	17.0	18.75
10.0	16.0	18.75
9.5	15.0	15
9.0	14.5	15
8.5	13.5	15
8.0	13.0	15
7.5	12.0	15
7.0	11.0	11.25
6.5	10.5	11.25
6.0	9.5	11.25
5.5	9.0	11.25
5.0	8.0	11.25
4.5	7.0	7.5
4.0	6.5	7.5
3.5	5.5	7.5
3.0	5.0	7.5
2.5	4.0	7.5
2.0	3.0	3.75
1.5	2.5	3.75
1.0	1.5	3.75
0.5	1.0	3.75

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

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Table 4
Calculation of public holiday entitlement per day
(where full year entitlement has been rounded up to the nearest half day)

Weekly basic contracted hours	Hourly entitlement on each bank holiday as it occurs
37.5	7.5
37.0	7.5
36.5	7.5
36.0	7.5
35.5	7.5
35.0	7.0
34.5	7.0
34.0	7.0
33.5	7.0
33.0	7.0
32.5	6.5
32.0	6.5
31.5	6.5
31.0	6.5
30.5	6.5
30.0	6.0
29.5	6.0
29.0	6.0
28.5	6.0
28.0	5.6
27.5	5.6
27.0	5.6
26.5	5.6
26.0	5.6
25.5	5.1
25.0	5.1
24.5	5.1
24.0	5.1
23.5	4.7
23.0	4.7
22.5	4.7
22.0	4.7
21.5	4.7
21.0	4.2
20.5	4.2
20.0	4.2
19.5	4.2
19.0	4.2

Weekly basic contracted hours	Hourly entitlement on each bank holiday as it occurs
18.5	3.7
18.0	3.7
17.5	3.7
17.0	3.7
16.5	3.7
16.0	3.2
15.5	3.2
15.0	3.2
14.5	3.2
14.0	2.8
13.5	2.8
13.0	2.8
12.5	2.8
12.0	2.8
11.5	2.3
11.0	2.3
10.5	2.3
10.0	2.3
9.5	1.9
9.0	1.9
8.5	1.9
8.0	1.9
7.5	1.9
7.0	1.4
6.5	1.4
6.0	1.4
5.5	1.4
5.0	1.4
4.5	0.9
4.0	0.9
3.5	0.9
3.0	0.9
2.5	0.9
2.0	0.4
1.5	0.4
1.0	0.4
0.5	0.4