

# PA02 Annual Leave Policy and Procedure

Serendipity Healthcare Ltd  
Unit 5 Millennium Way, Dunston, Chesterfield, Derbyshire, S41 8ND

## 1. Purpose

To ensure that Serendipity Healthcare Ltd makes employees and workers aware of their entitlement to a minimum of 28 days pro-rata holiday under the Working Time Regulations 1998 (WTR) and the Employment Rights Act 1996 (ERA).

To support Serendipity Healthcare Ltd in meeting the following Key Lines of Enquiry:

| Key Question    | Key Lines of Enquiry  |
|-----------------|---|
| <b>SAFE</b>     | <b>S3:</b> How does the service make sure that there are sufficient numbers of suitable staff to support people to stay safe and meet their needs?                          |
| <b>WELL-LED</b> | <b>W2:</b> Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed? |

To meet the legal requirements of the regulated activities that Serendipity Healthcare Ltd is registered to provide:

- Employment Rights Act 1996 (ERA)
- Working Time Regulations 1998 (WTA)
- Coronavirus Act 2020

## 2. Scope

The following roles may be affected by this policy:

- All staff

The following Service Users may be affected by this policy:

- Service Users

The following stakeholders may be affected by this policy:

- Family

## 3. Objectives

That all employees and workers are aware of their entitlement to receive 28 days pro-rata annual leave under the Working Time Regulations

That all employees and workers are aware of their entitlement to receive pay for holidays taken under the WTA and ERA

That Serendipity Healthcare Ltd ensures that there are sufficient numbers of staff to cover any periods where others may be on annual leave.

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That annual leave is properly managed to ensure that service levels for Service Users are maintained and impact on their families is minimised.

## 4. Policy

Serendipity will comply with the WTR and the ERA and any subsequent amendments which may come into force and which govern annual leave entitlements.

Serendipity Healthcare Ltd will always meet its obligations to provide at least statutory minimum annual leave to all employees and workers who are entitled to it.

It is the policy at Serendipity Healthcare Ltd that employees and workers should be given paid holiday every year, and that this holiday is taken.

Employees and workers should have the opportunity to take the holiday to which they are entitled. Managers are responsible for ensuring that the workload does not prevent this whilst also ensuring that the needs of Serendipity Healthcare Ltd are taken into account.

This policy does not form part of any employee's contract of employment and Serendipity Healthcare Ltd may vary or amend it at any time.

## 5. Procedure

### Entitlement

Unless otherwise stated in your employment contract, employees and workers are entitled to 28 days pro-rata annual leave holiday per year (or the pro-rata equivalent if they work on a part time basis)

One 'week' is defined as the average working week of the twelve weeks prior to the holiday. This may be calculated in days or hours, depending on whether the working hours vary each week.

If the entitlement or engagement starts or finishes part way through the holiday year, holiday entitlement during that year shall be calculated on a pro-rata basis.

### Accrual

In the first year of employment, and for leave purposes only, accrual of leave entitlement will one-twelfth of annual entitlement for each calendar month in which in the employee or worker works. Accrued entitlement for leave purposes is rounded to the nearest half-day. Service with any other employer will not count when calculating accrued entitlement.

Holidays may not usually be taken in advance of being accrued. If an employee or worker wishes to exceed this limit they must make a request at least 3 months in advance. If the holiday is approved,

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the employee or worker is reminded that, if they leave employment with the organisation having taken holidays in excess of their accrued pay entitlement, the excess will be reclaimed and deducted from final wages. In the event that the excess owed exceeds the wages owed, they must refund the difference to the organisation personally.

For the purpose of holiday pay due (or to be re-paid) on termination, the accrued holiday is calculated pro-rata to the actual days on which the employee or worker were employed in the holiday year, irrespective of whether this is their first year of entitlement or not. For pay purposes, there is no half-day rounding.

## New Employees

Every effort will be made to meet the needs of new employees in respect of commitments to holidays already made. New employees should inform Serendipity Healthcare Ltd of any holiday plans at the earliest opportunity after acceptance of the job role. Where the booked holiday exceeds annual leave entitlement, consideration will be given to granting unpaid holiday up to a maximum of 2 weeks.

## Holiday Rules

The following rules applies to all holidays:

- Standard rotas remain in place and all staff provide working schedule which is adhered to where possible
- Serendipity Healthcare reserves the right to require you to work on a public holiday. If you are required to work on a public holiday you will be paid a higher hourly rate of pay.
- For the avoidance of doubt, the first four weeks of the leave you take in any holiday year shall be deemed to be leave derived from Regulation 13a of the WTR
- Where there is conflicting holiday requests, priority will normally be given to the employee whose request was received first. Management may exercise some discretion to ensure equitable treatment.
- No more than 2 weeks of annual leave may normally be taken at one time. If you wish to exceed this limit you must make your request to management at least 3 months in advance.
- No more that 2 weeks of annual leave may be taken during the first two quarters of the annual leave year cycle at Serendipity Healthcare Ltd, and no more that one week in each of the following two quarters. If you wish to exceed this limit you must make your request to management at least 3 months in advance.
- If you take annual leave not previously approved, you will be deemed to be absent without authorisation and you may be subject to disciplinary action, which could include dismissal.
- Serendipity Healthcare Ltd may require you to take (or not to take) holiday on particular dates, including when Serendipity Healthcare Ltd is closed, particularly busy, or during your notice period; such days to be notified to you in a reasonable time ahead of the required dates.
- If you are ill or injured whilst on holiday, to the extent that you would be unable to come to work (when you are meant to be at work) then you may choose to treat the period of incapacity as sick leave and reclaim the affected days of holiday. In these circumstances, you must comply with the sickness absence reporting requirements at Serendipity Healthcare Ltd as if you were at work. If you are already on sick leave before a pre-arranged period of holiday, you may choose to cancel any days of holiday that coincide with the period of incapacity and treat them as sick leave. You will be entitled to any SSP (not holiday pay) in

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relation to any such days of sickness. Any false claims or other abuse rules will be treated as misconduct under the Disciplinary policy and procedure at Serendipity Healthcare Ltd.

### Obtaining Approval

All annual holiday requirements must receive management approval before being taken. When you wish to take part of your annual holiday entitlement you should follow the procedure set out below:

- Requests must be made in writing by completing the on-line request using the following link
  - <http://www.serendipity-healthcare.co.uk/holiday-request/>
- Request must be made at the earliest reasonable opportunity and generally no later than 4 weeks before the required start date.
- We will consider the request, having regard to the needs of the organisation and the rules on holiday set out within this policy. Where necessary, Mrs Sarah Pickles will be consulted before a final decision is made.
- A response will be made to you via email stating approved or not approved with brief reasons for refusal where applicable. Only on receipt of this email duly approved, should you commit yourself to any holiday plan. If you pay a deposit for the holiday before the dates are approved, then the organisation is not responsible for any losses you may incur if the dates are refused.
- In the event of you dispute the decision of management, the grievance policy and procedure at Serendipity Healthcare Ltd should be used. Once approval for annual holiday has been given it will not normally be given.

### Carrying Holiday Over

The holiday year at Serendipity Healthcare Ltd runs for the period: 1<sup>st</sup> January to 31<sup>st</sup> December

Full annual holiday entitlement for the year must be taken during the holiday year in which it accrues. No payment in lieu will be made for any untaken holiday, nor will an employee be allowed to carry it over to the next year in normal circumstances.

Untaken holiday entitlement can only be carried over into another holiday year as follows:

- In cases involving long-term sickness absence (see below)
- In cases of maternity, paternity, adoption, parental or shared parental leave
- In exceptional circumstances, where permission in writing has been given, or
- If otherwise required by law