**Voluntary Scheme for the Extra-Ordinary Payment of Unused Contractual Leave Entitlement**

**This document accompanies the regional annual leave agreement and supersedes any previous Trust guidance.**

Managers: please ensure all staff are made aware especially those on maternity leave or shielding.

**FAQs**

The Working Time Regulations (WTR) provide 5.6 weeks (28 days) annual leave pro rata for all employees which is referred to as your statutory provision. HSC staff also have a contractual provision. The combination of statutory and contractual leave make up your total annual leave and are detailed in the table below.

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| **Table 1: AFC Terms and Conditions – A/L Provision \*Pro Rata** |
| **Length of service** | **Annual leave and general public holidays** | **Total Leave** | **Breakdown of total leave** **(by WTR definition)** |
| On appointment  | 27 days + 10 days | **37** | 28 statutory + 9 contractual |
| After five years' service  | 29 days + 10 days | **39** | 28 statutory + 11 contractual |
| After ten years' service  | 33 days + 10 days  | **43** | 28 statutory + 15 contractual |

The Working Time (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020 has made provision for employees to carry forward untaken statutory leave as a result of Covid. HSCNI have also made provision for untaken contractual leave to be either carried forward or paid (or a combination of carrying forward and pay) so as to ensure no one loses annual leave as a result of Covid.

In some of our services, staff may have been able to take accrued leave throughout the year as normal. Where this has been possible, the normal discretionary carryover of 1 contractual week applies. Staff should be encouraged to continue to use their leave entitlement during this leave year where it is possible.

**The scheme will close for payment of leave requests on 31 March 2021.**

**Q1. I have not been able to take all my annual leave due to Covid19, am I able to carry forward my outstanding leave?**

Yes. The Working Time (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020, makes provision for those staff who have not had the opportunity to use all of their leave due to Covid to carry forward all their unused statutory annual leave into the next 2 leave years.

Staff also have the option of carrying forward and/or converting their contractual leave into pay (see Q4). You cannot convert outstanding statutory leave into pay.

*\* If you are on maternity or long term sick leave see Q9*

**Q2. How do I apply to carry forward outstanding leave?**

This should be requested and agreed locally with your line manager.

All carried forward leave must be taken by 31 March 2023. Carried forward leave should be recorded and retained locally by your manager.

**Q3. When can I take my carried forward annual leave?**

Carried forward annual leave can be taken over the next two leave years i.e. by 31 March 2023. Additional carried forward leave has the potential to impact on service provision and it is therefore important that staff and managers consider and agree how leave will be taken. Annual leave must be applied for and approved in the normal way and consideration must be given to the impact of service delivery.

**Q4. Can I avail of payment in respect of untaken leave?**

Yes, in some circumstances.

A one-off extra-ordinary option has been agreed to ensure HSC staff who have been unable to take their full quota of annual leave due to Covid have the opportunity to convert contractual leave into pay.

You cannot request payment for statutory leave, however this can be carried forward subject to agreement with your line manager.

***\*The payment of annual leave may impact on means tested benefits eg. Universal Credit\****

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| **Table 2: Staff Paid on Agenda for Change and Senior Executive Terms & Conditions (based on 7.5 hour day) \*Pro rata for part time staff** |
| **Length of service** | **Total Leave\*** | **Breakdown of total leave** **(by WTR definition)\*** | **Maximum that can be converted to pay\*** |
| On appointment  | **37** | 28 statutory + 9 contractual =37 | **9 (67.5 hours)** |
| After five years' service  | **39** | 28 statutory + 11 contractual = 39 | **11 (82.5 hours)** |
| After ten years' service  | **43** | 28 statutory + 15 contractual = 43 | **15 (112.5 hours)** |

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| Table 3: Medical & Dental Staff (based on 8 hour day) |
| Contractual Leave Entitlement *Full-time equivalent* | Statutory Annual Leave Entitlement*including Public Holidays* | Maximum Unused Contractual Leave Available for Payment*Full-time equivalent* |
| 25 days Annual Leave plus 12 days Public Holidays(296 hours) | 28 days (224 hours) | 9 days (72 hours) |
| 30 days Annual Leave plus 12 days Public Holidays(336 hours) | 28 days (224 hours) | 14 days (112 hours) |
| 32 days Annual Leave plus 10 days Public Holidays(336 hours) | 28 days (224 hours) | 14 days (112 hours) |
| 34 days Annual Leave plus 10 days Public Holidays(352 hours) | 28 days (224 hours) | 16 days (128 hours) |

**Q5.      How do I request payment for annual leave?**

Requests for payment of leave must be completed on the form in Appendix 1 of this document and submitted to your line manager.

Please discuss and agree this with your line manager no later than **31 March 2021**.  Processing of requests for payment may vary across Trusts.  You and your line manager should check the processing arrangements in place within your own Trust.

Your manager must deduct the hours paid from your 2020/21 annual leave entitlement to ensure this is not credited twice.

**Q6. What rate of pay will I receive for annual leave?**

Staff can expect to be paid leave in line with their contractual arrangements (Band and Pay point) as of 31 March 2021 at the appropriate rate.

Annual leave payments are based on basic pay and subject to tax and National Insurance deductions. The payment is not pensionable.

*Other at source deductions based on gross salary may be affected.*

Staff are advised to consider the impact payment of leave may have if they are in receipt of means tested benefits.

**Q8. When will I receive payment?**

Request for payments must be made before 31 March 2021. Payments will be made as soon as possible following this date.

**Q9.    Does this guidance apply to those on maternity leave or long term sick leave?**

For staff who have been on maternity leave and are unable to take annual leave due to Covid the regional scheme applies.

Normal arrangements remain in place regarding the accrual and carry forward of annual leave while on maternity leave.

For staff who have been on or are on long term sick leave relating to Covid the regional scheme applies. If you continue to be on long term sick leave relating to Covid and are not in work,  you can discuss the application of this scheme with your line manager.  Please contact your line manager before the scheme closes on the 31 March 2021 to facilitate the carryover and payment of leave.

Staff who have been on or are on long term sick leave not owing to Covid will accrue and carry forward leave in line with Stringer.

**Q10. I have received a CEV letter and am currently unable to work from home, will I continue to accrue annual leave and does this scheme apply to me?**

Yes, all staff are eligible to apply for this scheme if they have been unable to take leave due to Covid.

**Q11.  Am I required to take my annual leave before the end of March?**

Staff should be encouraged to continue to use their leave entitlement during the leave year where possible for rest and recuperation.

If you have been unable to take your annual leave due to Covid, the Voluntary Scheme for the Extra-Ordinary Payment of Unused Contractual Leave Entitlement applies.

**Q12. I have been keeping my annual leave in case of potential childcare related issues, does this scheme apply?**

Staff are encouraged to use their leave for rest and recuperation if they have the opportunity to do so and should discuss  the application of this scheme with their manager.

Managers should discuss all available options regarding leave for childcare with their staff and should remain flexible in their approach, making decisions on a case by case basis.

**Q.13 I am a doctor/dentist in training does the Scheme apply to me?**

Yes, the scheme applies to all staff who have been unable to take their accrued leave up to 31 March 2021 due to Covid.  For doctors and dentists in training this will be approved by your line manager and paid by your employer, either the Trust or NIMDTA.  This scheme supersedes [guidance](https://www.publichealth.hscni.net/sites/default/files/2020-05/Annual%20leave%20for%20doctors%20dentists%20in%20training%20%28DDiT%29.pdf) previously issued to trainees in May 2020.

**Q.14 My annual leave year doesn’t run from 1 April to 31 March.  How does the scheme apply to me?**

If your leave year runs over a different period, you are still entitled to carry forward your unused annual leave due to Covid over the next two years, but this must be used by 31 March 2023.  If you wish to receive payment for your unused additional contractual annual leave accrued as at 31 March 2021 you can make an application to do so.  The amount you can receive payment for will be pro-rata based on the Annual Leave Ready Reckoner ([link](http://intranet.belfasttrust.local/directorates/hr/Documents/COVID-19/Annual%20leave%20ready%20reckoner%20by%20hours.xls)).  For example, if the table states you can potentially receive payment for 9 days and your leave year runs from 1 September 2020 to 31 August 2021, you will only be entitled to request payment for 5 days i.e. 7/12 of the full years entitlement (9 days).  This is the number of days you accrued between 1 September 2020 and 31 March 2021.

If you wish to receive payment, you are required to make the application for payment to your line manager by 31 March 2021.  If you received payment for this leave, it will be deducted from your entitlement for the remainder of your annual leave year.  The Voluntary Scheme for the Extra-Ordinary Payment of Unused Contractual Leave Entitlement ends on 31 March 2021 and this option will not be applicable following this date.

For Trainees, following on from this scheme, normal arrangements for the use/payment/carrying forward of annual  leave during rotation will apply and be communicated outside of this process.

**Appendix 1**

**RESPONSE TO EMERGENCY COVID-19 PANDEMIC**

**REQUEST FOR PAYMENT OF UNUSED CONTRACTUAL LEAVE**

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| Employee Information *To be completed by employee* |
| Name | Click here to enter text. |
| Staff No | Click here to enter text. |
| Job | Click here to enter text. |
| Department | Click here to enter text. |
| Location | Click here to enter text. |

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| Details of leave *To be completed by employee* |
| Number of Leave Hours to be paid (must be stated in hours). Cannot include payment for untaken leave below the 5.6 week statutory minimum provisions | Click here to enter text. |
| Employee Declaration I acknowledge that, by signing this request for payment of unused contractual leave that I confirm my agreement to the temporary variation to my terms and conditions of employment as outlined in the Regional Proposal. I acknowledge that this temporary variation is as a result of the exceptional circumstances which the HSC organisations have faced in light of the covid-19 pandemic and is a one-off payment. I acknowledge that this scheme closes on 31 March 2021 and, following that date, I will have no contractual right to request payment in respect of my leave entitlement.  |
| Employee Signature | Click here to enter text. |
| Date | Click here to enter a date. |

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| Manager Authorisation*To be completed by Direct Line Manager*  |
| Request Approved | Yes [ ]  No [ ]  |
| If no, please detail reason  | Click here to enter text. |
| Number of Leave Hours approved for payment | Click here to enter text. |
| Manager Signature | Click here to enter text. |
| Date | Click here to enter a date. |

**NOTES**

* Payment of leave applies to contractual leave accrued and untaken during the 2020/2021 financial year only.
* All requests for payment of contractual leave must be agreed no later than 31 March 2021. The scheme will close for any new requests at this date.
* Where leave is paid - the manager must deduct the hours paid from the staff members 2020-2021 leave entitlement to ensure this is not credited to the staff member twice.

**PLEASE FORWARD TO THE DESIGNATED PERSON WITHIN YOUR TRUST WHO WILL COOORDINATE REQUESTS.**