



Dear Colleague

FURTHER GUIDANCE RE ANNUAL LEAVE AND PUBLIC HOLIDAYS DURING THE COVID-19 PANDEMIC

1. [DL\(2020\)9](#), issued 16 April 2020, sought to ensure that a consistent approach was adopted for any untaken annual leave and public holidays as at 31 March 2020. After 17 March, a number of services had to cancel planned leave for their staff, as they required them to work in order to cope with the increased demands that COVID-19 placed on the NHS.
2. During the last few months, whilst arrangements have been in place to delay or cancel annual leave, it is now recognised that circumstances have changed. Accordingly, revised guidance is required to reflect the change in circumstances, whilst taking into account the commitments made to staff who had to cancel their planned leave in March 2020.
3. Staff that were unable to take their full leave entitlement for 2019-20 as a consequence of COVID-19 may carry this leave forward. As previously agreed through the Scottish Terms and Conditions Committee (STAC), staff in this category may choose to carry this leave forward or receive payment. The employee can either use the carried forward annual leave or request payment for some or all of the carried forward annual leave.
4. For staff that are to be paid for their leave, this will be calculated using the Paid As If at Work (PAIAW) average calculation based on the individual's hourly rate in place at 31 March 2020 and the reference period of the year that ended on 31 March 2020. Working in partnership, Boards should agree the arrangements for processing payments for untaken annual leave.
5. Staff that would prefer to carry forward their untaken annual leave from 2019/20 have until 31 March 2022 to take this.
6. The arrangements for untaken annual leave only apply for the annual leave year 2019-20.

DL (2020) 16

10 June 2020

Addresses

For action

Chief Executives, NHS
Boards and Special Health
Boards and NHS National
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7. For the annual leave year 2020-21, employers and employees need to ensure that staff have access to their full annual leave entitlement. So the normal processes for allocating and requesting annual leave should apply. The primary aim of annual leave is rest and recuperation in accordance with NHS Boards' duty of care as employers. Annual leave requests should now be planned for the remainder of 2020-21. Staff are expected to take their full annual leave entitlement for 2020-21, and there is no facility for staff to request payment.

8. The arrangements for annual leave are detailed in the appropriate terms and conditions of service handbooks and agreed NHS Scotland circulars. The full policy for Agenda for Change staff is set out in [DL\(2017\)4](#) (Annual Leave Policy), the Annex to which covers entitlement, the management of annual leave and circumstances for carry forward.

9. The leave arrangements for Medical and Dental staff, as determined by their terms and conditions of service, allow for the carry forward of 5 days leave between leave years (Section 2 paragraph 12). Where employees are prevented by their employing authority from taking the full allowance of annual leave before the end of the leave year, they shall be allowed to make up the deficiency during the ensuing leave year at a time to be mutually agreed (Section 2 paragraph 12).

10. NHS Boards should ensure that any staff who were unable to take their leave as a consequence of COVID-19 are fully informed of their entitlements as described above.

Review

11. As with all policies put in place in response to COVID-19, this policy will be kept under partnership review by the Scottish Terms and Conditions Committee to ensure it continues to meet the needs of NHS Scotland.

Action

12. NHS Boards and Special Health Boards should ensure that this policy is widely publicised to staff and managers.

Yours sincerely



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