



Dear Colleague

ANNUAL LEAVE IN 2020-21 AND CARRY FORWARD TO 2021-22

1. Both [DL\(2020\)16](#) and [DL\(2020\)22](#) indicated the management approach for annual leave in 2020-21 during the COVID-19 emergency. Where possible, staff should still utilise their entitlement to annual leave as it is important that staff are allowed time away from work to rest and recuperate. Maintaining the wellbeing of NHS Staff during the pandemic is essential and all efforts must continue to allow staff to take their annual leave.

2. NHS Scotland remains on an emergency footing due to unprecedented service and workforce pressures. The recent significant increase in COVID-19 infections is causing considerable additional operational pressure across the service.

3. This may result in difficulties in allowing annual leave in some areas, for some groups of staff. Staff may be asked to change their approved plans for annual leave, and requests for annual leave may not be approved due to the demands on the service.

4. It is also recognised and appreciated that NHS Scotland staff have always volunteered to work additional hours during emergencies, and this guidance describes provisions that will be put in place to ensure that staff who work during what would have been annual leave retain their annual leave entitlement.

5. The arrangements detailed below have been agreed by the Scottish Terms and Conditions Committee (STAC) and all Boards are required to follow these guidelines. The guidelines sets out what actions Boards are required to take to ensure that staffs are not disadvantaged, and where possible staff should still be allowed to access annual leave. These are:

- a) NHS Scotland employers, where possible, should still consider annual leave requests to enable staff to rest and recuperate. However, in situations of staff shortage and increased demand for services, employers need to discuss with their staff and staff representatives what the plans for cancelling or delaying annual leave will be.

DL (2021) 03

22 January 2021

Addresses

For action

Chief Executives,
Directors of Human
Resources,
Directors of Finance
NHS Boards and Special
Health Boards and NHS
National Services Scotland
(Common Services Agency)

For information

Members, Scottish
Partnership Forum
Members, Scottish Terms
and Conditions Committee
Members, Scottish
Workforce and Governance
Group

Enquiries to:

Colin Cowie
Scottish Government
Health and Social Care,
Workforce Pay, Practice
and Partnership Division
Ground Floor Rear
St Andrew's House
Regent Road
Edinburgh EH1 3DG

E-mail:
colin.cowie@gov.scot



b) Any member of staff on AFC terms and conditions who has untaken annual leave as at 31 March 2021 may carry their untaken annual leave forward to the 2021-22 annual leave year. The normal 5 day carry forward rule will not apply for staff who have been unable to take their annual leave because of the COVID-19 emergency.

c) All Employers should aim for all their staff to have taken at least their statutory leave of 28 days (includes 20 days of annual leave and 8 public holidays) by 31 March 2021. Where this has not been possible due to either staff shortages and service demand, or other reasons such as sick leave, the line manager should discuss and agree a plan with staff for what annual leave may still be able to be taken this year, and what will be carried forward into the 2021-22 annual leave year.

d) The provisions in para b. above apply to all NHS Scotland AFC and Senior/Executive Manager staff. Medical and Dental staff have different terms and conditions covering annual leave carry-over to other NHS staff (see [DL\(2020\)16](#) para 9). Most also have a different annual leave cycle based on their individual date of appointment. However, the same principles enabling the carry-over of any untaken 2020-21 leave set out in para. b. above will apply. Any medical and dental staff who have not taken their full annual leave entitlement in their individual 2020-21 leave year will be entitled to carry forward all untaken leave into their 2021-22 leave year, and it will be added to their existing contractual entitlement. As detailed in c. above, employers should also discuss and agree a plan with any medical and dental staff that have not been able to take their statutory and mandatory leave by the end of their 2020-21 leave year.

e) Appreciating the need to ensure all staff are treated fairly and consistently, Health Boards should oversee the fair application of this policy through their Area Partnership Forums and Local Negotiating Committees respectively. STAC are available to provide further advice on the interpretation of these provisions if they cannot be resolved locally.

Review

6. Given the ongoing uncertainty about the duration of the current circumstances, STAC will review annual leave arrangements every three months.

Action

7. All Health Boards are asked to advise their staff about these new arrangements for carry forward as soon as possible.

Yours sincerely



Laura Zeballos
Acting Deputy Director
Health and Social Care,
Workforce Pay, Practice and Partnership Division