

Buying and selling annual leave

NHS Staff Council joint statement

Background

The 2018 framework agreement made provision for the development of a national framework for buying and selling annual leave.

During 2018/19, the NHS Staff Council undertook discussions with a view to reaching a collective national agreement to support local employers and trade unions in England who agree to develop and implement buying and selling leave policies.

Outcome

During the discussions, it was not possible to reach a joint national agreement due to a lack of consensus over what constituted an appropriate rate of pay at which leave would be sold.

There were several areas of good practice where the parties had reached consensus. These included:

- Limiting the amount of leave which employees could request to sell, to 37.5 hours per year (pro rata, for part-time staff).
- Ensuring there is a fair process for considering requests to buy or sell annual leave with a default position of accepting requests unless there is a clear objectively justified reason for not approving an application. This should include a right of appeal.
- Putting in place an annual review of all the requests and decisions for buying and selling annual leave, undertaken in partnership with local trade union representatives for the purposes of equality, fairness and consistency.

In the absence of a national agreement, we encourage local organisations to consider these points if developing their own local buying and selling leave policies in partnership with local staff sides, with a view to protecting employees' health, safety and wellbeing.

Next steps

Following these discussions, organisations may wish to consider either reviewing existing buying and selling leave policies or develop new ones in partnership with their local staff side unions, where appropriate.

The sub-group will now conclude their work by documenting the discussions they have had for the purpose of reporting the outcome to the NHS Pay Review Body. Once this work has been concluded, the NHS Staff Council executive will look to close the sub-group.