



ANNUAL LEAVE BUYBACK AND CARRY OVER 2021-22

1. The Scottish Government recognises the significant challenges currently facing NHS Scotland in terms of moving beyond the COVID-19 pandemic and into remobilisation.
2. Due to these service pressures, it has been decided to put in place a buy back provision for any untaken leave which goes beyond the 28 day per year statutory entitlement.

Background

3. [DL\(2020\)9](#), [DL\(2020\)16](#), [DL\(2020\)22](#) and [DL\(2021\)3](#) all provide guidance on the issue of Annual Leave and Public Holidays in NHS Scotland during the pandemic. The provisions in those letters continue to apply except for the amendment set out in this current letter.
4. [DL\(2020\)9](#) allowed staff to carry over untaken leave from the 2019-20 leave year, then gave them two years to either take it or sell it back to the service at “paid as if at work” rates.
5. [DL\(2021\)3](#) allowed staff to carry over any leave which they had not been able to take because of service pressures from the 2020-21 leave year into the 2021-22 leave year.
6. Many staff may therefore currently have large amounts of accumulated leave. It should be emphasised that, wherever possible, all accumulated leave should be taken.

Statutory Leave

7. Where it is not possible to take the entirety of the accumulated leave, all staff should, as in 2020-21, at least take their statutory leave of 28 days (20 days of annual leave and 8 days public holiday for Agenda for Change and Executive and Senior Manager staff and 18 days of annual leave and 10 public holidays for most Medical and Dental staff) in the 2021-22 leave year.

DL (2021) 35

3 November 2021

Addresses

For action:

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

For information:

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

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Buyback Option

8. From the date of this circular, however, staff who find themselves unable to take all of their accumulated leave because of pressure on the service will have the option to **accept payment in exchange for up to 10 days of leave** at a rate of time and a half.

9. **This is an entirely voluntary scheme and no pressure** should be put on any staff member by management to sell leave in this way, and the preference remains for managers and staff to work together to ensure all leave is taken where this is feasible. But where it is not possible to do this because of service pressures, staff will be free to choose to accept payment for up to 10 days of leave on the basis set out above for the rest of the current leave year. This will be until 31 March 2022 for Agenda for Change and Executive and Senior Manager staff and their personal 2021-22 leave year for Medical and Dental staff.

Governance

10. As with the previous buy back scheme, Health Boards should oversee the fair application of these arrangements through their Area Partnership Forum.

Carry Over into 2022-23

11. Staff who do not wish to sell their leave will be able to carry over any leave which they have not been able to take because of service pressures into the 2022-23 leave year on the same basis that untaken leave was carried over from 2020-21 to 2021-22, which was set out in [DL\(2021\)3](#).

Action

12. NHS Boards and Special Health Boards should note the provisions set out above and ensure that staff are aware of the options available.

Yours sincerely



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Deputy Director

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