Human Resources & Organisational Development

Annual Leave Policy

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10. **INTRODUCTION**

1.1 These provisions set out the principles to be followed in relation to the granting of annual leave. It is intended to ensure that annual leave is arranged and monitored in a consistent way in accordance with the council’s Equalities and Diversity policies and in line with best practice.

1.2 This procedure applies to all staff employed by the council (except youth workers, lecturers and teachers or where separate arrangements apply), and covers all requests for annual leave.

**2. ROLES AND RESPONSIBILITIES**

2.1 Line managers are responsible for authorising all requests for annual leave, in consultation, where appropriate with the Divisional Director (e.g. when dealing with exceptional periods of annual leave).

2.2 The line manager should ensure all staff are aware that they should take their full annual leave entitlement within the leave year. Untaken annual leave will not be automatically carried over.

**3. RECOGNITION OF CONTINUOUS SERVICE**

3.1 To support the council’s ability to recruit and retain staff from other sector public sector organisations, it has approved the recognition of continuous service with other public sector organisations for the purpose of calculating entitlement to annual leave and sick pay.

3.2 This entitlement applies to both existing staff and new employees.

3.3 Staff who join the council from another public sector employer without a break in service should inform their manager and contact the Resourcing and Recruitment Team to provide details of their previous employment. If the details of this service cannot be confirmed from information held on personal files, e.g. from employment dates on references, staff may be asked to provide further documentation.

3.4 Employers the council will recognise for this purpose are:

* Civil Service
* Probation Service
* Police and Fire Services
* National Health Service Trusts
* Schools, Colleges and Universities
* Housing Associations registered with the Housing Corporation

Other public bodies can be added to this list at the discretion of the Divisional Director, Human Resources and Organisational Development, in consultation with the Divisional Director, Legal Services.

**4. ANNUAL LEAVE ENTITLEMENTS**

4.1 Entitlement to annual leave varies in accordance with the grade and the conditions of service applicable to a particular post. All of the annual entitlements detailed below are in addition to extra-statutory, concessionary and general national holidays.

4.2 For all staff, the leave year is from 1st April to 31st March. Staff must take their entitlement during the leave year in periods of up to 3 consecutive weeks (see 5.4 for applications for longer periods of leave).

4.3 **Calculation of Annual Leave**

The following entitlements are based on a five day (35 hour) working week:

|  |  |  |
| --- | --- | --- |
| Grade A - E | 24 days | 168 hrs |
| Grade F and above | 28 days | 196 hrs |

Staff also receive three additional Christmas days incorporating two extra statutory and a concessionary day that must be taken over the Christmas period.

Where staff work less than 35 hours per week, leave entitlements will be pro rata.

4.4 New entrants are entitled to annual leave in proportion to completed actual days worked during the leave year of entry.

4.5 Where part of a leave year is worked, annual leave should be calculated using the total number of days worked or to be worked (including weekends) divided by 365 X the full year’s entitlement. Where this calculation produces a total figure that includes part of a day, the entitlement should be rounded up to the nearest ½ day.

4.6 **Part-timers**

Employees who are contracted to work less than 35 hours per week will receive annual leave based on the above entitlements which will be pro-rata to the number of hours worked.

4.7 **Long Service Leave**

Staff who have completed 5 years continuous service with a public authority will gain an additional 4 days (28 hours) annual leave with effect from the date of their five year anniversary. The leave in hours will be calculated pro rata for service in the leave year in which the fifth anniversary falls, as detailed in the table below.

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Apr | May | June | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar |
| 28 | 25 | 22 | 20 | 17 | 14 | 14 | 11 | 8 | 6 | 3 | 3 |

Staff may need to provide evidence of previous continuous local government service when joining.

4.8 **Maternity and Annual Leave**

For the purposes of calculating annual leave entitlement, an employee will continue to accrue annual leave during both paid and unpaid periods of maternity leave and will be granted any long service leave they enjoyed prior to a break in service following maternity leave (irrespective of how long the break in service was) providing that no permanent employment had intervened.

4.9 **Bank Holidays**

Employees shall, irrespective of length of service, be entitled to paid leave with a normal day’s pay for all recognised public and bank holidays as they occur provided that staff are in the Council’s employment on the date of that holiday. Public and bank holidays could fall on different weekdays though normally they are on a Monday. Part timers are required to take the day off, even when they are not entitled to a full day based on pro rata calculations.

For each public holiday, a part timer is entitled to one fifth of their week’s hours. For example, an employee who works 20 hours a week will receive 4 hours paid leave in respect of a day’s bank holiday. This leave will automatically be added to the leave entitlement on HR Self Service.

4.10 **Christmas Days**

Employees shall, irrespective of length of service, be entitled to three additional days paid leave which must be taken over the Christmas period. The dates of the Christmas days will be designated by the council. Part timers are required to take the day off, even when they are not entitled to a full day based on pro rata calculations

For each Christmas day, a part timer is entitled to one fifth of their week’s hours. For example, an employee who works 20 hours a week will receive 4 hours paid leave in respect of a day’s bank holiday. This leave will automatically be added to the leave entitlement on HR Self Service.

**5. BOOKING ANNUAL LEAVE**

5.1 All requests to take annual must be agreed with line managers who will take into account the overall needs of the service and patterns of leave elsewhere in the council. Before you make a firm booking for a holiday, you must obtain agreement to take the leave you require.

5.2 Where possible managers should inform staff of whether their annual leave request has been approved or refused, within 5 working days of managers receipt of the employee's annual leave request. In exceptional circumstances, a manager’s consideration of an employee's annual leave request may be extended to 15 working days, provided notice is given to the employee of the reasonable reasons of the exceptional circumstances requiring an extension of time.

5.3 There is no automatic entitlement for annual leave to be granted for the time of the request. There is a contractual right to annual leave and it is granted subject to the needs of the service. Managers may adopt, for example, a “50% rule” where no more than 50% of staff can be on annual leave at any one time. Where service demands require a high staffing presence during term time, staff will be encouraged to take annual leave during school holidays. There is provision for local agreements for the allocation and booking of annual leave within sections and services where a manager deems them necessary.

5.4 Applications for periods of leave in excess of 3 weeks should be made to the relevant manager and Divisional Director well in advance of the leave being required. Where the Divisional Director is unable to grant an extended period of leave, they will notify the member of staff concerned within 5 working days of the request.

5.5 **Requesting Leave**

The council’s HR Self Service should be used to request leave for all staff who have access to the online system. Other staff should complete a standard leave card at the time of the request. Leave requested on other forms will not be valid. The earlier leave is requested, the more likely it is to be approved.

5.6 Employees are normally required to give at least twice as many days’ notice of their intention to take annual leave as the actual days requested. For example, a period of 5 days annual leave will require the employee to give at least 10 working days’ notice.

5.7 Managers will try to accommodate staff who request leave at very short notice because of an emergency arising. However, a manager may decide that a member of staff is absent from work without authorisation if the reason for annual leave cannot be evidenced afterwards.

5.8 While every effort will be made to meet a leave request, managers have the right to refuse or adjust the dates of an intended holiday. The council reserves the right in exceptional circumstances to withdraw approval should the needs of the business warrant it, e.g. to ensure it is able to carry out statutory functions and/or to provide a service. Where this is necessary, every effort will be made to minimise the inconvenience and cost to the member of staff. Where staff on annual leave are called to return to work, they will be paid as normal for that day and their leave re-instated to be taken at a later date.

5.9 Any member of staff who takes annual leave, which has not been previously approved, may be subject to disciplinary action.

5.10 **Late Return from Annual Leave**

If for any reason staff are late returning from an agreed holiday, they must notify their line manager as soon as possible explaining the reasons why. Failure to do so, and/or failure to provide a satisfactory explanation, may lead to disciplinary action being taken for unauthorised annual leave and salary being deducted for the period of annual leave.

**6. PAYMENT OF ANNUAL LEAVE**

6.1 The council expects employees to take their full annual leave entitlement within the leave year it was granted.

6.2 **Normal weekly wage during Annual Leave**

During annual leave an employee will receive their normal salary, which will include (if relevant):

* Enhanced rates for shift work, night work, split duty, work on Saturday / Sunday and any regular unsocial hours’ payments.
* Any average bonus in accordance with local agreements.
* Payments made for regular scheduled (as opposed to occasional) standby duty provided the employee would have been on standby at the time.
* Acting allowances and honoraria (providing the period of leave is not more than 3 weeks).

**7. CARRYING FORWARD AND BUYING ANNUAL LEAVE**

7.1 **From one leave year to another**

To ensure that the council discharges its obligations under the Working Time Directive and Health and Safety legislation, employees must ensure that, as far as practicable, they take all of their annual leave entitlement within the leave year it was granted. Annual leave cannot normally be carried forward from one leave year to the next.

Consideration will be given to individual circumstances, including whether an employee has cancelled annual leave to meet the needs of their service.

7.2 In exceptional circumstances, a line manager may allow an employee to carry forward annual leave up to one working week up to a maximum of 35 hours for full time employees or the contractual weekly hours for part time employees. Any other outstanding leave will be forfeited.

7.3 Leave may be carried forward to the next leave year in exceptional circumstances provided that all of the following criteria are met:

* The relevant line manager is satisfied that there will be no detriment to the service;
* Adequate arrangements can be made to cover the annual leave without additional costs being

incurred (e.g. overtime working); and,

* The employee agrees that if they fail to return to work on the date specified it may result in disciplinary proceedings.

7.4 All leave carried forward from one year to the next must be taken by the end of June. Employees will need to complete the online A/L Carry Over (up to 1 week) request e-form on HR Self Service and submit it to their manager.

7.5 For the carry forward of annual leave over one working week, approval must be obtained from the relevant Divisional Director. Approval will only be given in the most exceptional of occasions. In such cases employees will need to complete the online A/L Carry Over (over 1 week) e-form on HR Self Service and submit it to their Divisional Director.

7.6 Annual leave earned up to the time staff go on maternity leave should be taken before the period of maternity leave commences. Alternatively, if staff intend to return to work, they can take it at the end of the unpaid part of their maternity leave immediately before returning to work. Full details of all annual leave entitlements in the first and second year are contained in the Employee Guide to Maternity Benefits.

7.7 **Transfer of Annual Leave following Sickness**

An employee who is absent from work because of sickness covering a period from one annual leave year to the next, and have accrued entitlement, shall be permitted to carry forward outstanding annual leave.

7.8 **Bringing forward Annual Leave – to take in advance**

Exceptionally and subject to the demands of the service, and prior approval being obtained, employees may bring forward up to a maximum of 5 days annual leave from their next year’s annual leave entitlement subject to their Divisional Director’s approval.

7.9 If annual leave is brought forward, and the employee subsequently leaves the council before accruing the amount already taken, this will be reclaimed (see 9.3).

7.10 **Buying Annual Leave**

Staff may have the option to ‘buy’ annual leave as it is recognised that some individuals may wish to take a longer period of holiday. Please refer to the separate Buying Annual Lave Policy available on the intranet.

**8. SICKNESS DURING ANNUAL LEAVE**

8.1 If an employee falls sick during annual leave, they must telephone their manager (not a work colleague) on the first day of sickness and continue to follow the sickness procedure in the normal way. The employee must provide a recognised medical certificate dated from that first day of sickness. Employees are expected to make every effort to contact their manager if they are abroad although managers will take into account individual circumstances.

8.2 The employee will be regarded as being on sick leave from the date of the medical certificate.

8.3 If there is concern about the legitimacy of the medical advice given during the period of annual leave, an investigation may be arranged.

8.4 Upon their return to work the employee will have any annual leave which was covered by sickness added back to their leave entitlement. No adjustment will be made for uncertified annual leave.

8.5 Employees who have their annual leave restored after sickness will not automatically be entitled to carry forward any annual leave into the next leave year.

8.6 **Sickness & Refusal of Annual Leave**

An employee who is refused a period of annual leave and subsequently phones in sick must make an appointment to see their doctor on their first day of annual leave and obtain a recognised medical certificate covering their entire period of annual leave. The council will reimburse the cost of the medical certificate.

8.7 Failure to comply with this instruction will result in loss of pay for the entire duration of annual leave and possible disciplinary action being taken.

**9. EMPLOYEES LEAVING COUNCIL SERVICE**

9.1 All outstanding leave must be taken before the last day of service, apart from in exceptional circumstances, where the Divisional Director can authorise payment in lieu to ensure service delivery is maintained. This must be agreed in advance by the Divisional Director, Human Resources and Organisational Development.

9.2 An employee who leaves the council’s service (for whatever reason) will have their annual leave entitlement reduced proportionately.

9.3 If an employee has overtaken their annual leave entitlement at the time of leaving, the equivalent monetary sum will be deducted from their final salary. If this is in the middle of the month, any such sum will be pro rata.

9.4 For further information or advice on any aspect of this procedure, contact the Recruitment and Resourcing Team on ext. 6400.