

Annual Leave Provisions



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1. Introduction and aims

These provisions set out the annual leave entitlements and arrangements to be followed when applying for and approving leave. It is intended to ensure that leave is managed fairly and consistently, in accordance with the Council's policies and best practice.

2. General

This applies to all employees directly employed by the Council (except those employed on Soulbury; youth workers; lecturers and teachers conditions of service and those based in schools where separate arrangements apply).

3. Roles and responsibilities

Line managers are responsible for authorising all requests for absence, in consultation where appropriate with the Divisional Director e.g. when dealing with applications for extended leave of absence.

It is important annual leave is managed so that the work of the Council and the provision of services to the public do not suffer, and for employees to take regular holidays for their well-being. Employees should be encouraged to take annual leave throughout the year and their full entitlement by the end of the annual leave year; it is also important to avoid situations where employees accrue large amount of leave to be taken at the end of the annual leave year, with the impact that can have on service delivery and work colleagues.

4. Working Time Directive and Regulations

The European Working Time Directive sets out the basic entitlements in respect of paid leave and when this is taken. The minimum entitlement is 4 weeks (i.e. 20 days on a full-time basis) and employers can decide when this is taken; for Council employees, this will be the first 4 weeks (20 days) leave taken during the annual leave year.

The Directive was enacted through the Working Time Regulations 1998 as amended, where the statutory right is to paid annual leave of at least a minimum of 28 days. This is inclusive of the 4 weeks (20 days) allowed under the Directive and can include bank holidays; there is no statutory entitlement to paid time off for bank holidays.

5. Annual leave

5.1 Annual leave entitlement

The Annual Leave year runs from 1 April through to 31 March. Employees must take their entitlement during the leave year in periods of up to 3 consecutive weeks (see 5.9 for applications for extended leave). The entitlements inclusive of the statutory entitlement under the Working Time Regulations at 4. above are detailed below.

Previous continuous local government service should be taken into account when calculating the entitlement to annual leave. When employees reach 5 years continuous service, the new entitlement will be calculated from the 1st day of the following month, on a pro-rata basis according to how many months are left in the annual leave year.

Annual leave entitlement (including 2 extra statutory days)		
Pay - spinal point	Annual Leave Entitlement *	Annual Leave Entitlement after 5 years service *
Up to and including 21	22	27
Points 22 – 28 inclusive	25	28
Points 29 – 31 inclusive	26	29
Point 32 and above (inc LSMR posts)	27	30
Chief Officers and other JNC Officers	29	32
	* Pro-rata for part-time employees	

5.2 Applying for annual leave via Oracle HR Self-service

Annual leave is managed via Oracle HR Self Serve and the entitlements, inclusive of Bank Holidays, are recorded as hours (pro-rata for part-time employees), as follows.

Annual leave entitlement (including 2 extra statutory days and 8 Bank Holidays)				
Pay - spinal point	Annual Leave Entitlement *		Annual Leave Entitlement after 5 years service *	
	Days	Hours	Days	Hours
Up to and including 21	30	210	35	245
Points 22 – 28 inclusive	33	231	36	252
Points 29 – 31 inclusive	34	238	37	259
Point 32 and above (inc LSMR posts)	35	245	38	266
Chief Officers and other JNC Officers	37	259	40	280
	* Pro-rata for part-time employees			

Annual leave must be booked on Oracle HR Self Service as hours i.e. a ½ day, day or week is 3 ½, 7 or 35 hours respectively (or pro-rata for part-time employees).

Annual leave can only be taken as complete periods of 3½, 7 or 35 hours or multiples of these e.g. two week's leave is 70 hours, (or the part-time equivalent).

5.3 Annual leave during first six months of service

New employees may take annual leave during their first six months of service. If granted, the employee must be made aware that they will be required to repay any amount outstanding if they leave the Council before the end of the 'leave year'.

5.4 Calculation of annual leave

To ensure consistency in apportioning annual leave for new starters, transfers between leave bands and leavers, the calculation shown in Paragraph 42 (c) of the former Purple Book should be used (see table below). Only complete calendar months are counted when making the calculation, (e.g. from 15 April to 15 June will count as one month, May), which should be rounded up to the nearest half day.

Where transfers between leave bands take place mid month, the lower leave band will apply for that month.

	Month of entry	Completed months of service by end of March Year A	Leave entitlement during leave year ending 31st March Year A
Year A	March	More than 12	Full
	April	11	11/12ths
	May	10	10/12ths
	June	9	9/12ths
	July	8	8/12ths
	August	7	7/12 th
	September	6	6/12 th
	October	5	5/12 th
	November	4	4/12 th
	December	3	3/12 th
Year B	January	2	2/12 th
	February	1	1/12 th
	March	Nil	Nil
<p>This refers to the position of those employees entering the service after the first working day of each month e.g. a new starter (with no continuous service) commencing on 15 June on scale point 29 will be entitled to as follows:</p> <p>26 days (annual leave entitlement) x $\frac{8}{12}$ months (July to March) = 19½ days (136.5 hours)</p>			

5.5 Leave for part time employees

Part-time employees working 5 days per week

Employees working over 5 days should receive their full annual leave entitlement as detailed in 5.2 above, as each day taken is paid at their part time working hours e.g. for staff working 25 hours per week over 5 days, a day's leave would be 5 hours.

Part-time employees working other than 5 days per week

Employees working less than 5 days a week should receive annual leave and bank holidays calculated on a pro-rata basis as detailed at ii) below: -

$$\frac{\text{P/T hours per week} \times \text{leave entitlement}}{\text{F/T working week}} = \dots \text{ days leave} \times 7 = \dots \text{ hours leave per annum}$$

i) Example excluding Bank Holidays

Employee on s.c.p. 30 with 7 years service, working 17½ hours per week, Tues to Thursday:

$$\frac{17\frac{1}{2} \text{ hours} \times 29 \text{ days leave}}{35} = 14\frac{1}{2} \text{ days} \times 7 = 101\frac{1}{2} \text{ hours leave per annum}$$

ii) Example including Bank Holidays

Employee on s.c.p. 30 with 7 years service, working 17½ hours per week, Tues to Thursday:

$$\frac{17\frac{1}{2} \text{ hours} \times 37 \text{ days leave (29+8 bank holidays)}}{35} = 18\frac{1}{2} \text{ days} \times 7 = 129\frac{1}{2}^* \text{ hours per annum}$$

* The bank holiday pro-rata entitlement is 4 days or 28 hours

Bank Holidays

As part-time employees receive their pro-rata bank holiday entitlement with their leave, they are not entitled to any additional payment for bank holidays that fall on a non-working day i.e. they will not be paid twice for that bank holiday.

Where part-time employees only work certain days each week, i.e. Monday and Tuesday and a bank holiday falls on one of those days, they apply to take this as leave via Oracle HR Self Service. The hours that would have been worked will be taken from their combined leave and holiday entitlement. It is also important to note:

- i) There is no additional entitlement when Easter falls twice within the same leave year and employees must take the extra bank holidays from that year's annual leave entitlement;
- ii) Part-time employees will still receive their pro-rata entitlement to 8 bank holidays each annual leave year including those where Easter does not fall*. (*The "additional" leave should be kept for when Easter falls twice within the annual leave year);
- iii) It is the employee's responsibility to ensure that they have sufficient annual leave for the additional bank holidays where Easter falls twice in an annual leave year.

Where an additional bank holiday is announced e.g. for a royal wedding, the annual leave calculation will be recalculated for the year as follows:

Employee on s.c.p. 30 with 7 years service, working 17½ hours per week, Tues to Thursday:

$$\frac{17\frac{1}{2} \text{ hours} \times 38 \text{ days leave (29+8+1 bank holidays)}}{35} = 19 \text{ days} \times 7 = 133 \text{ hours per annum}$$

5.6 Additional unpaid leave

Additional leave without pay may be granted at the discretion of the line manager in consultation with the Divisional Director.

Divisional Directors may grant up to 10 days leave without pay; any unpaid leave in excess of that would require the approval of Corporate / Strategic Director in consultation with the Head of Human Resources and Organisational Development.

1 day's pay will be deducted for each day of unpaid leave. Where the period of unpaid leave includes a weekend or scheduled rest day, (e.g. unpaid leave on a Friday and Monday), 1 day's pay will be deducted only for each day that the employee would have worked as part of their normal working week.

A day's pay is 1/12 of annual salary divided by the numbers of days in that particular month. (Where employees take unauthorised absence, including industrial action, the deduction will be 1/5 of a week's pay).

See 5. "Special leave and time-off" for the arrangements for compassionate leave, cancer screening, employee volunteering and time-off for "public duties" etc.

5.7 Notification

Requests for leave giving a minimum 2 days notice should be submitted to the line manager via Oracle HR Self Service. If the employee does not have access to the Oracle HR Self Service, they should apply in writing using the Annual Leave Card at Appendix 1. The manager will then arrange for this to be inputted onto Oracle.

Employees should not make any holiday arrangements and/or bookings until their request has been formally approved by their line manager. The Council will not be liable for any costs incurred by employees who make arrangements prior to leave being granted.

5.8 Approval of annual leave

While every effort will be made to meet a leave request, line managers have the right to refuse or adjust the dates of an intended holiday.

The Council reserves the right in exceptional circumstances to subsequently withdraw approval should the needs of the business warrant it e.g. to ensure it is able to carry out its statutory functions and/or to continue to provide a service.

Where this is necessary, every effort will be made to minimise the inconvenience and cost to the employee. Where employees on annual leave are called on 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.

Any employee who takes annual leave, which has not been previously approved, may be subject to disciplinary action, including dismissal.

5.9 Holiday pay

Employees will only be paid their normal basic pay and any contractual payments that they qualify for e.g. essential car user allowance, shift allowances and contractual overtime.

5.10 Extended leave

Line managers may approve up to 3 weeks leave. Applications for extended periods of leave i.e. in excess of 3 weeks should be made well in advance of the leave being required and will need to be approved by the Divisional Director. Where the Divisional Director is unable to grant an extended period of leave, they will notify the employee concerned within 5 working days of the request.

5.11 Late return from annual leave

If for any reason an employee will be late returning from an agreed holiday they must notify their line manager as soon as possible. Failure to do so may render the employee liable for disciplinary action for unauthorised absence.

5.12 Carry over of annual leave

Employees may apply to their line manager to carry over a maximum 5 days annual leave from one year to the next and if agreed, this must be taken by 30 June.

If the line manager is not able to agree the request, the employee may appeal to their Divisional Director for approval. Any request to carry over more than 5 days annual leave for a special reason e.g. to visit relatives abroad should also be referred to the Divisional Director.

Any other outstanding leave will be forfeited except in the following circumstances:

- i) in exceptional cases, (other than sickness and maternity absence at ii and iii below), employees who are prevented from taking their full annual entitlement as a result of the Council's requirements may make arrangements with their line manager for annual leave to be carried over for a period of three months beyond the end of the annual leave year.
- ii) employees who are unable to take their full annual leave entitlement as a result of sickness absence, (or are still absent at the end of the annual leave year) may carry over the outstanding amount accrued during the period of sickness absence to the next annual leave year. (See 4.13 Prolonged sickness during the leave year)
- iii) employees who are unable to take their full annual leave entitlement as a result of maternity absence, may carry over the outstanding amount to the next annual leave year.

5.13 Sickness during annual leave

Employees who fall sick during annual leave shall be regarded as being on sick leave from the date of a doctor's certificate. Annual leave will not be re-instated unless the employee:

- i) has followed the sickness reporting arrangements and contacted their manager; and
- ii) has produced a doctor's certificate.

The balance of the leave may be taken at a later date after their return to work. The employees must take the balance before 31 March, unless they have obtained approval to carry over leave until the next year. See 5.12 and 5.14

Please note: that medical certificates issued outside of the EU do not count towards the payment of SSP.

5.14 Prolonged sickness during the annual leave year

Employees who have been absent due to sickness for the majority of the leave year and return to work having a full annual leave entitlement should, time permitting, take the leave before 31 March. If there is insufficient time they may carry over the outstanding annual leave that was accrued during the period of sickness absence.

Employees who are absent due to sickness for the whole or latter part of the year, and have a full or substantial leave entitlement, but do not return to work by 31 March should be allowed to carry forward the outstanding annual leave that was accrued during the period of sickness absence. This must be taken within 18 months of the annual leave year in which it was accrued.

Note:

- i) Employees who are on sick leave and have exhausted their entitlement to sick pay will still accrue annual leave during this period.
- ii) Employees are entitled to apply to take annual leave whilst absent due to sickness and must notify their manager when they want the leave to commence.
- iii) Where employees are on nil or ½ pay, they will be re-instated onto full pay whilst on annual leave.

Managers should consult the Human Resources, Employee Relations Team and seek advice if there are any queries as to the carrying over of outstanding leave where employees have been on long term sickness.

5.15 Payment of outstanding annual leave

Managers should ensure that their employees take any outstanding annual leave prior to their last day of service.

The Working Time Regulations do not allow for payment in lieu of outstanding leave except when the employment is terminated e.g. as a result of redundancy.

5.16 Working whilst on annual leave

It is important for the employee's wellbeing that they take a break from work whilst on annual leave, and employees should be discouraged from working and / or taking their work mobile phone, Chrome book or lap-top etc with them.

Unless employees are required to be available to work (on "call-out" etc) or in an emergency (e.g. as in their service business continuity plan), or in any other agreed circumstances, they should not be contacted whilst on annual leave.

6. Special leave and time-off

The arrangements for compassionate leave, including bereavement and caring reasons, cancer screening and time-off for "public duties" are detailed in the following documents:

"Adoption Arrangements"

"Arrangements for Special Leave and Time-Off from Work"

"Employee Volunteering Policy"

"Maternity Leave and Pay"

"Paternity/Maternity Leave Support Provisions"

"Parental Leave"

These are available on the HR Intranet site and can be accessed via the following link:

<http://lbbd/hr/employee-leave/employee-leave-home.htm>

Where employees need time off for compassionate reasons at the end of the leave year (February/March) first consideration should be given to using any outstanding annual leave in excess of 5 days. As detailed in paragraph 4.10, employees may only apply to carry over 5 day's annual leave into the next year.

6.1 Adoption and maternity leave/pay arrangements

Please refer to the separate procedures for details of the entitlements for time off for these purposes.

6.2 Religious festivals

Where possible, leave for religious festivals should be accommodated within the existing annual leave or flexible working arrangements. If this is not possible, the line manager should grant employees unpaid leave as detailed in the "Arrangements for Special Leave and Time-Off from Work".

Further guidelines as to religious observance, etc. may be found on the Human Resources Intranet site.

6.3 Study leave

Where agreed with the manager and Human Resources at time of applying for professional qualification courses and confirmed in writing as part of the Learning Agreement, employees may be allowed paid leave of absence for all approved courses as follows:

- The day/half day on which the examination falls.
- Two days of study leave per course in any 12-month period.

7. Unauthorised absence

All unauthorised absence is without pay and is a disciplinary offence.

Human Resources will automatically update the Procedure to comply with any changes to legislation and / or ACAS guidance and notify employees of the amendments.

Appendix 1

Annual Leave Card

Year: 20____

Name: _____ Designation: _____

Entitlement: _____ Leave brought forward: _____ Long service entitlement: _____

Date	Period required		Number of hours	Balance remaining	Approved (Line manager)
	Date from:	Date to:			

Annual leave must be booked on Oracle HR Self Service as hours i.e. a ½ day, day or week, is 3 ½, 7 or 35 hours respectively (or pro-rata for part-time employees).

Annual leave can only be taken as complete periods of 3½, 7 or 35 hours or multiples of these e.g. two week's leave is 70 hours, (or the part-time equivalent).

Calculation of annual leave for part time employees working less than 5 days per week

$$\frac{\text{P/T hours per week} \times \text{leave/B. holiday entitlement}}{\text{F/T working week}} = \text{days leave} \times 7 = \text{hours leave per annum}$$

Example including Bank Holidays

Employee on s.c.p. 30 with 7 years service, working 17½ hours per week, Tues to Thursday:

$$\frac{17\frac{1}{2} \text{ hours} \times 37 \text{ days leave (29+8 bank holidays)}}{35} = 18\frac{1}{2} \text{ days} \times 7 = 129\frac{1}{2} \text{ hours per annum}$$

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