

Bitteswell with Bittesby Parish Council

ANNUAL LEAVE POLICY AND GUIDANCE

Adopted: 04 May 2022 | Reviewed May 2024

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Overview

1. The leave year runs from 1 April to 31 March.
2. Annual leave entitlement is calculated on contracted hours.
3. Annual leave entitlement will be calculated on a pro rata basis for part-time staff.
4. The NJC (National Joint Council) agreed that from 01 April 2020, minimum annual leave will increase from 21 to 22 days for employees with less than 5 years' service.
5. Minimum annual leave entitlement will increase to 25 days after 5 years continuous service.
6. In addition to the minimum annual leave entitlement, employees are entitled to 8 Bank/Public Holidays plus 2 extra statutory days holiday.
7. The 8 Bank Holidays are: New Year's Day, Spring Bank Holiday, Good Friday, Easter Monday, May Day, August Bank Holiday, Christmas Day and Boxing Day.
8. An element of annual leave entitlement is paid on any additional non-contractual hours worked, i.e., overtime.
9. Employees who commence or leave employment part way through a leave year will be entitled to a proportion of annual leave.
10. Annual leave during sick leave will be paid at the contractual rate of pay even if the employee is on half pay or has exhausted sick pay.

11. Employees can only carry forward 9 hours (equivalent to five days for full-time staff) unused annual leave to the next leave year, even if they have been off sick.

12. Employment legislation (Working Time Directive; Working Time Regulations; Work and Families Act; Part time Workers (Prevention of Less Favourable Treatment) Regulations and fixed Term Employees (Prevention of Less Favourable Treatment) Regulations) requires that all employees/workers must receive holiday entitlement including those on temporary, part time and supply/casual contracts.

Annual Leave Entitlement for Full Time and Part Time Employees

Employees with less than 5 years' continuous service at the beginning of the leave year	Employees with 5 years' continuous service or more at the beginning of the leave year
32 days (22 days, plus 8 Bank Holidays, plus 2 statutory days)	35 days (25 days, plus 8 Bank Holidays, plus 2 statutory days)

Calculations for part time employees will be pro-rata against the full time equivalent (as shown in Table 1) using one of the following formulas:

When calculating the leave entitlement, figures must not be rounded down. Figures will be rounded up to the nearest half hour.

Formula 1

$$\frac{\text{Contracted annual hours}}{52 \text{ weeks per year}} \times \frac{\text{full time annual leave entitlement}}{5 \text{ days per week}}$$

Formula 2

$$(\text{Contracted annual hours} \div 1924) \times (\text{full time annual leave entitlement}) \times (7.4)$$

A full-time employee working 37 hours per week works the equivalent of 1924 hours a year (37 x 52). 7.4 is the number of hours in a standard working day (37 ÷ 5).

Examples:

An employee with 10 years' continuous service, employed for 9 hours per week or 468 hours per year.

Formula 1

$$468 \div 52 = 9 \text{ hours a week}$$

35 days annual leave entitlement ÷ 5 days a week = 7 hours
9 x 7 = 63 hours annual leave entitlement a year

Formula 2

468 ÷ 1924 = 0.243 (or 24% pro rata multiplier)

0.243% of 35 days annual leave entitlement = 8.513

7.4 x 8.513 = 62.9 hours. Rounded to the nearest half hour = 63 hours

The ‘calculating leave entitlement for part time staff’ calculator (screenshot below) is used by the Council to work out annual leave entitlement for part-time employees.

Calculating Leave Entitlement for Part Time Staff

Enter number of hours worked per week

Equals hours per month 0.0 hours

Equals hours per year 0.0 hours

Standard Local Government week 37.0 hours

Pro-rata multiplier 0.00

Enter full time Annual Leave Entitlement days
(including bank holidays etc)

Convert fulltime Entitlement to hours 259.0 hours

Equals pro-rata Monthly Leave Entitlement 0.0 hours

Equals pro-rata Weekly Leave Entitlement 0.0 hours

Balance of working hours hours

Employees commencing or ceasing employment during the leave year

Employees who start or leave part way through the leave year are entitled to a proportion of annual leave based on actual days worked.

The Council uses the ‘pro rata annual leave calculator’ (screenshot below) to determine the pro rata annual leave entitlement for this period.

Hours worked per week:	<input type="text"/>
Full-time hours per week:	<input type="text" value="37"/>
FTE:	
Full-time annual leave entitlement (days):	<input type="text" value="35"/>
Full-time annual leave entitlement (hours):	259
Pro rata annual Leave entitlement (hours):	
No. of complete months worked in that holiday year:	<input type="text"/>
Part month day started/changed hours	<input type="text"/>
Days in first month	<input type="text"/>
Fraction of month worked	0.00
Part month day left/finished working old hours	<input type="text"/>
Days in final month	<input type="text"/>
Fraction of month worked	0.00
Months worked	0.00
Pro rata annual leave entitlement for the period (hrs)	<input type="text"/>

Carry forward of Annual Leave

The Council's leave year runs from 01 April to 31 March. Employees are given their annual leave entitlement at the beginning of April each year. Normally to be taken by 31 March.

Employees are permitted to carry forward untaken leave up to a maximum of 5 days for full-time employees or 9 hours pro rata for part-time employees.

In special circumstances, more than 5 days, pro rata for part-time employees, may be carried over to the following year with the approval of the Council.

Special circumstances may include:

- Where the employee has been unable to take pre-booked annual leave because of business requirements, such as pressure of work or shortage of staff
- Where a period of annual leave is converted to special leave because of a change in circumstances, for example, the death of a close relative
- Where a member of staff wishes to take an extended period of leave, for example, to visit relatives overseas or to undertake a religious pilgrimage
- Sickness absence

Sickness, Parental Leave and Annual Leave

If an employee cannot take all of their annual leave entitlement because they are already on a different type of leave (for example sick, maternity or parental leave), they can carry over some or all of the untaken leave into the next leave year.

Employees who are unable to take annual leave during the leave year due to sickness absence may carry forward leave to a maximum of 20 days (pro-rata for part-time employees).

Employees who are sick during the course of their annual leave and who wish to claim back their annual leave will only be regarded as being on sick leave from the date of a valid doctor's medical certificate. Any days' leave covered by such a certificate will be added back on to the employee's leave entitlement to be taken, wherever possible, at a later date.

Employees continue to accrue annual leave when they are absent from work due to sickness. They may elect to take annual leave during their period of sickness absence but cannot be compelled to do so.

Taking annual leave while off sick

Employees cannot get sick pay and holiday pay at the same time.

An employee can take holiday (annual leave) while off sick. For example, if they:

- are not physically able to work, but physically able to take a holiday
- have a mental health condition that might be helped by a holiday

If the Council approves the employee's holiday request:

- sick leave can be paused while the employee takes holiday
- the employee should get holiday pay while they are on holiday

After the employee has taken the holiday, sick leave can continue if they are still not well enough to return to work.

If an employee is sick on holiday

An employee must report their sickness to the Council if they want to take any holiday as sick leave.

In this case the employee can:

- get sick pay for the time they were sick (as long as they are entitled to sick pay)
- keep the time they were sick to use as holiday another time

Extra Bank Holidays

If an extra Bank Holiday is announced to mark a particular occasion, for example a royal wedding or

the Queen's jubilee, the wording of the employee contract will determine if the employee is entitled to this extra Bank Holiday.

Employees are entitled to the extra Bank Holiday if their contract states that their holiday entitlement is a certain number of days **'plus public and Bank Holidays'**. In this case, employees will be entitled to the extra Bank Holiday as an additional day of paid leave.

However, if the contract states the employee's annual holiday entitlement is a certain number of days **'plus eight public and Bank Holidays'**, or their contract states exactly which Bank Holidays are included, they will not be entitled to that day as paid holiday, unless the Council agrees otherwise.

Overtime and holiday entitlement

The law around overtime and holiday pay is complex and evolving. To simply matters, an element of annual leave entitlement is paid on any additional non-contractual hours worked, i.e., overtime and the Council uses the calculator below to determine this.

Overtime and holiday entitlement will only be paid when an employee has exceeded the number of agreed contracted hours for the year.

Overtime Annual Leave Entitlement

<u>FOR PART-TIME STAFF:</u>	Standard Hours	Overtime Hours	OT Worked
	500	530	30
Full-time hours per week:	37	37	
Pro-rata multiplier	0.26	0.28	
Full-time annual leave entitlement (days):	35	35	
		25 days + 8 BH + 2 Statutory	
Full-time annual leave entitlement (hours):	259	259	
Pro rata annual leave entitlement (hours):	67	71	4.0

	Number of Hrs	Hourly Rate	Cost
Additional hours worked	30		£0.00
Annual leave entitlement on OT hours	4.0		£0.00
			£0.00

For further information regarding Annual Leave Entitlement

<https://www.gov.uk/holiday-entitlement-rights/calculate-leave-entitlement>
<https://www.acas.org.uk/checking-sick-pay/sick-pay-and-holiday-pay>