

ANNUAL LEAVE**Local Collective Agreement on annual leave**

Annual leave entitlements from 1st April 2023 onwards are as follows:

| Grade | Initial | LONG SERVICE LEAVE | |
|-----------------------------------|-----------|--|---|
| | | With Not Less Than 5 Years' Continuous Service | With Not Less Than 10 Years' Continuous Service |
| 2 | 23 | 27 | 28 |
| 3 | 23 | 28 | 28 |
| 4 | 23 | 28 | 28 |
| 5 | 25 | 28 | 29 |
| 6 | 25 | 28 | 29 |
| 7 | 26 | 29 | 30 |
| 8 | 26 | 29 | 30 |
| 9 | 26 | 29 | 30 |
| 10 | 27 | 29 | 31 |
| 11 | 27 | 29 | 31 |
| 12 | 27 | 30 | 33 |
| 13 | 27 | 30 | 33 |
| 14 | 27 | 30 | 33 |
| 15 | 29 | 31 | 33 |
| 16 | 29 | 31 | 33 |
| 17 | 29 | 31 | 33 |
| Directors & Chief Exec | 28 | 30 | 32 |

* Continuous service includes service with one or more of the employers covered by the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, as amended.

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COUNCIL POLICY RELATING TO ANNUAL LEAVE

1. TIMING OF ANNUAL LEAVE

The annual leave period shall be from 1st April to 31st March.

Annual leave will be taken by mutual agreement between employees and those delegated by Assistant Directors to authorise leave, except in services where there is already an agreement that holidays are taken during particular periods. All employees should be given the facility to take annual leave during the summer period.

An Assistant Director and their deputy should not be on annual leave at the same time. In the case of an Assistant Director who has no formal deputy, at least two of the next tier officers should be at work when the Assistant Director is on annual leave.

2. REQUEST FOR LEAVE

All leave should be approved by the Assistant Director or delegated officer and requests should be submitted and approved in writing. A record of each individual's leave taken during the year should be kept.

3. PUBLIC AND EXTRA STATUTORY HOLIDAYS

There are 8 public holidays per annum. These are:-

| | | |
|----------------|-------------------|----------------------|
| New Year's Day | Good Friday | Easter Monday |
| May Day | Late Spring (May) | Late Summer (August) |
| Christmas Day | Boxing Day | |

In addition to the 8 statutory and general national holidays, employees are entitled to 2 extra statutory days. The timing of these extra statutory holidays is to be determined by the Council after consultation.

It is agreed that the additional days will be taken at the late Spring and late Summer public holidays, on the Tuesday and that this will apply until either the Council or the Trade Unions propose a change.

In addition, a concessionary day's holiday to be taken during the Christmas period each year. This will be the Friday following Christmas Day, except for when Christmas Day or Boxing Day falls on a Friday, when it will be the following Thursday or Friday respectively.

4. LEAVE FOR NEW ENTRANTS

New entrants to the service shall be entitled to annual leave proportionate to the completed months of service during the leave year of entry, that is 1/12th of full entitlement for each completed month of service and thereafter on a normal scale (e.g. commenced 10th June: leave entitlement for that leave year is 9/12ths of total annual entitlement – July to March inclusive). Fractions of a day must be rounded up to the next full day.

For employees with an annual entitlement of less than 25 days (pro rata for part-time employees) or commencing in the final months of the leave year, an adjustment may need

to be made to ensure that the statutory amount of leave is granted in accordance with the Working Time Regulations. Undertake your contractual leave calculation as per this policy and compare with the Government's Statutory holiday entitlement calculator, below:

[Calculate holiday entitlement - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

If the contractual leave calculation results in a lesser entitlement than the Government Statutory amount, you will need to use the Government Statutory amount.

5. LONG SERVICE LEAVE

Employees with 5 years' continuous service will be granted additional long service leave in accordance with the local collective agreement.

The additional long service leave will be granted on reaching 5 years' continuous service. In that annual leave year, the additional leave will be based on the proportion of the leave year outstanding. The additional leave will be based on complete months of service and will be expressed in whole days, all fractions of days to be rounded down. The following is an example of the calculation to be used.

- **Example**

Appointment on 12th November. 5 years' continuous service completed. Employee on Grade 4, entitlement changes from 23 to 27 days i.e. an additional 4 days' leave. 4 complete months following date of anniversary of appointment to end of leave year.

- **Calculation**

$$\frac{4 \text{ (complete months)} \times 4 \text{ (additional days)}}{12 \text{ (months in year)}} = 1.33$$

(rounded down to next whole number)

Total additional annual leave granted for the anniversary year
= 1 day.

Employees with 10 years' continuous service will be granted additional long service leave in accordance with the collective agreement. This additional annual leave will be granted on the 1st April following the completion of 10 years' continuous service.

6. LEAVE CARRIED FORWARD

Employees should always try to take their annual leave during the leave year. Where this has not been practicable, they may carry forward to the following year up to 5 days of their leave entitlement (pro rata for part-time employees) with the approval of their Assistant Director. Equally, officers wishing to 'borrow' annual leave from the next year's entitlement for a special reason, (e.g. visiting relatives abroad) may do so, up to a maximum of 5 days, with the approval of the Assistant Director.

Prospective parents and adoptive parents should refer to the Family Leave Policy which outlines annual leave arrangements to support new families.

NB. Where a worker has not had the opportunity to take the full entitlement to annual leave because they have been absent due to sickness, any remaining entitlement can be carried forward to the next or subsequent leave years (this is compliant with current legal case law)

7. SICKNESS DURING HOLIDAYS

Where employees are receiving sickness pay, they should continue to receive such pay if a public holiday occurs during sick leave. Where employees have exhausted their period of entitlement to sick pay, no payment should be made (other than SSP if applicable) in respect of a public holiday occurring during their period of sick leave.

Any employee who falls sick during the course of annual leave must notify the employing department immediately, in accordance with the sickness reporting procedure. An employee will be regarded as being on sick leave from the date of the medical certificate and further annual leave will be suspended from that date. After return to work the employee will then be entitled to take the balance of holiday entitlement before the next 31st March.

Self-certification during annual leave will not be accepted – a doctor’s medical certificate must be submitted.

8. PART-TIME EMPLOYEES

For the purpose of calculating holiday entitlement, leave may be expressed in hours over the leave year.

Any changes that occur in a part time employee’s entitlement during the leave year

- eg. following a promotion, employee leaving etc. must be calculated in the first instance as for an equivalent full time employee with the leave entitlement rounded up or down as required, in accordance with the policy. The final figure will then be applied pro rata to the number of hours worked and finally at that stage expressed in hours if required.

The provisions regarding annual leave and public and extra statutory holidays apply to part timers under the terms of the relevant National Agreements. The principle underlying the agreement is that entitlements of individual part-time employees should be as for those of full-time employees within the Council, applied on a pro-rata basis.

All part-time employees, whether they would normally work on days on which public and extra statutory holidays fall or not, have an equal entitlement to public and extra statutory holidays as do full-time employees, applied on a pro-rata basis, proportionate to the full time standard working week.

The formula for calculating a part-time employee’s holiday entitlement (in hours) for each public or extra statutory holiday on which they are employed is as follows: - the example is based on a standard working week of 37 hours.

$$\frac{\text{Hours per Week} \times 7.4}{37} \quad (\text{Average daily working hours}) \quad \times \quad \frac{\text{Number of weeks employed per annum}}{52}$$

Part-time employees who regularly work less than 5 days a week and/or do not work the same number of hours each day of the working week will have their annual leave entitlement calculated in hours using the following formula:-

$$\frac{\text{Annual Leave Entitlement (days)}}{5} \times \text{Average weekly working hours}$$

(Average weekly working hours should be calculated over a representative period of time).

9. ACCRUED LEAVE AT TERMINATION OF EMPLOYMENT WITH THE COUNCIL

An employee who leaves the service of the Council who has been unable to take leave to which they are entitled at the date of leaving, will receive payment at the rate of 1/365th of the annual salary for each day of outstanding leave.

The NJC recommends payment in lieu in circumstances where an employee has been unable to take their annual leave due to long term sickness absence up to the date of leaving; where an employer requires an employee to work up to their leaving date due to the exigencies of the service and in redundancy situations. This advice does not extend to situations where an employee has deliberately chosen not to take the balance of annual leave to which they are entitled.

Where an employee leaves employment due to resignation or dismissal for reasons other than ill health (e.g. conduct, capability) they should, where possible, be required to take any outstanding leave during the notice period.

The calculation of the employee's entitlement at the date of leaving should be proportionate to completed months of service during the leave year up to the date of leaving (i.e. 1/12th of full entitlement for each completed month of service) plus any leave carried forward under paragraphs above Carrying Leave Forward. (See paragraph III Health Retirement). Fractions of a day must be rounded up to whichever is the nearer of the next half or the next full day.

Where an employee starts and finishes with the Council within the same leave year, their leave entitlement will be calculated in actual completed months of service (not in calendar months) e.g. started 12th May, left 20th August – entitled to annual leave based on 3 months' service. Again fractions of a day must be rounded up to whichever is the nearer of the next half or the next full day.

For employees with an annual leave entitlement of less than 25 days (pro rata for part-time employees) an adjustment may need to be made to ensure that the statutory amount of leave is granted in accordance with the Working Time Regulations. Calculations for outstanding leave are similar to those for calculating new starters' leave with the exception that fractions of a day must be rounded up to whichever is the nearest of the next half or the next full day.

9.1 Annual Leave Taken In Excess Of Entitlement

If an employee, in good faith, leaves the service and has at that date taken annual leave in excess of the proportionate entitlement determined by reference to completed months of service, then there should be no question of any financial adjustment in respect of that

excess. If the circumstances are otherwise and there is, in fact, evidence of bad faith, then the Council will recover pay, from the employee, in respect of each day's leave taken in excess.

10. PROMOTION LEADING TO INCREASE IN ANNUAL LEAVE ENTITLEMENT

Where a promotion takes place during the annual leave year, which takes an employee into a higher leave entitlement band, the increase in annual leave for that year should be calculated using the following example:-

- e.g. Promotion from 22nd August to Grade 7.
Entitlement changes from 27 to 29 days, that is an additional 2 days leave;
= 7 complete months at the new entitlement.

- **Calculation:**

$$\frac{7 \text{ (complete months)} \times 2 \text{ (additional days)}}{12 \text{ (months in year)}} = 1.17 \text{ (rounded down to next whole number)}$$

Total increase in annual leave entitlement = 1 day

11. RETIREMENT ON ILL HEALTH GROUNDS

An employee retiring early on ill health grounds, or leaving the Council for any reason other than summary dismissal, directly following sickness absence, will receive pay for **outstanding** leave from the previous leave year, **up to a maximum of 5 days**, plus any leave accrued, but not taken in the current leave year.

Policy History

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