

Annual and Statutory Leave Scheme

1. Scope

- 1.1 All employees are entitled to paid annual leave each year. The purpose of annual leave is to provide an extended period of time away from work to allow employees a break and to allow employees to effectively manage their personal commitments.
- 1.2 The annual leave policy is not applicable to casual or agency workers.

2. The Annual Leave Year

The annual leave year commences on 1st April and ends on 31st March the following year.

3. Annual Leave Entitlement

- 3.1 The basic annual leave entitlement is 27 days (pro rata for part time employees), which is inclusive of two extra statutory days' holiday.
- 3.2 On completion of five years continuous local government service, including service with another local authority, the annual leave entitlement increases to 32 days (pro rata for part time employees). The additional 5 days' leave is credited to an employee at the start of the leave year in which the 5th anniversary of appointment will fall and is pro-rated for incomplete leave years.
- 3.3 Employees whose terms and conditions are governed by the JNC for Chief Officers of Local Authorities or the JNC for Chief Executives of Local Authorities have a leave entitlement of 35 days each leave year irrespective of service.
- 3.4 The annual leave entitlement for part time employees is calculated on a pro rata basis subject to the number of hours worked each week.
- 3.5 Annual leave and bank holidays are added together to create a total entitlement for part time employees. Therefore, part time employees must ensure that they have booked annual leave when a bank holiday falls on their normal working days. It is advised that this is done at the beginning of the leave year so that employees have a clearer understanding of their remaining leave entitlement.

- 3.6 The employee's work pattern will impact upon how much of the bank holiday entitlement is used and whether the employee will need to use some of their annual leave entitlement to cover their absence on a bank holiday.
- 3.7 The HR and Payroll system will automatically calculate annual leave entitlement and record an outstanding balance, which will reduce as leave is authorised.
- 3.8 Examples of leave calculations can be found in Appendix A of this document.

4. Employees' Responsibilities

- 4.1 Employees should have the opportunity to take their annual leave on a regular basis and it is expected that employees will make full use of their annual leave entitlement. Employees are responsible for ensuring that they distribute their leave throughout the leave year and do not leave themselves with little or no leave in the last quarter of the leave year (January-March). Equally employees should ensure that they do not have an excessive amount of leave left in the last quarter of the leave year.
- 4.2 Annual leave and 'flexi-time' (if applicable) should be used for routine medical appointments and unavoidable commitments during working hours. Options to work back the time may be available where employees do not have access to 'flexi-time'.
- 4.3 Normally, no more than three consecutive weeks of annual leave may be taken at any one time. This is to ensure that employees reasonably spread their annual leave to ensure that they receive adequate rest periods from work throughout the year. Employees wishing to exceed this limit must make a request to the Service Head at least two months in advance of the intended start date of the leave.
- 4.4 If an employee wishes to arrange a short period of leave lasting between 1 and 4 days, wherever possible at least three days' notice should be given to the line manager. For leave of one week or more, normally, the notice required is at least one week.
- 4.5 Employees should not commit to a holiday until their leave is fully authorised.

5. Managers' Responsibilities

- 5.1 When authorising leave, managers must take into account needs of the Service and also ensure that the employee does not leave themselves with insufficient leave towards the end of the leave year. Where an employee has insufficient leave at the end of the leave year there may be an increased likelihood of sickness absence.
- 5.2 Prior to authorising an annual leave request, a line manager should review the number of days' annual leave the employee will have remaining for the leave year. If the line manager considers that authorising the leave may result in the employee having insufficient leave for the remainder of the leave year, the line manager may decline the request. Line managers should encourage their employees to distribute their leave evenly throughout the leave year.
- 5.3 Normally, the line manager must always approve / decline a request for annual leave in advance. If exceptional circumstances arise, making prior authorisation impossible, requests for annual leave may be granted retrospectively, at the line manager's discretion. Some flexibility will be available to cope with genuine emergencies, or where an employee has been unable to request the leave in advance.
- 5.4 Once approval for annual leave has been granted, it will not normally be withdrawn by the manager. However, in exceptional circumstances this may be necessary. Where this has to be done for reasons of service delivery, every effort will be made to minimise the employee's inconvenience.

- 5.5 If an employee is subsequently absent during a period where annual leave has been declined, the absence should be investigated and if appropriate action should be considered under the Council's Disciplinary Policy and Procedure.

6. Recording Annual Leave

- 6.1 The Council's employee self-serve system records all leave types. The majority of employees have access to the self-serve system and all staff with an email address are required to manage their annual leave via this system.
- 6.2 Managers have access to their employees' leave details through the self-serve system and can see when any leave for their team has been requested and authorised.
- 6.3 Staff without access to the self-service system, will continue to request annual leave in the normal way from their line manager. However, their line manager must ensure that they maintain an annual leave record for each employee on the system. This will ensure accuracy in the reporting of leave types and patterns.
- 6.4 Employees who work 37 hours a week, but do not work the same hours each day will have their leave entitlement calculated in hours. This means that when taking leave, the entitlement will be reduced by the number of hours that the employee works each day.

7. Carry-over of leave

- 7.1 Subject to the needs of the Service, employees may carry over a maximum of 5 days' leave from one leave year to the next. Leave over and above 5 days, which is outstanding at the end of the leave year, will be lost. Part time employees are entitled to carry over the pro rata equivalent for the number of days per week that they work. I.e. an employee who works 2.5 days per week, can carry over 2.5 days to the new annual leave year. No payment in lieu will be made.
- 7.2 Where up to 5 days, these must be taken before 30th June or will automatically be deducted from the leave balance on 30th June. Payment in lieu of lost days will not be made.
- 7.3 In exceptional circumstances, greater amounts of leave may be carried over, by prior agreement with the employee's Service Head. An exceptional circumstance would include where a period of sickness absence has prevented the employee from taking annual leave.

8. New Employees

- 8.1 The annual leave entitlement of employees joining the authority, and who are new to local government, is proportionate to their remaining service during the leave year.
- 8.2 Every effort will be made to meet the needs of new employees in respect of commitments to holidays already made. New employees should notify their line manager, at the earliest opportunity, of their holiday commitments.
- 8.3 In the case of new starters where the leave entitlement is insufficient to meet their leave commitments, managers should consider authorising unpaid leave in accordance with the Unpaid Leave Policy.

- 8.4 New starters who are transferring from another local authority will have their continuous service recognised and their leave entitlement will reflect this. HR will verify the continuous service dates with the authority that the transferee is leaving.

9. Leavers

- 9.1 An employee leaving the Council should take all their remaining leave allowance due up to their termination date within their notice period. Where operational reasons prevent the employee from taking their leave in their notice period, subject to agreement with the relevant Senior Service Officer, outstanding leave may be paid.
- 9.2 When an employee leaves the Council and has taken more than their leave allowance due at their termination date, they are required to pay it back. Payroll will automatically make the necessary deduction from their final salary payment.

10. Sickness During Annual Leave

- 10.1 Statutory annual leave entitlement continues to accrue during a period of sickness absence regardless of how long the employee is absent.
- 10.2 If an employee falls sick during a period of annual leave a claim for the absence to be treated as sick leave and not annual leave must be supported by a medical certificate signed by their GP, regardless of the length of sickness absence.

11. Annual Leave During Sickness

- 11.1 It is recognised that employees may have booked holidays prior to their sickness or may benefit by taking a holiday away from home during their absence. In such circumstances the employee must inform the manager of their intended holiday and the manager will record that absence as a holiday and deduct as appropriate from the balance of annual leave entitlement. The holiday will not be treated as sickness and the employee will not accrue any absence indicator points during that time. Whilst there will be a break in the sickness absence record this will not be counted as two separate periods of absence.
- 11.2 Further information on this point is available in the Sickness Absence Management Policy and Procedure and the accompanying Sickness Absence Management Guidance Notes.

13. Unauthorised Leave

- 13.1 Whilst employees have an entitlement to annual leave, the timing of it must be agreed with the line manager. Every effort will be made to accommodate requests, but on occasion be necessary to decline requests for operational reasons.
- 13.2 If requests for annual leave are declined and employees do not attend work on those days, the absence will be classed as unauthorised absence and may result in disciplinary action taken against the employee. Unauthorised absences are unpaid.

14. Conflicting Requests

14.1 Decisions on conflicting leave requests rests with the line manager, who may take into account some or all of the following factors:

- operational needs of the service;
- who made the request first?
- who was granted the corresponding period of leave in previous years?
- the reason for the timing of the request?

15. Public Holidays

15.1. Public and statutory holidays are awarded with pay as follows: -

- January 1st (New Year's Day)
- Good Friday
- Easter Monday
- May Day (the first Monday in May)
- Spring Bank holiday (the last Monday in May)
- August Bank holiday (the last Monday in August)
- December 25th (Christmas Day)
- December 26th (Boxing Day)

15.2 Good Friday and Easter Monday can fall in different financial years. Part time bank holiday entitlements are adjusted in accordance with the number of bank holidays that fall in the relevant period.

16. Review

This policy will be reviewed two years after implementation or earlier in the event of further changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	01.04.1999	New policy – Annual and Statutory Leave	
2.0	01.07.2007	Revised Policy approved by Personnel Committee	
3.0	01.06.2010	Revised Policy approved by Personnel Committee	
4.0	01.12.2012	Revised Policy approved by Personnel Committee	
5.0	21.06.2016	Revised Policy approved by Personnel Committee	21.06.2018
6.0	31.03.2023	Revisions to incorporate additional days leave added as per NJC 2022 agreement, also locally agreed for Chief Officers for parity.	31.03.2025

Annual and Statutory Leave Entitlement Calculations

1. Full time – Full year entitlement

Less than 5 years' service – 27 days per year
More than 5 years' service – 32 days per year

2. Part time – full year leave entitlement

The calculation to be used for **part time employees** is calculated as follows: -

$(\text{Contracted hours per week} \div 5) \times (\text{f/t annual leave entitlement} + \text{bank holidays that fall in the relevant year}) = \text{total leave entitlement in hours}$

For example:

Jo works 18.5 hours per week, her entitlement if she was full time would be 27 days plus 8 bank holidays (35 day in total). Her part time entitlement is calculated as follows:
 $(18.5 \div 5) \times (27 + 8) = 129.5 \text{ Hours}$

3. Full time employees – part year

The calculation to be used for **full time employees** who start mid-way through the leave year is calculated as follows: -

$(\text{Leave entitlement (in days)} \div 365) \times \text{number of actual days from start date to 31 March} = \text{annual leave entitlement for the part year worked}$

For example:

Claire is full time and her leave entitlement for a full year is 27 days annual leave, she started on 6 July. Her leave entitlement from 6 July to 31 March is calculated as follows: -

$(27 \div 365) \times 270 = 20 \text{ days}$

4. Part time employees - part year

For part time employees starting or leaving part way through a leave year, the entitlement is calculated as follows: -

$(\text{Leave entitlement, inclusive of bank holidays (in days)} \times 7.4) \times (\text{number of months from start date to end of year} \div 12) \times (\text{No. of days worked per week} \div 5)$

For example:

Jamie is entitled to 35 days' annual leave, (27 day plus 8 bank holidays), started working on 1 October and works 2.5 days per week. His part time leave entitlement is calculated as follows: -
 $(35 \times 7.4) \times (6 \div 12) \times (2.5 \div 5) = 64.75$ hours

5. Leavers – Full time

The annual leave entitlement of employees leaving the Council is proportionate to their completed service during the year, rounded to the nearest $\frac{1}{2}$ day.

The calculation to be used for **full time employees** who leave is calculated as follows: -

$(\text{Leave entitlement (in days)} \div 365) \times \text{number of actual days from 1}^{\text{st}} \text{ April to leaving date} = \text{leave entitlement for the part year worked}$

For example:

Sarah is full time and her leave entitlement for a full year is 27 days annual leave, she is leaving on 29 July. Her leave entitlement from 1st April to 29 July is calculated as follows: -

$27 \div 365 \times 121 = 9$ days

6. Leavers – Part time

The calculation to be used for **part time employees** who leave is calculated as follows: -

$(\text{Leave entitlement, including bank holidays (in days)} \times 7.4) \times (\text{number of months from 1st April to leaving date} \div 12) \times (\text{No. of days worked per week} \div 5)$

For example:

Jason is entitled to 27 days annual leave, plus 8 bank holidays (35 in total), who is leaving on 30 September and works 2.5 days per week, his part time leave entitlement is calculated as follows:
 $(27+8) \times 7.4 \times (6 \div 12) \times (2.5 \div 5) = 64.75$ hours

7. Part time – full year leave entitlements

Part time annual leave entitlements will change each year depending on the number of bank holidays that fall within that leave year.

The tables below give three examples of part time employee's leave entitlement when there are 8, 6 or 10 bank holidays in the leave year.

Hours worked per week	Less than 5 years' Service (27 days entitlement) + 8 BH that fall in the relevant leave year	More than 5 years' service (32 days entitlement) + 8 BH in total (40) that fall in relevant leave year
18.5 (2.5days)	129.5	148
22.2 (3 days)	155.4	177.6
29.6 (4 days)	207.2	236.8
37 (5 days)	259	296

Hours worked per week	Less than 5 years' Service (27 days entitlement) + 10 BH in total (37) that fall in the relevant leave year	More than 5 years' service (32 days entitlement) + 10 BH in total (42) that fall in relevant leave year
18.5 (2.5days)	136.9	155.4
22.2 (3 days)	164.28	186.48
29.6 (4 days)	219.04	248.64
37 (5 days)	273.8	310.8

Hours worked per week	Less than 5 years' Service (27 days entitlement) + 6 BH in total (33) that fall in the relevant leave year	More than 5 years' service (32 days entitlement) + 6 BH in total (38) that fall in relevant leave year
18.5 (2.5days)	122.1	140.6
22.2 (3 days)	146.52	168.72
29.6 (4 days)	195.36	224.96
37 (5 days)	244.2	281.2

8. Contract Changes During the Annual Leave Year

If an employee's contractual hours change part way through the annual leave year, their annual leave entitlement will be automatically amended by the HR system.

8.1. Part time to part time

If an employee is part time and the change in hours means that they are still classed as part time, their leave entitlement will be amended automatically and their leave entitlement will either reduce or increase depending on the change.

8.2. Part time to full time

If an employee increases their hours to full time their leave will remain as an hourly entitlement until the end of the leave year and then will change from an hourly entitlement to a daily entitlement. The employees leave entitlement will be appropriately adjusted.

8.3. Full time to part time

If an employee reduces their hours, their leave entitlement will change from a daily entitlement to an hourly entitlement. This means that their leave in days will end on the date that they increase their hours and will receive a new entitlement that will start on the date of their new contracted working hours. The employees leave entitlement will be appropriately adjusted.

8.4. Future Leave

Any future leave that has been booked in the HR and Payroll system and under the employee's previous contract hours will need to be withdrawn by the employee and resubmitted again so that the system can re-calculate the leave entitlement and take into account the new hours and working pattern.