

# Our Holiday Policy

All Council employees have a contractual right to annual leave. The amount of annual leave varies according to an employee's:

- conditions of service (please refer to the guide on page 3 as entitlements will vary)
- salary
- length of service.

Paid Bank and Public holidays are in addition to the annual leave entitlement on the leave guide. The leave entitlement of employees joining or leaving is proportionate to their completed service during the holiday year – see also relevant Written Particulars for terms and conditions. For part-time employees, these entitlements are pro-rated accordingly.

The holiday year runs from 1 April to 31 March.

Where establishments have an additional 'shut down' day at Christmas/New Year, employees will be required to take holiday hours on that day if that is a day they would normally work.

Some establishments have specific needs which mean there is a business requirement to close at certain times of the year. Employees working within these establishments may be required to take holiday hours during these closure periods.

Employees must apply for leave in accordance with the arrangements in place in their Function. Where it suits operational needs the Council promotes self management of leave. Line managers will advise on what arrangements are in place for their team.

Employees should take the holiday they are entitled to. It is the manager's responsibility to monitor this for employee health and welfare reasons. By agreement with their line manager, employees may carry over up to 5 days' annual leave (pro-rata for part-time employees) into the next holiday year. There is no provision to pay for leave not taken under these circumstances.

## Who this policy applies to

e.g. All employees of the Council excluding:

- staff employed by schools with fully-delegated budgets where the governing body will determine the policy.

NB It is important to note that the Council currently has a range of pay and conditions of employment with varying holiday provisions. The policy details those different leave provisions.

## At-a-glance guide to annual leave provisions

Conditions of service	Basic Leave (Days)	Leave after 5 years (Days)
	Full-time entitlement	Full-time entitlement
<b>Grades G - J and SCG</b>	25	28
<b>Grades B – F and SCC - SCCF</b>	26	29
<b>Grade A</b>	30	30
<b>Youth and Community Workers (national conditions)</b>	30	35
<b>Adult Community Learning (Pay Scale)</b>	35	35
<b>Soulbury Pay Scales</b> Used for Advisory and Inspection Service, Behaviour Support Service (primary) and the Educational Psychology (EP) Service.		
<b>Advisory and Inspection</b> points 1 and 2	25	28
	points 3 - 49 26	29
<b>Scale A</b> (used for educational psychologists) points 1 and 2	25	28
	points 3 - 16 26	29
<b>Range B</b> (used for senior/principal educational psychologists) points 1 - 19	26	29
<b>Assistant Educational Psychologists</b> all points	25	28

NB The above chart reflects:

- full-time employee entitlement based on 37 hours per week x 52.14 week per annum contracts.
- entitlement to be pro-rata for part-time employees employed over 52.14 weeks.

### Important points to note:

- for some employees the entitlement shown above **includes** 1 day, where if establishments 'shut down' for an extra day at Christmas/New Year employees will be required to **deduct** holiday leave on that day and deduct the number of hours they would normally work from their entitlement.

- there is **no longer any additional entitlement to 2 extra-statutory days**. These have been built into the above figures.

Please see below for details of where different arrangements are in place.

## **Part-time employees on contracts of less than 52 weeks**

### **Adult community learning (Tutors paid via claims)**

The hourly rate for these employees includes a pro-rata payment in recognition of their annual leave and public/bank holiday entitlement. This payment is based on the Adult Community Learning pay scale and conditions of service.

### **Youth and Community Workers**

The hourly rate for these employees includes a pro-rata payment in recognition of their annual leave and public/bank holiday entitlement. This payment is based on the Youth and Community Workers pay scale and conditions of service.

**Other contracts less than 52 weeks** (e.g. annualised hours/term time) –Entitlement will be detailed in the employee's contract of employment. Usually for -

**Term time** - Holiday will be taken during periods the employee is not at work i.e. during the school holidays.

**Annualised hours** - Payment will be made in equal monthly instalments and leave will be taken during non-working periods.

## **Other leave provisions**

**Centrally-employed Teachers** (employed on teachers conditions of service). These employees work 195 days pa at times directed by the Local Authority.

Generally holidays for these employees will coincide with school closure periods determined by the Authority.

The Manager will provide those employees with the details that apply for specific posts.

**Additional leave as part of individual and team reward policy** - Managers can award up to two additional day's leave in any leave year for employees who demonstrate an exceptional level of performance. A day's leave will be 7 hours 24 minutes for full-time employees or pro-rata for those working part-time.

**Casual employees and Agency workers** - See questions 5 & 6 respectively below

## The essential questions and answers

1. [How is an employee's holiday/annual leave calculated?](#)
2. [What is the holiday/annual leave entitlement for part-time employees?](#)
3. [How is entitlement to bank holidays calculated for part-time employees?](#)
4. [When is an employee entitled to additional leave due to length of service?](#)
5. [Are casual/relief workers entitled to annual leave?](#)
6. [Are agency workers or self-employed/consultants entitled to annual leave?](#)
7. [What is the annual leave entitlement for employees who leave employment part way through a leave year? Are they entitled to payment for untaken leave?](#)
8. [How should an employee apply for leave?](#)
9. [Can a manager refuse a leave request?](#)
10. [Can a manager stipulate when an employee must take leave?](#)
11. [What annual leave is an employee entitled to when she is on maternity leave? Can she carry over untaken leave to the following leave year?](#)
12. [What happens if an employee is sick during a period of annual leave?](#)
13. [Does annual leave continue to accrue during sick leave and can an employee take annual leave during a period of sickness?](#)
14. [Does annual leave continue to accrue during long-term sickness?](#)

**1. How is an employee's holiday/annual leave calculated?**

Employees are employed on many different forms of contract, e.g. full-time, part-time, term-time, job share, annualised hours etc. An employee's holiday hours will include both annual leave and bank/public holidays.

**2. What is the holiday/annual leave entitlement for part-time employees?**

Managers must treat part-timers no less favourably than full-timers. Part-time employees are entitled to annual leave and bank/public holidays on a pro-rata basis, according to the number of hours and weeks they work.

Part-time employees are also entitled to additional pro-rata leave, for additional hours worked up to their normal full-time hours (generally 37 hours per week). This will be paid as an additional hourly rate but it only relates to extra duties or overtime required by, or with the prior agreement of the line manager.

**3. How is entitlement to bank holidays calculated for part-time employees?**

For part-time employees entitlement to public holidays and bank holidays is calculated on a pro-rata basis, according to the number of hours and weeks they work. This is added to an employee's annual leave to give an employee's total holiday hours.

Casual and relief workers have no entitlement to pay for bank/public holidays (unless they work on those days).

**4. When is an employee entitled to additional leave due to length of service?**

Employees with long service are entitled to additional leave starting on the fifth anniversary of their appointment. For the remainder of the leave year after the anniversary (for example from 1<sup>st</sup> December to 31<sup>st</sup> March) the extra entitlement is calculated on a pro-rata basis.

**5. Are casual/relief workers entitled to annual leave?**

Different arrangements apply to casual or relief workers. Because of the nature or pattern of relief work, it is very difficult to calculate leave entitlement in a simple way. Casual or relief workers are paid an additional hourly rate in respect of their statutory annual leave entitlement, on the basis that they take their holiday during non-work periods. There is no entitlement to pay for bank/public holidays (unless they work on those days).

**6. Are agency workers or self-employed /consultants entitled to annual leave?**

There is no leave entitlement through the Council for agency workers (whose contract is with the agency) and self-employed/consultants (who are paid by invoice or fee) that may provide services to the Council.

**7. What is the annual leave entitlement for employees who leave employment part way through a leave year? Are they entitled to payment for untaken leave?**

The annual leave entitlement of employees leaving the Council is proportionate to their completed service during the leave year.

If, at the termination of employment, an employee has any outstanding annual leave entitlement, they will normally be required to take that leave during their period of notice. If an employee still has annual leave due on their last day of service and the line manager is satisfied that it has not been taken for a legitimate reason (e.g. because of maternity absence or because the manager has required the employee to work up to the leaving date), the employee will receive payment for those leave days. The manager should process this using epayroll. The calculation will be based on the employee's hourly rate of pay. In the case of termination on conduct/performance and ill health grounds, payment would be in respect of any outstanding entitlement to statutory leave under the UK Working Time Regulations.

If an employee leaves to take up a post in another local authority, they may be able to transfer their outstanding leave entitlement to that authority (this will be for the employee to ascertain). If the new authority does not allow this, the employee will be expected to take any outstanding leave, as above.

If an employee leaves the service of the Council and has taken more than their proportionate annual leave entitlement, their final salary payment will be adjusted accordingly. The calculation will be based on the employee's hourly rate of pay.

## **8. How should an employee apply for leave?**

Employees will apply for leave through e-Payroll under the 'Absence' heading. See guide.

Employees are expected to give a reasonable amount of notice for the leave they wish to take – the longer the period of leave requested the longer the notice.

**Leave for new employees** - New employees may take leave from (and during) their first month of employment, but such leave may be restricted to the amount of leave that has been accrued. Statutory leave entitlement accrues monthly during their first year of employment at the rate of 1/12<sup>th</sup> of their annual leave entitlement. In practice, the Council generally allows new employees to take more leave than has actually accrued, subject to operational requirements. Wherever possible, the Council honours commitments to pre-booked holidays.

In subsequent years, employees can take their full leave entitlement from the beginning of the leave year.

## **9. Can a manager refuse a leave request?**

Managers should expect employees to give reasonable notice of when they wish to take their leave. However, the Council recognises that there may be occasions when short notice leave is needed and managers should consider any such requests appropriately.

There is a legal framework to refuse unreasonable requests for leave. This legal provision allows an employer to require a set amount of notice (i.e. - twice the length of holiday required, for example 4 weeks notice for 2 weeks leave).

Generally, however, in most cases the Council relies on existing arrangements for requesting and approving all leave requests.

## **10. Can a manager stipulate when an employee must take leave?**

Generally employees are able to choose when to take their leave (subject to operational requirements and their Function's arrangements for approving leave). Some establishments have set closure times when employees will be required to take leave (e.g. where establishments close for an extra 'shut down' day at Christmas/New Year or other closure periods).

In some establishments, there may be a need for business reasons to close at certain other times of the year. If this is the case, managers should detail this in an employee's appointment letter and/or discuss it with employees or relevant unions seeking agreement and giving reasonable notice.



For term time contracts annual leave will be taken during the school closure periods.

**11. What annual leave is an employee entitled to when she is on maternity leave? Can she carry over untaken leave to the following leave year?**

Where employees are absent on maternity leave, annual leave continues to accrue.

It is not always practicable to operate the 5 days carry forward provision in these circumstances. Managers should therefore allow returners to use their accrued annual leave entitlement over the two years following their return to work.

Term-time employees will be paid for their accrued holiday at the end of their maternity leave, on the basis that they will take their holiday during school closures, in line with normal arrangements.

**12. What happens if an employee is sick during a period of annual leave?**

If an employee falls ill or sustains an injury during a period they have booked as annual leave they should where possible follow their team's local arrangements for reporting sickness absence.

The employee will be able to record the absence as sickness rather than holiday if the period of sickness is covered by a certificate from a General Practitioner (GP) or medical specialist. If there is a charge for the certificate, the employee should provide a receipt so the manager can arrange reimbursement.

Only the period covered by the certificate will be counted as sickness absence.

**13. Can an employee take annual leave during a period of long-term sickness?**

Employees should be encouraged to take their paid contractual holiday entitlement whilst they are on long term sickness.

Managers should keep a record of this.

**14. Does annual leave continue to accrue during long-term sickness?**

Employees will accrue contractual holiday entitlement whilst on long-term sickness if they return to work within the same holiday period.

If the employee's sickness covers more than one holiday period they will be able to carry over a maximum of 5.6 weeks (the UK Working Time Regulations statutory holiday entitlement). This amount will be pro rata for part-time employees.

Any holiday taken before and during the period of long term sickness absence should be deducted from the 5.6 weeks (the UK Working Time Regulations statutory holiday entitlement) and only the outstanding entitlement can be carried over.

## Letters/forms/e-tools/guides

See intranet or ask your manager for information and links

## Legal Context

Working Time Regulations 1 October 1998

Working Time (Amendment) Regulations 2003

Work and Families Act 2006 – extension to the minimum paid holiday entitlement from 1<sup>st</sup> October 2007.

Leave entitlements derive from national conditions of service which in some cases have by varied by local agreement.

## Can't find what you are looking for?

For more information contact HR Advice and Support on 03330 134300

Email: [HRAdviceandSupport@essex.gov.uk](mailto:HRAdviceandSupport@essex.gov.uk)

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Last updated: 24 January 2017 Changes made: Updated with grade A and B entitlement
Last updated: 12 April 2016 Changes made: Removed outdated content and links
Previous changes: 01 April 2016 Changes made: Updated leave provisions to reflect changes to Bands 1 – 3 terms and conditions.
Previous changes: 01 April 2015 Changes made: Updated leave provisions to reflect changes to Band 4 terms and conditions.
Previous changes: 27 January 2014 Changes made: Organisational terminology updated to reflect transformation from Directorates; references to holiday entitlement for Ranges 5 & 6 (opted out of performance pay) removed as no longer applicable
Previous changes: 27 October 2011 Changes made: Reference to use of Absence Reporting Tool (ART) removed from question 13, to support launch of ePayroll sickness absence recording.