

## Human Resource

# Annual Leave Policy and Procedure

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## 1. Introduction

- 1.1 This policy describes annual leave entitlements for Trust support staff and the process for application and approval.
- 1.2 For further information regarding other types of leave, please refer to the Trust's Leave of Absence Policy.
- 1.3 Statutory holidays refers to the minimum statutory holidays to which an employee is entitled under the Working Time Regulations. This is currently 28 days in a full leave year inclusive of public holidays. This is pro rata for part-time and term time only employees.
- 1.4 This policy refers to contractual holiday entitlement, which is in excess of the statutory minimum.
- 1.5 Equated pay refers to the method of calculating a term time employee's pay, to take into account the number of weeks actually worked and the pro rata'd annual holiday entitlement relating to these.
- 1.6 Together these determine the employee's salary which is then divided into 12 monthly payments enabling employees to receive pay during the school holiday periods. Please refer to Appendix 1 for the equated pay formula.
- 1.7 52 week employees are those working all year and not term time only.

## 2. Scope

- 2.1 This policy applies to Trust support employees on NJC (Green Book) terms and conditions. It does not apply to teachers as the Burgundy Book (Conditions of Service for School Teachers in England and Wales) does not make provision for annual leave.
- 2.2 52 week employees
  - 2.2.1 Annual leave entitlements are shown in paragraph 3 of this policy. Employees should take the holiday to which they are entitled and managers should ensure that workloads do not prevent this whilst the needs of the Trust are taken into account.
- 2.3 Term time employees
  - 2.3.1 Many of our employees are contracted to work during school term times only and their pro rata'd holiday entitlement is determined and included in their equated pay calculation so that they receive pay during school holiday periods which count as their annual holiday.
- 2.4 Entitlement
  - 2.4.1 The holiday entitlements set out in the table below apply to full-time, 52 week employees on NJC (Green Book) terms and conditions.

	Basic entitlement	After 5 years' service	After 10 years' service
At or below scp 30	26	30	33
Above scp 30	28	33	35
<b>NB – Annual leave entitlements are pro rata'd for part-time and term time employees</b>			

- 2.5 The entitlements in the table above do not include public holidays (8 days).
- 2.6 Employees who start or leave employment during the holiday year are entitled to holidays proportionate to the number of completed calendar months service during the holiday year.
- 2.7 For additional holidays on completion of 5 / 10 years' service, qualifying service will include service with an organisation covered by the Redundancy Payments Modification Order (RPMO), in effect this will be the employee's continuous service date.
- 2.8 If an employee qualifies for additional holidays part way through the holiday year, the additional holiday will be pro-rata'd to the number of complete calendar months remaining in that holiday year.
- 2.9 Term time only employees receiving equated pay will be entitled to a new pay equation on reaching 5 / 10 years' service points.

### **3 Approval of annual leave, restrictions and carrying over holiday**

- 3.1 The approval of annual leave and other leave of absence is a matter for the appropriate Manager and / or Principal to determine.
- 3.2 All requests for annual holiday should be made through the SAM People HR system using the MySAM portal. Applications should be submitted at the earliest opportunity and employees should aim to provide notice equal to at least two times the amount of holiday that they wish to take (i.e. 1 week holiday = 2 weeks' notice).
- 3.3 Employees should, however, and where possible, provide an indication of their intended annual leave at the beginning of the leave year, having liaised with their team colleagues regarding the provision of adequate cover during closure periods and to ensure that each team member has an equal opportunity to take leave during particular closure periods, e.g. Christmas / New Year and Easter.
- 3.4 Employees will be advised to reserve certain annual leave for closure of Academy sites, where this is applicable. This will apply to Christmas and New Year. Managers will advise the number of days that will need to be reserved and taken over this period.
- 3.5 The Principal or Manager, seeking advice from the Principal, where necessary, will consider the request taking into account the needs of the service and return the signed card to the employee to confirm approval. Where approval is declined, the reasons for refusal will be discussed with the employee. Employees should not commit to holiday plans until they have received a signed copy of the card approving their request. Responsibility will not be accepted for holiday deposits paid or other losses incurred as a result of a failure to comply with this policy.
- 3.6 An employee who takes annual holiday which has not been approved may be subject to disciplinary action up to and including dismissal.
- 3.7 For 52 week employees, annual leave should be taken during periods of school closure.

- 3.8 When considering special requests for leave during term time, the Manager / Principal should take into account:
- a) The business needs of the school
  - b) Extended school provision
  - c) Lettings, where applicable
  - d) Cover arrangements
  - e) The needs of the employee
- 3.9 For 52 week employees, the holiday year runs from 1 September to 31 August. Annual holidays should normally be taken in the relevant holiday year, however, employees may carry forward, to the following holiday year up to 5 days of annual leave with the intention that it is used before 31 December of that year.
- 3.10 In exceptional circumstances, an employee may be permitted to carry over more than the 5 day maximum where they have more than 5 days of untaken statutory holidays at the end of the holiday year. The Manager / Principal will discuss with the employee when the holiday will be taken ensuring that it is taken before 31 December in the year it is carried over, where possible.
- 3.11 Managers / Principals are responsible for ensuring that the approval and carry forward of leave is effectively managed.

## 4 Termination of employment

- 4.1 Payment in lieu of untaken holidays (in excess of the statutory minimum) on termination of employment will not normally be paid and employees should make every effort to take the proportion of holidays that they are entitled to before their last day of employment. Payment in lieu of holiday will only be considered in exceptional circumstances and with prior approval from the CEO.
- 4.2 Payment in lieu on termination of employment will not be made in respect of holidays (in excess of the statutory minimum) not taken as a result of sickness or suspension under the disciplinary procedure. However, payment in lieu on termination of employment will be made in respect of all holidays (both statutory and contractual) **not taken as a result of sickness absence arising from a disability under the Equality Act 2010.**
- 4.3 In line with statutory requirements, payment in lieu of untaken statutory holidays owed to the employee at the date of termination will be made, although employees should make every effort to take the proportion of statutory holidays they are entitled to before their last day of employment.
- 4.4 Payment in lieu on termination of employment will not be made in respect of any untaken flexi or TOIL (time off in lieu) time accrued at the date of leaving the Trust, where applicable, unless with the prior agreement of the CEO.
- 4.5 Where annual leave taken exceeds the number of days to which the employee is entitled at the date of termination, the Trust will deduct the appropriate sum from the employee's final salary.

## 5 Late return from holiday

- 5.1 If for any reason, employees know that they will be late returning from holiday, they must contact their Manager / Principal and notify their late return as soon as possible. Failure to do so may be considered as unauthorised absence and disciplinary action may be considered.

## 6 Long-term sickness and annual leave

- 6.1 Subject to the approval process described in paragraph 4, an employee absent due to long-term sickness may request a period of sickness absence to be designated as holiday using their statutory entitlement of accrued but not taken holiday at the point of the employee's request.
- 6.2 Any statutory holidays taken during a period of long-term sickness should be taken in blocks of no less than 5 consecutive days.
- 6.3 The period designated as holiday will override the corresponding period of sickness and sick pay will be adjusted accordingly. If the employee is in a period of half or no pay, their normal pay will be reinstated for the period that is designated as holiday.
- 6.4 Moving between sick leave and statutory holiday will not "break" the sickness, i.e. the period of sickness will be continuous if it relates to the same sickness or injury as before the period designated as holiday.
- 6.5 Employees should be aware that if they do something inconsistent with their stated reasons for sickness absence or something that worsens their illness or prolongs their absence, the Trust reserves the right to stop sick pay and, in some cases, disciplinary action may be taken up to and including dismissal.

## 7 Reclaiming annual leave whilst off sick

- 7.1 Where an employee becomes ill before or during a period of annual holiday, they must notify their sickness in accordance with sickness absence reporting procedure at the earliest opportunity in order to request that this time is designated as sick leave so that they can claim back their holidays.
- 7.2 Where illness is for 7 consecutive days or less, the employee will be expected to self-certify in accordance with normal sickness procedures. Any absence in excess of the self-certification period will need to be covered by a GP Fit Note. Where an employee cannot reasonably obtain a GP Fit Note because they are abroad, they must obtain one at the earliest opportunity on their return from holiday to cover the period of absence they wish to reclaim.
- 7.3 Request to reclaim annual holiday will not be considered unless the above have been complied with.

## Review of policy

This policy is reviewed every 2 years by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## Appendix 1 – Equated pay

### 1. Equated pay calculation

- 1.1 The calculation to determine your salary uses a percentage to calculate pro rata annual leave and bank holiday entitlements proportionate to the number of weeks worked per year:

Working weeks per year X 5 (days per week) X 100 = percentage of all year salary

260.71 (weekdays per year) – equivalent full time holiday and bank holiday entitlement in days (see paragraph 2 below)

- 1.2 Your total number of weeks' pay may change as you accrue additional annual holidays on completion of 5 and 10 years' service (see paragraph 3 of the main policy and procedure)

### 2. Annual holidays

- 2.1 As a term time only employee, there is no entitlement to take annual leave during term time. Payment for annual leave and public holidays is included in the salary formula (see paragraph 1 above).
- 2.2 The full-time annual leave formula included in the salary formula is detailed in paragraph 3 of the main policy and procedure. In addition to your annual leave entitlement, you will be entitled to 8 public holidays (pro rata for part time / term time employees) which form part of the calculation in paragraph 1.1 above.

