



## Annual Leave Policy

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“Learning together; to be the best we can be”

# 1. Scope

- 1.1. This policy document applies to all non-teaching staff employed by the Trust who are **not employed on a term time only basis**, with pay bands relating to the Local Government Single Status grading structure as published by Rotherham MBC.
- 1.2. For staff employed on NJC terms and conditions other than Rotherham Council’s structure who have these protected by TUPE (upon transfer to Nexus MAT), additional annual leave guidance will be published for their school/setting which reflects local arrangements.
- 1.3. This policy is **not** applicable to school staff (including teachers and TAs) who are employed on a term time basis.

# 2. Entitlements

- 2.1. The leave period runs from 1st January to 31st December. The annual leave entitlement (pro rata for part-timers):

	Leave	After 5 Years
Designated Chief Officer	31	34
Bands K and above	29	32
Bands H to J	26	29
Bands A to G (SCP 4 to 29)	22	27

- 2.2. All leave entitlements for part-time employees are pro-rata to contractual hours in accordance with NJC conditions.
- 2.3. An additional 3 days’ concessionary leave (FTE) are also granted to employees pro rata, and should be added to the leave sheets accordingly.

- 2.4. Annual, statutory and concessionary entitlements are based on the number of hours an employee works. General practice across the Trust is to express annual leave for part time staff in hours, the easiest way to calculate this is as follows:

Standard entitlement in days	x	<u>Contracted hours per week</u> 37.00 (total hours in a standard working week)
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- 2.5. During the first 6 months of service, leave entitlement should be proportionate to the number of completed months of service. Employees may use their minimum leave entitlement during this period. For example, an employee in their first month of service should not, under normal circumstances, exceed 1/12 of their annual leave entitlement. Requests for leave above the accrued entitlement during the first 6 months of service may be discussed with the Line Manager.
- 2.6. A new starter must be scheduled to work all the 'working days' in their first calendar month to accrue leave for that month. E.g. if a new starter's contract is due to begin on Tuesday 2nd January, they would be entitled to 12 months' leave entitlement because they will have attended work on all the scheduled working days in January. If their contract was due to start on 3rd January 2013, that month would not be included in the calculation of leave.

## 3. Changes

- 3.1. With regard to annual leave and bank holiday allowance, the key factor is the number of 'complete' months worked. A complete month is when an employee has been employed in that role for every available working day of the month.
- 3.2. Changes such as temporary or permanent promotions to another grade (and therefore a change in annual leave entitlement) and changes to contractual hours are treated in a similar manner to the above.
- 3.3. When an employee has a change in contract part-way through the month, the 'new' annual leave entitlement is accrued from the start of the following calendar month. Annual leave entitlement for the current month is based on the original contractual hours.

- 3.4. When an employee has a change in contractual hours part-way through the year, their leave entitlement must be re-calculated to reflect the change in hours. It is recommended that for clarity, the leave entitlements should be converted into hours when dealing with such changes.

## 4. Leavers

- 4.1. If an employee leaves employment during the year they are entitled to leave proportionate to the number of completed months of service during the year. A complete month is when an employee has been employed in that role for every available working day of that month. Any leave taken in excess of the pro-rata calculated entitlement will be deducted from the employee's final salary/wage.
- 4.2. To calculate the pro-rata entitlement, take the employee's yearly leave entitlement and multiply by the number of completed months. Divide this by 12 to establish the pro-rata entitlement.

## 5. Long service

- 5.1. An employee accrues the additional 3 - 5 days of paid leave once they have completed 5 years of continuous service in local government or for the Trust. If the individual qualifies for additional leave part way through a leave year, then additional leave will be pro-rated for the remainder of the leave year. The additional leave will be expressed in whole days, rounded down, where necessary.

## 6. Carry Forward/bring forward

- 6.1. Wherever possible, employees should take their entire allocation of annual leave by 31st December each year. However, if employees are unable to use their full entitlement, for example due to work priorities and therefore have annual leave outstanding or they wish to save some days for the following year, up to 5 days (pro-rata for part-time employees, i.e. one contractual week) may be carried forward to the following leave year.
- 6.2. Similarly, the Trust recognises that personal circumstances may arise when it would be appropriate to bring forward some annual leave from the following

year. In such circumstances up to 5 days' annual leave (again, pro-rata for part-time employees) may be brought forward from the following year's entitlement.

- 6.3. All leave requests including those for extended annual leave i.e. longer than two weeks, must be authorised by the Line Manager. In the case of the Chief Executive Officer, annual leave requests will be agreed by the Trust Chair.
- 6.4. In order to minimise any impact on schools and/or the business of the Trust, managers need to plan for any absence with employees, so any requests to either carry over or bring forward annual leave should be discussed and agreed with line managers in advance.
- 6.5. Employees on Special leave at the time the holiday year comes to an end will lose any outstanding annual leave entitlement.
- 6.6. Employees unable to return to work due to long term absence at the time the holiday year comes to an end can carry forward a maximum of four weeks leave, pro-rata for part-time employees. In such circumstances it is normal for this carry over to be used to facilitate a phased return to work.

## 7. Casual employees

- 7.1. Under the Working Time Regulations, casual employees accrue statutory leave on a monthly basis in advance (qualifying immediately). Employees accrue leave at the rate of 1/12 of the annual entitlement in advance on the first day of each month of employment. The annual entitlement of statutory leave is 5.6 weeks. For a full-time employee working 5 days a week, this equates to 28 days. For a part-timer working 2.50 days a week, this equates to 14 days.
- 7.2. With regard to determining the pro-rata leave entitlement in cases where the employee is working variable hours, an average of the previous 12 weeks should be applied. If the 12 weeks include weeks where no work was undertaken, the hours from the previous week should be added in, to bring the total up to 12. The same calculation is also used to determine the holiday pay.

7.3. If the worker has not yet completed 12 weeks of employment, as will be the case with most casual workers, the entitlement is calculated by dividing the number of hours worked in the period by the number of weeks in the period.

## 8. Bank holidays

8.1. The 8 Bank Holidays (Statutory), pro-rata for part-time employees, are listed below:

- New Years' Day
- Good Friday
- Easter Monday
- The first Monday in May
- The last Monday in May
- The last Monday in August
- Christmas Day
- Boxing Day

8.2. Unlike annual leave, statutory leave is not subject to the pro-rata calculation for employees leaving or joining the Trust partway through the leave year. Employees are only entitled to the statutory leave days that fall within their period of working.

8.3. The calculation for part time employees is the same as for annual leave but consideration must also be given to the employee's working pattern when applying the entitlement.

8.4. There are several ways of addressing statutory leave for part-time employees but it is arguably simpler to deal with each as they occur rather than calculating their whole entitlement at the beginning of the year (though this is an alternative option). This allows for officers starting or leaving, or who may reduce or increase their hours during the leave year.

8.5. The 8 Bank Holidays are pro-rata for part-time employees. For each statutory day the employee is entitled to a proportion of 7.4 hours (the standard day).

8.6. Where, because of the working pattern, the statutory holiday falls on a non-working day for the employee, two options are available:

- The pro-rata entitlement could be added to their annual leave entitlement, OR;
- The pro-rata entitlement could be taken as time off on a day which they would normally be due to work. In such cases it may be necessary to “top-up” the pro-rata entitlement with annual leave to bring the entitlement to the normal working hours for that day.

8.7. Where, because of the working pattern, the statutory holiday falls on a day which they would normally work the pro-rata entitlement may be less than the hours normally worked on that day. In this case, two options are available:

- The pro-rata entitlement could be “topped-up” as necessary by deducting an equivalent amount from the annual leave entitlement, OR;
- The pro-rata entitlement could be “topped-up” as necessary by working extra hours.

## 9. Compressed Hours

9.1. Annual Leave entitlements for staff working compressed hours (e.g. 4 day weeks/ 9 day fortnights) should be expressed in hours.

9.2. For a full-time employee, annual leave entitlements would be converted to hours by using the following calculation:

- 22 days x 7.4 (standard day) = 162.8 hours
- 26 days x 7.4 (standard day) = 192.4 hours
- 27 days x 7.4 (standard day) = 199.8 hours
- 29 days x 7.4 (standard day) = 214.6 hours