



## **Annual Leave and Bank Holiday Entitlement Policy**

**Adopted 4th July 2023 Minute 44.23b**

This policy details the annual leave, bank and public holidays which employees are entitled to. It gives the entitlements for full time and part-time employees. Arrangements for carrying forward annual leave and requesting unpaid leave are also included. Annual leave accrues from an employee's first day of employment. This policy is to be read in conjunction with the Council's Time Off in Lieu (TOIL) policy.

### **Annual leave year**

1. The annual leave year runs from 1st April to 31st March.

### **Entitlement – full time workers**

2. The contractual annual leave entitlement for full time employees is 28 days per annum.
3. In addition employees also receive Bank and Public Holidays as defined by the UK Government.

### **Entitlement - part time workers**

4. Part-time workers cannot be treated less favourably than a comparable full time employee and therefore receive the same holiday entitlement as detailed above for a full time worker but on a pro rata basis.
5. Similarly, a part-time worker receives a pro-rata entitlement to the annual bank holidays and public holidays. This pro-rata entitlement will apply whether they work the public/bank holiday or not.

### **Entitlement - Employees on fixed term or temporary contracts**

6. Employees on a fixed term contract are entitled to pro rata annual leave and this should be scheduled in the same way that it is for permanent employees.

### **Bank holidays**

7. In England and Wales there are six annual bank holidays and two public holidays which are:
  - New Year's Day
  - Good Friday (public holiday)
  - Easter Monday
  - First Monday in May
  - Last Monday in May
  - Last Monday in August
  - Christmas Day (public holiday)
  - Boxing Day

The definitive list including dates is published on the .gov.uk website - <https://www.gov.uk/bank-holidays>.

### **Discretionary Leave**

8. If additional public holidays are declared e.g. royal occasions specific guidance will be issued at the time.

### **Timing of annual leave**

9. The timing of leave is by mutual agreement. In respect of the Clerk, they must give advance notice of their intention to take leave where possible to the Chair of the Staffing Committee, with two weeks' notice being given for leave

periods of more than two days. For all other employees, they must give advance notice of their intention to take leave to the Clerk.

10. Should an employee fail to return to work on the expected date of return and cannot provide a satisfactory explanation for this, an investigation will look into the circumstances and reasons and may result in the disciplinary procedure being followed.

### **Carrying annual leave forward**

11. Leave should be taken in the current leave year.
12. Any leave not taken by the end of the leave year will be lost unless an exception is made through a resolution of the Staffing Committee in respect of the Clerk, or the Clerk in respect of other employees. Any carried over leave agreed, should be taken within the first three months of the next annual leave year to avoid it accruing again.

### **Unpaid Leave**

13. An employee does not have a right to unpaid leave and it will only be agreed if operationally manageable. Unpaid leave may be granted for domestic reasons, compassionate grounds, family emergencies or for other reasons agreed with the Chair of the Staffing Committee or the Clerk.
14. Requests for unpaid leave need to be approved and made by completing an unpaid leave and absence form. On the form the employee will need to specify the amount of unpaid leave that is required and the reason for the request.

### **Employees on sick leave (including disability and sickness absence)**

15. Where employees are absent due to sickness, they are entitled to accrue the statutory level of annual leave entitlement during their sick leave.
16. If they are unable to use their accrued annual leave entitlement during a period of sickness absence, this may be carried over to the next leave year in agreement with the Chair of the Staffing Committee in respect of the Clerk and the Clerk in respect of any other employee. If an employee falls ill whilst on annual leave, they should follow the reporting procedure detailed in the sickness absence management policy and procedure.

### **Leavers**

17. If employees leave the council during the annual leave year, they will receive a pro rata entitlement to annual leave.
18. Employees should arrange to take any outstanding holiday entitlement before leaving the Council. If confirmation is provided that for operational reasons an employee is prevented from doing this, then payment in lieu is allowed.
19. If an employee leaves the Council and has taken more than the proportion of holiday entitlement they have accrued, a deduction will be made from their final salary equivalent to the excess holiday pay they have already received.

## **Recording bank/public holiday and annual leave entitlement - part time employees**

20. A part time employee is entitled to a fifth of their total weekly hours for each bank holiday.
21. If the bank holiday falls on a day on which an employee would normally work then they are required to take their bank holiday entitlement (one fifth of their total normal weekly hours for each bank holiday) for that day.
22. If the bank holiday falls on a day on which an employee would not normally work then they are entitled to take their bank holiday entitlement (one fifth of their total normal weekly hours for each bank holiday) at another time subject to operational requirements.
23. The employee's normal working hours for a particular day taken as annual leave should be deducted from their total annual leave entitlement.

## **Roles and responsibilities**

### **Employee responsibilities**

24. Calculate their leave entitlement at the beginning of each leave year and record on their annual leave form.
25. Record annual leave and bank holiday leave taken on their annual leave form.
26. Submit requests for leave to the Clerk or the Chair of the Staffing Committee on a timely basis to avoid possible disappointment in not getting the dates of their choice.
27. Agree any carry forward of annual leave with the Clerk or the Chair of the Staffing Committee before the end of each annual leave year.

### **Chair of Staffing Committee and Clerk responsibilities**

28. Make sure employees calculate their annual and bank holiday leave entitlements correctly each year and give assistance to complete this where required.
29. Consider all applications for annual leave fairly whilst making sure business services are maintained.
30. Ensure employees book and take their leave entitlement each year in a proportionate way throughout the year, where possible.