



# Endeavour Multi Academy Trust

## ANNUAL LEAVE

### **Scope of Policy**

This policy has been developed in line with the appropriate national conditions of service for employees of the County Council i.e. NJC for Local Government Services (Green Book), School Teachers' Pay and Conditions of Service, and Conditions of Service for School Teachers in England and Wales (Burgundy Book), the Soulbury Committee and the JNC for Youth and Community Workers.

Any reference to "the trust" refers to The Endeavour Multi Academy Trust.

### **Policy Statement**

Employees are entitled to paid annual leave depending upon their length of continuous local government service and level of grade. A leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> of March.

This policy document is applicable to all employees except teachers, those employed on term-time only contracts (e.g. nursery staff) and casual employees.

Arrangements for Teachers preclude the necessity for annual leave entitlements. Provisions regarding the working time of various categories of teaching staff are contained in their relevant conditions of employment set out in the School Teachers Pay and Conditions Document. This is a statutory document; it also reflects the provisions of the 203 national Workload Agreement between the Government, employers and school workforce unions, including requirement for account to be taken of the need for Teachers to have

reasonable work/life balance. (See page 8 for provisions relating to term-time only employees.)

## **Trade Union**

There are many trade unions working within the trust who can assist with this process. It is recommended that a trade union representative be contacted at the earliest stage so that appropriate advice, guidance and support can be offered to the employee.

## **Levels of Authority**

Throughout this policy document, there are many references to 'manager'. For the purposes of this policy 'manager' is the person delegated by the Local Governing Board to perform the task. The manager could vary according to staffing structures, but is likely to be the employees line manager.

## **Provisions**

### **Your Entitlement**

Your paid annual leave entitlement is worked out in accordance with the table below:

| <b>SALARY</b> | <b>0-4 YRS</b> | <b>5-14 YRS</b> | <b>15-24 YRS</b> | <b>25 YRS PLUS</b> |
|---------------|----------------|-----------------|------------------|--------------------|
| Up to SCP 21  | 24             | 29              | 30               | 31                 |
| Point 22 - 28 | 24             | 29              | 30               | 31                 |
| Point 29 - 40 | 26             | 30              | 31               | 32                 |
| Point 41 Plus | 27             | 31              | 32               | 33                 |

This table includes 3 discretionary days for the Christmas period.

If you are a term-time worker you are entitled to annual leave and public holidays proportional to a whole year employee's entitlement.

If your school closes during the Christmas period you will be expected to book three days annual leave from your entitlement above to cover this period. If your workplace does not close over the Christmas period you do not have an

automatic right to take time off over Christmas. You will need to apply for leave and time off will be granted subject to operational need.

There is also an expectation that you will use annual leave to cover for emergency needs or for balancing your work responsibilities with your home responsibilities. However, other types of paid and unpaid leave are available under particular circumstances and you should discuss the use of any of these options with your manager.

### **Casuals**

Casual workers will accrue paid annual leave as they work. Casuals have the right to request to take any accrued time as paid leave from work, up to a maximum of 28 days per annum. Applications for leave from casual workers will be considered in the same way that contracted employees are considered (i.e. subject to operational needs). Please note that paid leave cannot be taken in advance of it being accrued.

Managers must monitor leave hours accrued, and advise casual workers of any outstanding annual leave remaining. A holiday pay claim form must be completed each time a casual worker takes paid leave and their Manager is required to authorise the form before sending to payroll for payment. As for all staff, casual workers are entitled to carry forward a maximum of 5 days into the next leave year (but only with their Manager's permission), and any leave carried forward must be taken within 6 weeks of the new leave year.

### **New Starters**

If you are starting work part way through a leave year (which runs from 1<sup>st</sup> April to 31<sup>st</sup> March) you will be entitled to a proportion of the holiday entitlement listed in the above table, depending on the date that you start working for trust. This is worked out on the basis of 1/12<sup>th</sup> of the entitlement for every complete calendar month that you have or will work during the leave year. You will be entitled to Bank Holidays as they fall.

## **Part Time Employees**

If you work less than 37 hours per week but work the same number of hours every week you are entitled to a proportion of the holiday entitlement listed in the above table(s) depending on how many hours you work per week. The entitlement in the table is based on someone working for 37 hours per week. If you work half of that, 18.5 hours per week, you are entitled to half the amount of holiday. If you work, for example 22 hours per week you are entitled to 22/37ths of the holiday entitlement applicable to someone with your grade and length of service.

## **Employees Who Do Not Work Fixed Hours Every Week**

Lots of people do not work the same fixed hours every week. If your job is like this you are still entitled to paid holiday entitlement and this will be worked out based on your salary grade and length of service, just like everyone else.

Your annual leave entitlement will usually be calculated based on the average number of hours that you work over a period of time and is accrued on a month by month basis. Your contract of employment should specify how your annual leave is going to be treated.

## **Bank Holidays**

If you work part time you are entitled to a proportion of the bank holidays each year. Your entitlement to bank holidays is worked out in proportion to the number of hours you usually work, similar to the way your main holiday entitlement is worked out.

If most of the bank holidays fall within your working week but you don't have enough bank holiday entitlement to accommodate this you will either have to book those additional days off as annual leave or work additional hours on another day to make up for having the time off.

If very few bank holidays fall within your normal working week so that you have more bank holiday entitlement than you need you can simply take this time off as if it were part of your normal holiday entitlement.

### **If You Leave**

If you leave your job part way through a leave year you will only be entitled to annual leave in proportion to the amount of time in the leave year that you have worked for trust. The statutory maximum of 28 days will apply for the purposes of deciding whether any holiday pay is due.

For example, if you were to leave exactly half way through the leave year you would be entitled to half the statutory full year entitlement. If, having taken account of the amount of leave you have actually taken, you are still owed some annual leave you can be paid for this.

As soon as you are aware that you are going to leave your job, check how much leave you are entitled to so that you do not take too much.

### **End of Leave Year**

You should make every effort to take all of your annual leave in the leave year that it is granted in. If, at the end of the leave year, you still have annual leave that you have not taken your manager will only grant permission for you to carry forward your leave if there is some operational reason why you could not take your leave before the end of the current leave year.

If you think that it is likely that you will not be able to take all of your leave you should alert your manager as soon as possible. If you have not been able to take your annual leave because of excessive workload or other operational reasons (sickness absence is not a valid reason or an automatic right for carrying forward of annual leave from one year to the next), you can only carry forward a maximum of 5 days into the next leave year and you must have your manager's permission to do this.

Any leave carried forward must be taken within the first six week's of the new annual leave year. Leave carried forward and not taken within the first 6 weeks of the new leave year will be lost.

### **Sickness and Annual Leave**

The working time regulations means that employees who are absent through long-term sick leave, who have exhausted their entitlement to sick pay, are not entitled to paid leave during that period. The purpose of the regulations is to ensure minimum health and safety standards in relation to working time, so that employees can expect a minimum period of leave from the pressures of work. Therefore, allowing an employee to claim paid annual leave whilst they are on long-term sick leave would be a windfall for the employee that is not intended by the Working Time Regulations (1998).

Similarly, employees whose employment is terminated after 12-month periods of absence through sickness are not entitled to payment for holiday pay for "leave" they have not taken while away from work on sick leave.

### **Term-Time Only Employees**

Term - time employees are not required to be on duty for most of school closure periods and their patterns of attendance vary according to their individual contracts of employment as agreed. The formula used for the payment of term -time employees incorporates an allowance for leave. The formula:

- begins with the number of weeks actually worked by the individual employee
- builds in a pro rata allowance for annual leave and public holidays
- creates a level of pay weeks, which increases with length of continuous service
- spreads salary payments over equal monthly instalments

The salaries of term - time employees working 37 hours per week are calculated as follows:

spinal column point salary x pay weeks

52.14

Part - time, term - time only employees have their salaries calculated as:

$$\frac{\text{spinal column point salary}}{37} \times \text{weekly hours} \times \text{pay weeks} = 52.14$$

### **How to Apply For Annual Leave**

If you have an annual leave entitlement, you should complete an annual leave card requesting annual leave identifying both the start date and end date and the number of days leave you are applying for. This form then needs to be signed by your manager

### **Right of Appeal**

The granting of leave is subject to operational needs and there may be occasions where leave cannot be granted. However, entitlement to leave will be granted on most occasions when unexpected or unforeseen circumstances occur. Clearly, you must tell your manager as soon as practicable what reasons you have for being absent from work and how long you expect to be away.

Disagreements in relation to the use of Annual Leave are dealt with by use of the trust's Grievance procedure.

### **Further Advice and Information**

If you need any further advice about how this policy applies to you please contact your manager.

If you are considering taking maternity, adoption, paternity or parental leave particular arrangements apply to the accrual of annual leave. Please refer to the Trust's Maternity, Adoption, Paternity and Parental Leave Policy.

Further background information on this topic is available on the following Websites:

[www.berr.gov.uk](http://www.berr.gov.uk)

[www.acas.org.uk](http://www.acas.org.uk)

[www.lg-employers.gov.uk](http://www.lg-employers.gov.uk)

See also national conditions of service and local agreements before determining or issuing advice.

### **Standard Documents**

Application for Leave of Absence

Application (Casual employees only) for Holiday Pay

**Amended:**                      **May 2018**

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