

BOSTON BOROUGH COUNCIL

ANNUAL LEAVE POLICY

Introduction

Where appropriate, employees leave entitlement will be determined by Conditions of Service and will be included in their terms and conditions document.

There are also certain leave provisions for employees who have specific responsibilities. These include Compassionate Leave, "Other Special Leave" for Family Care, Paternity Leave, Maternity Support Leave, Adoption Leave and Parental Leave. The Family Leave Policy should be referred to for full details.

Scope: All Boston Borough Council Employees except for [casual workers](#).

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Local
agreement

Holiday Entitlement

For staff working 37 hours per week, the minimum annual leave entitlement is 28 days per year rising 1 day per year to a maximum of 30 days after 2 years service.

Your annual leave year starts from the date you join, unless you joined the Council prior to 2001 where your leave entitlement will commence in April every year. Should you have any queries about when your leave year starts please ask your line manager or the People Services team.

Additional Annual Leave

An additional day is awarded to be retained for use for any annual shutdown usually at Christmas/New Year. For those employees not shutting down this will be added to their entitlement to be taken at another time.

Where the Council decides not to shut down the awarding of this day may be reviewed. Employees not signing up voluntarily to the changes in terms and conditions in January 2014 will not be awarded this additional day and will retain a leave entitlement of between 28 and 30 days depending on their service. Employees appointed after 14th January 2014 will have a leave entitlement of between 29-31 days for full time employees.

For part time staff, annual leave entitlement is calculated pro rata to the number of hours worked e.g. entitlement for a part time member of staff working 20 hours per week would be 112 hours per annum worked out as follows:

$$(28 \text{ days} / 37 \text{ hours}) (x 20 \text{ hours}) x 7.4 \text{ hours} = 112 \text{ hours}$$

To calculate your entitlement please use the annual leave ready reckoner on the V drive which is an excel spreadsheet.

For staff working 37 hours per week over more than 5 days per week a maximum entitlement of 30 days or 222 hours will apply.

Leave Accrued During Periods Of Absence

During periods of absence such as long term illness, Ordinary Maternity Leave and Additional Maternity Leave staff will continue to accrue annual leave and their entitlement to paid annual leave will continue. The employee needs to submit a request for the leave i.e. give notice as they would have had they actually been working in order to receive payment for this period.

However if a worker does not exercise the right to take annual leave within the current leave year then their statutory entitlement to paid leave will normally be lost.

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Arrangements and Carry Over

The planning and control of holidays within your section are the responsibility of your line manager. As much freedom of choice will be given to staff on the basis of first booked gets preference. Staff must be aware that their line manager at all times must ensure that appropriate cover is available in their section, especially during peak holiday times. Employees should give as much notice as possible, of their intention to book leave so as not to disrupt the operation of the Council.

No situation should be created whereby entitlement is lost however it is the employee's responsibility to ensure that their annual leave entitlement is used during the year. Only in extremely exceptional circumstances will carry forward of unused annual leave be authorised. For example following a lengthy period of serious illness or following maternity leave. The relevant Director must approve any carry forward.

Staff should be aware that annual leave should be booked in preference to flexi leave in situations where annual leave entitlement may not all be taken. Ideally some leave should be taken in blocks of at least 1 but preferably 2 weeks to ensure employees get adequate rest from work.

Annual leave of over 15 working days consecutively will not be approved routinely (i.e. annually) as this may impact on annual leave arrangements for other staff in the section and operational requirements. Each case will be assessed on its merits and agreed where possible. The Council will sympathetically consider any requests from staff where it is reasonably practical for the employee to be away from work and they have sufficient annual leave entitlement.

Each employee will be issued with an annual leave card. During the leave year this card should be retained by the individual and used to book and gain authorisation for the leave against the stated allowance. Annual leave cards should be completed by individuals and signed off by line managers as agreement for leave before the leave is taken. A computerised system may be implemented at some time in the future to replace this current system. Your line manager and the People Services team will audit leave cards randomly throughout the year.

If any member of staff feel their request to book annual leave has been refused unfairly they should try to resolve the matter in the first instance with their line manager. A member of the People Services team and/ or a trade union representative may assist with this if necessary. Should no resolution be forthcoming then staff are entitled to follow the grievance procedure in order to come to a satisfactory resolution.

Under no circumstances should staff make arrangement to take leave i.e. book holidays with Travel Agents, prior to their request being agreed by their line manager.

Annual Shutdown

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The Council may consider annual shutdowns at certain times of the year in different departments depending on the needs of the organisation. During these periods employees will be expected to take annual leave. As much notice as possible of any shutdown will be given and will be kept to a minimum. The Council usually shuts down over the Christmas/ New Year period for most, but not all services. This does not however imply an automatic right to this shutdown. Decisions will be made by the Corporate Management Team annually.

Legislation

Statutory Holidays

Full time staff:

Employees shall, irrespective of length of service, be entitled to a holiday with a normal day's pay for each of the declared 8 statutory, general and public holidays as they occur.

Part time staff:

Entitlement to public holidays will be calculated, on a proportional basis pro rata to hours worked regardless of the actual days worked. E.g. staff who work 22 hours Monday to Wednesday, the part time worker would receive 4.75 statutory public holiday days per year (based on 8 statutory public holidays). For administrative purposes this may be added to the leave card and deducted as public holidays occur.

Job Share Staff:

Entitlement to public holidays will be split, in hours on a proportional basis between the two job sharers to avoid inequality. For example if Christmas Day and Boxing Day fell on a Thursday and Friday. This would mean that the normal working week will be $3 \times 7.24 = 22.12$ hours. Therefore (assuming that there is a 50:50 split of hours) each sharer would work 11.06 hours.

Where this arrangement is inconvenient for either individual or the as long as the needs of the service are met, extra hours can be made up by working additional hours at some other time or if necessary hours can be reduced by flexi-time. When possible, line managers will endeavour to be as flexible as possible.

Payment For Working On Statutory Holidays

If your normal working day falls on a statutory holiday you will be paid normal pay for this day. If you work on a statutory holiday but this is in addition to your normal working hours you will be paid appropriate rate for the day (as set out in the Terms and Conditions document). In addition if you work less than 4 hours you will receive $\frac{1}{2}$ days annual leave to be taken in lieu and if you work more than four hours you will receive 1 days annual leave to be taken in lieu.

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Religious Minority Employees' Annual Leave/ Statutory Holidays

Legislation pertaining to Employment Equality (Religion or Belief) Regulations 2003 came into force in December 2003. It is potentially discriminatory to refuse an employee time off for a religious holiday for unjustifiable reasons. The Council will consider any such requests and will not unreasonably refuse time off unless objective business reasons are evident.

Employees Leaving The Authority

The annual leave entitlement of employees leaving or joining the Council is proportionate to their completed service during the leave year. Therefore any member of staff leaving the employment of the authority will be entitled to their holiday entitlement pro rata per full week from their annual leave entitlement start date up to their date of leaving. Should they already have exceeded the amount of annual leave due this will be deducted from their final salary.

Staff with annual leave entitlement remaining should endeavour, once they have announced their intention to terminate their employment, to take this outstanding leave prior to their last day of service. If this is not possible due to operational requirements with the agreement of the line manager payment will be made for the outstanding annual leave at the normal hourly rate. Should staff experience any difficulties with this they should discuss this with their line manager well in advance of their last date of service.

Annual Leave For Casual Workers

Casual/ relief staff are not normally entitled to annual leave as by the nature of their job they may only work the occasional shift to cover sickness and annual leave of other staff. However if casual staff work regular hours over a sustained period they will be entitled to annual leave payments. This will be paid or taken after the leave has been accrued. Leave will be calculated over a 13 week reference period by averaging hours worked and based on 28 days leave.

Annual Leave Purchase Scheme

The maximum amount of additional annual leave that any employee may 'purchase' in any one-leave year is 5 working days (pro-rotta for part-time staff). An employee who wishes to purchase additional annual leave must make a request in writing to their line manager using the attached form (Appendix A).

The purchase of additional annual leave will be administered through a salary sacrifice scheme and payment terms (as with the salary sacrifice schemes) are immediate in arrears after deduction from salary by the employer. The cost of the additional leave purchased must be repaid in full within that current leave year (or forthcoming leave year if requesting in advance for the start of the new leave year). It is the employee's responsibility to ascertain how much the monthly deduction from their salary will be.

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The application and authorisation of requests are treated individually and will only be valid for one leave year, if the scheme runs again a further application would have to be made. The organisation reserves the right to refuse an employee's application to purchase additional annual leave. It may be necessary to refuse an employee's request for operational or technical reasons related to their job and service needs. If approval is not given, managers must give written reasons within 10 working days and explore other alternative options that may be available. Support and advice can be provided to managers by their People Services representative.

Additional annual leave that is bought should be booked and used in the standard way following this leave policy. If, having purchased additional annual leave, the employee fails to take it before the end of the relevant leave year, the leave will be lost. Employees leaving the organisation will be reimbursed if, the salary deductions on leaving, amount to more than the leave taken. Payments will be recovered prior to leaving if the value of the salary deductions is less than the value of the leave taken.

An employee should note that by completing and submitting the request for additional leave form that, if approved, this form also constitutes their consent to the applicable salary adjustment.

The calculation will be arrived at by:

- dividing the employee's basic annual salary (excluding non contractual overtime) by 52.14285 to determine their basic weekly pay;
- divide this figure by the number of their working days in the week;
- multiplying this figure by the number of annual leave days the employee wishes to buy;
- dividing this figure by the number of full months left in the annual leave year up to a maximum of 12 (months) to arrive at the amount that will be deducted from the employee's monthly salary; and
- subtracting that figure from the employee's net monthly salary.

Example 1

- employee's basic annual salary is £25,000;
- requested in October with 6 months remaining in the annual leave year to repay the purchase of additional annual leave
- divide this figure by 52.14285, resulting in a weekly salary of £479.45;
- divide this figure by the number of working days in the week: i.e. in this case 5, giving a sum of £95.89;
- multiply £95.89 by 5, since the employee wishes to buy 5 working days additional annual leave, giving a sum of £479.45;
- divide this figure by 6 (months) to arrive at the amount that will be deducted from the employee's monthly salary, producing a figure of £79.91 per month.

Example 2

- employee's basic annual salary is £12,000;

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- requested in March with a full annual leave year to repay the purchase of additional annual leave
- divide this figure by 52.14285, resulting in a weekly salary of £230.14;
- divide this figure by the number of working days in the week: i.e. in this case 4, giving a sum of £57.54;
- multiply £57.54 by 2, since the employee wishes to buy 2 working days additional annual leave, giving a sum of £115.08;
- divide this figure by 12 (months) to arrive at the amount that will be deducted from the employee's monthly salary, producing a figure of £9.59

Any abuse of the provisions of this policy will be dealt with under the disciplinary procedure.

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Appendix A

Request to purchase additional annual leave

Part 1: I wish to apply for the right to purchase additional annual leave.

Name:	
Date of request:	
Leave year start date:	
Number of days I wish to purchase:	

Note:

1. It is the employee's responsibility to ascertain how much the monthly deduction from their salary will be.
2. The maximum amount of additional annual leave that any employee may 'purchase' in any one-leave year is 5 working days (pro-rotta for part-time staff).

Declaration:

I agree to repay the cost of the purchase of additional annual leave full within the current leave year (or forthcoming leave year if requesting in advance for the start of the new leave year).

I accept that if I approved and I fail to use the additional leave before the end of the relevant leave year, the leave will be lost.

Sign:

Print Name:

Date:

Part 2 - Managers response (Please copy to payroll for processing deduction from pay)

I have considered your request to purchase additional annual leave as set out above.

***delete as applicable**

*** Unfortunately, for the following reasons, I am unable to approve your request.**

Reasons for refusal –

*** Your request is approved.**

Line Manager Sign:

Date: