



**MELLERS PRIMARY SCHOOL
ANNUAL LEAVE POLICY
(staff)**

JANUARY 2017

ANNUAL HOLIDAYS (PEOPLE MANAGEMENT HANDBOOK FOR SCHOOLS)

1. Scope

This policy applies to schools-based support employees, on National Joint Council for Local Government Services (LGS) terms and conditions. It is the Council's policy that employees should be given paid holiday every year.

It does not apply to teachers. The Burgundy Book (Conditions of Service for School Teachers in England and Wales) does not make provision for annual leave. For further information on other leave, please see the 'Other Leave' section of the PMH4S (People Management Handbook for Schools) and The Burgundy Book.

1.1 52-week employees

Annual leave entitlements are shown in 3. below. Employees should take the holiday to which they are entitled; managers should ensure that workloads do not prevent this and also that the needs of the organisation are taken into account.

For further information on other leave, please see the 'Other Leave' section of the PMH4S.

1.2 Term time employees

Many schools-based employees will be contracted to work during school term times only and their individual pro rata'd holiday entitlement will be determined and included in their equated pay calculation, so that they will receive pay during the school holidays, which will count as their annual holiday.

2. Terminology

2.1 The term 'statutory holidays' refers to the minimum statutory holidays to which an employee is entitled under the Working Time Regulations (currently 28 days in a full leave year inclusive of public holidays, pro rata'd for part time and term time employees).

2.2 Unless specifically referred to as 'statutory holidays', this policy deals with an employee's contractual holiday entitlement, which will be in excess of the statutory minimum.

2.3 The term 'equated pay' refers to the method of calculating a term time employee's pay, to take account of the number of weeks actually worked and the pro rata'd annual holiday entitlement relating to these. 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. See Appendix A for equated pay formula.

2.4 '52-week employee' refers to employees working all year, not term time.

3. Entitlement

3.1 The holiday entitlements set out in the table below apply to full time, 52-week employees on National Joint Council (NJC) for Local Government Services (LGS) terms and conditions.

	Basic entitlement	After 5 years' service	After 10 years' service
At or below scp 30	25	29	32
Above scp 30	27	32	34
Annual leave entitlements are pro rata'd for part time and term time employees			

3.2 The entitlements in the table above do not include public holidays.

3.3 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.

3.4 To qualify for additional holidays on completion of five and ten years' service, qualifying service will include service with an organisation covered by the Redundancy Payments Modification Order (RPMO) and/or with the NHS. This service need not be continuous in order to qualify for additional holidays.

3.5 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.

3.6 Term time only employees receiving equated pay will be entitled to a new pay equation on reaching the 5/10 year local government service point. School administrators or affected employees at the school should inform EMSS, or their alternative HR administration provider, so that the necessary pay adjustments can be made. See Appendix A for new equated pay formula.

4. Restrictions on Taking Leave

4.1 For 52-week employees, annual leave should be taken during periods of school closure. To assist in the planning of annual leave, governing bodies and head teachers should consider times of the year when employees will definitely need to be present and times when there may be more flexibility, and this should be communicated to employees as early as possible.

4.2 When considering special requests for leave during term time, governing bodies and head teachers should take into account the follow points:

- the business needs of the school

- extended school provision
- lettings
- cover arrangements (throughout the whole of the school year including the school holidays)
- the needs of the employee

5. Obtaining Approval

- 5.1 In most cases, the approval of annual leave and most types of leave of absence is a matter for the governing body and head teacher of the school to determine.
- 5.2 All requests for annual holiday should be made in writing on an annual leave card at the earliest opportunity and employees should, as a minimum, aim to give notice equal to at least two times the amount of holiday they wish to take (i.e. one week's holiday = two weeks' notice). Employees wishing to take a significant amount of time off in one stretch are advised to give managers plenty of notice to avoid having holiday refused or postponed due to service pressures.
- 5.3 The employee's head teacher, or line manager seeking advice from the head teacher 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 the head teacher or line manager cannot agree to the request, the reasons for refusing the request should be discussed with the employee. Employees should not commit themselves to any holiday plans until they have received a signed copy of the card approving their request. No responsibility will be taken for any holiday deposit paid or other losses incurred as a result of a failure to comply with this aspect of the policy.
- 5.4 Any issues arising from holiday requests, relating to approval or otherwise, should be referred to the governing body in the first instance.
- 5.5 An employee who takes annual holiday which has not been previously approved may be subject to disciplinary action up to and including dismissal.
- 5.6 In most cases the approval of annual leave and most types of leave of absence is a matter for the governing body and head teacher of the school to determine.
- 5.7 The City Council acknowledges that there may be the need for additional periods of leave in exceptional circumstances, for example, for personal or family reasons. For further details, please refer to 'Other Leave' in the 'Time Off and Flexible Working' section of the PMH4S. The granting of such leave is a matter for the governing body and/or head teacher of the school to determine. For general guidance on considering such requests, see Appendix B.

6. Carrying Holiday Over (52-week employees)

- 6.1 The Council's holiday year runs from 1 April to 31 March. Annual holidays should normally be taken in the relevant holiday year; however, employees may carry forward, to the following holiday year, up to five days of annual holiday with the intention that it is used before 30 June of that year.

- 6.2 Women returning to work following maternity leave have special carry forward provisions as outlined in the Council's Maternity and Adoption Scheme.
- 6.3 In exceptional circumstances, a governing body and head teacher may permit an employee to carry over more than the five day maximum where the employee has more than five days of untaken statutory holidays at the end of the holiday year; however, employees are expected to make every effort to take their holidays in the appropriate holiday year. The governing body and/or head teacher should discuss with the employee when this holiday will be taken and should ensure that it is taken before the end of June in the year it is carried over where possible, subject to the needs of the service.
- 6.4 Head teachers will need to ensure that the granting of leave and the carry forward of leave is properly managed.

7. Late Return from Holiday

If, for any reason, employees know that they will be late returning from holiday, they must contact their manager and notify their late return as soon as possible. Failure to do so will render the employee liable to disciplinary action for unauthorised absence up to and including dismissal.

8. Termination of Employment

- 8.1 Payment in lieu of untaken holidays (in excess of the statutory minimum) on termination of employment will not normally be paid and employees are expected to make every effort to take the proportion of holidays they are entitled to before their last day of employment. Payment in lieu will only be considered in exceptional circumstances, where an employee has been prevented from taking their holidays before their last day, due to the business needs of the Council.
- 8.2 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 either sickness absence 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 within the meaning of the Equality Act 2010.
- 8.3 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.
- 8.4 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, where applicable, unless with prior agreement of the governing body and head teacher.
- 8.5 Where annual holiday taken exceeds the number of days to which the employee is entitled at the date of termination, the Council will deduct the appropriate sum from the employee's final salary.

9. Long-term Sickness and Annual Leave

- 9.1 Subject to following the normal approval process, an employee absent due to long-term sickness is entitled to and may request a period of sickness absence to be designated as holiday using their entitlement to statutory holidays accrued but not yet taken at the point of the employee's request.
- 9.2 Any statutory holidays taken during a period of long-term sickness absence should be taken in blocks of no less than five consecutive days.
- 9.3 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 pay or no pay, their normal pay will be reinstated for the period that is designated as holiday.
- 9.4 Moving between sick leave and statutory holiday will not 'break' the sickness, i.e. the period of sick leave will be continuous if it relates to the same sickness or injury as before the period designated as holiday.
- 9.5 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 Council reserves the right to stop sick pay, and in some cases this may result in disciplinary action, up to and including dismissal.

10. Reclaiming Annual Leave while off Sick

- 10.1 Where an employee becomes ill before or during a period of annual holiday they must notify their sickness to the school and/or their line manager/head teacher at the earliest opportunity, in order to request that this time is designated as sick leave, so they can claim back their holidays.
- 10.2 Where the illness is for seven consecutive days or less, the employee will be expected to self-certify in accordance with normal sickness reporting procedures. Any absence in excess of the self-certification period will need to be covered by a medical certificate. (Where an employee cannot reasonably obtain a medical certificate 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).
- 10.3 Requests to reclaim annual holiday will not be considered unless the above rules have been complied with.

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:

$$\frac{\text{Working weeks per year X 5 (days per week)}}{260.71 \text{ (weekdays per year) – equivalent full time holiday and bank holiday entitlement in days (see 2. below)}} \times 100 = \text{percentage of all-year salary}$$

1.2 Your total number of weeks’ pay may change as you accrue additional annual holidays on completion of five and ten years’ service (see 2. below).

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 1. above).

The full time annual leave entitlement included in the salary formula is as follows:

	Basic entitlement	After 5 years’ service	After 10 years’ service
At or below scp 30	25	29	32
Above scp 30	27	32	34
Annual leave entitlements are pro rata’d for part time and term time employees			

2.2 In addition to your annual holiday entitlement, you will be entitled to 8 public holidays (pro rata for part time/term time employees), which form part of the calculation in 1. above.

APPENDIX B

Guidance for Governing Bodies

a) School leave policies

This section advises governing bodies of the extent of their discretionary powers with regards to annual leave and some requests for special leave. The leave arrangements have previously been discussed locally with the trade unions and were recommended for adoption in the revised policy dated February 2007. Amendments to leave entitlement and changes to concessionary days in relation to the implementation of Single Status in schools have been subject to negotiation with the recognised trade unions.

Governing bodies will need to ensure that their own procedures and policies are consistent with this policy and ensure that they reflect the revised entitlements. Governing bodies should ensure that staff are informed of where the policy can be found and the procedure to be followed when applying for all types of leave, including holidays.

b) Requests for 'Other Leave'

Nottingham City Council acknowledges that there may be the need for additional periods of leave, particularly for compassionate or personal reasons.

The granting of special leave in exceptional circumstances remains a matter for the governing body and head teacher to determine. Any costs incurred by the granting of leave will be met by the school.

i) School Support Employees (LGS)

For LGS school support employees, further details of special leave can be found in 'Other Leave' section of the PMH4S.

In most circumstances, the costs of any leave of absence with pay will be met by the school.

ii) Teachers

In the case of teachers, legislation does not specify an entitlement to annual leave or special leave. For further information on other leave, please see the 'Other Leave' section of the PMH4S and The Burgundy Book.

c) Funding of discretionary special leave

It is important for governing bodies to bear in mind, when considering requests for paid leave of absence, that they will have to meet the full costs of this and any cover from within their budget.

There are some activities, notably time off for trade union duties, where the City Council may contribute some funding for those representatives, responsible for negotiating and

consulting with the City Council through the Joint Consultative and Negotiating Committee (JCNC) or Joint Consultative and Negotiating Panel (JCNP). The City Council cannot guarantee that the full salary costs, or full costs of supply cover, will be met. This is dependent on finances allocated for TU facilities time.

Approved by the Joint Committee:

To be reviewed: