

# Annual Leave Policy



Neath Port Talbot  
Castell-nedd Port Talbot  
County Borough Council Cyngor Bwrdeistref Sirol

## Human Resources

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Personnel  
Committee

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*Os hoffech dderbyn gohebiaeth mewn perthynas â'ch  
cyflogaeth yn Gymraeg, cysylltwch â'ch Swyddog AD  
dynodedig.*

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## 1. PURPOSE

This scheme provides details of annual leave entitlements, procedures for requesting and approving leave, and other miscellaneous leave provisions.

## 2. SCOPE

This policy applies to all permanent and temporary employees of the Council employed under the NJC for Local Government Services (*Green Book*), employees who are within the scope of the Soulbury Agreement, the JNC for Youth & Community Workers, the JNC for Chief Executives, and the JNC for Chief Officers. It will not apply to those employed on Teachers' pay and conditions of service or those employees employed directly by schools. Part time employees will be entitled to pro-rata entitlements.

## 3. KEY PRINCIPLES

Employees should take the holidays to which they are entitled, and managers and employees should organise workloads to enable this.

Managers must ensure that there is adequate provision for the needs of service users and therefore the taking of annual leave is subject to the exigencies of the service and management approval.

Failure to seek prior approval for annual leave will be treated as a conduct matter in line with the Council's Disciplinary Policy and Procedure.

Approval is also required in advance when annual leave is to be taken during periods of long term sickness.

Managers and employees have a shared responsibility to ensure that accrued leave is taken during the leave year.

When requesting annual leave, employees should give as much notice as possible in order to ensure that managers can make appropriate arrangements. As a general principle, employees should endeavour to give notice which is at least twice the duration that they wish to take, i.e. a minimum 4 weeks' notice for a 2 week leave request, albeit exceptional circumstances will be taken into account.

All annual leave should be taken within the annual leave year and there will be no payment in lieu of annual leave, except in the case of a termination as detailed overleaf.

Annual leave should be taken in the form of full/part days or equivalent hours for all employees.

This scheme will be reviewed on a regular basis.

#### 4. BASIC ANNUAL LEAVE ENTITLEMENT

Annual leave entitlements (*which includes rights under the Working Time Regulations 1998*) are set out below.

***Please note that in addition to these entitlements, one day of additional leave will be allocated at Christmas time (see Section 6).***

LGS Green Book	
Less than 5 years completed service	24 days (pro-rata part time)
5 years completed service or more	31 days (pro-rata part time)
Chief Officers	33 days per annum
Chief Executive	33 days per annum
Soulbury Officers	
Less than 5 years completed service	24 days (pro-rata part time)
5 years completed service or more	31 days (pro-rata part time)
Youth & Community	
Less than 5 years completed service	30 days (pro-rata part time)
5 years completed service or more	35 days (pro-rata part time)

#### 5. ADDITIONAL ANNUAL LEAVE PURCHASE SCHEME

A maximum of one week's additional annual leave (*up to a maximum of weekly contracted hours*) can be purchased, in accordance with the additional [Annual Leave Purchase Scheme](#).

#### 6. OTHER LEAVE

##### **Allocated Day of Annual Leave – Christmas Holiday Period**

Employees are entitled to one day of annual leave which is to be allocated during the Christmas period by Council Members on an annual basis. This entitlement is pro rata for part-time/compressed hours employees. Where an employee is required to work on the designated day, the day should be added to the employee's leave entitlement to be taken on another date.

##### **Bank Holidays**

Employees are annually entitled to eight Bank Holidays. This entitlement is pro rata

for part-time/compressed hours employees.

### **Extra Statutory Leave**

Employees are entitled to 1 extra statutory day annual leave. This entitlement is pro rata for part-time/compressed hours employees. The date of this extra statutory holiday, usually taken during the Christmas / New Year holiday period will be agreed by Council Members on an annual basis.

### **Christmas Eve Afternoon**

Where Members approve Special Leave to be granted in respect of the afternoon of Christmas Eve, all employees will be granted special leave which equates to 1/10<sup>th</sup> of their weekly contracted hours. Where an employee is required to work on this afternoon, or is not rostered to attend work the time should be added to the employee's leave entitlement to be taken on another date.

## **7. LEAVE CALCULATION**

The leave period shall be from the first day of the month following the employee's birthday to the last day of the month of the employee's birthday. New employees will be entitled to a pro rata allowance of their annual leave entitlement calculated for the period between the date of appointment and the last day of the month of the employee's birthday. Where an employee increases/decreases their weekly contracted hours, their leave entitlement will be amended to reflect this.

Where an employee undertakes multiple posts within the Authority, their annual leave entitlement will be calculated on the employment start date for each individual post and not their date of continuous service.

Employees starting or leaving employment during the leave year are entitled to annual leave proportionate to the number of completed weeks of employment during that year.

Management and employees have a shared responsibility to ensure that accrued leave is taken during the leave year. If an employee is unable to take their leave entitlement during their leave year, in exceptional cases only and **at the discretion of the employee's Line Manager**, up to 5 days (*pro-rata for part time employees*) leave may be carried forward to the new leave year.

On termination of your employment any leave entitlement exceeded will be recovered and any leave accrued but not taken will normally be paid up, **unless there are exceptional circumstances which merit the non-payment of the accrued leave.**

## **8. TEMPORARY/FIXED TERM/CASUAL EMPLOYEES**

Temporary/Fixed Term employees will accrue annual leave in accordance with their

contract of employment, i.e. date of commencement to end date of their contract.

Casual employees have a legal entitlement to holiday entitlement, which will be accrued at the UK statutory minimum of 5.6 weeks (28 days) per annum (*Inclusive of Bank Holidays*). Due to the irregular nature of casual work, holiday entitlement will need to be calculated regularly, this should be no less frequent than on a monthly basis, and should be applied at 12.07% of all time worked (*see example below*).

Annual leave for casual employees should be paid frequently. For a one off job, payment can be made during or on cessation of employment; where employment is on an **as and when** basis over a longer period of time, payment should be made regularly at no less than 12 week intervals. Please remember that annual leave is paid at times of rest, and therefore should be paid when the casual employee is not in work.

#### Example

Month	Hours Worked	Calculation	Holiday Entitlement
January	30	$30 \times 12.07 \div 100$	*3.6 hrs or 3hrs36mins
February	15	$15 \times 12.07 \div 100$	*1.8 hrs or 1:48
March	45	$45 \times 12.07 \div 100$	*5.4 hrs or 5:24

*\*The calculation is decimalized, and each 10<sup>th</sup> of an hour equals 6 minutes.*

**Please note** – casual employees are not entitled to payment for Bank Holiday hours unless they are hours which have been worked.

## 9. EMPLOYEES WHO WORK COMPRESSED HOURS FLEXIBLE WORKING

Compressed hours employees working a standard week of 37 hours, over less than the standard 5 day working week, will receive an annual leave entitlement expressed in hours instead of days as follows:

**24 Day Annual Leave entitlement** = 177 hours 36 minutes per annum  
(i.e. standard working day - 7 hours 24 minutes x 24 days);

**31 Day Annual Leave entitlement** = 229 hours 24 minutes per annum  
(i.e. standard working day 7 hours 24mins x 31 days).

Calculations for employees working part time hours/compressed hours on bank holidays/extra statutory day / additional Christmas leave day:

**Where the day falls on an employee's normal contracted day of work:** The time to be credited to the flexitime balance on these days will be on a pro rata basis i.e. one fifth of the weekly contracted hours.

**Where the day falls on an employee's non-working day:** One fifth of the contracted hours will be credited to the flexi time balance for that day, or, as agreed with the line

manager, alternatively recorded as time off in lieu (TOIL) and the time accrued taken at a later date, subject to approval.

An accumulation of TOIL equivalent to more than one normal / average working day for the employee concerned will not be permissible

## 10. TERMINATION OF EMPLOYMENT

On termination of employment employees will be entitled to an accrued allowance for their final leave year based on the following calculation:

$$A/52 \times B - C$$

A = annual amount of leave to which the employee is entitled.

B = number of weeks completed in current leave year to termination date.

C = number of days annual leave taken during the current leave year.

Where appropriate, employees should be encouraged to take their leave entitlement before the termination of their contract of employment. Where outstanding leave is paid, the payment is subject to normal payroll deductions.

Where the annual leave taken at the date of termination has exceeded the number of days accrued, the Council will deduct the appropriate sum from the employee's final salary, or invoice the employee accordingly; any leave accrued but not taken will normally be paid up, **unless there are exceptional circumstances which merit the non-payment of the accrued leave.**

## 11. SICKNESS ABSENCE

Employees who are taken ill whilst on annual leave and wish to reclaim such leave must follow the normal sickness notification procedure as per the Maximising Attendance at Work Policy including the requirement to make contact with their Line Manager on the first day of absence. In addition a Statement of Fitness for Work (*previously known as a medical certificate*) must be provided in line with the [Maximising Attendance at Work Policy](#)].

Employees will continue to accrue annual leave during all periods of sickness absence.

During long term sickness (*both paid and unpaid*), an employee may take annual leave, subject to approval from their line manager. Employees taking annual leave whilst on sick are permitted to do so, provided that they consult their line manager for approval and do not do something inconsistent with their stated reasons for sickness or something that worsens their illness. The annual leave taken will be deducted from the employees annual leave entitlement. Where an employee contravenes this provision, the Council reserves the right to stop sick pay and may take disciplinary action where appropriate.

On an employee's return to work after sickness absence, all accrued holidays should normally be taken within the current leave year.

However, if an employee has been absent due to sickness for an entire annual leave year, they are entitled to carry forward accrued statutory holidays into the next leave year, up to a maximum of four weeks (20 days) (*pro rata for part-time employees*).

In the case of an employee who has been absent due to sick leave for part of an annual leave year, their manager should calculate how much leave they have taken and how much leave remains in the leave year. If the employee has not taken the statutory 4 weeks (20 days) (*pro rata for part-time employees*) if there is insufficient time to take the unexpired part of the 4 weeks leave, or if the needs of the service prevent it being taken, it will carry over into the next leave year.

Any Annual Leave or Bank Holidays already taken will be deducted from the amount of leave to be carried forward.

***See Appendices – for examples***

## **12. MATERNITY LEAVE**

During Maternity Leave, the employee will accrue annual leave and bank holidays in the normal way. An employee must attempt to use outstanding annual leave prior to commencing maternity leave, where it is not possible, the employee may use leave and bank holiday accrual prior to returning to work.

If a full time employee returns to duty on a reduced hour's basis any holiday accrued under her full time contract during maternity leave will be at the full rate. Annual leave/bank holiday entitlement, and various other terms and conditions of employment will be pro-rata to the number of hours worked with effect from the date reduced hours are commenced .

## **13. CAREER BREAK/UNPAID LEAVE**

An employee will not accrue annual leave during periods of unpaid leave or whilst on a career break.

## **14. DISCIPLINARY SUSPENSION**

Employees will continue to accrue leave during periods of disciplinary suspension. On an employee's return to work after a period of suspension, all accrued holidays must be taken within that current leave year. Up to a maximum of 5 days (*pro-rata part time*) may be approved to carry over at the Line Manager discretion.



**APPENDIX A****ANNUAL LEAVE ENTITLEMENTS (DAYS) BASED ON 37 HOURS A WEEK**

## Number of Full Weeks Annual Leave Accrued

Entitlement	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>
24 Days	0.46	0.92	1.38	1.85	2.31	2.77	3.23	3.69	4.15	4.62	5.08	5.54	6.00
31 Days	0.60	1.19	1.79	2.38	2.98	3.58	4.17	4.77	5.37	5.96	6.56	7.15	7.75
33 Days	0.6	1.27	1.90	1.2	1.5	1.8	2.1	2.3	2.6	2.9	3.2	3.5	3.8

## Number of Full Weeks Annual Leave Accrued

Entitlement	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
24 Days	6.46	6.92	7.38	7.85	8.31	8.77	9.23	9.69	10.15	10.62	11.08	11.54	12.00
31 Days	8.35	8.94	9.54	10.13	10.73	11.33	11.92	12.52	13.12	13.71	14.31	14.90	15.50
33 Days	8.9	9.5	10.2	10.8	11.4	12.1	12.7	13.3	14.0	14.6	15.2	15.9	16.5

## Number of Full Weeks Annual Leave Accrued

Entitlement	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>	<b>32</b>	<b>33</b>	<b>34</b>	<b>35</b>	<b>36</b>	<b>37</b>	<b>38</b>	<b>39</b>
24 Days	12.46	12.92	13.65	13.85	14.31	14.77	15.23	15.69	16.15	16.62	17.08	17.54	18.00
31 Days	16.10	16.69	17.29	17.88	18.48	19.08	19.6	20.27	20.87	21.46	22.06	22.65	23.25
33 Days	17.1	17.8	18.4	19.0	19.7	20.3	20.9	21.6	22.2	22.8	23.5	24.1	24.8

## Number of Full Weeks Annual Leave Accrued

Entitlement	<b>40</b>	<b>41</b>	<b>42</b>	<b>43</b>	<b>44</b>	<b>45</b>	<b>46</b>	<b>47</b>	<b>48</b>	<b>49</b>	<b>50</b>	<b>51</b>	<b>52</b>
24 Days	18.46	18.92	19.38	19.85	20.31	20.77	21.23	21.69	22.15	22.62	23.08	23.54	24.00
31 Days	23.85	24.44	25.04	25.63	26.23	26.83	27.42	28.02	28.62	29.21	29.80	30.40	31.00
33 Days	25.4	26.0	26.7	27.3	27.9	28.6	29.2	29.8	30.5	31.1	31.7	32.4	33.0

Formula = Annual Entitlement/52 x No of completed weeks

**APPENDIX B**

**ANNUAL LEAVE ENTITLEMENT – PART TIMERS (HRS/MINS)**

		Weekly Contracted Hours												
Entitlement		<b>7.24</b>	<b>14.48</b>	<b>15.00</b>	<b>15.30</b>	<b>16.00</b>	<b>16.30</b>	<b>17.00</b>	<b>17.30</b>	<b>18.00</b>	<b>18.30</b>	<b>19.00</b>	<b>19.30</b>	<b>20.00</b>
Days	Hours													
24	177.36	35.31	71.02	72.00	74.24	76.48	79.12	81.36	84.00	86.24	88.48	91.12	93.36	96.00
31	229.24	45.52	91.45	93.00	96.06	99.12	102.18	105.24	108.30	111.36	114.42	117.48	120.54	124.00
		Weekly Contracted Hours												
Entitlement		<b>20.30</b>	<b>21.00</b>	<b>21.30</b>	<b>22.00</b>	<b>22.30</b>	<b>23.00</b>	<b>23.30</b>	<b>24.00</b>	<b>24.30</b>	<b>25.00</b>	<b>25.30</b>	<b>26.00</b>	<b>26.30</b>
Days	Hours													
24	177.36	98.24	100.48	103.12	105.36	108.00	110.24	112.48	115.12	117.36	120.00	122.24	124.48	127.12
31	229.24	127.06	130.12	133.18	136.24	139.30	142.36	145.42	148.48	151.54	155.00	158.06	161.12	164.18
		Weekly Contracted Hours												
Entitlement		<b>27.00</b>	<b>27.30</b>	<b>28.00</b>	<b>28.30</b>	<b>29.00</b>	<b>29.30</b>	<b>30.00</b>	<b>30.30</b>	<b>31.00</b>	<b>31.30</b>	<b>32.00</b>	<b>32.30</b>	<b>33.00</b>
Days	Hours													
24	177.36	129.36	132.00	134.24	136.48	139.12	141.36	144.00	146.24	148.48	151.12	153.36	156.00	158.24
31	229.24	167.24	170.30	172.36	176..42	179.48	182.54	186.00	189.06	192.12	195.18	198.24	201.30	204.36
		Weekly Contracted Hours												
Entitlement		<b>33.30</b>	<b>34.00</b>	<b>34.30</b>	<b>35.00</b>	<b>35.30</b>	<b>36.00</b>	<b>36.30</b>	<b>37.00</b>					
Days	Hours													
24	177.36	160.48	163.12	165.36	168.00	174.24	172.48	175.12	177.36					
31	229.24	207.42	210.48	213.54	217.00	220.06	223.12	226.18	229.24					

Formula = Annual Entitlement x 7hrs 24mins (7.4hrs)/37 x Contracted Hours

APPENDIX CBANK HOLIDAY ENTITLEMENT – PART TIMERS (HRS/MINS)

Weekly Contracted Hours

B/H FTE	<b>7.24</b>	<b>14.48</b>	<b>15.00</b>	<b>15.30</b>	<b>16.00</b>	<b>16.30</b>	<b>17.00</b>	<b>17.30</b>	<b>18.00</b>	<b>18.30</b>	<b>19.00</b>	<b>19.30</b>	<b>20.00</b>
7.24	1.24	2.54	3.00	3.06	3.12	3.26	3.24	3.30	3.36	3.42	3.48	3.54	4.00
3.42	0.42	1.28	1.30	1.33	1.36	1.39	1.42	1.45	1.48	1.51	1.54	1.57	2.00

Weekly Contracted Hours

B/H FTE	<b>20.30</b>	<b>21.00</b>	<b>21.30</b>	<b>22.00</b>	<b>22.30</b>	<b>23.00</b>	<b>23.30</b>	<b>24.00</b>	<b>24.30</b>	<b>25.00</b>	<b>25.30</b>	<b>26.00</b>	<b>26.30</b>
7.24	4.06	4.12	4.18	4.24	4.30	4.36	4.42	4.48	4.54	5.00	5.06	5.12	5.18
3.42	2.03	2.06	2.09	2.12	2.15	2.18	2.21	2.24	2.27	2.30	2.33	2.36	2.39

Weekly Contracted Hours

B/H FTE	<b>27.00</b>	<b>27.30</b>	<b>28.00</b>	<b>28.30</b>	<b>29.00</b>	<b>29.30</b>	<b>30.00</b>	<b>30.30</b>	<b>31.00</b>	<b>31.30</b>	<b>32.00</b>	<b>32.30</b>	<b>33.00</b>
7.24	5.24	5.30	5.36	5.42	5.48	5.54	6.00	6.06	6.12	6.18	6.24	6.30	6.36
3.42	2.42	2.45	2.48	2.51	2.54	2.57	3.00	3.03	3.06	3.09	3.12	3.15	3.18

Weekly Contracted Hours

B/H FTE	<b>33.30</b>	<b>34.00</b>	<b>34.30</b>	<b>35.00</b>	<b>35.30</b>	<b>36.00</b>	<b>36.30</b>	<b>37.00</b>					
7.24	6.42	6.48	6.54	7.00	7.06	7.12	7.18	7.24					
3.42	3.21	3.24	3.27	3.30	3.33	3.36	3.39	3.42					

**WORKING EXAMPLES FOR THE CARRY OVER OF ANNUAL LEAVE FOLLOWING LONG TERM  
SICKNESS ABSENCE**

**Employee A**

Leave year 1<sup>st</sup> May 2012 – 30<sup>th</sup> April 2013 with an annual leave entitlement of 24 days.

Employee A is off sick for the period of 1<sup>st</sup> January 2013 to 30<sup>th</sup> June 2013, during the leave year they have taken 15 days annual leave and had 8 bank holidays ( 7<sup>th</sup> May 2012, 4<sup>th</sup> & 5<sup>th</sup> June 2012, 27<sup>th</sup> August 2012, 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup> 31<sup>st</sup> December 2012). A total of 23 days.

On their return on 1<sup>st</sup> July 2013 the employee would carry over 0 days annual leave as he/she had already received the statutory entitlement of 20 days.

**Employee B**

Leave year 1<sup>st</sup> January 2012 – 31<sup>st</sup> December 2012 with an annual leave entitlement of 31 days.

Employee B has been off for the full year, but requested 15 days annual leave whilst on long term sick which their Line Manager approved. (Please note the employee has been absent for the whole leave year so has not taken any bank holidays).

On return to work on 2<sup>nd</sup> January 2013, employee B carries over 5 day's annual leave. This ensures the employee has received their statutory entitlement of 20 days.

**Employee C**

Leave Year 1<sup>st</sup> February 2012 – 31<sup>st</sup> January 2013 with an annual leave entitlement of 31 days.

Employee C is off on sick leave from 1<sup>st</sup> December 2012 to 31<sup>st</sup> March 2013. Prior to being off the employee had taken 10 days annual leave and had 6 bank holidays (a total of 16 days), therefore, employee C carries over 4 day's annual leave. This ensures the employee has received their statutory entitlement of 20 days.