



# Annual Leave Policy

<b>Last policy review date:</b>	January 2021	
<b>Next policy review date:</b>	January 2024	
<b>Policy Owner:</b>	COO	
<b>Policy approval:</b> <i>i.e. Trust board or delegated to subcommittee or individual</i>	Trust Board	
<b>Cross references</b> <i>i.e. with other Trust policies</i>		
<b>Statutory Policy?</b>	YES	

## **Introduction**

Employees have a right to annual leave under the Working Time Regulations 1998 (WTR) which is an entitlement to paid time off. Some employees may have a right to contractual annual leave which is over and above the entitlement provided for by the WTR.

Any employee who is suspected to have abused the provision for annual leave may be subject to disciplinary proceedings in line with the Trust's Disciplinary Procedure.

This procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case. **This** policy has been [agreed OR implemented] following consultation with recognised trade unions. It has been adopted by the Trust Board on [date].

## **Scope and purpose of this policy**

The purpose of this policy is to ensure that employees within the trust understand their entitlement to annual leave, that annual leave requires approval and how to request approval. It will also ensure that staff across the trust are treated in a fair and consistent way when requesting annual leave.

The procedure applies to all employees regardless of length of service. It does not apply to agency workers.

## **Teachers**

Teachers, except those on leadership scale, are required under School Teachers' Pay and Conditions Document (STPCD) to be available for work for 195 days each year. There is no contractual provision to annual leave for teachers but they do have a statutory right to 28 days' annual leave under the WTR. This is not an additional entitlement to annual leave on top of school closure periods. The number of days that teachers are not required to come in to work during school closure periods exceeds their statutory entitlement to annual leave.

Teachers are therefore not entitled to any annual leave outside of school closure periods.

## **Non-teaching staff**

The leave year runs from 1 September – 31 August each year. An employee's entitlement to annual leave is detailed in their contract of employment. Employees who are contracted to work for less than 36 hours a week will receive annual leave on a pro rata basis.

### Term time only (TTO) employees

Non-teaching staff who work less than all year round e.g. term time only or term time plus additional weeks, are required to take annual leave during the weeks that they are not contracted to work. They are not entitled to take annual leave on days when the school is open including INSET and training days. Payment for annual leave is included in the employee's annual salary. Requests from term time only employees to take a holiday within term-time will usually be refused. Therefore employees should not make any holiday commitments or bookings during term time.

### All year round employees

All holiday must be taken during the holiday year in which it is accrued. In exceptional circumstances a maximum of five days may be carried over from one holiday year to the next but this can be done only with the prior approval of the line manager. In this case, any holiday carried over must be taken in the first three months.

Prior approval must be obtained from the line manager. As much notice as possible of proposed holiday dates must be given to ensure adequate staffing coverage at all times. Such notice must be at least twice the number of days' leave that the employee wishes to take as annual leave.

The line manager will not unreasonably turn down requests for annual leave, however when granting a request consideration will be given to the operational needs of the trust.

It is expected that annual leave should normally be taken during periods of school closure. The line manager will consider requests for annual leave during term time from all year round staff and will grant these where possible.

### **Public and bank holidays**

All recognised public and bank holidays, the dates of which vary from year to year, are permitted as paid holiday in addition to the annual holiday entitlement specified above. Payment for these days is included in an employee's annual salary. The exact dates of public and bank holidays will be notified to all employees at the start of each holiday year. Usually only one public holiday falls when the school is open.

### **Employees joining or leaving part way through the year**

If an employee joins the organisation part way through a holiday year, they will be entitled to a proportion of their holiday entitlement based on the period of his/her employment in that holiday year.

If the employee leaves the school's employment part way through a holiday year, they will be entitled to be paid for any of their accrued annual leave entitlement for that holiday year that has not been taken by the date of termination unless their employment was terminated for gross misconduct or they gave inadequate notice of termination. If, on the date of termination, they have taken in excess of their entitlement, they will be required to reimburse the trust (by means of deduction from salary if necessary and where applicable) in respect of such holiday.

### **Sickness during annual leave**

Where an employee falls sick or is injured while on annual leave, the trust will allow the employee to transfer to sick leave and take replacement annual leave of the same number of days lost due to sickness or injury at a later time. This policy is subject to the following strict conditions:

The total period of sickness must be fully certificated by a qualified medical practitioner where it exceeds seven days.

The employee must contact the school (by telephone if possible) as soon as they know that there will be a period of sickness during a holiday.

The employee must submit a written request no later than 10 days after returning to work setting out how much of the annual leave period was affected by sickness.

Where the employee is overseas when they fall ill or are injured, evidence must still be produced that the employee was ill by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location.

If an employee is ill or is injured before the start of planned annual leave, the employee can request to postpone the leave in writing to the line manager with a letter from their doctor confirming they are unfit, or still likely to be unfit, to take their holiday. Any period of sickness absence will then be treated in accordance with the normal policy on sickness absence and the annual leave postponed to another mutually agreed time.

An employee must request to take any replacement holiday in accordance with this policy and it should normally be taken in the same holiday year in which it was accrued. In exceptional circumstances, the school may allow the annual leave to be carried forward into the next leave year but may require an employee to take their replacement holiday on particular days. The school is not required to provide the employee with any minimum period of notice to do this, although it will aim to provide reasonable notice.

#### **Holiday entitlement during sick leave**

An employee who is absent on sick leave will continue to accrue his/her full statutory holiday entitlement. However, contractual holiday entitlement over and above the minimum statutory holiday entitlement provided for by the Working Time Regulations 1998 will not accrue during any paid or unpaid period of sick leave.

The school expects that employees will arrange to use their annual leave entitlement in the year that it accrues. An employee on sick leave may apply to take his/her accrued holiday entitlement while on sick leave. The holiday dates must be approved in accordance with this policy.

However, where an employee has good reason for not being able to do so, the school will allow the employee to carry that leave forward into the next holiday year. The school may require an employee to take all or part of their replacement holiday on particular days and it is not required to provide the employee with any minimum period of notice to do this, although it will aim to provide reasonable notice.

#### **Review of policy**

This policy is reviewed, every 3 years or earlier if there are changes in legislation, by Trust in consultation with recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.