

Torworth Parish Council

ANNUAL LEAVE POLICY

Annual leave entitlement	2
Working part-time	2
Leave year	2
Carrying over leave	2
Requesting leave	2
Sickness during leave	3
Payment of annual leave	3
Payment in lieu	3

Annual leave entitlement

Your paid leave entitlement is set out in your contract of employment. The basic leave entitlement for a full-time member of staff is 21 days per annum in addition to 8 Bank holidays. Leave entitlement increases, with time served, as per your contract. Part time employees receive a pro-rated entitlement according to their hours of work.

Working part-time

If your entitlement to Bank Holidays exceeds the number days that fall on your normal working days (typically because you don't work on Mondays) you will be able to take the excess as leave. If your entitlement to Bank Holidays is less than the number of Bank Holidays that fall on your normal working days, (typically because your normal working days include Mondays) then you can make up the difference by using your leave entitlement. With agreement from the Clerk (or the Council in the case of the Clerk), you may be able to work additional hours to make up the deficit or take unpaid leave.

Leave year

The leave year runs from 1st April to 31st March. It is your responsibility to manage your leave in such a way that you are able to take it all during the leave year. Your annual leave entitlement will be pro-rated in your first and last year of employment with the council.

Carrying over leave

Where it has not been possible to take all your leave in the current leave year, and with prior consent from the Clerk, you will be permitted to carry forward up to [5] days leave. This must be taken within the first three months of the new leave year. However, no payment be made for leave unused at the end of a leave year. Thus, leave exceeding 5 untaken days at the end of a leave year is lost.

Requesting leave

You should request leave from the Clerk (in the case of the Clerk, the Clerk will self-manage this where possible, if the Clerk requires leave which falls on a normal Council meeting night permission will be sought from the Council to consider alternative arrangements for cover), with as much notice as possible. This will allow the Clerk to plan workloads. Before granting leave we will consider;

- Workload,
- The need for office or team cover, and,

- Whether other staff have or are likely to ask for the same time off (e.g. a popular holiday time).

The Clerk will balance your needs against the needs of other staff before agreeing to leave. If you take leave without such permission it will be treated as unauthorised absence and dealt with under the Disciplinary Procedure.

Sickness during leave

If you become ill during a period of paid annual leave, you must comply with the requirements of the sickness reporting and certification procedure, if you wish to have this sickness period discounted from the period of paid leave taken. It is important that you contact the Clerk (or the Council in the case of the Clerk), on the first day of sickness and keep the Clerk up to date during the period of sickness.

Payment of annual leave

The council does not offer payment in lieu of leave entitlement unless you are leaving the council and have not taken leave entitlement that you have accrued at the time of leaving.

Payment in lieu

If you leave during the course of a leave year, and have not taken any outstanding accrued leave before your last day, you will receive a payment in lieu of any outstanding accrued leave. In such a case, a calculation will be made of the amount of paid leave due to you, on a pro rata basis, for that part of the leave year up to the date of termination of the contract. Holiday pay will be based on your current rate of pay including any regular overtime.

If, however, you have taken more paid leave than is due by this calculation, then a deduction will be made from your salary payments for an amount at your basic daily rate for the days in question. Such a deduction will be deemed to be a contractually authorised deduction.

This is a non-contractual procedure which will be reviewed from time to time.

— policy ends here —

Notes

1. Annual leave entitlement

The statutory minimum leave entitlement for full time workers is 20 days in addition to 8 Bank Holidays. This should be pro-rated for part time workers. If your Clerk works three full days a week, their entitlement will be 3/5ths of the full-time entitlement (i.e. 12 days leave in addition to 4.8 days Bank Holidays).

2. Green Book terms

Because Rampton & Woodbeck Parish Council abides by Green Book terms and conditions of employment, all staff receive up to an additional 5 days entitlement after 5 years of continuous service. Furthermore, the Clerk has an entitlement to two extra statutory days leave which may be taken on specific days, or added to the annual entitlement.

Public and Extra Statutory Holidays

Employees required to work on a public or extra statutory holiday shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked within their normal working hours for that day. In addition, at a later date, time off with pay shall be allowed as follows:

- Time worked less than half the normal working hours on that day — half day
- Time worked more than half the normal Working hours on that day — full day

3. Rolled-up holiday pay

It is not permissible to "roll-up" holiday pay into basic pay, i.e. pay an employee a higher hourly, daily or weekly wage, part of which is designated as holiday pay, with the result that, when the employee goes on leave, they receive no pay.

4. No normal working hours

If an employee does not have normal working hours, for example if the amount of work fluctuates from week to week, then the amount payable during statutory annual leave must be calculated as an average of the employee's actual pay during the 12 weeks that preceded the start of the leave period. If, during the preceding 12 weeks, there was one or more weeks during which the employee did no work (and hence received no pay), that week must be discounted and an earlier week counted instead.

5. Religious festivals

Refusal of annual leave on a day that has religious significance for a particular employee may amount to indirect discrimination under legislation.

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

Important notice

This is an example of an employment policy designed for a small council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

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This document has been written by the HR Services Partnership – a company that provides HR advice and guidance to town and parish councils.