



Annual Leave Agreement



Introduction

Policy Statement

Both **[Name of employer]** and **[UNISON Branch]** recognise the importance of annual leave in improving individuals' quality of working life in balancing their personal and working life. In addition, annual leave provides individuals with a chance to relax and recuperate in what can be a hard working stressful environment.

The aim of this agreement is to provide a uniform and fair approach to the calculation of annual leave and bank holiday entitlements.

The Policy is in accordance with the Working Time Regulations (1998; Amended 2003), the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000), Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002)

Scope of Policy

The agreement applies to all staff who will be employed at **[Name of employer]**



Annual Leave Policy

Annual leave year

The annual leave period shall be from 1 January to 31 December each year.

Compliance with Statutory Requirements

Working Time Regulations (1998; Amended 2003)

[Name of employer] recognises the entitlements of its workers to request annual leave in accordance with The Working Time Regulations (1998; Amended 2003).

Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000)

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations (2000) legislates that part-time staff should not be treated less favourably than full-time staff.

[Name of employer] endeavours to ensure the prevention of discrimination or less favourable treatment in the provision of annual leave.

Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002)

The Fixed Term Staff (Prevention of Less Favourable Treatment) Regulations (2002) prevent fixed term staff being treated less favourably than similar permanent staff. **[Name of employer]** endeavours to ensure the prevention of discrimination or less favourable treatment in the provision of annual leave.

Responsibilities

Staff

It is the responsibility of all staff to:

- give reasonable notice to their manager in requesting annual leave;
- ensure that any leave requested is authorised by their manager before leave is taken and not assume that individual leave requests will be approved; and
- inform his/her manager as soon as possible in accordance with the local sickness reporting procedure if they fall sick during their annual leave.

Managers

It is the responsibility of the manager to:

- ensure that annual leave is managed equitably, balancing the needs of the service and the needs of individual staff, especially over holiday periods;
- confirm and authorise annual leave entitlements with the member of staff, as appropriate;
- give clearly explained reasons to the member of staff if their leave request is declined;
- record and monitor annual leave of staff so as to ensure that the appropriate annual leave is taken each leave year and that annual leave carried over or 'banked' is recorded;
- calculate (and re-calculate as appropriate) annual leave entitlements for their staff including part-time and fixed-term staff, and staff whose annual leave entitlement has increased due to length of service or increased decreased due to a change in hours; and



Entitlement

This entitlement to annual leave includes the consolidation of extra-statutory days. Entitlement according to length of service is as follows:

Table 1: Annual Leave Entitlement

Length of service	Annual leave + General Public Holidays per annum
On appointment	29 days + 8 days
After 5 years service	31 days + 8 days
After 10 years service	35 days + 8 days

Entitlement on joining

- All new members of staff will be entitled to annual leave plus Bank Holidays in the year of joining **[Name of employer]**
- The Bank Holiday hour's entitlement will be based on the number of Bank Holidays remaining in the current leave year from the date of joining.

Minimum annual leave not to be worked

- **[Name of the Employer]** actively encourages individuals to take all their annual leave entitlement. However, in recognising that individuals may wish to work during their annual leave to acquire extra money, **[Name of the Employer]** would not wish to stop this practice totally. However, in complying with working time regulations individuals need to take a minimum of 4.8 weeks (24 days pro rata) of their annual leave strictly for this purpose and should not work during this time.

Carrying over of annual leave

- It is expected that within the annual leave year staff should be provided with the opportunity to take all their annual leave. Up to five days annual leave may be carried forward on agreement of the Manager and taken in the ensuing leave year.
- Subject to certain conditions (see 'Holiday of a Lifetime Scheme' – section) it may be possible to carry over and accumulate annual leave for use in a future year, that is, beyond the preceding annual leave year.
- Annual leave will be paid in lieu on leaving **[Name of the Employer]**.

'Holiday of a Lifetime Scheme'

- The 'Holiday of a Lifetime Scheme' provides staff with the opportunity to take a specific period of extended paid leave that they have banked/accrued over a period of up to 10 years. The scheme enables the opportunity for a member of staff planning a 'holiday of a lifetime' or extended paid break by banking up to 5 days annual leave in any given year.



The purpose of this scheme is to:

- make an extended paid break from work more accessible to all grades of staff;
- enable staff to return from an extended break refreshed and with a richer quality of experience; and
- retain staff who may otherwise consider leaving [Name of the Employer].

Eligibility

The 'Holiday of a Lifetime Scheme' is applicable to staff who have one year's continuous service with **[Name of the Employer]** to be eligible to 'bank' annual leave.

'Banking' annual leave

- Staff may bank up to 5 days at the end of an annual leave year for up to 10 years (i.e. maximum number of days that may be banked is 50 days).

- Any member of staff who wishes to 'bank' some of their annual leave is entitled to apply to their manager.

- In order to request for annual leave to be banked, a member of staff should formally apply to their manager in writing before the end of the annual leave year, specifying the number of days they wish to bank and the number of years provisionally they wish to accrue banked leave. The manager will respond to the request and sign and log the banked days.

Giving notice of intention to use the accumulated annual leave

- Any member of staff wishing to use the 'banked' holiday should notify their manager 5 months in advance of the date they wish the leave to commence.

- While every effort should be made to accommodate the request, there may be circumstances where a manager is not able to agree to the dates requested due to the needs of the service. Where the request is declined, reasons for the refusal should be stated to the member of staff in writing.

Sickness occurring during Annual Leave or Bank Holidays

- If a member of staff falls sick whilst on annual leave, they should report their sickness to their manager as per the local sickness reporting procedure. In accordance with the Sickness Notification procedures of **[Name of the Employer]**, the manager will record the sickness and arrange for the annual leave record to be amended to reflect the annual leave booked which was not subsequently taken – allowing the member of staff to take the annual leave another time.

Annual leave whilst on suspension

- In the event that a member of staff is suspended from duty, the Annual Leave Policy herein continues to apply in full, inclusive of carrying over annual leave and applying to take annual leave.



Unpaid Leave

- There may be circumstances when it is appropriate for a manager to allow an individual to take unpaid leave in addition to annual leave to enable a member of staff to take an extended period of leave.

Death in service

- Where a member of staff dies whilst working for the organisation, an allowance equivalent to that part of the annual leave entitlement not taken at the date of death shall be paid to the member of staff's personal representative. No deduction from the final salary payment should be made in respect of annual leave taken in excess of entitlement at the date of death.

General Public Holidays ('Bank Holidays')

A General Public Holiday shall be defined as a period of normal duty that starts within the period of 24 hours from midnight to midnight.

Staff will be entitled to all paid General Public Holidays (Bank Holidays) in the leave Year. All part time staff are entitled to the Bank Holidays pro rata to the full time allowance (For examples, Appendix 1).

Half days

It is expected that annual leave will normally be taken in periods of not less than ½ day.

Entitlement on Leaving

Staff who leave [Name of the Employer] will receive 1/12th of their annual leave entitlement for each complete calendar month worked in the current leave year, less any annual leave taken.

Recording and Monitoring Annual Leave

It is imperative that managers implement a leave reporting procedure appropriate for their service area.

Managers must record annual leave taken in order to ensure that leave granted is commensurate to the entitlement of the member of staff and in accordance with this policy.

Policy for Additional Leave/Reward for Exceptional and near-exceptional work attendance

- [Name of the Employer] has a Policy for Additional Leave/Reward for Exceptional and near-exceptional work attendance. In accordance with this policy, staff may be granted up to two days leave of absence (pro-rata for part time staff) or flat cash payment for exceptional and near exceptional work attendance, to be known as Exceptional Work Attendance Days.



- Exceptional and near exceptional work attendance days are a gesture and token of appreciation and recognition by **[Name of the Employer]** to individual members of staff that 100% work attendance is highly valued.

- For more information, please see the Policy for Additional Leave/Reward for Exceptional and near exceptional work attendance.

Further staff leave entitlements

For information on other leave available, please see the following policies and guidelines:

Special Leave Policy, which includes:

- Parental leave
- Time-off for Dependents (Carers Leave)
- Bereavement Leave
- Compassionate Leave
- In vitro fertilisation (IVF) and other fertility treatment Leave
- Terminal Care Leave
- Jury Service/Attending Court as a Witness Leave
- Training with the Territorial Army/Reserve Forces Leave
- Guidance on time-off for Medical & Dental Appointments
- Guidance on time-off for Religious/Cultural observance
- Maternity & Adoption Leave Policy



Appendix I

Bank Holiday calculations for Part-time staff

Bank Holiday calculations for part-time staff should be calculated in hours and applied on a pro rata basis regardless of the days worked by the members of staff. Please see the following examples:

Example 1

A full-time nurse would normally get 8 Bank Holidays a year. In hours this is 60 hours per year (37.5 hrs per week/5 days x 8 Bank Holidays). A part-time nurse working 15 hours a week would get a Bank Holiday entitlement for a full year of 24 hours (15 hrs per week/5 days x 8 Bank Holidays), regardless of the days normally worked.

Example 2

A full-time administrator would normally get 8 Bank Holidays a year. In hours this is 57.6 hours per year (36 hrs per week/5 days x 8 Bank Holidays). A part-time administrator working 15 hours a week would get a Bank Holiday entitlement for a full year of 24 hours (15 hrs per week/5 days x 8 Bank Holidays), regardless of the days normally worked.

These hours would be taken either on bank holidays which fall on the days normally worked or at some other time, in agreement with the line manager on the same way that annual leave is agreed.