



# The Hatherley St James' Federation



## Staff Annual Leave Policy

The Governing Board has agreed to adopt the Gloucestershire County Council's Model Annual Leave Policy (last reviewed by GCC Human Resources in 04/2023) and any later versions thereafter).

This policy applies to both Hatherley Infant and St James' CE Junior schools

We want to ensure your needs are met. If you would like this document in any other format, please contact us:  
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Reviewed by:	Roger Slater
Agreed by FGB:	9 <sup>th</sup> May 2023
Review Cycle:	Every 3 years
Next Review:	May 2026

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## **1.0 Introduction**

- 1.1 The school recognises that taking annual leave is an important consideration in ensuring the health, safety and wellbeing of its employees.
- 1.2 This policy sets out the conditions that generally apply in respect of annual leave entitlement to staff working within schools both term-time only and all year round.
- 1.3 This policy sets out the conditions that generally apply in respect of annual leave entitlement.
- 1.4 This policy applies to the following employees, support staff ('green book'), teachers including unattached teachers (Burgundy Book)\*, teachers in residential schools/establishments (Orange Book) \*.
- 1.5 \*The policy applies in part to teachers, specifically related to entitlement to statutory holidays during maternity, shared parental, adoption leave and sickness absence.

## **2.0 The annual leave year - dates**

- 2.1 For support staff the annual leave year runs from 1<sup>st</sup> April to 31<sup>st</sup> March.
- 2.2 For teachers, for the purposes of determining leave entitlement during maternity/shared parental/adoption leave and sickness absence, the annual leave year runs from 1<sup>st</sup> September to 31<sup>st</sup> August.

## **3.0 Annual leave entitlement for support staff ('green book')**

- 3.1 Full-time employees (37 hours per week) are entitled to 25.5 days annual leave.
- 3.2 For part-time employees, leave will be calculated on the amount of contractual hours (pro rata) in relation to the full-time week (37 hours per week). For example, 18.5 hours per week would equate to a leave entitlement of half of a full-time employee.

## **4.0 Annual leave entitlement for teachers**

- 4.1 There is no entitlement to annual leave for teachers under the School Teachers' Pay and Conditions Document. However, under the Working Time Regulations, they are entitled to statutory holidays during periods of maternity, shared parental, adoption leave and long term sickness absence.

## **5.0 Length of service and annual leave entitlement**

- 5.1 For support staff employed continuously for 5 years or more, leave entitlement will be increased to 30.5 days. This includes any previous continuous service with another local government employer.
- 5.2 If 5 years continuous service is reached part way through the leave year, additional leave entitlement will be calculated from this date for the current leave year. In the following leave year employees will receive the full entitlement of 30.5 days.

## **6.0 Joining the school part way through the year**

- 6.1 Annual leave entitlement in the first year of employment will be in direct proportion to the period worked during the first leave year. For example, if an employee starts half way through the leave

year (on 1<sup>st</sup> October) the entitlement (up to 31<sup>st</sup> March) will be for half the leave they would be entitled to for a full year. The calculation will be 'rounded' up or down to the nearest half day.

- 6.2 From the following 1<sup>st</sup> April onwards employees will have the full leave entitlement. A term time working pattern means that although employees are paid the same amount each month of the year, they do not work during the school holidays and their annual leave is taken during the school holiday periods.

#### **7.0 Term time only and annual leave entitlement (support staff)**

- 7.1 For support staff, salary is calculated to include payment for all working days and the number of days annual leave and bank holidays they are due under the contract of employment.

##### **Term time only employee with regular hours**

For a term-time worker with regular hours during the term time, the school can add the contractual holiday entitlement they are entitled to in weeks on to the number of weeks the employee is contracted to work during the year, before averaging their pay out into equal instalments.

##### **Term time only employee with irregular hours**

For term-time workers without regular working hours, the school can pay holiday pay in instalments, ensuring that it amounts to the contractual entitlements in weeks. The calculation of a week's pay for term-time workers with irregular hours should be based on the average hours worked during the 52 weeks before the calculation date (not counting weeks in which no pay was due).

- 7.2 The school's payroll provider should carry out this calculation. Other than the bank holidays there is no entitlement to time off during the school term periods. Time off for bank holidays should be calculated on a pro-rata basis.

#### **8.0 Full year contract and annual leave entitlement (support staff)**

- 8.1 Annual leave can be taken throughout the year with the agreement of the manager but would normally be taken during the school holidays. Employees should receive a leave sheet informing them of their leave entitlement for the year and for them to record leave taken throughout the year.

#### **9.0 Continuous local government service and annual leave entitlement**

- 9.1 Provided there is no break in service, leave entitlement will be based on the whole period of continuous local government employment.
- 9.2 This means leave entitlement will be set at the higher level of 30.5 days from the start of the leave year after 5 years continuous local government employment has been completed.
- 9.3 Unused holiday entitlement from a previous local government service cannot be carried over to a new role within local government. If the previous employer has not already explained the position, an individual should contact their previous employer to check any arrangements they may have for paying for any holiday they were due but did not take before they left.
- 9.4 The previous employer may have made a deduction from the final salary payment to recover any leave taken over and above the amount due up to the last day of employment with them.

## **10.0 Joining a local government service from an independent school**

10.1 An individual will join the council as a new employee, there is no transfer of leave or continuous service as an independent school is a separate employer.

## **11.0 Bank holidays and annual leave entitlement (support staff)**

11.1 Full-time employees are entitled to paid time off for the standard 8 bank holidays per year (this is pro rated for part time employees). This is in addition to the annual leave entitlement and the head teacher will advise individuals of the details and how this will work in practice.

## **12.0 Booking annual leave/refusal of a request for annual leave**

12.1 Requests should be submitted to the relevant manager, giving as much advance notice as possible (normally at least one month). The manager will confirm the arrangements that apply at the school.

12.2 A request for leave can be refused if taking leave at that time will cause problems for the effective running of the school.

12.3 A request for leave submitted at very short notice may be harder to agree to than a request made well in advance.

12.4 Both the individual and the manager have a shared responsibility to ensure leave arrangements are managed effectively throughout the year.

## **13.0 Agency workers and annual leave entitlement**

13.1 Agency workers do not have a contract of employment with the school. Following the introduction of the Agency Worker Regulations in October 2011 they will have the same entitlement to annual leave as other school support employees provided they meet the qualifying period.

13.2 To meet the qualifying period they must have worked with the same school for 12 weeks continuously in the same role. The 12 week qualifying period applies equally to both full and part time employees.

13.3 Agency workers should discuss the matter with the agency, which will be responsible for any arrangements there may be regarding leave.

## **14.0 Casual contracts and leave entitlement**

14.1 Casual work is short term and paid by claim on an hourly basis. Casual workers are entitled to receive a proportionate leave entitlement which is achieved by paying an enhanced hourly rate to include the leave entitlement.

14.2 Supply teachers (short notice teachers) receive a salary based on a daily rate enhanced to include the equivalent of a leave entitlement.

## **15.0 Moving to another Gloucestershire local authority school and leave entitlement**

15.1 If both schools are under the local authority and the local authority is the employer (Community Schools and Voluntary Controlled Schools) and there is no gap in employment contracts, the leave entitlement will transfer with the employee to the new job.

15.2 Depending on the amount of leave the individual has left to take and the requirements of the new job, the manager may ask the employee to use up some or all of the leave before they start in the new post.

#### **16.0 Leaving the school before the end of their leave year**

16.1 Leave entitlement will be recalculated in proportion to the amount of the leave year that the individual has worked. For example, if an employee leaves half way through the leave year (30<sup>th</sup> September) the leave entitlement will be half of what they would normally have for a full year.

16.2 It is good practice for an employee to take any outstanding leave during the notice period. Payments for outstanding leave should be made only in exceptional circumstances.

16.3 If there is still a balance of leave owing at the time employment ends this will be included in the final salary payment.

16.4 If an individual has taken more than their recalculated leave entitlement the relevant amount will be deducted from the final salary payment.

#### **17.0 Carrying over leave and using leave from the following leave year**

17.1 Both the employee and the manager have a shared responsibility to ensure the leave is managed effectively throughout the year. Therefore, leave must be taken by the individual in the relevant leave year.

17.2 Holidays cannot be paid out unless an individual is leaving their employment; statutory regulations (the Working Time Regulations) require for reasons of health and safety that the full leave entitlement is taken as holiday.

17.3 At the discretion of the manager, employees may be able to carry forward up to a maximum of 5 days into the next leave year.

17.4 At the discretion of the manager, employees may be able to borrow up to a maximum of 5 days from the next leave year.

#### **18.0 Sickness absence and annual leave entitlement**

18.1 In some circumstances holiday leave can be reclassified as sick leave provided the manager is satisfied the individual has complied with the sickness absence reporting procedure and provided a doctor's fit note confirming the nature and duration of the illness is supplied.

18.2 Reclassification of holiday can be a little complicated and the position may vary depending on the circumstances. Under the Working Time Regulations employees are entitled to carry-forward any unused part of their statutory annual leave entitlement (20 days per year). The 8 day bank holiday entitlement can be carried over only at the discretion of the manager.

18.3 If an employee has been long term sick from work and unable to take annual leave they must discuss the matter with their manager as soon as possible in order to confirm the appropriate arrangements

for any carry-forward of statutory leave entitlement (20 days per year) to which they may be entitled.

18.4 It is important to note that under these circumstances carry-forward does not apply to contractual leave, only statutory leave entitlement.

**19.0 Maternity/adoption/shared parental/paternity leave and annual leave entitlement**

19.1 Please see the policies on maternity/adoption/shared parental/paternity leave for annual leave arrangements in these circumstances.