

B2 - ANNUAL LEAVE

1. INTRODUCTION

The leave entitlements at sections 2.2, 2.3, 3, 4 and 5 in this policy are for those employees whose entitlements are set as a result of national collective bargaining. The entitlements for employees who are included in local collective bargaining, for example senior managers at level 7 to level 4, are not covered by this policy, however the rest of the policy, excluding continuous service with another local government employer, is applicable.

The Council has agreed leave entitlements which exceed the entitlements contained in the National Agreement on Pay and Conditions of Service for Local Government Employees. Annual leave entitlements, which are dependent on an employee's grade and length of service, are set out in the tables below. The changes since this policy was last revised in 1997 have been made to;

- Support the Talent Management Business Strategy in attracting and retaining staff and to ensure that the Council is regarded as an 'Employer of Choice'
- Simplify the previous complicated leave entitlements
- Remove anomalies in the previous policy based on length of service with Barnet which were unattractive to experienced candidates wishing to join Barnet
- Deliver entitlements that in all cases match and in some cases exceed the average for Councils in London

2. ANNUAL LEAVE ENTITLEMENTS

2.1 The annual leave year for most staff is from the 1 April in one year to the 31 March of the following year. Some Service areas do however, have a leave year beginning on 1 October. During these twelve months employees are required to take the whole of the leave entitlement for the period, but in exceptional circumstances and at the discretion of the line manager concerned. Staff who were prevented by their duties or by some other justifiable reason, from taking the whole of their annual leave within a leave year may "carry over" (maximum 5 days) leave outstanding to the next leave year.

2.2 The entitlements shown in Table 1 do not include Public National holidays and apply to employees whose current contract of employment started before 1 January 1997.

For annual leave entitlements for employees who joined from 1 January 1997, please refer to Table 2.

TABLE 1

Protected Entitlement in Working Days for employees whose employment with Barnet started before 1 January 1997 and have maintained continuity of service.

Grade	Joined Barnet before 1/1/1997
SCP 4 – SCP 53	31
<ul style="list-style-type: none">• SCP 54 – 70,• Youth Service staff• Hay Grades• Chief Officers	36

- 2.3 The annual leave entitlements for Hay graded employees and Chief Officers who joined London Borough of Barnet before 1 January 1997 and maintained continuity of service for 10 years is increased by 3 working days to 39 days. Employees who are promoted to these grades will **no longer** receive these 3 additional days irrespective of their start date with Barnet.

TABLE 2

Revised Entitlements in Working Days for employees who joined from after 1 January 1997 to take effect from 1 April 2008.

Grade	New starters and under 3 years continuous Local Government Service*	3 years continuous Local Government Service*	5 years continuous Local Government Service*
SCP 4 – SCP 21	22	24	29
SCP 22 – SCP 28	24	25	
SCP 29 – SCP 53	26	28	
SCP 54 – 70, Hay Grades and Chief Officers	32	34	34

* Service with any Authority to which the Redundancy Payments Modifications Order 1999 applies which includes annual leave entitlements. Contact HR for further information.

3. IMPACT OF THE REVISED ENTITLEMENTS IN TABLE 2

SCP 22- SCP 28

- New starters and all employees with less than 3 years Local Government Service, receive an additional 1 day.

SCP 29 - SCP 34

- New starters and all employees with less than 3 years Local Government Service will now receive an additional 2 days.
- Employees with more than 3 years continuous Local Government Service, but less than 5 years will now receive an additional 2 days.

ALL GRADES

- Employees with more than 5 years continuous Local Government Service, but less than 3 years service with Barnet will now receive an additional 2 days

4. BANK HOLIDAYS

- 4.1 Except where otherwise shown on individual contracts of employment, employees shall be entitled to the 8 statutory Bank Holidays in addition to their annual leave entitlement. The two extra statutory days provided for in the National Conditions of Service have for some years been amalgamated with annual leave entitlements in Tables 1 and 2.
- 4.2 An employee's pay includes payment in plain time rates in respect of Bank Holidays. That payment is referred to in this section as "*normal pay*" for those days.
- 4.3 If, due to the needs of the service, employees are required to work on a Bank Holiday within their normal working hours then in addition to their normal pay the employee will be entitled to time off as follows: -

Additional payment at plain time rates for all time worked within their normal working hours PLUS time off at a later date (subject to the exigencies of the service) in accordance with the following formula:-

Where time worked is less than four hours* = Half Working Day Off

Where time worked is more than four hours* = Full Working Day Off

Work on that day outside normal working hours shall be paid for, as overtime, at double-time in complete recompense.

(*Or half/ more than half normal shift)

- 4.4 Where a bank holiday coincides with a rest day, the day shall be treated as a bank holiday and in addition a substitute rest day given.

5. NEW EMPLOYEES

- 5.1 Previous continuous local government service should be taken into account when calculating the entitlement to annual leave. When staff reach 3 or 5 years continuous service, the new entitlement will be calculated from the 1st day of the following month, on a pro-rata basis according to how many months are left in the annual leave year.
- 5.2 New starters are entitled to annual leave in proportion to each completed calendar month of service during the leave year of entry.

6. EMPLOYEES LEAVING THE COUNCIL

It is the Council's practice in respect of employees leaving the Local Government service

- to require employees to refund the Council in respect of excess leave taken at their last day of service;
- to require staff to take any leave outstanding prior to their last day of service

7. HOURS CALCULATION OF LEAVE ENTITLEMENT

- 7.1 Where staff do not work the same hours each day for 5 days each week annual leave entitlement is calculated in hours.
- 7.2 Where staff commence employment between leave years, calculations for

annual leave do not include hours for Bank Holidays which have passed for that year.

- 7.3 The salary for part time employees in Schools employed during term time only is apportioned as to provide payment in lieu of annual leave equivalent to an entitlement of 4 weeks for a full year.
- 7.4 Wherever pro-rata holidays are being calculated, the leave allowance that applies to the individual (as shown at Table 1 and Table 2 above) plus the 8 Bank holidays should be amalgamated and then the formula as shown below should be used.
- 7.5 A leave allowance expressed in working hours is obtained by the following formula.

$$\frac{\text{Hours worked per week} \times \text{weeks employed per annum}}{1872} \times \text{Amalgamated Leave Allowance} \times 7.2$$

Example of how the Formula operates

An employee working 20 hours per week, 52 weeks per annum at SCP 25, with less than 3 years service.

$$\frac{20 \times 52}{1872} \times 32 \times 7.2 = 128 \text{ hours per annum}$$

From this total, deductions must be made for all Bank Holidays that the staff are expected to work on.

8. CARRY OVER OF ANNUAL LEAVE

- 8.1 The entitlement of annual leave for any leave year shall be taken during that year or forfeited. In exceptional circumstances, with the agreement of the line manager concerned, a balance of outstanding leave (up to an absolute maximum of 5 days) may be taken in the next leave year, provided this balance is to be used by 31 May. Any agreement must be recorded in writing.

9. MATERNITY LEAVE

- 9.1 Employees on maternity leave are still entitled to their full annual leave entitlement. Annual leave continues to accrue during both ordinary and additional maternity leave.

- 9.2 If however, an employee returns from maternity leave during February or March in any year, and is unable to take all of her annual leave by 31st March, she would not be permitted to carry over the leave outstanding to the next year, unless it is considered that there are exceptional circumstances. It is important therefore that employees are made aware of this well before commencing their maternity leave in order that they have the opportunity to take annual leave prior to maternity leave.
- 9.3 An employee who does not return to work from maternity leave shall be entitled to one-twelfth of her leave entitlement for each completed month in the current leave year, up to and including her last day of service. The last day of service is the date on which the employee informs her line manager in writing that she will not be returning to work. In these circumstances, the employee will be required to repay Occupational Maternity Pay and any unpaid maternity leave taken in excess of 52 weeks which does not accrue annual leave.

10. ATTENDANCE

- 10.1 Employees on long term absence who do not take the whole of their leave allowance before the end of the leave year are **not** entitled to carry over leave to the next leave year.
- 10.2 Where, towards the end of the leave year, an employee falls sick whilst on annual leave, or has to cancel annual leave because of sickness, and is unable to arrange further leave within the leave year, consideration should be given to allowing carry-forward of annual leave.

11. SUSPENSION/DISCIPLINARY PROCEEDINGS

- 11.1 If an employee is suspended while investigations are being carried out into an alleged disciplinary offence, any annual leave booked during the period of suspension should be allowed. Annual leave may be booked during a period of suspension with the agreement of the line manager.
- If the employee is dismissed following a disciplinary hearing, the period of suspension should be counted for the purposes of calculating leave due.
 - If suspension or disciplinary proceedings prevent an employee from using up the whole of their annual leave allowance, carry-forward should be allowed.

12. SPECIAL LEAVE

- 12.1 In some exceptional cases, the line manager may consider it appropriate to permit the carry over of annual leave in addition to or instead of special leave. This will depend on the merits of the individual case and if satisfactory cover arrangements can be made to maintain satisfactory service.
- 12.2 An employee who is prevented from taking annual leave because of Jury Service should be allowed to carry forward any outstanding entitlement.
- 12.3 Leave for Public Duties should not normally justify carry forward of annual leave.

13. WORKLOAD

- 13.1 Where an employee is **requested by management** not to take annual leave towards the end of the leave year, carry forward of up to five working days should be allowed. It is the responsibility of managers to ensure that annual leave is properly planned throughout the year.

14. CALCULATION OF ANNUAL LEAVE

- 14.1 An employee, who starts with and leaves the Authority in the same leave year, should receive an annual leave entitlement which is based on each **actual completed month** of service and **not** each calendar month. For example, an employee who commences on 15th April and leaves on the 14th September of the same year, will have completed 5 months' service and be entitled to five-twelfths (5/12) of the full entitlement.
- 14.2 When determining entitlement of an employee at the time of appointment, as the following formula should be used;

$$\frac{\text{Number of weeks remaining in the leave year}}{52} \times \text{full year entitlement}$$

rounded up to the nearest half day

For example, an employee who joins with 21 weeks of the leave year remaining and has a full year entitlement of 25 days;

$$\frac{21}{52} \times 25 = 10 \text{ days}$$

15. LEAVE CARD (*not applicable where electronic recording is in place*)

15.1 The standard leave card can be used for all staff. It will provide the basic information for assessing annual leave entitlements. Generally, there should be no need to refer to HR for confirmation of leave entitlements.

- Pink card for part-time – Leave calculated in hours
- White card for full time staff – Leave calculated in days

15.2 Cards must be kept updated and may be kept by managers or individual employees. Managers are advised to transfer summary information on to a leave planner for control, monitoring and ease of reference.

16. ADDITIONAL INFORMATION

16.1 Relevant legislation

Employment Rights Act 1996
Working Time Regulations 1998
Working Time (Amendment) Regulations 2003

16.2 Review

This policy will be reviewed after 2 years of operation.