



Annual Leave Policy [Under Review]

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Contents

1. Scope
2. Management of annual leave
3. Requirement to cancel annual leave
4. Annual leave entitlement
5. Annual leave year
6. Provision to carry over annual leave
7. Annual leave during notice periods
8. Annual leave during sickness absence
9. Payment in lieu of annual leave
10. Phased return to work following sickness absence

Update Information

This model policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation, statutory guidance, or best practice (where appropriate).

This model policy is currently under review - the previously published annual leave entitlement table (Section 4) has been removed, with reference to this information being based on local conditions of service now included.

1. Scope

This policy applies to all employees in schools and academies. However there are exceptions in the application of the policy and these are as follows:

- The application of the policy applies wholly to support staff employed on an all year round contract. Aspects of the policy which refer to the booking/taking/cancelling of annual leave do not apply to support staff employed on a term-time only contract.
- It applies in part to teachers. Specifically related to entitlement to statutory holidays during maternity leave and long-term sickness absence. This entitlement is not in addition to the school holiday periods.
- For academies, all reference to Headteacher should, where appropriate, be replaced with Principal/Head of School, and all reference to the Governing Body should, where appropriate, be replaced with the Academy Trust.
- All references to school should, where appropriate, be replaced with academy.

This policy has been drawn up following consultation with the recognised trade unions.

1.1 Support staff who work all year round

Support staff who work all year round are entitled to annual leave based on their grade and length of continuous local government service. Support staff on an all year round contract are entitled to take their entitlement to paid holidays during the prescribed annual leave year although there may be restrictions on employees taking holidays during term

time. Examples of staff who are employed on an all year round contract are Site Managers, Caretakers and cleaners, although in some cases this can also apply to office administrative staff.

1.2 Support staff who work term time only

Support staff who work on a term time only basis are entitled to annual leave based on their grade and length of continuous local government service. There is no provision for support staff who work on a term time only contract to take annual leave. Payment for annual leave including payment for public holiday, extra statutory days and the concessionary day is incorporated into their annual salary.

1.3 Teachers

There is no entitlement to annual leave for teachers under the School Teachers Pay and Conditions Document. However, under the Working Time (Amendment) Regulations 2007, they are entitled to statutory holidays during periods of maternity/adoption leave and long-term sickness absence. This entitlement is not in addition to the school holiday periods.

2. Management of annual leave

The employee is responsible for the management of their leave and the onus is on the employee to request leave to ensure that the entitlement is taken. Any leave not taken apart from the 5 carry over days (pro rata for part-time staff) will be lost, unless the manager has refused all practical opportunities for the employee to take their annual leave during the course of the relevant leave year,

Managers should assist employees to manage their annual leave so that they use their entitlement during the course of the annual leave year.

3. Requirement to cancel annual leave

In normal circumstances, approved annual leave will be honoured by the school. However, in an emergency, the school may require the employee to cancel their holiday. Where this occurs, the manager will discuss with the employee alternative dates on which the holiday entitlement may be taken.

Such a requirement will be made only in exceptional circumstances. Where the employee needs to cancel their holiday booking arrangements, any reasonable costs associated with this, evidenced by receipts, will be reimbursed by the school.

4. Annual leave entitlement

Annual leave entitlement will be based on the local conditions of service. This entitlement may also be set out in an employee's "Written Statement of Employment Particulars" (contract of employment).

Employees are not able to take annual leave during term-time unless under exceptional circumstances. Reasonable notice to take annual leave must be given to enable the necessary cover arrangements. Whilst annual leave allocated to the employee is a contractual entitlement the actual days or period taken are subject to mutual agreement.

Annual leave entitlement accrued for employees working on a casual contract are rolled up into their hourly rate of pay. The contract of employment should separate the rate of pay for the post from the hourly rate for accrued annual leave. For support staff the hourly rate will be used and the daily rate will be used for supply teachers.

5. Annual leave year

For support staff on an all-year round contract, the annual leave year traditionally operates from 1st April to 31st March unless otherwise locally determined.

For support staff on term-time only contracts, the accrual of annual leave operates from 1st September to 31st August.

For teachers for the purposes of determining holiday entitlement during periods of sickness absence and maternity leave, the annual leave year operates from 1st September to 31st August. Any entitlement is not in addition to the school holidays.

6. Provision to carry over annual leave

Employees starting or leaving work during the year are entitled to annual leave proportionate to the number of completed weeks of service during the leave year.

Employees are expected to take their annual leave entitlement during the leave year to which it applies. However, staff will be permitted to carry over a maximum of 5 days (pro rata for part time staff) into the next leave year, which may be taken at any time during that leave year by mutual agreement. The carrying forward of any additional annual leave will be permitted only in exceptional circumstances (not including leave which may have accrued during an employee's long-term sickness absence) where management have prevented an employee from taking their leave in the interests of the service. In such cases, leave carried forward over and above the maximum entitlement of 5 days (pro rata for part time staff) must be taken within 3 months of the commencement of the new leave year.

Where the end of an employee's annual leave year falls within a school holiday, the employee will be permitted to take the remainder of any outstanding leave into the next leave year, provided that this does not exceed that school holiday period.

7. Annual leave during notice periods

7.1 Payment of accrued annual leave on leaving (Support staff who work all year round)

The employee will be required to take any outstanding leave during their notice period unless otherwise agreed in writing by their manager. Where it has not been possible to take all accrued leave from start of leave year to the last working day, the employee's last day of service will be extended by the number of annual leave days outstanding or payment made in lieu of annual leave.

7.2 Payment of accrued annual leave on leaving (Support staff who work term-time only)

Term time only staff are not able to take annual leave, a payment proportionate to their annual leave entitlement is incorporated in their annual salary spread over 12 months. The annual leave year for these employees is 1st September to 31st August. An employee who is at the school at the start of the school academic year (Autumn Term) through to end of the school academic year (Summer Term) will not have any outstanding accrued leave at the point of leaving as they will be paid through to 31st August. However, if an employee is at the school at the start of the school academic year but leaves at any time during the year, other than at the end of the academic year, their accrued annual leave will be calculated for the period they have been at the school in that academic year, and their last day of service will be extended by the number of days owed in respect of the accrued annual leave.

8. Annual leave during sickness absence

If an employee reports in sick prior to a period of annual leave, an application may be made to the manager to cancel the holiday request and the manager should grant the request. On return from sick leave, the employee will be required to provide the appropriate sickness certification.

If an employee becomes ill during their holiday, they may request that their holiday is taken at a later date, provided that they are able to provide a valid medical certificate or other suitable evidence that the employee was ill on those dates. The manager should grant such requests supported by appropriate certification or appropriate alternative evidence of sickness.

Any claims for reinstatement of leave owing to illness must be made not later than the return to work interview under the [Managing Attendance Policy](#). This will enable the manager and employee to discuss the alternative arrangements for the reimbursed annual leave to be taken within the same annual leave year, where it is possible to do so. Where sick leave is claimed during holidays, this will count towards the calculation of triggers under the Managing Attendance Policy, where appropriate.

8.1 Statutory holiday entitlement

The current statutory holiday entitlement is 28 days (including Bank Holidays), pro rata for part time employees.

8.2 Carry over of accrued annual leave during sickness absence (Support staff who work all year round)

The recommendation is that an employee may carry over up to 5 days (pro rata for part time employees) of annual leave into the next leave year, which may be taken at any time during that leave year by mutual agreement.

In circumstances where the employee has been unable to take their minimum statutory holiday entitlement due to sickness absence, they will be entitled to carry over this leave, provided that the total amount to be carried over does not exceed the statutory holiday entitlement. Any outstanding contractual annual leave entitlement will be lost.

The onus is on the employee to request annual leave and it is expected that such requests will be made during the leave year in which the sickness absence takes place. Where an employee requests leave that is denied and there is no further opportunity to take the statutory annual holiday, this will be carried over into the new annual leave year.

If the employee does not request the outstanding statutory annual leave, the entitlement will be lost unless the sickness absence to which the annual leave relates extends into the next annual leave year.

8.3 Accrual of annual leave during sickness absence (Support staff who work term-time only)

Employees employed on a term-time only contract are not able to take annual leave but an amount in respect of annual leave is incorporated into their salary. This annual leave is not an additional entitlement on top of the current school closure arrangements. Any accrued holiday during a period of sickness absence must be offset by any period of school closure that has taken place in the leave year in question before and after the period of sickness absence. There will be sufficient school closures to offset any periods of accrued annual leave from one year to the next. However, some adjustment to salary may be required taking into account the fact that the employee may have received half-pay or no pay for part of their sick leave period.

8.4 Accrual of annual leave during sickness absence (Teachers)

Although teachers do not have a contractual entitlement to paid annual leave nor a specified annual leave year, they are entitled to statutory holiday under the Working Time (Amendments) Regulations 2007. Hence they will be entitled to any holiday accrued during a period of sickness absence.

The entitlement to statutory holiday is not an additional entitlement on top of the current school closure arrangements. Any holiday accrued during a period of sickness absence must be offset by any period of school closure that has taken place in the leave year in question both before and after the period of sickness absence. There will be sufficient school closures to offset any periods of accrued holiday from one year to the next as there are more periods of school closures to

the number of statutory holidays, hence removing the need for any adjustment to salary.

8.5 Annual leave during notice periods

Employees leaving the school will be required to take any outstanding holiday entitlement during their notice period unless otherwise agreed by the Headteacher. However, where it is not possible to do so owing to the sickness absence of the employee, the outstanding holiday entitlement up to the minimum statutory entitlement will be paid to the employee.

For term-time only support staff and teachers, any accrued holiday entitlement during a period of sickness absence, up to the minimum statutory entitlement, which has not been able to be offset against normal school closures will be paid to the employee in their final salary.

9. Payment in lieu of annual leave

Under [The Working Time Regulations](#) it is not possible for payment in lieu of annual leave that has not been taken except on termination of employment, e.g., if the employee resigns, or is dismissed under the [Managing Attendance Policy and Procedure](#), ill health retired etc.

10. Phased return to work following sickness absence

Where an employee is permitted to return to work on a phased basis following advice from Occupational Health, holiday entitlement will accrue pro-rata to the hours worked after 3 months if the phased working is still in operation at that time. However where it is agreed that a permanent reduction in the working hours will apply, the holiday entitlement will be calculated pro rata from the effective date of change in the employee's contract.

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