

## ANNUAL LEAVE POLICY

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<b>Policy Ratified By:</b>	<b>Cabinet</b>
<b>Date Policy Ratified:</b>	
<b>Effective Date of Policy</b>	
<b>Review Year:</b>	<b>Biennial</b>
<b>Applicable To:</b>	<b>All Caerphilly employed staff including school-based support staff where the governing body adopts the Policy.</b>
<b>Equalities:</b>	<p><b>Mae'r ddogfen hon ar gael yn Gymraeg, ac mewn ieithoedd a fformatau eraill ar gais.</b></p> <p><b>This document is available in Welsh, and in other languages and formats on request.</b></p>



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## INTRODUCTION

1. At Caerphilly County Borough Council our workforce continues to be innovative, collaborative, resilient and resourceful in the face of extreme pressure and we recognise that paid holiday entitlement is fundamental to supporting our employees' health and wellbeing.
2. All employees covered by this policy can expect to be treated fairly and consistently and be confident that their statutory and contractual entitlements to paid holiday time are complied with.

## POLICY SCOPE

3. This policy applies to all employees covered by the NJC for Local Government Services terms and conditions of employment and the Council's Single Status Agreement. This policy also includes employees whose pay terms are covered by the JNC for Chief Executives and the JNC for Chief Officers of Local Authorities terms and conditions of employment and to the JNC for Youth and Communities and Soulbury Committees.
4. This Policy does not apply to school-based support staff for whom the Governing Body sets the local terms and conditions of employment. The leave entitlement referred to herein however will be presented to schools and recommended for adoption with a view to sustaining our Council's Single Status position and to ensure the equitable calculation of term time only holiday pay.
5. This Policy does not apply in any capacity to Teaching staff who are governed by the School Teachers' Pay and Conditions Document (STPC(W)D) and Staffing of Maintained Schools (Wales) Regulations 2006.
6. The Council's recognised Trade Unions have been consulted on the introduction of this policy.
7. The effective date of this policy is (*Insert Date*) and it supersedes all earlier policies

## STATUTORY AND CONTRACTUAL ENTITLEMENT TO PAID HOLIDAY TIME

8. There are three different categories of paid holiday leave:
9. **Type One** is the statutory annual leave that originates in EU law and gives workers four weeks' paid holiday. This type of leave come from the Working Time Regulations 1998 and must follow EU and European Court of Justice (ECJ) requirements.

N.B: These 4 weeks of statutory leave must be used in the annual leave year to which it applies and cannot be carried over to the next leave year in ordinary circumstances. There are however a few exceptions to this rule, which are highlighted in the detail of this Policy.

10. **Type Two** is the statutory annual leave that originates in UK law and gives workers 1.6 weeks' paid holiday. This type of annual leave is also found in the Working Time Regulations, but it does not have to follow EU or ECJ requirements (although the UK courts can choose to follow them in some instances).
11. **Type Three** is contractual annual leave, which the Council does provide above and beyond the statutory requirements in the Regulations.

12. With regard to the leave referred to in points 9, 10 and 11, the Council, in exercising its discretionary responsibility supports no more than one week carry over of annual leave from one leave year to the next. Where an employee has more than one week of untaken annual leave at the end of their annual leave year, any untaken annual leave over the one week that the employee does not take, will be lost. The exception to this is where the Head of Service and Director have agreed to a higher leave carry over in support requests from employees in exceptional circumstances. If the exigencies of the Service have hindered the taking of the leave at the end of the leave year, the outstanding leave balance will be carried over.
13. The Council will not as a general rule make a payment to employees in respect of “lost” untaken annual leave. The Council does however reserve the right to make a payment for annual leave on the termination of employment where the exigencies of the service prevent the taking of the leave.

### **ANNUAL LEAVE ENTITLEMENT**

14. Employees who work 5 days a week over 52.143 weeks of the year have an annual leave entitlement amounting to:

30 days per annum	For up to 5 years’ continuous local government service
34 days per annum	For 5 years or more continuous local government service

N.B. The above leave entitlements include the former locally agreed Extra Statutory days and the additional leave day that was included in the NJC April 2022 pay award.

15. Part Time employees will have a pro-rata entitlement to the annual leave days referred to in Point 14 above.
16. The additional entitlement for employees who attain 5 years’ continuous service will be calculated from the date of the employment anniversary and is calculated pro-rata for the annual leave year.
17. Corporate Management Team’s annual leave entitlement is 39 days per annum, regardless of Service. They do not benefit from a further entitlement to annual leave with reference to years served.
18. Continuous Local Government Service in relation to this Annual Leave Policy applies to employees covered by the NJC for Local Government Services, JNC for Chief Officers, JNC for Youth and Community Services and Soulbury Committees.

### **BANK (OR PUBLIC) HOLIDAY AND STATUTORY DAYS**

19. Employees will receive a paid bank holiday entitlement in addition to their annual leave entitlement.
20. The Bank Holiday entitlement, assuming an employee is continuously employed for the period 1 January to 31 December, is 9 days.

The Council recognises the eight statutory bank holidays, which are:

- New Year's Day
  - Good Friday
  - Easter Monday
  - Early May Bank Holiday
  - Spring Bank Holiday
  - August Bank Holiday
  - Christmas Day
  - Boxing Day and,
  - One extra statutory holiday day which follows Boxing Day each year.
21. Part time employees will receive a pro-rata entitlement to Bank Holiday based on their contract hours.
  22. Bank Holiday entitlement accrues over the year and should not be pre-calculated at the start of a financial year. Bank Holiday entitlement starts to build up from the moment an employee starts work.
  23. Managers should be fair and reasonable when drawing up rotas for Bank Holiday cover to ensure that cover is shared fairly amongst the applicable employees.

#### **THE TAKING OF ANNUAL LEAVE**

24. Employees must make every effort to take their full annual leave entitlement during the calendar leave year January to December. Employees must request authorisation from their managers to take annual leave as soon as practically possible.
25. Employees may carry over up to one week of their annual leave into the following leave year with the prior approval of their manager. The exception to this is where the Head of Service and Director have agreed to a higher leave carry over in support requests from employees in exceptional circumstances. If the exigencies of the Service have hindered the taking of the leave at the end of the leave year, the outstanding leave balance will be carried over.
26. Carried over leave should be used as soon as is reasonably possible in the new holiday year.
27. All annual leave requests must be approved in advance wherever possible, by the employee's Manager. If an employee wishes to request to take a block of annual leave, they must provide their Manager with as much notice as possible. The request for leave will be agreed in line with the operational requirements of the service.
28. There may be a need for employees to retain some leave to cover planned closures, for example the Christmas Closedown period.

#### **ANNUAL LEAVE – LEAVERS AND JOINERS**

29. The additional entitlement for employees who attain 5 years' continuous service during a calendar year will be pro-rata for the annual leave year in which that additional entitlement falls.

30. Annual leave entitlement from previous employers, including other Local Authorities, must be settled with them before beginning employment with Caerphilly CBC. No carry over of leave from any former employer will be supported.
31. Where an employee seeks to call upon continuous Local Government Service, the date of continuous service must be confirmed by the former employer at the appointment stage. In terms of this policy, continuous local government service only applies to employees covered by the National Joint Council for Local Government Services, Joint National Council for Youth and Community Services and the Soulbury Committees in respect of annual leave accrual.
32. The annual leave year date for new employees joining the Council is 1 January to 31 December. When employees join the Council after the commencement of the leave year, their annual leave entitlement for that year will be calculated from the first day of their employment with the Council to the end of the annual leave year on a pro-rata basis.
33. The annual leave entitlement of an employee leaving the Council before the end of the annual leave year will be recalculated from the beginning of the leave year up to the last day of employment with the Council on a pro-rata basis.
34. Employees shall make every reasonable effort to take all remaining annual leave due to them before they leave the Council. The Council can require the employee to take any unused annual leave during the notice period and prior to the termination of employment.
35. Any annual leave taken over and above the allocated entitlement will be deducted from the employee's final salary payment.
36. Annual leave entitlement for employees joining or leaving the Council is calculated on a proportionate basis. Any fraction of a day equal to less than half a day will be treated as a half day. Any fraction of a day equal to over half a day shall be treated as a whole day.

#### **EMPLOYEES WHO WORK ADDITIONAL HOURS**

37. Employees who work part time, i.e., less than 37 hours each week, will receive compensation for annual leave relevant to any basic additional hours that they work up to 37 in any week.
38. Employees who work additional hours will receive a pro-rata entitlement to annual leave, calculated on a monthly basis, expressed in hours. This additional annual leave entitlement will be paid to the employee via the Payroll on a monthly basis.
39. Employees will also receive compensation for annual leave relevant to working a night shift, overtime shift, sleep in, and standby shift.
40. All payments made for working additional hours will be made in accordance with ACAS Guidance.

#### **REPORTING SICK DURING A PERIOD OF ANNUAL LEAVE**

41. If an employee becomes sick or is injured whilst on annual leave, they may transfer their annual leave to absence due to sickness and take the replacement annual leave at a later time. This is subject to the following strict conditions:

42. The total period of incapacity must be fully certificated by a qualified medical practitioner.
43. The employee, or in exceptional circumstances someone acting on their behalf, must contact their Line Manager by telephone, as soon as practical, on the first day of any known period of incapacity during the period of annual leave, even if they are overseas.
44. The employee must submit a written request to their Head of Service no later than 10 working days after returning to work setting out how much of the annual leave period was affected by sickness and the amount of annual leave that the employee wishes to take at another time.
45. Where the employee is overseas when they fall ill or injured, evidence must still be produced that the employee was ill either by a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location. All costs of medical certification are incurred by the employee.
46. Where the employee fulfils all the above conditions, the Council will grant the employee the same number of days' replacement annual leave in the current leave year as the number of annual leave days lost due to sickness or injury.
47. The replacement leave must be taken in the employee's current leave year wherever practicably possible and in accordance with service needs. The rules relating to carry over of leave as referred to in point 25 apply here. A maximum of one week carry over into the following leave year will be supported, or more in exceptional circumstances and any carry over of leave is to be taken as soon as possible in the new leave year. Refer to the Section below if the employee takes long term sick and/or does not return to work before the end of the calendar year.
48. If an employee is ill or is injured and reports absent from work as a result of this before the start of a period of planned annual leave, the Council will agree to the employee postponing the annual leave dates to another mutually agreed time in that leave year whenever possible. The employee must submit a written request to postpone the planned annual leave and this must be accompanied by a fit note from their doctor confirming that they are unfit, or are still likely to be unfit, to take the annual leave. The Service may require an employee to take all, or part of their replacement leave on particular days because of operational requirements.
49. Where leave cannot be taken within the leave year, only the statutory element of any untaken leave may be carried over unless this is less than the council's one week supported carry over.

## **ANNUAL LEAVE AND LONG-TERM SICKNESS ABSENCE**

50. Employees will continue to accrue, during any paid or unpaid period of sickness absence, their full annual leave entitlement.
51. Where the employee returns to work following long term sickness absence, annual leave entitlement accrued must be taken in the same leave year where practicably possible and in accordance with service needs. The one week carry over rule applies where employees have sufficient time to take the majority of their leave.
52. Where the employee is absent for the whole leave year or there is insufficient time for the accrued statutory element of annual leave to be taken in the same year, the

contractual annual leave entitlement over and above the minimum statutory holiday entitlement provided for by the Working Time Regulations 1998 cannot be carried forward from one leave year into the next, i.e. an employee whose leave year ends while they are on long term sick will be entitled to carry over a maximum of 28 days statutory leave (pro-rata for part-time employees), less any annual leave and bank holidays that were taken prior to the sickness commencing in that leave year.

53. The statutory entitlement to annual leave will be calculated with reference to the number of statutory days already taken by the employee in the year that they have reported sick in line with the Council's sickness absence policy. For example, a full-time employee who has taken 8 days of their statutory leave entitlement (inclusive of bank holidays) before they report sick, may be supported to carry over the 20 statutory leave days that they have not been able to take into the following leave year.
54. Any statutory leave carried over following long term sickness absence must be taken within eighteen months of the carry over.

### **TAKING ANNUAL LEAVE DURING SICKNESS ABSENCE**

55. Employees can request to take annual leave during a period of sickness absence as long as they formally request it, and the annual leave is authorised. The sickness absence will be paused for the period of annual leave.
56. During any period of sickness absence, employees are expected to be available to attend meetings / appointments in relation to their absence. However, during a period of annual leave, the manager knows that the employee will not be available to the employer for this purpose.
57. Employees must seek their manager's authorisation before they can take annual leave during a period of sickness absence. Managers must ensure that they notify the Payroll Team of any leave that they have authorised in this capacity to ensure that the sickness absence is paused, and that the employee receives their contractual pay during the period of annual leave.
58. After the employee has taken the annual leave, the sickness absence will be reinstated if they are still not well enough to return to work. Any sickness absence that is paused will be treated as one period of sickness absence.

### **ANNUAL LEAVE AND MATERNITY AND ADOPTION LEAVE**

59. Employees will continue to accrue their full annual leave entitlement during any paid or unpaid period of Maternity and Adoption Leave.
60. An employee may return to work and immediately commence annual leave if this has been agreed by the Line Manager.
61. If an employee has not used all their annual leave prior to commencing Maternity or Adoption Leave, then any outstanding annual leave can be carried over to the new leave year if there is insufficient time to take it in the leave year to which it applies.



## **ANNUAL LEAVE AND PATERNITY AND SHARED PARENTAL LEAVE**

62. Employees will continue to accrue their full annual leave entitlement during any period of Paternity Leave and Shared Parental Leave.
63. If an employee has not used all their annual leave entitlement prior to commencing Shared Parental Leave, then any outstanding annual leave can be carried over to the new leave year.
64. If an employee has not used all their annual leave entitlement prior to commencing Paternity Leave, given the short duration of Paternity Leave, the rules relating to the maximum carry over of annual leave into the following leave year applies i.e., one week.

## **ANNUAL LEAVE AND CAREER BREAK**

65. Employees must take any outstanding annual leave prior to starting a career break. If the career break period commences or ends part way through the annual leave year, then the annual leave entitlement for that year will be calculated on a pro-rata basis.
66. Annual leave and Bank Holiday entitlements will not be accrued for the duration of the career break. Payment for annual leave and bank holidays during this period are not applicable.

## **INTERPRETATION OF THE POLICY**

67. In the event of a dispute relating to the interpretation of the policy, the Head of People Services or a HR Service Manager along with a Corporate Director in consultation with the Cabinet Member for Corporate Services will make the final decision on interpretation.

## **REVIEW OF THE POLICY**

68. A review of this policy will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the procedure will be amended and reissued.