

## Wiltshire Council Human Resources

### Annual Leave & Bank Holiday Entitlement Policy

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### What is it?

This policy details the annual leave, bank and public holidays that you are entitled to. It gives the entitlements for full time and part time employees. Arrangements for carrying forward annual leave, banking annual leave, purchasing leave and requesting unpaid leave are also included.

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### **Who does it apply to?**

The policy applies to all Wiltshire Council employees who are contractually subject to the terms and conditions of the National Joint Council for Local Government (with the exception of school support staff) and any agreements negotiated locally by the council and its recognised trade unions.

### **When does it apply?**

Annual leave accrues from your first day of service and your annual leave entitlement is calculated from the anniversary of the date of your commencement in local government service (as defined by the redundancy payments modification order 1983).

### **When does it not apply?**

This is not a harmonised policy and therefore does not apply to ex-district TUPE employees or to school staff (both teaching and non-teaching staff).

It also may not apply to other groups of staff where their terms and conditions are negotiated separately, e.g. Youth and Community Workers.

For further information on these holiday entitlements please contact your manager.

### **What are the main points?**

Annual leave year

1. The annual leave year runs from 1 January to 31 December.

Entitlement – full time workers

2. The contractual annual leave entitlement for full time staff is 23 days per annum. This increases to 28 days per annum once you have five years continuous service and to 30 days per annum on completing 40 years service.
3. In addition you also receive six bank holidays and two public holidays per year.

Entitlement - part time workers

4. As a part time worker you cannot be treated less favourably than a comparable full time employee and therefore receive the same holiday entitlement as detailed above for a full time worker but on a pro rata basis.

5. Similarly, you receive a pro-rata entitlement to the 8 annual bank holidays and public holidays. This pro-rata entitlement will apply whether you work the public/bank holiday or not.

#### Bank holiday entitlements

6. In England and Wales there are six annual bank holidays and two public holidays which are:
  - New Year's Day
  - Good Friday (public holiday)
  - Easter Monday
  - First Monday in May
  - Last Monday in May
  - Last Monday in August
  - Christmas Day (public holiday)
  - Boxing Day
7. You receive paid leave for these bank and public holidays or a pro-rata entitlement if you work part time. If you are on the lower contractual annual leave entitlement of 23 days then by including these 8 bank and public holidays you exceed the statutory 28 days holiday entitlement as required under the working time amendment regulations 2007.

#### Discretionary Leave

8. If additional public holidays are declared e.g. royal occasions specific guidance will be issued at the time.

#### Legal Requirement under the Working Time Amendment Regulations

9. The council exceeds the 28 days minimum annual leave required under the working time amendment regulations 2007 with a combination of annual leave and bank holidays. It is a statutory requirement that you take 28 days as paid annual leave each year.
10. In order that you do not breach these regulations if you work bank holidays and are on the lower annual leave limit of 23 days per year plus bank holidays, you can only opt to receive the bank holiday premium payment when you have taken 28 days annual leave entitlement.
11. The bank holiday premium rate is:
  - your normal rate of pay for that day plus plain time, or

- your normal rate of pay for that day plus time off in lieu of the hours worked at a later date

Work on a bank holiday outside of normal working hours for that day will be paid at double time as for overtime.

12. This means that if you are currently on the minimum 23 days annual leave entitlement and you work bank holidays then the first 5 of these will need to be paid at plain time plus taking time off in lieu of the hours worked. If you work the remaining 3 bank holidays you have the choice (subject to the agreement of your manager) to receive premium payment of double time at plain rate or to receive payment at plain time plus taking time off in lieu of the hours worked.
13. The only exception to this is if your employment with Wiltshire Council ends in which case payment in lieu will be considered.

#### More than one job

14. If you have more than one job with the council then your annual leave entitlement is calculated using the date you first started working for local government. On starting a second job your leave entitlement will be based on the start date of your first job.
15. Your annual leave in these circumstances will be managed separately by the line manager for each job.

#### Timing of annual leave

16. The timing of leave is by mutual agreement. Under the working time regulations you must give your manager advance notice of your intention to take leave which is at least twice the period of leave you wish to take. For example if you want to take two weeks annual leave you should request this at least four weeks before you want to take the leave.
17. Your manager, under the working time regulations, may refuse your request to take time off but must notify you of this within the correct time limit. This is a period which is at least as long as the holiday requested. For example to refuse a request for a week's leave your manager would have to tell you at least a week in advance or if you have given notice to take two weeks annual leave your manager would need to inform you two weeks before your leave starts.
18. Your manager may refuse a request for holiday because of operational grounds. Should you disagree with this decision you may refer the matter to a more senior manager.

19. Should you fail to return to work on the expected date of return and cannot provide a satisfactory explanation for this an investigation will look into the circumstances and reasons and may result in the disciplinary procedure being followed.

#### Carrying annual leave forward

20. Leave should be taken in the current leave year but for operational reasons your manager may allow you to carry forward up to five days annual leave (pro rata for part-time employees) from one year to the next.
21. This leave should be taken as soon as possible during the next annual leave year to avoid it accruing again.
22. Any leave beyond five days, which has not been taken, will be lost. There is no provision for banking it in order to avoid this penalty.
23. Leave can only be carried forward if you have already taken your annual leave legal requirement of 28 days (pro rata equivalent for part time employees).

#### Banking of annual leave

24. You have the option to bank up to five days' annual leave each year to save up for a particular special purpose such as a long haul trip.
25. This is not a method of carrying leave forward.
26. You should advise and get the agreement of your manager if you want to do this and record any banked leave on your annual leave record.  
<http://thewire.wiltshire.council/formannualleavecard.doc>
27. Banking of annual leave cannot be approved if you have not taken the 28 days statutory annual leave requirement for the year in which you want to bank leave.
28. Subject to operational requirements staff may combine this banked leave with leave from their current annual leave year in order to take an extended break from work for a particular purpose. This can only be done in exceptional circumstances and after consultation with your manager.
29. No more than 40 working days (pro rata for part time employees) of annual leave may be taken at any one time no matter what combination of current annual leave and accrued banked leave is actually taken.

30. You should bear in mind that if you leave the council's employment for any reason other than on the grounds of redundancy, you may lose some, or all of your banked leave. Whilst staff should make every effort to clear outstanding leave in these circumstances there will be occasions when this is not operationally possible, particularly if banked leave has accrued over more than one year. Payment in lieu of banked leave is not an option.

#### Purchasing annual leave

31. In addition to your annual leave entitlement you can also purchase up to five days annual leave per annum (pro rata for part-time staff) which can be claimed in blocks or individual days.
32. Payroll will calculate deductions for this in hours rather than days although pension contributions will still be taken on the full salary.
33. To request this you need to complete the request to [purchase annual leave form](#) and obtain your manager's approval.
34. Your manager will need to check the operational needs of the business before approving your request to purchase extra leave.
35. If approved you will need to add this leave to your annual leave card for recording purposes.

#### Unpaid Leave

36. Your manager may authorise unpaid leave up to the amount of your annual leave entitlement in any one leave year.
37. This can be granted for domestic reasons, compassionate grounds, family emergencies or for other reasons agreed with your manager.
38. Before requesting unpaid leave you will need to have booked your annual leave entitlement for the year.
39. Requests for unpaid leave need to be approved by your manager and made by completing an [unpaid leave and absence form](#). On the form you will need to specify the amount of unpaid leave you require and the reason for your request.

#### Staff on fixed term or temporary contracts

40. As an employee on a fixed term contract you are entitled to pro rata annual leave and this should be scheduled in the same way that it is for your permanent colleagues.

41. In the event that as part of your fixed term/temporary contract you are asked to cover an additional job for only a few hours (e.g. on reception) no further annual leave enhancement is payable. This is because you are already able to take annual leave in connection with your normal duties.

#### Extra hours worked by Registrars staff for statutory duties

42. Registrars have a statutory requirement to perform ceremonies outside of normal contracted hours (evenings, weekends and bank holidays) which can entail working additional hours.
43. In these circumstances annual leave and bank holiday leave for the additional hours will be earned on the actual time worked. An appropriate claims form is completed by you and your manager and sent to the Business Support Manager, Registration for calculation. The leave is distributed quarterly in arrears.
44. Extra annual leave will not apply to ceremonies performed within normal contracted hours or to short term requirements to work extra hours to cover staff absences or surges in work. In the event that cover is required on a longer term your manager will look into making alternative arrangements.

#### Wiltshire Temporary Agency

45. If you work for the council through the Wiltshire Temporary Agency (WTA) you are entitled to the same amount of annual and bank holiday leave as employees of Wiltshire Council.
46. A weekly calculation is made by the WTA Resource Coordinator, Business Services, Recruitment which will take into account the hours you work and if any bank holidays fall within your assignment period.
47. You can take the annual leave during your assignment period, subject to normal managerial approval, or receive payment at the end of the placement for any annual leave owing.

#### Agency Workers employed through Comensura

48. If you are an agency worker employed through Comensura then they are responsible for paying your accrued annual leave entitlement. This is calculated and paid at the equivalent rate of 28 days per annum.

#### Staff on sick leave (including disability and sickness absence)

49. Where you are absent due to sickness you are entitled to accrue the statutory level of annual leave entitlement.

50. If you are unable to use your accrued annual leave entitlement during a period of sickness absence this may be carried over to the next leave year in agreement with your manager.
51. You can request to take annual leave if you are on sick leave. Information on this is contained within the [sickness absence management policy & procedure](#)
52. If you fall ill whilst on annual leave you should follow the reporting procedure detailed in the [sickness absence management policy and procedure](#)

#### Annual Leave whilst on maternity leave

53. You will find information on annual and bank holiday leave accrued during maternity leave in the [maternity scheme policy](#).

#### Annual Leave whilst on adoption leave

54. If you are on adoption leave you will find information on accrued annual and bank holiday leave in the [adoption scheme policy](#).

#### Annual Leave whilst on maternity support & paternity leave

55. If you are on maternity support or paternity leave information on entitlement to annual leave and bank holidays can be found in the [maternity support and paternity leave policy](#).

#### Annual Leave for parents and carers

56. Details on annual leave entitlement whilst taking parental leave can be found in the [parental leave policy](#).
57. Details on annual leave entitlement whilst taking carers leave can be found in the terms and conditions section of the [leave for carers scheme policy](#).

#### Leavers

58. If you leave the council during the annual leave year you will receive a pro-rata entitlement to annual leave.
59. You should arrange to take any outstanding holiday entitlement before leaving the council. If your manager confirms that operational reasons prevented you from doing this then payment in lieu is allowed.
60. If you have banked annual leave you should bear in mind that you may



lose some or all of this leave (see point 26 above).

61. If you leave the council and have taken more than the proportion of holiday entitlement you have accrued a deduction will be made from your final salary equivalent to the excess holiday pay you have already received.

#### Administration

#### Calculation of full-time annual leave and bank holiday entitlement

62. Your annual leave entitlement can be calculated by using the [annual leave entitlement and calculator](#) which should then be recorded on your annual leave card.
63. A full time employee is entitled to 7 hours 24 minutes (7.4 hours) for each bank holiday.
64. If you are a compressed hours worker, which means you work a full time hours contract over a shorter timescale such as a nine day fortnight, then your annual leave and bank holiday leave will be calculated in hours. Further information on this is contained within the toolkit.

#### Calculation of part-time annual leave entitlement

65. The simplest way to calculate your pro-rata annual leave holiday is to use the council's [annual leave entitlement and calculator](#). It will detail the amount of annual leave you are entitled to in hours which should then be recorded on your [annual leave card](#).

#### Calculation of part-time public & bank holidays entitlement

66. There are different ways you can work this out. The annual leave entitlement and calculator can also be used to calculate your bank holiday entitlement or you can use one of the following methods depending on your work pattern :

#### Regular 5 day work pattern

67. If your part time working hours are spread evenly over a five day week (Monday to Friday, Tuesday to Saturday), working the same number of hours on each day, 52 weeks per annum, you will receive pay for each public and extra statutory holiday on a standard pro-rata basis.

#### Irregular work pattern

68. If your work pattern is irregular in that you work less than five days per week, work irregular hours each week, or work less than 52 weeks per year then your entitlement can be calculated as follows where:
- The practice of the 4/5 working week is adopted. Your number of hours entitlement for each bank holiday is calculated by dividing your weekly contracted hours by 5. You will receive your normal week's pay for the week that the bank holiday falls in.
  - At the start of the leave year it is recommended that you calculate your entitlement to paid public and bank holiday in hours and record this on your [annual leave card](#). These hours form a 'bank' to be drawn from as each public or bank holiday occurs. You can use the [annual leave entitlement and calculator](#).
69. Further information on leave entitlements for term time workers and annualised hours workers can be found in the toolkit.

#### Recording your bank/public holiday and annual leave entitlement - part time employees

70. A part time member of staff is entitled to a fifth of their total weekly hours for each bank holiday.
71. If a bank holiday falls on a day you normally work but you are not scheduled to do so you will receive payment for your usual working hours for that day. You must deduct these hours from your bank holiday entitlement on your annual leave card but record them on your timesheet as normal working hours.
72. If the bank holiday falls on a day on which you would not normally work then you are entitled to take your bank holiday entitlement (one fifth of your total normal weekly hours for each bank holiday) at another time subject to operational requirements.
73. If you are scheduled to work the bank holiday and work your normal shift you need to deduct the pro-rata hours from your bank. You will be paid for these hours at plain time rates and receive paid time off in lieu of these hours at a later date. If you would rather receive payment at double time you need to discuss this with your manager and if agreed claim on the [overtime and additional hours form](#).
74. The same recording applies to time taken for annual leave. Your normal working hours for a particular day taken as annual leave should be deducted from your total annual leave entitlement.

#### Roles and responsibilities

#### Employee responsibilities

75. Calculate your leave entitlement at the beginning of each leave year and record on your annual leave card.
76. Record annual leave and bank holiday leave taken on your annual leave card.
77. Make sure you take the legal annual leave entitlement as detailed by the Working Time Regulations as actual time off from work.
78. Submit requests for leave to your manager on a timely basis and to avoid possible disappointment in not getting the dates of your choice.
79. Agree any carry forward or banking of annual leave with your manager before the end of each annual leave year.
80. Agree any requests for purchase of annual leave and unpaid leave with your manager prior to taking either of these.
81. If you are entitled to claim enhanced rates for bank holiday working make sure an [overtime and additional hours form](#) is completed and submitted to Business Services – HR & Payroll administration.

#### Line manager responsibilities

82. Make sure your employees calculate their annual and bank holiday leave entitlements correctly each year and give assistance to complete this where required.
83. Consider all applications for annual leave fairly whilst making sure business services are maintained.
84. Give fair consideration to requests for leave for religious or belief purposes taking into account the needs of the service and the number of similar requests received from your employees.
85. Make sure your employees book and take their leave entitlement each year.
86. Check that your employees are not using annual leave when another type of leave would be more suitable such as carers' leave, family emergency and compassionate leave etc.
87. Give proper consideration to requests from staff to: carry over annual leave; bank annual leave; purchase annual leave; or for unpaid leave

88. Make sure that your employees who want to work bank holidays have taken 28 days annual leave for the year as determined by the working time regulations.
89. Consider having a team leave chart on display in your department so your employees can see what dates have already been booked by their colleagues.

## **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#)) and the toolkit for advice on attending religious festivals, belief festivals or ceremonies.

## **Legislation**

*Working time (Amendment) Regulations 2007 (WTA)*

*Part Time workers (prevention of less favourable treatment) regulations 2000*

## **Advice and guidance**

If you require help in accessing or understanding this policy [[or completing any of the associated forms](#)] you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

## **Further information**

There are a number of related policies and procedures that you should be aware of including:

- [Sickness absence management policy and procedure](#)
- [Maternity scheme policy](#)
- [Adoption scheme policy](#)
- [Maternity support and paternity leave policy](#)
- [Parental leave](#)

- [Leave for carers scheme](#)
- [Religion in the workplace](#)

For further information please speak to your supervisor, manager, service director or contact your HR advisor.

There is also a toolkit including manager guidance and supporting documents to use when following this policy and procedure:

### Toolkit

- Annual leave entitlement and calculator
- Annual leave card
- Term time workers
- Annualised hours workers
- Compressed hours workers
- Equality & diversity considerations

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