



# **ANNUAL LEAVE POLICY**

**FOR STAFF  
EMPLOYED IN SCHOOLS**

**September 2018**

Next Review – September 2021

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This policy was consulted and agreed via Service Consultative Group (SCG) and Teacher Association representatives on 10<sup>th</sup> December 2012 (SCG) and 12<sup>th</sup> December 2012 (Teacher Association) and initially adopted by the Wardle Academy Trust on 1<sup>st</sup> Sept 2013. It was reviewed in Jan 2016 and May 2018.

## 1. **INTRODUCTION**

The Working Time Regulations 1998 stipulate that all staff have the right to accrue paid annual leave.

This document relates to support staff in schools. Teachers are employed under the School Teachers Pay and Conditions Document and therefore have a different type of employment contract.

Staff who are on a TUPE agreements should refer to their original contracts for leave entitlement and arrangements.

## 2. **STATUTORY ANNUAL LEAVE**

In line with national legislation the minimum statutory annual leave entitlement that UK workers are entitled to is 5.6 weeks, inclusive of the eight statutory national holidays. Statutory national holidays will be known from this point forward as statutory holidays. For the Wardle Academy Trust the leave year runs from 1 September to 31 August.

## 3. **WARDLE ACADEMY TRUST CONTRACTUAL LEAVE ENTITLEMENT**

The minimum contractual annual leave entitlement for a full-time (5 days) worker is 22 days plus 8 statutory holidays and 2 floating days, in total 32 days which is in excess of the minimum required. This entitlement rises up to 32 days plus 8 plus 2, in total 42 after 5 years continuous service as detailed below.

### Support staff on all year round (AYR) contracts

The annual leave entitlement in a full year is as described below:

Staff with less than 5 years continuous service

<b>Salary range</b>	<b>Days' leave</b>
Up to and including spinal column point 28	<b>22</b>
Over point 28 – up to and including point 40	<b>24</b>
Over point 40	<b>27</b>

Staff with over 5 years continuous service

<b>Salary range</b>	<b>Days' leave</b>
Up to and including spinal column point 28	<b>27</b>
Over point 28 – up to and including point 40	<b>29</b>
Over point 40	<b>32</b>

In addition to the annual leave outlined above, there is also an entitlement to 8 statutory holidays plus 2 floating days. Statutory holiday days should be taken as they occur, and the 2 floating holidays should be taken during the Xmas period.

#### **4. ANNUAL LEAVE – ALL YEAR ROUND EMPLOYEES**

All staff on All Year Round contracts are permitted to take annual leave at any time during the leave year which commences on 1<sup>st</sup> September in any year, subject to the needs of the service.

Those employees starting or leaving employment during the leave year will be entitled to leave proportionate to the time of the month when an employee starts or leaves the school. Employees leaving the school may be entitled to a payment in lieu of any untaken leave, subject to the approval of the headteacher/Trust HR or ask to take leave during their notice period.

Employees will be paid at their normal rate of pay for all authorised absences on annual leave.

Where employees are all year round, it is recommended that at least 50% leave is used during school term time, to effectively manage service provision during school closure periods.

Headteachers may also request from their staff, at the commencement of the annual leave year, details of when they would like to take their annual leave throughout the year. This may assist with planning for cover and project work throughout the year.

#### **5. STATUTORY LEAVE AND SICKNESS**

Statutory annual leave accrues during sickness absence; statutory annual leave can be taken whilst a worker is off sick; and a worker who is prevented from taking statutory annual leave because of sickness must be allowed to take annual leave at a later time.

The following provisions will apply to all staff:-

- a) Requests for transfer-over of a proportion of the annual leave entitlement from one leave year to the next will be considered where exceptional circumstances prevent the taking of all the annual entitlement before the end of the current leave year.
- b) An employee wishing to carry over leave should make an application to the headteacher by the end of the first working week in March. The headteacher shall be permitted to authorise the carry-over of up to 10 days leave on a non-cumulative basis provided the statutory minimum leave period is satisfied.
- c) Applications for over 10 days shall be made to the CEO/Head of HR for consideration and authorisation provided the statutory minimum leave period has been satisfied.
- d) Normal carry over arrangements apply to employees who are on sick leave. These employees should apply to carry over any unused leave by the end of the first working week in March as above. Headteachers are responsible for reminding employees on sick leave that this provision applies. Employees who are absent on long-term sickness

who do not apply to take their annual leave before the leave year-end, who do not provide the required amount of notice to request leave or to carry over any unused leave will lose their entitlement.

- e) As above it should also be noted that employees who are absent on long-term sickness can still apply to take annual leave during their absence in the normal manner. Employees who go into half pay will be reminded of this provision at that time by the Trust Finance Team.

## **6. EMPLOYEES WHO BECOME SICK WHILST ON ANNUAL LEAVE**

Where an employee becomes ill during a period of annual leave, they may be entitled to claim the leave lost due to sickness absence in certain circumstances i.e. where they have reported their sickness absence in line with the school's Management of Sickness Absence Policy **and** on production of a Doctors certificate for the period. The School will not be liable for any costs incurred during this process. Should any member of staff be taken ill while on annual leave, they should contact the Headteacher as soon as is practicable.

## **7. TEACHERS**

Teachers nationally do not have a contractual entitlement to paid annual leave or a specified annual leave year. However teachers are entitled to 28 days (5.6 weeks) of statutory annual leave under the Working Time Regulations 1998. This is not an additional entitlement to annual leave on top of the current school closure arrangements. Therefore, the entitlement to statutory annual leave can be offset by any periods of school closure, whether they occur before or after the period of sickness. Where there is insufficient school closure time to allow the statutory annual leave to be taken, employers should allow the teacher to carry forward the leave to be taken in a school closure.

When a teacher commences sick leave the amount of 'leave' a teacher has had in the current leave year will be established by the amount of school closure periods that have already occurred during the leave year. If this exceeds the entitlement to statutory annual leave there will be no further entitlement.

## **8. SUPPORT EMPLOYEES ON TERM TIME ONLY (TTO) CONTRACTS**

Individual schools determine whether they required their TTO staff to work on contracts of 44 weeks or otherwise throughout the year. These options should be discussed between the Headteacher and staff or determined by the school's requirements.

The normal term time only contract is 44 weeks. Staff work for 38 weeks plus 1 inset day, but are paid for 44 weeks, which gives all term time only staff 6 weeks paid leave. The salary is equated out and paid in 12 equal instalments over the full academic year.

Staff with 5 years or more continuous service would be entitled to all the school holidays and would furthermore be entitled to take an additional half day during normal term time by arrangement with the Headteacher (pro rata to hours worked), or by arrangement with the CEO or Trust HR if working for the Trust Central Team.

Staff on term time only contracts of periods other than 44 weeks should refer to their Terms and Conditions of Employment for details of their leave entitlement, which will be calculated pro-rata.

**9. PART TIME STAFF**

Part Time Workers (Prevention Less Favourable Treatment) Regulations 2000, entitle a part time worker to the same paid holidays on a pro-rata basis as a full time worker. This includes the right to statutory holidays. Leave entitlements and statutory holiday entitlements for part time staff are pro-rata to the hours worked.

**10. MATERNITY, PATERNITY AND ADOPTION LEAVE – SUPPORT STAFF**

Employees continue to be entitled to annual leave throughout ordinary and additional maternity leave, known as statutory maternity leave (SML) period, and paternity and adoption leave.

For the duration of the maternity leave period a woman's entitlement to annual leave will remain unaffected.

Any statutory days which fall during the maternity leave period will be added to the employees annual leave entitlement and can be taken either before or after the Maternity Leave, normally during a school closure period (if there aren't enough days then the entitlement will need to be calculated).

**11. MATERNITY, PATERNITY AND ADOPTION LEAVE – TEACHING STAFF**

Teachers have a statutory right of paid leave under the Working Time Regulations (WTR). The current entitlement is 28 days (5.6 weeks).

NB. This is not an additional entitlement to annual leave on top of the current school closure arrangements. For this purpose a year would commence 1st September (commencement of a new academic year).

**12. UNPAID LEAVE**

Unpaid leave deductions will be made from salary at the next appropriate point. Where unpaid leave is taken on a Friday or Monday appropriate deductions for a proportion of the weekend may be made, in line with local agreements.

**13. CASUALS**

Since 1<sup>st</sup> April 2009, all UK workers have been entitled to 5.6 weeks (inclusive of the eight statutory national holidays) paid annual leave per year pro-rata to their hours worked. This is in line with the Working Time Regulations 1998 (as amended) and includes casual workers.

Casual workers have entitlements to annual leave, similar to contracted workers. It is important that schools are aware of their obligations in relation to payment of annual leave, where they employ casual workers directly as opposed to using agencies.

For individuals who work casual or irregular hours it is easier to calculate the holiday entitlement that accrues (that is accumulates) as hours are worked. The holiday entitlement of 5.6 weeks is equivalent to 12.07 per cent of the hours that a casual worker works. This percentage is because:-

5.6 weeks holiday divided by 46.4 weeks\* multiplied by 100 = 12.07%

\*The 5.6 weeks are excluded from the calculation as a worker would not be present during the 5.6 weeks in order to accrue annual leave therefore 52 weeks minus 5.6 weeks is 46.4 weeks.

Headteacher should ensure that records are maintained as to how many hours each casual worker has worked and use the following formula to calculate the number of hours holiday entitlement accrued:

**Number of hours worked x 12.07 divided by 100 = number of hours leave accrued**

For example, a casual worker who has worked 10 hours would be entitled to 72.6 minutes' paid holiday, i.e.;  $10 \text{ hours} \times 12.07 = 120.7$  divided by 100 = 1.21 hours = 72.6 minutes. In effect therefore the holiday entitlement is just over seven minutes for each hour worked.

Headteachers responsibilities in managing this process, where they employ their own casual staff, are to: -

Record individual's hours and the annual leave entitlement accrued if not taken at the time of the claim and agree with individuals when they wish to take holiday and implement arrangements for time off

- Be aware that some employees may wish for their accrued holiday to be paid at the end of each piece of work that they do. In these situations you must ensure that individuals do have a break from work whilst in receipt of holiday pay. Wherever possible arrangements should be made for casual workers to take paid leave
- Ensure that you know if your casual employees are working elsewhere and if so, discuss with them the need to manage their time to be within legal limits (48 hours per week)

The casual employees will need to: -

- Ensure that their line manager/Headteacher keeps an accurate record of the hours that they have worked and agree any holiday arrangements with their line manager/Headteacher
- Tell their line manager/Headteacher if they work elsewhere
- Manage their working time within legal limits
- Understand that holiday entitlement accrues on a maximum of full time equivalent hours worked each week, irrespective of where these hours are worked within the Trust
- Submit claims for the payment of annual leave in situations where it has not been possible to take paid leave

**14. DISCRETIONARY LEAVE**

Annual leave entitlements should not be confused with discretionary leave. Discretionary leave is at the discretion of the Headteacher/Governors and it should be remembered that it is a request and not an entitlement and the needs of the school have to come first. Additional information can be found in the schools discretionary leave policy.

**15. FURTHER INFORMATION/ADVICE**

Further information/advice is available from:-

Dot White – HR Manager (Wardle Trust)  
Tel: 01706 373911 or [whited@wardletrust.co.uk](mailto:whited@wardletrust.co.uk)

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