

# ANNUAL LEAVE/ PRO RATA BANK HOLIDAYS GUIDANCE

This document applies to all Council employees.

<b>Last Review</b>	April 2014
<b>Next Scheduled Review</b>	
<b>Last Updated</b>	September 2020

## Temporary Changes to Policies During Covid 19

There are temporary changes to employment policies during the coronavirus pandemic  
Please refer to the FAQ's/guidance on George which refer to :-

- For staff who are working from home, any annual leave already approved will be honoured.
- New requests for leave will be considered, but could be declined where it is operationally necessary and alternative dates agreed when circumstances allow, balancing the need for staff to take regular leave to support their wellbeing .
- In extreme circumstance, if we require you to cancel you annual leave, we would provide the maximum possible notice and we would only cancel leave with your agreement.
- Carrying Forward Unused Leave – please see guidance
- Isolation when returning from leave – please see guidance

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# GUIDANCE NOTE - ANNUAL LEAVE / PRO RATA BANK HOLIDAYS

## 1. Leave year

- 1.1. The leave year normally runs from 1st April to 31 March but may be varied to suit service needs.
- 1.2. If your leave year is not as above please email [people\\_management@lincolnshire.gov.uk](mailto:people_management@lincolnshire.gov.uk) for the appropriate spreadsheet calculator.
- 1.3. All calculations here are based on 8 bank holidays in the financial year. However, the actual number in a financial year may vary, depending on when Easter falls or additional days, and this should be considered when calculating leave entitlement.

## 2. Entitlement table

Grade	Employees with less than 5 years' continuous Local Government Service (Inc. bank holidays)	Employees with 5 years or more continuous Local Government Service (Inc. bank holidays)
Grades 1 to 7	24 (32)	29 (37)
Grades 8 to 16	27 (35)	32 (40)
Directors and Assistant Directors	30 (38)	35 (43)
Chief Executive	33 (41)	38 (46)

## 3. Notes:

- 3.1. The timing of all leave is subject to the approval of the manager.
- 3.2. The figures quoted assume a five day working week and will be pro rata for employees working more or less than 5 days each week.
- 3.3. Employees may carry forward to a following year or bring into a current year up to five days of their leave entitlement, pro rata for employees working more or less than 5 days each week.
- 3.4. Employees may transfer additional days with the approval of their manager.
- 3.5. In order to ensure fair and consistent treatment for all in accordance with the statutory requirement: all 8 bank holidays have been added to all annual leave and this is shown in brackets in the table above. Pro rata calculations will apply for part time employees.
- 3.6. All employees will transfer to the new calculations with effect from 1<sup>st</sup> April 2014.
  - However, if any part time employee has to use any of their annual leave entitlement to cover bank holidays as part of their normal working pattern, we have agreed for one year protection until 31<sup>st</sup> March 2015, therefore they will not see any detriment.
  - Part time employees who have never received bank holidays will receive pro rata entitlement and take this accordingly in line with the guidance with effect 1<sup>st</sup> April 2014.

- The guidance will be applied to all part time employees with effect from 1<sup>st</sup> April 2015 with no protection.
- 3.7. The Council reserves the right to designate up to two days annual leave in any leave year, when employees will be required to take annual leave from their allocated allowance, when it considers it is economically beneficial to do so.
  - 3.8. All employees are entitled to a minimum of 28 days leave made up of annual leave entitlement and worked bank holidays, pro rata for part time employees.
  - 3.9. The spreadsheet which accompanies this guidance has been designed to assist with all calculations necessary to calculate leave entitlement and can be used to record and authorise total annual leave.

#### **4. Leave at bank holidays**

- 4.1. Paid leave will be granted on nationally declared bank holidays subject to the needs of the service, these are currently:
  - New Years Day
  - Good Friday
  - Easter Monday
  - May Day Holiday
  - Spring Bank Holiday
  - Summer Bank Holiday
  - Christmas Day
  - Boxing Day
- 4.2. The annual leave year runs from 1 April to 31 March, this may vary to accommodate service needs, the annual leave spreadsheet will be completed accordingly by each employee.
- 4.3. The annual leave entitlement for employees is dependent upon their grade and length of service as stated in the entitlement table.
- 4.4. If employees are employed for less than 52 weeks per year and/or less than 37 hours per week their annual leave and bank holiday entitlement will be calculated on a pro-rata basis.
- 4.5. If employees commence or leave employment part way through the leave year they will be entitled to annual leave proportionate to the amount of service completed during the leave year.

#### **5. Qualifying period**

- 5.1. There is no qualifying period before employees are entitled to receive annual leave.
- 5.2. Entitlement arises on the first day of employment.

#### **6. Additional leave entitlement**

- 6.1. Additional leave entitlement is a maximum of 5 days leave added on to the basic annual entitlement and is effective on a pro rata basis, from the day the employee attains 5 years of continuous service.

## 7. Bank holiday entitlement

- 7.1. All employees are entitled to bank holidays, employees who work part time will have a pro-rata leave entitlement proportionate to the number of hours they are contracted to work. If a bank holiday falls on a Saturday or Sunday, then the leave day will fall on the day designated as a bank holiday .e.g. if the 26th December is a Saturday then the 28th December which is the Monday will be the bank Holiday.
- 7.2. Employees who work on days designated as bank holidays may be entitled to enhanced payments for time worked. Please refer to the Local Scheme of Conditions of Service.

<http://www.lincolnshire.gov.uk/jobs/manuals/employment-manual/terms-and-conditions/local-scheme-of-conditions-of-service/59080.article>

- 7.3. Annual leave entitlement is detailed in your terms and conditions of employment and whilst this is straightforward for full time employees, it can be more complicated for part time employees, particularly where the work pattern includes different numbers of hours worked on different days. **Full Time employees that work a standard week (5 days Monday – Friday) will be expected to deduct all bank holidays from their leave entitlement at the beginning of the leave year by adding all bank holidays into the "Detailed Record of Leave" section**, this will ensure they have the correct annual leave to take for the remaining of the year. Please refer to [spreadsheet to support all calculations](#).
- 7.4. Part-time employees working a standard 5 day working pattern (working Monday to Friday, and the same number of hours each day) will need to have their pro rata entitlement calculated. As with full-time employees they work on each day, therefore are entitled to each of the bank holidays as they fall. They will be expected to deduct the appropriate number of hours pro rata for each bank holiday from their leave entitlement by using the spreadsheet.
- 7.5. Where someone works full days but fewer than 5 days per week, holidays can be pro-rata and worked out in hours.
- 7.6. Where part-time employees spread their work over several days with a different number of hours being worked each day it can be difficult to establish what should be deducted for a day's leave as the length of each working day can vary significantly. For each day/half day taken as leave, the number of hours deducted from the total entitlement should be the equivalent of how many hours the employee would be expected to work on that day.
- 7.7. An employee may be entitled to more hours as part of their bank holiday entitlement than the number of hours needed to cover bank holidays that fall on their working days. The extra hours may then be used as annual leave to be taken at a time agreed by their line manager.
- 7.8. If an employee is entitled to fewer bank holiday hours than are required for the number of bank holidays which fall on his/her working days, they will be required to use some annual leave to cover these bank holidays. Overall each employee will have the same proportion of total leave entitlement (bank holidays and annual leave) based on their contracted hours.

7.9. Bank holiday entitlement will be adjusted each year where additional bank holidays are agreed nationally. Guidelines follow for the following different situations to assist you in these calculations:

- Full Time
  - Standard working week
  - Non-standard week e.g Tuesday – Saturday
- Compressed Hours
- New starters or employees changing their hours part way through a year
- Part Time pro rata entitlement
  - Part Time – Variable Hours
  - Part Time – Standard Week (Mon – Fri)
  - Part Time – Irregular Hours
  - Part Time – Non Standard Week

## **8. Full time employees**

8.1. All Full time employees will have a bank holiday entitlement incorporated within their annual leave entitlement. They will be expected to take off each bank holiday from their entitlement at the beginning of each leave year.

### **Standard working week (37 hours Monday to Friday)**

8.2. Employees in this group will work every week day unless this is a bank holiday or they have booked annual leave from their leave entitlement or any other additional leave (flexi leave, day off in lieu).

8.3. Note. This policy does not cover sick leave, disability leave or maternity leave for these arrangements please refer to the relevant policy.

### **Non-standard working week (average 37 hours 5 days per week)**

8.4. A non-standard working week may be Tuesday to Saturday or may be different days each week which total an average of 37 hours a week. Employees in this group will need to operate their leave by using the total leave entitlement which includes both annual leave and bank holiday entitlement for that year. Total leave entitlement will need to be used to cover any bank holidays that fall on a normal working day and annual leave. Once the total leave has been used to cover any bank holidays that fall on working days, the remaining leave can be booked on any other working day as agreed by the manager in line with the needs of the service.

### **Compressed hours**

8.5. Employees working compressed hours may work full time hours over fewer than 5 days a week, such as a 9 day fortnight. Total leave entitlement should operate in hours and when leave is booked, the number of hours booked should be the average number of hours worked on each working day. As with other employees on non-standard working weeks, employees in this group will need to operate their leave by using the total leave entitlement which includes both annual leave and bank holiday entitlement for that year. Total leave entitlement will need to be used to cover any bank holidays that fall on a normal working day and annual leave. Once the total

leave has been used to cover any bank holidays that fall on working days, the remaining leave can be booked on any other working day as agreed by the manager in line with the needs of the service. A week of leave should be booked as the number of days/hours which would normally be worked that week.

**Example:**

Mr A (Grade 4) with less than 5 years continuous service working a compressed working pattern, i.e.

37 hours over 4 days per week, is entitled to 32 days annual leave.

The standard working day is 7.4 hours (7 hours 24 minutes)

$32 \times 7.4 = 236.8$  hours holiday entitlement (excluding bank holidays).

If you work 37 hours over 4 days per week your normal daily working hours will be 9.25 hours (37/4).

Mr A will be entitled to  $236.8/9.25 = 25.6$  days of 9.25hrs annual leave.

In this case each leave day taken you should deduct 9.25 hours from the total entitlement.

Alternatively you can use the full time entitlement figure of 236.8 hours. When the employee takes one day holiday, deduct 9.25 hours rather than 7.4 hours.

Or

If Mr A works a 9 day fortnight:

For a bank holiday that falls on a working day you can record it as either:

8.22hrs. ( $37 \times 2 = 74$ ,  $74/9 = 8.22$  being the average working day)

Or

The hours that you were due to work that day

## 9. New starters or employees changing their hours or leave entitlement part way through a year

- 9.1. If you have any new starters if any of your employees change their hours of work or where an employee reaches their 5 year continuous service date you will need to calculate their part year total leave entitlement.

**Example:**

New appointment to full time post

If Mr C started on 1st October

He would be entitled to a proportion of annual leave for Oct - Mar = 6 months

PLUS a proportion of the Bank Holidays which fall into that period

$24 \text{ days} / 12 \times 6 = 12$  days Annual Leave

$8 \text{ days} / 12 \times 6 = 4$  days Bank Holidays

Total Leave = 16 days

Please use the spreadsheet provided.

## 10. Part time pro rata entitlement

- 10.1. Part time employees will be given a pro rata amount of the overall number of bank holidays, even if the bank holiday does not fall on their usual working day.
- 10.2. At the start of each leave year;
- Calculate total leave entitlement in hours (including bank Holidays) for the annual leave year
  - Deduct from this the hours for bank holidays, which based on the employees working pattern fall on a working day.
  - The remaining hours of leave are then free for the employee to arrange annual leave subject to the usual requirement to seek approval.
- 10.3. Each holiday year this varies as the bank holidays will fall on different days of the week.
- 10.4. The calculation:
- 10.5.  $\frac{\text{Contracted hours}}{5} \times \text{annual leave entitlement for full time employee} =$
- 10.6. PLUS  $\frac{\text{contracted hours}}{5} \times \text{bank holidays} =$

### Example:

Mr D (Grade 8) has over 5 years continuous service works 27 hours a week over 4 days (Mon 6 hrs. Tues 6hrs. Thurs 6 hrs. and Fri 3 hrs.)

$$\frac{27}{5} \times 32 = 173 \text{ hours PLUS } \frac{27}{5} \times 8 = 43 \text{ hours}$$

TOTAL LEAVE = 216 Hours

Every time Mr D takes a day off for annual leave or a Bank holiday when he would normally work, remember to deduct the number of contracted hours he would have worked that day from his total leave allowance.

e.g. On Easter Monday – 6 hours would need to be deducted from the total leave entitlement.

- 10.7. Employees in this group will need to operate their leave by using the total leave entitlement which includes both annual leave and bank holiday entitlement for that year. This will be reduced pro rata based on the proportion of full time they work.

## 11. Part time employees with variable hours

- 11.1. Employees that work a different number of hours each day should operate their leave entitlement in hours. Where they book a day of leave they would need to book the number of working hours which are agreed for that day based on their normal working pattern.
- 11.2. When booking a week of leave this could either be the number of hours in an average week or the hours which would have been scheduled for that week.



## 12. Part time employees that work days that are not usually bank holidays (e.g. Tuesday to Thursday)

12.1. Total leave entitlement will need to be used to cover annual leave and any bank holidays that fall on a normal working day. Once the total leave has been used to cover any bank holidays that fall on working days, the remaining leave can be booked on any other working day as agreed by the manager in line with the needs of the service.

## 13. Part time employees that work days when bank holidays usually fall (e.g. Monday and Friday)

13.1. Total leave entitlement will need to be used to cover any bank holidays that fall on a normal working day and annual leave. A larger proportion of total leave entitlement may need to be allocated to bank holidays than for employees who do not work on a Monday. The impact of this could be reduced by using flexi leave where this applies.

## 14. Employees contracted to work part year

14.1. In most cases employees will not be able to book annual leave during their working weeks, their paid weeks and working weeks will be calculated based on their pro rata total leave entitlement which includes bank holidays. Equated pay is calculated taking this into account.

## 15. Part time working with non-standard week (e.g. employees working a 9 day fortnight)

15.1. Employees who work less than full time over a period of more than one week will need to calculate their leave entitlement based on their normal working pattern.

### Example:

Mrs B (Grade 8) has 5 years continuous service, and her work pattern rolls over two weeks. She works 5 full days (7.4 hrs.) on week 1 then 4 days (7.4 hrs.) on week 2. She works 90% of full time

To work out her annual leave you will need to look at her hours in a fortnight period (10 days).

66.6hrs (hours worked in a fortnight) x 32 days = 213.12hrs./ 29 days  
10 days

PLUS 66.6hrs. x 8 = 53.28hrs./7.2 days  
10 days

TOTAL LEAVE = 266.4hrs

**In this case each day taken is 1 day or 7.4 hours**

Please contact your HR Adviser if you require additional support.