

Coronavirus (Covid-19)

Annual Leave Guidance

Updated February 2021

carmarthenshire.gov.uk

Cyngor **Sir Gâr**
Carmarthenshire
County Council



Contents

| | |
|--|---|
| Scope | 3 |
| Using holiday | 3 |
| Holiday entitlements | 3 |
| Carrying over holiday..... | 3 |
| If someone is temporarily sent home because there's no work..... | 4 |
| Bank holidays..... | 5 |
| Purchase of annual leave..... | 5 |
| Previously booked holidays | 5 |
| Using holiday for a temporary workplace closure | 5 |
| Quarantine on entering or returning to the UK | 6 |
| Ensuring Equality of Treatment..... | 7 |

Scope

1. This guidance applies to all employees and workers of Carmarthenshire County Council excluding staff employed by locally managed schools where the governing body will determine the guidance.

Using holiday

2. In most situations, employees and workers should continue to use their paid holiday ('statutory / contractual annual leave') in their current leave year during this current health emergency.

This is important because taking holiday helps people:

- get enough rest;
 - keep healthy (physically and mentally);
3. During the coronavirus outbreak, it may not be possible for staff to take all their holiday entitlement especially if they may be getting to the end of their leave year with holiday still left to take.

Holiday entitlements

4. The holiday year starts on an employee's birthday. Annual leave entitlement for full-time employees of the Council is as follows:

| <u>Completed Years' Service</u> | <u>Contractual Annual Leave Entitlement (Days)</u> | <u>Bank Holidays and Extra Statutory Days</u> | <u>Total (inclusive of extra statutory days)</u> | <u>WTR Statutory Holiday under Reg. 13</u> |
|--|---|--|---|---|
| 0 - <5 | 26 | 8 | 34 | 20 |
| 5 + - <10 | 31 | 8 | 39 | 20 |
| 10 + | 34 | 8 | 42 | 20 |

5. Annual leave entitlement (including bank holidays is pro-rata for part time employees. Additional long service leave entitlement, following both 5 years and 10 years' service will be granted pro rata from the date the employee completes 5- or 10-years' continuous service.

Carrying over holiday

6. The government has introduced a temporary new law to deal with coronavirus disruption.

7. All holiday must be taken during the holiday year in which it is accrued, and this principle remains except for the circumstances outlined below. In the exceptional circumstances linked to Covid-19 a maximum of 4 weeks' may be carried over from one holiday year to the next, but this can be done only with the prior written approval of the Director or nominated representative. In this case, any holiday carried over linked to Covid-19 must be taken no later than 2 leave years from the date of carry over.

8. For example, this could be because:

- they're self-isolating as they are sick due to experiencing covid like symptoms and have insufficient time to take any remaining leave in the current annual leave year;
- they've received a letter from the NHS or GP confirming they fall within the extremely vulnerable group, are strongly recommended to self-shield for a defined period and not attend the workplace and have insufficient time to take any remaining leave in the current annual leave year (self-shielding itself does not prevent an employee from requesting annual leave during this period if they so wish and any pre-booked leave should continue to be taken);
- they are too sick to take holiday before the end of their leave year;
- they've had to continue working and are precluded from taking paid holiday by their service during the Covid emergency period to support essential service delivery.

9. This does not extend to staff who are furloughed, not sick or are a household member or carer for anyone in the above categories as whilst they may not be expected to attend the workplace the circumstances don't preclude individuals from taking annual leave.

10. Carmarthenshire County Council already has discretionary provisions (with prior approval) for the carryover of up to 5 days annual leave (pro rata part time). This law does not affect any agreements already in place. This provision remains for staff that are not precluded from taking their annual leave for the reasons detailed above. In this case, any holiday carried over must be taken no later than 3 months from the date of carry over. These 5 discretionary days are included in the 4 weeks' carry over as a consequence of exceptional circumstances described in paragraph 8 due to covid-19.

11. If an employee or worker leaves their job or is dismissed during the 2-year period, any untaken paid holiday including any agreed to be carried over as a result of covid-19 must be added to their final pay ('paid in lieu').

[If someone is temporarily sent home because there's no work](#)

12. If someone is temporarily sent home because there's no work they'll continue to build up ('accrue') holiday in the usual way and they should take annual leave as normal within their leave year.

Bank holidays

13. Employees and workers required to work on a bank holiday will be paid at double time i.e. receive normal pay for the day plus an additional single time payment for the hours worked, **in lieu** of the bank holiday.
14. If employees and workers cannot take bank holidays due to a coronavirus reasons detailed in paragraph 8, they should use the holiday at a later date in their leave year.
15. If this is not possible, bank holidays should be included in the 4 weeks' paid holiday that can be carried over. This holiday can be taken at any time over a 2-year period.

Purchase of annual leave

16. Once purchased leave cannot be "sold back" to the Council. The additional leave will be added to the employee's annual leave balance. There will be no increase in the annual leave "carry forward" provisions unless the employee has been prevented from taking this leave due to the reasons detailed above. The employee can however allocate alternative dates to take this time off provided it falls within their current leave year and this can be accommodated in line with service delivery.

Previously booked holidays

17. If an employee or worker no longer wants to take time off they'd previously booked, for example because their holiday's been cancelled, they can request to change this time off. This is however **not** an automatic right and their line manager may still require them to take the time off so that requests for annual leave within the team can be managed across the leave year and to ensure that the employee has a break from work.
18. If the employee wants to change when they take this time off, they'll need to get agreement from their Line manager.

Using holiday for a temporary workplace closure

19. The Authority has the right to tell employees and workers when to take holiday if it needs to.
20. The Authority could, for example, shut for a week and tell everyone to use their holiday entitlement.
21. If the Authority decides to do this, they must tell staff at least twice as many days before as the amount of days they need people to take.

22. For example, if they want to close for 5 days, they should tell everyone at least 10 days before.

23. This could affect holiday staff have already booked or planned. So the Authority will:

- explain clearly why it needs to close
- try and resolve anyone's worries about how it will affect their holiday entitlement or plans

Quarantine on entering or returning to the UK

24. The government's advice on overseas travel changes frequently. Please ensure that you keep up to date with the [latest travel guidance](#) prior to booking annual leave.

All requests for annual leave are approved at the discretion of the line manager in line with this guidance and [Authority's Annual Leave and Holiday Pay Policy](#). Managers will need to take a number of considerations into account, before approving a request such as maintaining service delivery and the need for employees and workers who may have worked throughout the crisis to have time for rest and recuperation.

However, it has not been appropriate, until now, for the line manager to ask where the employee's or worker's leave will be taken. Therefore, because of the new rules it is now imperative that when an employee submits a request for leave that involves travelling abroad, the line manager reminds them of the government's advice including whether there is a requirement to self-isolate on their return.

Some countries may also require travellers to quarantine on arrival, which would impact on the expected length of stay and should be taken into account by the employee or worker when booking leave.

Employees and workers booking holidays from this point forward should be going abroad fully aware of the quarantine requirements on re-entering the UK.

Where there is a requirement to self-isolate following a holiday abroad, prior to booking leave the employee or worker should discuss with their line manager all opportunities to facilitate the employee or worker to work from home on return.

Where an employee or worker cannot do their normal work at home, the line manager should consider whether it would be reasonable to redeploy them to alternative duties that they could carry out at home.

The line manager can explore the option of the employee or worker working back time in lieu or purchasing some of 10 days' leave over a period of time, so they do not incur a reduction in pay in one pay period, but this may not always be feasible.

Having explored the above options, the line manager can require employees and workers who are quarantining and unable to work from home to:

- take additional paid annual leave (from their usual leave allowance);
- take unpaid leave;
- make up the 10 days' leave over a period of time, so they do not incur a reduction in pay;
- In exceptional circumstances the line manager may consider special leave (paid / unpaid) in line with the Authority's [Time Off policy](#).

These arrangements should be clear, understood and agreed by both parties before the employee or worker embarks on leave that will require quarantine.

There is no one-size-fits-all answer to this issue so for those employees or workers who cannot work from home during quarantine, line managers should consider using a combination of some or all of the different types of leave options shown above and give sympathetic consideration to certain circumstances which could include:

- an employee who has extenuating circumstances such as a family funeral abroad;
- pre-booked holidays that cannot be cancelled without incurring financial cost (ie. insurers will not reimburse cost) that were arranged before quarantine could have been envisaged;
- pre-booked holidays that the tour operator has not cancelled but has instead rescheduled on fixed dates which, if cancelled by the customer, would be at financial cost to them;
- Where travel is not allowed due to Government coronavirus restrictions, we expect our employees to adhere to the regulations and guidance in force at the time of travel.

[Ensuring Equality of Treatment](#)

25. This guidance must be applied consistently to all employees irrespective of race, colour, nationality (including citizenship), ethnic or national origins, language, disability, religion, belief or non-belief, age, gender, gender reassignment, gender identity or gender expression, sexual orientation, parental or marital status, pregnancy or maternity.

If you require this information in an alternative format (for example large print), please contact People Management on email CEDutyHR@carmarthenshire.gov.uk