

# Annual Leave and Holiday Pay Policy

April 2023

[carmarthenshire.gov.uk](http://carmarthenshire.gov.uk)

Cyngor **Sir Gâr**  
**Carmarthenshire**  
County Council



## Annual Leave and Holiday Pay Policy

### Scope

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

### General

2. The holiday year starts on an employee's birthday. Annual leave entitlement for National Joint Council for Local Government Services (NJCCCC) 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>Statutory Holiday Entitlement (inc. 8 Bank Holidays)*</u>
0 - <5	27	8	35	28
5 + - <10	32	8	40	28
10 +	35	8	43	28

\* Relevant for paragraphs 18 to 22

J.N.C. for Chief Officers of Local Authorities (CO-SC) and Soulbury Committee (SOULB-SC)

<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>Statutory Holiday Entitlement (inc. 8 Bank Holidays)*</u>
0 - <5	26	8	34	28
5 + - <10	31	8	39	28
10 +	34	8	42	28

\* Relevant for paragraphs 18 to 22

3. 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.

4. All holiday must be taken during the holiday year in which it is accrued. In exceptional circumstances a maximum of five days 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 must be taken no later than 3 months from the date of carry over.

5. All holiday dates must be approved in advance by the employee's line manager in line with departmental holiday notification procedures. As much notice as possible of proposed holiday dates must be given to ensure adequate staffing coverage at all times. As a minimum such notice should be at least twice the number of days' leave that the employee wishes to take as annual leave however local procedures may require a longer period to ensure adequate cover arrangements and preparation of rotas.

### **Holiday Pay in Lieu**

6. There will be no payment in lieu of any holiday not taken (except on termination).

### **Public and Bank Holidays**

7. The Council recognises eight public/bank holidays a year, the dates of which vary from year to year (see below).

- New Year's Day
- Good Friday
- Easter Monday
- Early May Bank Holiday
- Spring Bank Holiday
- August Bank Holiday
- Christmas Day
- Boxing Day

8. All recognised public and bank holidays are permitted as paid holiday in addition to the annual holiday entitlement specified above (pro-rata for part time staff). Certain members of staff may be required to work on recognised public and bank holidays. Payment for working on such days and/or arrangements for time off in lieu are in accordance with their specific terms and conditions of employment.

### **Holiday Entitlement in Year of Commencement**

9. If the employee joins the Council part way through a holiday year, s/he will be entitled to a proportion of his/her holiday entitlement based on the period of his/her employment in that holiday year.

### **Holiday Pay on Termination of Employment**

10. If the employee leaves the Council's employment part way through a holiday year, s/he will be entitled to be paid for any accrued annual leave for that holiday year that has not been taken by the date of termination.

11. If, on the employee's date of termination, s/he has taken paid holiday leave in excess of earned entitlement, s/he will be required to reimburse the Council (by means of deduction from salary if necessary) in respect of such holiday.

12. No payment in lieu of accrued contractual holiday will be made to the employee (and where appropriate a deduction will be made from salary) in the event of his/her termination for gross misconduct or in the event of the employee giving inadequate notice of termination or leaving before the contractual notice period has expired. Contractual holiday for these purposes means all and any leave entitlement provided for in the employee's contract that is over and above the minimum statutory leave period provided for in the Working Time Regulations 1998 (i.e. 5.6 weeks or a maximum of 28 days).

### **Sickness and Holiday**

13. Where an employee falls sick or is injured while on holiday, the Council will allow the employee to transfer to sick leave and take replacement holiday at a later time. This policy is subject to the following strict conditions:

- The total period of incapacity must be fully certificated by a qualified medical practitioner.
- The employee must contact the line manager by telephone, on the first day of any known period of incapacity during a holiday.
- The employee must submit a written request to his/her line manager no later than 14 calendar days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time.
- Where the employee is overseas when s/he falls ill or is injured, evidence must still be produced that the employee was ill by way of either 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 to be incurred by the employee.

14. Where the employee fulfils all of the above conditions, the Council will grant the employee the same number of days' replacement holiday leave in the current leave year as the number of holiday days lost due to sickness or injury. The replacement leave must be taken in the employee's current leave year wherever practicable. Where carry over of leave is necessary due to the granting of replacement holiday leave, only the statutory element of any untaken leave may be carried over (with statutory annual leave being assumed to have been the first taken in any leave year).

15. If an employee is ill or is injured before the start of a period of planned holiday, the Council may agree to the employee postponing the holiday dates to another mutually agreed time (in that leave year whenever possible). Any period of sickness absence will then be treated in accordance with the Council's Sickness Absence Management Policy. The employee must request the postponement of the planned holiday with his/her line manager and this must be accompanied by the relevant self-certification or doctors' certification for the period of sickness absence.

16. An employee must request to take any replacement holiday in accordance with this policy and should endeavour to take the replacement holiday in the same holiday year in which it was accrued. However, where the line manager accepts that an employee has good reason for not being able to do so, the Council will allow the employee to carry the statutory element of any untaken leave forward into the next holiday year. The Council may require an employee to take all or part of his/her replacement holiday on particular days as determined by the line manager and service requirements. At least the minimum notice period under the Working Time Directive will be provided in such cases (i.e. twice the number of days' notice of the period of leave)

### **Holiday Entitlement and Long-Term Sick Leave**

17. An employee who is absent on sick leave will continue to accrue his/her full statutory holiday entitlement in line with the UK's Working Time Regulations, i.e. 28 days per annum inclusive of the 8 Bank Holidays listed in paragraph 7 above. However, contractual holiday entitlement (as detailed in paragraph 2 above) over and above the minimum statutory holiday entitlement will not accrue during any paid or unpaid period of sick leave once an employee has been continuously absent for a period of 4 weeks. For the purpose of calculating the period of continuous absence, the Council will disregard a return to work that is less than ten working days, or a period of paid holiday while on sick leave.

18. Where the employee returns to work following long term sick leave, statutory holiday entitlement accrued should be taken in the same leave year where practicable. The Council may require an employee to take all or part of his/her accrued holiday on particular days as determined by the line manager and service requirements. (See paragraph 17 for notice periods in such cases).

19. Where the employee is absent for the whole leave year or there is insufficient time for the leave to be taken in the same year, the employee will be permitted to carry forward the statutory element of any accrued leave in to the next leave year.

20. An employee on paid or unpaid sick leave may apply to take his/her accrued paid holiday entitlement while on sick leave. The holiday dates must be approved in accordance with this policy. For the purposes of sickness absence management this will be regarded as a continuous period of sickness absence and will not change an employee's entitlement to sick leave or pay.

21. Employees on paid or unpaid sick leave are permitted to travel for holidays or other purposes, but should be aware that if they do something inconsistent with their stated reasons for sickness absence or something that worsens their illness or prolongs their absence, the Council reserves the right to stop statutory sick pay and / or occupational sick pay, and in some cases this may result in disciplinary action.

## **Use of Annual Leave for Phased Returns to Work after Long Term Sickness Absence**

22. Phased returns are used for a variety of reasons when someone has been off sick and last for different lengths of time depending on the individual's reasons for absence. Where agreement is reached for a phased return following long term sickness this will be managed according to the particular employee and their particular circumstances in line with the Council's Sickness Absence Management Policy. It is recognised that it is not appropriate to require employees to use their annual leave during this time. However, the employee and the Council may agree that accrued annual leave could be used to arrange a period of part time working at the end of the period of phased return.

## **Ensuring Equality of Treatment**

23. 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 and gender identity, 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 by emailing [CEDutyHR@carmarthenshire.gov.uk](mailto:CEDutyHR@carmarthenshire.gov.uk)**