

# Surrey County Council

## Annual leave Policy

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## Glossary

Acronym or term	Definition
SCC or Surrey County Council	Defined as the Employer in this policy. It can also be referred to as the council and/or organisation.
Leave year	1 January to 31 December
Statutory annual leave	This is the legal minimum paid leave entitlement of 28 days (5.6 weeks) a year required under the Working Time Regulations 1998. It is made up of: <ul style="list-style-type: none"> <li>• The basic statutory leave entitlement under the Working Time Directive of 20 days (4 weeks), plus</li> <li>• Bank holidays of 8 days (1.6 weeks).</li> </ul>
Bank holidays	The 8 public holidays per year paid by the council which are included in the statutory annual leave entitlement and are in addition to the contractual annual leave entitlement. The term “bank holiday” includes “public holidays” and the two terms are often used interchangeably in general usage.
Contractual annual leave	The paid annual leave entitlement provided by the council according to length of service. Paid leave for bank holidays (normally 8 per year) are then added to this figure. For example, a new full time employee to the council is entitled to: <ul style="list-style-type: none"> <li>• 26 days contractual annual leave entitlement</li> <li>• 8 days bank holidays</li> </ul> The total number of days paid leave entitlement (34 days in this case) includes the 28 days statutory annual leave entitlement.
Holiday pay	Where employees receive a payment for accrued annual leave when they are unable to take it as booked time off.
Additional hours	Hours worked in excess of an employee’s normal weekly contractual hours <b>up to the full time equivalent</b> hours for their terms and conditions of employment (normally 36 hours for Surrey Pay staff).
Overtime	Hours worked <b>in excess of an employee’s full time equivalent</b> hours for their terms and conditions of employment (normally 36 hours for Surrey Pay staff).
Regular overtime	Where an employee works an average of more than 36 hours in a week (or their normal full-time equivalent hours) for more than 25% of their working time in a month.

<b>Policy Scope and Purpose</b>	
<b>Scope and Purpose:</b>	<p>This policy outlines the council's annual leave entitlements. It describes entitlements and exceptions, gives guidance on how to calculate and apply for annual leave, and also explains bank holiday entitlements.</p> <p>It ensures that all employees are clear of the key requirements of the policy and procedures and how their entitlements are calculated.</p>
<b>Legislative requirements:</b>	Working Time Regulations 1998
<b>Who uses this policy:</b>	<p>All council employees working on Surrey Pay terms and conditions, including those working on a full-time, part-time, fixed-term, term time, annualised and bank (zero hours) basis. For groups of staff on other terms and conditions of employment (e.g. teachers, fire fighters or following a TUPE transfer), employees should refer to their Statement of Terms and Conditions of Employment or seek advice on from MyHelpdesk HR or their relevant HR team.</p>
<b>Roles and responsibilities:</b>	<ul style="list-style-type: none"> <li>• Line Managers are responsible for implementing the policy in a fair and consistent manner.</li> <li>• All employees are responsible for engaging with and adhering to this policy and procedures</li> <li>• This policy is subject to collective bargaining with the Trade Unions.</li> <li>• The Human Resources team are responsible for ensuring compliance with this policy and procedure and providing guidance and direction.</li> </ul>
<b>Is there a procedure attached to this policy?</b>	<ul style="list-style-type: none"> <li>• Yes – see Annual leave guidance document</li> </ul>

## 1. Introduction

**1.1.** This policy, procedure and associated guidance provide you with information about the annual leave to which employees are entitled and how annual leave is managed within the council, balancing the needs of the service and the staff.

## 2. How it's worked out

### 2.1. Leave year

The annual leave year runs from 1 January to 31 December and leave is specified in hours for both full and part-time staff (a standard working day is 7.2 hours).

### 2.2. Leave entitlements

The annual leave entitlements for full time employees (pro-rata for number of hours and/or part-year worked) are shown in the table below:

Grade	Annual Leave Entitlement FTE
New employees (excluding children's service social workers on career pay model grades PS8SC to PS12SC) from date of commencement	187.2 hours (26 days)
Children's service social workers on career pay model grades PS8SC to PS12SC from date of commencement	201.6 hours (28 days)
Employees who have 2 or more years' continuous service* (including Children's service social workers)	201.6 hours (28 days)
Employees who have 5 or more years' continuous service* (including Children's service social workers)	216 hours (30 days)

\* Continuous service includes service with one or more local authorities or other organisation covered by the Redundancy Payments Modification Order.

### 2.3. Effective dates for longer service leave

The enhanced rate of annual leave will apply from the date on which you complete two or five years' continuous service. In cases where the second or fifth anniversary of appointment falls part-way through the leave year, you will be entitled to a proportion of the full year's enhanced entitlement from the date that the required continuous service is met.

## **2.4. Joining and leaving during the leave year**

When you join the council you will be entitled to 1/12 of the appropriate annual leave entitlement for every month completed before the following December. In addition, any fractional part of a month worked will earn pro-rata leave. When you leave the council you will have a similar entitlement calculated on the number of months worked between January and the date on which you leave.

## **2.5. Accrual of annual leave entitlement**

You will usually accrue entitlement to annual leave as you accrue continuous service. Entitlement to contractual annual leave continues to accrue even during periods when you are not receiving pay, for example during the unpaid period of maternity leave, adoption or parental leave, or when entitlement to occupational sick pay has been exhausted. However, if you have been granted unpaid leave, for example to enable you to travel or undertake a sabbatical, your annual leave entitlement will reduce on a pro-rata basis for periods of unpaid leave of 30 days or more.

These examples are illustrative only and should not be regarded as exclusive or exhaustive. If you are absent from work long term, i.e. for all or a large proportion of the leave year, you should seek advice from your line manager on your position regarding annual leave, and managers should obtain HR advice before making decisions on individual requests.

## **2.6. Transferring between local authorities**

Employees who transfer to the council's service from another local authority are not able to bring any outstanding leave entitlement with them. Similarly, employees who leave the council and join another local authority cannot carry forward any outstanding leave entitlement to their new employer. Exceptions may be considered for employees who temporarily transfer into/out of Surrey County Council on external secondments.

## **2.7. Part year (term time), annualised hours and bank (zero hours) employment**

If you work on a part-year (normally term time), annualised hours, or bank (zero hours) basis you will normally receive the monetary value of your leave entitlement along with your pay for the hours worked. Please refer to the Annual leave Guidance and your Statement of Particulars of Employment for further information about how your holiday pay is calculated and paid.

## **2.8. Calculator**

An annual leave [calculator](#) is available on SCC Info.

### 3. Pay during leave periods

#### 3.1. Pay during leave periods

During periods of annual leave you will receive your normal pay which includes, if applicable, regular additional contractual hours payments, and any regular payments made for standby duty or for any other non-standard working arrangements.

### 4. Carrying forward leave

**4.1.** You are encouraged to take your full leave entitlement during the leave year and must (except in the circumstances outlines in clauses 4.6 and 4.7 below) take the minimum basic statutory entitlement of 20 days leave per annum (pro-rata if you work part time or part year) in the year to which it relates.

**4.2.** However, if operational reasons prevent you taking your full leave entitlement during the year, you may request to carry forward up to a maximum of 5 day's annual leave (pro-rata to hours worked and/or part-year worked).

**4.3.** Any excess over the 5 days (or pro-rata) which is outstanding at the end of the leave year will be automatically lost.

**4.4.** Any requests to carry forward leave entitlement must be agreed in advance by your line manager.

**4.5.** In cases where leave is carried forward, such leave must be taken by 31 March of the new leave year. Any leave which has been carried forward and remains outstanding at the 31 March deadline will be automatically lost.

#### 4.6. Leave carry forward – sickness absence

If you cannot take all of your annual leave entitlement because you are or have been absent from work due to sickness, you can carry over up to 20 days leave (pro rata if you work part time or part year) to the next leave year. In these circumstances, you must use the carry forward leave within 24 months of the end of the year in which it accrued, otherwise it will be lost.

#### 4.7. Leave carry forward – maternity/adoption and paternity leave

If you cannot take all of your annual leave entitlement because you are or have been on maternity/adoption or paternity leave, you can carry over up to 28 days leave, i.e. your statutory annual leave entitlement which includes bank holidays (pro rata if you work part time or part year) to the next leave year. In these circumstances, you must use the carry forward leave within 12 months of the end of the year in which it accrued, otherwise it will be lost. Please refer to the maternity/adoption and paternity leave policies for further information.

## 5. Fixed-days

- 5.1.** The council retains the right to fix up to 21.6 hrs (3 days) annually, for all Surrey Pay staff or for designated staff groups, following consultation with the trade unions. The intention is to use this provision to meet operational needs e.g. to enable Christmas and New Year closure so office staff can have a five-day Christmas break.

## 6. Leaving employment

### 6.1. Outstanding leave not taken

If you resign or are dismissed from your post with the council you should normally take any outstanding leave to which you are entitled during your notice period. If operational reasons prevent that from happening, payment in lieu of the contractual leave not taken will be made based on the total number of hours outstanding.

- 6.2.** There may be circumstances, for example dismissals for gross misconduct or where an extended period of paid sick leave has already been granted, where payment in lieu of any leave not taken is based on statutory annual leave rather than contractual leave. In these circumstances it is recommended that managers seek HR advice.

### 6.3. Excess leave taken

If you resign or are dismissed from your post with the council, and you have taken more than your leave entitlement, you will have your final pay adjusted to take account of the additional time taken. Managers may, however, decide to waive the adjustment if, in their view, the leave has been taken in good faith. The adjustment will not be waived if less than six months' service has been completed.

## 7. Leave taken in excess of entitlement

- 7.1.** For staff who, for whatever reason (e.g. a mid-year reduction in contractual hours or technical issues with reporting/accounting), have taken more leave than their entitlement, the first option should be for the excess time to be made up within an agreed period. Managers and staff should endeavour to agree on a workable solution.
- 7.2.** Where the adjustment of working hours is not possible, the options for utilising annual leave entitlement or making a pay adjustment should be discussed and agreed with staff.

## 8. Sickness during annual leave

- 8.1.** If you are sick during a period of annual leave you will be able to claim back the annual leave lost due to sickness absence, subject to the conditions below. For example, if annual leave was booked for 5 days and the employee was ill for 2 days, only the 2 days can be reinstated. A minimum of one day's leave can be claimed back if you were ill on that day.
- 8.2.** If you have been ill during a period of annual leave you will need to report it as sickness absence.
- 8.3.** If you are asking for annual leave to be reinstated due to sickness, your line manager may ask for a fit note / medical certificate to cover period of sickness regardless of its length. All instances of sickness absence need to be supported and managed through the appropriate council policies and procedures.
- 8.4.** Inappropriate reporting of sickness absence to accrue extra annual leave will be treated as a disciplinary issue and appropriate action will be taken by managers.

## 9. Holiday pay accrual for additional hours/overtime

### 9.1. Additional hours

If you work less than the full time equivalent hours for your role and you work additional hours, you will receive holiday pay for the additional hours worked up to the full time equivalent hours for your role based on your contractual annual leave entitlement.

### 9.2. Overtime

If you work regular overtime you will receive holiday pay for the regular overtime hours worked based on the statutory annual leave entitlement. Holiday pay does not accrue on overtime that is not considered to be regular.

## 10. Purchase of annual leave

- 10.1.** Access to this benefit is restricted for operational reasons. It is available only to staff on Surrey Pay not in schools. You must seek permission from your line manager to 'buy' annual leave. Full details can be found on the Buying Annual Leave page on the Surrey County Council website.

## 11. Bank Holiday entitlement

- 11.1.** In addition to the contractual annual leave entitlement, you are granted paid leave in respect of bank holidays.
- 11.2.** There are normally 8 bank holidays in a year (New Year's Day, Good Friday, Easter Monday, May Day, Spring Bank Holiday, Summer Bank Holiday, Christmas Day, and Boxing Day).
- 11.3.** Entitlements to the amount of paid leave in respect of bank holidays apply to all council employees, regardless of whether their working patterns include working on designated holidays. Part time employees are entitled to paid bank holiday leave in proportion to that of a comparable full time employee.
- 11.4.** If you are employed on a fixed term/temporary basis you are entitled to paid leave in respect of bank holidays equivalent to that of a comparable permanent employee, but only in respect of those bank holidays which occur during your period of employment with the council.
- 11.5.** If you are required to work on a bank holiday you will be paid in accordance with the arrangements for pay of those on Surrey Pay as set out in the Reward policy.

## 12. Applying for annual leave

### 12.1. Council policy

The council seeks to be an equal opportunities employer and, wherever practicable, will try to accommodate cultural and religious needs in conjunction with its operational requirements. Should there be a need to take time off for cultural/religious reasons, the council would expect the employee to utilise annual leave for that purpose. If there are particular cultural/religious needs which cannot be accommodated through the usual leave arrangements, they should be raised with the line manager in the first instance.

### 12.2. Agreeing annual leave

The timing of annual leave for council employees is subject to the prior agreement of local management who should take into account the need to maintain service delivery, and being sensitive to the personal/cultural requirements of the employee. Managers must ensure that employees' annual leave is appropriately authorised and recorded against their annual leave entitlement.

### **12.3. Education staff**

The majority of employees in education are required as a condition of employment to take their annual leave at times when educational establishments are closed to pupils. This requirement may be varied at the discretion of management on an individual basis only where exceptional circumstances exist.

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