

## Introduction

The policy details the Council's / school's policy in relation to the following:

1. Annual Leave
2. Bank Holidays
3. Time of in Lieu (TOIL)
4. Special Leave

## Aims of Policy

To outline the Council's / school's policy in relation to annual and special leave entitlements (both paid and unpaid)

## Scope

This policy applies to all employees with the exception of those employees working in maintained schools under the direct control of a School Governing Body.

## School Based Employees

Newport City Council commends this policy to individual Governing Bodies for adoption. If adopted by a Governing Body, the policy will apply to all employees under the direct control of that Governing Body save for sections 1 and 2 which do not apply to employees subject to the School Teachers' Pay and Conditions Document.

## To be read in conjunction with

Family Friendly Policy  
Work Life Balance Policy  
Guidance – Jury Service  
Additional Leave Policy  
Carers' Policy

## Principles

To recognise employees' rights to paid time away from work and to recognise that there may be circumstances outside of an employees' control where special leave may be more appropriate.

## 1. ANNUAL LEAVE

### Annual Leave Entitlements

The full time annual leave entitlement is as follows:

Up to 5 years continuous local government service (for employees covered by the NJC for Local Government Workers and Soulbury Committee only)	25 days
Between 5 and 10 years continuous local government service	29 days
Over 10 years continuous service	32 days

*N.B. The above leave entitlements include the former locally agreed Extra Statutory days.*

The additional entitlement for employees who attain 5 years, and subsequently 10 years, continuous service will be calculated from the date of employment anniversary and is calculated pro-rata for the annual leave year.

### Annual leave – Joiners and Leavers

Annual leave entitlement from previous employers, **including other Local Authorities**, must be settled with them before beginning employment with Newport City Council.

The annual leave year date for new employees joining the Council is the 1 April to 31 March.

When employees leave the Council, their annual leave entitlement will be recalculated from the beginning of their annual leave year up to, and including, their last day of employment with the Council.

Employees shall make every reasonable effort to take all remaining annual leave due to them before they leave the Council. Only in exceptional circumstances, where business needs and/or service provision prevent the management from agreeing leave, will payment be made for any remaining holiday accrued but not taken by their final date of employment.

Any annual leave taken over and above the appropriate entitlement will be deducted from the employee's final salary payment.

Annual leave entitlement for employees joining or leaving the Council is calculated on a proportionate basis. Any fraction of a day equal to less than half a day will be treated as a half day. Any fraction of a day equal to over half a day shall be treated as a whole day.

#### **Annual Leave - Part-Time Employees**

Annual leave for employees who work less than 37 hours per week and/or less than 52.143 weeks a year is worked out on a pro-rata basis. For the purposes of calculating annual leave, entitlements will be expressed in hours over the year.

Employees working a term time only pattern shall take annual leave during school holiday periods

Employees who work additional hours will receive a pro-rata entitlement to annual leave, calculated on a monthly basis, expressed in hours and will be paid. Leave entitlement will be based on the statutory minimum (first four weeks of holiday) as per the Working Time Regulations.

#### **Annual Leave - Casual and Relief Workers**

Casual and relief workers leave entitlements will be calculated on a monthly basis, expressed in hours and paid. Leave entitlement will be calculated based on the [ACAS guide to holiday and holiday pay](#).

#### **Annual leave and Sickness Absence**

An employee who becomes sick whilst on annual leave is considered as being on sick leave from the date of a doctor's medical certificate; self-certification alone will not be acceptable. Employees in these circumstances may be asked to attend an appointment with the Council's Occupational Health Physician.

Annual leave entitlement continues to be accrued during periods of sickness absence - please refer to the *Management of Attendance Policy* for further guidance. In cases where an employee's sickness absence spans two annual leave years, further guidance should be sought from Human Resources.

#### **Annual leave and Ill Health Retirement**

Annual leave owed will be paid in addition to payment in lieu of notice in the event of an ill health retirement.

#### **Annual Leave and Maternity Leave**

Annual leave is accrued during the entire period of maternity leave. Please refer to the *Family Friendly Policy* for further information.

### Annual Leave Notification

Employees shall plan their annual leave in advance making every reasonable effort to ensure their full annual leave entitlement is taken within their leave year. When planning annual leave, and in advance of submitting a leave request, employees will take into consideration business needs and service provision.

Employees shall submit annual leave requests to their line manager in advance and in accordance with the **minimum** periods set out below:

Amount of leave	Minimum Advance Period
Under 1 week	1 week
1 week	2 weeks
2 weeks	4 weeks

Leave will not normally be refused unless approval of the leave would impact on service provision or office cover

Where it is necessary to refuse a request for leave the manager will advise the employee of their decision as soon as reasonably practicable.

There may be provision, depending on service requirements, for flexibility in these notice periods and in exceptional circumstances these notice requirements will not be followed.

### Carry Over of Annual Leave to Next Leave Year

In exceptional circumstances, where it has not been possible for employees to take all of their leave within their leave year, employees may request to carry over untaken leave to the following annual leave year. The maximum number of days that an employee can request to carry forward is **five** (pro rata for part time employees).

Employees wishing to carry over untaken leave to the following annual leave year should make a formal written request to their Head of Service / Headteacher, detailing the number of days requested to be carried over and the reasons why it has not been / will not be possible to take these days' leave within the leave year. This application should be made a minimum of four weeks' before the end of the employee's annual leave year. The Head of

Service / Headteacher will then determine the employee's application and confirm their decision in writing to the employee; their decision is final.

Where an employee has more than five days' untaken annual leave at the end of their annual leave year, any untaken annual leave over the five days' (pro rata for part time employees) will be lost. The Council will not make a payment to employees in respect of "lost" untaken annual leave.

### Additional Leave Purchase

Employees, with the exception of those employees working in maintained schools, are able to purchase Additional leave. Details can be found in the [Additional Annual Leave Policy](#).

## 2. BANK (OR PUBLIC) HOLIDAY AND STATUTORY DAYS

### Entitlements

For employees covered by the NJC for Local Government Workers the full time Bank Holiday entitlement, assuming an employee is continuously employed for the period 1 April to 31 March, is 8 days.

An indication of when these holidays fall is as follows:

Easter	2 days	Good Friday and Easter Monday
May Day	1 day	Always a Monday (early May)
Spring Bank Holiday	1 day	Always a Monday (late May)
Summer Bank Holiday	1 day	Always a Monday (late August)
Christmas	2 days	Christmas Day and Boxing Day
New Year	1 day	New Year's' Day

*Employees are entitled to Bank Holidays during maternity absence. Time off in lieu will be given for these days on employees' return to work (pro rata, where appropriate).*

### Bank Holiday Entitlement for Shift Working and Part Time Employees

Where employees work less than 37 hours a week and/or their working weeks are less 52.143 per annum, a pro-rata entitlement to Bank Holiday leave will apply.

Those employees required to work Bank Holidays shall receive, proportionate to their Bank Holiday entitlement, time off with pay at a later date to be agreed with their line manager.

Bank Holiday entitlement accrues over the year and should not be pre-calculated at the start of a financial year.

Managers should be fair and reasonable when drawing up rotas for Bank Holiday cover to ensure that cover is shared fairly amongst the applicable employees.

### 3. TIME OFF IN LIEU (TOIL)

#### What is TOIL?

TOIL applies where an employee has been requested by their manager to work above their contractual hours or outside core hours of work in order to meet the needs of the service. For example to help manage a peak in workload or meet a deadline on a project.

In such a situation, the employee can agree with their manager to record the additional hours worked and take it as time off at a later date *in lieu* instead of additional pay.

#### Application & Scope

TOIL is not intended to replace additional payments or flexi and these should be the first consideration when requesting additional working. The Flexi scheme should provide sufficient working parameters to avoid the need for TOIL, it is not ideal to have flexi and TOIL in operation at the same time and this should be an exception.

All requirements to work additional hours, alongside how the time will be reclaimed, must be requested and approved by your manager.

TOIL that is accrued from additional working, which would normally attract enhanced rates, will be calculated at the appropriate enhanced rate. i.e. 1 additional hour of work at time and a quarter will accrue 1.25 hours of TOIL

## Management & Authorisation

TOIL should be recorded on iTrent and authorised by your manager.

Requests to take TOIL should be made through ESS or Chatbot and authorised by your manager.

TOIL should be an exception and not a given, accrued TOIL should be taken before normal leave and flexi. Balances of TOIL should not be held for long periods and ideally, the TOIL accrued from additional working should be taken within the following 4 weeks. Any arrangements should be agreed with the manager and recorded.

## 4. SPECIAL LEAVE

Newport City Council/Governing Bodies believe that their employees are their most valuable resource and as a result high attendance at work by their employees plays a key role in providing efficient effective services.

It is recognised that there may be times when employees need to time to resolve problems outside of work and the provision of special leave to cover certain of these circumstances will contribute to increased morale.

Request for special leave will be considered sympathetically in the light of individual circumstances and may be granted at the discretion of the Head of Service. It is important for employees to consider the needs of the Council and to make every effort to make alternative arrangements wherever possible.

Special Leave granted under this policy is not intended for long term domestic and family situations, which may be provided for in other ways, e.g. annual leave, unpaid leave, reduced working hours etc.

[An Application for Leave of Absence Form](#) must be completed for all Special Leave requests.

TYPE OF LEAVE	DESCRIPTION	AUTHORISED BY	PAID/ UNPAID
<b>Time off for Dependants</b>	Maximum of up to three days leave (see <a href="#">Family Friendly Policy</a> for detailed guidance and procedure)	Head of Service / Headteacher	Unpaid
<b>Serious illness</b>	Up to three days leave with pay per annum for the serious illness of a close relative (parent, spouse, partner or child or relative who depends on the employee for care)	Head of Service / Headteacher	Paid

TYPE OF LEAVE	DESCRIPTION	AUTHORISED BY	PAID/ UNPAID
<b>Bereavement</b>	<p>1. For Spouse / Civil Partner / partner / parent* / son* / daughter* / sibling* – Up to 5 days' bereavement leave</p> <p>2. For grandparents – Up to three days' leave including the funeral</p> <p>There is no provision for the members within the extended family (aunts /cousins / in-laws etc)</p> <p>* Managers' discretion may be applied to cases where the relationship is a step relationship or an adoptive relationship.</p> <p>** Individual discretion may be applied in circumstances where the date from death to the funeral is delayed.</p>	Head of Service / Headteacher	<p>Paid</p> <p>Paid</p>
<b>Carers</b>	<p>1. 22 hours (pro rata) of paid leave per rolling 12 months.</p> <p>2. 2 weeks unpaid leave per rolling 12 months, in blocks of one week.</p> <p>(see <a href="#">Carers' policy</a> for detailed guidance and procedure)</p>	Head of Service / Headteacher	<p>Paid</p> <p>Unpaid</p>
<b>Funeral</b>	<p>1. For Spouse / Civil Partner / partner / parent / son / daughter / sibling / grandparents / In laws (e.g. mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law): 1 day</p> <p>2. Aunt / Uncle / Cousin / Nephew / Niece: up to 1 day (this provision excludes second cousins, great aunts etc)</p>	Head of Service / Headteacher	<p>Paid</p> <p>Paid</p>
<b>Jury Service</b>	Leave of absence granted (in full) to an employee receiving a summons to serve on a jury. The employee shall claim the allowance for loss of earnings to which he/she is entitled to, and arrangements must be made to deduct from full pay an amount equal to the allowance received.	Head of Service / Headteacher	Paid
<b>Unpaid Leave</b>	Unpaid Leave of absence may be granted where annual leave entitlement has been exceeded.	Head of Service / Headteacher	Unpaid
<b>Time Off for Public Duties</b>	Employees undertaking magistrates' duties or who are elected Members of a principal local authority are allowed 25 days/50 half days leave each year.	Head of Service / Headteacher	Paid



TYPE OF LEAVE	DESCRIPTION	AUTHORISED BY	PAID/ UNPAID
<b>Governor Duties</b>	Employees undertaking school governor responsibilities which require them to attend daytime meetings are allowed 4 days (8 half days) absence each year.	Head of Service / Headteacher	Paid
<b>Time off for Non Regular Forces Activities</b>	<p>Employees who are volunteer members of the Non Regular Forces are granted leave in addition to their normal annual leave, in order to partake in the Non Regular Forces Summer Camp. This is in addition to their annual leave entitlement.</p> <ol style="list-style-type: none"> <li>1. Reservists– 10 days</li> <li>2. CFAV's - 5 days</li> </ol>	Head of Service / Headteacher	Paid

<b>Created By:</b>	Human Resources
<b>Date Created:</b>	July 2019
<b>Reviewed By:</b>	Kevin Howells
<b>Date Reviewed:</b>	11/03/2020
<b>Current Version:</b>	March 2020

## Document Control

Version	Date	Author	Notes/Changes
V 1.6	03/07/2019	Human Resources	New template, addition of carers' leave and update to armed forces time off.
V 1.7	11/03/2020	Human Resources	Inclusion of TOIL
e.g. V1	Click to enter date.	Click to enter text	Click to enter text
e.g. V1	Click to enter date.	Click to enter text	Click to enter text

e.g. VI	Click to enter date.	Click to enter text	Click to enter text
e.g. VI	Click to enter date.	Click to enter text	Click to enter text
e.g. VI	Click to enter date.	Click to enter text	Click to enter text
e.g. VI	Click to enter date.	Click to enter text	Click to enter text
e.g. VI	Click to enter date.	Click to enter text	Click to enter text
e.g. VI	Click to enter date.	Click to enter text	Click to enter text