

UCKFIELD TOWN COUNCIL



ANNUAL LEAVE POLICY

Policy Number 81		
Issue No.	Date Agreed	Details of amendments
1	11.03.25	Consideration at Personnel Sub Committee
2	17.03.25	GP44.03.25 Ratification at General Purposes Committee
3	07.04.25	Adoption at Full Council

1.0 Introduction

- 1.1 This policy sets out the key procedures for both employees of Uckfield Town Council and Senior Management Team in handling requests for annual leave.
- 1.2 All employees are entitled to take annual leave and their specific entitlement will be set out in their contract of employment and based on whether they are full-time, or part-time, where it will be calculated pro rata.
- 1.3 Enabling staff to take annual leave can be a positive step and help to maintain staff welfare, morale and productivity.

2.0 Annual leave entitlement

- 2.1 The paid leave entitlement for employees is set out in their contract of employment. The basic leave entitlement for a full-time staff member is 23 days per annum in addition to the number of Bank holidays for that year.
- 2.2 The basic entitlement extends to 28 days per annum plus the number of Bank Holidays for that year, for those who have worked for the organisation for 5 years or more (*this will commence from the April following the five-year anniversary of their start date*).
- 2.3 Part-time employees receive a pro-rata entitlement of both annual leave and bank holidays, according to their hours of work.
- 2.4 Uckfield Town Council also provide all staff with two statutory days to be used over the Christmas break. This equates to two shifts for part-time employees.

3.0 Working part-time

- 3.1 If an employee's pro-rata entitlement to Bank Holidays exceeds the number of days that fall on their normal working days (typically because they don't work on Mondays), they will be able to take the excess as leave.
- 3.2 If their entitlement to Bank Holidays is less than the number of Bank Holidays that fall on their normal working days (typically because their normal working days include Mondays), they can make up the difference by using their leave entitlement. With agreement from the Assistant Town Clerk & RFO, the employee may be able to work additional hours to make up the deficit or take unpaid leave.

4.0 Variable hour workers

- 4.1 Statutory minimum holiday entitlement is based on 5.6 weeks of holiday per holiday year, including bank and public holidays. Please note any holiday entitlement over and above 5.6 weeks will be pro-rata based on hours, days, and weeks worked. Where variable hours are worked, the actual weekly holiday entitlement will be calculated on a pro-rata basis depending on the average number of hours worked per week, over a 52-week reference period, excluding any weeks when no work has been undertaken.

5.0 Leave year

- 5.1 The leave year runs from 1st April to 31st March. It is the responsibility of the employee to manage their leave in such a way that they can take it all during the leave year. Their annual leave entitlement will be calculated pro-rata in their first and last year of employment with the council, depending on their start date or date of departure.

6.0 Carrying over leave

- 6.1 Except in the very rare circumstances of a booked and agreed period of leave being cancelled at the council's request, or if the employee has had a period of long-term sick which has required them to have a prolonged period of absence from work, procedures will need to be followed to ensure a minimal amount of leave is carried over, and annual leave is taken throughout the year.
- 6.2 The standard procedure at Uckfield Town Council allows for employees to carry over the equivalent of one week of work:
- (i) For full time employees – up to 37 hours or 5 days;
 - (ii) For part-time employees – up to the equivalent of their weekly contracted hours;
- 6.3 Permission would need to be granted by the line manager and Assistant Town Clerk, should any specific requests be accepted, which would typically be based on service requirements during periods of staff shortages.
- 6.4 And any leave carried over into the next financial year, would need to be booked and taken within the first two months of that year i.e. April and May.

7.0 Requesting leave

- 7.1 An employee should request leave from their line manager (or the Assistant Town Clerk & RFO in their absence) and be required to provide as much notice as possible. This will allow the council to plan workloads.
- 7.2 At present, requests for annual leave are considered on a first come, first serve basis. But, before granting leave, line managers and Senior Management Team will need to consider:
- The team's workload;
 - The need for office or team cover, and;
 - Whether other staff have or are likely to ask for the same time off (e.g. a popular holiday time);
 - Seasonal pressures on that particular service;
- 7.3 The line manager and/or Assistant Town Clerk & RFO will balance the employee's needs against the needs of other staff before agreeing to leave. If an employee takes leave without such permission, it will be treated as an unauthorised absence and dealt with under the Disciplinary Procedure.
- 7.4 Requests for longer periods of leave (i.e. more than two weeks) will need to be approved by the line manager in association with the Assistant Town Clerk & RFO, and Town Clerk. This will be to ensure adequate cover can be provided for the role or service area during that time. Detail on the reason for the longer period of leave will need to be presented.

8.0 Sickness during leave

- 8.1 If an employee becomes ill during a period of paid annual leave, they must comply with the requirements of the sickness reporting and certification procedure if they wish to have this sickness period discounted from the period of paid leave taken. As per the Town Council's 'Management of Sickness Absence Policy' it is important that the employee contacts their line manager, on the first day of sickness and keeps the council up to date during the period of sickness.

9.0 Payment in lieu (in the case of leaving the council)

- 9.1 The council cannot offer payment in lieu of leave entitlement unless the employee is leaving the council and has not taken leave entitlement that they had accrued at the time of leaving.
- 9.2 If an employee leaves during the course of a leave year, and cannot take any outstanding accrued leave before their last day, they will receive a payment in lieu of any outstanding accrued leave. In these circumstances, a calculation will be made, of the amount of paid leave due to them on a pro rata basis, for that part of the leave year up to the date of termination of the contract.
- 9.3 Holiday pay will be based on their current rate of pay including any regular overtime. If, however, they have taken more paid leave than is due by this calculation, then a deduction will be made from the employee's salary payments for an amount at their basic daily rate for the days in question. Such a deduction will be deemed to be a contractually authorised deduction.

Please note, this is a non-contractual procedure which will be reviewed from time to time.

Date of policy: March 2025

Approving committee: General Purposes Committee/Full Council

Date of committee meeting: 17 March 2025/7 April 2025

Policy version reference: Version 1

Policy effective from: 1 April 2025

Date for next review: 1 April 2026

Appendix A (Guidance for managers)

1.0 Annual leave entitlement

The statutory minimum leave entitlement for full-time workers is 5.6 weeks (20 days in addition to 8 Bank Holidays). This should be pro-rata for part-time workers. For example, if an employee works three full days a week, their entitlement will be 3/5ths of the full-time entitlement (i.e. 12 days leave in addition to 4.8 days Bank Holidays).

2.0 Public and extra statutory Holidays

Employees required to work on a public or extra statutory holiday shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked within their normal working hours for that day. In addition, at a later date, time off with pay shall be allowed as follows:

- Time worked less than half the normal working hours on that day — half day
- Time worked more than half the normal Working hours on that day — full day

3.0 Carrying over leave

It is important that staff take their statutory annual leave in order to ensure the council complies with working time legislation. The council has a responsibility to support staff to take their annual leave. If the council offers leave entitlement in excess of the statutory minimum, you may wish to allow staff to carry over unused entitlement from one year to the next. In this case, Uckfield Town Council works to the following procedure:

"Where it has not been possible to take all your leave in the current leave year, and only with prior consent from the clerk (or the council in the case of the clerk), you will be permitted to carry forward up to 5 days leave (one week's equivalent). This must be taken within the first two months of the new leave year."

4.0 Rolled-up holiday pay

It is not permissible to "roll-up" holiday pay into basic pay, i.e. pay an employee a higher hourly, daily or weekly wage, part of which is designated as holiday pay, with the result that, when the employee goes on leave, they receive no pay.

5.0 None normal working hours

Some employees may not have normal working hours. For example, if the amount of work fluctuates from week to week.

In these circumstances, the amount payable during statutory annual leave must be calculated as an average of the employee's actual pay during the 52 weeks that preceded the start of the leave period. This would exclude any weeks the employee has not worked. If, during the preceding 52 weeks, there was one or more weeks during which the employee did not work (and hence received no pay). That week must be discounted and an earlier week counted instead (limited to a maximum reference period of 2 years).

For those not working all year round (casual/term-time/seasonal), recent case law has concluded that the holiday entitlement should be calculated based on the minimum 5.6 weeks statutory entitlement. A week is based on average hours

worked over a 52-week period prior to the leave, and the entitlement will be 5.6 weeks holiday based the average week.

Additional guidance and example scenarios are available at
<https://www.gov.uk/holiday-entitlement-rights/holiday-pay-the-basics>

6.0 Religious festivals

Please note, refusal of annual leave on a day that has religious significance for a particular employee may amount to indirect discrimination under legislation.