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## **Annual Leave**

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**Section:** Working Hours and Time Off

**Source:** Corporate Resources Ratification Committee 4th October, 2000

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**Appendices:** A – Application for Unpaid Leave Form

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### **1. Holiday Entitlement**

The standard holiday entitlement for NJC employees is:

27 days after 12 months service

32 days after 5 years service

**From 1st April 2023 there will be a permanent increase of 1 day (pro rata for part-time employees) to annual leave entitlement for NJC employees:**

**28 days after 12 months service**

**33 days after 5 years service**

The holiday entitlements are inclusive of 2 extra statutory holidays. The 8 statutory public holidays are in addition to the above.

New entrants to Local Government are entitled to 1/12<sup>th</sup> of their annual entitlement for each completed month of service during the leave year of entry. Part-time employees and those employed for less than a full year receive holidays on a pro rata basis. For public holidays that coincide with a non-working day, the day will be treated as a public holiday. Employees are entitled to 1/5<sup>th</sup> of their contractual weekly hours and will receive pro-rata lieu time for each non-working day that coincides with a public holiday. For employees required to work on a public holiday, the arrangement contained in the [Non-Standard Working Arrangements and Associated Payments Policy](#) will apply.

An annual leave calculator for part time employees can be found in the [Pay and Benefits Section](#).

New employees joining Sefton from another Local Authority without a gap will have their service in the previous Authority taken into account for the purpose of their holiday entitlement.

### **2. Annual Leave Year**

The standard annual leave year runs from the 1<sup>st</sup> April to the 31<sup>st</sup> March the following year. Certain areas, such as Direct Services, operate alternative arrangements, details of which are communicated to employees working within the department.

### **3. Administration of Leave**

The following general rules apply to the taking of leave:

(a) Leave can only be taken by mutual agreement. In this connection it is feasible for Departments to develop Departmental policies in consultation with the trade unions which, where appropriate, may preclude the taking of leave in certain periods.

(b) Leave must be booked as far in advance as possible and, again, departments may develop policies in consultation with the trade unions to reflect operational considerations.

(c) In considering leave requests the principal consideration for managers is to ensure adequate cover in order to maintain standards of service delivery balanced against employees' aspirations.

(d) Leave cannot be booked in retrospect. There have been occasions where employees have simply not turned up for work and, when challenged, have offered to take leave for the day/period in question. Such circumstances represent unauthorised absence and attract no pay and the possibility of disciplinary action.

(e) Where an employee is prevented from attending work because of a personal/family crisis the Council's policy on [Special Leave](#) applies **but** the employee has a duty to contact his/her line manager at the first available opportunity on the first day of absence.

(f) Accurate records must be maintained in relation to Annual Leave and be available for scrutiny.

(g) Every endeavour must be made by employees and management to ensure that full leave entitlements are taken during the leave year. It is not acceptable for employees to save leave in anticipation of a request for a carry over being approved. Equally, managers must monitor the taking of leave and actively seek to avoid workload issues which prevent leave being taken.

(h) Leave cannot be bought out in any circumstances. The only circumstances in which a payment in lieu of leave may be made is on termination of employment, however every effort should be made to take leave before the termination date.

(i) Employees under notice of termination of employment should be encouraged to take their leave entitlement accruing to their last day of service. Leave will only be accrued for complete months of service.

#### **4. Carry Over of Annual Leave**

##### **(a) 5 Day Carry Over**

All employees have the opportunity to carry forward up to a maximum of 5 days annual leave from one leave year to the next at the discretion of the Assistant Director and where exceptional circumstances are evident.

It is not possible to be prescriptive about what represents exceptional circumstances. However, examples of such circumstances will normally include operational/workload reasons and absence.

##### **(b) Sickness Absence**

Annual leave continues to accrue during sickness absence. If, on return to work, the employee has an outstanding holiday entitlement from the previous leave year, they will be entitled to carry over their outstanding **statutory** leave entitlement (20 days, pro rata for part time staff).

Under European Law, the Working Time Directive states that a worker must take four weeks leave a year. This is the statutory element of an employees leave entitlement; the contractual element of leave (i.e. the leave entitlement in excess of the statutory figures) cannot be carried over.

### **(c) Termination of Contract**

Where an employee's service is terminated because of long term sickness, the employee will be entitled to payment in lieu of unused statutory holidays accrued in the current leave year. In accordance with the Working Time Regulations, the statutory leave entitlement is 28 days for one leave year (which may be amended). Employees will also be entitled to payment in lieu of any annual leave carried over from the previous leave year up to a maximum of 20 days (Section 4b refers). The same procedure will apply in cases of death in service, when outstanding payments will be to the employee's estate.

## **5. Unpaid Leave**

Employees have the option to buy additional annual leave. The leave must be booked in accordance with the principles in section 3 and must be authorised by the Assistant Director. The Unpaid Leave Form in Appendix A must be completed when applying for unpaid leave.

Pay will be deducted relative to the number of hours that were to be worked on each day on which unpaid leave is taken.

Due to changes to the Local Government Pension Scheme coming into force on the 1<sup>st</sup> April 2014 employees taking authorised unpaid leave under this policy can now chose whether or not to pay contributions to cover the pension "lost" during the period of authorised unpaid leave by paying an age related Additional Pension Contribution (APC) contract. The lost amount will be calculated as 1/49<sup>th</sup> of the assumed pensionable pay (APP) for the period of the unpaid leave if the member was in the main section during the period or 1/98<sup>th</sup> of APP for the period if they were in the 50/50 section.

The employee will not build up pension benefits for any period of unpaid leave if they do not buy back the pension which is "lost".

If the employee does elect to purchase the pension "lost" during any period of unpaid leave within 30 days of returning to work the cost is shared, known as a Shared Cost Additional Pension Contribution (SCAPC) contract, at the rate of 1/3<sup>rd</sup> to the employee and 2/ 3<sup>rds</sup> to the employer. If an election is made after the 30 day period the "lost" pension can still be purchased but at the whole cost to the employee.

Unpaid leave is not an entitlement and can only be taken if operationally viable.

## **6. Additional Information**

(a) An employee can request to take annual leave whilst off **sick** following the procedures stated in section 2. Leave can be requested regardless of whether or not the employee is still receiving occupational sick pay. Please note that taking leave whilst off sick will not count as a break in sickness absence when considering an employees absence record.

Employees are permitted to travel whilst on annual leave but if they do something inconsistent with their stated reasons for sickness absence, or something that worsens the illness or prolongs their absence, the Council reserves the right to suspend Statutory Sick Pay/Occupational Sick Pay and in some cases this may result in disciplinary action.

(b) **Maternity Leave** counts as service for the purposes of calculating annual leave entitlement. Where the period of maternity leave crosses two leave years all annual leave accrued for the first year should be taken before the start of the maternity leave, as carry over will only be allowed in exceptional circumstances.

If maternity leave is taken, but the employee subsequently decides not to return to work, the effective date of termination of employment will be the date of the letter of resignation.

Annual leave will, therefore, be calculated pro rata to the number of completed months service. If more annual leave has been taken than the entitlement allows, on the assumption that the employee would subsequently be returning to work, a refund payment for the excess days taken will be required. Alternatively, compensatory payment will be made for leave owed to an employee.

(c) In cases of **dismissal for gross misconduct** (summary dismissal) the employee is not entitled to any notice payment. Holidays earned up to the date of termination, together with any outstanding normal pay will be paid. Any payments on dismissal are subject to any legitimate deductions that may be required in cases of theft, fraud, etc.

(d) With regard to an employee with an outstanding leave entitlement, **who leaves the Authority to take up employment elsewhere within Local Government Service** - another Authority is under no obligation to honour untaken leave and, in order to avoid any difficulties, it is advisable to liaise with the new authority to establish whether or not the transfer of outstanding annual leave is acceptable. In the event that an agreement is not secured, the employee concerned must be encouraged to take their accrued leave prior to their last day with this Authority. If this is not possible, in accordance with the principles outlined in B above, then a pro rata payment, or deduction, in lieu of leave must be made.

(e) *In cases in which an employee wishes to **reduce their hours of work**, agreement must be reached to take leave which has been accrued whilst working full time before the part time contract commences. – not yet published*