

## Annual Leave and Public Holidays

**April 2018**  
**(Excludes Teachers and staff on NHS Agenda for Change conditions)**

### 1. Leave Year

The Highland Council's leave year normally runs from:

1 February to 31 January.

Staff will not normally be permitted to carry forward annual leave entitlement into a succeeding leave year other than in the most exceptional circumstances and following the agreement of the your line Manager or where the reason for not taking annual leave in a leave year is due to sickness absence.

There are some Services or parts of Services which may have different leave years to support the nature of the service being provided. Employees should check with their manager.

### 2. Public Holiday Entitlement

Employees are entitled to **14 public holidays** per year (**7 fixed days and 7 floating days**) – pro rata for part time employees.

#### 2.1 Fixed Public Holidays

The 7 fixed public holidays may be different between Services across the Highland Council, due to year round service provision requirements, and will be communicated normally at the beginning of each leave year. They must be taken on the designated dates.

## 2.2

### **Floating Public Holidays**

The 7 floating public holidays (pro-rata for part-time employees) are added to the annual leave entitlement as the employee can normally choose when they wish to take these days, subject to management approval.

## 2.3

### **Working out Public holiday entitlement for an employee who starts or leaves during a leave year**

Pro-rata calculations will be required for employees who start or leave part way through a leave year.

All annual leave calculations are rounded up or down to the nearest ½ day or nearest hour. For annual leave and floating days see sections 3.2 and 3.3

With regards to fixed public holidays there is a requirement to calculate entitlement and then consider how many fixed days the employee is able to observe. For example: an employee who joins on 15 October accrues entitlement from 15<sup>th</sup> October – 31<sup>st</sup> January (108 actual days). To calculate public holiday entitlement you would use the formula below:

Formula - Number of actual days between start date and end of the leave year/365 x fixed public holidays for full leave year.

Example -

$108 / 365 \times 7 = 2.07$ , rounded down to **2 days**

As the employee will benefit from 4 days fixed public holidays between starting on 15<sup>th</sup> October and the end of the leave year (ie 2 fixed days at Christmas and 2 fixed days at New Year), 2 days will require to be deducted from the annual leave entitlement.

Similar calculations are required where the working pattern may prevent employees from benefiting from their fixed public holiday entitlement. See section 2.4

## 2.4

### **Working out Public holiday entitlement for an employee who works part time.**

Pro-rata calculations will be required for employees who work part time.

All annual leave calculations are rounded up or down to the nearest ½ day or nearest hour.

With regards to fixed public holidays there is a requirement to calculate entitlement and then consider how many fixed days the employee is able to observe. For example: an employee who work 21 hours per week (FTE = 35 hours) 7 hours per day Tuesday, Wednesday and Thursday To calculate public holiday entitlement you would use the formula below:

Formula – Number of hours worked per week/weekly hours if post full time x fixed public holidays for full leave year.

Example -

$21/35 \times 7 = 4.2$ , rounded down to 4 days

You would then look at any public holidays that fall on a **Tuesday, Wednesday and Thursday** that leave year only. If Christmas and New Year were to fall on a Monday and **Tuesday** then only 2 public holiday days would be used to cover the fixed days (ie Tuesday 26<sup>th</sup> Dec and Tuesday 2<sup>nd</sup> Jan) so the remaining 2 days would be added to the annual leave entitlement.

## 3. Annual Leave Entitlement - 52 week contracts

### 3.1 Annual Leave Entitlement

Entitlement to annual leave is determined by continuous service as at 1 February, i.e. the start of each leave year:

Less than 5 years' service: 20 days plus 7 floating public holidays = **27 days**

5 years' service or more: 25 days plus 7 floating public holidays = **32 days**

Pro-rata calculations will be required for employees who work part-time hours and those who join part way through a leave year.

All annual leave calculations are rounded up or down to the nearest ½ day or nearest hour.

All examples used in this section are based on annual leave entitlement to 20 days plus 7 floating public holidays = 27 days, however, this can be adjusted to 25 days plus 7 floating public holidays = 32 days as required.

### 3.2 Starting Employment part way through the leave year

If an employee starts part way through a leave year, entitlement is proportionate to actual service for the remainder of the leave year.

**Example:** An employee with no previous continuous service, who starts on 15 October has 109 days service to 31 January, i.e. the last day of the leave year.

Therefore their annual leave entitlement for the remainder of the leave year is calculated as follows:

$109/365 \times 27 \text{ days} = 8.06$  which is rounded down to **8 days**

If the employee had 5 years continuous service on the first day of the leave year the calculation is as follows:

$109/365 \times 32 \text{ days} = 9.56$  which is rounded down to **9.5 days**

### 3.3

#### Leaving Employment part way through the leave year

If an employee leaves during a leave year, entitlement is proportionate to actual service up to and including their last day of service.

**Example:** An employee whose last day of service is 14 October has 256 days (include weekend days) service from 1 February, i.e. the start of the leave year.

Therefore their annual leave entitlement for that period is as follows:

$256/365 \times 27 \text{ days} = 18.94 \text{ days}$ , rounded up to **19 days**

Or

$256/365 \times 32 \text{ days} = 22.44 \text{ days}$  rounded up to **22.5 days**

**Note:** In exceptional cases employees may have taken more annual leave than their entitlement and in such cases the balance will be deducted from their final salary.

### 3.4

#### Employees working part-time hours

Part-time employees are granted annual leave proportionate to hours worked. Leave may be expressed in hours rather than days depending on working patterns as highlighted by the following examples.

In the Highland Council full-time working hours may be based on a full-time working week of 35 hours.

**a) 17.5 hours per week over 5 days (at 3½ hours per day)**

Annual leave entitlement = **27 days** (at 3½ hours per day)

**b) 28 hours per week over 4 days (at 7 hours per day)**

Annual leave entitlement =  $28/35 \times 27 \text{ days} = 21.5 \text{ days}$  (at 7 hours per day).

**c) 22 hours per week over 4 days (2 days at 7 hours and 2 days at 4 hours)**

Annual leave entitlement =  $22/35 \times 27 \text{ days} = 16.97 \text{ days}$  (at 7 hours per day) =  $16.97 \text{ days} \times 7 \text{ hours} = 119 \text{ hours}$ .

Therefore if the employee takes 2 of their 4 hour days as leave, this equals 8 hours leaving 111 hours remaining entitlement.

#### **d) Variable hours with no specified contractual pattern**

Annual leave entitlement is calculated on a quarterly basis taking account of actual hours worked during the **preceding 13 weeks**.

If an employee works 100 hours over 13 weeks, leave entitlement, **for that period**, would be

=  $100/455 \times 6.75 = 1.48$  days  $\times 7$  hours per day = 10.36 hours which is rounded up to **10.5 hours**.

##### **Note 1:**

455 = full-time hours over 13 weeks i.e.  $13 \times 35$ .

6.75 = full-time days leave over 13 weeks i.e.  $27$  days  $\times 13/52$ .

##### **Note 2:**

If full-time hours are 37 per week, calculation is  $100/481 \times 6.75 = 1.4$  days  $\times 7.4$  hours per day = 10.36 hours which is rounded up to 10.5 hours i.e. the same outcome. (481 = full-time hours over 13 weeks i.e.  $13 \times 37$ )

### **3.5**

#### **Employees working compressed hours**

Employees who are working full time hours but over a shorter week, for example 4 days instead of 5 have their annual leave entitlement calculated as follows:

$4 \text{ days}/5 \text{ days} \times 27 \text{ days} = \mathbf{21.5 \text{ days}}$  (at 8.75 hours per day)

If they work different hours each day, then the calculation should be done based on hours.

For example: 2 days at 9 hours, 2 days at 8.5 hours

Annual leave entitlement would be:

$27 \text{ days} \times 7 \text{ hours} = \mathbf{189 \text{ hours}}$

Therefore if the employee takes 2 days annual leave, one of their 9 hour days and one of their 8.5 hour days, this equals 17.5 hours leaving 171.5 hours remaining entitlement.

## 4.

## Term Time contracts

Employees on term time contracts for less than 52 weeks per year will receive 12 equal salary payments for the number of weeks they work plus pro-rata annual leave and public holiday entitlements as follows:

### **Continuous Service Up to 5 years Over 5 years**

38 weeks per year	43.8 weeks	44.6 weeks
39 weeks per year	44.88 weeks	45.88 weeks
40 weeks per year	46 weeks	47.05 weeks
41 weeks per year	47.16 weeks	48.14 weeks
42 weeks per year	48.31 weeks	49.41 weeks
43 weeks per year	49.46 weeks	50.58 weeks

Annual leave and public holidays must be taken as indicated by the Service and management. It is expected that all annual leave will be taken during normal school holidays.