Human Resources
Goireasan Daonna

Annual Leave and Public Holiday Entitlement Guidance

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Clàr-innse

Introduction

This guidance details annual leave and fixed and floating public holiday entitlement for employees and offers guidance on how to calculate employee's leave entitlement.

We also offer an Annual Leave Calculator, which is linked at the bottom of this page in Quick Links.

Guidance

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 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 days/49 hours fixed, and 7 days/49 hours floating), pro-rata for part-time / term-time employees.

2.1 Fixed Public Holidays

The 7 fixed public holidays (pro-rata for part-time employees) may be different in Services across the Highland Council due to service provision requirements, and will normally be communicated 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 and the employee can choose when they wish to take these days, subject to management approval.

2.3 Working out Fixed 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 half day or nearest hour, and then half day. For annual leave and floating days see sections 3.2 and 3.3.

With regards to fixed public holidays there is a requirement to first calculate entitlement and then consider how many fixed days the employee is able to receive. For example: an employee who joins on 15 October accrues entitlement from 15th October – 31st January: 108 actual days (include weekend 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
Days: 108 /365 x 7 = 2.07, rounded down to 2 days
Hours: 108 /365 * 49 = 14.4 hours, rounded down to 14 hours

As the employee receives 4 days fixed public holidays between starting on 15th October and the end of the leave year (i.e., 2 fixed days at Christmas and 2 fixed days at New Year), but they are only entitled to 2 days / 14 hours, a further 2 days /14 hours will need to be deducted from their annual leave entitlement to make up the difference.

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 Fixed 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 half day or nearest hour and then half day.

With regards to fixed public holidays there is a requirement to first calculate entitlement and then consider how many fixed days the employee is able to receive. For example: an employee who works 21 hours per week (FTE = 35 hours), 7 hours per day on a 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
Days: (21/35) x 7 = 4.2, rounded down to 4 days
Hours: (21/35) * 49 = 29.4 hours rounded to the nearest half day which is 28 hours

You would then look at any public holidays that fall on a Tuesday, Wednesday and Thursday that leave year only. For example, 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 that the employee works on (i.e. Tuesday 26th Dec and Tuesday 2nd Jan). As the employee is entitled to 4 days / 28 hours, the remaining 2 days / 14 hours would be added to their annual leave entitlement.

3. Annual Leave Entitlement – 52-week contracts

3.1 Annual Leave Entitlement

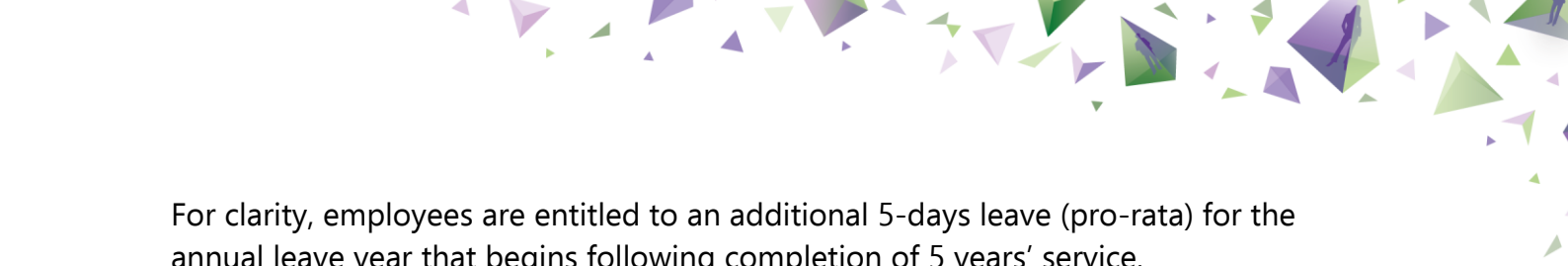Entitlement to annual leave is determined by complete years of continuous service as at the start of each leave year.

Less than 5 years' service:
21 days (147 hours) plus 7 floating public holidays (49 hours) = 28 days / 196 hours.

5 years' service or more:
26 days (182 hours) plus 7 floating public holidays (49 hours) = 33 days / 231 hours.

For clarity, employees are entitled to an additional 5-days leave (pro-rata) for the annual leave year that begins following completion of 5 years' service.

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

All annual leave calculations are rounded up or down to the nearest half day or nearest hour. When calculating in hours, the rounding should be made to the nearest hour, and then the nearest half day.

All examples used in this section are based on annual leave entitlement to 21 days plus 7 floating public holidays = 28 days / 196 hours, however, this can be adjusted to 26 days plus 7 floating public holidays = 33 days / 231 hours 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 (include weekend days) to 31 January (the last day of the leave year).

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

Days: 109/365 x 28 days = 8.3 which is rounded to 8.5 days
Hours: 109/365 * 196 hours = 58.5 which is rounded to the nearest hour, and then half day – 59.5 hours.

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

Days: 109/365 x 33 days = 9.85 which is rounded to 10 days
Hours: 109/365 x 231 hours = 68.9 which is rounded to the nearest hour, then half day – 70 hours.

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 (the start of the leave year).

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

Days: 256/365 x 28 days = 19.6 days, rounded to 19.5 days
Hours: 256/365 x 196 hours = 137.4 hours, rounded to the nearest hour, then half day = 136.5 hours.

Or
Days: 256/365 x 33 days = 23.1 days, rounded to 23 days
Hours: 256/365 x 231 hours = 162 hours, rounded to the nearest half day = 161 hours.

Note: In exceptional cases employees may have taken more annual leave than their entitlement; 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 3.5 hours per day)**
   Annual leave entitlement: 28 days at 3.5 hours per day / 98 hours

b) **28 hours per week over 4 days (at 7 hours per day)**
   Annual leave entitlement: 28/35 x 28 days = 22.4 days / 156.8 hours, rounded to the nearest half day =22.5 days at 7 hours per day / 157 hours

c) **22 hours per week over 4 days (2 days at 7 hours and 2 days at 4 hours)**
   Annual leave entitlement: 22/35 x 28 days = 123.2 hours, rounded to 123 hours
   For employees who work different hours each day, all calculations should be done in hours to ensure accuracy.
   So, for example, if the employee takes 2 of their 4-hour days as leave, their balance should be reduced by 8 hours, leaving 114.5 hours 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 x 6.75 = 1.48 days x 7 hours per day = 10.38 hours, rounded up to 10.5 hours.

Note 1:
455 = full-time hours over 13 weeks - 13x35.
6.75 = full-time days leave over 13 weeks - 27 days x 13/52.

Note 2:
If full-time hours are 37 per week, calculation is 100/481 x 6.75 = 1.4 days x 7.4 hours per day = 10.38 hours which is rounded up to 10.5 hours: the same outcome.
(481 = full-time hours over 13 weeks -13x37)

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:

Days: 4 days/5 days x 28 days = 22.4 days (at 8.75 hours per day)
For hours, the employee's leave can be calculated using their full entitlement of 196 hours and deduct 8.75 hours for each annual leave day used.

If the employee works 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.

The Annual leave entitlement would be:

28 days x 7 hours = 196 hours

So, for example, if the employee takes 2 days annual leave, one being a 9-hour day and the other an 8.5-hour day, their balance should be reduced by 17.5 hours, leaving 178.5 hours entitlement.

4. Annual Leave Entitlement - 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 week
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.

5. Annual Leave Entitlement – Relief & Part-Year Workers

An employee is defined as a part-year worker when they are required to work only part(s) of the year and when there are periods within the year (during the duration of the contract) of at least one week, where they are not required to work and are not paid. Employees who are employed on annualised contracts (for example school-based staff) and are paid their salary over 12-months are not classed as part-year workers.

Holiday pay for all part-year workers or employees who work on a relief basis is paid at the rate of 12.07% for all hours worked. The 12.07% payment will be shown on payslips as Holiday Pay and will be paid at the same time as the hours worked.

All other employees who work additional hours in their contracted post(s) on an ad-hoc basis will continue to be paid their extra leave entitlement at the rate of 8.3%.

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

HR Microsite	**Click Here**
HR Annual Leave Calculator	**Click Here**
NHS PIN Policies	**Click Here**
	Click Here
	Click Here
	Click Here
	Click Here
	Click Here
	Click Here