University of Northampton

ANNUAL LEAVE AND BANK HOLIDAY GUIDANCE

This guidance has been developed to ensure all employees and line managers understand their obligations when it comes to annual leave.

The Working Time Regulations (1998) which sets out the main conditions of the Working Time Directive, outline minimum conditions with regard to statutory leave entitlements. The University of Northampton provide enhanced annual leave arrangements to encourage and promote a healthy work/life balance.

Annual leave entitlement is based on your contract (academic) or grade and length of service (support). In addition to this guidance you should refer to your contract for further information.

The annual leave year runs from 1st August to 31st July each year.

Booking annual leave

1. In order to ensure a healthy work-life balance and adequate planning within faculties and departments, all employees are advised to book at least 50% of their annual leave by the end September in each year and 80% by the end of February. This may be booked for later in the annual leave year so doesn't necessarily need to be taken by this point.

2. You should ensure that by the end of the annual leave year you have taken all of your annual leave entitlement.

3. Annual leave requests should be made in a timely manner to assist with planning and ensuring adequate service levels.

4. Annual leave must be booked through the U4BW self-service system accessed through the staff intranet. Guidance on how to use U4BW for annual leave can be found in the Staff Development pages of NILE.

5. Where you are seeking more than 3 consecutive weeks annual leave, you should discuss this with your line manager before submitting a formal request.

6. Annual leave requests must be approved by your line manager prior to taking the leave therefore it is advised that you do not book a holiday until you have received approval.

7. The line manager reserves the right to refuse annual leave requests where there is a clear business need and justification. Leave requests will not unreasonably be declined.

8. Line managers must make it clear to their team members if there are any restrictions on when leave can be booked, for example during Welcome Week, key project milestones, teaching or marking periods.

9. Line managers must check on the U4BW system that the employee has enough leave to fulfil the request and consider workload and cover arrangements for their area before approving.

Unused annual leave

10. The University expects all staff to take their annual leave entitlement in each year in order to ensure sufficient periods of rest from work. However, it is recognised that in some circumstances this may not be possible.

11. In any case all employees are required by law to take 5.6 weeks paid annual leave pro-rata in any given year. This includes bank and public holidays. The University does not recognise closed days in this minimum.

12. Employees and line managers are jointly responsible for ensuring that they meet the requirements, and if needed line managers can enforce leave where statutory requirements are not met.

13. A maximum of 5 working days (pro rata for part-time staff) may be carried over from one leave year to the next. U4BW will automatically calculate any roll over on 1st August each annual leave year. Any leave carried forward must be used within the first 3 months of the new leave year.

14. Any unused leave over 5 days pro rata will be forfeited, and no payment will be made in lieu.

Annual leave and sickness

15. Where an employee becomes sick during their annual leave, they are eligible to claim this annual leave back. The employee must inform their line manager of the sickness by following the reporting in procedure on

the first day of their sickness and provide a doctors' certificate for any sickness lasting more than 7 calendar days. Where these steps have not been followed in line with the Absence Management Policy, the employee will be not eligible to claim back the annual leave.

16. If an employee is off sick over a bank holiday or closed day there is no entitlement for the employee to claim back the time as normal payment will be made for these days and will not be deducted from sickness benefit or counted on their absence record.

17. In accordance with legislation employees on long term sick leave may carry over a maximum of 20 days from one annual leave year to the next if their sick leave has not allowed sufficient opportunity to use annual leave. However, any annual leave already taken within the current leave year will be deducted from the 20 days. For example, if an employee uses 7 days of their entitlement and subsequently goes on long term sick leave, they would only be able to carry over 13 days annual leave to the next year.

Annual leave and parental leave

18. There is an expectation that employees, as far as reasonably practicable, use their accrued annual leave prior to their maternity/ adoption or shared parental leave. Employees will continue to accrue bank holidays, closed days and annual leave whilst on leave. Subject to local agreement, it is advisable for employees to use any entitlement that has accrued during their leave prior to their return to work. This can be particularly useful for employees who are in the unpaid period of leave.

Annual leave and leaving the University

19. If you leave the University before the end of the annual leave year your entitlement will be calculated pro-rata for the period of employment. For example if you leave on 30th April, your entitlement will be 9/12ths of your annual entitlement.

20. No payment will be made to employees for accrued unused annual leave apart from in exceptional circumstances. For example, an employee is on sick leave prior to their exit of the organisation.

21. If an employee has taken more annual leave than their accrued entitlement at the point they exit the organisation, then the equivalent amount will be deducted from the employee's final salary to compensate.

Calculating Annual Leave

Support Staff

Annual leave entitlement is based on your post, grade and your length of service. U4BW will automatically calculate your entitlement each year including any changes in hours, increase or decrease in entitlement or starting/ finishing part way through the year.

We have provided the following examples to illustrate how annual leave is calculated. Figure 1 shows the entitlement for each grade and service level. These figures do not include bank holidays and closed days.

Figure 1

Grade	Annual Leave Entitlement (Up to 5 years service)	Annual Leave Entitlement (Over 5 years service)
2-4	21 days (4.2 weeks)	26 days (5.2 weeks)
5	22 days (4.4 weeks)	27 days (5.4 weeks)
6-7	23 days (4.6 weeks)	28 days (5.6 weeks)
8-10	24 days (4.8 weeks)	29 days (5.8 weeks)

Full time Employees (37 hours per week)

To calculate the monthly entitlement, divide the full year entitlement by 12. For example, for a Grade 4 employee with under 5 years service the calculation would be as follows: 21 ÷12 = 1.75 days per month

When calculating entitlement for part of a year, i.e. 9 months then multiply 1.75 x 9 (months) = 15.75 days (round up to 16 days).

Part time Employees (Less than 37 hours per week)

If the employee works part time hours then annual leave will be calculated in hours. In addition to annual leave entitlement, a number of hours are added to total entitlement to account for a pro rata amount for bank holidays and closed days.

Each bank holiday and closed day that then lands on what would be a normal working day, the number of working hours are deducted from the allocation as they are paid see section xxx below)

To calculate leave entitlement for part-timers, the weekly part-time hours will be multiplied by the appropriate number of weeks as specified in Figure 1. For example, an employee working 18.5 hours per week at Grade 4 (less than 5 years service) would be calculated as follows:

a) **Example 1 – Annual Leave for a part-time worker**

Jon is a current employee as at 1 August and works 18.5 hours per week at a Grade 4.

18.5 hours per week x 4.2 = 77.7 hours for a full year entitlement
= 78 hours (Round up to 78)

b) **Example 2 –Annual Leave for a part-time worker starting in the middle of a leave year**

Raj works at Grade 6 for 22.5 hours per week and commences employment on 1 January.

22.5 hours per week x 4.6 = 103.50 hours
103.50 ÷ 12 months = 8.625 hours per month
8.625 x 7 months (1 January – 31 July) = 60.375 hours for current year (Round up to 60.5 hours)

c) **Example 3 – Annual Leave for a part-time employee starting in the middle of a month**

Magdalena is a Grade 5 employee commencing employment on 12 January and is contracted to work 30 hours per week.

30 hours per week x 4.4 = 132 hours per year
132 ÷ 12 months = 11 hours per month
11 x 6 months = 66 hours (1 February – 31 July)

11 ÷ 31 days (in the month) = 0.3548387
0.3548387 x 20 (number of days from 12 to 31 Jan) = 7.09 hours
= 7 hours

66 + 7 hours = 73 hours entitlement from 12 January – 31 July

Hourly Paid Employees (Applicable from September 2012)

Hourly paid employees wishing to claim annual leave should complete timesheets as usual, recording hours normally worked and state on the timesheet which days are being taken as annual leave.

Payroll will then calculate how much annual leave the employee is entitled to be paid based on previous hours worked. Payroll will pay the number of hours leave claimed if enough hours have been worked to accrue this much leave. If not enough hours have been worked then Payroll will pay the total amount of leave accrued up to the date when the leave is taken.

For example, Sebastian is Grade 4 and usually works 20 hours per week. There are 260 working days per year and if he was full time he would be entitled to 21 days leave and 13 bank holidays/closed days totalling 34 days.

260(working days per year) – 34(days leave entitlement) = 226 days
34 (leave entitlement) ÷ 226 (x 100) = 15% (This is the percentage that would be used to calculate holiday pay based on the number of hours worked).

Sebastian has worked 20 hours per week, for 8 weeks when he takes some annual leave.

20 x 8 = 160 hours worked
160 x 15% = 24 hours leave entitlement

Academic Staff

FTE	Number of days Annual Leave Entitlement
0.1	3.5
0.2	7
0.3	10.5
0.4	14
0.5	17.5
0.6	21
0.7	24.5

0.8	28
0.9	31.5
1.0	35

Calculating part year entitlement

Divide the full year entitlement by 12 and then multiply by the appropriate number of months.

For example:

35 days ÷ 12 = 2.9166666 days
2.9166666 days x 8 months = 23.333332 days (round up to 23.5 days)

Example 1

Charlie commences employment at the University on 15 January on a full time basis.

35 ÷ 12 = 2.9166666 days
2.9166666 x 6 (full months February - July) = 17.499999 days

To calculate the part month for January:
2.9166666 ÷ 31 (Number of days in January) = 0.094086
0.094086 x 17 days (17 – 31 January) = 1.599462

17.499999 + 1.599462 = 19 days

Example 2

Jessie is on a 0.6 FTE contract and joins the University on 1 April.

21 days ÷ 12 = 1.75
1.75 x 4 (April – July) = 7 days

Bank Holiday/ Closed Days Pro Rata Entitlement for Part-time Employees

The Part-time workers (Prevention of Less Favourable Treatment) Regulations outline that part-time workers should not be treated less favourably than full-time employees with regard to their contractual terms. Full-time employees who would have normally worked on a bank holiday or closed day are entitled to paid time off work.

Part-time employees can therefore receive a pro-rata entitlement to Bank Holidays and closed days. This is to ensure that every person has an entitlement in proportion to their total working hours in the year and are treated no less favourable than colleagues who work full-time.

Part-time staff working a standard 5 day working pattern (working Monday to Friday, and the same number of hours each day) will not need their pro rata entitlement calculating, as with full-time staff, they work on each day therefore are entitled to each of the bank holidays or closed days as they fall.

Part-time staff not working a 5 day standard pattern will have a pro rata amount added to their total entitlement. This will be calculated automatically by U4BW and appear as holiday hours after any deductions or additions as described below.

How pro-rata entitlement is calculated

1. Count the number of bank holidays and closed days that fall in the annual leave year.

2. Calculate the entitlement a full-time member of staff would get in the same period, by multiplying the number of bank holidays and closed days by 7.4 hours (average number of hours worked by full time employee each day). Currently this equates to 96.2 hours.

3. Multiply the full-time entitlement (as above) by the part time members full time equivalent (FTE). An FTE can be calculated by dividing the number of hours that they work per week by 37 hours (hours worked per week by a full-time employee).

4. Count how many of the bank holidays and closed days you will be off based on your working pattern.

Example 1

Jon's works 18.5 hours per week:
18.5 hours per week ÷ 37 hours per week = 0.5 FTE
96.2 hours full entitlement x 0.5 FTE = 48.1 hours pro rata entitlement for the annual leave year

Jon's annual leave entitlement is 78 hours.

Jon works 7.5 hours on a Monday and Tuesday and 3.5 hours on a Wednesday.

In the leave year, bank holidays/closed days fall as follows:
5 fall on a Monday
3 fall on a Tuesday
1 fall on a Wednesday
1 fall on a Thursday
3 fall on a Friday

Therefore Jon would take off:
5 Mondays x 7.5 hours per day = 37.5 hours
3 Tuesdays x 7.5 hours per day = 22.5 hours
1 Wednesday x 3.5 hours per day = 3.5 hours

This means that 63.5 hours would be required to cover the bank holidays and closed days based on Jim's working pattern, which is 15.4 hours in excess of his entitlement of 48.1 hours.

The 15.4 hours must be accounted for from annual leave entitlement. This means U4BW will show an entitlement of 62.6 hours. All bank holidays and closed days when he would have worked are paid.

It is important to remember that even if you have a negative balance, you are not 'losing' any holiday compared to your colleagues. Your working pattern normally gives you too many bank holidays off, and you are adjusting your remaining time to balance this out. In total, you will still get exactly the same proportion of time off in the year as your colleagues.

Example 2

Barbara works 22.5 hours per week:
22.5 hours per week ÷ 37 hours per week = 0.6 FTE

96.2 hours full entitlement x 0.6 FTE = 57.72 pro rata entitlement for the annual leave year.

Barbara works 7.5 hours on a Wednesday, Thursday and Friday.

For the 2015/2016 leave year the bank holidays and closed days would fall on Barbara's working days as follows:
1 Wednesday x 7.5 hours = 7.5 hours
1 Thursdays x 7.5 hours = 7.5 hours
3 Fridays x 7.5 hours = 22.5 hours

A total of 37.5 hours would be taken off leaving 20.22 hours left to use as part of their entitlement. This would be added to their U4BW total entitlement to be booked anytime through the year.

Example 3

Ann commences her employment at the University on 1 March 2016 and works 18.5 hours per week. As Ann joins the University part way through the leave year this will need to be taken into account when calculating her entitlement for the current period.

Number of bank holidays/closed days between 1 March 2016 and 31 July 2016 = 5
5 x 7.4 = 37 (Entitlement a full time member of staff would get for same period)
18.5 hours per week ÷ 37 hours per week = 0.5 FTE
37 hours full entitlement x 0.5 FTE = 18.5 hours

Ann works 3.5 hours on a Monday and 7.5 hours on a Wednesday and Thursday and would therefore take off the following as part of her normal working week:
3 Mondays x 3.5 hours = 10.5 hours

18.5 hours – 10.5 hours = 8 hours entitlement to use