**PENNARD COMMUNITY COUNCIL**

**Annual Leave policy**

**Reviewed 16 Nov 2020**

Purpose

The purpose of this policy is to set out the requirements relating to the entitlement and taking of annual leave.

The law

The law relating to holiday entitlement is set out in the Working Time Regulations 1998 and amended by the Work and Families Act 2006.

Employees are entitled to a minimum of 5.6 weeks’ paid holiday per annum. The eight public holidays can be taken as part of this amount – the eight public holidays are also taken as paid leave.

Holiday entitlement

The holiday entitlement for employees is as set out in their contract of employment.

Payment during holiday

Employees receive their normal pay on any days which are taken as part of their annual holiday entitlement.

*NOTE*

*For most employees payment during holidays is very straightforward – no alterations are made, and they are just paid as if they are present at work.*

Holiday year

The Community Council’s holiday year runs from April to March*.*  Employees should take their full holiday entitlement during that 12-month period.

The holiday year runs from the Employee start date*.*

Carrying holiday forward

Under normal circumstances not more than 7 days leave can be carried forward into the next leave year, this must be taken within 2 months of the leave year start date

Employees will not typically be allowed to carry holiday entitlement forward from one year to the next. However, in exceptional circumstances this might be allowed (for example when the employee is asked to cancel holiday booked towards the end of the holiday year due to business requirements). Even in exceptional circumstances, employees should always take a minimum of four weeks’ paid holiday per year.

No employee should ever presume that they will be allowed to carry forward holiday entitlement. If an employee wishes to do this s/he should contact his/her line manager. In the case of the Community Clerk/RFO this will be the Chairman.

Specific rules apply if the employee is unable to take all holiday entitlement due to sickness (see below).

Pay in lieu of holiday

If employees have not taken their full holiday entitlement at the end of the holiday year, they will usually forfeit that holiday. In exceptional circumstances (for example when the employee is asked to cancel holiday booked towards the end of the holiday year due to business requirements) pay might be given in lieu of the holiday not taken. The decision to do this will be at the discretion of the Community Council. Payment should be limited to any contractual holiday the employee is entitled to over and above the statutory minimum of 5.6 weeks.

Booking of holiday

Employees should apply for a holiday in writing to their designated line manager, using the holiday request forms which are available. For any holiday of one week or more the employee should apply at least six weeks in advance of the proposed start of the holiday. For any holiday of less than one week the employee should apply at least three weeks in advance of the proposed start of the holiday.

The decision on whether to allow the requested holiday will be communicated to the employee in writing using the annual leave form.

No employee should book a holiday until they have received confirmation that they will be allowed to take the holiday from work. The Community Council accepts no responsibility for the loss of deposits or other monies if employees book holidays in this way.

Cancellation of holiday

In rare circumstances the Community Council might ask the employee to cancel previously agreed holidays due to work related pressures. The employee has the right to refuse such a request and will suffer no detriment as a result of any such refusal.

If the employee will incur any cost as a result of cancelling a holiday this should be discussed with the Community Council before making the cancellation. The Community Council might be prepared to meet the costs of any such cancellation.

Sickness during holiday

If an employee is unwell during a period of time that has been booked as holiday, the employer should be notified as soon as possible. The usual procedure for notification of sickness applies (see sickness absence policy). It is accepted that, if the employee is overseas during the sickness, it might not be possible to notify the employer immediately – but every effort should be made as soon as it is practicable.

Any days of sickness during a time of booked holiday may be counted as sickness absence, and not holiday leave. The employee may be entitled to take those days which form part of the statutory minimum holiday entitlement as holiday at another time which is convenient to the Community Council.

If the employee is unable to take the full holiday entitlement during a leave year due to sickness the employee may be entitled to carry some leave to the next leave year. This will normally be limited to a maximum of four weeks’ holiday, subject to a deduction for any holidays which were taken during the leave year (including public holidays).

Holiday entitlement if an employee leaves during the holiday year

If an employee leaves the employ of the Community Council during a holiday year, the holiday entitlement that the employee would have been allowed up to the date of leaving will be calculated on a pro-rata basis.

If the employee has outstanding holiday entitlement, the corresponding amount of money will be paid to the employee in the final salary payment.

If the employee has taken more than the pro-rata holiday entitlement, this amount of money will be deducted from the employee in the final salary payment.

If the amount of holiday taken equates to more money than the final salary payment, the employee will not receive a final salary payment, but will not be required to pay back the additional amount to the Community Council.

New starters

If an employee has a holiday booked before joining the Community Council, s/he should make the Community Council aware when accepting the offer of employment. This holiday will be allowed, but this might be without pay if the employee has not accrued sufficient holiday entitlement at this stage.

New starters will not usually be allowed to take any holiday during the first three months of their employment unless the holiday was already booked, and it has been agreed that this can be taken.

Holidays during school holiday time

It is accepted that many employees have children at school, and hence want to take leave within the school holidays. Every attempt will be made to meet such requests, but the operational efficiency of the Community Council has to be the highest priority.

Working on public holidays

If an employee is required to work on a public holiday s/he will be entitled to take a day’s holiday in lieu. This day must be agreed with the designated line manager in the same way that all other holiday is agreed.

**Family-related leave**

When an employee is on maternity, paternity or adoption leave, annual leave entitlement continues to accrue as normal. Annual leave will accrue at the statutory rate (5.6 weeks pro rata) when an employee is on parental leave. Employees are not required to take annual leave during family-related leave. Designated line managers and employees should discuss suitable arrangements for taking holidays before and/or after a period of family-related leave.