

# Appendix A

**DRAFT FOR CONSULTATION**

## Annual Leave Policy

<b>AUTHOR</b>	Human Resources and Organisational Development
<b>SCOPE</b>	<p>This policy applies to:</p> <ul style="list-style-type: none"><li>• employees of Manchester City Council</li><li>• staff deployed to the Manchester Local Care Organisation (MLCO)</li><li>• Employees on secondment outside of the council but who remain on Manchester City Council terms</li></ul> <p>This policy does not apply to:</p> <ul style="list-style-type: none"><li>• employees of Manchester City Council who are term time only</li><li>• school employees</li></ul>
<b>PURPOSE</b>	The purpose of this policy is to set out the Council's rules in relation to annual leave
<b>APPROVAL</b>	N/A - document in consultation only
<b>REVIEW</b>	The policy will usually be reviewed every 3 years, but may be reviewed sooner if there are changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

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## **1. Policy Aims**

The Council is committed to maximising the health, safety and wellbeing of all employees. The aim of this policy is to explain how the entitlement to paid annual leave works so that employees can enjoy a good work life balance. Time off work using the annual leave entitlement allows employees to manage their personal commitments and enjoy complete breaks from work.

All employees are encouraged to take their full entitlement and to spread out their holiday throughout the year. This policy explains that carry forward of annual leave into the next annual leave year will only be permitted in specific circumstances.

This policy sits alongside other options for requesting time off to help to achieve an appropriate balance between meeting the needs of employees and maintaining service provision. These include the [Flexible Working Policy](#), the [Special Leave Policy](#), the [Career Break Policy](#), the [Military Reservist Policy](#) and [time off for volunteering responsibilities](#).

## **2. Equality**

Manchester City Council is committed to becoming a fair and inclusive employer with a workforce that is representative of the communities we serve.

The aim of this policy is to ensure that there are fair and objective arrangements in place to manage all requests for taking annual leave.

## **3. Roles and Responsibilities**

### **Manager Responsibilities**

- Track annual leave taken in their team using MiSelf or the agreed method where their team does not have access to MiSelf.
- Remind their employees to take their annual leave regularly throughout the leave year.
- Consider annual leave requests promptly, fairly and consistently.
- Make every effort to agree annual leave requests, subject to reasonable notice and operational need.
- Remind their staff in October of each year to take their remaining annual leave entitlement for that year by the end of March.
- Apply the policy in line with the Council's equality and diversity commitments to provide equality of opportunity for all employees.

### **Employee Responsibilities**

- Be expected to take their full leave entitlement each year to ensure they have regular breaks from work.
- Give reasonable notice of their intention to take annual leave.
- Use the agreed methods for booking annual leave, either using the MiSelf portal or, for those with no access to MiSelf, the local arrangement for recording and taking leave.
- Only take leave that is authorised by their manager.

#### **4. Annual Leave**

##### **Definitions**

Statutory leave entitlement means 5.6 calendar weeks i.e. 28 days (pro rata for part-time employees). This is the equivalent to 5.6 weeks and includes paid leave taken on any bank/public holidays in line with the Working Time Regulations 1998. This is the legal minimum entitlement for full-time employees.

Contractual leave entitlement means any annual leave above the statutory leave entitlement that the employer chooses to offer its employees. The employer does not have to apply all the rules that apply to statutory leave to contractual leave. For example, a worker might need to be employed for a certain amount of time before they become entitled to it.

##### **Entitlements**

The annual leave year runs from 1st April to 31st March. The number of days' annual leave employees are entitled to take each year depends on their role and length of service. Annual leave entitlement can be found on MiSelf where it is shown in hours, or for those who do not have access to MiSelf, the manager can advise their employees of their individual entitlement.

Employees who start with the Council on or after April 1 2010 receive 25 days' annual leave and eight days for bank/public holidays or a pro rata equivalent if they work part-time. The eight days' bank/public holidays and 20 of the annual leave days make up the statutory entitlement; the remaining 5 of the annual leave days are the contractual entitlement. These are both pro rated for part-time employees.

Employees who joined the Council before April 1 2010, may have a different entitlement to annual leave which is 'protected', except where they have voluntarily accepted a new contract of employment or agreed to a variation in their contract of employment.

For employees that are craft workers, or have transferred from the NHS or another employer, their entitlement may be different.

These employees should consult their contract of employment for details and speak to their manager if they have any queries.

### **Five years' service leave entitlement**

Leave entitlement varies according to continuous service. After five years of working for the Council, employees will receive an extra five days' contractual annual leave (pro rata) on the anniversary of their appointment. If employees have protected continuous service with a former employer, this will count towards the five years' service and employees should consult their contract of employment for details. On the five year anniversary, employees will get a proportion of their new entitlement as follows for the rest of the year:

<b>Date of 5th anniversary of appointment</b>	<b>Number of additional days' annual leave entitlement</b>
1 April to 11 June	5
12 June to 8 August	4
9 August to 26 November	3
27 November to 15 January	2
16 January to 31 March	1

Following the 1st April after the 5th year anniversary, employees' annual leave entitlement will increase to 30 days (210 hours). This will be calculated proportionally for those who work part time or job share.

### **Starters and Leavers**

If employees start with the Council part-way through the leave year, their annual leave entitlement for the remainder of the leave year will be calculated on the number of completed months' service during the year. For the first 12 months of their employment, paid holiday entitlement will accrue at the monthly rate of one twelfth of the full year entitlement. Any part days will be rounded up to the nearest half day.

If employees leave the Council part-way through the leave year, they must take all their leave entitlement before their last day of service. Their annual leave entitlement will be calculated on the number of completed months' service during the year. If employees have taken more leave than they have accrued by their last day, they will be required to repay the cash value of the excess leave taken. This will be deducted from their final pay. They will only be paid for any outstanding leave that, for operational reasons, they were not allowed to take.

### **Calculating annual leave entitlement**

Employees can use the [annual leave calculator](#) to work out their entitlement - but must remember to use only whole months to calculate annual leave. If employees join or leave the Council part way through a month, it won't count towards their entitlement.

### **Accruing annual leave**

Employees accrue entitlement to annual leave in whole months as they accrue continuous service. Entitlement to annual leave continues to accrue even during some periods when employees are not receiving pay, for example during the unpaid period of maternity leave,

adoption or parental leave, or when entitlement to occupational sick pay has been exhausted. These examples are illustrative only and should not be regarded as exclusive or exhaustive.

However, where employees have been granted unpaid leave to enable a career break, undertake a sabbatical etc, they will not accrue annual leave. These examples are illustrative only and should not be regarded as exclusive or exhaustive.

### **Payment during annual leave**

Employees will be paid at their full basic rate for all authorised absence on annual leave.

For those employees whose salary includes regular additional payments, for example, overtime payments, stand-by and call-out payments and flexibility payments, these will be included in the calculation for their statutory entitlement to annual leave (ie for the first 20 days). The calculation for authorised annual leave in these circumstances is based on their average weekly pay for the previous 52 weeks worked.

## **5. Bank / Public Holidays**

Entitlement to leave on bank/public holidays is in addition to the annual leave entitlements referred to above.

There are normally 8 bank/public holidays in each year. These are:

New Year's Day

Good Friday

Easter Monday

May Bank Holiday

Spring Bank Holiday

Late Summer Bank Holiday

Christmas Day

Boxing Day

For permanent, full-time employees, during each leave year, they are entitled to paid leave for each of the 8 bank/public holidays referred to above as they occur.

For permanent, part-time employees, they are entitled to this leave awarded on a pro rata basis according to the number of contractual hours that they work in a normal week compared with a comparable full-time employee. All adjustments for bank/public holiday entitlements for part-time employees are taken into account in MiSelf.

For temporary, full-time employees, including those employed on a fixed-term contract, they are entitled to paid leave equivalent to that of a comparable permanent employee but only for those bank/public holidays which occur during their period of employment with the Council.

For temporary, part-time employees, their entitlement to bank/public holiday leave will also be as a proportion of the number of hours that they work in a normal week compared with a comparable full-time employee. All adjustments for bank/public holiday entitlements for part-time employees are taken into account in MiSelf.

If employees fall sick during a period of planned annual leave which includes a bank/public holiday and they were not scheduled to work, they will not be entitled to take that bank/public holiday leave at another time. If employees fall sick during a period of planned annual leave which includes a bank/public holiday and they were scheduled to work, they will be entitled to take one day's leave at another time provided that they notify their manager and follow the steps described in Section 8.

### **Religious holidays**

There is no automatic right to time off to observe religious holidays, but as an inclusive employer, wherever possible, managers will make every effort to accommodate annual leave requests that are for religious reasons while having regard to the operational needs of the Council. All employees, whatever their religion or belief, will be treated equally in this respect.

If employees wish to take time off during a religious festival or for religious observance, they must book annual leave using MiSelf. Employees are encouraged to discuss annual leave requirements associated with religion/a particular festival in advance (even if specific dates are not yet known). The Council is aware that some religious festivals are aligned with lunar phases and dates change from year to year. Therefore, in some cases, we acknowledge that staff will not be able to give as much notice (in terms of specific date) as others and managers will be more receptive to annual leave requests at short notice in these circumstances.

## **6. Booking Leave**

Holidays must be taken in agreement with line managers within the annual leave year, giving reasonable notice. Employees must not make any personal arrangements until their leave request has been approved. If an employee transfers from one Directorate to another and has already had their annual leave authorised on MiSelf, this approval will be honoured. If an employee is new to the Council and has pre-existing annual leave commitments, these will be honoured provided that this is declared on appointment.

Leave is booked using the MiSelf portal, or for those who do not have access to MiSelf, using the agreed method that is in place in their Service. Annual leave total is calculated by an employee's annual leave entitlement (eg 30 days per year) multiplied by their normal working day (eg 7 hours) = 210 hours leave. Annual leave entitlements for part time employees are allocated on a pro-rata basis.

Annual leave can be booked in full or half days. If employees' remaining leave is not equal to a full or even a half day, they will need to book it to start later or finish earlier one day.

Employees can only take a part working day off under these circumstances. To book this partial leave, employees must agree their start or finish time for that day with their manager.

To cancel or amend a leave request, this can be done on MiSelf (or if employees do not have access to MiSelf, the alternative, agreed arrangement for cancelling or amending leave) and the request will go to the line manager for approval.

Every effort will be made to meet a holiday request. However, there may be circumstances where line managers may turn down a holiday request due to operational needs or where there is not enough capacity within the Council to accommodate high levels of leave. Managers will make every effort to accommodate annual leave fairly and transparently and as far in advance as practicable.

The maximum annual leave normally granted for any one period of leave is 3 weeks, though managers will consider requests for longer periods of annual leave on an individual basis taking account of employees' personal circumstances and operational needs.

Where an employee requests that annual leave for that year be taken in one block, managers should refer the request to the Head of Service for authorisation. Such requests will normally be agreed provided that it is operationally feasible and that the employee states clearly in writing the date on which they will return to work.

If managers receive a large number of requests for annual leave at the same time, they will work with the team to find an equitable solution, taking account of operational requirements.

If employees take annual leave without prior authorisation from their manager, they could be liable to disciplinary action including the possibility of dismissal. Such unauthorised absence could result in employees losing pay for the period in question.

## **7. Annual Leave Carryover**

To help to maximise employees' health, safety and wellbeing, the Council encourage employees to use all of their entitlement to paid annual leave in each leave year. Managers will work with their teams throughout the annual leave year to ensure that they are using their annual leave, and in October of each year will remind employees that they will need to book and use any remaining annual leave entitlement before 31 March.

However, where employees have not taken the full amount and in exceptional circumstances, they may request the carry forward up to a maximum of one week's worth of contractual annual leave to the next leave year. The number of days in the one week carry forward will depend on the employee's working pattern. The statutory element of an employee's leave entitlement (i.e. 28 days for a full-time employee; pro rata for a part-time employee) cannot be carried forward to the following leave year.



The carry forward of contractual annual leave must be authorised by the Service Director when, for example, employees have been required to be in work due to operational pressures within their service or they have worked on a particular piece of work or project with strict timelines that prevented them from taking time off.

Employees will need to put this request in writing to their Service Director; if authorised, the Service Director will forward the authorised request to [employee lifecycle@manchester.gov.uk](mailto:employee lifecycle@manchester.gov.uk) so that the annual leave balance is adjusted on Mi Self for the following leave year.

Any annual leave carried over in these circumstances must be used by 30 April and will be automatically lost after that date.

Employees are not entitled to pay in lieu of annual leave not taken, except in some cases when they leave their employment with the Council.

Employees are entitled to carry forward more than one week's annual leave if:

- They have been on maternity, adoption or shared parental leave and were unable to take their statutory and contractual leave entitlement before the end of the leave year.
- They have been off sick for the majority or all of the leave year and have been unable to take their statutory annual leave entitlement within that leave year.

The entitlement to carry forward accrued, untaken annual leave as a result of sickness absence is limited to an employee's statutory entitlement under EU legislation of four weeks' annual leave (pro-rated for part-time employees). Once authorised, carried over leave must be taken within 18 months of the end of the annual leave year in which it was accrued. It can't be carried forward further. Any accrued, untaken, contractual leave entitlement cannot be carried forward.

If employees use all their annual leave entitlement and wish to book more annual leave for the same leave year, they should be referred to the [Annual Leave Purchase Scheme](#). Employees can't exceed their annual leave entitlement by using their entitlement for the next leave year in the current one.

## **8. Sickness Before or During Annual Leave**

Employees who are sick during planned annual leave have the right to request that the relevant days are recorded as sickness absence and to take those days as annual leave at another time when they are well. In these circumstances:

- The total period of sickness must be fully certificated by a self-certification form if for 7 calendar days or less and if more than 7 calendar days, by a qualified medical practitioner.

- Employees must contact their manager by telephone as soon as they know that there will be a period of sickness during their holiday.
- Employees can use MiSelf (or the agreed method where there is no access to MiSelf) to cancel or amend the part of their leave request that was affected by sickness and this will go to their manager for approval.
- Any holiday leave that is adjusted to sick leave will be treated in accordance with the Council's [Managing Attendance Policy](#).

## **9. Annual Leave During Suspension Pending Disciplinary Proceedings**

If an employee has been suspended as part of a disciplinary investigation, the normal rules for booking and taking annual leave apply.