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## Annual Leave, Statutory Holidays & Time Off In Lieu **Policy**



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## 1. INTRODUCTION

This policy applies to all employees of the Council with the exception to those directly employed by governing bodies of schools. School based employees should contact their Headteacher in the first instance to seek advice on their entitlement to annual leave and time off in lieu.

## 2. ANNUAL LEAVE

- 2.1 This policy outlines the annual leave entitlement for employees and takes account of nationally and locally agreed conditions as well as the provisions laid down by the Working Time Regulations.
- 2.2 The annual leave period runs from 1<sup>st</sup> April to 31<sup>st</sup> March. Entitlement for employees working on a **full-time basis** will be as indicated in Table 1 below:

Table 1

<b>Conditions of service</b>	<b>Less than 5 years service</b>	<b>More than 5 years service</b>
NJC for Local Government Services	25 days	30 days
JNC for Craft and Associated Employees	25 days	30 days
Soulbury Committee	25 days	30 days
JNC for Chief Executives and Chief Officers	35 days	35 days
JNC for Youth & Community Workers	35 days	40 days

- 2.3 **Continuous service** will include continuous previous service with any public authority to which the Redundancy Payments Modification Order (Local Government) 1983 (as amended) applies.
- 2.4 All employees (except those employed on JNC for Chief Executives and Chief Officers conditions of service) are entitled to increased leave when they have accrued 5 years continuous service. During the 5<sup>th</sup> year of service entitlement to the additional leave will be calculated on a pro-rata basis. Only completed months following 5 years service will be taken into consideration. For example: - an employee who accrues their 5<sup>th</sup> year of service on the 8th November will be entitled to 1.5 additional days (for 4 completed months December to March). Please see table 2 for further guidance.

**Table 2**

<b>Completed calendar months</b>	<b>Additional leave in the 5<sup>th</sup> year of service</b>
	Days
1	0.5
2	1.0
3	1.5
4	1.5
5	2.0
6	2.5
7	3.0
8	3.5
9	4.0
10	4.0
11	4.5
12	5.0

2.5 Employees who are contracted to work on a **part-time, job share basis** will have their leave entitlement on a pro-rata basis (**depending on the number of days worked and the working pattern adopted**). For example:

<b>Conditions of service</b>	<b>Number of hours per day</b>	<b>Number of days worked per week</b>	<b>Leave entitlement</b>
NJC for Local Government Services	3	5	25 days (less than 5 years service) 30 days (more than 5 years service)
NJC for Local Government Services	5	3	15 days (less than 5 years service) 18 days (more than 5 years service)
NJC for Local Government Services	2 days at 7:24 1 day at 3:42	2.5	12.5 days (less than 5 years service) 15 days (more than 5 years service)

All requests for annual leave must be approved by the nominated line manager before it is taken. Approval is subject to the demands of the service (authorisation should be obtained by using the annual leave card as seen in Appendix 1).

- 2.6 Employees starting or leaving employment are entitled to annual leave proportionate to the number of fully completed months during that year. For example an employee who commences work on 15<sup>th</sup> August will cumulate leave from 1<sup>st</sup> September to 31<sup>st</sup> March and will be entitled to 7/12<sup>th</sup> of their leave entitlement (September to March). Please see table 3 below as a term of reference:

**Table 3**

<b>Completed calendar months</b>	<b>25 day leave entitlement</b>	<b>30 day leave entitlement</b>	<b>35 day leave entitlement</b>	<b>40 day leave entitlement</b>
	<b>Days</b>	<b>Days</b>	<b>Days</b>	<b>Days</b>
1	2	2.5	3	3.5
2	4	5	6	6.5
3	6	7.5	8.5	10
4	8.5	10	11.5	13.5
5	10.5	12.5	14.5	16.5
6	12.5	15	17.5	20
7	14.5	17.5	20.5	23.5
8	16.5	20	23.5	26.5
9	18.5	22.5	26	30
10	21	25	29	33.5
11	23	27.5	32	36.5
12	25	30	35	40

- 2.7 Employees starting or leaving the employment of the Council should make every effort to take any accrued leave. Only in exceptional circumstances and at the demands of the service will employees be paid for outstanding leave. Employees leaving the Council who have exceeded their leave entitlement will be required to repay the monetary value of the additional leave taken. The nominated line manager will be required to notify their respective HR officer in order that the appropriate arrangements can be made.
- 2.8 **Carrying over leave entitlement** - employees who have been unable to take their leave entitlement during the leave year may, in exceptional circumstances and at the discretion of their Chief Officer carry up to 5 days leave (pro-rata for part-time employees) to the new leave year to be taken by the end of April. A Chief Officer is defined as any officer employed on the terms and conditions of the JNC for Chief Executives, JNC for Chief Officers or Senior Advisers employed on Soulbury Committee terms and conditions. If a request is received in writing to carry over leave then a response will be given within 10 working days.

- 2.9 **Managers responsibility** – the nominated line manager has a responsibility to ensure adequate records are maintained of annual leave. The manager should retain records for at least 2 years for audit purposes.

### 3. **STATUTORY HOLIDAYS**

#### 3.1 **Employees Working Monday to Friday**

##### 3.1.1 Full-Time Employees

Employees working on a full-time basis will be entitled to 8 statutory days as they occur irrespective of length of service. These are:

Good Friday  
Easter Monday  
May Day Bank holiday Monday  
Spring Bank holiday Monday  
August Bank holiday Monday  
Christmas Day  
Boxing Day  
New Years Day

##### 3.1.2 Job Share Employees

The entitlement to statutory days will be divided proportionately between job sharers, regardless of which days they work. Where they both work the same number of hours per week this will be divided evenly, where one job sharer works more hours than the other the statutory days will be divided pro-rata based on the full-time equivalent (FTE). This will be confirmed in the job share agreement of the employee concerned.

##### 3.1.3 Part-time Employees

Employees who work on a part-time basis will be entitled to the above on a pro-rata basis depending on the number of days worked and the working pattern adopted. For example an employee working for:

- 2.5 days per week will be entitled to 4 statutory days;
- 3 days per week will be entitled to 5 statutory days ( $3/5 \times 8 = 4.80$  – rounded up to 5 days);
- 4 days per week will be entitled to 6 statutory days ( $4/5 \times 8 = 6.4$  – rounded down to 6 days);

Part-time employees who are not entitled to all 8 days are required to nominate the days which they wish to take and make alternative provision with their line manager for the remaining days e.g. take annual leave, work additional time to compensate, take unpaid leave.

Employees whose working pattern does not fall on the required statutory holidays, will receive the relevant entitlement as additional holidays. For further guidance on this matter please contact your respective HR Officer.

### **3.2 Employees Working shift patterns**

3.2.1 Employees working on a full-time basis will be entitled to 8 statutory days as they occur irrespective of length of service. These are:

Good Friday  
Easter Monday  
May Day Bank Holiday Monday  
Spring Bank Holiday Monday  
August Bank Holiday Monday  
Christmas Day  
Boxing Day  
New Years Day

#### **3.2.2 Job Share Employees**

The entitlement to statutory days will be divided proportionately between job sharers, regardless of which days they work. Where they both work the same number of hours per week this will be divided evenly, where one job sharer works more hours than the other the statutory days will be divided pro-rata based on the full time equivalent (FTE). This will be confirmed in the job share agreement of the employee concerned.

#### **3.2.3 Part-time Employees**

Part-time employees may be contracted to work either different or the same days each week depending on their contract. In order to compensate for any uneven benefit, particularly where employees are shifted for particular days each week, entitlement to statutory days will be pro-rata based on the FTE equivalent.

### 3.2.4 Method for Calculating Bank Holiday Entitlement

A full-time employee working 5 days per week is entitled to 8 statutory days.

Therefore pro-rata calculation for a part-time employee is as follows:

#### **Example**

A part-time employee working 3 days, is entitled to the statutory days as calculated below:

$3 \text{ days} \times \frac{3}{5} = 4.8 \text{ days}$ , rounded to the nearest day = 5 days

The pro-rata number of days or hours is added to the annual leave entitlement of the part-time employee at the start of the leave year, to make their total leave entitlement for that year.

#### **NB**

- i. A part-time employee working their part-time hours over 5 days per week are also entitled to 8 statutory days.
- ii. The pro-rata number of days will be adjusted throughout the year if an employee is sick or terminates their employment before the end of the financial year.
- iii. When a statutory day falls on a day that the part-time employee normally works (or is shifted to work), if the day is not worked then as the statutory holidays are given up front, a days leave will be deducted from their entitlement.

### 3.3 New Starters

For new starters Statutory Holiday entitlement should be based on the number of Statutory Holidays remaining in the leave year.

### 3.4 Contracted Employees Working on a Statutory Holiday

Contracted employees working on a Statutory Holiday will have the option to be paid at double time, or at single time with time off in lieu.. If an employee's rest day falls on a Statutory Holiday then they will be entitled to a day back provided it does not exceed their actual statutory holiday entitlement.

## 4. TIME OFF IN LIEU

4.1 The Council recognises that on occasions employees will be required to work hours in addition to their normal working day. However, it also acknowledges that it has a duty of care to protect the health and safety of its employees by ensuring that they do not work excessive hours. Any additional hours should be agreed in advance and monitored appropriately by line managers.

### 4.2 **What is Time Off In Lieu (TOIL)?**

TOIL is time, which employees accrue for hours worked beyond the normal working day. TOIL can be accrued as follows:

- Before or after the normal working day;
- Work undertaken on weekends;

4.3 TOIL does not apply to lunch periods or breaks, which are required in accordance with the working time directive e.g. if lunchtime meetings are necessary then employees should be allowed to take a break either before or after the meeting or finish early.

### 4.4 **Who can claim TOIL?**

This policy applies to all employees who have agreed in advance with their line manager, work which they intend to undertake outside of their normal working day. Before undertaking TOIL for the first time the employee must complete a formal authorisation form (**Appendix 2**) and have this authorised by their line manager.

4.5 In accordance with the NJC for Local Government Services employees in receipt of basic pay at or below Grade 8, who are required to work beyond the full-time equivalent hours for the week, are entitled to compensation in the form of **payment rather than TOIL** based on the following enhancements:

Sunday to Saturday – hours worked will be paid at plain time rates. However, any hours worked between 10.00 pm and 7.00 am will be paid at Time + 1/3<sup>rd</sup>.

An employee paid on Grade 8 or below may request to have any additional hours worked accrued as TOIL. Any such request should be made to the line manager preferably before hours are worked and will be in accordance with the TOIL guidelines detailed below.

Employees employed above Grade 8 will normally accrue TOIL for additional hours worked. However, in the event of pre-planned overtime payment, at plain time may be approved by the line manager.

#### 4.6 **Calculating and recording TOIL**

Time off in lieu is given for time worked over and above an employee's normal working day. TOIL is usually given for pre-planned events such as meetings, appointments – which necessitate a permanent or temporary employee carrying out their duties at times when they are not scheduled to work.

4.7 For employees who work flexible hours under the Council's flexitime system TOIL should only be authorised for work outside of the bandwidth i.e. 8.00 a.m. – 6.00 p.m. or on days which are not a normal working day e.g. weekends and statutory holidays. TOIL must be recorded separately from flexitime.

4.8 Time off accrued through TOIL will be as follows:

Hours accumulated Sunday – Saturday are recorded on a plain time basis e.g. if 2 hours are worked then 2 hours TOIL should be recorded;

4.9 Employees attending courses and seminars will be credited hours for attendance at the course or event. No hours will be credited in connection with early morning/late evening travel.

#### 4.10 **How can TOIL be taken?**

TOIL should be taken as soon as practicably possible and no later than 3 months after it has been accrued. TOIL, which has been accrued and not taken due to work commitments, will be paid up following prior approval by the relevant Chief Officer.

4.11 When an employee wishes to take approved TOIL this has to be agreed with the relevant line manager in advance. As with all requests for leave, approval is subject to the needs of the service. Where the line manager does not approve the request, suitable alternative dates should be discussed.

#### 4.12 **Manager's responsibilities**

The line manager has a responsibility to:

- consider whether or not to agree to work being undertaken outside normal hours and consider the reasons why it will not be possible for this work to be undertaken within the individuals normal hours of work;
- monitor the levels of TOIL that an employee accrues and ensure that the time accrued is taken in accordance with this policy;
- ensure that employees are given reasonable opportunity to take TOIL within the approved time period;

- ensure that adequate records are maintained of additional hours worked and maintain these records for a minimum period of 2 years.

## **5. GENERAL PRINCIPLES**

- 5.1 **Record keeping** – all employees have a responsibility to ensure that appropriate records are maintained for all forms of leave including annual leave, compensatory flexi time and TOIL. **Appendix 1** provides the agreed format for maintaining accurate records for all three areas.
- 5.2 **Reconciliation of records** – the manager has the responsibility to ensure that all annual leave, flexi and TOIL records correspond to the daily record of attendance. This reconciliation check should be undertaken at least on a monthly basis. The Vision computer system must be updated to record all employees leave patterns.
- 5.3 **Abuse of policy** - the effective use of this Policy relies heavily on accurate record keeping and appropriate authorisation by the line manager. Any suspected abuse of this Policy will be investigated in accordance with the disciplinary procedure. If an employee wishes to claim TOIL then the form as detailed at **Appendix 2** must be completed.
- 5.4 Should the line manager have any concerns with regards to the management of this policy they are encouraged to seek guidance from their respective HR Officer.



### COMPENSATORY FLEXI - TIME

SETTLEMENT PERIOD	DATE	AM	PM	ALL DAY	HOURS ACCRUED	AUTHORISING OFFICER	DATE	VISION UPDATED
<u>PERIOD 1</u> 14/03/11- 08/04/11								
<u>PERIOD 2</u> 11/04/11- 06/05/11								
<u>PERIOD 3</u> 09/05/11- 03/06/11								
<u>PERIOD 4</u> 06/06/11- 01/07/11								
<u>PERIOD 5</u> 04/07/11- 29/07/11								
<u>PERIOD 6</u> 01/08/11- 26/08/11								
<u>PERIOD 7</u> 29/08/11- 23/09/11								
<u>PERIOD 8</u> 26/09/11- 21/10/11								
<u>PERIOD 9</u> 24/10/11 – 18/11/11								
<u>PERIOD 10</u> 21/11/11- 16/12/11								
<u>PERIOD 11</u> 19/12/11 – 13/01/12								
<u>PERIOD 12</u> 16/01/12– 10/02/12								
<u>PERIOD 13</u> 13/02/12 – 09/03/12								

### TIME OFF IN LIEU

DATE HRS WORKED	NO. OF HRS. WORKED	DATE TOIL TAKEN	NO. OF HOURS TAKEN	BALANCE	AUTHORISING OFFICER	DATE	VISION UPDATED

**APPENDIX 2**

**RHONDDA CYNON TAF COUNCIL**

**AUTHORISATION FORM FOR TIME OFF IN LIEU**

NAME: \_\_\_\_\_

POSITION: \_\_\_\_\_

SECTION: \_\_\_\_\_

LOCATION: \_\_\_\_\_

REASON FOR REQUEST: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

PROPOSED DATES OF EXTRA WORK (IF KNOWN): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

FREQUENCY OF EXTRA WORK (IF KNOWN):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EMPLOYEES SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

(By signing this form you are agreeing to comply with the procedures as laid down in the annual leave and TOIL policy)

MANAGERS SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

(By signing this form, you are agreeing that the above employee is required to work additional hours and as a result has the right to claim through TOIL the proposed hours)