

## Holidays and Leave Policy

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Date Revision Complete	February 2018
Policy Owner	Head of HR & OD
Author	Human Resources Officer
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Data Protection	
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Proof Read	Human Resources Team; Law at Work;
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Approved by	EMT
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Audience – Training and Awareness Method	Email roll out to all Managers and Team Leaders. Policy will be uploaded on to The Loop
Effective Date	February 2018

Internal References	Not applicable
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External References	Not Applicable.
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Comments	
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## Holidays and Leave Policy

### 1. Policy Statement

- 1.1 Blackwood provides all employees with a leave entitlement as part of the aim of achieving a good work life balance and the entitlement exceeds the current statutory requirement for providing annual leave. All employees will have the opportunity to take their leave, but the timing will be dependent on the needs of the organisation and our service to customers.
- 1.2 This policy and Blackwood's leave entitlement applies to all employees and should also be used for reference purposes for long term agency staff not in direct employment.

### 2. Annual Leave

- 2.1 The standard leave entitlement for all permanent full time employees is based on 22 days annual leave and 12 days for public or local holidays. This will be converted into hours for shift workers. For clarification purposes, a shift worker is defined as an employee who works a rotating shift pattern which includes different days of the week. Weekend only employees will be treated as shift workers for this policy.
- 2.2 This is based on working a standard week of 5 days or an average of 5 shifts a week over a rota period. Part-time employees' and those working compressed hours will have their holidays pro-rated based on the number of shifts worked per week.
- 2.3 Employees working a shift system will have their overall entitlement converted into leave hours based on their contracted hours. The number of hours will be calculated as follows :-

For a Full Time Shift worker

$$\begin{aligned} 37 \text{ hours per week} \div 5 \text{ days} &= 7.4 \text{ hours per day} \\ 34 \text{ days leave entitlement} \times 7.4 \text{ hours} &= 251.6 \text{ hours} \end{aligned}$$

For a Part Time Shift Worker

Part time contracted hours divided by full time hours multiplied by the full time annual leave entitlement stated in hours.

The example below uses a part time contract of 16 hours per week

$$(16 \div 37) \times 251.6 = 108.8 \text{ rounded up to } 109 \text{ hours of leave entitlement per year}$$

- 2.4 For new employees a proportion of the leave entitlement will be granted based on service in that holiday year.

- 2.5 Leave will be granted on the assumption that the employee will remain in Blackwood's service until the end of the leave year. If the employee leaves Blackwood's employment they may be granted, before leaving, any proportion of accrued annual holidays due in the current holiday year. This will be calculated based on the accrued holiday entitlement to the termination date less any holidays already taken. If to meet the needs of the business or through unavoidable circumstances, such holidays cannot be granted, a payment in lieu of these will be made with the final salary payment.
- 2.6 Where an employee has taken more than the accrued holiday entitlement at the termination date, a deduction will be made from their final salary for the days taken more than those accrued.
- 2.7 The Annual Leave period for all employee will run from 1<sup>st</sup> April to 31<sup>st</sup> March.
- 2.8 Employees will be expected to spread their annual leave entitlement over the leave year. The Manager, at his or her discretion, may require employees to book 2 weeks in summer, one week in Spring, and a week in Autumn to spread the holidays accordingly.
- 2.9 No more than 18 continuous days leave, including days off and weekends, will routinely be granted at any one time.
- 2.10 An employee wishing to exceed this number must submit a request through their manager, to their Regional Manager or Director as appropriate, giving as much notice as possible. The needs of the business will take precedence when making any decision around these requests. The manager is required to make a recommendation in support of each request.
- 2.11 Requests for annual leave should be submitted by each employee to their manager as soon as practicable. In normal circumstances it is expected that at least 4 weeks' notice would be given to enable team planning and relief staffing (if appropriate) to be arranged as far in advance as possible.
- 2.12 Changes to dates previously notified may be permitted provided relief cover can be arranged.
- 2.13 Annual leave must be taken in the year in which the entitlement occurs. In exceptional cases, managers may grant permission for a proportion of the annual leave not taken up to a maximum of 5 days, or equivalent hours, to be carried over to the first four months of a new holiday year. The 5 days' allowance will be pro-rated for part time employees or those working condensed hours.
- 2.14 Any requests for leave carryover in excess of 5 days must be approved by the Chief Executive or delegated representative. A request for all leave carryover must be submitted by 1<sup>st</sup> March.
- 2.15 Annual leave days or hours which have not been taken by the end of the holiday year and for which no request for carryover has been made and approved will be forfeited. Payment in lieu of holidays not taken will not normally be granted.
- 2.16 Relief Workers are entitled to annual leave based on UK statutory entitlement is which currently an entitlement of 28 days (5.6 weeks, including public holidays) leave for all workers. Blackwood calculates leave for all relief workers based the average hours

worked in each quarter of the holiday year or from the date of joining during the first year of employment.

- 2.17 Part time employees who work more than their contracted hours will receive a payment in lieu of the equivalent holiday entitlement due for the any additional hours worked. The calculation is based on the UK statutory entitlement (i.e. 28 day per year including public holidays). This payment is made quarterly and appears on the employee's payslip as Holiday Pay.

### **3. Public and Local Holidays**

- 3.1 Blackwood currently recognises 4 days as declared public holidays. These are December 25<sup>th</sup> and 26<sup>th</sup>, January 1<sup>st</sup> and 2<sup>nd</sup>. Advance notice of any variation to these days will be advised locally.
- 3.2 Where these declared public holiday date fall over Monday to Friday these will be the declared holidays and no variation will be advised. When any of the above four dates fall on a Saturday or Sunday (or both) an alternative date is given as detailed on the Gov.uk website.
- 3.3 Blackwood grants up to 8 further floating days as local holidays.
- 3.4 Regional Offices and Head Office will usually be closed during the period between Christmas and New Year. Employees who work in these locations will normally be expected to use annual leave as approved by their managers to cover this period.
- 3.5 Regional Offices and Head Office will usually be closed on Good Friday and Easter Monday.
- 3.6 For the remaining 6 local holidays the Regional Offices and Head Office will usually remain open.
- 3.7 Local holidays may be taken at any time authorised by the manager giving consideration to the needs of the business, and are not confined to set local and Bank Holidays, e.g. Victoria Day or May Day holiday.
- 3.8 Where a declared public holiday or local holiday coincides with a day off as designated on an employee's rostered shift pattern, the day will be treated as a day off and a public or local holiday will be agree as part of the standard annual leave and public holiday allowance. The timing of this will be subject to the needs of the business and authorisation of the manager as detailed above.
- 3.9 Where an employee is required to work on a declared public holiday (i.e December 25<sup>th</sup> & 26<sup>th</sup> and January 1<sup>st</sup> & 2<sup>nd</sup>) either as part of a rota duty/rostered shift pattern or to meet the requirements of Blackwood, the rate of pay will be double time for all of the hours worked.
- 3.10 Where employees are required or choose to work a local holiday, a day off with pay at daily/shift rate will be granted at a later date the timing of which will be subject to agreement with their manager.
- 3.11 When an employee is required to work on a declared public holiday a day off with pay at daily/shift rate will be granted at a later date the timing of which will be subject to agreement with their manager.

- 3.12 Night shift which starts the day before a declared public holiday will be designated as a shift worked on a public holiday and will be paid at double time with compensatory time off paid at the standard shift rate. This applied to December 24th and 25th and December 31st and January 1st
- 3.13 Every effort must be made by managers to ensure that only essential employees are either working as part of a rota duty/rostered shift pattern or are requested to work on a declared public or local holiday.
- 3.14 Declared public & local holidays will be converted into hours for shift workers based on their contracted hours and pro-rated for office based part-time employees and those who work condensed hours based on the number of days worked per week. This will be calculated proportionally using the formula laid out the section 2.3 above.
- 3.15 Additional public holidays may be granted by the Board from time to time in line with government policy although, again, the needs of the service remain a priority.

#### **4. General Information on Holidays and Leave**

- 4.1 Blackwood reserves the right to determine the appropriate level of staffing, at any time to ensure that the need of the business take precedence and departments are neither over nor under manned.

#### *4.2 Payment for Holidays and Special Leave*

- 4.2.1 Holiday leave (annual, public and local holidays), and special leave will be paid at daily rate for annual salaried employees and the appropriate hourly rate for hourly paid employees contracted to work a rostered shift system and for relief workers. The rates are calculated as follows:

##### *4.2.1.1 Employees working a standard five-day pattern*

For Annual Salaried Employees;

Payment is calculated by dividing the contractual annual salary by 52 weeks and then dividing the contracted number of days worked per week. This gives a daily rate.

For Hourly Paid Employees;

- Payment is calculated by multiplying the contracted hours per week by the hourly rate (including enhancements) and then dividing by the contracted number of days worked per week. This gives a daily rate.

##### *4.2.1.2 Employees working a rota shift pattern*

For Annual Salaried Employees

- Payment is calculated by dividing the contractual annual salary by 52 weeks and then dividing the contracted average number of shifts worked per week. This gives a daily shift rate.

For Hourly Paid Employees

- Payment is calculated by multiplying the contracted hours per week by the hourly rate (including enhancements) and then dividing by the contracted average number of shifts worked per week. This gives a daily shift rate.

4.2.2 Employees will receive payment for any contractual shift allowances they are whilst on holiday.

#### 4.3 *Part-Time or Compressed Working*

4.3.1 Part-time employees will be entitled to holidays and public and local holidays pro-rated to their working hours.

4.3.2 Employees working compressed hours will receive pro-rated holidays based on their working pattern; holiday pay in these circumstances is based on full time salary.

### **5. Sickness and Holidays**

5.1 An employee falling sick during a period of annual leave or a public or local holiday may wish to produce a Fit Note from a doctor, at their own expense. If the reason for the absence is acceptable to Blackwood, the employee will be classed as being on "Sick Leave" and the annual holiday days or hours will be deferred to be taken at another time. Similarly, with public or local holidays when a day off in lieu will be granted. These holidays like all holidays will be agreed subject to local work place requirements and business needs. However, in keeping with Blackwood's Absence Management Policy, the first 3 days of any sickness absence while on holiday will be unpaid.

#### **5.2 Accrual of holidays when absent from work on long term sickness**

5.2.1 An employee on long term absence from work due to sickness will, after 4 weeks' absence, start to accrue leave at the UK statutory entitlement in accordance with Working Time Legislation (i.e. 28 days including public holidays) rather than their contractual rate. This equates to 2.3 days per month for full time employee working over 5 days and will be pro-rated for part time or in accordance with the employee's rota. For employees who remain on long term sick leave at the end of their leave year, annual leave accrued while on long term sick leave can be paid out in lieu on condition of a formal written request to the Human Resources Team through their manager.

5.2.2 If there is the possibility of a return to work in the short term, carrying forward more than the customary 5 days, or equivalent hours, will be allowed to facilitate a phased return to work agreed between the employee, their manager and the Human Resources Team. Payment in lieu of a proportion of unused holidays may also be considered based on the individual circumstances of each case.

#### **5.3 Public or Local Holiday Which Occurs During Annual Leave**

5.3.1 Subject to the conditions regarding eligibility, if a declared public or local holiday occurs during a period of annual leave, the public or local holiday takes precedence and the

day(s) or equivalent hours of annual leave will be deferred to be taken at another time in accordance with previously stated conditions.

5.3.3 For those employees covered by Blackwood's Flexi Leave Procedures, declared Public Holidays take precedent over Flexi Leave. Employees cannot use flexi credit to take leave on a public holiday and carry the holiday forward.

#### 5.4 **Bereavement or Compassionate Leave**

5.4.1 Bereavement Leave is covered by Blackwood's Policy on Compassionate Leave.

#### 5.5 **Service in Reserve Forces**

5.5.1 Employees who are members of reserve forces and attend annual training exercises (sometimes referred to as Annual Camp) of 5 days or more will be granted up to a week's special leave with pay at the appropriate daily/shift rate). Special leave without pay will be granted for any concurrent period of annual training up to 15 days (the usual duration of Annual Camp) at any one time. Paid leave will be subject to the deduction of service pay and allowances received in respect of the period of special leave. The employee must, on receipt of payment, advise the Human Resources Team of the amount received by way of reimbursement of wages/salary to enable a deduction to be made from their salary.

5.5.2 Special Leave without pay may be granted for reservists who undertake additional voluntary training over and in excess of the Annual Training mentioned above.

5.5.3 Requests for unpaid leave for additional voluntary training must be submitted to the manager with at least 28 days' notice and the needs of the business will take be considered before this type of leave will be authorised.

5.5.4 If a reservist is deployed/mobilised, they will be classed as being on an extended leave of absence without pay for the duration of their deployment/mobilisation. They have the right to return to their job on completion of their active service.

#### 5.6 **Jury Service or Witness Citation**

5.6.1 An employee receiving a summons to serve on a jury or attend court as a witness must report the fact to their manager and shall be granted special leave with pay at the appropriate daily/shift rate to attend subject to the deduction of the allowances to which the employee is entitled under any Juror's Allowances Regulations or Witness Allowances Regulations and accordingly the employee should claim such allowances.

5.6.2 When required to attend for Jury service or to act as a witness an employee should be furnished by the court with an official expense claim form on which a note of salary, expressed in terms of an hourly rate will be added, the form is then signed either by their manager or a member of the Human Resources Team. The employee should submit their claim for loss of earnings using the figures provided by Blackwood. On receipt of payment the employee must advise the Payroll Officer of the amount received by way of reimbursement of wages/salary to enable a deduction to be made from their salary. The employee should not suffer any financial detriment for attending court however failure to claim for loss of earnings in the manner specified will not prevent deductions being made from their wages for the time away from the workplace.

## 5.7 **Leave for Study and Examinations**

5.7.1 Special leave with pay can be granted for the purpose of final revision preceding a certified examination but not a class examination or assessment. The study leave permitted will be equivalent to one day's leave for each full day on which the employee is sitting examinations. Similarly, a half-day's leave will be granted for each half day on which the employee is sitting examinations. Paid leave of absence to sit examinations will be granted on the same basis.

## 5.8 **Membership of Public Bodies – Attendance at Meetings etc.**

5.8.1 Blackwood may grant, in appropriate cases, reasonable time off as paid leave of absence at the appropriate daily/shift rate to employees attending meetings or undertaking duties, consequent upon membership of certain public bodies, subject to the deduction of the allowances to which the employee is entitled to receive under any regulations concerning remuneration for carrying out such duties. The employee should advise the Human Resources Team of any such payments to allow deductions to be made from their salary. Paid leave will be granted up to 5 days per year.

5.8.2 An employee may, in addition, take a reasonable amount of unpaid leave, agreed in advance with Blackwood for the purpose fulfilling obligations to certain public bodies. The needs of the business will be taken into consideration before managers will authorise this type of unpaid leave.

5.8.3 Employees who are members of public bodies should disclose details of their membership through their manager to the Human Resources Team in order for employment records to be kept up to date.

5.8.4 Public Bodies include; local councils, school councils or boards, police authority, health board, children's panel and members of certain non-governmental bodies such as Scottish Water or Scottish Environmental Protection Agency (SEPA).

## 5.9 **Union Duties**

5.9.1 Under the terms of legislation and Blackwood's Recognition Agreement with Unite, employees who are union representatives have a right to certain paid and unpaid leave for their union activities. This will include for example;

- Paid time off to carry out trade union duties such as attending meetings, consulting or representing union members
- Paid time off to undertake appropriate training, to include union learning representatives if applicable
- Unpaid time off to take part in other trade union activities

Further details of time off for union activities can be found in Blackwood's Recognition Agreement.

## 6.0 **Recording of Leave Taken**

- 6.1 Employee are responsible for keeping records of the amount of leave taken during the leave year.
- 6.2 The form in Appendix 1 below will be issued at the beginning of each leave year to all employees by the Business Support Officer for care services or by the Human Resources Team for Regional and Edinburgh Office employees.
- 6.3 This form must be presented to managers for sign off and, if required, authorisation of annual leave carry over in line with section 2.13 above, at the end of each leave year. This signed form must then be forwarded to the Human Resources Team for filing and the enable leave allowances to be update with any authorised carried over.
- 7.0 **Review**
- 7.1 This policy will be reviewed on a 3-yearly basis or earlier if required.

Appendix 1



**Annual, Emergency and Special Leave Record**

NAME:

Annual Leave and Public Holiday		Emergency Leave for Dependants, Compassionate, Parental or Special Leave			
Total Entitlement including carry over from the previous year			Type of Leave	Paid or Unpaid	Number of days taken
APRIL		APRIL			
MAY		MAY			
JUNE		JUNE			
JULY		JULY			
AUGUST		AUGUST			
SEPTEMBER		SEPTEMBER			
OCTOBER		OCTOBER			
NOVEMBER		NOVEMBER			
DECEMBER		DECEMBER			
JANUARY		JANUARY			
FEBRUARY		FEBRUARY			
MARCH		MARCH			
Holidays not taken to: 31/03/18					

Authorised / Not Authorised to be carried forward to the holiday year

Signed \_\_\_\_\_  
Employee

Date \_\_\_\_\_

Approved \_\_\_\_\_  
Manager

Date \_\_\_\_\_

