**Human Resources information and guidance - top ten tips**

**Fact Sheet Five: calculation of annual leave**

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| **How do we work out annual leave?** | |
| Tip one | Holidays are so confusing! There is a statutory, so government set, statutory minimum of annual leave for all full time and part time staff. This is 5.6 weeks and includes public holidays – however PCCs can offer a more generous annual leave benefit. | |
| Tip two | What is the legal position for part time staff? All part timers are covered by employment law; The Prevention of Less Favourable Treatment | |
| Tip three | What does 5.6 weeks mean? If you are just offering statutory minimum this 5.6 weeks includes all 8 public bank holidays and if any others are announced by the government a PCC needs to decide add an extra day for full time employers, or pro rate for part timers | |
| Tip four | In many cases a PCC will offer 5.6 weeks plus all bank holidays- or may mirror what the diocesan offices are entitled to. But basically it is down to the PCC to determine its annual leave arrangements and pro rate accordingly. (See examples over the page). | |
| Tip five | If you have staff who work flexible hours, or say on a bank holiday – you offer an alternative day off in lieu of the bank holiday you have required them to work, and this can be agreed via a rota or other agreement basis. (Often the case for coffee shop staff). | |
| Tip six | How to calculate part time staff holidays? Is pro rated based on the leave you give your full time staff (including all bank holidays) so when bank holiday falls on what would be a working day deducted these hours from their total allocation (examples over the page)! | |
| Tip seven | What happens if someone is sick when they are on holiday? If this is authorised sick leave ie through a GP fit note you can give them their sick leave back and they can take this another time when they are well enough to. | |
| Tip eight | Can we require someone to take their leave ? Yes! If an employer needs staff to take holiday on certain dates, they need to tell people at least twice as many days before as the number of days they need an employee to take. Just be clear in a holiday policy. | |
| Tip nine | What happens if someone leaves and they haven’t taken their holiday? A PCC should pay for all accrued/untaken leave (subject to tax and NI). Holiday is accrued on a monthly basis so is easily calculated. A PCC can also insist leave is taken before an end date. | |
| Tip ten | What happens if someone leaves and they have taken more leave than they have accrued? You can take these days back from their final payroll, but you MUST first make sure that your contract of employment specifically sets this out and explain this to them. | |

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| **Information sheet five – calculating annual leave and information , and a draft PCC leave policy** |

Example calculations

A PCC has decided to give its full time employee(s) (who work 35hours a week) - 25 days annual leave per year, plus all public holidays (usually 8) and also to close down the parish office for the three days between Christmas and the new year. A total of 36 days.

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| Judith works full time 35 hours a week Monday to Friday | Judith gets all 25 days, takes each public holiday (8) off in additional and is off over Christmas and the New Year 3) .  She accrues leave based on 1/12th of 36 days (252hrs per year) so 3 days per month. She can book holiday across the year but if she leaves mid year her contract states that any `over taken’ days must be paid back in the final payroll. |
| Peter works 3 Days a week (21hrs)  He works Monday/Tuesday/Wednesdays | Peter is entitled to 36/(5 working days in a week) so 7.2 weeks multiplied by 21hrs so **151 hours over the year.**  As he works Mon-Weds he will take every bank holiday and deduct the 7 hours he’d work each of those days from his total and any of the Xmas close down days that fall on one of his normal Monday to Wednesday working days. |
| Elizabeth works 5 mornings a week 9.30-2pm  4.5hrs a day 22.5hrs a week | Elizabeth is entitled to 7.2 weeks x 22.5hrs **= 162hrs**  As Elizabeth works 5 days a week she deducts the hours she would have worked on each bank holidays and close down days from her total allocation. |
| David works a full time week of 35hrs but he works these over 4 days so he has a Monday off each week. He works Tuesday to Friday and he occasionally works a Saturday by flexible agreement (not in his contract). | David works 4 days of 8.75hrs – so his annual leave is 7.2 x 35 = 252hrs/8.75 = **28.75 of his 8.75 hrs working days per year** and any time a Friday bank holiday occurs he deducts 8.75hrs from his total.  (so he and Judith have the same number of total hours – 252 – they are just calculated based on the actual working hours per day).  The Saturdays are not included in his total leave, as these are ad hoc, not contractual, and only worked for additional hourly pay so do not accrue leave. |
| Luke works term time only as a full time parish and youth worker. | As a term time worker Luke actually works 39 weeks a year term time, so his 7.2 weeks annual leave have to be taken during the school holidays. His salary is based on 39 weeks full time, and his annual leave is added to this as 1/12th per month so he has twelve equal payroll payments which covers his paid leave entitlement that he takes during school holidays. |

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| **Other sources of advice and support** | <https://www.gov.uk/holiday-entitlement-rights>  <https://www.acas.org.uk/holiday-sickness-leave> |

**Appendix 1 Draft PCC Policy**

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| **PCC policy – annual leave – LOGO of parish** |

**Scope**

1. This policy applies to paid employees only. It does not relate to any volunteers in a parish role.

**Background and introduction**

1. The PCC offers XXX weeks as annual leave. This is applied to all staff equitably and pro rated for part time staff as appropriate.
2. In addition to XXX weeks the PCC offers all public holidays. These days are applied to all staff equitably and pro rated for part time staff as appropriate.
3. The PCC reserve the right to make any additional ad hoc leave decisions and anything agreed will be applied to all staff equitably and pro rated for part time staff as appropriate.

**Authorisation for annual leave**

1. Employees should take all annual leave allocated to them and are encouraged to plan for leave and take it at regular intervals.
2. The PCC requires all employees to seek authorisation for annual leave from a line manager before it is taken. All applications for leave will be sympathetically reviewed and leave will only be refused if there are good reasons to do so.
3. No more than 3 days annual leave may be carried over into the following year without express permission from the appropriate line manager.
4. Where an individual employee is required to work on a public/bank holiday as part of their role, an alternative day off in lieu will be agreed as soon as possible after.

**Governance and PCC responsibilities**

1. The PCC may from time to time review its employment practices.
2. The PCC may appoint or delegate certain employment oversight, projects or developments for recommendation etc to a small working group/standing committee to oversee practical issues and to report back to the wider PCC.

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| **Policy version** | Version one |
| **Approved by the PCC on (date)**  **Date for renewal of policy** |  |
| **Signed by (name)**  **Print Name**  **Role** |  |