

Governing Body Meeting
Spring Term 2020

Report by the Director of Business
Development

ANNUAL LEAVE POLICY

1. INTRODUCTION

- 1.1 This paper provides a model Annual Leave policy for support staff which schools can utilise to manage the leave of employees who do not work on a term time only basis.
- 1.2 This revised model policy also provides greater detail regarding how annual leave is accounted for the majority of employees who do work on a term time basis.

2. BACKGROUND

- 2.1 The policy reflects the national minimum provisions for non-teaching staff as outlined in the National Joint Council (NJC) for Local Government Services Conditions of Service. This is more commonly referred to as the 'Green Book'.
- 2.2 Earlier this year the NJC produced an update to the Green Book regarding the calculation of term time formulae. This has necessitated a change to practice and therefore policy too.
- 2.3 The revisions to the council's model Annual Leave policy have been fully consulted on with the recognised trade unions.

3. INFORMATION

- 3.1 The recent review of term time working by the NJC was designed to ensure fair, consistent and transparent treatment for term-time only employees.
- 3.2 The revised guidance on term-time calculations is designed to ensure that for employees working in a term-time only arrangement, their annual leave and public holiday entitlement is proportionate to that of a 'year-round' employee.

- 3.3 In simple terms, the new formula takes account of the fact there are 52.143 weeks per year and not 52. A PowerPoint presentation (attached) explains these changes, gives examples and a comparison between the previous formula and the new one.
- 3.4 All schools and SLA academies had been advised of the changes, including a copy of the PowerPoint presentation, a copy of the draft Annual Leave policy (as an interim measure until the model is approved by governing bodies) and also detail around what information they will now need to provide to HR for any part year changes for staff.

4. ISSUES FOR CONSIDERATION

- 4.1 The governing body is asked to consider the adoption of the revised model policy.
- 4.2 Should the governing body decide not to adopt the model policy it should produce appropriate alternatives in consultation with the recognised trade unions. Schools will be required to provide an alternative to the council, which the council as employer is satisfied, meets the necessary standard.
- 4.3 All governing bodies who adopt an alternative document or modify the model provided are requested to submit the final documents to schoolsHRpolicy@northlincs.gov.uk
- 4.4 The governing body is reminded of the need to communicate policy changes to all staff at the earliest opportunity.

Director of Business Development
Church Square House
30-40 High Street
Scunthorpe
North Lincolnshire
DN15 6NL
Rebecca Stanford - HR
17 October 2019

NORTH LINCOLNSHIRE COUNCIL

ANNUAL LEAVE POLICY (SUPPORT STAFF) FOR [REDACTED] SCHOOL/ACADEMY

INTRODUCTION

1. The school/academy recognises that enabling its employees to achieve an effective work life balance benefits employees, the school/academy and the community it serves.
2. This policy describes annual leave provisions covered by conditions of service and outlines the discretionary options available to employees regarding annual leave.

Note 1: Other discretionary forms of leave are available and may be granted by the appropriate manager. Guidance on these can be found in the school's Leave policy.

Note 2: Separate guidance on maternity leave, adoption leave, shared parental leave, paternity and maternity support leave can be accessed via [TOPdesk](#).

3. This policy applies to all non-teaching employees of the school/academy subject to the terms and conditions of the National Joint Council (NJC) for Local Government Service National Agreement on Pay and Conditions of Service (the "Green Book").

4. The leave year shall run from 1st April to 31st March.

Deleted: the Human Resources (HR) Advisory Service through

Deleted: who do not work on a term time only basis and therefore receive an annual leave entitlement

TERM TIME ONLY STAFF

5. Term-time only (TTO) employees work a reduced number of weeks during the year and accrue paid leave pro rata to 'year round' employees.

Deleted: In all circumstances, requests will be considered sympathetically but are subject to individual circumstances and the needs of the school/academy.

6. The number of days in the leave year that an employee is contracted to work will be divided by the number of **possible** working days (for a 'year round' employee) in the table below to calculate a TTO factor. This factor when applied to the contracted hours per week as a proportion of the contracted hours per week of a full time employee, will provide the employee's FTE figure.

Note 3: Full time equivalent (FTE) is a way of measuring an employee's working time. For example an employee contracted to work 37 hours, five days a week, 'year round' will have an FTE of 1.00. An employee who works 37 hours a week but on a term time only basis (i.e. not during periods of school closure) will have a minimum FTE of 0.83.

7. Calculating the possible working days available

Available days per year*	365	365	365	365	365	365	365	365	365	minus
Annual leave entitlement days (Includes the two extra statutory days)	23	25	27	28	29	30	31	33	35	minus
Public holidays (average)	8	8	8	8	8	8	8	8	8	minus
Weekends**	104.29	104.29	104.29	104.29	104.29	104.29	104.29	104.29	104.29	minus
(Total non-working days)	135.29	137.29	139.29	140.29	141.29	142.29	143.29	145.29	147.29	minus
Possible working days remaining in the year	229.71	227.71	225.71	224.71	223.71	222.71	221.71	219.71	217.71	

Deleted: (

Deleted:)

Deleted: =

*No adjustment will be made in leap years

**There is not an exact number of weeks within a year; there are 52.143 weeks, which this figure reflects.

8. Calculating the FTE for TTO employees

$$\frac{\text{Contracted working days per year}}{\text{Possible working days per year}} \times \frac{\text{Contracted hours per week}}{37} = \text{FTE}$$

Example 1:

Bill works 16 hours per week as a Teaching Assistant supporting children with additional needs. He only works when schools are open to students, which is for 190 days per year. His annual leave entitlement due to his grade and length of service is 28 days per year:

$$\frac{190}{224.71} \times \frac{16}{37} = \underline{\underline{0.37 \text{ FTE (to 2 decimal places)}}}$$

Example 2:

Susan works 10 hours per week as a kitchen assistant in a primary school. She works on the days the school is open to students (190 days), plus an additional four days in the school holidays when the kitchen has a deep clean. Her annual leave entitlement is 23 days per year:

$$\frac{194}{229.71} \times \frac{10}{37} = \underline{\underline{0.23 \text{ FTE (to 2 decimal places)}}}$$

9. The total annual salary for employees working a term-time only arrangement includes their paid annual leave and public holiday entitlement. This is pro rata for

the days they are contracted to work during the leave year and is paid in 12 equal monthly instalments.

10. In any term-time only working arrangement, although a monthly payment is made for pro-rata annual leave and public holiday entitlement, the leave is understood to be allocated during the periods of school closure. In exceptional circumstances where employees wish to request leave during term-time this would be unpaid and as outlined in the Leave policy. In all circumstances, requests will be considered sympathetically but are subject to individual circumstances and the needs of the school/academy.

11. New starters

Where an employee starts work in a term-time only post part way through the leave year (1 April to 31 March), a specific formula will need to be applied for the remainder of the year to ensure the term-time formula accurately reflects their paid leave entitlement relative to the number of contracted working days remaining in that leave year. Depending on the point in the leave year that employees commence in a post, this may result in their salary increasing or decreasing from the following 1 April.

12. Leavers

Where an employee leaves a term-time only post part way through the leave year (1 April to 31 March), an adjustment will be made to their final salary. This will be based on the proportion of their contracted days they have worked up to their date of termination, compared with the proportion of their annual pay they have received for the same period.

13. Contractual Changes

A calculation will take place whenever there is a contractual change part way through the annual leave year that changes a term-time employee's rate of pay or annual leave entitlement. This may result in an adjustment to the employee's salary. However, this is to ensure that their term-time formula for the remainder of the leave year accurately reflects their paid leave entitlement.

14. For the purposes of 11 to 13 above, the 'standard' contracted working days for a term-time only employee are 190 days per year. Where an employee will be contracted to work in excess of this (e.g. 195 days for an employee working term-time plus INSET days), schools will need to provide the details of when these additional days will occur within the leave year.

ENTITLEMENT AND PROCEDURE

15. Where amounts of leave are specified these are based on a 37 hour (5 day) week. Part time employees and those working irregular working patterns shall have applied to them the same provisions pro-rata to comparable 37 hour (5 day) week employees in the school/academy. Leave entitlement is calculated in

hours and minutes for all employees.

16. Annual leave should be taken during periods of school closure. In exceptional circumstances requests can be made to the **Head teacher/Principal** who will retain discretion to approve the taking of annual leave within term time. Consideration will be given to the impact on the running of the **school/academy** and financial cost.

AMOUNTS OF LEAVE

17. Leave entitlements are:

Scale	Initial			Not less than 5 years' continuous service			Not less than 10 complete years' service at 1 April		
	Hours	Minutes	Days	Hours	Minutes	Days	Hours	Minutes	Days
Grade 1-4 (inc. Apprentice)	170	15	23	207	15	28	214	40	29
Grade 5-6	185	0	25	207	15	28	214	40	29
Grade 7-9	199	50	27	207	15	28	229	25	31
Grade 10-12	214	40	29	222	0	30	244	15	33

These figures are inclusive of the two extra statutory days.

18. The above annual leave provisions have been calculated based on an average working day of 7.4 hours.

For example:

23 days x 7.4 hours = 170.2 hours annual leave entitlement.

This is based on the standard working week of 37 hours divided by 5 days (4 days (Monday to Thursday) at 7.5 hours plus 7 hours on a Friday equals 37 hours.) This divided by the 5 days gives the average working day of 7.4 hours. Entitlements are rounded up to the nearest five minutes.

19. For the purposes of booking annual leave, the actual hours and minutes that would have been worked should be deducted from the annual leave entitlement.

20. The annual leave entitlement of employees leaving or joining the **school/academy** is proportionate to their completed months of service during the leave year.

21. Leave entitlement shall be increased on a pro rata basis for those employees who attain five years' service.
22. For employees who attain ten years' service, leave entitlement will be increased from 1 April the following year.
23. The annual leave entitlement of employees leaving or joining the school/academy is proportionate to their completed months and days of service during the leave year.
24. The principle of calculation detailed at paragraph 17 will also apply in circumstances where an employee obtains a post that has a higher or lower annual leave entitlement part way through a leave year.
25. Employees who are redeployed to a lower graded post with a lesser annual leave entitlement will have their original annual leave entitlement protected to the end of the current leave year. The new entitlement will apply thereafter. See Redeployment Code, Appendix 1, Scheme of Protection for further information.
26. Up to 37 hours (5 days) may be carried forward with the approval of the Head teacher/Principal or their representative. In exceptional circumstances, where the needs of the school/academy demand, the Head teacher/Principal may approve the carry forward of leave in excess of 37 hours (5 days), subject to a maximum of 74 hours (10 days) not being exceeded.
27. The Working Time Regulations require employees to take a minimum of 28 days (207 hours and 15 minutes) pro rata of their annual leave entitlement (including bank holidays) in a leave year. Employees with a leave entitlement of 23 days (170 hours and 15 minutes) will only be able to request a maximum of 22 hours and 30 minutes (3 days) carry forward.
28. Where an employee becomes sick during a period of annual leave, their entitlement during the current leave year will not be lost, provided that they comply with the school/academy's Sickness Absence policy at all times and can provide medical evidence to certify the absence.
29. For further advice on entitlement to annual leave during and after periods of long term sickness please contact HR.
30. Employees are able to take unpaid leave in addition to their annual leave entitlement. This can only be used where the employee has used all annual leave entitlement for the current year. Please refer to the Leave policy for further information.
31. All requests for unpaid leave should be made using the appropriate request facility. The manager must notify HR who will arrange for deductions from salary to be made.

PUBLIC HOLIDAYS

32. There are normally eight public holidays per annum, which are:

- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Late spring (May)
- Late summer (August)
- Christmas Day
- Boxing Day

Note 4: Occasionally extra public holidays may occur in a leave year, these will be calculated on the actual days available and leave provisions will be adjusted. If an employee leaves the school/academy within this leave year, their holidays will be adjusted accordingly.

Deleted: 3

EXTRA STATUTORY HOLIDAYS

33. In addition to the general and public holidays, employees are entitled to (two extra statutory days holiday), which are incorporated within the entitlements under paragraph 9.

EMPLOYEES LEAVING EMPLOYMENT

34. Where employees leaving the school/academy have accrued annual leave and have been unable to take time off due to the needs of the school/academy or some other legitimate reason then payment in lieu of that time at plain time rate will be made.

35. Where employees leaving the school/academy have taken annual leave in excess of that accrued and have been unable to make up that time then a deduction for those hours will be made from the final salary payment due.

36. Where an employee's final salary payment is insufficient to allow for the whole of any such deduction, an account will be established and the employee will be required to repay the outstanding amount due within 30 calendar days of the termination of employment.

REVIEW

37. This policy will be reviewed in three years' time or sooner if changes in legislation or feedback necessitates.