



# Annual Leave Policy

**Approved by:** Board of Trustees

**Last reviewed on:** November 2024

**Next review due by:** As Required

## **Policy Outline**

### **Reviewing the Policy**

Inspire Multi Academy Trust will keep the operation of this policy under review and will make such changes to the policy as deemed appropriate following consultation with the trade unions, where appropriate.

### **Summary of Changes**

The 2023 Annual Leave policy has been reviewed and there were no significant changes made.

### **Equality Impact Assessment**

As with all policies that affect service users, the wider community or employees, schools/Trusts should undertake an analysis of the potential equality impacts and record that assessment.

### **Contacts for help and assistance**

Please contact the Inspire Multi Academy Trust Central Team for help and assistance in applying the content of this policy.

## Contents

- 1 [Introduction](#)
- 2 [Employee Health & Wellbeing](#)
- 3 [General Principles](#)
- 4 [Data Protection](#)
- 5 [Annual Leave Entitlement](#)
- 6 [Change in Working Hours – During the Annual Leave Year](#)
- 7 [Employees Working Compressed Hours](#)
- 8 [Sickness absence](#)
- 9 [Starting or Leaving Employment \(non-TUPE\)](#)

## Appendices & Forms

Appendix 1: [Calculating annual leave \(part time employees\)](#)

Appendix 2: [Calculate a change in holiday entitlement \(changing hours\)](#)

Appendix 3: [Application for Annual Leave Record Template](#)

## **1 Introduction**

- 1.1 This policy applies to all staff employed by Inspire Multi Academy Trust (MAT), relative to appropriate conditions of service.
- 1.2 This policy sets out information for those employees who are contracted to work all year round and have an annual leave entitlement, and for Headteachers and designated senior leaders to calculate and manage annual leave. Specific information is included on calculating annual leave based on the employee's working arrangements such as full time, part time, variable hours, part year and compressed hours. A template is also included for employees to record their leave.
- 1.3 This policy also covers the statutory leave entitlement for Teaching Staff and those support staff employed on a Term Time Only (TTO) basis, where their annual leave entitlement is included as an additional supplement to their pay.

## **2 Employee Health & Wellbeing**

- 2.1 Inspire MAT is committed to creating an environment that promotes good mental health and where staff can thrive and feel supported.
- 2.2 Ultimately it is the Board of Trustees who are responsible for ensuring, so far as reasonably practicable, that the health and wellbeing of the affected employees is considered at all times and that the relevant officer(s) appointed to make decisions in respect of employee's annual leave are continuing to support our commitment to staff wellbeing.
- 2.3 The Board of Trustees are also responsible for ensuring that the health and wellbeing of those officers making decision in relation to employee's annual leave feel supported also.

## **3 General Principles**

- 3.1 **The annual leave year refers to a 12-month period between 1<sup>st</sup> September to 31<sup>st</sup> August.**
  - 3.2 Statutory annual leave entitlement starts to build up – or accrue - from the first day of employment. It accrues monthly in proportion to the annual entitlement. In other words, a full-time employee in the ninth month of employment would have built up 9/12ths (or three-quarters) of annual leave entitlement.
  - 3.3 In the second year of employment, employees are entitled to all their leave as soon as the new holiday year starts.
- Support Staff Employed to Work All Year Round**
- 3.4 Due to the health, safety and wellbeing benefits of taking annual leave, this group of employees are encouraged to take their annual leave evenly throughout the year.

- 3.5 It is expected that annual leave will normally be taken during school holiday periods. Holiday arrangements should not be made until annual leave dates have been approved.
- 3.6 It is the employee's responsibility to ensure that annual leave records are accurate.
- 3.7 A maximum of 37 hours (i.e. five days) contractual annual leave (pro rata for part time employees) may be carried forward from one annual leave year to the next in exceptional circumstances and subject to the agreement of the Headteacher or designated senior leader. This carried forward leave must be taken first in the new leave year.

#### **Suspension from Work**

- 3.8 Employees who ordinarily work all-year round and are required to request annual leave can request to take annual leave during a period of suspension subject to the usual approval process. Where such requests are agreed, the number of days taken should be deducted from the employee's leave entitlement. The employee will not be expected to be available for work or attend meetings during a period of annual leave taken whilst suspended from duty. The employee will remain subject to the terms of suspension during the period of leave. Where a leave request is submitted after an employee has been invited to attend a meeting and where that request includes the date of that meeting the school will refuse the request, other than in exceptional circumstances.
- 3.9 During a period of suspension from work, at the end of an annual leave year, any unused annual leave will not be carried over to the next leave.

## **4 Data Protection**

- 4.1 When managing an employee's leave and pay, the Trust processes personal data collected in accordance with its data protection policy. Data collected from the point at which the Trust receives a leave request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing his/her request for annual leave. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's disciplinary procedure.

## **5 Annual Leave Entitlement**

#### **Teaching Staff**

- 5.1 A teacher must be available for work in line with the requirements set out in the School Teachers' Pay and Conditions Document.
- 5.2 Teaching staff are not entitled to any additional contractual leave other than school holidays.
- 5.3 For the purposes of the Working Time Regulations, statutory leave entitlement will be deducted from the first arising periods of school closure in each holiday year unless the teacher is not available for work during those closure periods due to sickness absence or the exercise of a statutory right. Days during a school closure period on

which the teacher is required to work (such as INSET days or school trips) will not be counted as a period of school closure for the purposes of the deduction of statutory leave.

### **Support Staff Employed to Work All Year Round**

5.4 Support staff employed to work throughout the year are entitled to paid annual leave as follows:

5.5 Full time employees (37 hours per week):

- Employees with less than 5 years continuous service – 26 days
- Employees with more than 5 years continuous service – 31 days

5.6 The additional annual leave entitlement is awarded once an employee has more than 5 years' continuous service. It is applied on the 5<sup>th</sup> anniversary of the employee's service date of appointment, pro-rata'd for the remainder of the leave year.

5.7 Full-time employees receive additional provision for bank and public holidays as they occur, this is not normally added to the annual leave record.

### **Support Staff Employed on a Term Time Only (TTO) Basis**

5.8 Support staff employed on a term time only basis are not entitled to any additional leave other than school holidays. For the purposes of the Working Time Regulations, statutory leave entitlement will be deducted from the first arising periods of school closure in each holiday year unless the employee is not available for work during those closure periods due to sickness absence or the exercise of a statutory right.

5.9 A TTO employee's annual leave entitlement is proportionate to that of an all-year round employee (as above), which is calculated using a pay equation which is stipulated in their contract. Employees working term time only have their annual leave entitlement included as an additional supplement to their pay, which is paid in 12 equal monthly instalments.

5.10 **Part time and variable hours employees** have a pro rata annual leave entitlement. They also have a pro rata entitlement to bank and public holidays, which is calculated at the beginning of each leave year and added to the annual leave entitlement. The following calculation is used to calculate the leave entitlement for part time employees (See Appendix 1 for a worked example).

| <b>Step</b> | <b>Calculation</b>  | <b>=</b>            |
|-------------|---|---------------------|
| 1           | Number of days holiday entitlement in the annual leave year<br><br>+ Number of bank holidays during the annual leave year | Total Days          |
| 2           | Total Days ÷ 5  | No. of weeks        |
| 3           | Number of weeks x Contractual weekly working hours  | Holiday entitlement |

5.11 When taking annual leave, a part-time employee will deduct their normal hours worked from their annual leave entitlement.

- 5.12 For variable hours employees it will be necessary to use an average figure to calculate the weekly working hours. Where it is available, the previous 52 weeks average will be used. If the employee has not been in employment for long enough to build up 52 weeks' worth of pay data, the number of complete weeks of data will be used. For example, if the employee has been employed by the Trust for 26 complete weeks at the start of the new leave year, 26 weeks is what will be used for calculating an average. Variable hours employees will deduct the average hours worked from their leave entitlement each time they take a period of leave.
- 5.13 When a bank holiday falls on an employee's normal working day, and they do not work that day e.g. school is closed, then the employee will deduct their normal hours worked on that day from their leave entitlement.
- 5.14 Where there is a business requirement to do so, part-time employees may be allowed to work alternative hours or day(s) during the working week to compensate for not working on bank or public holidays. In these circumstances the annual leave will not be deducted from the annual leave entitlement. For example, if a bank or public holiday falls on a Monday, an employee who normally only works on a Monday might be approved to work Tuesday instead if there is a business reason to do so.

## **6 Change in Working Hours – During the Annual Leave Year**

- 6.1 If an employee's contractual working hours (temporarily or permanently) change, annual leave allowance must also be adjusted to reflect the change at the appropriate point in the leave year. Please see Appendix 2 for an example of how this is calculated.

## **7 Compressed Hours**

- 7.1 An employee, contracted to work all year round, who works their full-time hours over a period of less than 5 days will have their leave entitlement expressed in hours. The leave is calculated as set out in Section 4.10 above. When a bank holiday falls on an employee's normal working day and they do not work that day (e.g. school is closed) then the employee will deduct their normal hours that would have been worked that day from their leave entitlement. When taking annual leave, the employee will deduct the number of hours they normally work on that day from their leave entitlement.

## **8 Sickness Absence**

- 8.1 Statutory annual leave will accrue whilst an employee is absent due to sickness absence at the same rate of accrual that would occur had the employee been at work. Statutory annual leave can be carried over where an employee has been off work on long term sickness absence, and they have been unable to take their statutory leave entitlement prior to the end of the leave year. In these circumstances agreement will be made as to the period the annual leave must be used within from the end of the relevant leave year, with a maximum period of 18 months, after which it would have expired. For carry over purposes, statutory annual leave is limited to 4 weeks (20 days) as set out in the Working Time Directive.

- 8.2 Employees can request to take annual leave during sickness absence (subject to the requirements of the Attendance Management Policy). Where permission is granted for annual leave, the payment of any occupational sick pay entitlement (as appropriate) will cease during the agreed period of annual leave, and the appropriate payment for the annual leave will be made. The appropriate deduction from the annual leave entitlement must also be made. If the employee qualifies for SSP, this payment would continue during the annual leave payment. The SSP would count towards any holiday payment made.
- 8.3 If an employee fails to seek permission or they are refused permission for a holiday/leave of absence, which is then actually taken during a period of sickness this may result in the withholding of sick pay and the instigation of disciplinary action.
- 8.4 If an employee becomes unfit for work immediately before or during their pre-arranged statutory leave, they have the right to reschedule the affected holiday for a later date. If there is insufficient time left in the leave year to enable them to take this statutory leave, they should be allowed to carry this statutory leave forward into the new year. The employee can only reschedule the period of planned leave which coincided with the unfitness for work. The school reserves the right to ask for medical evidence of unfitness for work (over and above self-certification) if sickness occurs during a period of planned statutory leave. It is expected that the employee will report sickness to their manager of the first day that they become unfit for work. This paragraph does not apply to contractual elements of annual leave entitlement.

## 9 Starting or Leaving Employment (non-TUPE)

- 9.1 The **contractual** annual leave entitlement of employees starting or leaving employment during the leave year will be calculated on the number of complete months of service during that annual leave year.
- 9.2 The **statutory** annual leave entitlement of employees starting or leaving employment during the leave year will be calculated in days to the last date of employment.
- 9.3 For employees starting from or leaving to go to another school/Trust or local authority role, their annual leave balance does not transfer. This means that an employee's entitlement to annual leave will be directly proportionate to their service with this Trust in the leave year.
- 9.4 Employees leaving the Trust's employment must take any outstanding annual leave entitlement before the end of their period of notice. In cases where an employee is leaving and has outstanding statutory annual leave if the employee does not request this annual leave before their leave date the Trust reserve the right to allocate those days as annual leave. This includes any statutory leave entitlement under the Working Time Regulations. Payment in lieu of outstanding leave may only be made in the following circumstances:-
- i) If an employee has too much outstanding statutory paid leave to take it all during the notice period, payment will be made for the outstanding **statutory** leave.
  - ii) Additionally, in exceptional operational circumstances, where the Headteacher/line manager considers it essential that the services of an

employee be retained, payment may be made in lieu of any outstanding annual leave (**statutory and contractual**) which the employee is unable to take during the notice period.

- 9.5 Where an employee is dismissed for gross misconduct, the employee shall receive a payment in lieu of outstanding **statutory** leave only.
- 9.6 In the event that an employee has taken in excess of their proportionate annual leave entitlement by their leave date, an appropriate deduction will be made from the final pay.
- 9.7 Where an employee has been absent from work due to sickness, and where their contract is subsequently terminated prior to them having returned to work from that period of sickness absence, they will only receive payment in lieu of outstanding statutory leave. Payment in lieu of statutory annual leave is calculated on a pro rata basis from the first day of the annual leave year, or commencement of employment, to the last day of employment.

The entitlement is determined by the following formula:-

$$(A \times B) - C$$

Where:

**A** is the period of leave, expressed in weeks, to which the employee is entitled (either contractual or statutory, depending of the circumstances);

**B** is the proportion of the employee's leave year which has expired before the termination date, expressed in weeks (contractual to be based on complete months; statutory to be based on calendar days);

**C** is the period of leave, expressed in weeks, that the employee has taken in the leave year.

*The entitlement is to the exact amount of annual leave entitlement, there is no rounding up to half or full days, nor rounding down.*

*Please note that for term time only employees any statutory annual leave entitlement can be offset by any period of school closure occurring in the leave year in question that coincides with the period of absence.*

**Example - Calculating the annual leave entitlement for a part time employee**

| Step | Calculation   | =  |
|------|---|--|
| 1    | No. of days holiday entitlement in annual leave year<br>+ No. of Bank Holidays during annual leave year | Total Days                                 |
| 2    | Total Days ÷ 5  | No. of weeks                               |
| 3    | No. of weeks x Contractual weekly working hours   | Holiday entitlement for part time employee |

Worked Example:

An employee works:

- 20 hours per week, Monday to Friday, 4 hours each day.
- They have less than 5 years' continuous service.
- Their annual leave year is April – March.
- There are 8 bank holidays which occur during this particular annual leave year. (Please note the number of Bank and Public holidays can fluctuate).
- Employees with less than 5 years continuous service – 192.4 hours or 26 days

| Step | Calculation          | =         |
|------|----------------------|-----------|
| 1    | 26 days<br>+ 8 days  | 34 Days   |
| 2    | 33 days ÷ 5          | 6.8 weeks |
| 3    | 6.6 weeks x 20 hours | 136 hours |

If this employee takes one day annual leave, they will deduct 4 hours from their annual leave entitlement.

A bank holiday occurs on the employee's normal working day, and the employee does not work. The employee will deduct 4 hours from their annual leave entitlement

**Example - How to calculate a change in holiday entitlement when changing working hours**

- An employee reduces their working hours from 37 hours to 30 hours per week
- The change is effective from 1 October.
- Their annual leave year is April to March.
- They have more than 5 years continuous local government service
- Employees with more than 5 years continuous local government service – 229.4 hours or 31 days
- There are 8 bank holidays which will occur during this leave year (Please note the number of Bank and Public holidays can fluctuate).

**Calculation for the full time period (April to September) (37 hours per week)**

The full year shown in hours would be:

$$31 \text{ days} + 8 / 5 = 7.8 \text{ weeks leave}$$

$$7.8 \text{ weeks} \times 37 \text{ hours} = 288.6 \text{ hours (full leave year)}$$

This now needs to be proportion for the period April – September (6 months).

$$\underline{288.6 \text{ Hours} / 12 \text{ months} \times 6 \text{ months} = 144.3 \text{ hours}}$$

**Calculation for the part time period (October – March)**

$$7.8 \text{ weeks} \times 30 \text{ hours} = 234 \text{ hours (full leave year)}$$

This now needs to be proportion for the period September – March (6 months).

$$\underline{234 \text{ hours} / 12 \text{ months} \times 6 \text{ months} = 117 \text{ hours}}$$

**Total for the year**

The two proportionate totals are now added together to get the overall annual leave entitlement for the year of

$$144.3 + 117 = 261.3 \text{ hours}$$

Any leave taken before the change in hours should be converted from days to the number of hours worked at that time and deducted. All bank holidays that fall in the full time period should also be deducted in this way (as bank holidays are included in the calculation).

## Example

In the example above, total Annual leave Entitlement is calculated to be **261.3 hours**.

If the employee had taken 5 days Annual Leave (5 x 7.4 hours) in June this would equal 37 hours.

There were also 5 Bank Holidays prior to the reduction in hours (5 x 7.4 hours) hours = 37 hours (18 April, 21 April, 5 May, 26 May, 25 August).

Therefore, the employee has taken a total of (37+37) **74 hours** Annual Leave entitlement prior to the reduction in hours.

74 hours must be deducted from the annual leave entitlement of 261.3 hours.

261.3 hours – 74 hours = 187.3 hours annual leave entitlement remaining. This needs to be converted into minutes using the table below i.e. **187 hours and 18 minutes**.

When you have calculated the annual leave, you will need to convert the Decimal back into minutes as follows: 0.40 expressed as a whole number x 60 (minutes in an hour) = 24 minutes.

**Conversion chart**

| Decimal | Minutes |
|---------|---------|
| 0.10    | 6       |
| 0.20    | 12      |
| 0.30    | 18      |
| 0.40    | 24      |
| 0.50    | 30      |
| 0.60    | 36      |
| 0.70    | 42      |
| 0.80    | 48      |
| 0.90    | 54      |
| 1.00    | 60      |



| Lieu Accrued/Taken |                 |        |             |         |                                    |
|--------------------|-----------------|--------|-------------|---------|------------------------------------|
| Date Lieu Accrued  | Date Lieu Taken | Reason | No of Hours | Balance | Signed by Headteacher/line manager |
|                    |                 |        |             |         |                                    |
|                    |                 |        |             |         |                                    |
|                    |                 |        |             |         |                                    |
|                    |                 |        |             |         |                                    |
|                    |                 |        |             |         |                                    |
|                    |                 |        |             |         |                                    |
|                    |                 |        |             |         |                                    |
|                    |                 |        |             |         |                                    |
|                    |                 |        |             |         |                                    |

This form should be used to record any request for annual leave.

All requests for annual leave must be approved by the Headteacher or designated line manager (as appropriate).

Associated Policies:

- Annual Leave Guidance
- Attendance Management Policy
- Leave of Absence Policy