



HR Service

# Diocese of Nottingham Catholic Multi-Academy Trusts

Annual Leave Policy



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### Annual Leave Policy

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Commitment to equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

**This Annual Leave Policy has been subject to consultation with the Recognised Trade Unions. It was approved and adopted by the CMAT as detailed below:**

<b>Policy Approved by:</b>	<b>Date of Approval</b>
Board of Directors – Our Lady of Lourdes Catholic Multi Academy Trust	14.10.2021
Board of Directors – St Therese of Lisieux Catholic Multi Academy Trust	19.10.2021
Board of Directors – St Ralph Sherwin Catholic Multi Academy Trust	13.09.2021
Board of Directors – St Thomas Aquinas Catholic Multi Academy Trust	14.10.2021

**It will be reviewed after 12 months in consultation with the Recognised Trade Unions.**

**Signed by Chair of CMAT Trust Board:**

**Signed by CEO:**

## DEFINITIONS

In this Annual Leave Policy, unless the context otherwise requires, the following expressions, where they appear, shall have the following meanings:

- i. 'CMAT' means the Catholic Multi Academy Trust, that is the company responsible for the management of the Central Team and the Academies and, for all purposes, means the employer of staff within the Central Team and the Academies.
- ii. 'Board' means the board of Directors of the CMAT who are responsible for carrying out the employment functions of the CMAT.
- iii. 'Central Team' means all staff employed in the Central Office functions of the CMAT.
- iv. 'Chair' means the Chair of the Board of the CMAT as appointed from time to time.
- v. 'Companion' means a willing work colleague not involved in the subject matter under which the policy is being invoked, a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member.
- vi. 'Diocesan Education Service' means the education service provided by the diocese in which the CMAT is situated, which may also be known, or referred to, as the Diocesan School Commission.
- vii. 'Directors' means directors appointed to the Board of the CMAT from time to time.
- viii. 'Governor' means a member of the Local Governing Body of the School
- ix. 'Headteacher' means the most senior teacher in the School who is responsible for its management and administration. Such teacher may also be referred to as the Head of School or Executive Headteacher.
- x. 'Local Governing Body' means the Governors appointed from time to time to carry out specified functions in relation to the School as delegated by the CMAT.
- xi. 'School' means the Academy named at the beginning of this Policy and Procedure and includes all sites upon which the Academy undertaking is, from time to time, being carried out.
- xii. 'Vice-Chair' means the Vice-Chair of the Board of the CMAT as appointed from time to time.
- xiii. 'Working Day' means any day on which an employee would ordinarily work if they were a full-time employee. In other words, 'Working Day' will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Policy and Procedure.

## **1. INTRODUCTION**

- 1.1** This Annual Leave Policy outlines the annual leave entitlements of employees of the CMAT and the procedure for the requesting of, and the approval of, annual leave requests. It is in accordance with the Working Time Regulations 1998 (WTR) and provisions of the NJC National Agreement on Pay and Conditions of Service (“Green Book”) for Support Staff.

## **2. SCOPE**

- 2.1** The holiday entitlements detailed below apply to Support Staff who are appointed to the CMAT. It is recognised that those employees who have transferred to the CMAT on 1 September 2018, will have their contractual leave entitlements protected under the Transfer of Undertakings (Protections of Employment) regulations (TUPE).

- 2.2** The Policy applies to all Support Staff employees regardless of length of service. It does not apply to agency workers as they are not employees of the CMAT. However after 12 weeks in the job an agency worker will qualify for the same rights to paid annual leave as someone directly employed by the CMAT. Further details can be found on the gov.uk website:

<https://www.gov.uk/agency-workers-your-rights/your-rights-as-a-temporary-agency-worker>

- 2.3** Teachers are required under School Teachers’ Pay and Conditions Document (STPCD) to be available for work for 195 days each year. There is no contractual provision for annual leave for teachers, but they do have a statutory right to 28 days’ annual leave (inclusive of public holidays), pro rata for part time employees, under the WTR. This is not an additional entitlement to annual leave but will be deemed to be taken during school closure periods. Teachers are therefore not entitled to any annual leave outside of school contracted closure periods. The annual leave year for teachers will be deemed to run from 1<sup>st</sup> September to 31<sup>st</sup> August each year. Supply Teachers’ rates of pay are calculated on the basis of 1/195 and therefore includes the holiday entitlement.

## **3. THE LEAVE YEAR**

- 3.1** The leave year for support staff runs from 1 September to 31 August each year unless otherwise agreed locally or otherwise stated in their letter of appointment (NB Some employees with TUPE protection will have their leave year as 1 April to 31 March).

#### 4. LEAVE ENTITLEMENT

4.1 The annual leave entitlement (not including public holidays) for Support Staff on CMAT pay bands is as follows:

	<b>Basic entitlement</b>	<b>Leave after 5 years' continuous service</b>	<b>Leave after 10 years' continuous service</b>
Support Staff Bands 1-5	25	30	3 2
Band 6 and Bands S1-S4	27	32	3 4
Band E1 and above	30	35	35

*Note the above entitlement relates to staff employed on new CMAT contracts on or after 1 September 2018. Staff appointed prior to this date on previous grades will retain their existing annual leave entitlements which were subject to TUPE.*

- 4.2 If an employee qualified for additional holidays part way through the holiday year, the additional holiday will be pro rata'd to the number of complete calendar months remaining in that holiday year.
- 4.3 The entitlement as expressed applies to five day working patterns with a standard day classed as 7 hours and 20 minutes (7.4 hours). For alternative working patterns an equivalent leave entitlement should be calculated.
- 4.4 Annual leave entitlements will be pro-rata'd for part-time employees. Part-time workers are entitled to at least 5.6 weeks' (that is 28 days including Bank Holidays) paid holiday, but this will amount to fewer than 28 days, e.g. if they work 3 days a week, they must receive at least 16.8 days' leave a year (3 × 5.6).
- 4.5 An employee who commences employment part way through a leave year will have their annual leave entitlement pro-rata'd for the first year. This will be calculated from their first day of employment up to and including the end of the leave year (31<sup>st</sup> March/31<sup>st</sup> August as applicable).
- 4.6 The annual leave entitlement of employees leaving the CMAT is proportionate to their completed service during the leave year.
- 4.7 For the purpose of calculating leave (annual and public and extra statutory holidays) entitlements may where necessary be expressed in hours over the leave year.
- 4.8 Where an employee reduces or increases their contractual working hours part way through the leave year, the on-going holiday entitlement will be recalculated from the point at which the working pattern changes.
- 4.9 Where an employee moves to a post part way through the leave year which carries a different holiday entitlement, for example through promotion, the ongoing holiday entitlement will be recalculated from the date that they take up the new post.

## **5. TERM TIME ONLY (TTO) OR TERM TIME PLUS EMPLOYEES**

- 5.1 Support Staff who on a term time only, or term time plus, basis are deemed to take annual leave during the school holidays when they are not contracted to work. They are not entitled to take annual leave on days when the school is open including INSET and training days. Payment for annual leave (pro rata where applicable) is included in the employee's equated pay salary as detailed in the Support Staff Pay Policy. Requests from term time only employees to take a holiday within term-time will normally be refused. Therefore, employees should not make any holiday commitments or bookings during term time.
- 5.2 Employees who only work during term-time or who work term time plus will receive a proportion of a full-time employee's leave entitlement. Their annual leave, public and extra-statutory holiday entitlement will be proportionate to the annual working time of an all-year-round equivalent employee. This will be accounted for in the pay calculation as detailed in the Support Staff Pay Policy.
- 5.3 Where the calculation of a term time only or term time plus employee's annual leave entitlement results in a leave entitlement of less than 5.6 of their weeks then the current interpretation of the Working Time Regulations requires the annual leave entitlement to be increased to the equivalent of 5.6 weeks. This is the current interpretation of these regulations and may be subject to change. If this interpretation is overruled this part of the guidance will be reviewed.
- 5.4 Term time only or term time plus employees receiving equated pay will be entitled to a new pay equation on reaching 5 or 10 years' service with the CMAT and the necessary pay adjustments will be made by the CMAT Payroll Team.

## **6. PROCEDURE FOR BOOKING AND AUTHORISING ANNUAL LEAVE - FOR ALL YEAR ROUND SUPPORT STAFF**

- 6.1 Employees should take the holiday to which they are entitled and Line Managers/Headteachers should ensure that workloads do not prevent this whilst also ensuring that the needs of the CMAT are taken into account.
- 6.2 Prior approval for taking leave must always be obtained from the Headteacher/Line Manager before booking any holiday. As much notice as possible of proposed holiday dates must be given to ensure adequate staffing coverage at all times. Employees should not book a holiday before gaining approval, as this may lead to disappointment if the leave cannot be granted. No responsibility will be taken for any holiday deposit paid or any other losses incurred as a result of a failure to comply with this aspect of the Policy.
- 6.3 An employee who takes annual leave which has not previously been approved may be subject to disciplinary action.
- 6.4 The Headteacher/Line Manager will not unreasonably refuse requests for annual leave. Managers must ensure fairness and equitable treatment whilst recognising the requirement to maintain adequate staffing cover (and appropriate skills) so it may not always be possible for employees to take their

leave precisely when they want to. The early submission of requests for annual leave by the employee providing intended holiday dates should help to avoid this situation arising.

- 6.5 In accordance with contracts of employment, it is expected that annual leave should normally be taken during periods of CMAT Central Office/School closure. Any requests for leave during term time should be made in writing to the CMAT HR team.
- 6.6 In exceptional circumstances and with appropriate notice, Headteachers/Line Managers may require staff to:
  - (a) take their annual leave at specific times and/or
  - (b) cancel their annual leave .

In the above instances Headteachers/Line managers should seek further advice from the HR team before implementing this to ensure that appropriate notice is provided to the employee.

## **7. CARRYING FORWARD AND “BORROWING” LEAVE**

- 7.1 All holiday entitlement must be taken during the holiday year in which it is accrued (with the exception of special arrangements put in place with respect to Covid 19 below). However a maximum of five days may be carried over from one holiday year to the next but this can be done only with the prior approval of the Headteacher/Line Manager. In exceptional circumstances, the Headteacher/Line Manager following advice from the HR Team, may authorise more days to be carried over. Such instances will be rare as employees are encouraged to benefit from the rest and relaxation that regular breaks from work provide.
- 7.2 Employees who have been unable to take annual leave in the correct holiday year because of maternity, adoption, parental leave, sickness or injury should see sections 11-13 below which provide further details about the carry forward arrangements in these circumstances.
- 7.3 A request may be made by an employee to use some of their leave entitlement from the next year’s annual leave entitlement (“borrowed leave”) where they have insufficient leave remaining in the current leave year to accommodate a commitment they wish to fulfil (e.g. an extended holiday). However there is no general entitlement to bring forward annual leave from the next leave year into the current leave year and this will be deemed to be an exceptional, one off **occurrence. The Headteacher/Line Manager, should seek HR advice prior to the approval of such requests.**
- 7.4 The Working Time Regulations (WTR) do not permit payment in lieu of outstanding annual leave that remains untaken at the end of the leave year, except where the employment terminates. The CMAT will therefore only make a payment to the employee for untaken, accrued annual leave in those circumstances.



## 8. COVID 19

- 8.1 Throughout the Coronavirus pandemic employees have been encouraged to take annual leave, as normal, for their own wellbeing.
- 8.2 The Government have published regulations allowing employees to carry forward up to four weeks of their statutory annual leave entitlement. The circumstances in which such leave can be carried forward are limited though and it can only be carried forward where it is “**not reasonably practicable**” for the employee to take that leave as a result of the effects of coronavirus. Any carried forward leave must be used in the next two leave years.

This provision has been included to make provision for the continuity of services for those employees who have been required to work due to COVID 19. For the 2020 leave year, a **maximum of 20** days can be carried forward into the next leave year. For the 2021 leave year, a maximum of **10** days can be carried forward into the next leave year and for subsequent leave years up to **5** days.

## 9. PUBLIC AND BANK HOLIDAYS

- 9.1 All recognised public and bank holidays, the dates of which vary from year to year, are permitted as paid holiday in addition to the annual holiday entitlement specified above. Payment for these days is included in an employee’s annual salary.

There are 8 public and bank holidays as follows:

New Year’s Day

Good Friday

Easter Monday

Early May Bank Holiday

Spring Bank Holiday

Summer Bank Holiday

Christmas Day

Boxing Day

- 9.2 An employee will not be paid for any bank or public holiday if they are absent from work immediately before or after, unless:
- (a) expressly authorised; or
  - (b) due to sickness
- 9.3 Part-time employees are entitled to a public holiday allowance that is pro-rata to their working week. This allowance is based on the ‘calculated day’.

- 9.4 A calculated day is the employee's normal weekly contracted hours divided by 5. If the employee does not have any contractual weekly hours, the average of the previous 52 weeks will be used that is the total number of hours worked in the previous 52 week period divided by 52. The value of a calculated day is the average hours worked per week divided by 5.

For every public holiday an employee will need to deduct the value of their calculated day from the number of hours they would usually work on that day. This will mean that they will either owe time, or will have time owed to them.

- 9.5 Job sharers' working arrangements will be varied in weeks in which public holidays fall so that they work the same proportion of the remainder of the week as they work of a full week.
- 9.6 If an employee:
- (a) Owes time, the employee can choose to make the time up (normally within the calendar month), or by agreement with their line manager, use some of their annual leave entitlement or take unpaid leave;
  - (b) Is owed time, by agreement with their line manager, this should be taken at a later date (normally within one calendar month).

## **10. EMPLOYEES JOINING OR LEAVING PART WAY THROUGH THE YEAR**

- 10.1 If an employee joins the CMAT part way through a holiday year, they will be entitled to a proportion of their holiday entitlement based on the period of his/her employment in that holiday year. The holiday entitlement will accrue at the rate of 1/12<sup>th</sup> for each complete month worked.
- 10.2 If the employee leaves the CMAT's employment part way through a holiday year, they will be entitled to be paid for any of their accrued annual leave entitlement for that holiday year that has not been taken by the date of termination. Where possible employees are expected to try to take the proportion of holidays to which they are entitled before their last day of employment. Leave should not be granted in excess of the employee's entitlement where it is known that the employee is leaving. If, on the date of termination, they have taken in excess of their entitlement, they will be required to reimburse the CMAT where applicable in respect of such holiday. Where appropriate this will be deducted from the final salary payment.
- 10.3 Payment in lieu on termination of employment will not be made in respect of any untaken TOIL (Time off in lieu) accrued at the date of leaving unless the Line Manager/Headteacher confirms that they had agreed in writing to a TOIL arrangement and that the payment is due.

## **11. SICKNESS DURING ANNUAL LEAVE**

- 11.1 Where an employee (other than a teacher) falls sick or is injured while on annual leave, the CMAT will allow the employee to transfer to sick leave and take replacement annual leave of the same number of days lost due to sickness or injury at a later time. This policy is subject to the following strict conditions:
- (a) The total period of sickness must be fully certificated by a qualified medical practitioner where it exceeds seven days.
  - (b) The employee must contact the School/CMAT Central Office (as appropriate to their place of work), by telephone if possible, as soon as they know that there will be a period of sickness during a holiday.
  - (c) The employee must submit a written request no later than 10 days after returning to work setting out how much of the annual leave period was affected by sickness
  - (d) Where the employee is overseas when they fall ill or are injured, evidence must still be produced that the employee was ill by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location.
- 11.2 If an employee is ill or is injured before the start of planned annual leave, the employee can request to postpone the leave in writing to the Headteacher/Line Manager with a letter from their doctor confirming they are unfit, or still likely to be unfit, to take their holiday. Any period of sickness absence will then be treated in accordance with the normal policy on sickness absence and the annual leave postponed to another mutually agreed time.
- 11.3 An employee must request to take any replacement holiday in accordance with this Policy and it should normally be taken in the same holiday year in which it was accrued. Where an employee has good reason for not being able to use their annual leave entitlement in the year that it accrues, the CMAT will allow the employee to carry a maximum of four week's leave forward into the next holiday year. Any additional accrued holiday over this limit will be lost. The CMAT may require an employee to take all or part of their replacement holiday on particular days with due notice.
- 11.4 Any accrued leave under 11.3 must be used within 18 months of the end of the leave year in which it is accrued or it will be lost.

## **12. HOLIDAY ENTITLEMENT DURING SICK LEAVE**

- 12.1 An employee who is absent on sick leave will continue to accrue their full statutory/contractual holiday entitlement (as applicable).
- 12.2 The CMAT expects that employees will arrange to use their annual leave entitlement in the year that it accrues where possible.
- 12.3 Where an employee has good reason for not being able to use their annual leave entitlement in the year that it accrues, the CMAT will allow the employee to carry a maximum of four week's leave forward into the next holiday year. Any additional accrued holiday over this limit will be lost. The CMAT may require an employee to take all or part of their replacement holiday on particular days with due notice. Any accrued leave must be used within 18 months of the end of the leave year in which it is accrued or it will be lost

- 12.4 An employee absent due to long-term sickness absence may request a period of sickness absence be designated as holiday using their entitlement to statutory holidays accrued but not yet taken at the point of the request. Any statutory holidays taken should be in blocks of no less than five consecutive days.
- 12.5 The period designated as holiday will override the corresponding period of sickness and sick pay will be adjusted accordingly. If the employee is in a period of half pay or no pay, their normal pay will be reinstated for the period that is designated as holiday.
- 12.6 Moving between sick leave and statutory holiday will not 'break' the sickness, that is the period of sick leave will be continuous if it relates to the same sickness or injury as before the period designated as holiday.
- 12.7 Employees should be aware that if they do something which is inconsistent with their reasons for sickness absence, or something which worsens their illness or prolongs their absence, the CMAT reserves the right to stop their sick pay and in some cases disciplinary action may result, up to and including dismissal. The employee would have a right of appeal against a decision by the CMAT to stop sick pay and could lodge such an appeal using the CMAT Appeals' Procedure.

### **13. HOLIDAY ENTITLEMENT DURING MATERNITY, PATERNITY, ADOPTION AND SHARED PARENTAL LEAVE**

- 13.1 An employee who is absent on the following categories of leave will continue to accrue full contractual holiday entitlement:
- (a) maternity leave
  - (b) paternity leave
  - (c) adoption leave
  - (d) shared parental leave
- 13.2 Annual leave cannot be taken during any period of leave in 13.1 as this would end the leave and related pay (where applicable).
- 13.3 Subject the agreement of the Headteacher/Line Manager accrued paid holiday may be added to the beginning or end of a period of maternity leave or shared parental leave.
- 13.4 For teaching staff, where there is no contractual provision to annual leave, the calculation of accrued holiday will be based on the statutory entitlement with the annual leave year being deemed to run from 1 September to 31 August.
- 13.5 Any accrued leave under 13.1 must be used within 18 months of the end of the leave year in which it is accrued or it will be lost.

**14. ANNUAL LEAVE ENTITLEMENT – CASUAL WORKERS (EXCLUDING TEACHERS)**  
– section under review

**15. REQUESTS FOR ‘OTHER LEAVE’**

- 15.1 The CMAT acknowledges that there may be the need for additional periods of leave, particularly for compassionate or personal reasons. Requests for such leave will be considered in accordance with the School/CMAT Leave of Absence Policy.