



Washwood Heath
Multi Academy Trust

Annual Leave Policy & Procedure

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| Prepared by: | Director of People WHMAT in consultation with unions and MAT-wide employees |
| Applies to: | WHMAT support staff, all year round employees |
| Approved by: | Board of Trustees on 13/07/2020 after consultation with WHMAT employees |
| Issued to WHMAT academies for use: | 15/07/2020 |
| Review date: | 12 months from approval by Board |
| Links to: | WHMAT's Flexible Working Policy WHMAT's Life Leave Policy WHMAT's Career Break Policy |
| Version: | 1 – 21.04.2020 |

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1.0 Purpose and commitment

- 1.1 The purpose of this policy is to ensure that annual leave is managed fairly and consistently across Washwood Heath Multi Academy Trust (“WHMAT”) and to inform relevant employees of the procedure that must be followed when applying for annual leave.
- 1.2 WHMAT is committed to developing and maintaining working arrangements that enable its employees to achieve a better work-life balance. It recognises the importance of annual leave in helping employees to achieve this.

2.0 Scope

- 2.1 This policy applies to all-year-round (AYR) support staff employees working under a permanent or fixed-term appointment with WHMAT. It is not relevant to teaching colleagues or to term-time-only support staff employees who have their annual leave built into their salary.
- 2.2 Any references in this policy to the CEO also include WHMAT’s Deputy CEO.

3.0 Leave year and entitlement

- 3.1 WHMAT’s annual leave year currently runs from 1st April to 31st March.
- 3.2 Under the *Working Time Regulations*, relevant employees are entitled to 28 days (5.6 weeks) of paid annual leave, which includes public holidays. WHMAT’s contractual annual leave entitlement exceeds this statutory requirement, is based on length of service with WHMAT or another relevant local authority/school or multi academy trusts as follows:

| LENGTH OF SERVICE | ENTITLEMENT |
|-------------------|------------------------------------|
| Up to 5 years | 29 days |
| 5 years and plus | 32 days |
| 10 years and plus | 34 days |
| | *Pro-rated for part-time employees |

- 3.3 HR Operations will notify colleagues in writing by no later than mid-January of each year, what their leave entitlement is for the next leave year, and how much they have left to take in the current leave year or to roll over into the next leave year. For Core Team colleagues, this will be provided by the People Matters team.
- 3.4 In addition to the above entitlement, employees will receive eight statutory bank holidays per annum (pro-rata for part time employees) and up to 10 additional days over Christmas, when the compulsory closure is in operation (pro-rata for part-time employees). AYR colleagues are required to bank 15 minutes per day and to keep a

log of this in order to take the additional leave during the compulsory closure at Christmas.

TUPED Employees

- 3.4 Employees who TUPE in to WHMAT will transfer on the contractual annual leave entitlements that they have at the time of the transfer as per the TUPE regulations. However, if it transpires during the due diligence stage of the TUPE process that employees have a lower annual leave entitlement than WHMAT support staff employees, relevant WHMAT Directors will declare this as a measure during the consultation process and transfer the employees over to the improved annual leave entitlements.

New Employees

- 3.5 New employees who join WHMAT part way through the leave year, will be entitled to a proportion of their annual leave entitlement based on the period of employment in that leave year, as well as previous continuous service with another local authority, school or multi-academy trust. WHMAT's People Operations team will confirm this when an employee starts employment.

Contractual changes part way through a leave year

- 3.6 If an employee's leave allowance changes during the leave year, (e.g. their full-time equivalent (FTE) changes from full-time, to part-time or vice versa), WHMAT's People Team will recalculate their leave entitlement and notify them of this in writing 10 working days of the change taking effect, unless there are exceptional circumstances. The total number of days due in the year will be calculated on a pro-rata basis for each part of the period for which the allowance differs. A copy of this change will be placed on the employee's HR file.

4.0 Requesting annual leave

- 4.1 To request annual leave, employees should complete an annual leave request form (see form at appendix 1) and submit it to their line manager, ideally via email. All requests must be made to line managers at the earliest opportunity, and ideally, **at least 10 working days before the leave is sought, unless there are exceptional circumstances.** This will help ensure that impact on fellow colleagues and workload can be managed.
- 4.2 It is important for colleagues not to commit to plans, e.g. to book flights, until their line manager has approved their annual leave request.
- 4.3 If an application for leave is refused, line managers must notify colleagues within 5 days of their request being made, unless there are exceptional circumstances. If colleagues wish to dispute their line manager's decision to decline their annual leave

request, they are encouraged to discuss this with them informally beforehand, failing which they may lodge an appeal via email to the following individuals within 5 working days of their annual leave request being turned down:

| Requester | Appeal heard by |
|----------------------------|---|
| CEO | Board of 3 impartial trustees |
| Core Team Directors | Board of 3 impartial trustees |
| Other Core Team colleagues | Director/CEO or Deputy CEO |
| AYR academy colleagues | CEO/Deputy CEO/Acting Executive Head or Head of Academy (if they have not been involved in the decision to turn down leave request) |

4.4 The appeal will be co-ordinated by the People Matters team, who will liaise with the company secretary as appropriate. The appeal will be scheduled as soon as reasonably practicable after the appeal has been received and the details will be confirmed in an email invite. The outcome of the appeal will either be that the appeal is dismissed (i.e. leave not approved), or that the appeal is upheld (leave request approved).

4.5 Where there are conflicting annual leave requirements, priority will be given to the employee whose request was received first, subject to business needs.

4.6 Employees who take unauthorised annual leave may be subject to disciplinary action see www.whmat.academy policies tab.

5.0 Approving annual leave

5.1 Before approving annual leave, line managers must consider a) business need e.g. key deadlines/projects that need to be met; b) how many other employees in the team are already on leave for some or all of that time and impact on service delivery; c) how much leave a particular employee still needs to take within a given leave year. Leave should generally be taken during school holidays rather than during term time unless there are exceptional circumstances or this meets the operational need of teams/departments. This should be decided and approved by the relevant line manager.

5.2 Line managers are responsible for notifying their colleagues within 5 working days of receiving their leave request, unless there are exceptional circumstances, whether or not their annual leave has been approved and the reason(s) if this is turned down. Approved annual leave forms for Core Team should be passed to the People Matters

team, either in person, or to the inbox at peoplematters@whmat.academy before the leave is due to start (for all other relevant support staff employees, they should go to hroperations@whmat.academy). The relevant team will ensure that this leave is logged on the HR portal (see flow chart at appendix 2). They will also track who is on leave and when, via a spreadsheet, and keep this in a shared and secure shared folder.

6.0 Extended annual leave

6.1 Leave may be requested in blocks of up to 10 continuous working days at a time. Anything above this, should only be approved by the CEO (in the case of core team directors) or functional directors (in the case of other core team colleagues) if sufficient cover is in place to meet the operational needs of WHMAT.

7.0 Carrying over annual leave

7.1 WHMAT recognises that annual leave is essential for physical and psychological employee wellbeing. Employees are responsible for planning and taking their annual leave at regular intervals throughout the year. This will prevent them from needing to ask for large periods of time at the end of the leave year or from having to lose leave over and above the maximum roll over amount of 5 working days

7.2 Up to a maximum of 5 days annual leave may be carried forward into the next leave year provided that the line manager has approved this. Any leave in excess of this will be forfeited. Any such leave carried over must be taken by the end of May in the next leave year.

8.0 Exceptional circumstances – Covid 19

8.1 In light of the coronavirus pandemic, the UK government has recently introduced an amendment to the *Working Time Regulations*, which allows employees to carry over up to four weeks statutory annual leave into the next two years. However, this only applies where it has not been reasonably practicable to take the leave due to the effects of the covid-19 pandemic. WHMAT's position is that, it is reasonably practicable for support staff employees to still take this leave during the normal leave year, so only the usual "carry over" rules at 7 will apply. This does not apply to the contractual enhancements that WHMAT offers over and above the four weeks' leave in a leave year.

8.2 This amendment has only been brought in to protect those who have to work during the pandemic and who are prevented from taking their leave at this time e.g. because they have been self-isolating due to sickness or they have been required to come into work and unable to take any leave. If, however, a relevant employee believes that it has not been "reasonably practicable" for them to take their annual leave during this time, this should be raised with their line manager in writing. The employee should explain their personal circumstances and how much of the statutory four weeks they would like to consider rolling over into the next 2 leave years. Line managers should

discuss individual cases with the People Matters team at peplematters@whmat.academy.

9.0 Sickness and annual leave

9.1 Employees who fall sick during a period of annual leave must notify their team/department in accordance with the normal sickness absence notification procedure. This means calling in on the first day that they are off and submitting a medical certificate (*Statement of Fitness to Work*) from their GP or hospital in order to support the absence and to reclaim any annual leave. If any payment is required to obtain the *Statement of Fitness to Work* (perhaps because an employee is off for less than a week when this is requested from their GP), colleagues will be expected to meet this cost themselves.

9.2 Employees will be regarded as being sick from the date specified on the medical certificate but statutory bank holidays cannot be reclaimed.

9.3 Provided relevant employees have provided the People Team with a copy of this fit note, colleagues will be entitled to take the leave at a later date after returning to work in accordance with approval from their line manager (see further at 5.0 and 7.0 above).

10.0 Holiday entitlement during sick leave, maternity, parental or adoption leave

10.1 Employees who are absent on sick leave, maternity, parental or adoption leave will continue to accrue their full contractual holiday entitlement, see further in WHMAT's Family Friendly Policy www.whmat.academy policies tab.

11.0 Late return from annual leave

11.1 If for any reason an employee will be late returning from annual leave, they must notify their line manager of the late return as soon as possible and discuss and agree revised arrangements i.e. additional annual leave, unpaid leave or other arrangements. Failure to do so may lead to disciplinary action for unauthorised absence, see further in Disciplinary Procedure at www.whmat.academy policies tab.

12.0 Leaving WHMAT

12.1 Annual leave requests submitted during an employee's notice period will be approved where possible, provided that the notice period runs between two annual leave calendar years and employees have not taken their minimum statutory entitlement for the current year.

12.2 WHMAT therefore reserves the right to refuse requests for leave made during the notice period (subject to the requirement to comply with the Working Time Regulations 1998), and to make payment in lieu of annual leave.

12.3 Any unused annual leave, which has accrued but has not been taken, will be paid in an employee's final salary; such payment will be subject to deductions for tax and national insurance contributions.

12.4 Where annual leave taken exceeds the numbers of days accrued at the date of termination, WHMAT will deduct the appropriate, corresponding sum from an employee's final salary.

13.0 Policy Review and Storage

13.1 This Policy will be reviewed every 12 months by the People Matters team in consultation with WHMAT colleagues and recognised trade unions to ensure that it complies with employment legislation and good practice.

Appendix 1 – Annual Leave Request Form



ANNUAL LEAVE REQUEST FORM

To be submitted by employee via email to the appropriate manager, at least 10 working days before the leave is sought, unless there are exceptional circumstances.

The line manager should consider the request and respond to the employee within 5 working days of receiving the request, unless there are exceptional circumstances

| | | | | | |
|-------------------------|---------------|----------------|------------------|-----------------|---------------|
| Name: | | | | | |
| Week Commencing: | | | | | |
| Day of the week: | Monday | Tuesday | Wednesday | Thursday | Friday |
| X – Full Day | | | | | |
| / - Half Day | | | | | |

Signed: _____

Date: _____

Approved & passed to HR Assistant:

Date:- _____

Core team – peoplematters@whmat.academy

Non core– hroperations@whmat.academy

Appendix 2 – Annual Leave Process Flow Chart

This only applies to all-year round support staff colleagues based on leave year 1st April to 31st March. For term-time only staff, annual leave is built into your salary.

(People Assistant – People Matters team or People Assistant – Operations for non-core) calculates leave entitlement based on length of service & notifies all-year-round colleagues about entitlement for next leave year & leave outstanding for current leave year via email by mid-January (using annual leave record card attached) each year. Leave should be taken in school holidays unless there are exceptional circumstances or this meets needs of team

| <u>Period of Continuous Service</u> | <u>Annual Leave Entitlement</u> |
|-------------------------------------|---------------------------------|
| Up to 5 years | 29 days |
| 5 years | 32 days |
| 10 years plus | 34 days |

*Pro-rated for part-time

If you wish to request annual leave, please complete an annual leave request form and email to your line manager. Please give at least 10 working days' notice of your leave to minimise any detriment to your team

Line Manager approves or rejects leave request & notifies employee & People Assistant (PM team) so that log can be maintained & it can be input on to the HR portal (employees must keep calendars updated so team members know when you are on leave)

You should try to use up all of your leave entitlement in the year that it accrues. In exceptional circumstances, Directors of functions may agree that up to 5 days' leave can be carried over to the next leave year. If this is the case, the Director should copy People Assistant into any agreement, so that this can be placed on HR file

