

ANNUAL LEAVE GUIDELINES

CONTENTS

- 1. INTRODUCTION**
- 2. ENTITLEMENT FOR FULL-TIME FULL YEAR STAFF**
- 3. ENTITLEMENT FOR PART-TIME STAFF**
 - a) Part-time Full-Year Staff Working “Regular” Hours
 - b) Part-time Full-Year Staff Working “Irregular” Hours
 - c) Full-time Part-year Staff
 - d) Part-time Part-year Staff
 - e) Annualised hours contracts
- 4. RECORDING OF ANNUAL LEAVE**
- 5. JOB SHARERS**
- 6. HOLIDAYS AND SICKNESS ABSENCE**
- 7. HOLIDAYS AND MATERNITY/ADOPTION LEAVE**
- 8. INCREASES AND DECREASES IN HOURS**
- 9. ANNUAL LEAVE YEAR**
- 10. NEW STARTERS AND LEAVERS**

THESE GUIDELINES RELATE TO ALL MONTHLY PAID STAFF WITH CONTRACTS ISSUED FROM 1 APRIL 2011, AND MONTHLY PAID STAFF OF GRADE 4 AND HIGHER WITH CONTRACTS ISSUED BEFORE 1 APRIL 2011, WHERE PAYMENT IS MADE IN 12 EQUAL MONTHLY PAYMENTS

1. INTRODUCTION

These Guidelines are designed to ensure that employees within the University receive their correct leave entitlement based on their contracted terms and conditions of employment

These Guidelines apply to all monthly paid staff with contracts issued on or after 1 April 2011, and monthly paid staff of grade 4 and higher with contracts issued before 1 April 2011, where payment is made in 12 equal monthly payments

These Guidelines do not apply to weekly paid staff, or staff who are paid in unequal payments throughout the year.

They do not apply to self employed people or to staff contracted by other Companies or on secondment to the University, who are covered by their own employer's procedures.

In addition, the Part-time Workers Regulations (2000) entitle a part-time employee to the same paid holiday (whether from annual leave or public holidays) on a pro-rata basis to a full-time employee.

Annual leave calculators and an annual leave recording form can be found on the Human Resources website at www.aston.ac.uk/staff/hr/policies/annual-leave. Please note that the annual leave calculators available on the website will reflect the actual number of Bank and University Holidays within the specified leave year. As the number varies from year to year there will be a slight variation in the calculation year-on-year, and the figure given may differ from that stated in the contract of appointment, which is always based on 13 Bank and University Holidays.

2. ENTITLEMENT FOR FULL-TIME, FULL-YEAR STAFF

The annual bookable leave entitlement for staff working on a full-time basis (i.e 36.5 hours per week over 5 days per week throughout the year) is as follows:

Grades 1 – 6	25 days
Grades 7 -10	30 days
Professorial and equivalent staff	31 days

In addition to the above bookable leave entitlement a minimum of 13 additional days holiday per year is given as specified Bank and University holidays, the dates of which are circulated annually to Schools/Departments and are published on the University's website: www.aston.ac.uk/staff/hr/policies/annual-leave.

Annual bookable leave must be approved by line managers and approval is subject to operational requirements. In some departments there may be times of year when annual bookable leave cannot be taken due to the nature of the work undertaken and the service provided.

3. ENTITLEMENT FOR PART-TIME STAFF

Part-time staff are entitled to the same amount of annual leave, including Bank and University Holidays, as full-time staff, on a pro-rata basis to the hours that they work. However, the pattern of working is crucial in determining both how annual leave is taken and how the hours are recorded, and in the following examples this will be illustrated further.

a) Part-time, full-year staff working “Regular” Hours

Where a member of staff works on a part-time basis and works the same number of hours each day from Monday to Friday, and works for 52 weeks each year, then the number of days of annual leave entitlement will be the same as that for a member of full-time staff. The only difference, of course, is that the amount of annual leave recorded will be less each day because shorter days are worked.

Example A: Staff member is Grade 6 and works 4.5 hours each day (i.e 22.5 hours per week), 52 weeks per year.

Normal *Full-time* Annual Leave and Bank and University Holiday allowance in hours:
25 days Annual Bookable Leave x 7.3 (FTE hours in a day) = 182.5 hours
13 Bank & University Holidays x 7.3 = 94.9 hours

Total *Full-time* leave = 182.5 + 94.9hours =277.4 hours

Calculate proportion of FTE for the post= 22.5/36.5 (weekly hours divided by full-time weekly hours) = 0.616 FTE

Pro-rated leave = 277.4 x 0.616 = 170.88 hours inclusive of Annual Bookable Leave and Bank and University Holidays. As the same hours are worked each day (4.5 hours) this equates to 38 days.

Each day’s Annual Bookable Leave and each Bank or University Holiday is recorded as using 4.5 hours of leave or 1 day.

b) Part-time, full-year staff working “Irregular” Hours

The calculation is not so simple for a member of staff who works on a part-time basis where the number of hours are not the same each working day or they do not work every working day of the week. In these cases, annual leave must be tracked in hours.

Example B: Staff member is Grade 6 and works Monday 4.5 hours, Tuesday 7 hours and Wednesday 7 hours, (total of 18.5 hours per week), 52 weeks of the year.

Normal *Full-time* Annual Bookable Leave and Bank Holiday allowance in hours:
25 days Annual Bookable Leave x 7.3 (FTE hours in a day) = 182.5 hours
13 Bank & University Holidays x 7.3 = 94.9 hours

Total *Full-time* leave = 182.5 + 94.9hours = 277.4 hours

Calculate proportion of FTE for the post = 18.5/36.5 (weekly hours divided by full-time weekly hours) = 0.507 FTE

Pro-rated leave = 277.4 x 0.507 = 140.64 hours inclusive of Annual Bookable Leave and Bank and University Holidays. As different hours are worked each day it is not possible to simply record days of leave, it is necessary to record leave by the hours worked for each day.

So, when a Monday is taken off (whether this is Annual Bookable Leave, or a Bank or University Holiday) 4.5 hours is recorded as leave, 7 hours is recorded for a Tuesday

(whether this is Annual Bookable Leave, or a Bank or University Holiday), and 7 hours recorded for a Wednesday (whether this Annual Bookable Leave, or a Bank or University Holiday).

It should also be noted that any Bank or University Holidays which fall on days that the staff member does not work, i.e. in this case Thursday and Friday, **should not** be deducted from the holiday entitlement.

A template form to record annual leave can be found at www.aston.ac.uk/staff/hr/policies/annual-leave

Example C: Staff member is Grade 9 and works Monday 7.3 hours, Tuesday 7.3 hours, Thursday 7.3 hours and Friday 7.3 hours, (total of 29.2 hours per week), 52 weeks of the year.

Normal *Full-time* Annual Bookable Leave and Bank Holiday allowance in hours:
30 days Annual Bookable Leave x 7.3 (FTE hours in a day) = 219 hours
13 Bank & University Holidays x 7.3 = 94.9 hours

Total *Full-time* leave = 182.5 + 94.9 hours = 313.9 hours

Calculate proportion of FTE for the post = $29.2/36.5$ (weekly hours divided by full-time weekly hours) = 0.8 FTE

Pro-rated leave = $313.9 \times 0.8 = 251.12$ hours inclusive of Annual Bookable Leave and Bank and University Holidays. Any Annual Bookable Leave, Bank or University Holidays that fall on a Monday, Tuesday, Thursday or Friday must be counted (i.e. 7.3 hours recorded for each day), but any that fall on a Wednesday do not. In this example as 7.3 hours is worked for each of four days, it is possible to say that the 252 hours equates to 34.52 days, *as long as it is remembered that Wednesdays do not count.*

Example D: Staff Member is Grade 9 and works 29.2 hours per week, but the days on which they work vary from week to week, 52 weeks of the year

In terms of calculating the entitlement, this is the same as in Example C, i.e. the entitlement is 252 hours inclusive of Annual Bookable Leave and Bank and University Holidays. When a full leave week is taken, (whether this comprises Annual Bookable Leave or Bank and University Holidays) then 29.2 hours is recorded. In any other week the question to be asked is how the 29.2 hours is comprised and each week must be looked at separately to ascertain what leave should be recorded

Examples

If a week contains a Bank Holiday Monday and the individual chooses to work 7.3 hours on each of Tuesday, Wednesday Thursday and Friday, they work their 29.2 hours, and therefore no hours are deducted for the Bank Holiday.

If a week contains a Bank Holiday Monday and the individual chooses to work 7.3 hours on Wednesday, Thursday and Friday, they work 21.9 hours. The Bank Holiday must be counted and 7.3 hours is recorded as leave.

If a week contains a Bank Holiday Monday and the individual chooses to work 7.3 hours on Thursday and Friday, working 14.6 hours, there is a 'shortfall' of 14.6 hours to be

deducted. The Bank Holiday is counted as 7.3 hours leave, and a further 7.3 hours is recorded as Annual Bookable Leave.

In a week without a Bank Holiday if the individual chooses to work 7.3 hours on Wednesday, Thursday and Friday, they would work 21.9 hours. In this case, there is a 'shortfall' of 7.3 hours and this is recorded as 7.3 hours Annual Bookable Leave.

It should be noted that the work patterns described in these examples above should have been discussed, and agreed with the manager.

c) Full-time, part-year staff

Part-year staff are entitled to a leave allowance in the same proportion to that of a full-timer. The crucial issue for part-year staff is to determine whether they are allowed to take annual leave during the weeks they have declared they are working, or as is often the case, whether they are prevented from taking leave during these weeks. This decision should be taken prior to the individual taking up their appointment and must be notified to HR.

The calculations below assume that the individual is paid in 12 equal monthly instalments which is the case for all new contracts for monthly paid staff.

Where a member of staff must take all their leave during their working weeks, their FTE should be calculated using 52.14 weeks in a year. However, where they cannot take leave during their working weeks, the following figures should be used to calculate the FTE

Grade of Staff Member	Number of working weeks in a year for a full-time member of staff
0 – 6	44.54
7 – 10	43.54
Professorial and equivalent	43.34

Example E: Staff member is grade 6 and works full time for 30 weeks of the year, and must take ALL of their leave during those 30 weeks

Normal *Full-time* Annual Bookable Leave and Bank and University Holiday allowance in hours:

25 days Annual Bookable Leave x 7.3 (FTE hours in a day) = 182.5 hours

13 Bank & University Holidays x 7.3 = 94.9 hours

Total *Full-time* leave = 182.5 + 94.9hours = 277.4 hours

Calculate proportion of FTE for the post = 30/52.14 (weeks worked divided by total weeks in the year) = 0.575 FTE

Pro-rated leave = 277.4 x 0.575 = 159.51 hours inclusive of Annual Bookable Leave and Bank and University Holidays.

Again, the issue becomes how these are recorded. Because this person works on a full-time basis during their working weeks, all of the Bank and University Holidays that fall during the 30 weeks are deducted at 7.3 hours per day. All of the remaining hours are taken as Annual Bookable Leave at 7.3 hours per day.

Exceptionally, if the staff member fails to take all of their leave entitlement during the 30 weeks they can, with the manager's approval, submit a claim to Payroll for payment of the outstanding hours.

Example F: Staff member is grade 6 and works full time for 30 weeks of the year, and CANNOT take their leave during those 30 weeks

Normal *Full-time* Annual Bookable Leave and Bank and University Holiday allowance in hours:

25 days Annual Bookable Leave x 7.3 (FTE hours in a day) = 182.5 hours

13 Bank & University Holidays x 7.3 = 94.9 hours

Total *Full-time* leave = 182.5 + 94.9hours = 277.4 hours

In this example the holiday leave calculation must be compared with the entitlement of the working weeks of a full time staff member (see table above).

The working weeks of a full-time member of staff at this grade are 44.54

Calculate proportion of FTE for the post= 30/44.54 (weeks worked divided by working weeks of a full time staff member) = 0.674 FTE

Pro rated leave = 277.4 x 0.674 = 186.97 hours inclusive of Annual Bookable Leave and Bank and University Holidays.

Because all of the leave is being taken in the 20 non-working weeks, in this instance, the recording of leave is not necessary as we are effectively making a payment to the individual which covers their leave entitlement. (This represents the difference between the FTE calculations between example E and F, i.e. 0.674 – 0.575 = 0.099FTE).

However, if any Bank or University Holidays fall within the 30 weeks, or the manager allows Annual Bookable Leave to be taken in the 30 weeks, then this should either be adjusted informally, by the manager and member of staff agreeing that compensatory days will be worked during the non-working period, OR adjusted formally by notifying Payroll that the days should be taken as unpaid leave and they will make the appropriate adjustments to salary.

For other contractual reasons it is important that staff nominate when they would nominally take leave during their non-working weeks.

d) Part-time, part-year staff

The calculations of leave for part-time, part-year staff means that the full-time annual leave entitlement is pro-rated for both the number of weeks worked and for the number of hours worked. As in the examples in (c) above, the pattern of working and whether or not someone is allowed to take leave in their nominated weeks are important in determining their entitlement.

Example G: Staff member is Grade 8 and works Monday 4.5 hours, Tuesday 7 hours and Wednesday 7 hours, (total of 18.5 hours per week), 30 weeks of the year. They must take ALL of their leave entitlement during the 30 weeks.

Normal *Full-time* Annual Bookable Leave and Bank Holiday allowance in hours:

30 days Annual Bookable Leave x 7.3 (FTE hours in a day) = 219 hours

13 Bank & University Holidays x 7.3 = 94.9 hours

Total *Full-time* leave = 219 + 94.9 hours = 313.9 hours

Proportion of FTE for the post = $(18.5/36.5) \times (30/52.14)$ (weekly hours divided by full-time weekly hours multiplied by weeks worked divided by total weeks in a year) = 0.291 FTE.

Pro-rated leave = $313.9 \times 0.291 = 91.34$ hours inclusive of Annual Bookable Leave and Bank and University Holidays. As different hours are worked each day it is not possible to simply record days of leave, it is necessary to record leave by the hours worked for each day.

When a Monday is taken off (whether this is Annual Bookable Leave, or a Bank or University Holiday) 4.5 hours of leave is recorded, 7 hours is recorded for a Tuesday (whether this is Annual Bookable Leave, or a Bank or University Holiday), and 7 hours recorded for a Wednesday (whether this is Annual Bookable Leave, or a Bank or University Holiday).

It should also be noted that any Bank or University Holidays which fall on days that the staff member does not work, i.e. in this case Thursday and Friday, **DO NOT** have to be deducted from the holiday entitlement.

If the staff member fails to take all of their leave entitlement during the 30 weeks they can, with the manager's approval, submit a claim for payment of the outstanding hours

Example H: Staff member is Grade 8 and works Monday 4.5 hours, Tuesday 7 hours and Wednesday 7 hours, (total of 18.5 hours per week), 30 weeks of the year. They CANNOT take any of their leave entitlement during the 30 weeks.

As in Example G, the calculation of leave for part-time, part-year staff means that the full-time annual leave entitlement is pro-rated for both the number of weeks worked and for the number of hours worked. However, in this example the holiday leave calculation must be compared with the entitlement of the working weeks of a full-time staff member (see table above). The working weeks of a full-time member of staff at this grade are 43.54.

Normal *Full-time* Annual Bookable Leave and Bank and University Holiday allowance in hours:

30 days Annual Bookable Leave x 7.3 (FTE hours in a day) = 219 hours

13 Bank & University Holidays x 7.3 = 94.9 hours

Total *Full-time* leave = 219 + 94.9 hours = 313.9 hours

Proportion of FTE = $(18.5/36.5) \times (30/43.54)$ (weekly hours divided by full-time weekly hours multiplied by weeks worked divided by total working weeks in a year for someone on 30 days holiday) = 0.349 FTE

Pro-rated leave = $313.9 \times 0.349 = 109.5$ hours inclusive of Annual Bookable Leave and Bank and University Holidays.

Because all of the leave is being taken in the 20 non-working weeks, in this instance, the recording of leave is not necessary as we are effectively making a

payment to the individual which covers their leave entitlement. (This represents the difference between the FTE calculations between example G and H, i.e. $0.349 - 0.291 = 0.058$ FTE).

However, if any Bank or University Holidays fall within the 30 weeks on a Monday, Tuesday or Wednesday, or the manager allows Annual Bookable Leave to be taken in the 30 weeks, then this should either be adjusted informally, by the manager and member of staff agreeing that compensatory days will be worked during the non-working period, OR adjusted formally by notifying Payroll that the days should be taken as unpaid leave and they will make the appropriate adjustments to salary.

For other contractual reasons it is important that staff nominate when they would nominally take leave during their non-working weeks.

e) Annualised hours contracts

The principle of annualised hours is that, instead of defining working time in terms of a standard working week, the contract defines a set number of hours to be worked over the year, but the hours are worked flexibly to meet the needs of the School / Department. The calculations of leave for staff on annualised contracts is pro-rated to the number of hours worked.

EXAMPLE J: Staff member is Grade 8 and is contracted to work 200 hours per year.

Normal *Full-time* Annual Bookable Leave and Bank and University Holiday allowance in hours:

30 days Annual Bookable Leave x 7.3 (FTE hours in a day) = 219 hours

13 Bank & University Holidays x 7.3 = 94.9 hours

Total *Full-time* leave = 219 + 94.9 hours = 313.9 hours

It is always the case that staff working annualised hours contracts take all of their annual leave outside of the contracted working hours and, therefore, **the holiday leave calculation must be compared with the entitlement of the working hours of a full time staff member (see table above)**. The working weeks of a full-time member of staff at this grade are 43.54 weeks x 36.5 hours per week = 1589.21 working hours per year.

Proportion of FTE = $200/1589.21 = 0.126$ FTE

Pro rated leave = $313.9 \times 0.126 = 39.55$ hours inclusive of Annual Bookable Leave and Bank and University Holidays.

Because all of the leave is being taken during non-working hours, in this instance, the recording of leave is not necessary as we are effectively making a payment to the individual which covers their leave entitlement.

4. RECORDING OF ANNUAL LEAVE

It is important that a record is kept of annual leave taken, both to ensure that the correct amount has been taken, and to enable accurate calculations on holiday pay to be completed if a member of staff leaves. A template form for recording annual leave can be found at www.aston.ac.uk/staff/hr/policies/annual-leave

5. JOB SHARERS

Job sharers should each be treated separately for annual leave entitlement, and calculations done against their worked hours and weeks as detailed above.

6. HOLIDAYS AND SICKNESS ABSENCE

Staff continue to accrue holiday as normal during paid periods of sickness absence. During any unpaid periods of sickness absence, holiday is accrued at the rate of 28 days per annum (inclusive of Bank and University holidays).

Staff who fall sick during a period of Annual Bookable Leave or over a Bank or University Holiday, can claim back their Annual Bookable Leave or Bank and University Holiday provided they can provide documentary evidence about the ill-health and its duration (normally a statement from a doctor or a hospital), regardless of the duration of the ill-health (i.e. from the first day of sickness). Where a charge is made for the provision of such documentary evidence, part or all of this may be reimbursed by the University, depending on the circumstances.

Where a member of staff is prevented from taking their annual leave by the end of a holiday year due to their sickness absence, or where holidays are accrued during sickness absence, or where they are claimed back where ill-health interrupted a period of annual leave, they must be taken within 12 months of returning to work.

When taken, accrued annual leave will be paid at the normal rate of pay; regardless of whether the member of staff is on full pay, half pay, statutory sick pay, or no pay at all.

Staff may take annual leave while absent due to ill-health if they wish. If staff wish to do this, they should notify their manager and HR Advisor which days they wish to be treated as annual leave. The HR Advisor will arrange to pay them normal holiday pay rather than occupational sick pay for the days that they nominate. If the member of staff qualifies for statutory sick pay, it will continue to be paid during their annual leave. SSP will be included in any holiday pay.

7. HOLIDAYS AND MATERNITY/ADOPTION LEAVE

Apart from pay, staff on maternity leave (ordinary and additional) retain their normal employment rights and benefits (continuity of employment, holidays etc.).

Holiday can be added to the beginning or end of maternity leave, however, it cannot be carried over to a subsequent holiday year if the maternity leave goes over the end of a holiday year, so most people will plan to take it at the beginning of their maternity leave.

On return from maternity leave, payment at the normal rate of pay will be made for any Bank or University Holidays to which staff would have been entitled had they not been on maternity leave.

8. INCREASES AND DECREASES IN HOURS OR CHANGES IN WORK PATTERN

Human Resources should be informed if there are any changes to work hours or work pattern, and will re-calculate an employee's Annual Leave and Bank and University Holiday entitlement once notified.

9. ANNUAL LEAVE YEAR

The leave year for most staff runs from 1 April to the succeeding 31 March. The exception to this is for teaching staff, where the annual leave year runs from 1 September. Entitlement shall not be carried forward to the subsequent leave year except in very exceptional circumstances as may be approved by the Dean/Head of Department. If a carry forward of leave is approved, employees may carry up to a maximum of 5 days leave from one leave year to the next, to be used within the next month (e.g. by 30 April where the holiday leave year ends on 31 March).

10. NEW STARTERS AND LEAVERS

For employees starting part-way through the annual leave year, their entitlement to annual leave will be pro-rated from their start date up to the end of the current annual leave year.

For employees leaving part-way through the annual leave year, their entitlement to annual leave will be pro-rated from the start of the current holiday year up to their leaving date.

Where an employee is leaving the University's employment, outstanding leave (pro-rata to the leaving date) should be taken before the termination date as the University does not normally pay in lieu of leave not taken. If a member of staff who is leaving the University is refused permission to take their outstanding annual leave during their notice period, their manager should notify Human Resources of the number of days or hours outstanding and they will arrange for the employee to be paid in lieu of the outstanding annual leave.

If an employee leaves the University having taken more than the accumulated holiday entitlement for the current holiday year then the University will make a deduction in respect of the excess holiday taken from any final payment to the employee.

Leave Calculations for New Starters and Leavers

Annual leave calculators can be found at www.aston.ac.uk/staff/hr/policies/annual-leave

Some examples are illustrated below. For new starters and leavers, holiday entitlement should be calculated on the basis of $(A \times B) - C$, where A is the proportion of the leave year worked, B is the annual holiday entitlement and C is the leave already taken.

Example 1: Full-time new starter with 39 days annual leave

Start date 16 January 2010

Number of days from 16 January to 31 March (inclusive) = 75 days

Proportion of year worked = $75/365 = 0.206$ (A)

Annual leave entitlement = 39 (B)

Days taken (includes Annual Bookable Leave and Bank & University Holidays) = 0 (C)

Entitlement to end of holiday year $(A \times B) - C = 8.03$ days or 58.62 (5.15 x 7.3) hours

This should be rounded up to the next complete hour, so is equivalent to 59 hours.

Example 2: Full-time Leaver with 44 days annual leave

Leaving date 13 November 2010

Number of days from 1 April to 13 November (inclusive) = 228

Proportion of year worked = $228/365 = 0.625$ (A)

Annual leave entitlement = 44 (B)

Days taken (includes Annual Bookable Leave and Bank & University Holidays) = 24 (C)

Entitlement from start of holiday year to leaving date $(A \times B) - C = 3.75$ days (or 27.375 hours (which should be rounded up to 28 hours) to be taken during the notice period.

Example 3: Part-time, full year leaver with 105 hours annual leave

Leaving date 13 November 2010

Number of days from 1 April to 13 November (inclusive) = 228

Proportion of year worked = $228/365 = 0.625$ (A)

Annual leave entitlement = 105 hours (B)

Entitlement from start of holiday year to leaving date $(A \times B) = 65.625$ hours

Hours taken (includes Annual Bookable Leave and Bank & University Holidays) = 58 (C)

Remaining hours to be taken during the notice period $65.625 - 58$ hours = 7.625 hours (which should be rounded up to 8 hours).

Calculations for part-time part year staff are more complicated and you should ask Human Resources to make the calculation for you.

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Human Resources