



# HOLIDAYS POLICY

## NATIONAL COLLEGE FOR ADVANCED TRANSPORT & INFRASTRUCTURE

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<b>AUTHOR:</b>	David Rose
<b>OWNER:</b>	David Rose
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## 1. About this policy

- 1.1. This policy sets out our arrangements for staff wishing to take holidays (also known as annual leave).
- 1.2. This policy covers all employees at all levels and grades, including full-time, part-time, permanent and fixed-term employees, managers, directors and trainees.
- 1.3. This policy does not form part of any employee's contract of employment and we may amend it at any time. We may also vary the policy as appropriate in any case.
- 1.4. All material changes to this Policy must first be agreed with the University of Birmingham in accordance with the Governance Deed.

## 2. Your holiday entitlement

- 2.1. The College's holiday year runs from 1 September to 31 August. If your employment starts or finishes part way through the holiday year, your holiday entitlement during that year shall be calculated on a pro-rata basis rounded up to the nearest half day.
- 2.2. Unless otherwise set out in your employment contract, staff who have teaching contracts are entitled to 40 days' paid holiday in each holiday year, or the pro rata equivalent if you work part time. All other staff are entitled to 36 days' paid holiday in each holiday year, or the pro rata equivalent if you work part time.
- 2.3. In addition, you are entitled to take the usual public holidays in England and Wales or days in lieu where we require staff to work on a public holiday; and are entitled to efficiency closure days.
- 2.4. For the avoidance of doubt, the first four weeks of the leave you take in any holiday year shall be deemed to be the leave derived from regulation 13 of the Working Time Regulations 1998 (*SI 1998/1833*) and the remainder shall be deemed to be derived from regulation 13A of those regulations. Currently, the law states that regulation 13 leave shall be paid at the rate of "normal remuneration" whereas regulation 13A leave may be paid at the rate of your basic salary only. If your remuneration normally includes variable elements, such as commission or compulsory overtime, we will notify you separately whether such payments will be included in your regulation 13 holiday pay. The law in this area is in a state of uncertainty and we will review the position from time to time. A decision to reflect certain elements of your remuneration in holiday pay on one or more occasions shall not give rise to an expectation on your part that it will be included on future occasions.
- 2.5. Except as set out in this policy, holiday entitlement must be taken during the holiday year in which it accrues. Any holiday not taken by the end of the holiday year will be lost and you will not receive any payment in lieu.
- 2.6. Unused holiday can only be carried over to another holiday year:
  - 2.6.1. in cases involving sickness absence, as set out in section 5;

- 2.6.2. in cases of maternity, paternity, adoption, parental or shared parental leave, as set out in paragraph 6; and
- 2.6.3. if otherwise required by law.

### **3. Taking holiday**

- 3.1. All holiday must be approved in advance by your line manager. Please give as much notice as possible of holiday requests. You must not make travel bookings until approval has been given.
- 3.2. We may require you to take (or not to take) holiday on particular dates, including when the business is closed, particularly busy such as during the whole of September, or during your notice period.
- 3.3. Staff who have teaching contracts cannot take holiday during the agreed term time dates. The schedule of holiday for the full year should be planned and submitted by the end of September. A maximum of 3 weeks' leave must be taken in one block during the summer.

### **4. Sickness during periods of holiday**

- 4.1. If you are sick or injured during a holiday period and would have been incapable of work, you may choose to treat the period of incapacity as sick leave and reclaim the affected days of holiday.
- 4.2. Employees already on sick leave before a pre-arranged period of holiday may choose to cancel any days of holiday that coincide with the period of incapacity and treat them as sick leave.
- 4.3. The College sick pay will only be paid for such days if you comply with our Sickness Absence Policy, including notifying your manager immediately of your incapacity and obtaining medical evidence, even if you are abroad.
- 4.4. Dishonest claims or other abuse of this policy will be treated as misconduct under our disciplinary procedure.

### **5. Long-term sickness absence and holiday entitlement**

- 5.1. Holiday entitlement continues to accrue during periods of sick leave.
- 5.2. If you are on a period of sick leave which spans two years, or if you return to work after sick leave so close to the end of the holiday year that you cannot reasonably take your remaining holiday, you may carry over unused holiday to the following leave year.

Carry over under this rule is limited to the four-week minimum holiday entitlement under UK law (which includes bank holidays), less any leave taken during the holiday year that has just ended. If you have taken four weeks' holiday by the end of the holiday year, you will not be allowed to carry anything over under this rule. If you have taken less than four weeks, the remainder may be carried over under this rule. For example, a full-time employee who has taken two weeks' holiday plus two bank holidays before starting long-term sick leave can only carry over one week and three days.

- 5.3. Any holiday that is carried over under this rule but is not taken within 15 months of the end of the holiday year in which it accrued will be lost.
- 5.4. Alternatively, you can choose to take your paid holiday during your sick leave, in which case you will be paid at your normal rate.

## **6. Family leave and holiday entitlement**

- 6.1. Holiday entitlement continues to accrue during periods of maternity, paternity, adoption, parental or shared parental leave (referred to collectively in this Policy as family leave).
- 6.2. If you are planning a period of family leave that is likely to last beyond the end of the holiday year, you should discuss your holiday plans with your manager in good time before starting your family leave. Any holiday entitlement for the year that cannot reasonably be taken before starting your family leave can be carried over to the next holiday year.
- 6.3. For the avoidance of doubt this covers your full holiday entitlement.
- 6.4. Any holiday carried over should be taken immediately before returning to work or within three months of returning to work after the family leave.

## **7. Arrangements on termination**

- 7.1. On termination of employment, you may be required to use any remaining holiday entitlement during your notice period. Alternatively, you will be paid in lieu of any accrued but untaken holiday entitlement for the current holiday year to date, plus any holiday permitted to be carried over from previous years under this policy or as required by law. You are entitled to be paid at a rate of 1/260th of your full-time equivalent basic salary for each day of untaken entitlement.