



Nottinghamshire

POLICE & CRIME COMMISSIONER

Annual Leave Policy

CONTENTS

SECTION 1	BACKGROUND	3
SECTION 2	AIMS/OBJECTIVES OF THIS DOCUMENT	3
SECTION 3	PROCEDURE	3
4.1	Leave Year	3
4.2	Notice period required for Annual Leave	3
4.3	Planning and Requesting Leave.....	4
4.3.1	Leave for Religious Observance	4
4.4	Authorisation.....	5
4.5	Cancellation of Booked Annual Leave by a Member of Staff.....	5
4.6	Cancellation of Booked Annual Leave by the Organisation	5
4.7	Extended Leave / Unpaid Leave.....	5
4.8	Carry Over of Annual Leave	6
4.9	Bringing Forward Leave From the Next Year	6
4.10	Requests for Urgent Annual Leave.....	6
4.11	Late Return from Annual Leave.....	7
4.12	Sickness Whilst on Annual Leave.....	7
4.13	Long Term Sick Leave and Annual Leave	7
4.14	Annual Leave as Part of the Notice Period	7
4.15	Leave Entitlements	7
4.15.3	Part-time Staff	8
4.15.5	Staff who Join / Leave During the Leave Year	8
4.15.6	Compensation for Leave – Termination of Employment.....	8
4.16	Recording of Leave	10
4.17	Appeals Process.....	11
SECTION 5	LEGISLATIVE COMPLIANCE	11

SECTION 1 BACKGROUND

The production of this procedure was generated by the need to inform staff of their rights and entitlements to take paid leave in line with employment legislation and also for the purpose of consistency of application across the Office of the Police and Crime Commissioner.

SECTION 3 AIMS/OBJECTIVES OF THIS DOCUMENT

This procedure aims to provide guidance for employees on taking paid annual leave that they are entitled to.

The objective of this procedure is to provide a framework for managers to ensure that members of staff are treated fairly and consistently across the organisation in relation to annual leave whilst ensuring effective service provision.

SECTION 4 PROCEDURE

As from 1 April 2009 the statutory holiday entitlement increased to 5.6 weeks. However, legislation states that the holiday entitlement can include bank holidays and as members of staff working for the Office of the Nottinghamshire Police and Crime Commissioner already receive paid time off for bank holidays in addition to the minimum four-week holiday entitlement, the holiday entitlement for members of staff has not increased.

This procedure should be read in conjunction with Section 3 of the Police Staff Council Handbook 2004 (which can be located on the Office of the Police and Crime Commissioner's Intranet – Library-Human Resources-Policies and Procedures-Staff Handbook)

For staff, the annual leave entitlement for all grades will be specified within their Written Statement of Particulars (see Leave Entitlements below).

Annual leave is a member of staff's opportunity to take planned breaks from work for rest and relaxation and it is therefore expected that all members of staff will take their allocated amount of annual leave within the leave year.

4.1 Leave Year

The leave year runs from 1st April to 31st March.

4.2 Notice period required for Annual Leave

Requests for annual leave should be made giving reasonable notice so as to avoid disappointment. Notice will vary from one business area to another, depending on the needs of the service. Longer notice may therefore be required at popular times, such as school holidays, summertime and around Bank / Public holidays.

Members of staff should familiarise themselves with the requirements and any local procedures.

4.3 Planning and Requesting Leave

Managers should decide how many staff could be away at any one time, in number and by grade or role, depending on the needs of the service. This will vary within different business areas according to the operational requirements (as specified by senior management), the staff in post / role and abstraction constraints.

The number of staff allowed on leave at any one time will possibly vary throughout the year in relation to other leave being taken and due to any seasonal variations in activity. Members of staff should therefore familiarise themselves with any such local requirements.

Where there are conflicting annual leave requests, managers should negotiate with their staff to achieve an acceptable solution and where this cannot be achieved, priority should be given to the member of staff whose request was received first. Managers should notify individuals of reasons for not authorising leave requests and record any decisions made.

4.3.1 Leave for Religious Observance

Employees, who joined the Police Authority prior to 1 April 2004 and who were therefore employed under the conditions of the Nottinghamshire County Council Orange Book (i.e. prior to being employed by the Police and Crime Commissioner), who wish to observe religious / holy holidays, that do not coincide with bank / public holidays in England retain the right to 4 days (29.6 hours) paid time off for the purposes of observing religious / holy festivals or other religious observance in accordance with their continuous contract of employment.

Employees, who joined Nottinghamshire Police and Crime Commissioner after 1 April 2004, who wish to observe religious / holy holidays, that do not coincide with bank / public holidays in England are required to use their annual leave or take unpaid leave (see also Discretionary Leave Policy). Every effort should be made to accommodate such requests, which may be refused only in exceptional circumstances provided justification has been identified. The justification must be clearly communicated to the member of staff concerned and fully documented.

Where a member of staff takes unpaid leave, which has been approved by the Line Manager, the relevant HR Team should be informed in order that HQ Payroll can be notified and leave entitlements can be adjusted on DMS as paid leave is not accrued during periods of unpaid leave.

4.4 Authorisation

Form G10 should be used for the request and authorisation of annual leave.

Annual leave is not guaranteed unless abstraction levels have been reviewed and the leave has been authorised and agreed by appropriate Line Management. Leave taken without proper authorisation will be regarded as unauthorised absence. Pay, equivalent to the time spent absent, will be deducted in such circumstances and the member of staff may be subject to disciplinary action. Absences of this nature must be notified to the relevant HR

Team. In order to avoid disappointment, members of staff should not make holiday arrangements until their leave has been authorised.

Managers should record any decisions for not authorising leave requests.

If an annual leave application has been refused, and the member of staff subsequently takes sick leave in this period, the manager may investigate the matter and disciplinary action may be pursued.

4.5 Cancellation of Booked Annual Leave by a Member of Staff.

Members of staff cancelling booked leave, particularly at short notice, can lead to difficulties in the organisation of staff. The Line Manager may require a written request for the cancellation of leave, when the request would then be considered in relation to staffing and service provision. The request may be refused if circumstances dictate. Managers should record the reasons for refusing the request to cancel annual leave

4.6 Cancellation of Booked Annual Leave by the Organisation

Where it is operationally necessary to recall a member of staff from annual leave the leave they have been unable to take will be cancelled and taken at a later date. This will only occur in extreme circumstances.

4.7 Extended Leave / Unpaid Leave

Annual leave is the opportunity to take rest from work. It is therefore good practice for annual leave to be spread throughout the leave year.

When requests for leave of more than two weeks duration are required extra notice may be required to avoid disappointment. The request should be submitted to the Line Manager for consideration alongside other leave requests. Authorisation will depend on the needs of the service. Members of staff should familiarise themselves with any local procedure.

Where a member of staff is planning a long overseas holiday and their annual leave entitlement has been exhausted, a request can be made for additional unpaid leave.

Managers will have discretion to grant unpaid leave (see Discretionary Time Off). However, paid annual leave is not accrued during the period of unpaid leave, therefore the calculated time will either be deducted from the annual leave entitlement for the current year, or if in the case of all annual leave entitlement being taken, deducted from the following years annual leave entitlement. If a member of staff leaves the organisation and has taken unpaid leave and has no annual leave outstanding, the amount of time owing will be recouped via payment from the final salary.

There are also facilities to 'bank' leave in order to take a planned future extended holiday. Please refer to the Discretionary Time Off procedure for further details.

4.8 Carry Over of Annual Leave

Members of staff are permitted to automatically carry forward up to 5 days (37 hours - pro-rata for part-time / job share staff) annual leave from the current leave year to the next. Leave, which is carried forward in this way, will be deemed to be the first leave taken in the ensuing leave year.

Any amount of untaken leave can be carried forward if this is due to reasons of maternity.

Only in cases where the authorising manager is satisfied that there have been exceptional circumstances i.e. the member of staff has been unable to take the leave for reasons of sickness for example or by prior agreement to bank leave for future use (please see Discretionary Time Off Procedure) can more than the above be carried forward. This should be agreed with the relevant

HR Manager in order to maintain consistency and DMS must be updated manually to allow for additional carry over.

4.9 Bringing Forward Leave From the Next Year

With Line Manager agreement, members of staff are allowed to bring forward a maximum of 5 days leave from the following leave year's entitlement, to be taken in the last month of the leave year (March). The relevant HR Team must be informed of the request and the reduction in annual leave should be recorded on DMS for the following leave year. Requests to take additional leave should only be considered by Line Managers after they have dealt with requests for leave from staff who are attempting to exhaust the current year's leave entitlement that are likely to take priority.

4.10 Requests for Urgent Annual Leave

Wherever possible, and within reason, requests for urgent annual leave for special circumstances or problematic situations will be accommodated by negotiation with the Line Manager (or a suitable deputy if they are not available).

For other absence reasons that may be urgent or short notice e.g. urgent domestic business, bereavement etc, please refer to the relevant section within the Discretionary Time Off Procedure.

4.11 Late Return from Annual Leave

If for any reason, a member of staff will be late returning from annual leave they must contact their Line Manager or deputy and notify their late return as soon as possible. Failure to do so will render the member of staff liable to disciplinary action for unauthorised absence. In the event of a delayed return the member of staff may take the extra time away from work as annual leave, if they have an outstanding balance, or take unpaid leave

4.12 Sickness Whilst on Annual Leave

If a member of staff becomes ill during a booked period of annual leave, the leave will be cancelled if they provide medical evidence of the illness i.e. a medical certificate. The Line Manager should be notified of the illness as soon as possible. The leave will not be cancelled if there is no medical certificate provided.

4.13 Long Term Sick Leave and Annual Leave

A member of staff who is on long-term sickness leave is entitled to accrue paid holiday for their entire sick leave, and must be allowed to take it on their return or be paid in lieu of it if their employment ends.

If a member of staff leaves the UK while they are off work sick, for example, to go on holiday or visit relatives living abroad, the member of staff is still eligible to receive SSP during their absence providing they have a medical certificate covering that period and the GP states that it would be beneficial for them to travel.

4.14 Annual Leave as Part of the Notice Period

Staff members must endeavour to use all their leave entitlement prior to leaving the organisation.

At the time of resignation, the member of staff's record of annual leave taken will be reviewed against the entitlement accrued to that date by the Line Manager. Leave will be calculated in line with the actual number of days worked and appropriate adjustments will be made to the final salary if members of staff have taken more than their allocated leave entitlement.

Please refer to point 8 for calculation details.

If staff have not been able to use any remaining entitlement during their notice period it may be possible to adjust their leaving date or make a positive adjustment to their final salary.

4.15 Leave Entitlements

4.15.1 Employees are entitled to the following leave during each leave year (1 April – 31 March), pro rata for part time staff and casual workers.

24 days (177.6 hours)	29 days (214.6 hours)	32 days (236.8 hours)

Leave is calculated in hours based on a normal working day of 7.4 hours i.e.

24 days x 7.4 hours = 177.6 total leave hours.

Entitlement to annual leave increases after five years and again after ten years continuous service.

Where a member of staff was employed by Nottinghamshire Police and Crime Commissioner prior to 31 March 1997 and who, as part of their contract, received an entitlement of 34 days leave, the agreement is that they will continue to be entitled to this additional leave. Converted into hours this equates to an entitlement of 251.6 hours.

The increase in annual leave entitlement takes effect at the fifth or tenth anniversary of employment. The leave entitlement for the year in which the anniversary falls will need to be recalculated to take account of the pro-rata entitlement for the remaining months.

Ordinary and additional maternity leave will count as continuous service towards the five and ten year increases. For annual leave purposes, continuous employment will include continuous previous employment with a Police Force, Police Authority, Scottish Joint Board or SOCA, NCIS, CENTREX, PSNI, non Home Office Police and Crime Commissioner's and also the Metropolitan Police. In addition, where a member of staff has left a Police and Crime Commissioner for maternity reasons and has not been in full-time employment since, then any such previous service will count towards annual leave entitlement.

4.15.2 Part-time Staff.

Part-time members of staff are entitled to leave on a pro rata basis.

Entitlement for a full leave year will be calculated as follows for Police Staff (for Police Officers divide by 40 hours):

<u>Hours worked per week</u>	annual leave entitlement (hrs)
37	

Based on an annual leave entitlement for a full-time person of 29 days or 214.6 hrs, a member of staff who works 25 hours a week over any

number of days will have the following leave each year:

$$\frac{25}{37} \times 214.6 = 145 \text{ hours}$$

See also Flexible Working / Part-Time Working & Other Flexible Options Policy.

Part time staff should receive annual leave and Bank / Public Holiday entitlements as an equivalent proportion of that given to full time staff.

4.15.4 Staff who Join / Leave During the Leave Year

Where service commences or is terminated during the course of a leave year, entitlement to annual leave will be calculated as follows:

$$\frac{\text{Period of leave year to be worked / has been worked (days)}}{365} \times \text{full leave year entitlement (hours)}$$

Example 1:

A member of staff (where annual leave entitlement for a full-time person is 177.6 hours) who joins on 10 December would be entitled to the following leave:-

$$\frac{111}{365} \times 177.6 = 54 \text{ hours}$$

Example 2:

A part-time member of staff whose annual leave entitlement is 145 hours who leaves on 20 May would be entitled to the following leave:-

$$\frac{50}{365} \times 145 = 20 \text{ hours}$$

4.15.5 Compensation for Leave – Termination of Employment

Members of staff are encouraged to take their full leave entitlement, however in exceptional circumstances when employment is terminated during the course of the leave year and the amount of leave taken is less than the individual's accumulated entitlement, payment in lieu (at the hourly rate for basic pay plus enhancements where due) will be calculated using the following formula:

$$\frac{\text{Hours leave outstanding}}{(37\text{hrs} \div 5\text{days})} \times \frac{\text{Annual salary}}{(52.1428 \text{ weeks} \times 5)}$$

Example:

A part-time member of staff whose annual leave entitlement is

outstanding at 15 hours would be entitled to the following: -

$$\frac{15\text{hrs}}{(37\text{hrs}\div 5\text{days})} \times \frac{\pounds 20\,000}{(52.1428 \times 5)} = \pounds 155.50$$

When employment is terminated during the course of the leave year and the amount of leave taken is more than the member of staff's accumulated entitlement, the member of staff will compensate Nottinghamshire Police and Crime Commissioner by making a payment equivalent to the salary etc he/she received for the excess taken.

Where excess leave has been taken the deduction made to final salary will be calculated as follows:

$$\frac{\text{Hours taken in excess of entitlement}}{(37\text{hrs}\div 5\text{days})} \times \frac{\text{Annual salary}}{(52.1428 \times 5)}$$

Example:

Where a member of staff has taken excess leave of 25 hours, the following deduction will be made:-

$$25 \times \frac{\pounds 20\,000}{(52.1428 \times 5)} = \pounds 259.16$$

(37÷5)

4.16 Recording of Leave

Form G10 should be completed by the member of staff and authorised by the Line Manager. The form should then be forwarded to the DMS Team so that the leave can be put on NSPIS HR. The DMS Team will advise the Line Manager if there are any problems with the leave application.

Time off may only be taken in amounts equivalent to multiples of a normal working day or half a normal working day. Staff working shifts will normally take leave in amounts equivalent to multiples of a shift or half a shift. The only exception to this is when taking any residual leave at the end of the year that is less than half a shift. The annual leave record and flexible working hours form (where applicable) should reflect the number of hours taken.

Examples:

- a An employee who works 9-hour shifts would need to take a minimum of one-hour break and would be paid for 8 hours. For each day's annual leave, a total of 8 hours would be deducted from the total annual leave hours.
- b An employee, who works the standard 37 hours per week, Monday to Friday, would be paid for 7.4 hours per day, excluding a break. For each day's annual leave, a total of 7.4 hours would be deducted from the total annual leave. For half a day's leave 3.7

hours would be deducted from the total annual leave.

- c A member of staff who works variable shifts will have the actual paid hours of each shift, taken as leave, deducted from the total annual leave hours.
- d A member of staff who was due to work two shifts of 4 hours would have 8 hours deducted from their leave entitlement.

4.17 Appeals Process

If a member of staff is dissatisfied with a decision relating to their annual leave request they should bring it to the attention of the Chief Executive by outlining the reason for their dissatisfaction within 10 days of receiving the original decision. The Chief Executive will look into the situation and respond to the member of staff in writing within 28 days of receiving the appeal.

If the Chief Executive made the original decision, staff should outline their reason for satisfaction to the Police and Crime Commissioner who will make arrangements for the appeal to be responded to.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Race Relations (Amendment) Act 2000, Data Protection, Freedom of Information Act, European Convention of Human Rights and other legislation relevant to the area of policing such as, Employment Act 2002, Disability Discrimination Act 1995, Sex Discrimination Act 1975 and Employment Relations Act 1999.