

INVICTUS

Education Trust

**STAFF ANNUAL HOLIDAY
POLICY**

Approved by Board of Trustees
25th March 2019

To be reviewed by Board of Trustees
February 2022

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1. Introduction

- 1.1 Employees have a right to annual leave under the Working Time Regulations 1998 (WTR) which is an entitlement to paid time-off. Some employees may have a right to contractual annual leave, which is over and above the entitlement provided for by the WTR.
- 1.2 Any employee suspected to have abused the provision for annual leave may be subject to disciplinary proceedings in line with the Trust's Disciplinary Policy.

2. Scope and Purpose of this Policy

- 2.1 The purpose of this policy is to ensure that employees within the Trust understand their entitlement to annual leave, that annual leave requires, approval and how to request approval. It will also ensure that staff across the Trust, are treated in a fair and consistent way when requesting annual leave.
- 2.2 The procedure applies to all employees regardless of length of service [excluding those in their probationary period]. It does not apply to agency workers.

3. Teachers

- 3.1 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 to annual leave for teachers but they do have a statutory right to 28 days' annual leave under the WTR. This is not an additional entitlement to annual leave on top of school closure periods. The number of days that teachers are not required to come in to work during school closure periods exceeds their statutory entitlement to annual leave.
- 3.2 Teachers are therefore, not entitled to any annual leave outside of school closure periods.

4. Non-Teaching Staff

- 4.1 The leave year runs from 1st September – 31st August each year. An employee's entitlement to annual leave is detailed in their contract of employment. Employees who are contracted to work for less than 37 hours per week will receive annual leave on a pro rata basis.

Term Time Only (TTO) Employees

- 4.2 Non-teaching staff who work less than all year round e.g. term time only or term time plus additional weeks, are required to take annual leave during the weeks that 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 is included in the employee's salary. Requests from term time only employees to take a holiday within term-time will usually be refused. Therefore, employees should not make any holiday commitments or bookings during term time.

All year round employees

- 4.3 All holiday must be taken during the holiday year in which it is accrued. In exceptional circumstances 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 written approval of the Headteacher. In this case, any holiday carried over must be taken no later than 30th October.
- 4.4 Prior approval must be obtained from Headteacher before annual leave is taken. As much notice as possible of proposed holiday dates must be given to ensure adequate staffing coverage at all times.

Such notice must be at least twice the number of days' leave that the employee wishes to take as annual leave.

4.5 The Headteacher will not unreasonably turn down requests for annual leave. However, when granting a request consideration will be given to the operational needs of the School/Trust.

4.6 It is expected that annual leave should normally be taken during periods of school closure. The Headteacher will consider requests for annual leave during term time from all year round staff and will grant these where possible.

5. Public and Bank Holidays

5.1 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. The exact dates of public and bank holidays will be notified to all employees at the start of each holiday year. Usually only one public holiday falls when the school is open.

5.2 An employee will not be paid for any Bank or Public Holiday if they are absent from work immediately before or after, unless:

- expressly authorised; or
- due to sickness where a Fit Note is provided and subject to the terms of our sick pay scheme. In these circumstances, we will reimburse the employee for the cost of obtaining the Fit Note.

6. Employees Joining or Leaving part way through the year

6.1 If an employee joins the organisation 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.

6.2 If the employee leaves the Trust'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 unless their employment was terminated for gross misconduct or they gave inadequate notice of termination. If, on the date of termination, they have taken in excess of their entitlement, they will be required to reimburse the Trust, by means of deduction from salary if necessary and where applicable, in respect of such holiday.

7. Sickness during Annual Leave

7.1 Where an employee falls sick or is injured while on annual leave, the school/Trust 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:

- The total period of sickness must be fully certificated by a qualified medical practitioner (where it exceeds seven days).
- The employee must contact the school/Trust by telephone as soon as they know that there will be a period of sickness during a holiday.
- 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
- 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.

7.2 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 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.

- 7.3 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. In exceptional circumstances, the school may allow the annual leave to be carried forward into the next leave year but may require an employee to take their replacement holiday on particular days. The school is not required to provide the employee with any minimum period of notice to do this, although it will aim to provide reasonable notice.

8. Holiday Entitlement during Sick Leave

- 8.1 An employee who is absent on sick leave will continue to accrue his/her full statutory holiday entitlement. However, contractual holiday entitlement over and above the minimum statutory holiday entitlement provided for by the Working Time Regulations 1998 will not accrue during any paid or unpaid period of sick leave once an employee has been continuously absent for a period of 3 months. For the purpose of calculating the period of continuous absence, the school may disregard a return to work that is less than 10 working days.

- 8.2 The school expects that employees will arrange to use their annual leave entitlement in the year that it accrues. An employee on sick leave may apply to take his/her accrued holiday entitlement while on sick leave. The holiday dates must be approved in accordance with this policy.

- 8.3 However, where an employee has good reason for not being able to do so, the school will allow the employee to carry that leave forward into the next holiday year. The school may require an employee to take all or part of their replacement holiday on particular days and it is not required to provide the employee with any minimum period of notice to do this, although it will aim to provide reasonable notice.

9. Review of policy

This policy is reviewed every three years by Invictus Education Trust Board of Trustees. We will monitor the application and outcomes of this policy to ensure it is working effectively.

**ANNUAL LEAVE HOLIDAY ENTITLEMENT
FOR ALL YEAR ROUND EMPLOYEES**

Annual leave is calculated on a full time working week of 37 hours. Should an employee work less weekly hours, then the entitlement below is pro-rotta.

Employees on Invictus Terms & Conditions

GRADE	UNDER 5 YEARS SERVICE	OVER 5 YEARS SERVICE
1 - 5	25	30
6 - 7	27	31
8 – 17	29	33

Employees on Staffordshire Terms & Conditions (only employees at point of TUPE)

SPINE POINT	0-4 YEARS SERVICE	5 – 14 YEARS SERVICE	15-24 YEARS SERVICE	OVER 25 YEARS SERVICE
Up to Scale 28	24	29	30	31
Scale 29 - 40	26	30	31	32
Scale 41 +	27	31	32	33

Please note all staff who have been appointed to the Trust since conversion have been appointed on Invictus Terms and Conditions, so the holiday entitlement in the top table will apply