



October 2021

## Annual Holidays Policy

### Policy Statement

It is the organisation's policy that employees should be given paid holiday every year. Its purpose is to provide a period of leisure time during which employees can have a break from work, relax, and therefore return to their jobs refreshed. Employees should take the holiday to which they are entitled; managers should ensure that the workload does not prevent this and also that the needs of the organisation are taken into account.

### Procedure

#### Obtaining Approval

1. All annual holiday dates must receive prior management approval.
2. Employees wishing to take part of their annual holiday entitlement should follow the procedure set out below.
  - a. All requests for annual holiday should be made in writing on the appropriate form at the earliest reasonable opportunity, and in any event no later than 4 weeks before the required start date. Absence Request forms should be passed to Laura Foster for approval.
  - b. Laura Foster will consider the application having regard to the needs of the setting and the rules on annual holiday set out below. In certain circumstances, Julie Partridge will be consulted before a final decision is made. If you have not had confirmation that your holiday request has either been approved or declined within 5 working days, please speak to Laura Foster.
  - c. A copy of the form marked "approved" or "not approved", with the reasons for refusal where applicable, should be signed by Laura Foster and returned to the employee.
  - d. Employees should not commit themselves to any holiday plans until they have received a signed copy of the form approving their holiday request. No responsibility will be taken for any holiday deposit paid or other losses incurred as a result of a failure to comply with this aspect of the procedure.
  - e. Lower Covey Ltd will retain one copy of the form to update its records and effect any necessary pay adjustments.
  - f. In the event of an employee disputing management's decision, the organisation's formal grievance procedure should be used.

3. Once approval for annual holiday has been given, it will not normally be withdrawn. Where possible, the organisation will give employees notice of cancellation of an annual leave request (by giving notice of at least the same length as the requested holiday period). However, there may be occasions when the business needs of the organisation prohibit the possibility of any notice being given and, in those circumstances, the organisation reserves the right to withdraw its approval. Every effort will be made to minimise any inconvenience or hardship for the employee.
4. The organisation's right to withdraw its approval of holiday is subject to the provisions of the Working Time Regulations 1998 ("the Regulations"), amended by the Working Time (Amendment) Regulations 2007, which stipulate that employees must be allowed to take no less than 5.6 weeks' paid holiday each year.

### Carrying Holiday Over

1. The organisation's holiday year runs from January to December. All holiday entitlement for the year must normally be taken within it. No payment in lieu will be made for any holiday not taken, other than in respect of holiday (over and above the statutory entitlement of 5.6 weeks) not taken as a result of the business needs of the organisation and where it is not possible to accommodate it during the first three months of the next leave year.

### Entitlement

Employees are entitled to 5.6 weeks leave per year (including public holidays), of which 1.5 weeks must be taken during the Christmas shutdown.

### New Employees

1. Where employees join the organisation part way through the holiday year, their entitlement to annual leave will be proportionate to the amount of time left in the holiday year (with any fraction of a day rounded up to a whole day). No service with any other employer will count for the purposes of assessing entitlement to annual leave.
2. During the first year of employment with the organisation, the amount of annual leave that the employee may actually take at any time is limited to the amount accrued at that time. The amount accrues, monthly in advance, at the rate of one-twelfth of the annual entitlement per month (rounded up to the nearest half-day).
3. Notwithstanding the usual rules on accrual for new employees, every effort will be made to meet their needs in respect of commitments to holidays already made. New employees must tell their line manager within 1 week of joining the organisation of pre-arranged holiday commitments (or preferably inform the organisation prior to the commencement of employment).
4. Where holiday arranged prior to commencement of work with the organisation exceeds the new employee's annual holiday entitlement, unpaid holiday up to a maximum of 1 week may be granted at the discretion of the new employee's line manager.

### Holiday Rules

1. The following rules apply to all holidays (subject to the discretion of line managers).
  - a. Annual holiday may not be taken at the following times of the year due to business needs:  
December

- b. No more than 1 staff member of the same department may take holiday at any one time. Where there are conflicting holiday requirements, priority will be given to the employee whose request was received first.
- c. No more than 2 weeks of annual holiday may normally be taken at any one time. Employees wishing to exceed this limit must make their request to management at least 3 months in advance.
- d. Any employee who takes annual holiday which has not been previously approved may be subject to disciplinary action, which includes dismissal.

## Religious Holidays

Employees who wish to observe religious holidays, which do not coincide with public holidays in England and Wales, or Scotland/Northern Ireland, are required to use their normal annual holiday entitlement or take unpaid leave. Every effort will be made to accommodate such requests, which will be refused only in exceptional circumstances.

## Illness During Holiday

1. Employees who are ill during a period of annual leave or are prevented from taking their planned annual leave because of sickness may, on request, be entitled to treat the days of sickness as sickness absence and count them against sick pay entitlement. They must satisfy the organisation that the illness was genuine and must provide a doctor's medical certificate, regardless of the length of the sickness. Days of annual holiday lost through sickness will be replaced on request at a later date, the timing of which will be subject to management approval.
2. Statutory paid annual leave accrues during long-term sickness absence. In certain circumstances, employees who are absent for reasons of incapacity for long periods may be entitled to take paid annual leave, of up to four weeks, before they return to work. Any employee to whom this applies should contact Julie Partridge.

## Late Return From Holiday

If, for any reason, employees know that they will be late returning from holiday, they must contact the organisation and notify them of their late return, and the reason for it, as soon as possible. Failure to do so will render the employee liable to disciplinary action for unauthorised absence. Such disciplinary action may include dismissal. In any event, the reasons for the late return will be investigated and could be determined to be misconduct — in which case disciplinary action may be taken.

## Termination

1. Employees who are working out their notice period will only be guaranteed holiday during that time if:
  - a. the holiday was booked prior to the time notice was given, or
  - b. the notice period straddles two holiday years and the employee would not have taken their minimum statutory entitlement in the first holiday year if they did not take some holiday in the notice period. In so far as this situation applies, the employee will only be guaranteed sufficient holiday to enable the organisation to comply with its obligations under the Working Time Regulations.
2. Holiday requests submitted during the notice period will be approved where possible, but it may not be practicable to approve such requests because of the need to complete outstanding work or hand over to

a successor. The organisation 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).

3. Outstanding holiday which has been accrued but not taken by an employee on termination will be calculated at the rate of normal days worked per completed calendar month of service in the holiday year. A payment will be made in lieu of outstanding holiday which has been accrued but not taken, which will be calculated at the employee's normal rate of pay, and such payment will be subject to deductions for tax and National Insurance contributions.
4. The organisation reserves the right to tell the employee to take some or all outstanding accrued holiday entitlement during the notice period, rather than making a payment in lieu of termination.
5. Where annual holiday taken exceeds the number of days which have been accrued at the date of termination, the organisation will deduct the appropriate sum from the employee's final salary.
6. The organisation reserves the right to withhold accrued holiday pay (other than that relating to statutory annual leave) from employees who are dismissed for gross misconduct, or who leave the organisation without giving their full period of contractual notice.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Policy review date: \_\_\_\_\_