

ARK HOUSING ASSOCIATION LIMITED (ARK)

POLICY REF: HR36

Version 2.0 – September 2016

ANNUAL LEAVE POLICY

1.0 ARK'S VALUES

1.1 Our organisational values are the basis for everything that we do, from providing housing, care and support to tenants and service users to ensuring that staff have clear standards of performance set. ARK believes that everyone should have the opportunity to lead a happy, health and safe life. We value:

- The worth of each person
- Trusting relationships
- Understanding difference
- Challenging oppression
- Personal and organisational accountability
- Caring for our physical environment
- Enjoyment

1.2 All ARK policies and procedures are underpinned by our values and we will ensure that our employees are treated fairly, consistently and in line with our values.

2.0 PURPOSE

2.1 The purpose of this policy is to set out the requirements relating to the entitlement and taking of annual leave.

3.0 LEGISLATION

3.1 The law relating to holiday entitlement is set out in the Working Time Regulations 1998, and amended by the Work and Families Act 2006.

3.2 Employees are entitled to a minimum of 5.6 weeks (28 days) paid holiday per annum.

4.0 HOLIDAY ENTITLEMENT

4.1 The contractual annual leave entitlement for employees is as set out in the contract of employment.

5.0 PAYMENT DURING HOLIDAY

5.1 Employees receive their normal rate of pay on any days which are taken as part of their annual holiday entitlement.

6.0 HOLIDAY YEAR

- 6.1 The organisation's holiday year runs from April to March. Employees should take their full holiday entitlement during that 12 month period.

7.0 DURATION OF HOLIDAY

- 7.1 Generally one period of annual leave will not exceed a period two weeks / 14 days (including weekends).
- 7.2 Where an employee wishes to utilise a longer period of annual leave due to exceptional circumstances the employee must seek written approval from their line manager.

8.0 SHUTDOWN PERIODS / NOTICE TO TAKE HOLIDAY

- 8.1 Employees should note that the Priory shuts down each year between Christmas and the New Year. All Priory employees are required to save enough annual holiday entitlement to cover shut down periods. The number of days annual leave required to cover this period will be deducted at source at the start of each leave year.
- 8.2 The purpose of annual leave is to provide the employee with a rest break from the workplace. Where an employee has not utilised their annual leave ARK may request that the employee use a period of annual leave. Where this is the case ARK will provide the employee with the appropriate notice.
- Employees must give ARK advance notice that they want to take annual leave. This notice should be at least twice as long as the amount of holiday that the employee wants to take.
 - For example, employees should give at least two weeks' notice for one week's holiday.
 - Services will determine the number of employees who can be on annual leave at any one time therefore employees should submit annual leave requests at the earliest possible opportunity.
 - ARK will do its best to grant leave for unforeseen and exceptional circumstances at short notice.

9.0 CARRYING HOLIDAY FORWARD

- 9.1 Employees will not typically be allowed to carry holiday entitlement forward from one year to the next. However, in **exceptional** circumstances this may be agreed. In such circumstances a maximum of five days holiday entitlement can be carried forward to the following year. The carry over must be taken by 30th April within the current year. If an employee wishes to do this they should contact their line manager and seek written approval to carry forward leave days.
- 9.3 Specific rules apply if the employee is unable to take all holiday entitlement due to sickness (see Section 11) or maternity / adoption leave (see section 18).

10.0 PAY IN LIEU OF HOLIDAY

- 10.1 If employees have not taken their full holiday entitlement at the end of the holiday year they will usually forfeit that holiday. In exceptional circumstances (for example when the employee is asked to cancel holiday booked towards the end of the holiday year due to business requirements) pay in lieu of holiday might be given, but this will only apply when at least the statutory 5.6 weeks (28 days) holiday has been taken in any holiday year. The decision to do this will be at the discretion of the line manager, Area Manager or Assistant Director.
- 10.2 On termination of employment pay in lieu of outstanding holiday will be given.

11.0 BOOKING OF HOLIDAY

- 11.1 Employees should apply for holiday in writing to their line manager or as per the local agreement in place
- 11.2 Priority employees should do this by using the holiday request forms which are issued at the start of each leave year or use my view whichever is agreed with their line manager. Care and Support staff should follow local policy
- 11.3 Where employees wish to take a period of annual leave they should give equivalent number of days notice before the start of the proposed holiday. Care and Support employees should ensure that, where possible, notice is given in advance of the rota being written. Local agreements should be consulted prior to requesting annual leave.
- 11.4 The decision on whether to allow the requested holiday will be communicated to the employee in writing or as per local agreements, for example this may be communicated verbally to the employee and signed by the manager in the specific communication book that is used to record requests.
- 11.5 No employee should book a holiday until they have received confirmation from their manager that they will be allowed to take the holiday from work. ARK accepts no responsibility for the loss of deposits or other monies if employees book holidays in this way.

12.0 CANCELLATION OF HOLIDAY

- 12.1 In rare circumstances ARK might ask the employee to cancel previously agreed holiday due to business pressures. The employee has the right to refuse such a request, and will suffer no detriment as a result of any such refusal.
- 12.2 If the employee will incur any cost as a result of ARK asking the employee to cancel a holiday, this should be discussed before making the cancellation. ARK might be prepared to meet the costs of any such cancellation if there are any financial implications.

13.0 SICKNESS DURING HOLIDAY

- 13.1 If an employee is unwell during a period of time that has been booked as holiday, the employer should be notified as soon as possible. The usual procedure for notification

of sickness applies (see ARK's 'Attendance and Absence Management Policy' HR17). If this process is not followed then annual leave will apply.

- 13.2 It is accepted that, if the employee is overseas during the sickness, it might not be possible to notify the employer immediately but every effort should be made as soon as it is practicable and in any case without reasonable delay.
- 13.3 Any days of certified sickness during a time of booked holiday will be counted as sickness absence, and not holiday leave. Hence, the employee will be entitled to take those days as holiday at another time which is convenient to the employer provided they comply with the absence notification procedure.
- 13.4 If the employee is unable to take the full holiday entitlement during a leave year due to sickness the employee will be entitled to carry forward an agreed number of annual leave days.

14.0 HOLIDAY ENTITLEMENT IF AN EMPLOYEE LEAVES DURING THE HOLIDAY YEAR

- 14.1 If an employee leaves the organisation during a holiday year, the holiday entitlement that the employee would have been allowed up to the date of leaving will be calculated on a pro-rata basis.
- 14.2 If the employee has outstanding holiday entitlement, the corresponding amount of money will be paid to the employee in the final salary payment.
- 14.3 If the employee has taken more than the pro-rata holiday entitlement, this amount of money will be deducted from the employee in the final salary payment.
- 14.4 If the amount of holiday taken equates to more money than the final salary payment, the employee will not receive a final salary payment.

15.0 NEW STARTERS

- 15.1 If an employee has a holiday booked before joining ARK, s/he should make ARK aware when accepting the offer of employment. This holiday will be honoured if notified when the offer is accepted but this will be without pay if the employee has not accrued sufficient holiday entitlement at this stage.

16.0 REQUEST REFUSAL

- 16.1 ARK has the right to refuse permission for an employee's holiday and will give the employee sufficient notice of the refusal.
- 16.2 Where an employee disregards this refusal and takes a period of annual leave they will be subject to ARK's Disciplinary Policy and Procedure H18.

17.0 MATERNITY LEAVE, ADOPTION LEAVE, SHARED PARENTAL LEAVE AND ADDITIONAL PATERNITY LEAVE

17.1 When an employee is on maternity leave her annual leave entitlement continues to accrue. The woman is not required to take her annual leave during her maternity leave, but will be entitled to take it at another date. Every effort should be made to take annual leave within the annual leave year and where this is not possible this should be agreed with the line manager and appropriate notification sent to the Human Resources Department. The same principles apply to those taking adoption leave, shared parental leave and additional paternity leave.

18.0 POLICY MONITORING AND REVIEW

18.1 Responsibility for monitoring the application of this policy will rest with the Head of Organisational Development.

18.2 This policy will be reviewed every 3 years with the amendments being made as appropriate.

Human Resources Department

Approved by SLT in: September 2016

Approved by Board of Management in: November 2016

Approved by Unite: November 2017

Next review of policy due by: September 2019

Appendix 1**ANNUAL AND OFFICIAL HOLIDAY
CALCULATION TABLE****ANNUAL LEAVE YEAR 1ST April to 31st March****ANNUAL LEAVE ENTITLEMENT (inclusive of Official Holidays)**

Up to 5 years service = 33 days
 5 complete years' service = 36 days

Accrual rate for 33 days
 (up to 5 years' service)

Accrual rate for 36 days
 (5 years service)

Completed Months	Factor for Part-time staff Calculation	Full-time staff Entitlement
1	0.6	3 days
2	1	5.5 days
3	1.7	8.5 days
4	2.2	11 days
5	2.8	14 days
6	3.3	16.5 days
7	3.9	19.5 days
8	4.4	22 days
9	5	25 days
10	5.5	27.5 days
11	6.1	30.5 days
12	6.6	33 days

Completed Months	Factor for Part-time staff Calculation	Full-time staff entitlement
1	0.6	3 days
2	1.2	6 days
3	1.8	9 days
4	2.4	12 days
5	3.0	15 days
6	3.6	18 days
7	4.2	21 days
8	4.8	24 days
9	5.4	27 days
10	6.0	30 days
11	6.6	33 days
12	7.2	36 days

Calculation for Part-time Employees

A part-time employee's annual leave entitlement is expressed in hours and is dependent on the employee's contracted working hours per week. Using the appropriate table for length of service, the factor is taken for the number of completed months in the year, then the following formula is used.

Contracted hours per week x Factor = No. of hours annual leave

Examples

(1) *Part-time employee, with four years service, working 20 hours per week, month 7.*

$$20 \text{ hours} \times 3.9 = \underline{78 \text{ hours}}$$