Annual Leave Policy

1. Policy Statement

The University recognises the importance of supporting its employees in a way which promotes and sustains positive, productive and safe working environments. Directly relevant to this is the provision of Annual Leave, where the University offers in excess of the statutory provision for most employees, and expects employees and their managers\(^1\) to ensure that full use is made of individual leave entitlements to support a positive work-life balance.

The University provides Annual Leave which meets the requirements of current employment legislation, and in most cases, exceeds those requirements. No University employees will be given an annual leave allowance which falls short of the statutory requirements.

2. Scope and Purpose

This policy applies to all those University employees who are provided with a specific Annual Leave entitlement through their contract of employment.

The purpose of this policy is to:

- Ensure employees understand their own responsibilities in relation to using Annual Leave
- Ensure that managers understand their responsibilities in managing leave within their teams or work area and helping their employees achieve a positive work-life balance
- Provide general guidance for dealing with instances where specific requests for Annual Leave cannot be accommodated.

3. Principles

The following principles will apply to this policy:

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\(^1\) For the purposes of this policy the term ‘manager’ will be defined so as to include the nominated or line manager or another designated person of suitable seniority and responsibility within the relevant work unit or group.
• All employees will be informed of their contractual entitlement to paid Annual Leave at the outset of their employment
• Employees must make every effort to take their full Annual Leave entitlement during the leave year for which it is given
• Managers will make every effort to enable their employees to take their full contractual Annual Leave entitlement during the year for which it is given, and will ensure that work plans for the year are developed taking into account the full Annual Leave entitlement for their employees
• Local arrangements for requesting and approving Annual Leave will be put in place, and communicated to all relevant employees
• Requests for Annual Leave will be made in writing, or electronically, and recorded by managers to ensure that accurate records are available
• All requests for Annual Leave will be fully considered and decisions reached on a fair, equitable, objective and justifiable basis within the context of the academic, business and operational needs of the University
• Employees should give as much notice as possible when requesting Annual Leave and, as a minimum, give notice which is twice as long as the period of leave requested, taking into account local arrangements for requesting Annual Leave
• Managers will respond to requests for Annual Leave as soon as practicable, in line with legislative requirements
• Managers will endeavour to accommodate requests for Annual Leave where short notice has been given, taking into account the needs of the University
• Managers will regularly review the outstanding Annual Leave entitlements for their employees in an effort to ensure that all leave entitlement is used each year.

4. Entitlement to Annual Leave

4.1 Contractual Annual Leave
The University’s Leave Year runs from January to December.

The Annual Leave entitlement for all employees is set out in their terms and conditions of employment. These can be found here: www.ed.ac.uk/schools-departments/human-resources/policies-guidance/conditions-service

In addition to Annual Leave entitlement the University recognises four designated public holidays. These are: Christmas Day, Boxing Day, and the 1st and 2 January (or the alternative nominated public holiday dates).
The University has a Winter/Christmas closure over the Christmas/New Year period during which only some services operate. Employees who are not required to work during this closure period are required to use normally four days (some years only three days will be required) of their Annual Leave to cover this period (this may be less if they work part time). The specific dates and number of closure days will be agreed centrally within the University each year and communicated to employees via managers as far in advance as possible.

4.2 Calculation of Leave for Employees with non-standard working patterns / hours

Entitlement to Annual Leave is calculated on a pro-rata basis:

- For part-time employment (including full-time employment for part of a year e.g. term-time)
- For employees working compressed hours (e.g. 35 hours a week over 4 days a week)
- For employees whose normal working week is more than 35 hours or more than five days, unless their contract of employment states otherwise
- Where an employee has a working pattern which involves working different hours on different days
- Where there are period(s) an employee is not under contract to the University during the leave year (e.g. on a career break).

The University has a ready reckoner for Annual Leave which can be accessed through the following link:

www.docs.csg.ed.ac.uk/HumanResources/Annual_Leave_Ready_Reckoner.XLS

Those employees who have Guaranteed Hours [GH] contracts will be informed at the outset of their employment about arrangements for their Annual Leave. Generally, employees with GH contracts will be paid an additional amount on top of their hourly rate for all hours worked to compensate them for the Annual Leave and Public Holiday entitlement they would otherwise have received had they been working full time hours.

Those employees on Annualised Hours contracts will be informed of their Annual Leave entitlement at the outset of their employment, and will usually be expected to take their leave in line with the requirements of this policy. However, there may be circumstances where this would not apply, and again each case would be considered on the basis of the specific circumstances involved.

4.3 Incomplete leave years

Where employees start or leave work during a leave year their Annual Leave entitlement will be calculated on a pro rata basis.
Where an employee changes their employment within the University they will not be required to use any accrued leave before taking up their new appointment.

Public holidays are treated differently to annual leave entitlement for employees who start or leave work during a leave year. Employees will be entitled to the designated public holidays that year if they are employed by the University on those days, irrespective of how many days they were employed for in that leave year. Employees who work part-time will have a pro-rated entitlement.

4.4 Changes to working hours or Leave Entitlement
If an employee’s leave entitlement changes due to a change of contract, e.g. they increase or decrease their working hours, change to a grade with a higher or lower leave entitlement, their leave entitlement will be re-calculated from the date the change takes effect.

If an employee’s leave entitlement is service related, the higher leave entitlement will take effect from the 1st of the month in which they reach the service anniversary.

4.5 Accrual of Annual Leave during Absences from Work
Annual Leave is accrued when employees are absent from work in the following circumstances:

- During periods of Maternity Leave
- During periods of Adoption Leave
- During periods of Paternity Leave
- During periods of Shared Parental Leave
- During periods of paid Special Leave
- During periods of paid or unpaid sickness absence (where the relevant medical certification is provided when necessary)
- During periods of unpaid Parental Leave.

Where a public holiday falls during one of the periods listed above, these also accrue and can be taken on return to work.

Accrual of annual leave does not take place:

- During periods of unpaid Special Leave

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2 e.g. grades UE1 to UE05; trades staff
• During periods of unauthorised absence
• Whilst the employee is on a career break.

Where an employee is on a sabbatical or on secondment to another organisation, advice should be sought from local College / Support Group HR Teams when calculating Annual Leave entitlement for the period of absence.

4.6 Annual Leave during Prolonged Sick Absence

Where an employee is absent from work due to sickness for a prolonged period and has subsequently gone onto either half pay, or nil pay, they may request a period of paid annual leave, so long as they still have some Annual Leave remaining for the current leave year.

In these circumstances, the employee will be paid their normal pay for the period of Annual Leave they wish to take.

Where managers receive a request for Annual Leave in these circumstances, they should discuss the matter with their local College / Support Group HR Team.

4.7 Sickness during Annual Leave

Where an employee has an authorised period of Annual Leave, but subsequently falls ill for part or all of that Annual Leave period, the days on which they are ill may be classed as sickness absence, so long as the employee follows the same reporting requirements as if they were due to attend work for that period. They should also provide the appropriate self-certification or medical certification as stipulated in the University’s Absence Management Policy.

In these circumstances, occupational sick pay will be paid in line with the employee’s contractual entitlement. The Annual Leave entitlement which the employee would otherwise have used should be taken at a later date as Annual Leave.

5. Requesting Annual Leave

Requests for Annual Leave should be made in writing or electronically, and as far in advance as possible so that managers can attempt to re-organise work or cover where necessary.

Local arrangements for requesting leave may be in place within different parts of the University, and employees will be expected to adhere to these arrangements at all times. These arrangements will
specify how requests should be made, e.g. online using a leave management system, by email or via a locally agreed form.

Employees should give as much notice as possible when requesting Annual Leave. As a minimum, employees should normally request leave by giving notice which is twice as long as the period of leave requested. For example, employees wishing to take one week's holiday should request it two full weeks before the first day of leave requested. Managers should respond to requests as soon as possible, and where possible, giving notice of approval or refusal which is at least as long as the period of leave requested.

Employees are advised not to make arrangements to travel, or for activities on their proposed days off work, until their request for leave has been approved. In circumstances where employees have incurred costs for an activity / excursion during their requested time off, and their request is subsequently refused, the University will not be liable for any loss incurred by employees where they need to cancel arrangements made or paid for.

5.1 Unused Leave at the end of a Leave Year

Carry-forward of annual leave

Managers should encourage employees to take all their leave within the current leave year. Where an employee has outstanding leave at the end of a leave year, normally only five days (pro-rated for part-time staff) may be carried forward.

In exceptional circumstances, employees may be able to carry forward more than five days. Annual Leave to the following leave year where they have been unable to take the leave within the current year. This should usually only be for one of the following reasons:

- Where the manager has confirmed to the employee that they cannot use their remaining leave entitlement for business reasons, e.g. pressure of work, or shortage of staff
- Where the employee has been absent from work for a prolonged period due to illness and was unable to take their leave due to that absence
- Where the employee went on Maternity / Adoption / Shared Parental Leave earlier than expected, and they were unable to take their leave entitlement before their period of Maternity / Adoption / Shared Parental Leave began
Where it is not possible for the employee to take leave accrued within the leave year because their return to work following Maternity / Adoption / Shared Parental Leave or Paternity Leave is in the final months of the year.

Where managers believe that a request to carry forward Annual Leave should be refused, they should contact their College / Support Group HR Team for advice before confirming a decision to the employee. Managers must be satisfied that they have made every effort to encourage employees to use their leave before a decision is made to refuse carry-over.

Any leave which has been carried forward to the following leave year should be taken within the first three months of the new leave year.

Before agreeing to any request for carrying over leave, managers must ensure that the employee has at least taken the statutory minimum amount of leave in the current leave year.

6. Approval of Leave

Requests for Annual Leave should usually be made through line managers, unless local arrangements specify alternative procedures.

Granting requests for Annual Leave will always be subject to business needs. This means there may be occasions where requests will not be granted because either cover is needed at work, there are specific pieces of work which need to be done by the employee during the period in question or, because of short notice, it would be too difficult to re-plan the work that was due to be carried out.

Where a manager is considering refusing a request for leave, they must ensure that the employee has at least taken their statutory entitlement for the year.

Local arrangements will be put in place which will specify the number of employees in a team or work area who are permitted leave at any one time, and will also specify how leave requests will be managed where not all requests can be granted.

Managers should seek advice from their College / Support Group HR Adviser if they are considering refusing a request for leave where the request is for reasons related to religion, faith or belief.
Where managers do refuse requests for leave, they should discuss alternative options with the employees at the earliest opportunity.

Managers, or the appropriate designated person, should keep records of all approved Annual Leave. Employees should also maintain their own record of leave taken.

7. Cancellation of Leave

Following approval of a request for Annual Leave, employees may choose to cancel their period of leave for a variety of reasons. Managers will usually allow for the leave to be cancelled, however, there may be circumstances where a request for cancellation cannot be accommodated, for example:

- A formal contract to provide cover for the employee’s absence has been put in place, and the University would incur costs if that contract were to be cancelled
- There is no other time within the current leave year when the leave could be taken by that employee without affecting business continuity

Where a manager is considering refusing a request to cancel a period of leave, they should seek advice from the College / Support Group HR Adviser.

There may be occasions where, for business reasons, managers ask an employee to cancel a period of approved Annual Leave, for example, where the unplanned absence of other employees may affect the service provided by the work area.

In these circumstances, managers will discuss all options with the employee concerned, before making a decision, and will also consult with their local College / Support Group HR Adviser. If leave is to be cancelled by managers, the University will reimburse the employee for any reasonable costs incurred as a result, less any costs which can be recovered by the employee.

8. Compulsory Leave

There may be occasions where managers need to instruct employees to take their Annual Leave on specific dates. This could include situations where the employee has not taken all of their annual entitlement, where access to the workplace is restricted on those specific days, or there is no
requirement for work to be carried out on those days and there is no other work that the employee may reasonably be asked to carry out.

In these circumstances, managers should speak to their College / Support Group HR Adviser before confirming a decision on compulsory leave to their employees.

9. Termination of Employment

By their last day of service, employees are usually required to have taken no more and no less than the amount of annual leave to which they are entitled. This means that they must try to take all outstanding annual leave before their last day of service.

If they resign, they will, if possible, be allowed to fix their last day of service so as to enable them to take all such leave. However, if on the last day of service, leave taken does not correspond to entitlement then one of the following applies:

a) more annual leave taken than service entitles – employees are required to repay the cash value of the excess leave taken. This payment will be deducted from the employee’s final pay.

b) less annual leave taken than service entitles - the untaken leave will be paid for through the employee’s final pay.

10. Policy History and Review

This policy was approved by CJCNC on 16 March 2011 and took effect from 1st January 2011.

It was updated in April 2015, April 2016 and May 2018 as detailed in 10.1 below.

In the event of any significant change to the legal position on Annual Leave, any relevant statutory requirements or any other related matter, this policy will be subject to review in consultation with the Trade Unions. In the absence of such a change, the policy will be reviewed by December 2020.

10.1. Change control record:

<table>
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<tr>
<th>No.</th>
<th>Approval date:</th>
<th>Amendment made:</th>
<th>Approved by:</th>
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<tr>
<td>1.</td>
<td>25 May 11</td>
<td>Minor textual amendment at Section 5 on the period of notice required for requesting leave.</td>
<td>HR Policy Development Working Group on behalf of CJCNC.</td>
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<td>2.</td>
<td>24 Aug 2011</td>
<td>Minor textual amendment at Section 4.7 to include process to follow if falling ill whilst on annual leave.</td>
<td>HR Policy Development Working Group on behalf of CJCNC.</td>
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<tr>
<td>Date</td>
<td>Event</td>
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<td>28 Apr. 15</td>
<td>3.</td>
<td>Minor textual amendment at Section 4.2 to remove references from HTBN in favour of Guaranteed Hours contracts.</td>
<td>HR Policy Development Working Group and CJCNC.</td>
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<td>Apr. 16</td>
<td>4.</td>
<td>Legislative amendment at Section 4.5 to remove references of Additional Paternity and replace with Shared Parental Leave</td>
<td>HR Policy Development Working Group on behalf of CJCNC.</td>
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<tr>
<td>May 18</td>
<td>5.</td>
<td>Minor clarification that the maximum number of days which can be carried forward from one leave year to another is prorated for part-time staff. Amendment to clarify that staff are entitled to the University’s designated public holidays if in the University’s employment on those public holidays</td>
<td>CJCNC</td>
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11. **Alternative Format**

This document can be provided in alternative formats on request by email to UHRS@ed.ac.uk or by calling 0131 650 8127.