

Report to Joint Consultative and Safety Committee

Subject: Proposal to change Christmas holiday arrangements

Date: 16 June 2015

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1. Introduction and background

The holiday arrangements applying to the Christmas break have been in place for many years. Although these arrangements have generally worked well, customer expectations of the service that we provide has changed over time and the current arrangements no longer meet these expectations.

In particular, in those years when Christmas Day falls on a Thursday, the current arrangements require that employees attend on Christmas Eve (a day when few customers are likely to demand services) but allow for a day off on the day after New Year's Day (a day likely to be perceived by customers as a normal working day).

Currently, in addition to normal basic leave entitlement, employees receive:

- an additional three days' leave to compensate for concessionary leave days (fixed days at or around certain public holidays) removed in the past
- nine fixed days of leave which comprise eight public holidays and one concessionary day.

Concessionary leave days are the subject of local determination.

2. Proposal

In order to bring these holiday arrangements in line with service expectations, it is proposed that the current concessionary leave day awarded as part of the Christmas holiday arrangements is removed from all employees but that an equivalent day's leave (pro rata for part time employees) is added to the general leave entitlement so that under local terms, there are four additional days' leave rather than the current three.

In effect this would allow offices to open on days that might better meet public needs and also will improve flexibility for all staff in terms of when they take holiday.

Subject to service needs and appropriate cover being provided, employees will still be able to take time away from work around Christmas and New Year, but under the proposal, if they prefer they can take more time away from work at other times of the year.

In addition to the change to the formal concessionary day arrangements, it is also proposed to allow for all employees, one more day's leave in those years when Christmas Eve falls on a Monday, Tuesday, Wednesday, Thursday or Friday. In these years, for most office-based employees an additional, non-contractual day's leave will be allowed on Christmas Eve. For those employees either required to work on this day, or those that would not normally be scheduled to work, then this additional leave would be taken at another time during the year by agreement with their line manager. Employees required to work when Christmas Eve does fall on these days would be notified at the earliest opportunity by their line manager. This additional leave would be pro rata for part time employees. The arrangement would be reviewable annually by the Chief Executive under whose authority the arrangement could be withdrawn with three months' advance notification.

In effect this proposal would lead to all employees gaining an additional day's leave (or pro rata proportion) in five of the years out of a seven-year cycle. There would be no detriment in terms of lost or reduced holiday entitlement.

The proposed revised wording for the Employee Handbook is shown at Appendix 1. These revisions reflect the proposal described and also clarify existing wording that applies to other arrangements that are not proposed for change (for example, in paragraph 2.2 the amount of basic leave entitlement determined by the Working Time Directive has been updated to 28 days from 20 days and the arrangements relating to the carry-forward of leave have been simplified and brought up to date to reflect our changed management structure).

The existing terms and conditions in the Employee Handbook are shown at Appendix 2.

3. Consultation with business partners

The Council shares the Civic Centre with a number of business partners. Whatever arrangements we put into place need to be workable with these partners, particularly the Department of Work and Pensions for which there is a shared reception function in the foyer. Other offices in Arnot Hill House occupied by the Police and Crime Commissioner are less of an issue as they can be opened without substantial impact on Council employees.

The proposal outlined in Section 2 has been put to these key business partners for consultation. This consultation with the Clinical Commissioning Group, Department of Work and Pensions (Jobcentre Plus), Gedling Homes and the Citizens' Advice Bureau took place during May and no comments or suggested amendments to the proposal have been received.

4. Recommendations

It is recommended that the JCSC:

- 3.1 Considers the revised draft policy statement shown at Appendix 1.
- 3.2 Makes recommendations to the Appointments and Conditions of Service Committee which will subsequently consider whether to adopt the policy statement.

2. LEAVE AND TIME OFF WORK

2.1 Holidays And Annual Leave

The minimum annual leave entitlement is prescribed in the relevant National Joint Council Scheme of Conditions of Service. The basic entitlement is 21 days' paid annual leave rising to 25 days' after completing 5 years' continuous Local Government Service.

Locally the Council allows additional leave after completing 10 years' continuous service bringing the total maximum basic annual leave entitlement to 28 days. This entitlement is subject to a pro rata arrangement for part time employees.

The enhanced rates of annual leave are calculated from the first day of the month following the fifth or tenth anniversary of Local Government Service. In the changeover year, leave will be apportioned on a pro-rata basis for the months at the lower and higher levels of entitlement.

In addition to this basic entitlement, there are four extra days' leave to be taken as part of annual leave entitlement. These extra days take the place of holidays which were previously fixed on the Tuesdays at Easter, Spring and Late Summer Bank holidays, and the extra concessionary day over the Christmas period. These days are now part of the normal working arrangements of the Council.

Public holidays are recognised as follows:

- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- Late Summer Bank Holiday
- Christmas Day
- Boxing Day

The taking of annual leave is subject to the prior approval of a Service Manager or line manager acting on their behalf. Any decision taken by a manager to grant leave will have regard both to the wishes of the employee and the needs of the service. Such approval will not be withheld unreasonably and when a application for leave is not authorised, the full reason will be explained to the employee. Normally, at least 48 hours' notice of a request to take leave is required although this may be waived at the discretion of the manager. More notice may be required for longer blocks of time away from work.

2.2 Carry Over And Pay In Lieu

Although the leave year runs from 1st April to 31st March, all employees, unless specifically excluded from the arrangement, are allowed to carry forward up to 5 days' annual leave entitlement to the next leave period. Service Managers can authorise carry over beyond this number of days in exceptional circumstances.

An employee can "buy-back" annual leave towards the end of a leave year or when the contract of employment is due to terminate. This "buy-back" is limited to a total of five working days and can only operate where there is agreement from both the manager and employee and where the additional cost can be met from existing budgets. The arrangement should only occur towards the end of a leave year or where an employee is to leave the employment of the Authority. This arrangement should be exceptional and under normal circumstances all employees are expected to take their annual leave. No employee should take less than 28 days leave including public holidays (pro rata for part-time employees) in any year under the Working Time Directive.

Following a prolonged absence from work such as maternity leave or long term sickness a Service Manager has discretion to allow the employee to be "paid in lieu" for holidays accrued during the current leave year rather than to accrue unmanageable amounts of leave in the next year.

In all circumstances, with the exception of the above arrangements for carry-over or where legislation requires carry-over or "buy-back" to be made due to long-term sickness absence, where a period of absence spans separate leave years, untaken leave outstanding from the previous year is forfeited.

2.3 Christmas And New Year Arrangements

Christmas and New Year holiday arrangements vary annually on the following basis:

Holiday: Xmas Day falls on:	F	S/ S	M	T	W	T	F	S/ S	M	T	W	T	F
SATURDAY	*		B	X L					N L				
SUNDAY			B	X L					N L				
MONDAY			X	B					N				
TUESDAY			*	X	B					N			
WEDNESDAY				*	X	B					N		
THURSDAY					*	X	B					N	
FRIDAY						*	X		B L				N

Where X = Christmas Day
 B = Boxing Day
 N = New Year's Day
 L = Day in lieu of above

Local variations may be made to this pattern at sites such as leisure centres as determined by the site manager in consultation with the employees concerned.

*** In addition** to the above holidays over the Christmas period, the Council operates an arrangement to allow one more day's leave in those years when Christmas Eve falls on a Monday, Tuesday, Wednesday, Thursday or Friday. In these years, for most office-based employees, an additional, non-contractual day's leave will be allowed on Christmas Eve. For those employees either required to work on this day, or those that would not normally be scheduled to work then this additional leave can be taken at another time during the year by agreement with their line manager. Employees who are required to work when Christmas Eve does fall on these days will be notified at the earliest opportunity by their line manager. This additional leave is pro rata for part time employees. The arrangement is reviewable annually by the Chief Executive under whose authority the arrangement can be withdrawn with three months' advance notification.

2.4 Calculation Of Leave Entitlement

The leave entitlement for employees will normally be expressed as a number of days per annum although for part-time employees with working days of varying lengths, this will best be expressed as a figure of total hours per annum. When a pro-rata entitlement is calculated, the result should be rounded up or down to the nearest half hour or half day.

For part time employees

Each employee will have attributed to them, a “bank” of holiday entitlement running from the period April to March each year. This “bank” will comprise annual leave entitlement, public holidays and the four extra days explained in paragraph 2.1. The “bank” of holidays is calculated on a pro-rata basis for part-time employees. Examples of how to calculate this holiday total are given in the matrix on the following page.

A	B	C	D					E		F	G	H	I	J	K
Example number	Working Pattern	Years' continuous service	Example Cases Hours per Day M T W T F S S Ave Hrs Wk					Ave Hrs Per Day (hrs per Wk /5)	*Pro rata adjuster		Annual Leave	Public holidays ("Fixed Days")	Express as:	"Total Entitlement Form =	Total Holiday "Bank" per Annum
									Ave. No. Days Per Week / 5						
1	F/T employee	<5	7.5	7.5	7.5	7.5	7.0	37	N/a	1	21+4	8	d a	G +	3 3
2	F/T employee	5-9	7.5	7.5	7.5	7.5	7.0	37	N/a	1	25+4	8	d a	G +	3 7
3	F/T employee	10+	7.5	7.5	7.5	7.5	7.0	37	N/a	1	28+4	8	d a	G +	4 0
4	P/T employee- equal hours per day	<5	4	4	4	4	4	20	N/a	1	21+4	8	d a	F x(	3 3
5	P/T employee- equal hours per day	5-9	3.5	3.5	3.5	3.5	10.5	10.5	N/a	0.6	25+4	8	d a	F x(	2 2
6	P/T employee- equal hours per day	10+	7.5	7.5	7.5		15	15	N/a	0.4	28+4	8	d a	F x(	1 6
7	P/T employee- variable hours per day	<5	7.5	7.5	4	4	4	27	5.4	N/a	21+4	8	h o	E x(	1 7
8	P/T employee- variable hours per day	5-9	7.5	7.5	3.5	3.5	22	4.4	4.4	N/a	25+4	8	h o	E x(	1 6
9	P/T employee- variable hours per day	10+	7.5	7.5	3.5		18.5	18.5	3.7	N/a	28+4	8	h o	E x(	1 4

In the previous examples of how to calculate holiday entitlements, the cases are based on employees working for an average of 5 days during any week.

For employees starting or finishing employment during a leave year, entitlement can be calculated as follows:

New Starter	$\frac{\text{Pro rata adjustment} \times X \text{ (No. fixed days remaining in leave year + (complete months remaining } \times \text{ Annual leave))}}{12}$
Leaver	$\frac{\text{Pro rata adjustment} \times X \text{ (No. fixed days already occurred + (completed months } \times \text{ Annual leave))}}{12}$

For par-time employees, when a “fixed day” holiday occurs on a day that would otherwise normally be worked by an employee, a day (or the number of hours usually worked on that day if leave is calculated in hours) must be deducted from the total holiday “bank” entitlement.

For employees working in a job-share arrangement, calculation of total leave entitlement is usually based on the same calculation method as described above.

General

When an employee starts or leaves the service of Gedling Borough Council, annual leave is apportioned on a monthly basis, based on fully completed calendar months (e.g. all of June).

To be eligible for entitlement for a particular month, the full calendar month should be worked with Gedling Borough Council.

An employee leaving the service of the Authority before the end of the holiday year shall be required to make the appropriate refund of salary or wage in respect of any holidays taken beyond the number earned pro-rata during the holiday year. Any holiday outstanding will normally be expected to be taken before the end of employment. It may be possible for untaken leave to be carried forward to the new employer but this is solely a matter for the employee and their new employer. Exceptionally a Service Manager may authorise payment of outstanding leave. In the case of employees forced to leave the service of the Authority due to ill-health or when a notice period is shortened due to redundancy, payment for outstanding holiday entitlement accrued, but not taken, for the current leave year will always be made.

2. LEAVE AND TIME OFF WORK

2.1 Holidays And Annual Leave

The minimum annual leave entitlement is prescribed in the relevant National Joint Council Scheme of Conditions of Service.

The basic entitlement is 21 days' paid annual leave rising to 25 days' after completing 5 years' continuous Local Government Service. This rises to 28 days after completing 10 years continuous service. The enhanced rates of annual leave are calculated from the first day of the month following the fifth or tenth anniversary of Local Government Service. In the changeover year, leave will be apportioned on a pro-rata basis for the months at the lower and higher levels of entitlement.

In addition to this basic entitlement, there are three extra days leave to be taken where appropriate as part of annual leave entitlement. These extra days take the place of holidays which were previously fixed on the Tuesdays at Easter, Spring and Late Summer Bank holidays, but which are now part of the normal working arrangements of the Council. Currently, some long serving Leisure Centre employees may have different working arrangements to this.

Public and Concessionary holidays are recognised as follows:

Public Holidays:-	New Year's Day
	Good Friday
	Easter Monday
	May Day
	Spring Bank Holiday
	Late Summer Bank Holiday
	Christmas Day
	Boxing Day
Concessionary:-	Christmas Holiday
	(date determined annually)

The taking of annual leave is subject to the prior approval of the Head of Service having regard to the wishes of the employee and the needs of the service. Such approval will not be withheld unreasonably and, in circumstances where an application for leave is not so authorised, the full reason will be explained to the employee as appropriate. Normally, at least 48 hours notice will be required although this may be waived at the discretion of the manager. More notice may be required for longer blocks of time away from work.

2.2 Carry Over And Pay In Lieu

Although the leave year runs from 1st April to 31st March, all employees, unless specifically excluded from the arrangement, are allowed to carry forward up to 5 days annual leave entitlement to the next leave period. Normally this carry over should be taken before the end of May in the following year. Heads of Service, following consultation with the Head of Personnel and Management Support, can authorise carry over beyond this number of days. Heads of Service may agree carry-over leave to be taken later than the end of May where this is agreeable to both parties.

An employee can “buy-back” annual leave towards the end of a leave year or when the contract of employment is due to terminate. This “buy-back” is limited to a total of five working days and can only operate where there is agreement from both the manager and employee and where the additional cost can be met from existing budgets. The arrangement should only occur towards the end of a leave year or where an employee is to leave the employment of the Authority. This arrangement should be exceptional and under normal circumstances, all employees are expected to take their annual leave. No employee should take less than 20 days leave (pro rata for part-time employees) in any year under the Working Time Directive.

In certain circumstances, following a prolonged absence from work such as maternity leave or long term sickness, the Director, or Head of Service where authorised has discretion to allow the employee to be paid in lieu for holidays accrued during the current leave year.

In all circumstances, with the exception of the above arrangements for carry-over or where legislation requires carry-over or “buy-back” to be made due to long-term sickness absence, where a period of absence spans separate leave years, untaken leave outstanding from the previous year is forfeited.

2.3 Christmas And New Year Arrangements

Christmas and New Year holiday arrangements vary annually on the following basis:

Holiday: Xmas Day falls on:	M	T	W	T	F	S	S	M	T	W	T	F
SATURDAY	B	X L	C					N L				
SUNDAY	B	X L	C					N L				
MONDAY	X	B	C					N				
TUESDAY	C	X	B						N			
WEDNESDAY			X	B	C					N		
THURSDAY				X	B						N	C
FRIDAY				C	X			B L				N

Where X = Christmas Day
 B = Boxing Day
 N = New Years Day
 C = Concessionary Day
 L = Day in lieu of above

Local variations may be made to this pattern at sites such as Leisure Centres and sheltered housing schemes as determined by the site manager in consultation with the employees concerned.

2.5 Calculation Of Leave Entitlement

The leave entitlement for employees will normally be expressed as a number of days per annum although for part-time employees with working days of varying lengths, this will best be expressed as a figure of total hours per annum. When a pro-rata entitlement is calculated, the result should be rounded up or down to the nearest half hour or half day.

FOR PART-TIME EMPLOYEES

Each employee will have attributed to them, a “bank” of holiday entitlement running from the period April to March each year. This “bank” will comprise annual leave entitlement, Public and concessionary days and the three extra days explained in paragraph 2.1. The “bank” of holidays is calculated on a pro-rata basis for part-time employees. Examples of how to calculate this holiday total are given in the matrix on the following page.

A	B	C	D					E	F	G	H	I	J	K	
*Pro rata adjuster															
Eg. No.	Working Pattern	Yrs. Cont. Svs.	Example Cases Hours per Day					Ave Hrs Per Day (hrs per Wk /5)	Ave. No. Days Per Week / 5	Annual Leave	“Fixed Days”	Express as:	“Total Entitlement Form” =	Total Holiday “Bank” per Annum	
			M	T	W	T	F	S	S	Ave Hrs Wk					
			per												
1	F/T employee	<5	7.5	7.5	7.5	7.5	7.0	37	N/a	1	21+3	9	da	G +	33
2	F/T employee	5-9	7.5	7.5	7.5	7.5	7.0	37	N/a	1	25+3	9	da	G +	37
3	F/T employee	10+	7.5	7.5	7.5	7.5	7.0	37	N/a	1	28+3	9	da	G +	40
4	P/T employee- equal hours per day	<5	4	4	4	4	4	20	N/a	1	21+3	9	da	F x(	33
5	P/T employee- equal hours per day	5-9	3.5	3.5	3.5	3.5	10.5	10.5	N/a	0.6	25+3	9	Da	F x(	22
6	P/T employee- equal hours per day	10+	7.5	7.5	7.5	7.5	15	15	N/a	0.4	28+3	9	da	F x(	16
7	P/T employee- variable hours per day	<5	7.5	7.5	4	4	4	27	5.4	N/a	21+3	9	hour	E x(	17
8	P/T employee- variable hours per day	5-9	7.5	7.5	3.5	3.5	22	22	4.4	N/a	25+3	9	hour	E x(	16
9	P/T employee- variable hours per day	10+	7.5	7.5	3.5	3.5	18.5	18.5	3.7	N/a	28+3	9	hour	E x(	14

*Pro rata adjuster

In the previous examples of how to calculate holiday entitlements, the cases are based on employees working for an average of 5 days during any week.

For employees starting or finishing employment during a leave year, entitlement can be calculated as follows:

New Starter	<div>Pro rata adjustment* X (No. fixed days remaining in leave year + (complete months remaining X Annual leave))</div> <div>12</div>
Leaver	<div>Pro rata adjustment* X (No. fixed days already occurred + (completed months X Annual leave))</div> <div>12</div>

When a “fixed day” holiday occurs where the normal business base is closed on a day that would otherwise normally be worked by an employee, a day or the number of hours usually worked on that day must be deducted from the holiday “bank” for that day.

For employees working in a job-share arrangement, calculation of total leave entitlement is usually based on the same calculation method as described above.

GENERAL

When an employee starts or leaves the service of Gedling Borough Council, annual leave is apportioned on a monthly basis, based on fully completed calendar months (e.g. all of June).

To be eligible for entitlement for a particular month, the full calendar month should be worked with Gedling Borough Council.

An employee leaving the service of the Authority before the end of the holiday year, shall be required to make the appropriate refund of salary or wage in respect of any holidays taken beyond the number earned pro-rata during the holiday year. Any holiday outstanding will normally be expected to be taken, or credited where the employee joins another Local Authority and the new Authority agrees to recognise the outstanding entitlement. Where this does not happen, by agreement with the relevant Head of Service, employees will receive automatically, payment for outstanding leave in the current leave year. In the case of employees forced to leave the service of the Authority due to ill-health or redundancy, payment for outstanding holiday entitlement accrued, but not taken, for the current leave year will always be made.