

Annual leave 1. Summary

The arrangements for annual leave for support staff in schools.

2. Leave entitlement

Statutory leave entitlement is 28 days including bank holidays. However, support staff have a greater entitlement under their contracts of employment.

Contractual leave entitlement is determined by length of service and proportion of full-time employment.

The annual leave year for school employees runs from 1 April to 31 March.

3. Full-time employees

Annual leave entitlement for full-time employees is as follows. In addition, they are entitled to 8 bank/public holidays

Up to 5 years' service 30 days

5 years' service 33 days

10 years' service or more 35 days

Where a whole school closes for a specified period (such as between Christmas and New Year) with no access for any staff, whole year staff will be expected to use their annual leave to cover the closure.

4. Part-time employees

Leave will be on a pro rata basis for employees who work on a part time basis or term-time only basis. The pro rata principle applies to the 8 bank/public holidays as well as to annual leave.

- Employees working term-time only must take their leave during school holidays and their salary calculation includes the appropriate proportion of both annual leave and bank holidays.

□ Employees who work part-time but all year round may need to undertake separate calculations of their entitlements to annual leave and bank holidays, depending on their work patterns.

□ If part-time employees work the same number of hours each day from Monday to Friday inclusive this will ensure that they take the correct proportion of the 8 full bank/public holiday without further need for adjustment.

□ However, part-time employees with different work patterns will need to calculate their entitlement to the proportion of annual leave and bank holidays separately. Depending on their work patterns and on which days of the week certain bank holidays fall in the year in question, they may need to use annual leave to cover one or more bank holidays.

□ For example, a part-time employee on 0.8 of a full time-time contract spread over four days, say Monday to Thursday, will be entitled to 0.8 of the 8 bank/public holidays. If in a particular leave year, the only bank holiday falling on a Friday is Good Friday, the employee will not be working on the remaining 7 bank holidays, because the school is closed, but is only entitled to

0.8 of the bank holidays. Therefore, the employee needs to use 0.2 of a day's annual leave to cover the remaining 0.2 of a bank holiday to which the employee is not entitled but which cannot be worked because the school is closed. If a second bank holiday (such as Christmas Day, Boxing Day or New Year's Day) falls on a Friday, then the employee is therefore entitled to take the extra 0.8 of a day, effectively adding this to his or her annual leave.

Therefore, in this scenario, if a bank holiday falls on the employee's normal working day, then 0.2 would be owed to cover the bank holiday. However, should the bank holiday fall on a non- working day then the employee will be entitled to 0.8. Please see examples below.

Example 1:

All year-round employee with 10 plus years' service - annual leave entitlement from 1 April 25 to 31 March 26.

(10+ yrs service = 35 days + 8 BH = 43 FTE x 0.8 = 34.4 days - 6 BH on the employees working day = 28.4 days)

Employee working day?	Bank Holiday Dates	Proportion of BH owed/deducted
NO	Friday 18 April 25	+0.8
YES	Monday 21 April 25	-0.2
YES	Monday 5 May 25	-0.2
YES	Monday 26 May 25	-0.2
YES	Monday 25 August 25	-0.2
YES	Thursday 25 December 25	-0.2
NO	Friday 26 December 25	+0.8
YES	Thursday 1 January 26	-0.2

□

Total bank holidays fallen on non-working days	2 x 0.8 = 1.6
Total bank holidays fallen on working days	6 x 0.2 = 1.2
Total bank holidays owed	1.6 - 1.2 = 0.4

□

Annual Leave for 0.8 contract = 28 days	35 x 0.8 = 28
Total leave owed =	28 + 0.4 = 28.4

□



5. Banking Hours

Some employees work extra hours during term time and take time off during school holidays in compensation.

Guidance for Head Teachers on Managing Banked Hours

Head Teachers should carefully consider requests related to banked hours and ensure robust systems are in place for tracking and monitoring. Schools must be aware that without accurate record-keeping, the banked hours system can become unreliable and lead to issues such as overpayments.

For example, if an employee has been on long-term sick leave, it is unlikely they have accrued sufficient hours to justify taking school holidays off. This can result in overpayments if not properly managed.

Additionally, if an employee finishes early or has other time off, the hours required to cover school holiday periods may not be met. It is therefore essential that line managers monitor banked hours regularly to ensure compliance and avoid financial or operational issues.

Banked Hours Scheme

The banked hours system is designed to allow a degree of flexibility of working hours for nonteaching staff to meet the individual needs of establishments and of the employee. There is no automatic right for staff to bank hours. It is at the discretion of the Governing Body or Head Teacher/Line Manager, following a flexible working request by the member of staff.

The banked hours scheme allows an employee to work a number of hours, calculated in accordance with a standard calculation, in addition to their contractual hours in order not to work for the whole or part of the school holidays.

Banked hours can be worked by all support staff apart from Teaching Assistants and Lunchtime Supervisors who are employed term time only. Banked hours staff must be available to work on training days if required.

Additional Hours Calculation

For someone who works 36.5 hours per week in term time with 30, 33 and 35 days of annual leave entitlement, the calculations would be as follows:

30 Days Annual Leave entitlement

$39 \text{ (term weeks)} + 6 \text{ (AL weeks)} + 1.6 \text{ (public holiday weeks)} = 46.6 \text{ weeks}$

$52.142 \text{ (weeks in a year)} - 46.6 \text{ weeks (as shown above)} = 5.54 \text{ weeks difference}$

$5.54 \text{ (weeks difference)} \times 36.5 \text{ (contractual hours)} = 202.21$

$202.21 \text{ (additional hours to be worked throughout the terms)} \div 39 \text{ (term weeks)} = 5.18$ hours extra to be worked each term week.

$36.5 + 5.18 = 41.68$ hours each term week (41.68 hours = 41 hours and 41 minutes)

33 Days Annual Leave entitlement

39 (term weeks) + 6.6 (AL weeks) + 1.6 (public holiday weeks) = 47.2 weeks

52.142 (weeks in a year) – 47.2 weeks (as shown above) = 4.94 weeks difference

4.94 (weeks difference) x 36.5 (contractual hours) = 180.31

180.31 (additional hours to be worked throughout the terms) divided by 39 (term weeks) = 4.62 hours extra to be worked each term week.

$36.5 + 4.62 = 41.12$ hours each term week (41.12 hours = 41 hours and 07 minutes)

35 Days Annual Leave entitlement

39 (term weeks) + 7 (AL weeks) + 1.6 (public holiday weeks) = 47.6 weeks

52.142 (weeks in a year) – 47.6 weeks (as shown above) = 4.54 weeks difference

4.54 (weeks difference) x 36.5 (contractual hours) = 165.71

165.71 (additional hours to be worked throughout the terms) divided by 39 (term weeks) = 4.25 hours extra to be worked each term week.

$36.5 + 4.25 = 40.75$ hours each term week (40.75 hours = 40 hours and 45 minutes)

Recording hours worked

It's an essential part of the banked hours system that staff keep an accurate record of the additional hours worked for audit purposes. Such records should be regularly scrutinised and countersigned as correct by the Head Teacher/Line Manager.

See separate documents – 2. Banked Hours record Form, 4. Calculating banked hours.

Example 1

A person newly appointed to work 30 hours per week will be entitled to 30 days leave. They therefore need to work an additional 4 hours 16 minutes per week, which will entitle them to take all of the school holidays as leave in addition to their annual leave and bank holiday entitlement.

Example 2

After five years employment they are entitled to 33 days leave. They therefore need to work an additional 3 hours 48 minutes per week, which will entitle them to take all of the school holidays as leave in addition to their annual leave and bank holiday entitlement.

Banked Hours annual cycle

The annual cycle for the banked hours system commences 1 September. Any hours 'banked', but not used by 31 August, cannot be carried over to the next annual cycle

Contracted hours

The weekly contracted hours are stated in the letter of appointment. Staff are appointed for a basic number of hours per week throughout the year. A year equals $52 \frac{1}{7}$ (52.142) weeks.

Normal working week

Whilst the weekly contracted hours are stated in the letter of appointment, the normal weekly pattern of working these hours is decided by the Head Teacher and the individual member of staff. To operate the “banked hours” system it is essential that the normal working week based on contractual hours is clearly defined.

Annual Leave

Support Staff* are expected to take annual leave during school holiday periods. Absence may be allowed in exceptional circumstances during the school term. Requests for such absence to be made in writing to the head teacher. The hours credited are the daily contracted hours which would normally have been worked on that day as defined in in their contract of employment, excluding any banked hours.

Absences and banking hours

Staff absent due to sickness, or for any other reason, on a normal working day are credited with their contracted hours only, as banked hours must be worked.

Staff should not normally be allowed to take time off unless they have sufficient hours in lieu and may be required to work during the school holidays if they have not banked the required number of hours. Additionally, if staff are in debit at the end of a month because they have taken holiday when not enough additional hours have been banked to cover the holiday period, then either additional hours need to be worked to make up the shortfall or their salary adjusted to unpaid leave for the corresponding period. Additionally, staff may take up the option of purchasing annual leave to cover any shortfall, if your school offers such a scheme.

Annual leave and holiday pay for support staff Annual leave for support staff Leave entitlement

In November 2022 the national employers reached an agreement on the April 2022 pay award for all those on the NJC (National Joint Council) Terms & Conditions (Green Book).

This agreement included annual leave entitlement increasing by one day, effective 1 April 2023.

Implementation of this additional one-day annual leave entitlement is the equivalent of 7.30 hours (pro-rata for those on working part-time or term-time only).

This change in annual leave entitlement has already been negotiated nationally therefore all contracts of employment have been updated accordingly to show this increase in leave entitlement.

Leave entitlement for full-time employees is as follows: Period of	Hours FTE	Days
continuous service		
Up to five years continuous service	219.00 hours	30 days
Five years continuous service	240.90 hours	33 days
Ten years plus continuous service	255.50 hours	35 days

Note: These entitlement hours/days are pro-rata for those who work part-time

Leave will be on a pro rata basis for employees who work on a part time basis or term-time only basis. Where a whole school closes for a specified period (such as between Christmas and New Year) with no access for any staff, whole year staff will be expected to use their extrastatutory/concessionary and possibly their annual leave.

6. Taking annual leave – Support Staff

Most schools expect support staff, including those employed on an all-year-round basis as well as on term-time only contracts, to take leave when schools are closed. Schools should make their expectations clear to all employees. Staff employed all-year round are required to request annual leave and head teachers must manage these requests (as per entitlement) and record all approved leave on the individual's personal file.

7. Annual leave in respect of periods of sick leave

The relationship between sick leave and annual leave has been determined by a decision of the European Court of Justice. That determination says that an employee has the right to take annual leave under the Working Time Directive, outside of any periods of sick leave. If an employee cannot take their full statutory - **20 days (pro-rata for part time staff)** - as distinct from contractual leave entitlement, because of a prolonged period of sick leave, then he or she has the right to carry that statutory leave forward to the next leave year. Support staff who are required to take their annual leave during school holidays will have sufficient time within these periods to use both their leave entitlement for the current year and any statutory leave carried forward from the previous year.

For Example, an employee has already taken **10** days of annual leave before going off sick between the period 1 April – 31 March, the employee will only be entitled to a further **10** days annual leave to make up the **20** days statutory entitlement that they can carry forward.

As public/bank holidays mostly fall within school holidays, they will be covered by prearrangements for employees required to work during school terms.

If you are off sick on a bank holiday, you won't be able to claim this back as a day off, your sick pay will continue.