



Support Staff Annual Leave Policy

November 2022

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Agreed:

	EIS
	Management
	Unison

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History of Changes

Version	Description of Change	Authorised by	Date
1.0	Local policy template for national bargaining policy as per Circular STS 02/22.	HR Team and People Development team	November 2022

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation. All college policies and procedures can be provided in an accessible format.

1 Introduction

West Lothian College will promote a positive and healthy work-life balance and recognises the importance of annual leave in achieving this. The policy aims to provide a fair, consistent and equitable approach to managing annual leave, which ensures that individual needs are balanced with operational requirements.

2 Policy Principles

This Policy complies, as a minimum, with relevant ACAS codes and reflects industry good practice and the principles of Fair Work.

It is important that employees take regular breaks from their duties through taking annual leave proportionately throughout the year.

The leave year operates from 1 September to 31 August.

Employees can carry forward 5 days annual leave to be used by 31st August of the following leave year. In exceptional circumstances, and subject to agreement, 10 days annual leave can be carried forward to be used by 31st August the following leave year. Employees should apply for the 10 days through their line manager in the first instance.

In addition, it is recognised that there may be times when the ability to take leave is affected by a period of long term sickness or maternity leave, or other exceptional circumstances. In these circumstances the carry forward of leave may be increased.

Entitlements to leave are pro-rated for part time employees and those who join or leave part way through a leave year.

Employees are expected to take any outstanding leave before leaving the college. If, due to priorities of work or other exceptional circumstances, employees are not able to take their leave, they shall receive payment for any unused annual leave entitlement.

Where an employee has received more than the accrued entitlement prior to the date of termination of employment, one day's pay for each day's leave received in excess of entitlement will be recovered, subject to meeting minimum statutory leave entitlements. The personal representatives, e.g. next of kin, of an employee who dies in service, shall be paid an allowance in lieu of any outstanding accrued annual leave entitlement due to the deceased employee at the date of death.

Employees should give the equivalent reasonable notice when submitting a request for annual leave. Normally the notice period should be the number of days to be taken.

Managers will approve annual leave requests timeously and as soon as possible, subject to operational requirements.

Staff should follow the college's administrative procedures for the requesting, approval and monitoring of annual leave.

Annual leave must be approved by the manager before it can be taken. Annual leave should be requested as the number of hours scheduled work which would have been undertaken during the period of leave requested.

Where a manager is unable to approve a request for leave due to business needs, the reason must be explained to the employee. This will be provided in writing, if requested by the employee.

Managers should proactively monitor the annual leave entitlement of their team, ensuring that college workload and appropriate cover arrangements are always in place to ensure a good work/life balance when considering annual leave requests.

Managers must ensure that all employees have fair and equitable access to time off throughout the year, including school holidays, public holidays/closure days and off-peak periods. Managers and employees must both recognise the needs of the college and that some periods of the year can coincide with peak work demands of the college, however, this should not impact on when they apply to take time off.

Should a manager wish to implement a restriction on when staff can take leave, then trade unions, as courtesy, should be informed by the college.

In the event of an employee falling ill during a period of annual leave, including fixed/closure days, the employee must comply with normal sickness absence reporting procedures in order to claim reinstatement of the annual leave. The employee must also supply an appropriate medical certificate to cover the period of absence. The college will meet the cost of the medical certificate if necessary.

Where an employee is or has been on long term sickness absence and exhausted sick pay, the employee may request payment for accrued annual leave as an alternative to taking holidays.

Where any disagreements occur in relation to the operation of this annual leave policy at a local level, the college's grievance and appeals procedures can be followed to resolve these.

3 Table of Annual Leave

The following table shows the annual leave entitlement inclusive of all fixed, public and closure days for the leave entitlement of 45 days.

The number and timings of fixed days, closure days and public holidays will be determined by West Lothian College.

Leave for full time support staff shall accrue as shown in the following table:

Completed months of Service	1	2	3	4	5	6	7	8	9	10	11	12
Leave entitlement in days	4	7.5	11.5	15	19	22.5	26.5	30	34	37.5	41.5	45

A 'completed month' means the period between a date in one month and the

immediately preceding date in the following month (for example, 15 February to 14 March inclusive).

4 Payment During Annual Leave

Pay during annual leave will be calculated on the basis of what the individual would have received had the employee been at work. This means all regular contractual elements are included. For noncontractual elements, pay when on annual leave should be no less than the average based on the previous 52 weeks remuneration.

Equality Impact Assessment

Before carrying out an EIA, you should familiarise yourself with the college's EIA Policy Statement and Guidance, along with further information and resources which are available on Sharepoint.

EIA covers **strategies, policies, procedures, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services**, but will be referred to hereinafter as 'policy/practice'.

Policy/Practice (name or brief description):	Support Staff Annual Leave Policy
Strategy/Policy includes Equalities Statement of Inclusiveness?	Yes
Reason for Equality Impact Assessment (choose from the following options):	
<ul style="list-style-type: none"> • Proposed new policy/practice • Proposed change to an existing policy/practice • Undertaking a review of an existing policy/practice • Other (please give detail): 	Proposed new policy
Person responsible for the policy area or practice:	
Name:	Derek O'Sullivan
Job title:	Head of HR and People Development
An Equality Impact Assessment must be carried out if the policy/practice:	
<ul style="list-style-type: none"> • affects operational or strategic functions of the college • is relevant to the promotion of equality (in terms of the Public Sector Equality Duty 'needs' as set out in the Policy and Guidance) 	
Why the EIA is being carried out	The policy affects the operational functions of the college.

	An EIA is necessary to ensure that the policy supports the college's priorities of supporting and enabling all staff to be able to take annual leave, not only to meet the college's legal obligations, but to ensure that the policy does not impact negatively on any employees with a protected characteristic, and to promote employees' health and wellbeing.
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Equality Groups

Relevant to the Policy/Practice, identify which of the undernoted equality groups are impacted upon:

<ul style="list-style-type: none"> • Age • Disability • race (including ethnicity and nationality) • religion or belief • sex • sexual orientation • gender reassignment • pregnancy and maternity • marriage or civil partnership 	<p>The Policy applies across all support staff so impacts all equality groups.</p> <p>The policy is accessible to all employees, permanent or temporary, does not discriminate against any particular group, and makes clear our commitment to equal treatment for all our staff.</p>
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Record your assessment against the following statements:

Statement	Equality assessment
Detail the evidence of the needs of the identified equality groups and any gaps in information	<p>The purpose of the Policy is to provide clear guidance to support staff and managers regarding leave.</p> <p>The Policy has considered the impact on each protected characteristic group and addressed any gaps that may impact negatively on such groups.</p>
Will application of this policy/practice lead to discrimination (direct or indirect), harassment, victimisation, less favourable treatment for particular equality groups?	No
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	N/A
State how this policy/practice will foster good relations:	The policy will ensure that support staff leave will be managed consistently and fairly.
Will the policy/practice create any	No

barriers for any other groups?	
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	N/A
Which equality groups or communities have been consulted in the development and review of this policy/practice?	The Executive Leadership Team and Trade Unions were informed of the new national Circular implementing this new national policy.

<p>Equality Impact Assessment Outcome Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision. (Delete the options that do not apply):</p>	
<p>Option 1: No change required – the assessment is that the policy/practice is/will be robust.</p> <p>Option 2: Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.</p> <p>Option 3: Continue the policy or practice despite the potential for adverse impact, and which can be mitigated</p> <p>Option 4: Stop the policy or practice as there are adverse effects cannot be prevented/mitigated against.</p>	<p>Option 1</p>
<p>Monitoring</p>	
<p>When will the policy/practice next be reviewed?</p>	<p>Every three years</p>
<p>Publication of EIA</p>	
<p>Can this EIA be published in full, now? Please state Yes or No</p>	<p>Yes</p>

If No – please specify when it may be published or indicate restrictions that apply:	
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