

## Human Resources

### Annual leave and public holidays policy

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## General

Annual leave is taken in half or full days (pro rata for part time employees).

All new starters to Defra, who are new to the Civil Service, will receive 25 days' annual leave. This will increase incrementally to 30 days' over five years. Employees who were in post prior to 25 March 2013 receive 30 days' annual leave, plus 1.5 days additional leave which replaced privilege leave and will be retained as a reserved right.

If you work part-time hours, a shift or alternative working pattern, you are entitled to annual leave in proportion to the number of days or hours you work. Further information is available below in **Annual Leave for Employees Working Part Time, Shift Work, or other Alternative Working Patterns**.

## Public Holidays

Employees are also entitled to 8 public holidays. Where a public holiday falls within a period of annual leave it will not count against your annual leave allowance. All employees will receive a day off for the Queen's Birthday in addition. All public and privilege holidays are pro-rata for part time employees and those with alternative working patterns use [PP1](#) form to calculate public and privilege leave, in hours and keep as a record of hours taken. Further information for part time employees and those working alternative working patterns can be found [here](#).

The public holidays in England and Wales are listed below. If you work in Scotland, you will be entitled to the Scottish equivalents, and you will also receive a day off for the Queen's birthday. This is typically used to cover St Andrew's Day.

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

When a public holiday falls on a Saturday or Sunday you will be advised of the alternative day that can be taken.

## Queen's Birthday

In addition to annual leave entitlement and public holidays, all employees are also awarded a day off in recognition of the Queen's Official Birthday. This will normally be taken on the Friday preceding or the Tuesday after the Spring Bank Holiday. The day to be taken will be confirmed in advance of the date. Alternatively, dependent on local business need, managers may agree that employees can take an alternative day off.

## Annual leave allowance

Employees are responsible for ensuring that their leave sheet is up-to-date and shows their leave allowance and start date. Employees and managers have a joint responsibility for ensuring that leave allowance is increased with service. Managers are responsible for ensuring that employees do not take more leave than their allowance.

### Employees in post before 25 March 2013:

Will receive 30 days' annual leave and 1.5 days additional leave totalling 31.5 days. They will also receive a day off for the Queen's Birthday.

All full-time employees in post prior to 25 March 2013 will receive 1.5 days additional leave to replace privilege leave, previously taken at Christmas and Easter. This additional leave can be taken in the same way as annual leave, at any time throughout the year, with approval from your manager. Additional leave is retained as a reserved right. Additional leave should be credited at the start of your annual leave year.

### Employees who take up post on, or after, 25 March 2013 and are new to the civil service:

Will receive a minimum of 25 days' annual leave, which will increase by one day each year, up to 30 days after 5 years continuous service. They will also receive 1 day off for the Queen's Birthday. Employees who transfer from other government departments will have their length of service taken into account when joining Defra.

The table below shows the link between length of service and annual leave allowance for employees who joined Defra after 25 March 2013.

<b>Year(s) of Continuous Service</b>	<b>Annual Leave Entitlement</b>
In first year of service	25 days
In second year of service	26 days
In third year of service	27 days
In fourth year of service	28 days

<b>Year(s) of Continuous Service</b>	<b>Annual Leave Entitlement</b>
In fifth year of service	29 days
After 5 years' service	30 days

Existing Civil Servants transferring to Defra will count previous service towards their leave allowance, provided that the service is continuous.

For RPA Employees, Annual leave allowance is calculated and shown on the employee's People Portal record.

## **Accrual of Annual Leave**

Employees will continue to accrue annual leave entitlement whilst on maternity leave. Those on career breaks or unpaid special leave will not accrue annual leave entitlement.

You will continue to accrue annual leave entitlement whilst you are on sickness absence. If you are ill during a bank or public holiday or privilege day, you are not entitled to take a day in lieu, even if the illness is medically certified. The exception is the rare situation where, by not taking the bank holiday, you would take fewer than 28 days' holiday (including bank and public holidays) in your leave year. This is because the statutory yearly entitlement to holidays (including bank and public holidays) is 28 days. This must be pro rata according to working hours for part-time employees.

If your absence spans two leave years, or if you return to work after sick absence so close to the end of the leave year that you cannot reasonably take your remaining entitlement, you may carry over unused holiday into the next year. The maximum leave that you can carry over is 28 days statutory entitlement, pro rata for part time employees, less any leave taken during the holiday year that has just ended. If you have taken 28 days (including public holidays) by the end of the leave year, you will not be allowed to carry anything over. If you have taken less than 28 days, the remainder may be carried over. For example, a full-time employee who has taken two weeks' leave plus two public holidays (total 12 days) before starting long-term sick absence can only carry over three weeks and one day (total 16 days).

Any holiday that is carried over but is not taken within 18 months of the end of the holiday year in which it accrued will be lost.

You can choose to take your paid annual leave during your sick absence in order to cover any shortfall in pay which would result from being on half or nil pay. Line managers must notify SSCL when an employee wants to take their paid annual leave during periods of half

or nil pay. This will ensure the individual is paid at the full rate for that period. Use the [forms and follow the instructions on Myhub](#) to notify SSCL.

You must share your leave sheet with your manager so they can update with any accrued leave.

## **Employees working part-time, shift work or other alternative working patterns**

If you work part-time hours, shifts or another alternative working pattern, eg compressed hours, you are entitled to annual leave pro-rata, to either the number of days, or the number of hours you work in a week.

You must calculate your leave in hours, using the [annual leave calculator](#) to work out your leave entitlement, the help page within the calculator, provides you with the calculation method should you require to calculate your leave manually. When you take annual leave, this will equate to the number of hours you are contracted to work on that day. For example if you work a 4 day compressed working week you will need to deduct 9 hours 15 minutes (9.25 hours) for each day you are contracted to work.

Public holidays and the Queen's birthday are calculated pro-rata, you are entitled to a proportion of the P&P entitlement based on your full-time equivalent (FTE). Your P&P leave must be calculated in hours, for the period January to December, using the calculation: 9 public and privilege days x net conditioned day (7.2/7.4) x part time weekly hours ÷ net conditioned week (36/37 hrs).

If you commence employment part way through the calendar year then the calculation uses the number of P&P days remaining in the year. Use [PP1](#) form to record P&P hours and the [annual leave calculator](#) to work out your P&P daily entitlement.

Each time a P&P day occurs on a day that you would normally work, you should deduct the number of hours (you normally work on that day) from your P&P entitlement, and credit the number of hours to your flexi sheet.

Your P&P allowance will not necessarily match exactly with the number of P&P holidays your working days fall on. Therefore, at the end of the P&P period, you may have a credit or deficit balance, this will depend on your working pattern.

For example: employee A and employee B both work 16 hours a week over two days, both part time employees are entitled to a total of 25.6 hours P&P leave ( $8 \times 7.4 \times 16 / 37$ )

Employee A works part time two days/week - Tuesday and Wednesday. During the year, the only day a P&P day falls on one of their working days is a Tuesday, employee A will deduct 8 hours from the P&P balance, leaving a credit of 8 hours to add to their annual leave.

However, employee B works part time two days/week - Monday and Tuesday. During the year six P&P days fall on a Monday, employee B will be required to deduct 8 hours for

each of the P&P days (6 x 8) from their P&P leave and will need to make up the deficit from their annual leave entitlement.

Any credit balance can be added to your annual leave, or a deficit balance can be repaid with flexi or deducted from your annual leave balance in agreement with your manager.

If you are sick on a public or privilege holiday and it falls on a day of the week that you would normally be contracted to work then the conditioned hours must be deducted from the Public & Privilege record sheet and the time is lost, you do not get to take the holiday at a different time.

If you move from full to part time hours or vice versa, or you change your working pattern through the year, you will need to recalculate your leave and P&P allowance. Please see the Flexible working pages to find out how to change your working pattern. You should use the [annual leave calculator](#) to work out your leave and P&P entitlement.

Only in exceptional circumstances (for example multiple changes to work patterns within a single leave year) SSCL will calculate your new leave entitlement. You must raise a service request, include your leave sheet, your start date, and details of the change to your working pattern.

## **Applying for annual leave/additional leave**

Leave requests should be made to your manager giving reasonable notice of the day(s) you wish to take. You should record the amount of leave agreed/taken on your leave sheet. For RPA Employees Annual leave should be approved in advance via the People Portal. There is guidance on the Hub to show people how to request annual leave on the People Portal. The employee must enter the leave dates onto the People Portal and the line manager must authorise it on the system.

Managers should ensure business needs are considered and can be met when considering and approving requests for annual or additional leave. If a request for leave involves specific considerations, e.g., religious belief, managers are encouraged to be flexible wherever possible.

You must give your leave sheet to your manager before the leave is booked/taken and your manager should initial the approval column. For RPA the employee must enter the leave dates onto the People Portal and the line manager must authorise it on the system.

Employees who are entitled to additional leave should apply for this in the same way as applying for annual leave.

Your manager is responsible for ensuring that you do not take more annual leave than your allowance. Employees who take more annual leave than they are entitled to may be subject to disciplinary action.

Your annual leave may be cancelled, or you may be recalled from leave at any time, if required by management in order to meet unexpected operational needs for example a disease outbreak. If, because of cancelled leave, you are left with untaken leave at the end of your leave year, see **Carry Over of Leave**.

## Annual leave year

Your leave year is personal to you and will be as follows:

- If you joined the department before 31 March 1997, your leave year will begin on the first day of the month in which you were born.
- If you joined the department on, or after, 1 April 1997 your leave year will start from the anniversary of your appointment.

In certain circumstances it may be possible for you to have a different leave year, for example to align with your partner's leave year. It is the managers' responsibility to ensure that a change in leave year does not advantage employees, including those with fewer than five years' service.

Transfers from OGDs will have a leave year which begins on their start date with Defra, or;

- where an employee has not yet reached the maximum leave entitlement of 30 days, the manager may need to align the leave year start date with the anniversary of their appointment in the Civil Service to ensure the incremental increase is applied at the correct date.
- should the employee wish to change the date in which their leave year starts, they should agree this with their manager.

## Carrying over leave/bringing leave forward

Employees may carry over up to a maximum of ten days leave from one leave year to another (pro rata for part-time employees). This carry over allowance includes additional leave (for employees in post before 25 March 2013).

In exceptional circumstances employees may carry over more than ten days annual leave, for example if you have been specifically prevented by your manager from taking your full annual leave allowance or for particular personal reasons, for example to visit relatives in a distant country. Your manager can approve this, subject to business need. This leave cannot be carried forward into subsequent years.

In the final month of your leave year, you may anticipate up to a maximum of seven days leave from the next year's leave allowance, subject to the approval of your manager.

## **Sickness absence during or just before annual leave**

If an employee is ill whilst on annual leave, they can choose whether to have the days that they are unwell treated as annual leave or sick absence.

If you fall sick during a period of annual leave, and this seriously affects your leave (i.e., a period of four or more working days continuous illness) then must follow the normal rules on notifying your manager of your sick absence, staying connected and supply a self-certificate or statement by a qualified medical practitioner to that effect. Your annual leave sheet will need to be updated and agreed with your manager.

The employee must notify their manager on the first day they are unwell, in exceptional circumstances if this is not possible, for example they are abroad and in a remote area, they must make every effort to contact their manager as soon as they can. The employee must obtain documentary evidence of their incapacity from a local medical practitioner and submit this to their manager on their return. A 'Fit Note' supplied retrospectively by an employee's own doctor cannot be accepted as proof of incapacity whilst abroad.

## **Leave arrangements on retirement, resignation, or dismissal**

If, when you leave the department, the amount of leave you have taken exceeds the amount you have earned up to that date, you will be required to refund from your salary an amount equivalent to the number of days leave in excess of your entitlement. You should refer to the overpayments policy.

Payment for untaken annual leave may be made only if you leave the department in the following circumstances:

### **Resignation**

1. If you resign you may convert up to ten days of any untaken leave into a cash payment. Any other leave should be taken before your last day and may be converted into cash only if your manager has specifically prevented you from taking it and provides a written statement to support this.

### **Retirement**

2. If you retired on medical grounds whilst absent due to sickness you need to refer to the accrual of annual leave section (page 4) in order to calculate any balance of annual leave for cash compensation.
3. When your last day of service is known well in advance, as is usual with normal and early retirement and redundancy, payment may be made only for annual leave which your manager has specifically prevented you from taking and if they provide a written statement to this effect.

## Dismissal

4. If you are dismissed, every effort should be made to take any outstanding leave before your last day of service.

## Death in service

5. If you die in service, payment will be made in full for all leave outstanding and untaken at the date of death.

## Payment of outstanding leave calculation

Payments for untaken leave and refunds for excess leave are calculated as follows:

$$\frac{\text{Salary}}{12} \quad \times \quad \frac{\text{No of days of untaken leave}}{\text{No of days in month that service ends}}$$

Payment will not be made for weekends, unless they form part of your regular contractual working pattern.

## Further advice

Defra Employees

Further advice is available from the [Shared Services Connected Limited](#) (SSCL).

RPA Employees

Further advice is available from the [service centre](#)

Version 4.5 October 2021 – Updated for policy clarification on sickness absence accrual.