

# Support Staff Using holiday during the COVID-19 Emergency

## Introduction

This guidance is intended for those support staff who receive an annual leave entitlement. Employees are required to take their annual leave as normal throughout the academic year with the preference being that most of the annual leave is taken during the school closure periods. During any national emergency staff are encouraged to take their annual leave as normal and preferably during the school closure periods.

In normal situations, all year around employees should use their paid holiday ('statutory annual leave') in their current leave year.

This is important because taking holiday helps people:

- get enough rest
- keep healthy (physically and mentally)
- complies with the Working time Directive

If an employee due to the restrictions, is temporarily not in their normal work environment, and are either working from home or at home without any work to do, they can still request and take their holiday in the usual way. **Headteachers should not unreasonably refuse such requests.** This includes bank holidays.

Employees must get their usual pay in full, for any holidays they take.

## Carrying over holiday

During the coronavirus emergency, it may not be possible for staff to take all their holiday entitlement during their current holiday year.

Headteachers should still be gently encouraging employees to take their paid holiday. Employees can continue to make requests for paid holiday throughout their holiday year, if possible.

## Normal carry over of leave rules

Conditions of service already provide for employees to carry over 5 days leave from one year to the next, and headteachers may authorise in exceptional circumstances a carryover of leave in excess of 5 days.

## Extended Leave

With the Governing Body's permission employees can apply for and if approved may take up to one year's absence from work (typically as a mix of paid leave already accrued from their entitlement and unpaid leave). One year's notice is required. The procedure is set out in the Local Conditions of Service and advice on the application of the scheme can be obtained from Schools HRCT.

## **New temporary law and changes to carry over**

The government has introduced a temporary new law allowing employees and agency workers to carry over up to 4 weeks' (20 days) paid holiday over a 2-year period. This law applies for any holiday the employee does not take because of coronavirus, for example if:

- they're self-isolating or too sick to take holiday before the end of their leave year
- they've had to continue working and could not take paid holiday

Where a headteacher authorises normal carry over, accumulated leave and or temporary carry over up to 4 weeks in line with the new temporary legislation, this will be inclusive of the existing local provisions.

If an employee leaves their job or is dismissed during the 2-year period, any untaken paid holiday will be added to their final pay if they are unable to take it during their notice period.

## **Bank holidays**

Bank holidays are in addition to the basic annual leave entitlement.

If a bank holiday forms part of the employee's normal working shift pattern, they receive normal pay, a bank holiday enhancement paid at single time, and a day of in lieu.

If an employee is called to work on a bank holiday over and above their contracted hours, they receive double pay and a day off in lieu.

If employees cannot take bank holidays entitlement off due to coronavirus, they should use this day off in lieu later in their leave year.

If this is not possible, bank holidays will be added to the 4 weeks' paid holiday that can be carried over. This holiday can be taken at any time over a 2-year period.

## **Being flexible about holiday during coronavirus**

Employers and employees should be as flexible as they can about holiday during the coronavirus pandemic.

It's a good idea to:

- talk about any plans to use or to cancel holiday during coronavirus as soon as possible
- discuss why holiday might need to be taken or cancelled
- listen to any concerns, either from staff or the employer
- invite and suggest ideas for alternatives
- consider everyone's physical and mental wellbeing
- be aware that it's a difficult time for both employers and staff
- be appreciative of the employee's contribution during this difficult time

## **Managing holiday entitlement adjustments in iTrent**

Holiday entitlement can be adjusted for an employee who has an annual leave balance to carry over to a new year. To adjust a holiday entitlement, the headteacher should follow the instructions in the user guide below and enter the relevant reason i.e. normal 5 day carry over, accumulated (banked) leave, or additional carry over due to temporary change in law.

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