



## LEAVE AND WORKING HOURS POLICY

### HOURS OF WORK AND ANNUAL LEAVE

#### 1. Scope of procedure

- 1.1 This procedure details hours of work, annual leave entitlement and rules of attendance.

#### 2. Standard weekly hours

- 2.1 The standard full-time working week for all Jesus College employees is either 35 hours or 39 hours, excluding lunch breaks.
- 2.2 The College also operates a Flexible Working approach, if additional hours are worked to meet the College's needs then time off in lieu may be taken.

#### 3. Working Time Regulations (1998)

- 3.1 The Working Time Regulations (WTR) limit the hours an employee may work to an average of 48 hours per week over a rolling 17 week period. The College recognises that occasionally work pressures may result in an employee voluntarily working more than 48 hours in any given week. However, employees and managers are expected to manage workloads to ensure that 48 hours per week is not consistently exceeded.
- 3.2 The WTR also contains the following minimum provisions:
- a 20-minute rest break if an employee works more than 6 hours at a stretch;
  - 28 days paid leave (including public holidays, for anyone working 5 days a week);
  - one whole day off in 7 days (ie per calendar week).

#### 4. Leave entitlement

- 4.1 The leave year begins on 1 October for all staff at the College. The leave entitlement of 38 days for a full time employee includes Bank and Public Holiday entitlement. Staff in post before 1 January 2014 may also accrue additional holiday as a result of their length of service.

The leave entitlement will be calculated on a pro rata basis for:

- employees who work part-time (based on the hours and/or number of days they work); and
  - fixed-term employees (based on the length of their contract).
- 4.2 The College closes for two weeks at Christmas and one week at Easter. Staff are expected to book this time off and deduct it from their leave entitlement. Any exceptions to this should be discussed, in advance, with the relevant Director/Head of Department.

- 4.3 Employees may take up to 2 consecutive weeks' annual leave at any time in the leave year, subject to operational requirements and management approval. Requests for periods of leave longer than 2 weeks will be considered on a case by case basis.
- 4.4 Employees must have all annual leave approved by their line manager before they take the leave, giving as much notice as possible. The line manager must consider operational requirements before approving a request. Employees should not make holiday arrangements until they have had their leave requests approved.
- 4.5 The reason/s behind any decision not to approve a leave request will always be communicated to the employee by the line manager.
- 4.6 Employees must make every effort to use up their full annual leave entitlement in each leave year. All employees are expected to take the statutory minimum (28 working days leave for full-time employees) in a full year.
- 4.7 The maximum amount of leave that can be carried over from one leave year to the next is limited to 5 working days for a full-time employee.
- 4.8 When an employee leaves, they should take any outstanding leave before their departure. If this is not possible due to operational requirements, any excess days owed may be paid in lieu. If the employee has taken too many days' annual leave in relation to their accrued entitlement, the College will deduct pay for the excess.

## 5. Bank Holidays and Public Holidays

### 5.1 Working Bank Holidays

In some roles within the College it may be necessary to provide cover over a Bank Holiday, where a member of staff is required to work on a Bank Holiday they will not book the day as annual leave, thus enabling them to take a day's holiday at an alternative time.

There is no statutory right for employees to take time off on Bank or Public holidays.

## 6. Calculating leave allowances

- 6.1 There is no calculation needed for full time employees who work a standard 5 day week as the leave allowance of 38 days is straightforward. However, for part time employees, or those working non standard days, a pro rata of the full time allowance needs to be worked out.

If the employee works different hours on different days then the allowance **must** be calculated in hours but if the days worked are standard days, ie. always the same hours each day then the allowance can be calculated in either days or hours.

- 6.2 Example 1: Part time working

### Employee A (Calculation in days)

Assumptions for the purposes of this example:

- This employee works 21 hours per week (excluding lunch break)

- Works three days of 7 hours each, usually Monday, Wednesday and Friday.
- The standard working week is 35 hours (excluding lunch break)
- The full time leave allowance for this post is 38 days

$21/35 = 0.60$  (This gives the proportion of contractual hours against the full time equivalent contracted hours. 0.60 or 60%)

$0.60 \times 38 \text{ days} = 22.8 \text{ days}$

This is rounded up to the nearest half days, therefore 23 days leave allowance.

#### Employee B (Calculation in hours)

Assumptions for the purposes of this example:

- This employee works 24 hours per week (excluding lunch break)
- Works four days a week. Monday and Wednesday – 8 hours, Thursday and Friday – 4 hours a day
- The standard working week is 39 hours (full time = 7.8 hours a day)
- The full time leave allowance for this post is 38 days

Full time leave allowance is 38 days annual leave which is 296.4 hours ( $38 \times 7.8$ )

$24/39 = 0.61$  (This gives the proportion of contractual hours against the full time equivalent contracted hours. 0.61 or 61%)

$0.61 \times 296.4 \text{ hours} = 182.39 \text{ hours}$  (the standard leave allowance quoted in this example)

This is rounded up to the nearest half hour, therefore 182.5 hours leave allowance

## **7. Flexi-time/Time of in Lieu (TOIL)**

7.1 In some roles it may be necessary, due to the demand of work in peak periods, for additional hours to be worked. In some operational roles it may be possible to undertake paid overtime to meet these additional needs. However, in other roles, mainly office based roles at Grade 7 and below, the overtime or additional hours are not payable but it is possible to take time off in lieu.

7.2 The rules of the TOIL system are:

- employees must take a minimum of a half-hour lunch break, usually between the hours of 12.00 and 14.00;
- working in excess of standard hours must be to meet the needs of the College and not solely for the purpose of accruing additional time.

- 7.3 Employees who wish to take TOIL must maintain a written record, on a daily basis, of the actual hours worked. Where additional hours are accrued the employer must talk to their manager at least fortnightly to notify them of the time that has built up.
- 7.4 The College does not want to encourage staff to undertake prolonged periods of additional hours, both because this is not good for employee wellbeing and because it has the potential to cause additional staffing problems when the TOIL is taken. Therefore employees should not accrue or carry over have more than two standard working days in any month, unless prior agreement has been sought from the Director/Head of Department. Hours in excess of this will be lost.

## 8. Special leave

### 8.1 Scope of procedure

The provision of special leave, is intended to enable employees to take time off work for certain personal commitments that are not covered by other leave. The employee may supplement special leave with annual leave, subject to operational requirements and management authorisation. Special leave applications will be considered in the same way as all other leave requests, with due regard to operational requirements and business needs.

The forms of special leave detailed in this procedure are:

- compassionate leave; and
- court attendance as a witness (including jury service).

#### 8.1.1 Compassionate leave

Compassionate leave, with pay, is discretionary. It may be granted to employees who have suffered a bereavement of a close relative, spouse or partner. This paid leave is usually up to a maximum of five working days.

When deciding on the length of compassionate leave to be approved, managers will take into account factors such as:

- the relationship of the deceased to the employee;
- whether the employee has a practical role to play (for example organising the funeral or settling affairs);
- how far the employee has to travel for the funeral.

Further advice is available from the Director of Human Resources.

Compassionate leave may also be granted, at management discretion, for a serious illness or injury of a close relative, spouse or partner. Where a dependant has to attend hospital unexpectedly, or requires total care at home due to serious illness or incapacity, a reasonable amount of time off with pay will be considered. This is to enable alternative arrangements to be made and immediate domestic affairs to be managed. The usual maximum permitted is two days.

In an emergency situation, the employee should contact their manager as soon as possible to inform them of their absence. The manager may decide to defer making a decision on the nature of the leave until after the employee has returned to work and is in a position to discuss the matter.

### 8.1.2 Jury service and other court attendance

Special leave with pay will be authorised for an employee who has been summoned for jury service.

Employees who are required to attend court in their official capacity (such as appearing as a witness) will be regarded as being on official duty and will receive their usual pay, as appropriate.

Employees who are required to attend court in any other private capacity will be required to take annual leave or unpaid leave to cover their absence.

In all matters of court attendance, employees:

- must inform their manager as soon as they have received a summons or other notification of court attendance, providing their manager with a copy;
- must keep in contact with their line manager to update them on the duration of their absence, if this is different from that agreed.

### 8.2 Public service leave

Employees who carry out public service duties may request unpaid leave for such responsibilities; these may include duties such as magisterial duties (as Justice of the Peace), governor of an educational institution, members of a statutory tribunal etc. Each application for unpaid public service leave will be considered on a case-by-case basis to determine whether the leave can be authorised. Factors include:

- the length of special leave requested;
- how much time off the employee has already had for any purpose, including special leave, annual leave and sickness absence;
- operational requirements and College needs.

Such requests should be made to the manager and discussed with the Director of Human Resources.