

Background

The government has changed the statutory entitlement to paid holiday to 5.6 weeks (28 days for a full time employee). This includes public (bank) holidays. To make the practice more comparable with other workplaces, from the beginning of 2010 CMT will change to calculating holidays based on this standard way, as outlined below. In other words, if you were due to work on a day that is a public holiday and the practice is closed then this day will need to be counted as a day of your holiday.

The CMT holiday year runs from 1st January to 31st December.

How many days is this equivalent to?

This is shown below, for people working different numbers of days a week.

Person working 5 days a week: $5.6 \times 5 = 28$ days a year

Person working 4 days a week: $5.6 \times 4 = 22.4$ days a year

Person working 3 days a week: $5.6 \times 3 = 16.8$ days a year

Person working 2 days a week: $5.6 \times 2 = 11.2$ days a year

Person working 1 day a week: $5.6 \times 1 = 5.6$ days a year

If your working pattern changes from week to week, then you calculate the average number of days a week that you work. For example, if you work 3 days one week, and 4 days every other week, then your average number of days is 3.5 and so your holiday entitlement is $5.6 \times 3.5 = 19.6$.

Public holidays

The system outlined above is the standard method of calculating holidays, but it is a little unfair towards part-time workers who work on Mondays. This is because, in a typical year, there are 8 public holidays about 5 of which fall on Mondays. Although under the standard system outlined above part-time employees who work on Mondays would receive just as many days off in a year as other workers, quite a few of these days off would have to be on Mondays and so the employee would have less choice about the days they have off. The following additional holiday allowance for part-time employees working on Mondays is therefore provided to CMT employees:

If a person works 4 days a week one of which is Monday then they will receive 1 extra day a year

If a person works 3 days a week one of which is Monday then they will receive 2 extra days a year

If a person works 2 days a week one of which is Monday then they will receive 3 extra days a year

If a person works 1 day a week one of which is Monday then they will receive 4 extra days a year

Irregular hours and extra hours

If you work casually or irregular hours it may well be easiest to calculate the holiday entitlement that accrues as hours are worked. The holiday entitlement of 5.6 weeks is equivalent to 12% of the hours you worked. When employees work extra hours then the Attendance sheets will show the extra holiday that this has accrued as it builds up throughout the year.

Can leave that has not been taken at the end of the year be carried over into the next year?

The law now is that holiday entitlement over four weeks can be carried over into the following leave year. However, there is no statutory right to carry leave over – it must be agreed between the employer and the employee. At CMT, requests to carry holiday over will generally be granted, unless it is below the statutory amount (four weeks) or it would cause major problems for that department (e.g., if a person would like several days carried over and it is particularly difficult to arrange cover within a certain department).

The method of calculating holidays means that employees will often be left with a fraction of a day's holiday (e.g., 0.1 or 0.4). The fairest way of dealing with this is to carry over this amount to the next year.

If you would like to carry over more than one day's leave, please ask the person who deals with your holidays at least a month before the end of the year. This is because if they cannot let you carry over holiday then you need to know in plenty of time to put in holiday requests, or else some of your holiday might be lost.

The law (that only holiday entitlement over four weeks can be carried over into the following year) means that, if the practice does agree to you carrying some holiday over into the next year, the law says that the maximum amount this can be is as below:

Person working 5 days a week: $1.6 \times 5 = 8$ days a year

Person working 4 days a week: $1.6 \times 4 = 6.5$ days a year

Person working 3 days a week: $1.6 \times 3 = 5$ days a year

Person working 2 days a week: $1.6 \times 2 = 3$ days a year

Person working 1 day a week: $1.6 \times 1 = 1.5$ days a year

When should I apply for leave?

As soon as possible! Legally, the notice must be twice as long as the period of leave requested. For example, a worker wanting one week's holiday needs to give two weeks' notice. The employer can refuse permission by giving counter notice at least as long as the leave requested (i.e., one week). But, as in most other small businesses, leave is only granted at times that are convenient to the practice. This often means that only one person in a given department can be off at a time, so leave will be granted on a 'first come, first served' basis. It is advisable not to book holidays until the leave form has been returned with the leave granted.

What is the maximum holiday that can be taken at any one time?

The maximum holiday that can be taken at any one time is usually two weeks. Occasionally, exceptions can be made for something like a honeymoon or a 'holiday of a lifetime'. As always, the main considerations in dealing with an application for such a holiday will be whether the other members of team can cope without having an adverse impact on patient care.

Can I take extra holiday as unpaid leave?

Exceptionally, employees may be allowed to take additional leave as unpaid holidays. Please discuss this with Bruce well in advance. Again, the main considerations in dealing with applications of this type will be whether the other members of team can cope without having an adverse impact on patient care.

Additional points

- All holiday needs to be requested using a Staff Leave Request Form, in plenty of time. Holidays can only be taken if this form is returned with the holiday approved. Leave that is not approved in this way amounts to an unpaid absence without permission, which would be likely to invoke a disciplinary procedure.
- When planning your holiday throughout the year, please remember to leave enough of your entitlement for any public holidays at the end of the year.
- Holiday pay is at the usual rate. In other words, when employees take a week's holiday they will receive their usual salary for that week.
- This document, and the CMT policy, is based on the ACAS booklet, *Holidays and Holiday Pay*, which can be downloaded from www.acas.org.uk.