



Information Sheet

HOLIDAY ENTITLEMENT

All workers/employees are legally entitled to receive some paid time off – also known as statutory annual leave. It is good practice as an employer to be clear with your employees about their entitlement and the process for agreeing time off. This avoids any misunderstandings.

Below are some pointers to help you with this:

- You must define your leave year. This is usually a 12 month period – for example 1st April to 31st March.
- You should encourage employees to take their holiday through the holiday year.
- Employees only have a statutory right to be paid for untaken holiday when they are leave your employment.
- A limited number of untaken holiday hours can be carried over into a new holiday year by agreement. As of March 2020, workers who have not taken all of their statutory annual leave entitlement due to COVID-19 are able to carry it over into the next 2 leave years. The carryover of holiday should be discussed with the Employment Law Helpline provided under your FISH Insurance policy.
- When your employee takes holiday, make sure you know how many hours this will be. It is good practice to keep a record of leave taken which can be used by the employee and employer to request and authorise any leave. WCIL has a template for this.
- Please let Payroll know of any holiday hours taken. This can be added to the payslip which will provide you with a record.
- The statutory paid holiday entitlement is 5.6 weeks (pro rata). You can choose to include bank holidays as part of your employee's statutory leave. Statutory paid annual leave is limited to 28 days.
- A worker continues to accrue holiday entitlement whilst they are on sick leave, maternity leave, parental leave, adoptions leave and other types of statutory leave. A worker may request holiday at the same time they are on sick leave.

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Calculating holiday

Here are some examples of working out 5.6 weeks holiday (pro rata):

If your employee works fixed hours eg 32 hours per week, then their holiday entitlement will be 32 hours x 5.6 weeks = 179 hours 15 minutes per year

If your employee is contracted to work 10 daytime hours a week and 1 overnight shift, you must first define the length of the night (say, 9 hours) that will be 19 hours x 5.6 = 106 hours 24 minutes (rounded up to 106 hours 30 minutes – you can round up but cannot round down)

If your employee doesn't work fixed or regular hours, you should look back at their previous 52 paid weeks to calculate what should be paid for a week's leave. The Payroll Service, provided by PayPacket Ltd, can assist you with this calculation, as can the Employment Law Helpline provided under your FISH Insurance policy.

For general calculations there is an online Holiday Calculator that you may wish to use <https://www.gov.uk/calculate-your-holiday-entitlement>

Other Types of Leave

This information sheet relates to annual leave/holiday entitlement only. Your employees may wish to take other types of leave such as Compassionate Leave, Unpaid Leave, Dependants Leave, Maternity Leave, Adoption Leave and Sick Leave.

Advice on employment related issues, and the different types of leave, is available by contacting the Employment Law advice service. This service is available to all those who have FISH Employer's Liability Insurance. Peninsula provide the employment law advice service and can be contacted on 0344 892 2480

You must quote your policy number to access their expertise. Taking advice from Peninsula and putting it into practice as recommended, will mean that you are covered should any action be taken against you because of the activity.

Useful Contact Numbers:

PayPacket Ltd: 0800 848 8998 or FISH Employment Helpline: 0344 331 3900

If you have any queries about the information provided or you would like further information, please contact the DP Adviser Team at Wiltshire Centre for Independent Living on **0300 1233 442** or admindp@wiltshirecil.org.uk.