

If you have any queries about your leave please contact [selecthr@colchester.ac.uk](mailto:selecthr@colchester.ac.uk)

## ANNUAL LEAVE AND ECONOMIC CLOSURE GUIDANCE FOR STAFF DURING COLLEGE DISRUPTION

Further to Alison's communication, as you are aware, the College has taken the unusual step to implement an enforced economic closure this Easter.

This means that the College is giving you statutory formal notice, in accordance with the Working Time Regulations, that you are required to take annual leave on the dates specified below:

**Please note that there will be exceptions made for some key staff who are required to keep operations going. These staff will be aware that they are required to work on these dates, but will be expected to book the required leave at another time.**

**Please also note that during this period of compulsory leave, you will NOT be expected to work at home.**

### Teaching Staff and **Staff with an annual allocation of MORE than 30 days' Leave**

Monday 6<sup>th</sup> April 2020 to Thursday 9<sup>th</sup> April 2020 and Tuesday 14<sup>th</sup> April 2020 to Friday 17<sup>th</sup> April 2020 – For full time staff or part time staff working every day this is **8 days** and for part time, part week staff you will need to book the leave in accordance with your normal working pattern.

Example:

- **Full Time staff** will use **the full 8 days**.
- **Part Time, Part Week Staff** e.g. whose working days are Monday (5 hrs), Wednesday (6 hrs), Thursday (7 hrs) and Friday (4 hrs) will use 3 days the first week and 3 the next, so this equates to 5 hrs, 6 hrs and 7 hrs in the first week and 6hrs, 7 hrs & 4 hrs in the next week. In total you will use 35 hours of your annual leave.
- **Part time staff who work every day** will use all 8 days. So if your scheduled working day is 5 hrs a day then this will mean that you will use 40 hours of your annual leave.

To note Bank Holidays have already been accounted for.

### Business Support Staff – **Staff with an annual allocation of UP TO 30 days' Leave**

Monday 6<sup>th</sup> April 2020 to Thursday 9<sup>th</sup> April 2020 and Tuesday 14<sup>th</sup> April 2020 — For full time staff or part time staff working every day this is **5 days** and for part time, part week staff you will need to book the leave in accordance with your normal working pattern.

Example:

- **Full Time staff** will use the full 5 days.
- **Part Time Part Week staff** e.g. whose working days are Monday (5 hrs), Wednesday (6 hrs), Thursday (7 hrs) and Friday (4 hrs) will use 3 days the first week and none the next. So this equates to 5 hrs, 6 hrs and 7 hrs in the first week (18 hrs) and zero hrs the next week. In total you will use 18 hours of your annual leave.
- **Part time staff who work every day** will use all 5 days. So, if your scheduled working day is 5 hrs a day then this will mean that you will use 25 hours of your annual leave.

To note Bank Holidays have already been accounted for.

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**Please note the following:**

**Teaching Staff and All Staff with an annual allocation of MORE than 30 days' Leave**

- If your leave is not booked via Select and if you have not already booked this period as leave, the required amount of leave will need to be deducted from your local leave record – see examples above. Your leave record will need to be amended.
- If you have already booked leave which does not fall into the mandatory period, you can either cancel your pre-booked leave or take it as additional leave

**Business Support Staff – Staff with an annual allocation of UP TO 30 days' Leave**

- If you have already booked this time as leave it will remain on your record.
- If you have not booked the time off it will automatically be deducted from your annual leave allowance
- For 15/16/17 April you can book additional leave or you will be required to work at home in accordance with the arrangements you have made with your line manager.
- If you have already booked leave on 15/16/17 April, you may cancel this now as you will be on leave earlier in the Easter break. This is not compulsory and if you wish you can take the full fortnight as leave.

**Question 1 - Can I use Time Off in Lieu (TOIL)?**

No – during this period of College Disruption TOIL cannot be taken. You will, however, not lose your TOIL but can take it when normal business resumes.

**Question 2 - What if I don't have enough annual leave entitlement remaining to allow for this annual leave deduction?**

**You have the following options:**

**Option 1:** You can cancel pre-booked annual leave not yet taken by asking your line manager to email [selecthr@colchester.ac.uk](mailto:selecthr@colchester.ac.uk)

**Option 2:** You can take unpaid leave – Please email your line manager and [HR.Resourcing@colchester.ac.uk](mailto:HR.Resourcing@colchester.ac.uk). we will then confirm and the days to be unpaid will be deducted from your pay in the next available pay run.

**Option 3:** You can purchase holiday in accordance with our Holiday Purchase Scheme this is deducted over the remaining months to August. Information is attached below. To apply please email your line manager and [HR.Resourcing@colchester.ac.uk](mailto:HR.Resourcing@colchester.ac.uk) and we will confirm with you

**Question 3 – How do I Book Leave?**

**Support Staff** – continue to book leave your via Select HR

**FE Teaching Staff** –email your line manager and copy in your Admissions Officer

**HE Teaching Staff** –email your line manager and copy in your School Administrator

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#### **Question 4 - How do I Cancel Leave?**

**Support Staff** –email your Manager who must email [selecthr@colchester.ac.uk](mailto:selecthr@colchester.ac.uk) requesting this.

**FE Teaching Staff** –email your line manager and copy in your **Admissions Officer**

**HE Teaching Staff** –email your line manager and copy in your **School Administrator**

#### **Hourly Paid Staff**

Your scheduled hours of work will be paid as usual using the hourly paid claim forms and your holiday pay will not be affected. Please see Staff Guidance already issued about how to claim during a period of disruption.

#### **Term Time Only Staff**

You are not affected by this as your leave is paid as part of your salary.

Staff who are currently off sick

The Sickness Policy applies as usual

#### **Staff who become sick whilst on compulsory Leave**

The annual leave will have been automatically deducted. You will need to report in as sick and annual leave can be reinstated upon completion of the Self Certification upon return to work or the receipt of a Medical Certificate, if applicable.

#### **Staff on Maternity Leave**

Will remain unaffected as they accrue their annual leave during maternity.

#### **Annual Leave going forward – all staff please note the following**

- All staff will be expected to have taken their annual leave by the end of the current leave year (31 August)
- This means you will need to ensure you take leave whilst the College is not operating normally even if your planned holiday is cancelled
- Once the College returns to normal operations, it will not be possible to take all accumulated leave at once/in a short timeframe.
- Normal carry forward arrangements of 5 days' maximum will apply. Untaken annual leave above these five days will be lost.
- No payment will be made for untaken annual leave

**Please note that any abuse the annual leave arrangements during this period, will result in disciplinary action.**

## **FAQs concerning the purchasing of Additional Annual Leave**

### **Why is the College offering the possibility of purchasing additional annual leave?**

The College is committed to supporting employees to achieve a healthy balance between their work and personal lives. The Staff Survey undertaken in September 2016 indicated that there is a clear sense of improvement and focus required by the organisation on the importance of emotional and physical wellbeing of its employees. The opportunity to request additional annual leave complements other staff benefits offered by the College.

Purchasing additional annual leave allows staff to spread the cost of extra annual leave over a period of time.

Departmental budgets will also benefit from the savings in employment costs.

### **How does the additional annual leave scheme work?**

Additional annual leave operates as a salary exchange arrangement. Members of staff agree to reduce their salary, and in exchange the College agrees to grant additional annual leave, to a maximum of 10 working days per annual leave year for full time staff and pro-rata (in hours) for part time staff. Additional annual leave is granted subject to the approval of line managers who should confirm that the work requirements of the department/curriculum area can be met during the period when the member of staff is absent without the need to engage additional resources.

Once agreed, the additional annual leave is treated as an addition to existing annual leave entitlement and is subject to the same arrangements as normal annual leave.

The benefit of being able to purchase additional annual leave applies to Colchester Institute staff members, excluding the following:

- Employees engaged on a fixed term / temporary contract for less than six months.
- Employees engaged on contracts that do not contain fixed hours.

### **When can I apply for additional annual leave?**

Staff can apply for additional annual leave at any time during the annual leave year.

There is no limit to the number of additional leave requests that can be made during the annual leave year; however the maximum number of days that can be granted is 10 working days, pro rata (in hours) for part time staff.

### **What will it cost me?**

To benefit from the scheme, you will need to agree to exchange an equivalent portion of your salary for the number of days/hours (for part time staff) taken as additional annual leave.

For full –time staff the reduction in pay for each day of additional annual leave approved is equal to your annual basic salary divided by 260 (based on there being 260 working days a

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year); for part time staff the reduction will be calculated based on their hourly rate and multiplied by the number of hours additional annual leave requested.

The reduction in pay will be recovered in equal monthly instalments over the remaining number of months in the annual leave year (1<sup>st</sup> September – 31<sup>st</sup> August) in which the additional leave is granted i.e. 12 monthly deductions where the application is made by the 1<sup>st</sup> September, and 6 monthly deductions where the application is made by the 1<sup>st</sup> March – half way through the leave year. This applies regardless of when you actually choose to use the additional annual leave.

By reducing your salary, the amount of tax and National Insurance you pay will also reduce. At the end of the annual leave year, your salary will revert to its normal level.

Please note that when additional annual leave has been agreed, you cannot change your mind. The changes to your employment contract and your salary cannot be reverted before the end of the leave year and only in exceptional circumstances will you be able to carry forward additional annual leave into the next leave year.

### **How do I request additional annual leave?**

A request should be made to your line manager on the College's Special Leave Application Form which can be found at Appendix C of the College's Leave Policy & Procedure.

Your manager should give due consideration to the request, balancing the needs of the business with your personal circumstances. If, after due consideration, a request has to be turned down, the reason for doing so will be given to you.

If additional annual leave is approved, the completed form should be forwarded to the Human Resources Department to process.

### **Can my manager turn down my request for additional annual leave?**

Yes, if your absence while taking additional annual leave will adversely affect the work of the team/department/faculty.

Line managers should consider requests for additional leave fairly and consistently. Managers should consider the requirements and key objectives of the role held by the staff member and whether the additional leave may impact on the ability to deliver those requirements and objectives. The specific arrangements will need to be reviewed on a case by case basis.

It may be appropriate to consider adjustments to timescales or workload where specific predetermined objectives are deemed to be unachievable as a result of additional annual leave being taken. Managers would then need to consider whether such a delay or adjustment is practical for the team/department/faculty.

If, after due consideration, a request has to be declined the reasons for doing so should be explained to the member of staff by the line manager. Should you wish to appeal against this decision, this should be undertaken in accordance with the College's Grievance Policy for Staff, which is available on the Portal.

If requests cannot be agreed in full, partial approval should be considered, especially where this allows a larger number of staff to receive some additional annual leave. For example, if

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four member out of a team of five each make a request for three additional days of annual leave, but the operational requirements of the department can only support either additional days in total, the line manager should consider granting two additional days each to all four applicants, rather than turning down one individual's request entirely.

### **Do I have to apply for a specific number of days/hours?**

You can apply to take any number of days up to the permitted maximum (pro rata for part time staff – taken in hours).

### **Do I take all of the additional annual leave at once?**

No, you can take days/hours of additional annual leave any time you like, subject to the usual approval arrangements; just treat them as an extension to your existing holiday leave entitlement. Please note that only in exceptional circumstance can additional annual leave be carried forward to the next leave year, so this portion of your leave entitlement must be taken first.

### **Do I need to have a special reason to request additional annual leave?**

No. It is entirely up to you how you use it and why you want it.

### **I have already carried forward five days holiday (pro rata for part time staff) from the last leave year; can I still apply for additional leave in the new annual leave year?**

Yes, however your line manager will need to give consideration to any operational impact that may be caused by granting additional annual leave on top of leave that has already been carried over.

### **Will purchasing additional annual leave affect my pension?**

As with NI & PAYE, you will continue to contribute a pro rata percentage of your gross salary into your pension scheme and therefore your pension payments into your scheme will also be lower.

### **What about state benefits?**

As purchasing additional annual leave involves a reduction in your contractual salary, members of staff should be aware that any state benefits which use this as the basis for calculating entitlement may be affected. This includes state pension, statutory maternity pay and tax credits, although the impact on some of these will be negligible. You may choose to seek advice on this from HMRC.

Statutory maternity, paternity and sick pay are, for the majority of employees, enhanced by the College's contractual pay schemes and therefore most employees' overall entitlements will be unaffected by the additional annual leave scheme. However, this depends upon individual circumstances and in cases of doubt staff should seek independent advice (e.g. from Citizens Advice Bureau, Workplace Options – the College's Employee Assistance Programme or the Government Agency responsible for providing the benefit in question).

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For staff that have chosen not to join the College's superannuation scheme (Teacher's Pension / Local Government Pension Scheme), there may also be an impact on their state Second Pension as this is linked to NI contributions. It is anticipated that this impact will be minimal.

The **State Second Pension (S2P)**, or **Additional State Pension**, was introduced in the UK by the Labour Government on 6 April 2002, to replace the SERPS (**State Earnings Related Pension Scheme**).

The Additional State Pension is an extra amount of money you could get on top of your basic State Pension if you are:

- a man born before 6 April 1951
- a woman born before 6 April 1953

You get the new State Pension if you were born on or after this date. You will not qualify for the Additional State Pension, but you may still be able to inherit Additional State Pension from your partner.

You get the Additional State Pension automatically if you are eligible for it, unless you have contracted out of it.

How much you get depends on:

- your earnings
- your National Insurance contributions
- whether you have claimed certain benefits

The Additional State Pension is paid with your basic State Pension

### **What happens if I decide to leave the College having already purchased additional leave?**

If you leave the College having had a disproportionate level of additional leave in that year, then their undertaken or overtaken additional leave will be paid or deducted from your final salary.

### **What happens if I change my working hours during the additional annual leave period?**

Deductions will continue to be taken from your salary payment based on your changed working hours i.e. a member of staff moving from full time to part time employment will have deductions made according to their pro-rata salary.

### **What happens if I am promoted or receive an increment during the period when my salary has been reduced through the additional annual leave scheme?**

Your basic salary (before the reduction required to purchase additional annual leave) will be adjusted in accordance with the usual procedures for promotions or annual increment. This will automatically result in a small adjustment to the reduction of additional annual leave, from the point at which the changes are made.

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**Does this policy also mean that I can “sell” some of my annual leave, i.e. give up leave in return for extra pay?**

No. It is not possible to sell your annual leave.