

ANNUAL LEAVE

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RELATED POLICIES

- Part time working
- Term Time Working
- Working Hours
- Public and privilege holidays
- Reappointment
- Resignation
- Retirement
- Secondment
- Attendance Management

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POLICY SUMMARY

It is the Welsh Government's policy to grant a contractual annual leave allowances for all full-time employees except members of the Senior Civil Service (i.e. SCS Payband 1 or above) of 31 days on entry (plus 10 days public and privilege holidays). Statutory leave allowances are included in the contractual leave allowances.

The allowance for members of the SCS is 25 days on entry (plus 8 days public and 1 privilege holiday). **See Annex A.**

The annual leave year will begin on the date of appointment to the Welsh Government.

Part-time employees are entitled to the same amounts of annual leave and receive a pro-rata allowance proportionate to their working pattern. (See Part-time Working policy). Part-time staff or other staff who are paid on a daily or hourly fee basis are not eligible for annual leave. Employees seconded to other employers retain their annual leave allowance. See Secondments policy.

All our policies are fully inclusive of all staff regardless of age, marriage and civil partnership (both same sex and opposite sex), pregnancy and maternity, race, religion or belief, sex, sexual orientation, whether they have an impairment or health condition, are neurodivergent or use British Sign Language, their gender identity or gender expression. We acknowledge that the terms 'gender identity' and 'gender expression' are not protected characteristics as defined by the Equality Act 2010, however, we believe that Government policy which includes provision for those persons who identify within the 'trans' umbrella (rather than on the basis of binary gender) is a more inclusive approach and one which ensures the Welsh Ministers are in a position to comply with all their statutory duties related to equality and the promotion of well-being in Wales. If you have any feedback on the inclusivity of this policy, please email EqualityintheWorkplaceTeam@gov.wales

The policy and this guidance and procedure will be reviewed every two years or sooner if a relevant change in legislation occurs.

GUIDANCE AND PROCEDURES

1. ROLES AND RESPONSIBILITIES

Employees are responsible for:

- Maintaining a record of annual leave authorised and taken.
- Complete initial annual leave calculation with line manager approval
- Taking their statutory allocation of leave each year

Line managers are responsible for:

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- Agreeing and signing off applications for annual leave.
- Advise and encourage employees to plan their leave to ensure they have taken their statutory¹ 28 days leave, which includes annual leave and 10 public and privilege holidays in each leave year
- Discuss annual leave provisions with employees where potential issues around the uptake of leave arise
- Ensuring applications to carry over more than 12 days annual leave (see section 14) are passed to the relevant Deputy Director for approval.

Deputy Directors are responsible for:

- Authorising carry over of more than 12 days of annual leave.

Corporate Shared Service Centre is responsible for:

- Informing new full time employees of their annual leave allowance and the start date of their annual leave year
- Informing part time employees (including Term Time employees) of their annual leave entitlement and the start date of their annual leave year
- Calculating payments for annual leave not taken
- Arranging payments for annual leave not taken and the recovery of funds for excess annual leave

2. ANNUAL LEAVE ALLOWANCES

- 2.1 The contractual annual leave allowances for all full time employees except members of the Senior Civil Service (i.e. SCS Payband 1 or above) are 31 days on entry (plus 10 days public and privilege holidays).
- 2.2 For members of the SCS, the allowance is 25 days on entry (plus 8 days public and 1 privilege holiday). **See Annex A**
- 2.3 Part-time employees are entitled to the same standards of annual leave and receive a pro-rata allowance proportionate to their working pattern. See Part-time Working policy and related Guidance and Procedure. Part-time employees or other employees who are paid on a daily or hourly fee basis are not eligible for annual leave. Employees seconded to other employers retain their annual leave allowance. See Secondments policy and related Guidance and Procedure.

3. THE LEAVE YEAR

¹ Your statutory entitlement to leave is 28 days, including Bank and Privilege Holidays, as set out in the Working Time Regulations. However, Welsh Government terms and conditions of employment offer 31 days contractual annual leave plus 10 days Bank and Privilege Holidays for staff below SCS (and 30 days plus 10½ days for SCS staff).

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- 3.1 Employees are informed on appointment when their leave year starts. The annual leave year begins on the date of appointment. However, some employees, for example those who joined Welsh Government from a merged-in organisation, may have annual leave years that begin at other dates.

4. TAKING ANNUAL LEAVE

- 4.1 Employees should agree with their line managers when they take their annual leave.
- 4.2 There is no entitlement to take annual leave without prior permission from the line manager or to take leave at any particular period of the year.

5. ADVANCE OF SALARY BEFORE ANNUAL LEAVE

- 5.1 Employees may request an advance of salary before annual leave subject to the following conditions:
- i. only one advance will be paid per annum (not including Christmas advance);
 - ii. the amount of the advance may not exceed £250 net (or 50% net pay if less);
 - iii. the advance will be recovered from salary the month following payment;
 - iv. officers already in receipt of mid monthly advances will have their advances reduced by the value of the mid monthly advance;
 - v. officers receiving a leave advance in November will be unable to apply for a Christmas advance;
 - vi. requests for an advance should be with the Corporate Shared Service Centre (SSC) by the third Monday in the month prior to the month in which the advance will be paid.
- 5.2 Any overpayment arising from the payment of an advance will be recovered from salary. To apply for an advance of salary, the employee should complete the [Advance of Salary Application form](#). For further information see the [Advance of Salary Policy](#).

6. CANCELLATION OR POSTPONEMENT OF ANNUAL LEAVE

- 6.1 In exceptional circumstances line managers may cancel or postpone agreed annual leave. Nugatory expenses incurred by an employee whose annual leave is cancelled or postponed may be reimbursed if the employee can show that the expenses were unavoidable.
- 6.2 Line managers must ensure that cancelled/postponed annual leave does not stop employees from taking their statutory entitlement unless there are exceptional circumstances where this cannot be avoided.

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7. RECALL FROM ANNUAL LEAVE

- 7.1 Line managers may recall employees from annual leave when it is essential to do so.
- 7.2 Travelling expenses incurred by an employee recalled from annual leave may be reimbursed at the rate which the employee would normally receive for travel on official business. Subsistence allowances are not normally payable to employees recalled from leave but additional expenses necessarily incurred by the recall may be reimbursed in accordance with the normal rules for subsistence expenses.

8. ANNUAL LEAVE ASSOCIATED WITH OFFICIAL TRAVEL

- 8.1 An employee who is required to make a journey for official purposes and then wishes to take annual leave (or spend a weekend) in the same area before or after the official business may be allowed travelling expenses for the full return fare at the appropriate class or rate for the distance which would have been travelled for the official business alone. The written approval of the line manager, before the journey, is required.

9. RECORDING ANNUAL LEAVE TAKEN

- 9.1 **Proper records of annual leave accrued and taken must be kept by each employee and endorsed by the line manager.** Blank annual leave forms are available on the [Annual leave and Holidays intranet page](#). **Employees who do not have access to the network may request a blank annual leave form from the Corporate Shared Service Centre on 0300 025 5454.**

10. DEFINITION OF HALF DAY

- 10.1 Half a day's leave means attendance for half the conditioned or standard hours, which would normally be worked on the day concerned.

11. PUBLIC AND PRIVILEGE HOLIDAYS OCCURRING DURING ANNUAL LEAVE

- 11.1 Public or privilege holidays occurring during an absence on annual leave do not count against the annual leave allowance. For full details see the [Public and Privilege Holidays](#) policy.

12. SICKNESS DURING ANNUAL LEAVE

- 12.1 An employee who falls sick during a period of annual leave is entitled to record the absence as sick absence and not as annual leave, provided that:
- a. line management is notified immediately;

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- b. the period of incapacity seriously interrupts the period of leave; and
- c. the officer produces evidence of incapacity, such as a Fit Note for the period in question, subject to the guidance in the [Attendance Management](#) policy and related guidance

12.2 Whilst annual leave should not be taken instead of sickness absence, an employee can choose to take their annual leave *during* a period of sickness absence, or the employee can choose to take the untaken annual leave at a later date. If taking annual leave during periods of nil pay whilst on sickness absence, the period of annual leave will attract payment.

12.3 Employees are not allowed to use banked leave during sickness absence.

13 ANTICIPATION OF ANNUAL LEAVE

13.1 Employees may take up to seven days' annual leave (prorated for non-full time employees) from the next leave year during the last month of the current leave year.

13.2 A temporary employee may, with the agreement of their line manager, take annual leave before it is earned. But the line manager should make it clear to the temporary employee that if they are discharged or resign, they may be required to make a refund of salary of wages for any leave taken and not earned.

14 CARRY-OVER FROM ONE LEAVE YEAR TO THE NEXT

14.1 Employees should aim to use their annual leave in the same year, however, a full time employee may automatically carry over up to twelve days' annual leave into the following leave year when they have been unable to use their entitlement.

14.2 The carry over entitlement for Part time and Term Time employees is pro-rated according to working pattern. Please refer to the [Part-Time Working and Job Sharing](#) and [Term Time Working](#) policies for more information.

15 APPLICATIONS TO CARRY OVER MORE THAN TWELVE DAYS

15.1 A full-time employee may apply to carry over part or all of one year's annual leave allowance into the following leave year in exceptional circumstances (e.g. because illness prevented them taking the full entitlement) provided that not more than twelve days (from the first year) is carried over into the third year. Part time and Term Time employees should refer to the [Part-Time Working and Job Sharing](#) and [Term Time Working](#) policies for more details of part time entitlements.

15.2 Applications to carry over more than twelve days of annual leave into the following leave year must be approved by the relevant Deputy Director.

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15.3 If an employee has not been able to take leave due to illness, they may carry over the full amount of accrued leave and take it at times which are acceptable depending on business needs. In exceptional circumstances this may mean carrying over more than 12 days into the third year but it is expected that the accrued excess would be worked down to a lesser level sooner.

16 EMPLOYEES PREVENTED BY LINE MANAGEMENT FROM TAKING THE FULL ANNUAL LEAVE ALLOWANCE IN A YEAR

16.1 Line managers should discuss and encourage employees to use their annual leave provision throughout the year. However, there may be occasions when, for valid business reasons, it hasn't been possible to agree leave requests at particular times. If an employee is specifically prevented by their line management from taking their full annual leave allowance in the year in which it is earned, they will be allowed to carry over into the next leave year the full amount of leave which they have been prevented from taking. This carry over will be additional to the twelve days carry-over normally allowed.

17 ANNUAL LEAVE BANKING

17.1 Employees may "bank" up to five days annual leave per leave year for up to a maximum of 5 years (25 days maximum)². This may allow employees to take an extended period of leave with pay (which may be combined with other leave) in a year. Under normal circumstances, leave must be banked in consecutive years.

17.2 Employees should register their intention to bank annual leave and the reasons for it with their line managers. The reason for banking leave must be for a specific event such as an extended holiday. Employees are not allowed to bank leave with the intention of converting it into pay when they leave Welsh Government. The intention to bank leave and the reason for the request should be recorded either on their paper annual leave forms or by email saved on iShare.

17.3 An employee who has registered their intention to bank annual leave and the reason for it and then subsequently takes up a different post should inform the new line manager as soon possible after accepting the post of their having banked annual leave, giving as much notice as possible of the planned leave dates. In these instances, line managers should look favourably on plans to take banked annual leave, given that these are likely to have been made well in advance. Employees will not usually be expected to change these plans due to commencing in a new post.

17.4 Employees must take banked leave as a single block of leave when it is being taken for the reason it was banked. For example, if an employee has 15 days banked leave, they will not be allowed to take 10 days and keep 5, it must all be taken

² Staff whose leave banking arrangement fell within the timeframe of the Covid-19 annual leave arrangements (April 2020 – April 2023) were able to make a single additional deposit of 5 days to their leave banking pot. For staff who took advantage of this offer, the maximum permitted level of banked leave will therefore be 30 days over a 5 year banking term.

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together. If, due to unforeseen and exceptional circumstances, the planned block of leave cannot be taken, employees should discuss the matter with their line manager to agree the best way to take the banked leave.

- 17.5 In all cases, banked leave must be taken before the end of the following leave year – e.g. an employee who has banked leave for 5 consecutive years must take the entire amount of banked leave during their 6th leave year³. It is not possible to retain banked leave for an indefinite period of time if it can no longer be used for its original purpose.
- 17.6 Part time (including Term Time) employees may bank leave on a pro-rata basis. If employees change from part-time to full-time or vice versa during the banking period, the SSC will calculate their accumulated total banked leave. The maximum period during which annual leave can be banked remains five years.
- 17.7 Line managers should consider very carefully any applications for paid Special Leave where an employee has banked leave. The expectation is that banked leave will be used before paid Special Leave is granted unless there are exceptional reasons why banked leave is not available, e.g. if an extended holiday has already been booked and it would be unreasonable to cancel it.
- 17.8 Employees should, as a matter of good practice, give twice as much notice to their line managers when they intend to take an extended period of leave to allow for planning of work. Under normal circumstances, minimum notice should be no less than the amount of leave to be taken, but where someone has banked annual leave and would like to take an extended period of annual leave, at least 3 months notice should be given. In practice, this will be normally be self evident from the previous request to bank the leave although precise times of taking the leave may need to be confirmed nearer the time.

18 ACCRUAL OF ANNUAL LEAVE

- 18.1 Contractual annual leave allowances continue to accrue in the following situations:
- a. during periods of full **paid** sickness absence (Statutory annual leave rates apply during half and nil pay periods.)
 - b. during paid and unpaid maternity, and adoption leave;
 - c. during periods of secondment;
 - d. during periods of paid special leave.

³ Staff whose leave banking arrangement fell within the timeframe of the Covid-19 annual leave arrangements (April 2020 – April 2023) have an **additional year** in which to use their banked leave – i.e. following the end of the banking term, they have 2 years rather than 1 to use the banked leave.

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19 CASH COMPENSATION FOR UNTAKEN ANNUAL LEAVE

19.1 Employees have no right to any form of compensation if, for any reason, they do not take their full annual leave allowance. However, cash compensation for untaken annual leave may be payable. Examples of circumstances which may give rise to such payment are:

- a. normal and premature retirement - where management have specifically refused an officer's written request to take their outstanding annual leave before the last day of service, which is usually well known in advance. Should an officer fall sick when on annual leave taken during their last few days of service and therefore are unable to use all outstanding leave before retirement, payment up to a maximum of five days may be allowed provided a medical certificate from a qualified medical practitioner is produced;
- b. resignation – for permanent employees, up to two weeks' untaken annual leave may be converted into a cash payment. Any other leave outstanding must be taken before the last day of service and may only be converted into cash where, for management reasons, the officer has been specifically prevented from taking it;
- c. medical retirement or termination of employment due to poor attendance for medical reasons – (para 17.1 on accrual refers)
- d. death in service - after the application of any deductions, cash compensation will be made to the next of kin for any untaken leave at the date of death in service. The Welsh Government may waive any recovery in respect of annual leave allowance exceeded.
- e. banked annual leave – employees who are leaving the Welsh Government with annual leave banked will have their leave converted into cash provided that the reason for their leaving the Welsh Government could not have been anticipated at the time they started banking the leave. Employees are not allowed to bank leave for the purpose of converting it into pay on leaving the organisation. Employees will not be allowed to use banked leave in lieu of their notice period except at the request of management.

19.2 An employee dismissed for serious misconduct forfeits any claim to outstanding contractual annual leave, except banked leave. Any outstanding statutory leave and any banked leave will be payable.

20 TEMPORARY EMPLOYEES

20.1 A Temporary employee should take all outstanding leave prior to leaving the Welsh Government. If this is not possible then up to two weeks leave can be paid to the Temporary employee with Deputy Director authorisation. Under no circumstances will more than two weeks be paid.

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21 REFUNDS IN RESPECT OF EXCESS ANNUAL LEAVE

21.1 The Welsh Government has discretion to require a refund of salary from employees leaving the Civil Service who have exceeded their annual leave allowance.

22 CALCULATING THE CASH EQUIVALENT TO ANNUAL LEAVE

22.1 Payments or refunds of pay for days of untaken or overtaken leave are based on the full daily rate of pay at the time of calculation, including regular allowances and other emoluments in the nature of pay but excluding payments and allowances that reimburse expenses.

22.2 The amount of allowances and other emoluments to be included are those applicable on the date of termination of service or, in the case of an employee whose pay has been reduced, those which would have been applicable.

22.3 Payments for untaken annual leave are subject to the normal statutory deductions but not PCSPS contributions.

23 EFFECT ON PENSION OF A CASH PAYMENT OR REFUND IN LIEU OF LEAVE

23.1 Where an employee leaving the service is given a cash payment in lieu of untaken leave:

- a. the payment is not regarded as a pensionable emolument; and
- b. only the service up to the last day of service reckons for the purposes of the PCSPS.

Where an employee makes a refund in respect of excess annual leave:

- a. the refund does not affect the rate of pensionable pay; and
- b. reckonable service is determined up to the last day of service. No adjustment is made in respect of the period of excess leave to which the refund relates.

24 PERSONAL LEAVE RECORDS

24.1 All employees are issued with a personal leave record when they join the Welsh Government. Employees should retain this and use it.

25 APPLICATIONS TO CARRY OVER ANNUAL LEAVE

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25.1 Applications to carry-over more leave than the policy allows should be made in writing by the employee to their Deputy Director.

26 REFUNDS AND PAYMENTS

26.1 See [Notice Periods, Resignation and End of Contract](#) or [Retirement](#) policies.

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Annex A

SCS ANNUAL LEAVE

New Joiner

There is an annual leave allowance of 25 days upon joining, increasing each year by one day until after 5 years, when the annual leave entitlement will be 30 days. There are also 8 days bank holidays and 1 privilege day to be taken at fixed times of the year.

Existing civil servants

There are 8 days bank holidays and 1 privilege day to be taken at fixed times of the year.

Promotion

If an existing civil servant is promoted into or within the Senior Civil Service, their annual leave allowance is based on their period of continuous employment in the Civil Service, as shown in the table below:

Length of Service	Annual leave entitlement
Up to 1 year	25 days
1 year - up to 2 years	26 days
2 years - up to 3 years	27 days
3 years - up to 4 years	28 days
4 years - up to 5 years	29 days
5 years or more	30 days

Lateral move

Existing civil servants will retain their existing rights if accepting this post on level transfer.