

# ANNUAL LEAVE GUIDANCE FOR SUPPORT EMPLOYEES TERM TIME ONLY

**1<sup>st</sup> April 2023**

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# Southampton City Council Guidance

## Annual Leave for Support Employees - Term Time Only April 2023

### Paid weeks entitlement

'Term Time Only' employees will normally be required to work a maximum of 195 days (39 weeks). Term time only employees are not entitled to take annual leave during their contracted working weeks. Therefore, payment for annual leave and bank holiday entitlement is included within the annual salary (which combined are known as the 'Paid Holiday Entitlement' (PHE)). For the purposes of the Working Time Regulations employees are deemed to take their entitlement to annual leave during school closure periods.

The following calculation explains how the 'Paid Holiday Entitlement' (PHE) is calculated for term time only employees and added to their contractual working weeks to arrive at an amount of total paid weeks. Employees receive a pro rata salary based on their total paid weeks, and this salary is paid in 12 equal monthly instalments regardless of the hours or weeks worked during that month. Following a 2022 employment case law update, the minimum amount of paid annual leave an individual working part year should receive is 5.6 weeks. There continues to be a government consultation regarding this judgement.

### Formula for calculating paid weeks for term time only employees

The following calculation follows the guidance in Part 4.12 of the Green Book and incorporates Contractual leave entitlement and Bank Holiday entitlement. Although the number of bank holidays varies from one leave year to another, it averages out at 8 per year, so 8 is always used for the term time only calculation. Contractual leave entitlement is calculated in accordance with the Southampton City Council Pay and Allowances Framework. The following leave table confirms the current entitlement for full-time employees, and is based on the grade of the post and their length of continuous service:

Grade	Basic Entitlement	Entitlement related to service	
		at least 5 years	at least 20 years
Up to and including Grade 7	25 days	29 days	32 days
Grades 8 and 9	26 days	29 days	32 days
Grade 10	27 days	30 days	33 days
Grade 11 and above	28 days	31 days	34 days

### Model Calculation

1. Calculate full-time equivalent available working days per annum ( $365 \div 7 \times 5 = 260.71$ ).
2. Deduct total leave entitlement (contractual leave + bank holiday entitlements) for the individual's grade and service length to provide actual working days per annum for a full-time equivalent employee (e.g., Grade 6 with at least 5 years' service would be a deduction of  $29 + 8 = 37$  days, therefore total actual working days =  $260.71 - 37 = 223.71$ ).
3. Divide total contractual leave and bank holiday entitlement by the actual number of working days per annum to give an accrual figure per working day (e.g.,  $37 \div 223.71 = 0.1654$ ).
4. Multiply the accrual figure by the number of working days the individual works per annum (e.g., 39 weeks x 5 days = 195 days.  $0.1654 \times 195 = 32.253$  days).

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5. Divide the total from step 4 by 5 to calculate the paid holiday entitlement in weeks (e.g.  $32.253 \div 5 = 6.45$  weeks. *Note: If this total is below 5.6 weeks, it should be increased to 5.6 weeks in line with the Harper Trust vs Brazel judgement in 2022).*

The calculation is for information only. As long as the contractual working weeks, grade of the post, and length of local government continuous service are known (refer to the Employee Handbook), the correct paid weeks figure can be identified from the following tables.

Weeks Worked Per Year (Working Days per annum)	Grade	Total Paid Weeks		
		Basic Entitlement	at least 5 years service	at least 20 years service
38 weeks (190 days)	up to Grade 7	43.6	44.3	44.9
	Grades 8 and 9	43.7	44.3	44.9
	Grade 10	43.9	44.5	45.1
	Grade 11 and above	44.1	44.7	45.3

Weeks Worked Per Year (Working Days per annum)	Grade	Total Paid Weeks		
		Basic Entitlement	at least 5 years service	at least 20 years service
39 week (195 days)	up to Grade 7	44.7	45.5	46.1
	Grades 8 and 9	44.9	45.5	46.1
	Grade 10	45.1	45.7	46.3
	Grade 11 and above	45.3	45.9	46.5

Weeks Worked Per Year (Working Days per annum)	Grade	Total Paid Weeks		
		Basic Entitlement	at least 5 years service	at least 20 years service
40 weeks (200 days)	up to Grade 7	45.8	46.6	47.3
	Grades 8 and 9	46.0	46.6	47.3
	Grade 10	46.2	46.8	47.5
	Grade 11 and above	46.4	47.0	47.7

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Weeks Worked Per Year (Working Days per annum)	Grade	Total Paid Weeks		
		Basic Entitlement	at least 5 years service	at least 20 years service
<b>41 weeks (205 days)</b>	up to Grade 7	46.9	47.8	48.4
	Grades 8 and 9	47.2	47.8	48.4
	Grade 10	47.4	48.0	48.7
	Grade 11 and above	47.6	48.2	48.9

Weeks Worked Per Year (Working Days per annum)	Grade	Total Paid Weeks		
		Basic Entitlement	at least 5 years service	at least 20 years service
<b>42 weeks (210 days)</b>	up to Grade 7	48.1	49.0	49.6
	Grades 8 and 9	48.3	49.0	49.6
	Grade 10	48.5	49.2	49.8
	Grade 11 and above	48.7	49.4	50.1

Weeks Worked Per Year (Working Days per annum)	Grade	Total Paid Weeks		
		Basic Entitlement	at least 5 years service	at least 20 years service
<b>43 weeks (215 days)</b>	up to Grade 7	49.2	50.1	50.8
	Grades 8 and 9	49.5	50.1	50.8
	Grade 10	49.7	50.3	51.0
	Grade 11 and above	49.9	50.6	51.3

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Weeks Worked Per Year (Working Days per annum)	Grade	Total Paid Weeks		
		Basic Entitlement	at least 5 years service	at least 20 years service
<b>44 weeks (220 days)</b>	up to Grade 7	50.4	51.3	52.0
	Grades 8 and 9	50.6	51.3	52.0
	Grade 10	50.8	51.5	-
	Grade 11 and above	51.1	51.7	-

Weeks Worked Per Year (Working Days per annum)	Grade	Total Paid Weeks		
		Basic Entitlement	at least 5 years service	at least 20 years service
<b>45 weeks (225 days)</b>	up to Grade 7	51.5	-	-
	Grades 8 and 9	51.8	-	-
	Grade 10	52.0	-	-
	Grade 11 and above	-	-	-