This document contains different sections for Temporary Workers and Employees.

**Annual Leave and Holiday Pay (Temporary Workers)**

There is no restriction on the amount of leave a self-employed or temporary worker can take; however rules apply to annual leave for which the staff member would like payment:

- Under the Working Time Regulations 1998, all workers are entitled to 28 days paid holiday leave per year. The 28 days includes an allowance for UK bank holidays. Part-time workers are entitled to the same amount of holiday, pro rata (e.g. 22.4 days for someone working four days a week instead of five)
- 28 days equates to 12.07% of an annual wage. Temporary workers accrue holiday pay by multiplying their net pay by 12.07%. (The percentage may be greater where you qualify for post-12 week entitlements under the Agency Workers Regulations – see page Error! Bookmark not defined.)
- Holiday pay is subject to tax and National Insurance
- Paid holiday entitlement may legally be capped at 28 days so those regularly working a six-day week would receive the same amount of paid holiday as someone working “full-time”, i.e. five days a week. However, as a benefit to our staff we do not cap leave entitlement, which continues to accrue for those working the longest hours
- You must give advance notice of your intention to take paid leave – it is unlawful for us to accept holiday requests for past dates. In law, this notice must be at least twice as long as the amount of holiday you want to take, for example, two weeks’ notice where the holiday is for one week however to ensure the integrity of our monthly-prepared staffing rota and the care of our service users PNL asks for a minimum 4 weeks notice. See “Annual Leave Requests” above
- In accordance with the law, you must specify the dates of your holiday; you cannot simply state a number of days or how much money you want to claim
- Holiday must be booked in multiples of half- or full-days. Each half day equates to a fixed number of hours’ holiday pay, which is calculated at the average hourly rate we have paid to you in the 12 weeks preceding your leave; for this reason you should claim your annual leave regularly and not after an extended period without work
- Staff may only receive their holiday pay at the time of their annual leave
- You should request leave in writing by email, fax or letter, preferably using our “Holiday Request Form”, which is available from the office
- PNL’s leave year is 1st April to 31st March

The Regulations were introduced under Health & Safety legislation (rather than Employment law); the reason being that workers need a break from time to time to prevent them becoming run down, which consequently may affect their health and safety or that of others. This means there is little flexibility in how and when holiday pay may be claimed. For example, it has been made illegal for employers to carry forward into the next year more than eight of the 28 days allowance and then only if the employer agrees. PNL encourages its members to take all of their allowance during the leave year and will only carry days forward in special circumstances, at the manager’s discretion and non-retrospectively. The only usual exception would be in respect of holiday that is accrued very late in the leave year: we therefore allow members to take holiday pay accrued in March any time up to April 30th.

To help ensure that workers take the breaks from work the law says they need it has been made unlawful for employers to pay their staff holiday pay at any time other than at the time of their leave. This means that:

- It is not possible for you to work on days you have booked as holiday; and
- We cannot pay you more than the appropriate proportion of your accrued holiday pay. In other words, if you book three days off we cannot give you more than three days’ holiday pay.

We cannot pay you more holiday pay than you have earned at the time of your holiday. If you ask for too much holiday we will let you know how much we can pay you for, which will have been rounded down to the nearest half day.

Any untaken leave for the calendar year is lost at April 1st with the exception of any accrual that:

- has been earned during March: this late accrual remains available for you to take up to April 30th;
is equivalent to less than one half day, which you can now claim as the applicable number of hours/minutes.

We cannot make a payment to you in exchange for giving up part of your holiday allowance except where you are leaving the agency and have asked for your P45, whereupon any untaken leave will be paid in lieu.

Self-employed workers (i.e. those who pay their tax and National Insurance to HMRC directly or via a payment umbrella company) do not qualify for holiday pay.

Please contact us for more information about holiday pay, including details of what happens to your accrued annual leave if you go on maternity leave or similar.

**Requesting Annual Leave (Temporary Workers)**

Our Holiday Pay Procedure has changed; please read this section carefully.

In the past it has caused significant problems for clients when too many of our staff were on leave at the same time. We are entitled to refuse individual applications for paid time off where there is a good business reason for doing so, for example when requested dates clash with the previously agreed holidays of similar workers.

This procedure must be followed by temporary workers requesting annual leave (employees should refer to page Error! Bookmark not defined.). PNL will not grant requests made by any other means.

- At least 4 (four) weeks before a temporary worker would like to take annual leave they should complete an annual leave request form and submit it to the Registered Manager. PNL will try to be flexible and accommodate last-minute requests where it is reasonable to do so, e.g. where there is a family emergency.
- Provided that capacity allows for the service to be delivered uninterrupted in the absence of the staff member the leave will be granted.
- The Registered Manager or his deputy will sign the annual leave request form, retain a copy in the member of staff's personal file, and return the form to the member of staff.
- Should capacity be reduced by too great a number of staff being already granted leave for the period requested and the request is denied the agency will contact the member of staff as a matter of urgency to explain why the leave cannot be granted. The annual leave form will be annotated by the Registered Manager, a copy retained in the member of staff's personal file and the form returned to the member of staff.
- Annual leave will be granted on a ‘first requested, first granted’ basis.
- You can book holiday in multiples of half- or full-days; each half day equates to four hours’ holiday pay, which will be calculated at your average hourly pay rate and paid to you in the week following your leave.
- You can find out how many days paid leave you have accrued by contacting the Payroll Manager (in future the number may be shown on your payslip).

See below for more information about annual leave.

**Annual Leave (Employees Only)**

The annual leave entitlement for all full time employees is 28 days for each full year of work with PNL. This includes Bank Holidays. Part time staff will receive the same allowance pro rata to the hours they work.

The annual leave year runs from 1st April to 31st March each year.

If Bank Holidays fall on a day that staff would normally work, then they will be expected to work that bank holiday as part of their usual duties. The only exception to this is where paid leave has been granted. Please note that PNL do not allow staff to take unpaid leave on a Bank Holiday.

Staff will give 4 weeks written notification of a request for paid annual leave on the appropriate form which is held by the Registered Manager. Requests made without this notice will be considered but may not be granted.
The Supervisor/Manager will provide the staff member with a leave request form when they wish to book holidays as part of their annual leave entitlement. When completed with the requested dates this form must be returned to the Supervisor/Manager for authorisation.

Every effort will be made to ensure that staff are able to take annual leave at the times they wish. However there are occasions where the requested dates may not be authorised due to care coverage requirements and staff will be requested to pick alternative dates. For this reason it is advisable to send in holiday leave requests at the earliest possible time to enable the branch to have sufficient time to cover the care duties. Annual leave requests for the period 20th December to 5th January each year will only be approved after care coverage requirements are known and this may not be until one week before this period. No member of staff may take more than 2 days annual leave between 24th December and 2nd January.

No member of staff may take more than 10 days (2 weeks with weekends) during the period July 8th to September 7th.

PNL cannot be held responsible for any losses or cancellation fees that staff may incur if they have booked and paid for a holiday prior to receiving authorisation to take annual leave at the times requested and where such authorisation is subsequently not given due to care coverage requirements.

Unpaid leave may be approved in exceptional circumstances and only with the written approval of the Registered Manager.

**Requesting Annual Leave (Employees Only)**

This procedure must be followed when requesting annual leave. PNL will not grant any requests made by any other means.

- At least 4 (four) weeks before a member of staff would like to take annual leave they must complete their annual leave request form and submit it to the Registered Manager
- The Registered Manager will consult with bookings consultants to establish the staffing needs for the period of leave requested
- Provided that capacity allows for the service to be delivered uninterrupted in the absence of the staff member, the leave will be granted
- The Registered Manager will sign the annual leave request form, retain a copy in the member of staff’s personal file and return a copy of the form to the member of staff
- Should capacity be reduced by too great a number of staff being already granted leave for the period requested the request may be denied
- In such cases the registered manager will contact the member of staff as a matter of urgency to explain why the leave cannot be granted. The annual leave form will be annotated by the Registered Manager, a copy retained in the member of staff’s personal file and the form returned to the member of staff.

**Please Note:**

- Annual leave will be granted on a ‘first come, first served’ basis
- Annual leave for more than 10 (ten) days (2 weeks with weekends) at any one time may not be granted. Special requests will be given consideration
- Advance requests for annual leave during the period 20th December to 5th January will not be granted until early December and then only if the needs of the service allow. Every effort will be made to ensure an equitable distribution of annual leave over the festive period but staff should not make arrangements for leave until the schedules for the festive period are finalised
- No member of staff may take more than 2 days annual leave in the period 24th December to 2nd January
- Staff are encouraged to distribute the annual leave evenly throughout the year. Staff who accrue large amounts of leave to be taken in the final month of the holiday year may not be accommodated due to the needs of the service
- No member of staff may take more than 10 days (2 weeks with weekends) during the period 8th July to 7th September
Where a member of staff normally works on a day which falls on a Bank Holiday, she will be expected to work as usual unless annual leave has been granted. Bank Holidays count as part of the annual leave entitlement.