



## Annual Leave (Staff)

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1.0	Initial Document	01/04/2019
2.0	Sections 2.11.2 and 3.11.3 updated to explicitly state that late applications for the purchase of additional leave will not be accepted. Section 2.12 and 3.12 amended to clarify that changes to Public Holidays can include days that have particular significance and do not have to be for religious or cultural reasons. Frequently asked questions updated following closure of SPRM web pages and merged with Line Manager Q&A's removing one appendix. The guidance on managing collective annual leave requests (appendix B), revised at the request of trade union colleagues.	07/05/05

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## **1 Overview**

1.1.1 Time off work is recognised as an important part of maintaining a good work-life balance. This information explains the entitlements around annual leave, public holidays and flexible annual leave options.

### **1.2 Who is this for?**

1.2.1 This guidance is for all authority/police staff

### **1.3 Key information**

- The annual leave year runs from the 1<sup>st</sup> April to the 31<sup>st</sup> March.
- All staff are entitled to annual leave in line with the table below.

Service criteria	Full Time Entitlement
Up to 4 years' service	28 days (196 hours)
On anniversary of 4 years' service	34 days (238 hours)
In addition the following Public Holidays apply: Christmas Day, Boxing Day, January 1st and 2nd, Good Friday and Easter Monday. This is equal to 6 days (42 Hours)	

- Annual leave year starts on the 1<sup>st</sup> of April each year. The increase after 4 years applies on the anniversary of your joining date and will be pro-rated and applied for that annual leave year.
- Statutory holiday entitlement of 20 days provided for by the Working Time Regulations 1998 will accrue during paid and/or unpaid long term sick leave. This makes up part of the annual leave entitlement each year.
- Anyone leaving or joining the organisation, will have their annual leave entitlement based on the number of days worked in that year.
- Pre-booked leave will be accommodated wherever possible when we are advised at the point of recruitment.
- Annual leave requests will be handled promptly and fairly.
- Requests will only be refused if there is a genuine reason for doing so taking business needs into consideration.

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- Staff are entitled to the public holidays as they fall during the year.
- Those that are part-time, flexible or shift workers may have different shift lengths than the standard working day of seven hours. Individuals should be aware of this when requesting leave.
- On the agreed public holiday dates if an individuals' shift length is greater than the standard seven hours any shortfall will be deducted from their annual leave balance.

## **2 Staff**

### **2.1 What you need to do:**

- Check your annual leave entitlement on your contract and the detailed balance on SCoPE.
- Discuss your annual leave requests and requirements with your line manager as early as possible and in line with local arrangements.
- Make sure you give as much notice as you can for leave being asked for unless it is a short notice request.
- If appropriate, take part in collective discussions with your team and line manager to agree annual leave for the following leave year for periods of high demand.
- Use your full annual leave entitlement every year whenever possible.
- Tell your manager as soon as possible if you need to make any changes to your approved requests or if you are planning on applying for any of the flexible leave options.

### **2.2 Making a request**

- 2.2.1 Requests for annual leave should be made on SCoPE. You should make them as early as you can so that your line manager has time to assess it for operational impact.
- 2.2.2 You make your request on SCoPE in hours and you can request leave in weeks, days and/or shorter periods. The system will automatically discount any non-working hours or public holidays from the periods selected.
- 2.2.3 Leave can be applied by your line manager if you are not at work or do not have access to SCoPE.

### **2.3 Refusal of a request**

- 2.3.1 We will always try to accommodate annual leave requests wherever possible and consider alternatives where a request cannot be authorised.
- 2.3.2 The refusal might be because of operational reasons or because there are already a number of people looking for the same time off. On those occasions where we cannot meet individual needs, we will give a clear and logical reason for refusal.
- 2.3.3 The Head of Department/Area Commander has the final say on whether annual leave requests can be accommodated in circumstances where an application has been approved by the first line manager but rejected at a

later point.

## **2.4 Public holidays**

- 2.4.1 If you work on a Public Holiday you may be entitled to enhanced rates of pay and/or time in lieu please.
- 2.4.2 Public Holiday rates will apply when the rostered shift begins on a public holiday and includes all hours worked including those hours ending on a normal working day. Anyone beginning their rostered shift on a normal working day but ending it on a public holiday will not be entitled to enhanced pay for any hours worked during that shift.
- 2.4.3 The working day is from 0700 to 1900 for non-shift workers and runs for 24 hours from 0700 for shift workers.

## **2.5 Annual leave, public holidays and sickness absence**

- 2.5.1 If you are unwell while on annual leave you may request the hours back to use at another time.
- 2.5.2 You must report as sick as normal and follow the attendance management procedure. When you return to work complete your return to work interview, and show your manager your Statement of Fitness for Work (fit note) from your General Practitioner (GP) if you have one, so they can update the system and return your leave to you.
- 2.5.3 If you are unwell on a public holiday you must show your line manager your fit note covering that date to allow them to update the system and return the leave to you
- 2.5.4 During periods of long term sickness you can choose to take your statutory holiday entitlements and receive your normal rate of pay. Please refer to the attendance management procedure for further detail.

## **2.6 Flexible annual leave options**

- 2.6.1 There are a number of flexible leave options available as part of our annual leave provisions including:
- Short notice requests.
  - Carrying over unused leave.
  - Converting annual leave to flexi-time.
  - Bringing forward from your next years' entitlement.
  - Buying additional leave.

- Changing public holiday dates.

2.6.2 The process for each of the above is outlined below.

## **2.7 Short notice requests**

2.7.1 If you need time off at short notice you can get up to two days annual leave off with 24 hours' notice, as long as you have annual leave available to take and your work area can support it. The amount of leave will be based on the number of hours you are rostered to work on the day you have requested

2.7.2 This should be discussed with your line manager before making the request on the system.

2.7.3 Leave can be applied by your line manager if you are not at work or do not have access to SCoPE.

## **2.8 Carrying over unused leave**

2.8.1 You can carry forward up to one week of annual leave (max 35 hours) into the next annual leave year (pro-rated for part time staff). This will automatically be added to your annual leave balance to be used at any point.

## **2.9 Converting annual leave to flexi-time**

2.9.1 You can apply to convert a maximum of 14 hours from annual leave into flexitime in any one annual leave year. This is pro-rated for part time. All converted flexi-time must be used by the end of the last accounting period.

2.9.2 Applications are made using the Flexible Annual Leave Application Form (089-014) and giving it to your line manager. You can make multiple applications over the annual leave year up to your maximum amount.

2.9.3 This is only available to staff who are entitled to flexi-time and you must have enough annual leave available to convert.

2.9.4 This additional flexi-time is not subject to the 4 week/14 hour carry over rule and you must use all accumulated flexi-time that has been converted before applying for any more.

2.9.5 Please see the flexi-time procedure for further information on how to manage flexi-time that has been converted from annual leave.

## **2.10 Bringing forward annual leave**



- 2.10.1 You can bring forward up to 35 hours (one week) of annual leave (pro-rated for part time staff) from the next leave year into the current leave year subject to your line manager's approval.
- 2.10.2 Your request can be made at any point in the current leave year using the Flexible Annual Leave Application Form (089-014).
- 2.10.3 Applications including proposed dates need to be discussed in full with your line manager to make sure that they can be accommodated operationally.
- 2.10.4 If you bring forward leave then the annual leave balance for the following year will be reduced. If you leave then an adjustment to your final salary may be necessary for any leave taken that you would not be entitled to.
- 2.10.5 At the end of the leave year the usual carry over limits and processes apply.

## **2.11 Buying annual leave**

- 2.11.1 Requests to buy additional annual leave can be submitted within the times that will be advertised each year using the Flexible Annual Leave Application Form (089-014).
- 2.11.2 So that we can accurately process your applications, they must be submitted on time. Late applications will not be accepted under any circumstances.
- 2.11.3 You can buy up to one week (35 hours) of leave (pro-rated for part time staff).
- 2.11.4 Any application will need to be discussed in full with your line manager before it is submitted and, if possible/operationally relevant, the dates of when you plan to take the additional leave should also be discussed to make sure that they can be accommodated.
- 2.11.5 Payment for buying annual leave will be taken from your monthly salary in 12 equal amounts over the year in which the additional leave is taken. The exact amount will be notified in writing once your application has been approved.
- 2.11.6 If you start a period of statutory or unpaid leave during the year in which you are purchasing additional leave, deductions will be suspended for the duration of the statutory or unpaid period. Payments will start again once you are back on full occupational pay and any arrangement would therefore be extended accordingly.
- 2.11.7 The amount you pay is fixed at the point you agree to proceed with the purchase and will remain at the same amount for the 12 months regardless of any changes to your contract.

- 2.11.8 If you leave Scottish Police Authority (SPA)/Police Scotland during the 12 month payment period any under payment relating to annual leave purchase will be deducted from your final salary.

## **2.12 Changing public holidays**

- 2.12.1 As an inclusive employer, we know that the agreed public holidays might not suit everyone. You can ask to swap these dates and take time off on another date which has some particular significance to you. This may include religious or cultural days but it doesn't have to.
- 2.12.2 If you would like to request another date you can do this by sending the Flexible Annual Leave Application Form (089-014) to your line manager.
- 2.12.3 Consideration will be given to operational issues such as health and safety and lone working by your line manager when they review your application. If approved, the original Public Holiday will become a normal working day and you will be required to work if rostered.
- 2.12.4 Once approved you will not be entitled to an enhanced rate of pay for working either the original or the alternative date.

## **2.13 Part time workers additional leave**

- 2.13.1 If you are part time and work additional approved hours your annual leave entitlement will be increased to reflect those additional hours.

## **3 Manager**

### **3.1 What you need to do:**

- Process all requests for annual leave in a fair and transparent way.
- Take operational requirements locally, regionally and nationally into consideration as appropriate.
- Consider holding collective discussions with your team and agreeing annual leave well in advance for periods of high demand.
- Provide staff with every opportunity to take the annual leave that they are entitled to in the year it is allocated.
- Review and progress requests for additional or flexible leave options in line with this procedure.

### **3.2 Receiving a request**

- 3.2.1 When you get a request for annual leave, you should act on it promptly taking wellbeing, practical and operational circumstances into account.
- 3.2.2 Where there is potential for conflict or a rejection of a request, discuss any issues with those involved to explore every available option.
- 3.2.3 If your work area experiences difficulty with approving annual leave for operational reasons you should consider collective discussions and applications well in advance of the annual leave year commencing. Refer to the 'Managing Collective Annual Leave Requests'.
- 3.2.4 You can apply leave to the system on the employee's behalf if they are not at work at the time to add the request themselves or if they do not have access to SCoPE
- 3.2.5 Seek advice from People Direct and/or Resource Deployment if appropriate or required.

### **3.3 Refusing a request**

- 3.3.1 Sometimes you will be unable to authorise an annual leave request.
- 3.3.2 If this situation occurs then discuss with all affected parties to see if a compromise or alternative arrangement can be made.
- 3.3.3 You should always try to accommodate annual leave requests wherever possible and be able to give a clear and logical reason for refusal.

- 3.3.4 You can ask for support and advice from People Direct, your Resource Deployment team and your line management.
- 3.3.5 Head of Department/Area Commander will have the final decision on whether annual leave requests can be authorised where you have approved an application that has later been rejected.

### **3.4 Public holidays**

- 3.4.1 Staff working on the designated Public Holiday are entitled to enhanced rates of pay. Public Holiday rates will apply when the rostered shift begins on a public holiday and includes all hours worked including those hours ending on a normal working day. Anyone beginning their rostered shift on a normal working day but ending it on a public holiday will not be entitled to enhanced pay for any hours worked during that shift.
- 3.4.2 The working day is from 0700 to 1900 for non-shift workers and runs for 24 hours from 0700 for shift workers.

### **3.5 Annual leave, public holidays and sickness absence**

- 3.5.1 If one of your team is unwell while on annual leave they can ask to get their annual leave back to use at another time. They must report sick as normal and provide you with a copy of their Statement of Fitness for Work (fit note) to confirm their sickness if it is longer than seven days.
- 3.5.2 If they are unwell on a public holiday a fit note will be required for that day, self-certification will not be acceptable.
- 3.5.3 The request should be made by you on the People Direct online portal who will arrange for annual leave balances to be adjusted.
- 3.5.4 During periods of long term sickness absence staff can choose to take statutory holiday entitlements and receive their normal rate of pay. Please refer to the attendance management procedure for further detail and discuss any individual cases with People Direct.

### **3.6 Flexible leave options**

- 3.6.1 There are a number of flexible leave options available as part of our annual leave provisions including:
- Short notice requests.
  - Carrying forward leave from one year to another.
  - The conversion of annual leave to flexi-time.
  - Bringing leave forward from your next years' entitlement.

- Buying additional annual leave.
- Changing public holiday dates.

3.6.2 The process for each of the above is outlined below.

3.6.3 If you feel that you cannot support a request for flexible leave please contact People Direct to discuss options and next steps. Where you cannot agree an application for flexible leave please refer to your Head of Department/ Divisional Commander for a final decision if appropriate. There is no requirement for routine sign off from this level on the form and it should only be used in exceptional circumstances.

### **3.7 Short notice requests**

3.7.1 There is a provision to grant staff who need annual leave at short notice to request time off with up to 24 hours' notice.

3.7.2 This is limited to two days (based on the number of hours rostered to be worked on the day) as a maximum in any annual leave year and should, wherever operationally possible, be granted.

3.7.3 You can apply the leave on the employee's behalf if they are not at work at the time to add the request themselves or if they have no access to SCoPE

### **3.8 Carrying over unused leave**

3.8.1 Staff can carry forward up to one week of annual leave (max 35 hours) into the next annual leave year (pro-rated for part time staff). This will automatically be updated by SCoPE.

### **3.9 Converting annual leave to flexi-time**

3.9.1 Staff can apply to convert a maximum of 14 hours (two days) from their annual leave into flexi-time. This is pro-rated for part time workers. All converted flexi-time must be used by the end of the last accounting period.

3.9.2 Applications are made using the Flexible Annual Leave Application Form (089-014). Individuals can make multiple applications over the annual leave year up to their maximum amount of hours allowed.

3.9.3 On receipt of a request, review the staff member's current balance and discuss the purpose of the conversion with them. If approved, forward the completed form to People Direct for administration and system updates.

3.9.4 This additional flexi-time is not subject to the 14 hour carry over rule but they must use all their converted flexi-time before requesting any more. Please bear this in mind when you review any applications.

- 3.9.5 Please see the flexi-time procedure for further information on how to manage flexi-time that has been converted from annual leave.

### **3.10 Bringing forward annual leave**

- 3.10.1 Staff can ask to bring forward up to 35 hours (one week) of annual leave (pro-rated for part time staff) from the next leave year into this leave year.
- 3.10.2 Requests can be made at any point in the current leave year using the Flexible Annual Leave Application Form (089-014) and passed to you for approval.
- 3.10.3 Applications should be discussed before being submitted to ensure the dates of when they plan to take the leave can be accommodated.
- 3.10.4 You should review the application, approve it if possible and forward the completed form to People Direct for administration and system updates.
- 3.10.5 At the end of the leave year the normal carry over limits and processes apply.
- 3.10.6 As with any other annual leave request, discuss any concerns that you may have with People Direct, RDU and/or your line management prior to approval.

### **3.11 Buying annual leave**

- 3.11.1 Staff can ask to buy from one day up to one week (35 hours) additional annual leave within the times that will be advertised each year using the Flexible Annual Leave Application Form (089-014). This is pro-rated for part time staff.
- 3.11.2 Applications should be discussed with you before submission and, if possible, the dates of when the leave is likely to be requested should also be discussed to make sure that these can be accommodated.
- 3.11.3 You may also wish to consider the applications collectively if you have more than one from the same team. The timescales advertised when buying annual leave is available must be followed. Late applications will not be accepted under any circumstances.
- 3.11.4 When reviewing applications you should consider any ongoing management concerns in relation to attendance, performance or conduct. If you have any concerns and require further guidance then contact People Direct.
- 3.11.5 Cancellation of purchased leave details are outlined on the individuals' approval letter. Out with those timescales cancellation may be possible in exceptional circumstances. You should contact People Direct to discuss the

circumstances and progress the cancellation if appropriate.

### **3.12 Changing public holidays**

- 3.12.1 Staff can request to work the agreed public holiday dates and take the time off on another date which has some particular significance to them. This may include religious or cultural days but it doesn't have to. Requests should be forwarded to you with as much notice as possible using the Flexible Annual Leave Application Form (089-014).
- 3.12.2 Consider operational issues such as health and safety and lone working where appropriate before approving any application. If approved, the time off must be applied immediately to the alternative date and they will not be entitled to an enhanced rate of pay for working either the original or the alternative date.

### **3.13 Part time workers additional leave**

- 3.13.1 A part time member of staff who works approved additional hours over the year will have their annual leave entitlement adjusted to reflect the additional hours worked.
- 3.13.2 The staff member must have applied for and had their additional hours approved by you on SCoPE.

### **3.14 New starts, leavers and transfers**

- 3.14.1 You should ensure that wherever possible staff leaving the organisation have used their annual leave entitlement. This includes any annual leave that has been purchased. Payments in lieu will not normally be made and if more annual leave has been used than they are entitled to or they have not paid for their annual leave purchase in full, a deduction from salary will be made.
- 3.14.2 If a leaver has brought forward annual leave, it will be returned to the year it was taken from. Occasionally this may lead to a negative annual leave balance which will be deducted from the final salary payment
- 3.14.3 New starts with pre-booked annual leave should normally have raised this before starting or when they first arrive and this should be accommodated wherever possible.

## **4 Resources**

### **Forms**

- Annual Leave (Staff) - Flexible Leave Application Form (089-014)

### **Letters**

- Annual Leave (Staff) - Flexible Leave Request - Approved Letter
- Annual Leave (Staff) - Flexible Leave Request – Review-Denial Letter

### **How to Guides**

- Managing Collective Annual Leave Requests

### **Reference Documents**

- Annual Leave Pre-booking Calendar Template
- Frequently Asked Questions Staff/Manager

### **Related Procedures**

- Attendance management
- Fertility Treatment
- Flexible Working
- Flexi-time (Staff)
- Volunteer Reserve Forces

### **Useful Links**

- The Working Time (Coronavirus) (Amendment) Regulations 2020





## Appendix A

## Frequently Asked Questions

Leave Entitlements**What makes up my total annual leave and public holiday entitlement?**

Your total annual leave and public holiday entitlement is currently made up of different elements of statutory and contractual leave as explained below. If you are part time, you will be entitled to this leave on a pro rata basis:

- **STATUTORY LEAVE (the leave we legally have to give you due to employment law)**
  - 20 days (4 weeks) EU statutory leave, which is also known as Working Time Directive (WTD) leave (this is the first leave you take in a leave year)
  - 8 days (1.6 weeks) additional UK statutory leave, which is also known as Working Time Regulation (WTR) leave
  - Your total statutory leave in the UK, currently is 28 days.
- **CONTRACTUAL LEAVE (is the leave that SPA/PS have negotiated to give you in addition to the statutory leave)**
  - ***Staff with less than 4 years' service:***
  - 6 days contractual leave, which includes public holiday entitlement.
  - You have an overall leave entitlement of 34 days (28 days annual leave and 6 defined days public holiday)

**OR**

  - ***Staff with more than 4 years' service:***
  - 12 days contractual leave, which includes public holiday entitlement. You have an overall leave entitlement of 40 days, (34 days annual leave and 6 public holidays).

**Why do I get annual leave?**

- Time off work is recognised as an important part of maintaining a good work-life balance. Annual leave allows you to take paid time off from work to have regular breaks so you can rest and re-energise. It is important for your wellbeing and work performance that you take the leave you are entitled to as part of your terms and conditions of employment.

### **How do I calculate how much annual leave I should get?**

Annual leave entitlement is worked out in hours using a standard 7 hour day multiplied by the number of days allowed (e.g. 28 or 34) pro-rated for part time staff. A new staff member who is full time would have  $28 \times 7 = 196$  Hours. A new part time member of staff working 20 hours per week will get  $196/35 \times 20 = 112$  Hours.

### **Who is responsible for managing my annual leave?**

You are, in conjunction with your line manager. You should think as far ahead as possible about when you would like to request annual leave. You should bear in mind your dates are a request and need to be considered by your line manager.

Your line manager will review your request against business and operational needs, as well as local annual leave arrangements for your division and/or department.

Your request may result in an agreement or a refusal. If your request has been refused, you should discuss this with your line manager to agree an alternative arrangement for taking your annual leave.

You must make sure you have taken all your leave over the leave year, you will be allowed to carry over up to 35 hours (pro-rata) into the following leave year.

### **Can I have my annual leave whenever I like?**

No.

Operational and business needs, as well as your colleague's annual leave requests have to be considered when you submit a request to take annual leave on specific dates. You can make your planning easier by speaking to your line manager as early as possible about dates you may wish to request. If there are difficulties with honouring your leave request, you will be advised why and asked to resubmit alternative dates.

### **As a line manager, what are the dos and don'ts that I should be considering to help my staff manage their annual leave entitlement across the annual leave year?**

- Do be proactive in the management of annual leave.
- Do encourage staff to submit dates for their holiday as far in advance as possible, whilst not a requirement, it will help you to plan for and manage annual leave requests.
- Do review regularly whether or not your staff have taken, or at least plan to take some of their annual leave
- Do remind your staff periodically how much annual leave they have outstanding prior to the end of the leave year.
- Do ask your staff who have not submitted any annual leave requests, or taken annual leave by midway through the annual leave year to plan and submit requests to ensure they have their entitlement by the end of the annual leave year.

- Do ensure that annual leave is planned in such a way that the division and/or department has adequate cover as well as ensuring your staff are able to take their annual leave by the end of the leave year.
- Don't leave annual leave to chance
- Don't take the view that it's up to each member of staff whether or not they want to take annual leave.
- Don't wait until near the end of the holiday year before reviewing whether or not your staff have taken all their annual leave.
- Don't make your staff feel guilty about taking their annual leave entitlement.

**As a manager, I am unable approve my team members annual leave request what can I do?**

Discuss the application with your team member, resource deployment, People Direct and your line manager as appropriate. Generally though if your reason for declining the request is fair and justified this should not be an issue. If you feel the request warrants further scrutiny refer your decision making process and outcome to your HoD or Div Command for a final decision on the request. In conjunction with your team member, you are responsible for ensuring that all their leave is taken within the leave year. No more than 35 hours (pro rata) can be carried over into the new leave year.

**As a new start how long do I have to work before I can take any annual leave?**

You receive your entitlement straight away and can apply for leave immediately subject to it being approved.

**As a manager, I have a new temporary member of staff how do I work out their annual leave entitlement?**

Use the formula at the top of this page to work out the general entitlement and then divide this number by 365 (366 in a leap year). Multiply up by the number of days the temp contract is for and this will give you their entitlement. Remember that even though there is a tenure end date on SCoPE this does not affect the entitlement so they may show as having more annual leave on the system than they are entitled to for the time they work for us.

**I am a volunteer reservist how does that affect my annual leave?**

You are entitled to a set amount of paid time off to train, any additional training time must be taken as annual leave. Applications are subject to the same approval process as other annual leave requests. If you are mobilised your annual leave entitlement will be adjusted. Please see the Volunteer Reserve Forces procedure for further detail on entitlements.

**I am a part time worker and have worked approved additional hours when do I get my additional annual leave?**

You will receive any additional annual leave the month following the processing of your approved claim.

**I receive an acting up allowance, is this included in my holiday pay?**

If your additional duties, and therefore acting up allowance, go on longer than a period of 8 weeks your holiday pay will be paid at that rate.

**Flexible Leave Requests and Considerations**

**Is there a formal procedure to follow when making a request for flexible annual leave?**

You can make an application for flexible annual leave on the Flexible Annual Leave Application Form (089-014)

**How long will I have to wait to get an answer?**

Your line manager will review your request as quickly as possible. Sometimes if there are a number of requests submitted at the same time, this may take a little longer to review.

Buying leave has published timescales that must be adhered to, late applications will not be accepted.

**As a manager, I have approved my team members request for flexible leave, what happens now?**

Once you have completed and signed off the application form (089-014) scan and upload this onto the People Direct portal where it can be checked by People Direct and sent for processing by shared services. If your staff member has applied for and had purchase of annual leave approved they will be issued with a letter outlining the terms of the flexible leave they have entered into. They will need to complete, sign and scan the letter to be uploaded onto the People Direct portal where it will be progressed as appropriate. If they have had any other flexible leave type approved SCoPE will be updated in due course.

**Can my request for flexible annual leave be refused?**

Yes it can be refused. A full explanation of the reasons why this would be the case will be discussed with you and advised in writing if this happens.

**Can I change my flexible leave request after it has been approved?**

In exceptional circumstances this may be possible, please speak to your manager in the first instance.

**My line manager has not approved my flexible leave application, can I appeal?**

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No. All requests to participate are subject to the approval of your line manager and divisional command whose decision is final. There is no right to appeal.

### **I have more than one contract, can I apply for flexible leave on each of them?**

You may only make applications for flexible leave on one of your contracts. When you complete the application form you must identify which post number and job title you are making the application for.

### **I have already had 2 days of short notice leave this year I still have more leave to take how much notice do I have to give?**

If you have leave to take and your line manager and business area can support you being off then giving as much notice as you can will be fine. Just bear in mind that the less notice you give the more difficult it may be to accommodate your request.

### **How will my converted annual leave be displayed on my flexi record?**

If you use Etarmis or Timeware, your line manager will update your record on the relevant system. On Etarmis this will show as "annual leave conversion to flexi". If you use a flexi-time recording spreadsheet, and your manager approves your request, you will need to add the hours to your flexi-time spreadsheet in the appropriate column. The converted hours can be carried over between accounting periods until they are all used up.

### **Is there a limit for using leave converted into flexi time within the annual leave year?**

You must use all the converted hours by the end of the last accounting period in the annual leave year or it will be lost.

### **I have had my flexible leave request approved, what happens now?**

The approved application form will go to People Direct and then be sent for processing to the relevant department. You will receive a letter outlining the outcome of your application and any terms attached to the leave type approved.

### **I have had my flexible leave request declined, what can I do?**

You will receive a letter outlining the reasons for the decline of your application and also you should discuss this with your line manager. There is no formal right of appeal against a rejection however it's expected that HoD/Div Comm would be aware of any rejections, as they will have reviewed the decision and outlined their reasoning on the form.

### **As a manager, I cannot support my team members request for flexible leave either in part or in full what do I do?**

There are several options for flexible leave and staff may apply for more than one option at a time. Review each request separately and supply your decision on the form in the available boxes. If you cannot support either one or all the applications

then refer to People Direct for advice and to be issued with the Review/Decline letter. Use the review part if appropriate to arrange a meeting with the individual to discuss contingencies and or other compromises if appropriate. Alternatively issue the decline letter having consulted with People Direct, Resource Deployment and your line manager. If appropriate you can refer the request and your decision making so far to HoD/Div Command for a final decision.

### **Flexible Leave - Buying Annual Leave**

#### **Can I buy additional annual leave, if so, when can I do this?**

Yes you can buy up to 35 hours leave per year (pro-rated for part time staff). There will be one opportunity each year when you can request to purchase additional leave for the following leave year. The timing for the application window will be in the autumn of each year, however the actual dates will be published on the SPA/PS intranet in advance. This will help you have time to consider your options and discuss them with your line manager so the impact on the department can be assessed in good time.

It is important for you to know that you are responsible to make sure your application is submitted by your manager within the advertised timescales.

Late applications won't be accepted under any circumstance. This is to make sure the supporting administrative processes are able to be progressed and managed in time.

#### **If I buy additional annual leave, will this have any implications on my tax and national insurance contributions?**

The purchase of additional leave is via a salary sacrifice arrangement. Salary sacrifice is an agreement between you and the SPA/PS to vary your terms and conditions of employment, which will reduce your entitlement to cash pay in return for a non-cash benefit. The non-cash benefit in this case is additional leave. Once you accept a salary sacrifice, your overall pay is lower, so you pay less tax and National Insurance.

#### **How much will it cost me to buy annual leave?**

The cost of additional leave will be based on your total salary (including any contractual payments/allowances). As a guide, there is an example and calculator available on the Officer/Staff tab of the Annual Leave and Public Holiday procedure on the Policy Hub. This is very much a guide for you, if you wish to go ahead with an application, and it is approved, you will be provided with accurate information in the letter you receive outlining the costs and terms and conditions.

#### **How will the cost of annual leave be calculated if I am in receipt of a detriment payment?**

This will be calculated on your total salary (including any contractual payments/allowances) which will include your new salary and the "top up" detriment

payment. If you are not sure of this, you can find your “legacy” salary using this [link](#). You should enter this figure when using the calculator.

**What if I am off sick covering the period between 2 leave years and have bought annual leave but have not been able to use it, can it be refunded?**

You are expected to use your additional annual leave during the leave year for which it was purchased. The position on the carryover of annual leave into the following year is as stated in the Annual Leave policy. Any additional annual leave that is not taken will be lost, unless there are exceptional circumstances which prevent the bought leave from being taken in the leave year for which it was bought.

**What happens if I leave and I have bought annual leave for that year?**

Normally the cost of the purchase of annual leave is worked out and divided into 12 equal payments for you. If you leave before the end of the leave year we will adjust your final salary to include any outstanding amount. You must use all your leave entitlement including any purchased annual leave before you leave the organisation. Payment for untaken leave will not normally be made. The same principles apply to both temporary and permanent staff.

**Will payments to buy additional annual leave effect my pension contributions?**

No they won't, your pension contributions will be unaffected and taken from your gross salary as normal.

**Can I cancel my request to buy additional annual leave after the new annual leave year has commenced?**

You may be able to cancel the request in exceptional circumstances.

**I work 5 hours a week am I still able to buy annual leave?**

You will be able to buy annual leave as long as your earnings are above the national minimum wage after payment has been taken.

**Carry Over Leave**

**Can I carry over my unused annual leave?**

Yes, you can automatically carry over leave equivalent up to a maximum of your weekly contracted hours (maximum 35 hours) into the next annual leave year.

Any leave above this limit (apart from adoption/maternity and sickness) will be lost.

RDU will reject requests to carry over leave from line managers. Annual leave and public holidays support your wellbeing and welfare, therefore you are expected to take your full leave entitlement.

**As a manager, can I allow my staff to carry over unused annual leave?**



The overarching force position regarding annual leave and the need to ensure our people have the opportunity to take leave within the year it is provided is fully supported by the Force Executive. As the strategic leads for their areas, Divisional Commanders / Heads of Service are responsible for planning for the short/medium term and long term, to ensure that staff entitlements are allocated and that welfare is maintained.

Where an exceptional circumstance is identified that impacts their responsibility to ensure leave is taken, a provision to authorise carry forward beyond policy limits does exist. They must liaise with their HRBP prior to making a decision that is outside policy to ensure that their thinking is challenged. If approved, the Divisional Commander/Head of Service must inform the Head of Strategic Workforce Planning of their decision so that any change to individual SCoPE records for the following leave year is made.

To ensure consistent and appropriate management of annual leave, HRBPs will monitor divisional liabilities and dip sample individual records where leave is carried forward outside of policy limits and address this with the relevant individuals.

### **Annual Leave and Sickness**

#### **I have been unwell whilst on annual leave what happens?**

If you called the absence reporting line when you became unwell and also, after 7 days, have a fit note from your doctor you can ask your line manager to request that your annual leave is returned to you. Please refer to the Attendance Management procedure for further detail.

#### **What happens if I am off sick during the annual leave year?**

If you are off sick, and return to work within the annual leave year, you will be able to request your unused annual leave as normal before the end of the leave year.

The arrangements may depend on how much unused annual leave you have, and how soon the annual leave year ends. You can automatically carry over a maximum of 35 hours into the next annual leave year.

Your entitlement within an annual leave year is not limited by your return to work date.

#### **Can I request annual leave when I am off sick?**

Yes you can. You should speak to your line manager who will arrange for your sick leave and pay to be converted to annual leave and pay for the agreed period.

#### **Can I carry over unused annual leave if I am off sick across two annual leave years?**

Please refer to FAQ *"What makes up my total annual leave and public holiday entitlement?"* for explanation of statutory and contractual leave.



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If you have been off sick and unable to take some or all of your 20 days Working Time Directive (WTD) leave, you can carry over all the untaken WTD leave up to the 20 day limit into the following leave year.

You cannot carry over unused contractual leave if you have 5 days or more unused WTD leave, *as this supersedes the automatic carry over of 35 hours leave at the end of a leave year.*

### **EXAMPLES** (pro-rated for part time staff):

1. If you have already had 11 days annual leave but are unfit to return to work before the end of the leave year, you will be able to carry over 9 of the 20 statutory WTD days into the next leave year. You cannot carry over any other leave in this situation.
2. If you have already had 18 days annual leave but are unfit to return to work before the end of the leave year, you will be able to carry over the remaining 2 days of the 20 days statutory WTD leave<sup>3</sup>. You will also be able to carry over 3 WTR/contractual leave days. The carry over into the new leave year cannot exceed a maximum of 5 days (35 hours).
3. If you have had your 24 days annual leave (which will include 20 days statutory WTD leave) but are unfit to return to work before the end of the leave year, you will not be able to carry over any leave in to the new leave year, as you will have had your full WTD leave of 20 days.

### **Annual Leave and Leaving SPA/Police Scotland**

#### **Will I be paid for any unused annual leave on leaving SPA/Police Scotland?**

You are expected to use all of your annual leave entitlement before you leave us. In exceptional circumstances payment can be made for unused annual leave.

If you have used more annual leave than you are entitled to by your last day, the value of this will be deducted from your final salary payment.

#### **What happens if I leave and I have brought forward annual leave?**

This will depend on how much annual leave you still have left to use during the current leave year. We will remove the additional entitlement you have brought forward and then look at what entitlement is left for the time that you are an employee. If there is a shortfall this will be deducted from your final salary.

#### **What affect will taking flexible annual leave options have on my salary?**

The only flexible annual leave option that will affect your salary is the buying of annual leave. The cost of the amount you buy will be advised to you and deducted from your salary on a monthly basis over the leave year.

## **Public Holidays**

### **How were the public holiday days agreed?**

The public holidays were agreed as part of the Staff Pay and Reward Modernisation project and agreed by collective bargaining.

### **My SCoPE record does not show any information about my public holiday allocation in the “entitlement details” on the annual leave tab. Are my public holidays correct?**

For full time, non-shift workers who do not have a flexible work plan, your scope record will show your annual leave element only on the annual leave tab. This is because the public holidays are automatically entered on the system and no adjustment is required. For those that work shifts or flexible working patterns where adjustments to public holidays might be required you will see those adjustments on your annual leave tab.

### **Am I able to alter my public holiday date?**

You can ask to change public holiday days to days that have particular significance to you. This can be for religious or cultural reasons but it doesn't have to. Requests should be sent to your line manager using the Flexible Annual Leave form (089-014). If approved, the original Public Holiday will become a normal working day and you will need to work if rostered without any enhancement to pay. Any changes will be shown on your SCoPE record.

Please refer to Flexible Leave Requests and Considerations for more information

### **What happens when the public holidays fall on a non-working day for me?**

If you work Monday to Friday and the public holiday falls on the weekend you will get the next working day as a public holiday instead. If you are a shift worker and the public holiday falls on a non-working day you will have an adjustment made to your annual leave to compensate.

### **What happens when the Christmas Day, Boxing Day, 1 and 2 January public holidays fall on a weekend?**

If you work Monday to Friday, and the public holiday falls on the weekend, you will get the next working day or days as a public holiday instead. If you are a shift worker, the dates of the public holidays, 25<sup>th</sup> & 26<sup>th</sup> December and 1<sup>st</sup> & 2<sup>nd</sup> January will be applied regardless of which day they fall.

### **When does the public holiday start and end for enhancement payment purposes?**

The standard working day for all employees commences at 0700. For non-shift workers the standard working day ends at 1900. For shift workers the working day

covers 24 hours and runs continuously, the next day therefore will commence at 0700 the following day. If you begin your rostered shift on a public holiday but end your shift on a normal working day you will be entitled to claim the public holiday overtime rate for the whole shift. If you begin your rostered shift on a normal working day but end your shift on a public holiday you will not be entitled to claim public holiday overtime rate.

**The Easter public holidays can sometimes fall in March and sometimes in April, how does that work?**

Easter can move around a lot from one year to the next, its date sometimes varying by more than a month. It can fall between March 22<sup>nd</sup> and April 25<sup>th</sup> because it lands on the first Sunday after the full moon. Public Holidays are allocated as they fall in the year and no adjustments are made from year to year. In some years you will have more Public Holidays than contractually agreed and others you may have less but overall they will balance out and it has been agreed with the trade unions that they will be made available on the dates they occur.



## Appendix B

### Managing Collective Annual Leave Requests

There are some parts of our organisation which, for various operational reasons, find it difficult to approve annual leave for their staff. Experience has shown that Police officer annual leave groups can, on occasion, get priority in some areas, which should not happen.

Police staff annual leave is just as important as it is for officers and must be fairly considered. Operational resilience should consider each group of workers separately and not aggregate them. This means staff should not be included in any abstraction levels set against Operational Base Level (OBL's).

Previous experience has informed the following guidance that business areas may find useful to help ensure everyone has equal opportunity when making applications for leave.

- To ensure forward planning can take place around gaps caused by the granting of leave, business areas may ask staff to submit their main leave request between defined periods. For example 1<sup>st</sup> November and 31<sup>st</sup> December of the year preceding the leave year in question.
- Staff should not be required to participate in this process or to pre-book annual leave. They may part-participate if they wish but should not be compelled to book all their leave as part of this process.
- Requests should be discussed and agreed with colleagues and management so that they can be progressed during this period
- Where there are conflicting requests for a given leave period within a team, shift, business area or location, this should be resolved by the management through negotiation.
- Where appropriate, consideration of whether leave has been granted at similar times in previous years to the same individual may be taken into account.
- Any annual leave days that are not pre-arranged can be applied for as per the normal process. There are no guarantees that these requests will be granted.
- Where leave is agreed in advance by the line manager following appropriate consultation, the divisional resource deployment should automatically apply this leave to SCoPE.

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- Divisional command will have overall responsibility for resourcing their business area with the assistance of resource deployment and guidance from People Direct as appropriate.

### **Meeting/discussion points for line management to consider**

- In advance of any meeting you may wish to ask staff interested in participating in the process to complete an Annual Leave Pre-booking Calendar. This may make it easier for you to review where your peak demand times are. You could pre-populate school holiday dates etc. that are relevant to your location and this may help focus staff on where they want to take leave.
- Be aware of changes to public holiday dates around the Easter weekend as these will change year to year.
- You may want to consider asking your team to list their highest priority 1 or 2 weeks first and review and agree those before extending to further weeks if there is an appetite for it or your staff give you an impression they would like to book more.
- Staff must be able to cancel dates at a later point if they want but they need to be clear that any subsequent application will need to follow the normal application process.
- Once you have received the dates being asked for from all participating staff, you can discuss any abstraction breaches and look for resolutions. This should be fully explored with the individuals in question and consider appropriate cover that could be gained from elsewhere. This could include officer cover within your own team is appropriate. Your resource deployment team should be able to assist with this part of the process.
- There may be a need for individuals to compromise and you should try to facilitate professional discussions and attempt to get agreement from all parties concerned. Police officer allocated leave periods that are not already booked should have no impact on your decision.
- Your team are responsible for ensuring that the dates they request are correct and follow their shift pattern where appropriate. The agreed outcomes should be sent to Resource Deployment as a total submission and applied as outlined on your submission.
- Take circumstances into consideration but also be aware that individuals will have differing values and priorities.