

THURSTON PARISH COUNCIL

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Paper prepared by: Clerk to the Parish Council for Meeting of 03.04.24

Employment matters relating to members of staff - to carry over the remaining balances of holiday entitlement outstanding from 31st March 2024 to year commencing 1st April 2024.

Holiday entitlement

All of Council’s employees are employed under the National Agreement on Pay and Conditions of Service as produced by the National Joint Council for Local Government Services (*version April 2022*).

The agreement is silent on the carry-over of annual leave from one year to the next and as such Council is advised to use the legal requirements as expressed over holiday pay.

Almost all workers, including zero-hour contracted workers and those on irregular hours contracts, are legally entitled to 5.6 weeks’ paid holiday per year. The exception is those who are genuinely self-employed.

For the purposes of calculating holiday entitlement, the statutory 5.6 weeks entitlement is split into 4 weeks derived from EU law, and an additional 1.6 weeks from UK law. This guidance focuses on the legal minimum entitlement of 5.6 weeks. Many workers have contracts that entitle them to additional paid holiday beyond this, known as contractual holiday entitlement.

Carrying annual leave into future leave years

The 5.6 weeks of statutory holiday is split into 4 weeks and 1.6 weeks, and there are some differences in the rules that apply:

- the 1.6 weeks can be carried forward into the following leave year if a written agreement exists between the worker and the employer
- generally, the 4 weeks cannot be carried into future leave years, so employers must facilitate these weeks being taken within the relevant leave year

Records of annual leave

The Clerk maintains an adequate record of annual leave taken throughout the year and all employees are encouraged to take the annual leave within the year it is accrued.

Council does not operate a time off in lieu policy and neither the Clerk or Deputy Clerk have claimed additional holiday entitlement pro rata to the hours worked for the year under review.

Proposal: as council does not have a written agreement to carry forward leave year, it is now being asked to agree to the following members of staff carrying forward the outstanding annual leave for 2023-2024 into 2024-2025

Staff Member	Days Remaining and to be carried forward
Clerk	7.0 days
Deputy Clerk	7.0 days
Litter Picker	4.48 hours