
Holidays, Flexi Leave and Special Leave

Introduction

1. The following guidance sets out the principles and framework for annual leave, public and privilege holidays, flexi leave and special leave within the Scottish Further and Higher Education Funding Council (SFC). SFC will comply with employment law in the application of this policy. The rules and entitlements are applicable to all staff with the exception of flexi leave, which does not apply to Directors, Chief Executive and other staff not covered by the Flexible Working Hours system.

General principles

2. Annual, unallocated privilege or public holidays (i.e. those which are not allocated to set days) together with flexi leave should be agreed with the appropriate line manager. Although no specific notice period is required both line manager and Human Resources (HR) should be notified in advance of the leave via the Cascade system. Generally, staff should be allowed to take leave when they choose. However, the line manager may refuse to approve leave proposals on grounds of work needs and priorities. Annual and unallocated privilege or (if applicable) unallocated public holidays together with flexi leave has to be applied for via Cascade whilst special leave is applied for via your line manager and then HR for authorisation.
3. SFC places importance on staff wellbeing and seeks to promote a healthy work/ life balance. Staff are thus encouraged to make full use of their leave entitlement, whether that be annual, public, privilege or flexi leave.

Annual leave

Annual leave allowance on commencement of employment

4. The annual leave allowance on commencement of employment is 26.5 days. It will be pro-rated for part-time staff. The calculation is based on normal working days and hours per day. A formula for calculating annual leave for part-time staff is detailed in the Appendix. The leave year is 12 calendar months from a date consistent with the anniversary of the employee's commencement of employment.

Annual leave allowance at 2 years' continuous length of service

5. The annual leave allowance will increase to 30 days (pro-rata) when a member of staff reaches 2 years' of continuous service. The formula for calculating the entitlement for part-time staff is detailed in the Appendix.

Carry-Over of leave

6. Staff may, at the discretion of and with the approval of their line manager carry forward a maximum of 10 days leave allowance unused at the end of any particular leave year into the next leave year but otherwise any outstanding leave allowance will not be carried forward into the next leave year.
7. Applications to carry-over leave in excess of 10 days have to be made to Human Resources and should be supported by the line manager and Deputy Director or Director as appropriate. The application should clearly state why the employee has not been able to take leave. This will only be approved in exceptional circumstances, e.g. long-term sick leave, maternity leave or exceptional work-load, and under the provision that the balance is reduced within an agreed time scale, and that the line manager and employee take reasonable steps to stop the situation recurring the following year
8. Line managers and Directors have a duty of care towards their reports and should encourage them to take their annual leave. Where employees have not been booking sufficient leave to use up their allowance by the end of their leave year line managers can discuss this with them and if necessary, work with the employee to suggest periods where they would recommend the employee take time off work.

Sickness during Annual leave

9. If an employee falls sick during a period of annual leave and produces a sick leave self-certificate or a doctor's certificate to that effect, the period of sickness will be regarded as sick leave and not as annual leave. Human Resources will input the absence onto Cascade on receipt of sickness certification.

Termination of employment

10. For the purposes of calculating the entitlement to accrued holiday pay, both credit and debit, in the event of termination of employment the annual leave allowance will accrue on a pro-rata basis (to the nearest half day) in respect of each complete calendar month of employment during the relevant leave year.

Monitoring

11. HR will monitor the leave balances of staff as appropriate –e.g. to reduce the risks associated with leave not being taken or to check leave is being entered correctly on IT systems. Line Managers can through Cascade review the leave balances of their staff and are responsible (and for flexi by looking at Imperago) for ensuring that staff are using their leave allowance. HR will periodically flag leave balances to senior managers to help support their use, this will be an overview of information that should already be available to senior managers via Cascade.

Public and privilege days

Allowance

12. Staff are entitled to a total of 13 days of public and privilege leave (pro-rata to FTE). These are as follows:

10 public holidays plus 1 additional fixed privilege day (to be used during the Christmas shutdown). The following are the public holidays observed by the Council, dates of which will be notified at the beginning of each year:

Good Friday	Autumn Holiday
Easter Monday	Christmas Day
Boxing Day	May Day
May Bank Holiday	New Year's Day
Day following New Year's Day	St Andrew's Day (or day allocated in lieu of it)

13. An additional 0.5 day of fixed privilege leave (i.e. 3 hours 30 minutes) is granted to cover the office shutdown over the festive season. This will be allocated to staff on a pro-rata basis to their flexi time. Where staff work fixed hours the appropriate pro-rata amount will be granted to enable them to receive the same benefit as their colleagues.

An additional 1.5 days unallocated privilege leave is added to staff bookable leave entitlement in the desktop HR system and should be booked and/or carried forward in accordance with the rules applicable for annual leave.

Part-time staff

14. The public and privilege holidays (both fixed and unallocated) allowance will be pro-rated for part-time staff. This allowance will be calculated and the days allocated at the start of your annual leave year and updated if you change your working hours midway through the year. Staff must cover all the public and privilege days that fall on workdays within their work pattern with either their pro-rated Public or Privilege Holidays, or their annual leave as required. Public and privilege days that fall on days part time employees are already out of the office due to their work pattern will be added to the annual leave balance. Likewise, if, due to their working pattern, part-time employees have proportionately more time off on public and privilege days than full time employees, the difference will have to be made up from their annual leave allowance. This will be calculated on the basis of normal working days. A formula for calculating public and privilege holidays for part-time staff is detailed in the Appendix.

Irregular hours

15. Where staff work variable days – e.g. where they work 1 FTE but the duration of a day's work varies from the standard their annual leave allowance may be communicated to them in hours and minutes rather than days to reflect this.

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16. Similarly, if public/privilege days for such employees is greater or less than for other employees due to the way their hours fall, the resulting surplus or deficit of time off will be added or subtracted to their annual leave balance as appropriate.

Maternity, Paternity and Shared Parental Leave

17. Any SFC set public and privilege holidays that fall while an employee is on maternity, paternity or shared parental leave will be taken by that employee as annual leave directly after the end of their maternity, paternity or shared parental leave. See policy for more information (link at the end).

Termination of employment

18. Public holidays will not be pro-rated in the event of termination of employment. Annual leave that has been deducted to cover public holidays will be added to their accrued annual leave if the public holiday occurs after their last day. Full-time and part-time staff working five days per week are eligible for those public days which fall at a time of their employment with the Council. Part-time staff will have the pro-rated fixed privilege day allocated to them deducted should they leave before the Christmas shutdown in their current leave year.

Office closure over Christmas and New Year holiday period

19. Our offices are closed over the Christmas and New Year holidays. As a result, the office will normally be closed for two days that are not allocated public or privilege holidays. There is flexibility to work on these days through prior agreement with your line manager.
20. Should this period of closure result in a one day working week, either at the beginning or end of the closure, in that year, we will grant one additional day's annual leave to avoid that occurrence.

Flexi arrangements for the Christmas and New Year holiday period

21. To provide staff with the opportunity to meet the Christmas closure through flexi leave, each year the rules relating to the maximum amount of credit and debit which you may carry over will not apply at the beginning and end of the four-week flexi period in which the Christmas and New Year closure falls. You are allowed a full carry over of flexi credit from the flexi period prior to the Christmas holidays. But you should be in compliance with the limits by the end of the next flexi accounting period.

Flexi leave

22. Staff covered by the flexible working hours system may take up to three days' flexi leave in any four-week accounting period subject to sufficient flexi credit and prior approval by the line manager. The dates for each accounting period are notified at the beginning of each year.

Special leave

Granting special leave

23. The Council have full discretion to decide whether a particular period of special leave is necessary or justified and whether it is paid or unpaid. Applications will be considered sympathetically while taking account of the circumstances of each case. Applications for special leave have to be made to Human Resources by the line manager or by the member of staff together with line manager agreement. This will normally be done via e-mail. Additionally, special leave will be recorded on Cascade through Human Resources.
24. The nature of special leave is such that employees will often not be in a position to request it in advance. These employees should be prepared to cover the time off using flexi leave or annual leave (as advised by their line manager) should a request for special leave be declined.
25. See Management Guidance on Special Leave for fuller details.

Reasons for special leave

26. Staff may get a reasonable amount of time off during working hours to deal with family emergencies and care for close relatives and dependents (i.e. child, wife, husband, partner or parent). This includes the following situations:
 - Sickness of a close relative or dependant.
 - Injury or death of a close relative or dependant.
 - Unexpected disruption of normal care arrangements.
27. There may also be reasons other than those relating to family or dependents for granting special leave, including:
 - Voluntary public service.
 - Jury attendance.
 - Trade union business.
 - Serious domestic emergency – e.g. flooding, break-ins · disruption to the transport system.
 - New and Expectant Parents.
28. Please see SFC policy on New and Expectant Parents and Parental Leave which details entitlements to Maternity, Paternity, Adoptive and Shared Parental Leave.

Study leave

29. Staff may be granted study leave under the provision that their course is funded or part-funded by the Council and attendance at the course benefits the work of the Council.

Staff will usually get special leave on the day of the exam and an additional day to prepare for the exam. Applications for study leave are made in the same way as other special leave and have to be recorded on the Cascade.

Further information

30. For further information please contact Human Resources or refer to the following policies:

- Flexible Working Requests.
- New and Expectant Parents and Parental Leave.

Appendix: calculating pro-rata allowances for part-time staff

Calculation of pro-rata leave allowance

Part-time staff are entitled to a proportionate part of annual leave and public and privilege holidays awarded to full-time staff. This will be calculated using the following formula

$$\frac{\text{No. of hours per week} \times \text{full-time allowance (in hours)}}{\text{full-time hours per week}} = \text{part-time allowance}$$

Example for annual leave with less than 2 years' continuous service

$$\text{e.g. } \frac{20 \text{ hours per week} \times 185.5 \text{ hours}}{35 \text{ hours}} = 106 \text{ hours}$$

If the employee works 5 days per week @ 4 hours, the allowance will be 26.5 days @ 4 hours.

If the employee works 4 days per week @ 5 hours, the allowance will be 21.2 days @ 5 hours. This will be rounded up to the nearest half day, therefore the allowance will be 21.5 days @ 5 hours.

Example for annual leave with 2 years' or more continuous service

$$\text{e.g. } \frac{20 \text{ hours per week} \times 210 \text{ hours}}{35 \text{ hours}} = 120 \text{ hours}$$

If the employee works 5 days per week @ 4 hours, the allowance will be 30 days @ 4 hours.

If the employee works 4 days per week @ 5 hours, the allowance will be 24 days @ 5 hours.

Public and fixed privilege holidays

$$\text{e.g. } \frac{20 \text{ hours per week} \times 77 \text{ hours}}{35 \text{ hours}} = 44 \text{ hours}$$

If the employee works 5 days per week @ 4 hours, the allowance will be 11 days @ 4 hours. These have to be taken as outlined in paragraph 14-16.

If the employee works 4 days per week @ 5 hours, the allowance will be 9 days @ 5 hours. These days have to be taken as outlined in paragraph 14-16.

Any differences between entitlement and days taken have to be made up as outlined in paragraph 14-16.

Unallocated privilege leave

Note the 1.5 days (pro-rata) of **unallocated privilege leave** will be calculated as follows and added into the Cascade Holiday tab to be booked as leave by the member of staff:

1.5 days unlocated privilege leave = 10.5hrs

Amount due to any member of staff calculated using formula:

$$\text{Pro-rated to FTE} = \frac{\text{Hours worked per week} \times 10.5}{35}$$

Document history

This Policy and Procedure is a contractual document. It is negotiated between Management and Unite collectively on behalf of staff.

Owner: Human Resources

Version number	Changes	Date approved
1.1	Policy updated to reflect reduction in working week to 36hrs standard work week.	17/11/2022 Ratified by JNCF
1.2	Policy updated to reflect reduction in working week to 35hrs standard work week.	23/08/2023 Ratified by JNCF
1.3	Policy updated to reflect changes in an additional 1.5 days of privilege leave and the qualification period for the maximum annual leave entitlement be reduced to 2 yrs from 1 April 2023 as a result of 2023-25 pay offer	20/03/2024 Ratified by JNCF

Review period: where there is a change in elements of the policy or periodically every two years.