

OP-02.002B, Annual Leave and Public Holidays for On-Call Personnel working the Retained Duty System

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1 Introduction

- 1.1 Annual leave (AL) is an important element of an employee's terms and conditions that contributes towards achieving a work life balance.
- 1.2 On-Call employees of South Wales Fire and Rescue Service ("the Service") are afforded AL in accordance with the National Joint Council for Local Authorities' Fire Brigades (Grey Book). In certain instances, additional enhancements and conditions also apply and these are also included within this procedure.

2 Corporate Policy

- 2.1 This Organisational Procedure supports Corporate Policy 02, Our People.

3 Scope and Applicability

- 3.1 This procedure applies to the AL and Public Holiday (PH) arrangements for On-Call employees. Where the term 'leave' is used within this procedure, it is being used to encompass both AL and PH arrangements.
- 3.2 AL can be used in conjunction with other types of leave such as Maternity Leave, Care of Dependants Leave, Paternity Leave, Adoption Leave and Parental Leave. It should not however be used to substitute the aforementioned types of leave.
- 3.3 All employees are required to adhere to this procedure. Employees should note that any breaches of this procedure may lead to disciplinary action. Serious breaches of this procedure may constitute gross misconduct and lead to dismissal. Please refer to our Discipline Procedure OP-02.007 for further information.
- 3.4 The Service supports an environment of mutual respect and equality of opportunity. In accordance with the Equality Act (2010), this document has been Equality Risk Assessed to ensure all Protected Characteristics are considered. Should an employee perceive that an adverse impact does exist, it is their responsibility to bring it to the attention of the Diversity Officer. This document also complies with other relevant legislation.

4 Roles and Responsibilities

4.1 The Service

- 4.1.1 The Service has overall responsibility to have processes in place to ensure that employees are aware of this procedure and adhere to its requirements.
- 4.1.2 The Service has a responsibility to ensure that employees are taking their statutory leave in line with legislation.

4.2 Managers

- 4.2.1 Watch Managers are responsible for ensuring that employees are aware of the procedures for requesting leave and are aware of their entitlements.
- 4.2.2 Watch Managers are responsible for ensuring that leave is planned and authorised subject to the needs of the Service. Leave is always authorised with a view to maintaining optimum appliance availability.
- 4.2.3 Managers within the Retained Management Team are responsible for ensuring that the Station Administrative Assistant records and manages authorised leave appropriately.

4.3 Employees

- 4.3.1 Employees must familiarise themselves with the expectations of this procedure.
- 4.3.2 Employees are responsible for ensuring that their AL entitlement is used at the end of the leave calendar unless there are exceptional circumstances.

5 General Principles

- 5.1 Leave entitlements for On-Call employees run from the 1st of January to the 31st of December.
- 5.2 Leave not taken by the 31st of December shall be forfeited, except where exceptional circumstances exist whereby the employee, at the discretion of the Departmental Head, may take all or part of the outstanding leave by the 31st of March of the following year.
- 5.3 Employees who join the Service mid-way through the leave year will receive a leave entitlement proportionate to their service that year (calculated in complete months). [link](#)
- 5.4 An employee may anticipate AL on the understanding that if they voluntarily leave before the end of the leave year, any AL taken in excess of their proportionate entitlement may be treated as unpaid leave and their pay adjusted accordingly.

- 5.5 PHs can only be taken when accrued and must be taken within a 12 month period of accrual.

6 Annual Leave and Public Holiday Entitlements

- 6.1 The basic AL entitlement for all On-Call employees is 4 weeks (i.e. 28 days).
- 6.2 Employees are entitled to one week (i.e. 7 days) Long Service (LS) leave where, at the start of the leave year, they have at least five years' continuous On-Call service.
- 6.3 Where an employee attains five years' service **during** a leave year the following pro rata entitlements apply for that year:

Date of fifth anniversary	No. of days entitlement
Up to and including 30th April	7 days
1st May to 30th August (inclusive)	5 days
1st September onwards	2 days

- 6.4 On-Call Firefighters who also have a Wholetime (WDS) or Control contract and who are in receipt of LS leave under these contracts, are also eligible for LS leave within their On-Call contract (i.e. they are entitled to 35 days AL).
- 6.5 Additionally, employees are entitled to eight statutory PHs per annum as follows:

New Year's Day	Spring Bank Holiday
Good Friday	Late Summer Holiday Day
Easter Monday	Christmas Day
Early May Bank Holiday	Boxing Day

- 6.6 Whilst AL can be taken at any time throughout the leave year, PHs can only be taken once accrued and must be taken within 12 months of their accrual.
- 6.7 An employee who is required to work on a PH shall be paid for those hours worked (which shall not be pensionable) and they will be granted a day's leave in lieu.
- 6.8 An employee who is on AL or Maternity Leave on a PH, shall be granted a day's leave in lieu.

6.9 The table below summarises leave entitlements.

Entitlement	AL Days	PH Days	Total Leave
Standard Entitlement	28	8	36
AL with LS leave accrued through an On-Call, WDS or a Control Contract	35	8	43

6.10 The AL entitlement of an employee who joins or leaves South Wales Fire and Rescue Service during the leave year shall be proportionate to the employee's service (completed calendar months) in that year (see below).

Table showing the allocation of AL for Completed Months

MONTH	Standard Leave Entitlement	Long Service Leave Entitlement Accrued via an On-Call, WDS or Control Contract
JAN	2	3
FEB	3	3
MAR	2	3
APR	2	3
MAY	3	3
JUNE	2	3
JULY	2	2
AUG	3	3
SEPT	2	3
OCT	2	3
NOV	3	3
DEC	2	3
TOTAL	28	35

7 Booking Leave (AL, PH and LS Leave)

7.1 General Principles of Booking Leave

- 7.1.1 All criteria contained within this document must be followed although some variations can be made locally subject to business need and the approval of the Station Commander.
- 7.1.2 Each Station has a process in place for booking leave which is managed by the Station Administrative Assistant in conjunction with the Watch Manager.
- 7.1.3 The timing of all leave is subject to the authorisation of the Watch Manager in consideration of appliance availability.
- 7.1.4 Leave should not be assumed as granted until such time as official approval has been given by the Watch Manager.
- 7.1.5 All leave MUST be recorded on the Rappel system by the Supervisory Manager on Station with the reference for Rappel.

7.2 Procedures for taking Leave

- 7.2.1 Personnel must pre-plan their leave entitlement and submit their leave request for the following year, to their Watch Manager by the end of December. Personnel who do not submit their leave requests by this date may not have their requested dates approved.
- 7.2.2 The Watch Manager will confirm all approved leave to Station personnel, no later than the end of January.
- 7.2.3 In order to maintain overall availability throughout the year, staff must take at least seven days in the first quarter, at least fourteen days over the second and third quarters and at least seven days through the final quarter unless otherwise agreed (please see table below).

Block	Standard Leave Entitlement
Quarter 1 (Jan – Mar)	7 day
Quarter 2 (Apr – June)	7 day
Quarter 3 (Jul – Sep)	7 days
Quarter 4 (Oct – Dec)	7 days

Please note:

- Employees have the right to take one of their 7 day blocks in individual days or to add them to another block of leave to make 14 days.

- Where an employee has 35 days via LS leave, they are to take the additional 7 days in Quarter 2 or Quarter 3.

7.2.4 The maximum number of personnel who are permitted to be on leave at any one time is determined as by the Station establishment and the following table:

Watch Establishment	Total % of personnel who can be on leave at any given time
1260 hours or less (1200% or less)	252 hours (240%)
Over 1260 hours (1200% or over)	336 hours (320%)

Note: At least one Supervisory Manager must be available at all times.

7.2.5 There may be occasions where stations could allow additional leave subject to the availability of the appliance and with permission from the Station Commander.

7.2.6 Leave is to be authorised by the appropriate Watch Manager after considering the impact of the request on appliance availability with the Station Commander.

7.2.7 Irrespective of whether leave is taken in blocks or individual days, the maximum number of drill periods that can be taken as leave, will be 4/5 in total, dependent on length of service.

7.2.8 To ensure that no member of staff is disadvantaged due to leave arrangements in place with their primary employer, a block of leave (seven days) can start on any day of the week.

7.2.9 Individual AL days and PHs (if not taken as a block of seven) are equivalent to:

- 15 hours of commitment from a 105 hour contract (100%);
- 13.5 hours of commitment from a 94.5 hour contract (90%);
- 12 hours of commitment from an 84 hour contract (80%);
- 10.5 hours of commitment from a 73.5 hour contract (70%);
- 9 hours of commitment from a 63 hour contract (60%);
- 7.5 hours of commitment from a 52.5 hour contract (50%);
- 6 hours of commitment from a 42 hour contract (40%);
- 4.5 hours of commitment from a 31.5 hour contract (30%).

NOTE: For the purpose of this procedure, a day is normally deemed to be from 09:00 to 09:00. Depending upon an individual's primary shift pattern however a day's leave may be considered to commence from the end of a shift. For example if one's work period ends at 06:00 the day's leave may be taken from 06:00 to 06:00. This principle should also be applied to longer leave periods.

- 7.2.10 Where the employee has a second contract within the Service (e.g. WDS Contract, Corporate Staff Contract), the Service shall consider the individual's pre-booked leave within their other contract. It is important to note that leave decisions are based on a range of considerations and will be managed locally.
- 7.2.11 Any employee who can provide cover to their allocated On-Call Station whilst they have booked leave, may deselect some of their planned leave and take it at another convenient time with the approval of the Station Commander and On-Call Watch Manager.

7.3 Carrying Forward of Leave

- 7.3.1 All leave must be taken within the leave year. In order to ensure that employees are not left with surplus leave at the end of the year, 75% of their leave allocation must be taken by 30th September each year.
- 7.3.2 Any outstanding leave as at the 31st of December shall be forfeited. The only exception to this shall be where extenuating circumstances exist. Any requests to carry over leave must be e-mailed to the Station Commander and forwarded to the Retained Management Team for a final decision. The Retained Management Team must be in receipt of all such requests by no later than the second Friday in January.
- 7.3.3 All applications to carry over leave will be considered on an individual basis.
- 7.3.4 Any leave carried forward to the following leave year must be used by the 31st of March.

7.4 Cancelling or amending booked leave

- 7.4.1 Employees may request to change their leave dates by formally submitting their request to their Watch Manager. The change of leave application is to be submitted at least seven days prior to the requested leave dates.
- 7.4.2 The Watch Manager will take into account the number of personnel on leave and appliance availability when considering a change of leave request.

7.5 Refusal of leave requests

- 7.5.1 Whilst leave requests should not be unreasonably refused, all leave requests must be approved taking into account the needs of the Service. Where this will be compromised, Managers have the right to refuse the request. However, where possible, discussion should take place with the employee and consideration given to alternative options which would allow the leave to be taken.
- 7.5.2 Any employee who feels their leave has been unreasonably refused should discuss their concerns with their Line Manager in the first instance. If it is not possible to achieve a satisfactory resolution, then the Service's Grievance Procedure should be referred to.

8. The relationship between Sickness and AL

8.1 Accruing AL whilst Sick

- 8.1.1 Employees will continue to accrue AL during periods of sickness but will cease to accrue PHs.

8.2 Taking AL during a period of sickness

- 8.2.1 Employees who wish to go on holiday whilst on sick leave must seek the written permission of their Line Manager. This will allow the Manager to consider whether or not the nature of the holiday will exacerbate their illness/injury. In certain circumstances the Service reserves the right to refer the employee to the Occupational Health Department prior to making a decision on whether to support the leave request. In this respect the employee must ensure that they give their Line Manager sufficient notice of their application for AL.
- 8.2.2 Where an employee is unable to apply for leave through the normal channels due to being away from the workplace, they shall be required to submit any requests in writing/email to their Line Manager.
- 8.2.3 Regardless of an employee's pay status whilst on sick leave, they shall be remunerated at their full rate of pay for any periods of AL they take.

8.3 Employee falls sick whilst on AL

- 8.3.1 If an employee falls sick whilst on AL the correct sickness absence reporting procedure must be followed. A fit note and/or other supporting evidence must be provided, the period covered will be treated as sick leave, allowing the employee to take the same amount of AL at another time. Please refer to OP-02.013, Welfare and Attendance Monitoring.

9 Delays on Return from AL

- 9.1 If an employee is unavoidably delayed in returning to work from AL e.g. travel delays, they should inform their Line Manager as soon as reasonably practicable, they should also provide regular updates on progress. Upon their return to work documentary evidence may be required of the reasons for the employee's failure to return to work on time. On the employee's return, the Line Manager will discuss the options of how to process the additional period of leave e.g. AL, PH etc.
- 9.2 If an employee fails to return to work when expected and has not contacted their Line Manager, the Service reserves the right to apply its disciplinary procedures as it may be considered as unauthorised absence. In such cases all the factors will be considered and the Service will act reasonably.

10 Accrual of AL whilst Suspended from Duty

- 10.1 An employee who is suspended from duty in accordance with the Service's Discipline Procedure will continue to accrue AL and PHs during the period of suspension.

11 Employees due to Leave the Service

- 11.1 Employees are expected to take their entire accrued AL entitlement prior to their last day of employment with the Service. In this respect, Line Managers are expected to manage this process while ensuring business continuity.
- 11.2 Employees due to leave their employment with the Service shall receive a proportion of their AL entitlement for each complete calendar month worked in that leave year.
- 11.3 In instances where an employee takes more AL or other time off than they are entitled to at the end of their employment, the Service will make the appropriate deduction from their final salary payment.
- 11.4 Payments shall be made in lieu of any leave accrued but not taken in the current leave year in cases of termination of employment. In the case of death, this amount shall be paid into the employee's estate.

12 Religious and Cultural Observances

- 12.1 Subject to Service needs, the Service will support requests, wherever possible, for time off during religious festivals, which are not covered by statutory PHs. Line Managers should use discretion to grant AL, time off in lieu, flexible working, make up the time or unpaid leave when considering requests for such leave.

12.2 It is recommended that employees make their request for time off as soon as the dates are known in order to facilitate the effective planning of leave arrangements. Line Managers should keep in mind that some religious festivals are determined by the lunar calendar and therefore dates change from year to year. The dates for some festivals do not become clear until quite close to the actual day. Managers will be expected to consider such requests in accordance with Service needs and accommodate these where reasonable to do so.