Millennium Farm Trust

HR5 Annual and Special Leave Policy V04

Next review date September 2025

Version Control

Version number	Date of changes	Who	Review summary
02	Dec 2019	TF	Changes to leave year to run 1st Oct to 30th Sept etc. following staff meeting discussion Nov 2019
	Mar 2022	HW	Scheduled review. No changes
03	Sep 23	MLL	Corrected typos
	Sep 24	TF	Scheduled review. No changes
04	Aug 2026	TF	Redrafted following legislation change and best practice review. Updated annual leave, holiday pay, carry-over and special leave provisions

1. Purpose

Millennium Farm Trust recognises the importance of employees taking regular time away from work for rest and wellbeing.
This policy explains the Trust's arrangements for annual leave and holiday pay and provides a framework for compassionate and other special leave.
Family-related statutory leave is covered separately by **HR12 Family Leave Policy**.

2. Holiday year

The Trust's holiday year runs from **1 October to 30 September**.
Employees are encouraged to plan and take their annual leave throughout the year rather than allowing a substantial amount to accumulate towards the end of the holiday year.

3. Annual leave entitlement

Full-time employees are entitled to **5.6 weeks' paid annual leave** in each complete holiday year, equivalent to 28 days for an employee working five days each week.
This entitlement **includes public/bank holidays**.

Part-time employees receive the equivalent 5.6 weeks' entitlement calculated on a pro-rata basis according to their normal working pattern.
Employees who join or leave the Trust part-way through a holiday year will receive a proportionate entitlement for that year.
Where an employee's working arrangements change during the holiday year, their entitlement will be recalculated as appropriate.
Individual contractual terms will apply where they provide an entitlement greater than the statutory minimum.

4. Public holidays and Farm closure periods

The Trust normally closes for approximately one week over the **Christmas** period and for one week over the **Easter** period.
Employees will normally be required to use part of their annual leave entitlement during these closure periods.
The precise closure dates will be communicated to employees in reasonable time.
Public/bank holidays form part of the employee's annual leave entitlement and do not represent an additional entitlement unless the employee's contract provides otherwise.
Where a member of staff is required by their manager to work on a public holiday or weekend outside their normal working arrangements, the arrangements for payment or time off in lieu will be agreed in accordance with their contract and normal Trust practice.

5. Requesting annual leave

Annual leave must be agreed in advance.
Employees should normally submit requests to the Director or their manager **at least four weeks in advance**, particularly for periods of a week or more. Shorter-notice requests may be considered where circumstances permit.
Employees should not make non-refundable travel or other arrangements until their leave has been approved.
Requests will be considered fairly, taking account of:

- adequate staffing and safe operation of the Farm;
- the needs and support requirements of Farm Helpers and other service users;
- existing leave already approved;
- school and commissioner arrangements where relevant; and
- the employee's own circumstances.

Where possible, employees supporting one-to-one placements should plan leave for periods when the person they support is not attending, for example during relevant school holidays. However, this does not remove the employee's right to take their annual leave at other times, subject to approval and operational requirements.
The Trust may decline or propose alternative dates for a leave request where granting it would leave insufficient staffing or otherwise significantly affect safe and effective service delivery.

Where competing requests cannot all be accommodated, the Trust will seek a fair and reasonable solution rather than automatically giving priority to the same individuals each year.

6. Taking annual leave

Employees are expected to take their annual leave entitlement during the holiday year.
Managers should encourage employees to take regular breaks from work and should not create unreasonable barriers to employees taking their statutory entitlement.
The Trust may require employees to take annual leave on particular dates, including closure periods, provided the appropriate statutory notice is given.

7. Holiday pay

Employees with regular hours and pay will normally receive their usual pay while taking annual leave.
Holiday pay will be calculated in accordance with the statutory requirements applying at the time, including the requirement to take account of relevant regular payments where legislation requires this.

Irregular-hours and part-year workers

Where an employee or worker meets the statutory definition of an **irregular-hours worker** or **part-year worker**, annual leave entitlement will be calculated in accordance with the statutory rules applying to those workers.
This may include accrual of statutory annual leave at **12.07% of hours worked** during the relevant pay period.
Where permitted by law, the Trust may use **rolled-up holiday pay** for irregular-hours and part-year workers. Where this arrangement applies:

- holiday pay will be calculated in accordance with the statutory requirements;
- it will be paid in addition to normal pay for work undertaken; and
- the holiday-pay element will be clearly identified on the employee's payslip.

The Trust will review holiday-pay calculations if an employee's working arrangements change.

8. Sickness during annual leave

If an employee becomes genuinely unfit for work during a period of annual leave, they may ask for the affected period to be treated as sickness absence rather than annual leave.
The employee must:

- follow the normal sickness absence notification procedure as soon as reasonably practicable; and
- provide appropriate medical evidence where reasonably required.

Any period treated as sickness absence will be managed under **HR14 Sickness Absence and Sick Pay Policy** and the affected annual leave entitlement will be reinstated.

9. Carrying annual leave forward

Employees should normally take their annual leave within the holiday year in which it falls.

Annual leave will not normally be carried forward simply because an employee has chosen not to take it.
However, carry-over will be permitted where required by law, including where an employee has been unable to take statutory leave because of:

- sickness absence;
- maternity, adoption or other qualifying statutory family leave; or
- circumstances in which the Trust has not provided a reasonable opportunity for the employee to take their statutory entitlement.

The amount of leave that may be carried forward and the period within which it must be taken will be determined in accordance with the statutory rules applying at the time.
The Director may also exceptionally agree limited carry-over for other operational or personal reasons.

10. Leaving employment

When employment ends, annual leave entitlement for the current holiday year will be calculated accurately up to the employee's termination date.
Employees will normally be expected, where practicable, to take outstanding annual leave during their notice period if requested by the Trust.
Any accrued statutory holiday entitlement that remains untaken at the end of employment will be paid with the employee's final pay.
Where an employee has taken more annual leave than they have accrued at the termination date, the Trust may deduct the appropriate amount from final salary where there is a contractual or other lawful basis to do so.

11. Compassionate leave

The Trust recognises that employees may need time away from work following a bereavement or other serious family event.
There is no single arrangement that will be appropriate in every circumstance. The Director may therefore agree a reasonable period of **paid or unpaid compassionate leave**, taking account of:

- the employee's relationship to the person concerned;
- the individual circumstances;
- practical responsibilities such as arranging or attending a funeral;
- travel requirements; and
- any other relevant factors.

Employees should speak to the Director or their manager as soon as reasonably practicable.
The Trust will approach bereavement sensitively and will not assume that a particular family relationship necessarily determines the significance of a loss to an individual.
Statutory Parental Bereavement Leave and Bereaved Partner's Paternity Leave are covered by **HR12 Family Leave Policy**.

12. Emergency time off for dependants

Employees have a statutory right to a reasonable amount of unpaid time off to deal with certain unexpected emergencies involving a dependant.
This entitlement and the arrangements for requesting such leave are explained in **HR12 Family Leave Policy**.
Where an employee needs a longer period away from work following an emergency, the Trust will discuss appropriate options, which may include annual leave, unpaid leave or another form of special leave.

13. Other special leave

The Trust recognises that there will occasionally be other circumstances in which an employee reasonably needs time away from work that is not covered by annual leave or another statutory leave entitlement.
Examples may include:

- a serious domestic emergency;
- attending the funeral of someone who is not a close family member;
- exceptional caring responsibilities;
- jury service;
- certain public duties;
- attending court as a witness;
- emergency disruption to an employee's home; or
- another exceptional personal circumstance.

Employees should discuss the circumstances with the Director as soon as possible.
Depending upon the circumstances, special leave may be **paid or unpaid**, or the employee and Trust may agree that annual leave or time off in lieu is more appropriate.
There is no automatic contractual entitlement to paid special leave unless provided by legislation or the employee's contract.
Decisions will be made reasonably, consistently and with regard to previous decisions in comparable circumstances, while recognising that individual circumstances may differ.

14. Medical, dental and other appointments

Where reasonably possible, routine medical, dental and other personal appointments should be arranged outside working hours or at the beginning or end of the working day.
The Trust recognises that this will not always be possible.
Employees should give as much notice as possible and discuss the arrangements with their manager. Depending upon the circumstances, time away from work may be made up, taken as annual leave, taken unpaid or otherwise agreed with the Director.
This section does not affect statutory rights to paid or unpaid time off for particular appointments, including qualifying antenatal appointments.

15. Unauthorised absence

Employees must obtain approval before taking annual or special leave except where the nature of an emergency makes prior approval impossible.
Failure to attend work without appropriate notification or authorisation may be treated as unauthorised absence and may be dealt with under the Trust's disciplinary procedure.

16. Records

The Trust will maintain appropriate records of annual leave entitlement, leave taken and holiday pay in accordance with statutory requirements.
Employees are responsible for checking their leave records and raising any apparent discrepancy promptly.

17. Equality and fairness

Requests for leave will be considered fairly and in accordance with the Trust's Equal Opportunities Policy.
The Trust will take account of its obligations under the Equality Act 2010 and other applicable legislation when considering leave arrangements.

18. Review

This policy will normally be reviewed every two years or sooner where there is a significant change in legislation or organisational arrangements.