

PERSONNEL SERVICES

University Offices, Wellington Square, Oxford OX1 2JD
Acting Director of Personnel and Related Services



To: heads of departments and institutions, faculty board chairmen,
departmental administrators and faculty board secretaries

Ref. EMS/5, EMS/6

cc. heads of division, divisional secretaries, Principal Administrator of
the Conference of Colleges

1 August 2011

Changes in holiday arrangements

This circular clarifies the arrangements for carrying over leave and for dealing with holiday which is affected by sickness. These changes, summarised below, also reflect recent developments in employment case law.

- a) The introduction of a cap of five days in the amount of leave that may be carried over from one leave year to the next.*
- b) Amendments to the arrangements for untaken holiday for employees leaving the University.*
- c) Clarification of the arrangements which apply when sickness interrupts or prevents a period of annual leave.*
- d) Clarification of the arrangements for taking holiday during a period of sickness absence.*

Following consultation with staff side representatives, the staff handbooks and the Personnel Services web site are being updated to reflect these changes.

1. Action required

Departments are asked:

- (i) to note the amendments to the staff handbooks set out below;
- (ii) to inform staff of the new limit to the carryover of leave (if this is different from the department's current practice);
- (iii) to display this circular on departmental notice boards; and
- (iv) to seek advice from Personnel Services if there are any unusual circumstances which are not covered by the guidance.

2. Changes

Changes to the University's administration of holiday entitlements are required in the light of recent European Court of Justice judgements and also to bring greater clarity and consistency to the handling of the carryover of holiday from one year to the next.



The following changes to staff handbooks and the associated guidance on the Personnel Services website have been approved by the Personnel Committee.

a. Carryover of annual leave

To ensure consistency across departments, it has been agreed to introduce a cap of five days on the amount of holiday that can be carried over from one leave year to the next. Section 3 of the handbooks has been amended to read:

Section 3.8: “Holidays are to be taken at times approved in advance by your departmental administrator (who will not unreasonably withhold consent). The normal leave year runs from 1 October to 30 September. Only in exceptional circumstances, and subject to the agreement of your head of department, may up to five days of any balance of the annual entitlement be carried forward from one year to the next. (For situations where holiday is prevented or interrupted by sickness refer to section 4.1.1)”.

b. Untaken holiday for those leaving the University

To clarify the arrangements for dealing with untaken holiday when someone leaves the University, it has been agreed that the head of department may require any outstanding leave to be taken during the employee’s notice period. The handbooks have been amended to read:

Section 3.8, paragraph 4: “If you are leaving the employment of the University, any untaken holiday or lieu time should normally be taken prior to your last day of employment. It will be at the head of department’s discretion to require that any period of outstanding leave is taken during the notice period. Exceptionally, if you have not taken your full holiday entitlement at the time you leave, you will be paid accrued holiday pay calculated...”

The template letters of appointment on the Personnel Service website have been amended to reflect this clarification.

c. Holiday interrupted or prevented by sick absence

A recent EU legal judgement requires a clarification of the arrangements which apply where sickness prevents, or occurs during, a period of annual leave. Section 4 of the handbooks has been amended to read:

Section 4.1.1 (f): “Sickness affecting annual holiday: If sick absence prevents you taking annual leave or you are taken ill during annual leave, provided you satisfy your department by production of a self-certification form or doctor’s certification, you will be able to take the leave that you lose (other than leave that would have fallen on public holidays or fixed closure days) at a later date. You will normally be expected to rearrange this leave during the same holiday year, but, if this is not possible, you may carry the affected leave forward to the next year. The normal reporting arrangements for sickness (see 4.1.1(a)) still apply when you are taken ill whilst on annual leave”.

d. Holiday during a period of sickness absence

A new element has been added to the handbooks to reflect another EU judgement that an employee may take paid leave during a period of sick absence. Such paid leave may be beneficial to an individual on long-term sick leave who is receiving only half or no pay. It applies



only to the 28-day statutory entitlement, not the extra days granted by the University. The new element in Section 4 of the staff handbooks is as follows:

Section 4.1.1(h): “Holiday during a period of sickness absence: If you have not taken all of your statutory holiday entitlement (pro rata 28 days in total) in the current holiday year, you are entitled to take this holiday during a period of sickness absence if you wish. You should contact your departmental administrator to arrange this”.

MS A CROSS

Replaces existing circular: N/A

Copy for noticeboards: Yes

Website: www.admin.ox.ac.uk/ps/managers/circular