HOLIDAY ENTITLEMENT - ARRANGING, TAKING AND MONITORING

October 2019
Updated August 2022

POLICY

HERIOT-WATT UNIVERSITY

HOLIDAY ENTITLEMENT POLICY

CONTENT

POLICY

1.	**INTRODUCTION**
	The University aims to provide terms and conditions that support working practices, enable all colleagues to contribute effectively to the needs of the business and contribute to their achievement of an appropriate work/ life balance. Holiday entitlement is a vital element of the reward and remuneration package, enabling colleagues to rest and recuperate effectively. The University offers levels of holiday entitlement that are above the statutory minimum.
2.	**PURPOSE**
	The purpose of this Policy and accompanying Guidance is to encourage colleagues to take their full entitlement, and to provide advice and guidance to line managers on how to support colleagues to do so. This is to ensure that: 1. The University can demonstrate due care under its Health and Safety obligations 2. Each School/Professional Service/Department or team has appropriate cover for normal operational requirements and that deputies are nominated and authorised to take action/make decisions requiring urgent attention in the absence of the manager 3. The University is able to account for end-of-contract payments made in lieu of holiday accrued but not taken and the risk of fraudulent claims is reduced 4. At least the statutory minimum in accordance with each jurisdiction has been taken. Reasonable notice of a request to take annual leave should be given. Leave requests should not be unreasonably refused
3.	**KEY PRINCIPLES**
	1. All colleagues are expected to take regular breaks from work using their holiday entitlement and to book through Cloud ERP Access 2. All colleagues are expected to use their full entitlement in each holiday year. 3. Colleagues should request holiday with as much advance notice as possible, preferably at least twice the number of days they wish to take; for example, at least 2 weeks' notice for one week's holiday. 4. Managers should encourage colleagues to take their holiday. They are required to approve holiday requests via Cloud ERP Access and to regularly review outstanding balances to ensure their team are taking their entitlement (in a reasonably balanced fashion) across the year 5. There may be times of year in each division or School where operational requirements mean that it may be difficult to approve leave requests. The Head of Division will ensure that they make this clear to their relevant teams at the start of each holiday year. 6. However, managers should not unreasonably refuse requests for holiday. When refusing requests, they should explain, ideally in person, why it is not possible to approve that particular request. For example, if the request falls at an operationally sensitive time of year as set out in (5) above; cover would be reduced to inappropriate or unsafe levels; teaching or marking would be adversely affected by an absent lecturer; completion of a project or meeting an important deadline would be adversely affected. Where, exceptionally, holiday requests are granted during a "restricted" period, the manager should ensure that the reason for granting the holiday is reasonable, justifiable and consistent with other exceptional requests. When reasonably refusing a

		request, managers and colleagues should agree and approve alternative dates to ensure full entitlement may be taken
4.	**SCOPE**	
		As the University operates internationally, both through its campuses in Dubai and in Malaysia and through arrangements with partners in other jurisdictions, the Key Principles apply to all colleagues whether based in the UK or overseas, however holiday entitlement may vary for overseas colleagues. In particular, the University ensures that its operations in Dubai and Malaysia meet the minimum requirements of the host country. Appendix 1 – Holiday Entitlement is a contractual entitlement. The remainder of this Policy and its accompanying Guidance does not form part of employees' contracts unless specifically stated and it may be amended from time to time.
5.	**LINES OF RESPONSIBILITY**	
		Heads and their Management Teams are responsible for ensuring that all colleagues have an equal opportunity to take their full amount of holiday entitlement whilst ensuring minimal disruption to normal university business. Heads are responsible for setting out at the start of the holiday year any times where leave may not be granted due to operational requirements Heads are responsible for implementing procedures and utilising Cloud ERP to ensure there is an auditable record of leave entitlement, leave applied for, taken, and outstanding, for all colleagues at any time. All Line Managers are responsible for local implementation of this policy. All colleagues are responsible for compliance with this and all other policies and procedures relating to leave entitlement.
6.	**MONITORING AND EVALUATION**	
		Holiday entitlement is a contractual entitlement and Cloud ERP is the University's system to request and record annual leave. Usage rates will be monitored and reported on to ensure everyone is taking their correct and fair entitlement. Cloud ERP will also be used to calculate and pay or recover any outstanding holiday entitlement owed to the colleague or the university at the end of employment. Records of holiday entitlement, usage and outstanding balance will be held and reported on in line with the Staff Privacy Notice https://www.hw.ac.uk/services/information-governance/access/privacy-employees-contractors.htm
7.	**RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE**	
		All HR Policies may be found on the HR Policies Page • Maximising Attendance Policy and Procedure • Global Policy Annual Leave Temporary Amendment (2019-2022) • Leave of Absence Policy and Procedure • Supporting Family Life Policy and Procedures

8.	**FURTHER HELP AND ADVICE**			
	Contact HR UK at HR helpdesk Contact HR Dubai at HRDubai@hw.ac.uk Contact HR Malaysia at hr.my@hw.ac.uk			
9.	**POLICY VERSION AND HISTORY**			
	Version No	**Date of Approval**	**Approving Authority**	**Brief Description of Amendment**
	V.2.2	October 2019 Updated April 2021 and Aug 22	UE	Amended to reflect new HR system and revised links
	V 2.3	January 2024	HWUM Provost	Minor change for new HWUM employees

POLICY

APPENDIX 1 - HERIOT-WATT UNIVERSITY ENTITLEMENT

The Heriot-Watt University holiday year runs from 1st October – 30th September in any one year.

The minimum statutory holiday entitlement in the UK is 5.6 weeks, which equates to 28 days for someone working five or more days per week, pro-rated for part time colleagues or part-year service. HWU offers an enhanced contractual entitlement as follows:

Edinburgh and Orkney
Colleagues are entitled to 28 (Grades 1-5 and Apprentices) or 33 days (Grades 6-10) per year depending on their contract, pro-rated for part-timers or for colleagues joining or leaving part-way through the holiday year.

There are an additional 9 days (pro-rated for part-time colleagues) designated "Buildings Closed Days" which are taken as they fall and not pro-rated for part-year service as follows:
- 25th December- 2nd January inclusive (7 days)
- Good Friday and Easter Monday (2 days)

In addition, when 24th December (Christmas Eve) falls on a weekday, it is also treated as a "Buildings Closed Day" in Edinburgh and Orkney

Scottish Borders Campus
Colleagues are entitled to 29- or 34-days service depending on their contract, pro-rated for part-timers or for colleagues joining or leaving part-way through the holiday year.

There are an additional 9.5 days (pro-rated for part-time colleagues) designated "Buildings Closed Days" which are taken as they fall and not pro-rated for part-year service as follows:
- 25th December- 2nd January inclusive (7 days)
- Good Friday and Easter Monday (2 days)
- "Gala Day" half- day (advised locally each year)

24th December is NOT a designated Buildings Closed Day at Scottish Borders Campus but if the facilities are closed on that day annual leave must be taken instead.

Oriam
Colleagues are entitled to a total of 32 days leave, which equates to 240 hours INCLUDING Buildings Closed Days, which are designated
- 25th December
- 26th December
- 1st January
- 2nd January

Holiday is booked and taken in hours regardless of whether working full time or part time.

All UK Campuses
The University may on occasion grant additional days, for example, for Royal Wedding occasions.

Dubai Campus
Colleagues are entitled to paid leave of 43 working days in total. The 43 working days leave includes any official national holidays of the United Arab Emirates announced for the private sector. The University may require the Employee to take his/her leave entitlement in one or more tranches at such time(s) as are mutually agreed. Note that the Dubai campus does not close for Christmas or Easter.

<u>Malaysia Campus</u>
Full time colleagues are entitled to the following:

An employee who joined prior to 1 January 2024 is entitled to a fixed 27 days per leave cycle. An employee who joins from 1 January 2024 will be entitled to the following leave entitlement per leave cycle:

Year of Service	Annual Leave Entitlement
Less than 5 years	22 days
5 years and above	27 days

For service less than 12 continuous months, annual leave entitlement will be pro-rated.

All employees are entitled to all gazetted Public Holidays observed by the University. If an observed Public Holiday falls on a Sunday, the following Monday will be a holiday. A list of the public holidays observed by the University shall be made available to employees. If the Government declares additional public holidays, the University will assess the situation and announce if the holiday is to be observed.

The total annual leave entitlement should equal a maximum of 43 working days holiday, including both annual leave and public holidays.

Note that the Malaysia campus does not close at Christmas or Easter except for Christmas Day.

Appendix 2 - Good Practice for Managers and Employees

INTRODUCTION
This section sets out Good Practice Do's and Don'ts for all colleagues when booking and taking holiday – and some additional guidance for managers.

RECORDING AND REPORTING HOLIDAYS
1. Records of holiday entitlement, usage and outstanding balance will be held and reported on in line with the Staff Privacy Notice https://www.hw.ac.uk/services/information-governance/access/privacy-employees-contractors.htm

2. All holiday entitlement (and other absences) must be agreed and approved by the line manager and recorded locally via Cloud ERP.

3. Holiday entitlement is calculated in days for full-time employees working a standard 5 day working week, with the Buildings Closed Days already accounted for in Cloud ERP and do not require to be booked. Scottish Borders Campus colleagues must always book 24th December as a day of annual leave if it falls on a weekday.

4. Holiday entitlement is calculated in hours for part-time employees, shift workers, anyone working a condensed week or whose contract of employment states that the normal working week is more than 35 hours (e.g., Oriam, Trades staff).

   Colleagues in this category will have any Buildings Closed Day that falls on a day that they would normally work automatically built into their leave schedule. It will automatically be deducted from their balance and it will not need to be booked separately.Line Managers should ensure that they delegate their approval rights to another manager or deputy in their absence.

5. Managers can view their own team's holiday and other absence records via My Team in Cloud ERP.

6. Outstanding holiday pay for any leaver will be calculated from Cloud ERP, so it is important to ensure all absence records are up to date with requested and approved leave. If there is no record of holiday in Cloud ERP, HR will not assume that no leave has been taken and will follow up individual cases for confirmation of holiday taken but not recorded.

GENERAL KEY PRINCIPLES
1. All colleagues are expected to take regular breaks from work using their holiday entitlement and to book through Cloud ERP Access

2. All colleagues are expected to use their full entitlement in each holiday year, particularly before their last day of service when leaving for any reason.

3. Holiday entitlement cannot be saved up and paid in lieu at the end of a contract to enhance earnings as the entitlement is to paid time off to rest and recuperate

4. Colleagues must take the statutory minimum levels of holiday and, in the UK for example (where the statutory level is 5.6 weeks/28 days); it is not legal to pay staff in lieu of this entitlement other than at the end of a contract.

5. Up to 7 days holiday (pro-rated for part-timers) may be carried forward into the next leave year provided it is booked and taken by 15th January. Any carried forward leave not taken by that date will be removed from the total year balance.

6. As indicated in the Policy Key Principles, colleagues should request holiday with as much advance notice as possible. Colleagues in Malaysia are required to apply for leave seven days before the leave is due to start.

7. As stated in the Policy Key Principles, at the start of the holiday year, managers must advise their teams of any periods when for operational priorities, requests for leave may not be approved. When reasonably refusing a request, managers and colleagues should agree and approve alternative dates to ensure full entitlement may be taken

8. In certain exceptional circumstances, managers may reasonably require staff to take leave at certain times provided they give at least twice the amount of notice, for example, 2 weeks' notice for one weeks' leave. For example, towards the end of a holiday year or fixed term contract, or during notice periods if the employee has not taken at least their statutory entitlement; managers in the UK are able to instruct staff to take their holiday provided they have given them the correct notice

9. When a colleague is working a notice period, whether through resignation, redundancy, retirement or dismissal for any other reason, including the natural expiry of a fixed term contract,
    a. in the UK and Dubai, they will normally be expected to take any outstanding holiday before they leave, unless otherwise agreed with their line manager and approved by the Head of School/Director
    b. In Malaysia, annual leave accrued will be paid at termination unless otherwise agreed with their line manager to off-set the termination notice.

10. There will be exceptional and specific occasions (e.g., in the UK, the short-term EAP Tutor contracts) when it will not be possible to allow holiday of more than one or two days to be taken. In such circumstances, accrued holiday must be paid at the end of the contract or engagement. Managers who anticipate this may be the case must ensure that the budget they have calculated for the duration of the contract or engagement includes payment for accrued and not taken holiday.

11. Colleagues who fall ill immediately before or during a period of planned and approved holiday may be able to reclaim holiday. A fit note from the GP will normally be required in order to reclaim any part of holiday because of illness. See also Appendix 3, Frequently Asked Questions

12. Colleagues who are absent long-term, for example due to sickness or family reasons, may, in certain circumstances be entitled to carry forward additional holiday entitlement. Please contact HR helpdesk HRHelp@hw.ac.uk, HR.Dubai@hw.ac.uk or hr.my@hw.ac.uk for advice as the entitlement may vary depending on the reason, length of absence and the employee's location. See also Appendix 3, Frequently Asked Questions.

13. Outstanding holiday pay for any leaver will be calculated from Cloud ERP, so it is important to ensure records are up to date with requested and approved leave. Colleagues and managers should not assume that if there is no record of holiday in Cloud ERP a full year's entitlement will be paid automatically.

GOOD PRACTICE DO's and DON'Ts
<u>Everyone</u>

DO   record all your holiday in [Cloud ERP](#)

DO   book your holiday entitlement with as much notice as possible

DO   plan to use your full entitlement each year, particularly before your last day of service when leaving for any reason. It is particularly important in the UK that all annual leave is taken before an externally funded contract ends, as it is usually not possible to claim annual leave payments (after leaving) from the external funder.

DO   try to take some of your leave in blocks of one or two weeks to ensure a full break from your work

DO   speak to your manager as soon as possible if you want to take 3 or more consecutive weeks leave, so that adequate cover may be arranged

DO   speak to your manager as soon as possible if you wish to carry forward any unused days

DO   discuss your holiday plans with your colleagues to help your manager with cover, particularly at busy times of the year (e.g., exam period, Fresher's Week) or holiday seasons and school holidays

DON'T automatically assume you will get the holiday dates you ask for **but**:

DO   work with your manager if they are unable to grant your request and agree an alternative date instead

DON'T save up your holiday entitlement and expect to be paid in lieu at the end of a contract to enhance earnings as the entitlement is to paid time off to rest and recuperate

Additionally for UK colleagues sponsored under a Skilled Worker (formerly Tier 2) or Tier 5 Visa

DO   ensure that your attendance and absence records in [Cloud ERP](#) are kept up to date, to comply with UKVI regulations. This applies to all paid and unpaid leave AND overseas work trips, which must be recorded with Assurance Services.

<u>Managers</u>

DO   encourage your team to submit dates for their holiday as far in advance as possible

DO   approve holiday requests via [Cloud ERP](#) as quickly as possible and remember to delegate your approval authority when you are absent or out of the office for long periods

DO   plan and budget for e.g., research grants and projects to ensure there is time for full holiday entitlement to be taken within the duration of the fixed term contract

DO   review regularly whether your team have taken or booked their holiday and remind them how much outstanding holiday they have

DO   ask any team member who has not booked or taken holiday by the end of April in any year (or for colleagues on a fixed term contract, 6 months before the contract end date) to book dates as a matter of urgency

DO   ensure that when you approve holiday requests, the department or team has adequate cover and that handovers are completed and held somewhere accessible

DO   assume and plan for your team to take all their holiday entitlement. It is particularly important that all holiday is taken before an externally funded contract ends, as it is usually not possible to claim annual leave payments (after leaving) from the external funder.

DO   act as a positive role model by booking and taking your full entitlement every year!

DON'T unreasonably refuse a request for leave. If you have a genuine business reason, always speak to your colleague to explain and then agree alternative dates which you can approve – so:

DO   explain, ideally in person, why it is not possible to approve that particular request, for example if:
        a. cover would be reduced to inappropriate or unsafe levels
        b. taking holiday would impact on the student experience e.g., inability to attend an exam board or mark exam papers.

      c.   completion of a project or meeting an important deadline would be adversely affected.

DON'T exclude the possibility of needing to pay accrued entitlement at the end of a short fixed term contract; ensure that your budget can cover this

DON'T take the view that it is up to each member of staff to decide whether they want to take holiday or not

DON'T give in to employee's requests to be paid instead of taking holiday (including requests not to take holiday during a fixed term contract)

DON'T make your team member feel guilty about taking holiday!

Additionally - if you are the line manager of a UK colleague sponsored under a Skilled Worker (formerly Tier 2) or Tier 5 Visa

DO   ensure that their attendance and absence records in Cloud ERP are kept up to date, in order to comply with UKVI regulations. This applies to all paid and unpaid leave AND overseas work trips, which must be recorded with Assurance Services. If you are concerned that a period of absence (including an overseas work trip) may breach their visa conditions, you must seek advice from HR at HR helpdesk prior to approving the absence

POLICY

APPENDIX 3 - Frequently Asked Questions

INTRODUCTION

Set our below are some of the questions we are most often asked about, from both colleague and management perspective. If you have a query that is not covered by the above Guidance or the questions below, please contact HR helpdesk HRDubai@hw.ac.uk or HR.MY@hw.ac.uk

1. **Can I take a quarter day's holiday?**
   If your holiday is calculated in <u>days</u>, time off should be taken in multiples of days or half days. If you need less than half a day, speak to your manager to discuss a suitable way of making up the time immediately before and/or after the time is taken. If your holiday is calculated in hours, you should not book less than 1 hour, but speak to your manager as outlined above to work out a suitable way of making up the time.

2. **I have 10 days holiday remaining this year - can I be paid for these instead of taking them?**
   No. We have a very generous amount of holiday entitlement and encourage you to plan throughout the year how and when to apply to take all their entitlement. A maximum of 7 days may be carried over until the next leave year (and should be taken by 15th January). Any additional remaining days will lapse.

3. **Should the Malaysian / Dubai Governments announce a new Public Holiday for the country, would this be part of the 43 working days holiday?**
   Yes, it is part of the 43 working days holiday as this entitlement includes both annual leave and public holidays as stipulated in the Offer of Employment.

4. **I have just started at Heriot-Watt, but already had a holiday booked before I joined the University. Will it be honoured?**
   Wherever possible, subject to business requirements your holiday will be honoured. If you have not yet accrued enough annual leave to cover the duration of the holiday speak to your line manager about how best to cover the time off. Options may include taking days from the following year's annual leave allowance; or taking unpaid leave.

5. **I was ill while on pre-booked holiday –can I get my days back?**
   <u>UK Staff</u> - If a medical certificate (Fit Note) is produced for all the time being claimed back (even if the sickness absence was self-certified), holiday may be re-credited. The manager should contact HR helpdesk and send the fit note through so that HR can update the record.

6. **I am returning to work on a phased return and have accrued a lot of holiday in my absence. Can I use some of my holiday entitlement during the phased return?**
   Yes, when someone is returning to work after long-term sickness absence, it may be helpful to use up holiday entitlement and full pay during a phased return rather than sick pay. We recommend that you and your manager discuss together what would be the most appropriate way of using up accrued holiday when returning from sickness absence and then your manager may seek advice from HR on how to implement and record this.

7. **I was ill and absent from work for the whole of the last leave year. What am I entitled to carry into the new leave year?**
   If you have not been able to take all your holiday allocation due to sickness absence, you may carry over the UK balance of the statutory minimum of 20 days or, in Dubai and Malaysia, the annual leave balance after deduction of all Public Holidays.

As Heriot-Watt allows a discretionary maximum of 7 days to be carried over, it would be reasonable to add these two together. The maximum that anyone would carry forward would therefore be 27 days (and only in situations where they have been absent for the whole of the year).

In these exceptional cases, the cut-off carry forward date of 15th January will be lifted so the holiday entitlement may be taken at any time (subject to normal approval process) until the normal holiday-year end.

8. **I have been absent on long-term sickness for less than a full holiday year- what am I entitled to carry forward? (UK only)**
The maximum you can carry forward is 27 days, of which 7 days must be used by 15th January of the following leave year. If you remain on sickness absence beyond 15th January, then only 20 days can be carried over.

You and your manager should therefore work together to decide:
   a. How much holiday in total have you already taken in the leave year (including Building Closed Days)?
   b. How much holiday can you and your manager reasonably agree may be taken before the end of the leave year?

Example
- You have an entitlement of 33 days + 9 BCD days = 42.
- You have been absent between November to September.
- You had taken 4 days annual leave before your sickness absence and were certified as unfit over all of the BC days leaving you with a balance of 38 days.

On return to work in October you are entitled to carry over 27 days 7 of which must be used by 15th January.

Example
- You have an entitlement of 28 days + 9 BCD days = 37.
- You have been absent from August to January.
- You had taken 14 days annual leave and 2 buildings closed days, leaving you with a balance of 14 annual leave days.

On return to work in February you are entitled to 14 days carry over and will be entitled to the 7 days buildings closed missed as you were certified as unfit to work.

Example
- You have an entitlement of 33 days = 9 BCD days = 42.
- You have been absent from June to August.
- You had taken 12 days annual leave and all 9 of the buildings closed days, leaving you with a balance of 21 days.

On return to work in September you take 9 days annual leave, leaving you with a balance of 12 days. In this instance you would be entitled to carry over 12 days, 7 of which should be used be the 15th January.

9. **(Management Question) Some of my staff have their holiday calculated in hours but they work shift patterns – it is difficult for me to approve holiday that only covers part of a shift.**
For staff working shifts, it is usually not appropriate to take a period of holiday that is less than one shift. If staff have an odd number of hours that total less than one shift at the end of the leave year, these can be rolled over until the new leave year.

10. (Management Question) Mr X is on a fixed term contract that ends this year. He would prefer not to take any holiday during the year but receive payment in lieu at the end of his contract.
Staff will normally be expected to take all outstanding holiday before they leave, unless otherwise agreed with their line manager and approved in advance by the Head of School/Director.

When someone leaves our employment, accrued holiday entitlement in the current leave year that has not been taken will not be paid in the UK or Malaysia except in exceptional circumstances. Whilst this is not the situation in Dubai, as a manager you should encourage everyone to take the time off that they are entitled to before they leave. It would not be appropriate or acceptable to take no holiday in order to supplement salary – and in the UK it would be in breach of the Working Time Directive. In addition, if the post is externally funded, the cost of any holidays paid after leaving will not be covered by the external funding.

11. (Management Question) Mr X has requested 2 weeks off in July, but we are particularly busy then and I've already given approval for 2 other people to be off then – do I have to approve this request?
No, you don't have to approve the request. You can refuse a request on either of the above grounds and you should explain the reason for the refusal in a considerate way.

12. (Management Question) I have agreed to honour a holiday for a new member of staff which means using up some of next year's leave - how do I do that?
You should advise your member of staff to submit their holiday request in the usual way through the Cloud ERP system for you to approve. If the leave they are requesting straddles the start of the new leave year e.g., 28th September to 2nd October, they will need to put this through as 2 separate requests – 28th September to 30th September and 1st October to 2nd October. Their annual leave balance will show as a negative balance until the new annual leave year commences.

13. (Management Question) I have 4 team members who are all requesting the same two weeks off at Easter time to fit with the school holidays – how do I decide which requests to approve?
You should discuss this proactively with the individuals involved and take steps to satisfy the needs of all, as far as possible. If this is likely to be a common occurrence, you may wish to consider introducing a rota system so that leave expectations are managed transparently.