

Report to:	Senior Management Team (SMT)
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS)
Meeting Date:	29 March 2023
Subject/ Title: (and VC no)	Annual Leave – 2022-23 to 2023-24 – carry forward Office closure – Christmas 2023 and New Year 2024 Ad hoc updating – C5 Employee Handbook VC184307
Attached Papers (title and VC no)	None

Purpose of report

1. The purpose of this Committee Report (CR) is to seek approvals from the SMT relating to the carry forward of annual leave, the closure of the office premises – Christmas 2023 and New Year 2024 and the updating of the Employee Handbook.

Recommendation and actions

2. I recommend the following:
 - (i) the SMT agree that the arrangements for the carry forward of annual leave from 2022-2023 to 2023 – 2024 (and in future years will revert to the arrangements set out in the Employee Handbook
 - (ii) the SMT approve that office closure arrangements for Christmas 2023 and New Year 2024, as follows: office closes at 1700 on Friday 22 December 2023 and re-opens at 0700 on Wednesday 3 January 2024
 - (iii) the SMT approve the updating of the Employee Handbook to refer to the interim arrangements for recording and approving leave instead of Simply Personnel
 - (iv) the SMT agree that the publication arrangements as set out in paragraph 22.

Executive summary

Annual leave

3. The C5 Employee Handbook (VC153224) sets out the leave arrangements that currently apply to all members of the Commissioner's staff.
4. The annual leave year runs from 1 September until 31 August.
5. If a member of staff works on a part-time or has a flexible hours arrangement, their leave entitlement will accrue and be carried forward on a pro-rata basis

Annual leave - carry forward 2021-22 into 2022-23

6. As regards the carrying forward of leave from 2021-22 to 2022-23, the SMT recognised that, due to the impact of the COVID-19 pandemic, members of staff may still not have been able to take all of their annual and accrued contractual leave by 31 August 2022 and agreed the carrying forward of additional (15 days).
7. The SMT also noted that it was anticipated that the arrangements for the carry forward of annual leave from 2022-2023 to 2023 - 2024 will revert to the arrangements set out in the Employee Handbook and carry forward balances will return to normal.

Annual leave - carry forward from 2022-23 into 2023-24

Unused leave in excess of the statutory leave entitlement (21.5 days FTE) (contractual leave including public and privilege holidays (2022-23 – also 2 additional days for ad hoc public holidays FTE)

8. In my view, the carry forward of annual leave arrangements should now revert to the arrangements set out in the Employee Handbook which provide that:
 - a member of staff may carry up to 10 days' annual leave into the next leave year without the prior approval of their HOD
 - if a member of staff wishes to carry forward more than 10 days' annual leave, they may only do so at the discretion of their HOD.

Statutory leave entitlement

9. The SMT and line managers should note that if a member of staff is not able to take their full statutory leave allowance in 2022-23 (20 days per year FTE), the Head of Department (HOD) should consult the HOCS or the FAM before authorising any discretionary carry over of leave which, in effect, comprises part of this allowance. This is to ensure that any exceptional carry over arrangements, in line with the Working Time Regulations, are put in place.
10. The calculation of the 20 working days should not include the annual leave days used when the office premises were closed for 19 September (1 day), Christmas and New Year (8 days), Easter (2 days) and 8 May (1 day) as these leave days are accounted for as public holidays within the contractual leave arrangements.

Requesting annual leave, special leave and ill health/sick leave

11. As we are no longer able to use Simply Personnel, an interim approval system is currently in place and the Employee Handbook should be updated to provide that any references to Simply Personnel should now refer to the interim approval system instead.

Risk impact

12. The Commissioner's reputation and, also, public confidence in the Commissioner could be undermined if the Commissioner does not demonstrate good practice and good governance.
13. The proposed recommendations, if agreed, will mitigate against strategic and operational risks of not having effective and robust governance and human resource arrangements in place.

Equalities impact

14. The Commissioner is committed to promoting equality of opportunity and treatment and to ensuring that there is no discrimination in our employment practices.
15. There are no new equalities impacts arising from the proposals.

Privacy impact

16. As regards the proposals, no new high-risk processing of personal data has been identified.

Resources impact

17. Having effective and up to date policies and procedures ensures consistency of approach in managing employees.
18. Once approved, the HOCS will email all members of staff and put in place the necessary actions.

Operational/ strategic plan impact

19. This CR has required input from the Corporate Services Team.

Records management impact (including any key documents actions)

20. If approved, the C5 Employee Handbook will be updated and the relevant key document actions carried out.

Consultation and Communication

21. The HOCS will advise all members of staff of the recommendations, if agreed.

Publication

22. I recommend that this CR is published in full.