

Guidance on Calculation of Annual Leave Entitlement Following Long-Term Sickness Absence

Principles Applying:

1. Calculation

For each leave year, separate calculations of statutory and contractual leave entitlements should be made and whichever is more beneficial should be applied.

2. Statutory Leave Carry Over

20 days statutory leave (pro rata for part-time staff) can be carried forward from one leave year to the next.

3. Contractual Leave Carry Over

A maximum of 10 days contractual leave (pro rata for part-time staff) can be carried forward to the next leave year only. For example entitlement from 14-15 can be carried forward to 15-16 but cannot be carried forward cumulatively to 16-17.

Calculation of statutory entitlement and whether this has been met should be made first:

- Has the employee had their statutory entitlement in the leave year in which they went off sick?
- Annual leave already taken before sick leave should be taken into account
- If yes, the employee has received their statutory entitlement, then there is no statutory carry forward.
- If no, they have not received their statutory entitlement, the remaining leave up to 20 days should be recorded as their statutory carry forward.

Calculation of contractual entitlement (to determine if more beneficial than statutory):

- Has the employee taken all their contractual leave for that leave year?
- If yes, then there is obviously no carry forward as that will meet the statutory leave entitlement as well.
- If no, then up to 10 days contractual leave can be carried forward.

The same principles will apply to carry over where the employee has been on long-term sickness absence for the whole of a leave year.

Please note that the employee is entitled to either the contractual carry forward or statutory carry forward (whichever is more beneficial) but not both.

Please see calculation example for illustration of above principles.