



Annual Leave Entitlement

THE LAW

England, Wales and Scotland	Northern Ireland
The Working Time Regulations 1998	The Working Time Regulations (Northern Ireland) 1998

The above regulations and subsequent amendments require employers in the United Kingdom to give their employees an annual minimum statutory leave entitlement, or paid holiday. The **current annual leave entitlement** for most employees is a minimum of 5.6 weeks, or 28 days a year. However, this is just a minimum and employers are free to offer more leave if they so choose.

It is best practice to agree to a specified amount of annual leave when an employee starts work, generally in the written contract or written statement of employment particulars.

EMPLOYEE ENTITLEMENT CALCULATIONS

Full-Time Employees

Full-time employees, working 5 days a week or more, will receive the entire allotted 5.6 weeks, or 28 days of annual leave. This is the minimum statutory leave that employers are required by law to offer. However, if an employee works more, for example, 6 days a week, he or she is still only entitled to 5.6 weeks of paid holiday, unless the employer chooses to offer more.

Part-Time and Shift Employees

Part-time workers and shift employees also are entitled to 5.6 weeks of annual leave, but it is based proportionately on how much they work. For instance, if a part-time employee only works 3 days a week, then his or her leave is calculated by multiplying 3 by 5.6. This comes out to 16.8 days of annual leave. Shift and irregular hour employees are also entitled to statutory annual leave; however, their calculations are more complex. For a holiday entitlement calculator to help with calculations, please visit www.gov.uk/calculate-your-holiday-entitlement.

ACCRUAL AND CARRY OVER

An employee's annual leave begins to build up, or accrue, as soon as he or she starts work. Employers should define the dates of their statutory leave year in the written contract or statement. If the dates of the leave year are not defined in a written contract or statement, then it starts on the first day of the new job. Because an employee starts to accrue leave entitlement the moment he or she starts work, this also means that if an employee leaves the job or is terminated, employers must pay out accrued untaken statutory leave.

If an employee starts working during the middle of a leave year, he or she is only entitled to the remainder of annual leave left in the current leave year. If an employee starts 6 months into a leave year, he or she is entitled to half of the 5.6 weeks entitlement.

There is no automatic right to carry over unused leave into the next leave year. However, employers can allow employees to carry over up to 1.6 weeks of unused leave through the terms of the employment contract.

This summary is provided for general informational purposes only and does not apply to specific circumstances. It does not purport to be a comprehensive analysis of all matters relevant to its subject matter. The content should not, therefore, be regarded as constituting legal advice and not be relied upon as such. In relation to any particular problem which they may have, readers are advised to seek specific advice. Further, the law may have changed since first publication and the reader is cautioned accordingly.

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HOW MUCH PAY?

Employees are entitled to a full week's pay for each week of leave they take. This means that statutory leave pay is based on the hours an employee typically works and how the employee is paid for those hours. The following chart provides a summary of how employees are paid for annual leave.

Working Pattern	Week's Holiday Pay
Fixed Hours and Fixed Pay	The amount a worker gets for a week's worth of work
Shift work with Fixed Hours	The average number of weekly fixed hours worked in the last 12 weeks at the average hourly rate*
No Fixed Hours	Average pay over the previous 12 weeks

*Average hourly rate is calculated by taking the hours worked and amount paid over the last 12 weeks. If there was no pay in any given week, count back an additional week.

NOTICE AND APPROVAL

In order to take statutory leave, employees must give notice to their employer. If specific notice requirements are not specified in an employment contract or written statement, the default required notice period must be twice as long as the period of leave requested. For instance, if an employee wants to take 2 weeks of paid leave, he or she must give the employer at least 4 weeks of notice. An employer can deny the request as long as the employee is given as much notice as the amount of leave requested. For example, an employer must give an employee 2 weeks' notice that a request is denied if 2 weeks of leave was requested. While employers can restrict the timing of when employees take leave (such as during busy periods), they cannot refuse to allow employees to take the leave at all.