

JOINT NEGOTIATING COUNCIL EDUCATION AUTHORITY

13 September 2022

To: Council Members
MSO/TUSO

JOINT NEGOTIATING COUNCIL CIRCULAR NO. 307

STATE FUNERAL : QUEEN ELIZABETH II – MONDAY 19 SEPTEMBER 2022 ADDITIONAL PUBLIC HOLIDAY FOR 2022/2023

The Government has announced that there will be an additional Bank Holiday on Monday 19 September 2022 to mark the occasion of the State Funeral of Her late Majesty Queen Elizabeth II.

In accordance with Part 2, paragraph 7.1 of the Green Book, employees will be entitled to a holiday with a normal day's pay on this additional Public Holiday (pro-rata for part-time employees).

Correspondence from the NJC for Local Government Services dated 12 September 2022 is attached for information.



Management Side Secretary
M McDermott



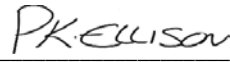
Trade Union Side Secretary
A Law



Trade Union Side Secretary
A Speed



Trade Union Side Secretary
J Donley



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National Joint Council for local government services

Employers' Secretary
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**To: Chief Executives in England, Wales and N Ireland
(additional copies for HR and Finance Directors)
Members of the National Joint Council**

12 September 2022

Dear Chief Executive,

State Funeral of Her late Majesty Queen Elizabeth II

The Government has announced that there will be an [additional bank holiday](#) on Monday 19 September to mark the occasion of the State Funeral of Her late Majesty Queen Elizabeth II.

In accordance with Part 2 Para 7.1 of the Green Book, all employees will be entitled to a holiday with a normal day's pay on the additional bank holiday (pro-rata for part-time employees).

In accordance with Green Book Part 3 Para 2.6 (unless a local agreement is in place), employees who are required to work on Monday 19 September should receive public holiday pay, plus time off with pay at a later date.

Term-Time Only employees

In relation to Term-Time only (TTO) employees, the Green Book Part 4.12 Para 13.2 provides: *"If the Government announces an additional public holiday(s), a TTO employee's pay should reflect the additional public holiday or an additional period of paid leave during term-time could be granted"*

DfE has confirmed it will shortly lay regulations to reduce the school year from 190 days to 189 days for the academic year 2022-23, as a result of the additional bank holiday. For many staff, this may result in a reduction in their working year.

The NJC recognises that because of the different remuneration arrangements in place in individual organisations, there is no one-size-fits-all approach to whether, and how, to adjust TTO pay and leave entitlement to take account of the additional bank holiday. However, all employers will need to ensure that part-time staff are provided with a pro-rata entitlement for the additional bank holiday.

First or second additional bank holiday?

For some TTO employees, this additional bank holiday will be the second to occur in their current leave year (the first having been for the late Queen's Platinum Jubilee in June 2022). Therefore, provided below are two example calculations to take account of the different circumstances.

Where there is a reduction in the working year of the TTO employee

The vast majority of TTO staff are contracted to work either 190 or 195 days per year. The NJC advises that in cases where the reduction in the school year means that employers will now require these staff to work either 189 days or 194 days (or 188 and 193) respectively in 2022-23, one approach to providing the additional bank holiday entitlement would be to make no adjustment in the remuneration arrangements for these TTO employees. This will provide these TTO employees with paid leave for the bank holiday as they will receive the same pay but work one (or two) day less.

However, for some TTO employees, whether they will receive leave due to the bank holiday will depend on their working pattern. Where a part-time employee would have been at work on the day of the bank holiday (or the day in the school year which is no longer one of the 190 days of directed time), they should continue to receive pay for this time (as above). This will give them paid leave for the additional bank holiday.

Where there is no reduction in the working year

However, where a part-time employee's working pattern means that they are still working for the full number of days / hours for which they are contracted to work annually, they will need to be given an additional pro-rata paid leave entitlement to reflect the additional bank holiday.

Example 1 – for TTO employees for whom this is the only additional bank holiday in their current leave year

A TTO employee works three days a week.

$39 \text{ weeks} \times 3 \text{ days} = 117 \text{ days per year.}$

If they have at least 5 years' service, their holiday entitlement in a normal year would be as follows: $117 \text{ days} \times 0.1551$ (To see how this 0.1551 figure is arrived at, please see Green Book Part 4.12 Para 6) daily leave entitlement = 18.1467 days.

In the year with the additional bank holiday, their working pattern is such that they are still required to work for 117 days in the year, the revised calculation of leave would therefore be: $117 \text{ days} \times 0.1602 = 18.7434 \text{ days}$ (The increase in FTE total paid leave from 35 to 36 days produces an accrual rate of 0.1602 per working day).

This is an increase in leave entitlement of 0.5967 of a day. This would be the correct pro-rata entitlement when compared to an all-year-round employee. The TTO employee should therefore receive additional pay for the extra leave that is accrued.

The NJC recommends that any additional payment should be made to those affected staff who are in post on Monday 19 September.

Example 2 – for TTO employees for whom this is the second additional bank holiday in their current leave year

A TTO employee works three days a week.

39 weeks x 3 days = 117 days per year.

If they have at least 5 years' service, their holiday entitlement in a normal year would be as follows: 117 days x 0.1551 (To see how this 0.1551 figure is arrived at, please see Green Book Part 4.12) daily leave entitlement = 18.1467 days.

In the year with two additional public holidays, their working pattern is such that they are still required to work for 117 days in the year, the revised calculation of leave would therefore be: 117 days x 0.1654 = 19.3518 days (The increase in FTE total paid leave from 35 to 37 days produces an accrual rate of 0.1654 per working day).

This is an increase in leave entitlement of 1.2051 days. This would be the correct pro-rata entitlement when compared to an all-year-round employee. The TTO employee should therefore receive additional pay for the extra leave that is accrued. The NJC recommends that any additional payment should be made to those affected staff who are in post on Monday 19 September.

Yours sincerely,

Naomi Cooke, Rachel Harrison, Clare Keogh, Mike Short