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| SERVICE AREA: | Governance and Pensions |
| SUBJECT MATTER: | HOLIDAY PAY |
| DECISION: | <p>To approve that:</p> <ol style="list-style-type: none"> 1. Holiday pay is calculated and paid taking into account both contractual and temporary payments to individuals to ensure that they do not suffer a loss of earnings when on holiday for the 20 statutory days. 2. A percentage calculation is adopted with a commitment to moving to a centralised holiday payment system with the introduction of self service on the HR/Payroll system. 3. Back pay to 1 April 2017 is made in recognition of the holiday pay arrears. 4. The revised holiday pay be implementation from 1 November 2018. |
| DECISION TAKER(S): | Councillor Bill Fairfoull |
| DESIGNATION OF DECISION TAKER(S): | Deputy Executive Leader |
| DATE OF DECISION: | 24 October 2018 |
| PUBLIC OR PRIVATE | Decision made in private by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 - Information relating to the financial or business affairs of any particular person (including the authority holding that information). |
| REASON FOR DECISION: | To ensure compliance with case law decisions, that individuals should be remunerated when on holiday at the same level when working, with holiday pay being a natural continuation of pay that has been received before the period of annual leave. |
| ALTERNATIVE OPTIONS REJECTED (if any): | A lower rate could be considered for contracted workers but this would not be applicable to the approach ACAS recommend for payment of casual workers holiday pay. |
| CONSULTEES: | Trade Unions and the Local Government Association were consulted prior to submission of the report. |
| FINANCIAL IMPLICATIONS: (Authorised by Section 151 Officer) | <p>The financial obligations set out in this report are considered to be a practical solution which may still be subject to challenge.</p> <p>This report proposes holiday back pay is paid to all affected employees from 1 April 2017 to the implementation date. The amount of back pay due for this period has been calculated by People and Workforce development to be £198k. This amount has not been included in 18/9 budget and will have to be funded from the contingency budget.</p> |

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| | <p>The report set out a proposed implementation payment date for the new holiday payment system for 1 November 2018. The estimated costs per annum for holiday per as per the new holiday payment system is £193.5k as calculated by the People and Workforce Development team. This additional cost has not been included in the current or future years budget and will present an additional cost budget pressure for future years across those services where overtime/additional hours and additional payments made for sleep ins etc.</p> |
| <p>LEGAL IMPLICATIONS: (Authorised by Borough Solicitor)</p> | <p>The proposal set out in this report is based on case law and legal arguments which the Council are now obliged to meet.</p> |
| <p>CONFLICT OF INTEREST:</p> | <p>There were no declarations of interest.</p> |
| <p>DISPENSATION GRANTED BY STANDARDS COMMITTEE ATTACHED:</p> | <p>Not applicable.</p> |
| <p>REFERENCE DOCUMENTS:</p> | <p>The background papers relating to this report can be inspected by contacting Jenny Dickie:</p> <p> Telephone: 0161 342 2983</p> <p> e-mail: jenny.dickie@tameside.gov.uk</p> |

CHAIR