**Changes to Payment of Holiday Pay**

Following the outcome of the 2022 Supreme Court decision in the case of Harpur Trust v Brazel, the UK government introduced changes to the Working Time Regulations to simplify holiday entitlement and holiday pay calculations, for both part-year and irregular hours workers. The changes were introduced on 1 January 2024 and apply to leave years beginning on or after 1 April 2024.

An employee is defined as a part-year worker when they are required to work only part(s) of the year **and** there are periods within the year (during the duration of the contract) of at least one week where they are not required to work, **and** they are not paid.
Therefore, employees who are employed on annualised contracts and are paid their salary over 12 months (e.g. school-based staff), are **not** classed as part-year workers.

An employee is defined as an Irregular hours (Relief) worker if, under their contract, the number of hours they work in each 'pay period' are wholly or mostly variable.

**What does this mean for me?**

The following changes will be implemented for SJC staff from August 2024, and applied to hours worked in August, paid in September salaries.

Please read the following to determine if/how changes to holiday pay apply to you.

**Employees who work on a relief basis (where they have no contracted hours)**

* Relief employees will be paid holiday pay at the rate of 12.07% for all hours worked.
* The 12.07% payment will be shown on the employee's payslips as holiday pay and will be paid at the same time as the employee is paid for the hours they have worked.

**Employees with more than one post (where they have a contracted post(s) and sometimes work relief hours in a different post(s))**

* Employees who have one or more contracted post **and** one or more relief post will be paid holiday pay at the rate of 8.3% for additional hours the employee has worked in their contracted post; and at the rate of 12.07% for all hours the employee has worked in their relief post.
* The holiday payment will be shown on the employee’s payslip and will be paid at the same time as the employee is paid for the additional hours they have worked.

**Employees using Annual Leave, Flexi Leave or TOIL to enable them to undertake paid alternative work**

* Where employees choose to take annual leave, flexi leave or TOIL, they will be paid holiday pay at the rate of 12.07% for all hours worked in their relief post.
* The holiday payment will be shown on the employee’s payslip and will be paid at the same time as the employee is paid for the additional hours they have worked.

**Employees working additional hours in their contracted post(s)**

* Employees who work additional hours in their contracted post(s) will continue to be paid holiday pay at the rate of 8.3% for all additional hours worked.
* The 8.3% payment will be shown on the employee’s payslip as holiday pay and will be paid at the same time as the employee is paid for the additional hours they have worked.

**Employees granted paid Special leave to undertake paid alternative work**

* Where employees are granted paid Special Leave to undertake paid alternative work (for example, employees with a contracted post who are granted paid special leave from their contracted post to undertake work for an Election), will not be paid any holiday pay in addition to the payment they receive for carrying out the alternative work.