

## Record of Urgent Executive Decision(s)

### 1. Subject of decision

Catering – Annual leave on additional hours

### 2. Name and Title of Decision Maker

Jon Ritchie, Director of Finance and Resources

### 3. Details of any Conflict of Interest and any Dispensation granted in respect of such Interest

None

### 4. Executive summary (To be taken from written report)

Following an Employment Tribunal decision (Harper Trust vs Brazel) in 2022, which changed the way UK employers calculate annual leave entitlement, we have reviewed our processes and identified that in some cases we have paid less than the statutory minimum required.

We are currently working to calculate any underpayments required for all colleagues within the Authority, however there are a significant number of impacted employees in Catering Services who are being TUPE transferred to new employers on 1<sup>st</sup> April 2024. We are, therefore, seeking urgent approval to make payments to correct this underpayment for these colleagues in Catering Services in their final salary payments in April 2024.

## 5. Alternative Options considered

None available.

## 6. Decision(s)

Work with the Head of Law and Head of People & OD to ensure the underpayment of annual leave for colleagues in Catering Services is calculated appropriately and paid in their final salary in April 2024.

## 7. Reasons for the Decision(s)

These employees will receive their final salary on the 15<sup>th</sup> of April 2024 to cover payments for any additional hours or overtime worked up until the 31<sup>st</sup> of March 2024. We would like to make these annual leave payments at the same time so that all remaining statutory financial obligations are met, and information can go to the Pension Scheme and HMRC in a timely way following the end of employment.

Making these payments in April will help alleviate any financial difficulty for the employees caused by the longer gap between pay dates. Our pay date is the 15<sup>th</sup> of the month but many other employers' pay dates are at the end of the month. This means the employees may have a gap of up to 6.5 weeks between pay dates. Our Trade Union colleagues are also in support of the payment being made on 15<sup>th</sup> April to address this issue.

***To be completed by Democratic Services***

**9. Is this decision subject to call-in and if so expiry date of call-in period**

**10. Date of Publication**

**11. Implementation Date (if decision not called in)**

\*Note – this is an Urgent Decision, as agreed by the Chair of the Overview and Scrutiny Committee, and not subject to call-in, as agreed by the Chair of Council.

**The reason for urgency is as follows:**

In order to make the relevant payments to the employees impacted by the decision in a timely manner. Making these payments in April will help alleviate any financial difficulty for the employees caused by the longer gap between pay dates.