



Ministry  
of Defence

# Defence Internal Brief

SERIAL: 2016DIB/05

DATE: 29 January 2016

ISSUE: **Changes to civilian statutory holiday pay**

AUDIENCE: **Civilian Personnel and their line managers (including DE&S staff)**

TIMING: **Immediate**

ACTION: **To be briefed for Information and Action**

KEY POINTS:

- **You may be entitled to an enhancement in your Statutory Holiday Pay resulting from a legal employment ruling.**
- **Statutory Holiday Pay now includes regular non-guaranteed overtime and travelling time costs.**
- **The ruling only applies to the statutory four weeks of leave. This is the first 20 leave days taken from the start of the leave year regardless of whether you have carried over leave from the previous year. Bank Holidays and Public and Privilege Holidays are included.**
- **The enhancement to statutory holiday pay is calculated on the non-guaranteed and travelling time costs incurred in the preceding 12 weeks of the date of your statutory holiday.**

**This payment will not be automatic; to claim the additional payment you need to complete [DBS Form 1910](#) on People Services. Please note that there are different versions of the form depending on your employment group (Broader Banded, MDP etc) which can be accessed under further information at the end of this DIB.**

DETAIL:

## **Ruling**

In November 2014, an Employment Appeal Tribunal (EAT) ruled that non-guaranteed overtime and work-related travelling time should be factored into statutory holiday pay calculations:

- **Non-guaranteed overtime:** Overtime is obligatory for an employee if asked but not on the employer. The employer is entitled, but not bound, to call upon the employee to work overtime. The employee is bound to serve overtime if called upon.

- **Travelling Time:** Time spent travelling on official business which receives a taxable payment. The employee is paid for the time which they would not otherwise be obliged to spend travelling (cost of home to office travel is not included).

### **Not covered by the ruling**

- **Voluntary Overtime:** This is when overtime is voluntary on both sides. The employer is not bound to give overtime and the employee is not bound to serve overtime.
- **Additional part time hours:** Individuals working part-time can only submit claims for overtime that meet the criteria that are in excess of the full-time equivalent hours.

### **What will additional payment apply to?**

The ruling applies to the statutory four weeks leave as determined under Regulation 13 of the Working Time Directive 1998. The statutory four weeks is determined to be the initial 20 leave days taken from the start of the leave year regardless of whether individuals have carried over leave from the previous year. Bank Holidays and Public and Privilege Holidays are included in the 20 days.

### **Remuneration calculation**

Calculation of the additional elements of statutory holiday pay as covered by the EAT ruling will be based on non-guaranteed and travelling time costs incurred in the preceding 12 weeks (known as the reference period). The payments due will appear on the pay statement using the week-ending date of the claim (period when leave has been taken) and will appear as two entries to reflect non-pensionable and pensionable payments that may be due.

## **Process**

### **Overtime and Travelling Time Claims**

Individuals who work overtime (voluntary, guaranteed, non-guaranteed) or spend time travelling on official business should continue to submit claims in accordance with existing processes. Payments for such overtime and travelling time will be made accordingly.

### **How to claim Statutory Holiday Pay Enhancement from the start of the current leave year (1 May 2015)**

As the current recording of overtime does not differentiate between the various types of overtime, the pay system won't automatically include the additional payment.

So if you have received payment for non-guaranteed overtime or travelling time in the 12 weeks preceding your statutory holiday leave you need to complete [DBS Form 1910](#) on People Services. Please note that there are different versions of the form depending on your employment group (Broader Banded, MDP etc) which can be accessed under further information at the end of this DIB.

You need to populate the form with details of non-guaranteed overtime and travelling time payments received in the 12 weeks prior to the start of any statutory holiday period.

After you have submitted the form to DBS, the payment will be calculated and paid in the next available monthly pay run. Forms should only be submitted when all non-guaranteed or travelling time claims have been paid in respect of the preceding 12 week reference period. This is to avoid repeat claims for the same holiday period.

Submitting the claims electronically should provide a more efficient process and provide you with an electronic audit trail through which you can track your claim. There will be a facility to submit hardcopy claims as it is recognised that not all staff have easy access to IT.

Forms are to be submitted to DBS electronically or by hard copy to enable the pay clerks to make the necessary adjustments. Calculations will take account of both non-pensionable and pensionable elements of overtime and travel time payments.

Claims will be dealt with/processed in the same way as other claim forms, namely, if they are received prior to the published cut-off dates for paper forms then payment would be made in time for that month.

SUBJECT CONTACT:	<b>DBS Civilian Personnel People Services:</b> Tel: 93345 7772 (Mil) or 0800 345 7772 (STD) <a href="https://knowledge.chris.r.mil.uk/contact/email_template.php">https://knowledge.chris.r.mil.uk/contact/email_template.php</a> <a href="http://defenceintranet.diif.r.mil.uk/Organisations/Orgs/HOCS/Organisations/Orgs/DBS/PeopleServices/Pages/DBSFormsIndex.aspx">http://defenceintranet.diif.r.mil.uk/Organisations/Orgs/HOCS/Organisations/Orgs/DBS/PeopleServices/Pages/DBSFormsIndex.aspx</a>
FURTHER INFORMATION:	<b>DBS Form 1910A: Statutory Holiday Claim Form</b> (For MOD Broader Band Grades) <a href="http://defenceintranet.diif.r.mil.uk/libraries/corporate/PSCPAY/PayDetailsAndEnquiries/Forms/20140331-DBS%20Form%201910A%20v1.0-O.xls">http://defenceintranet.diif.r.mil.uk/libraries/corporate/PSCPAY/PayDetailsAndEnquiries/Forms/20140331-DBS%20Form%201910A%20v1.0-O.xls</a> <b>DBS Form 1910B: Statutory Holiday Claim Form</b> (For Fire Fighter Grades) <a href="http://defenceintranet.diif.r.mil.uk/libraries/corporate/PSCPAY/PayDetailsAndEnquiries/Forms/20140331-DBS%20Form%201910B%20v1.0-O.xls">http://defenceintranet.diif.r.mil.uk/libraries/corporate/PSCPAY/PayDetailsAndEnquiries/Forms/20140331-DBS%20Form%201910B%20v1.0-O.xls</a> <b>DBS Form 1910C: Statutory Holiday Claim Form</b> (For MOD Fire Service Officer Grades) <a href="http://defenceintranet.diif.r.mil.uk/libraries/corporate/PSCPAY/PayDetailsAndEnquiries/Forms/20140331-DBS%20Form%201910C%20v1.0-O.xls">http://defenceintranet.diif.r.mil.uk/libraries/corporate/PSCPAY/PayDetailsAndEnquiries/Forms/20140331-DBS%20Form%201910C%20v1.0-O.xls</a> <b>DBS Form 1910D: Statutory Holiday Claim Form</b> (For NHS AFC Pay Bands 1-7) <a href="http://defenceintranet.diif.r.mil.uk/libraries/corporate/PSCPAY/PayDetailsAndEnquiries/Forms/20140331-DBS%20Form%201910D%20v1.0-O.xls">http://defenceintranet.diif.r.mil.uk/libraries/corporate/PSCPAY/PayDetailsAndEnquiries/Forms/20140331-DBS%20Form%201910D%20v1.0-O.xls</a> <b>DBS Form 1910E: Statutory Holiday Claim Form</b> (For MDP Grades) <a href="http://defenceintranet.diif.r.mil.uk/libraries/corporate/PSCPAY/PayDetailsAndEnquiries/Forms/20140331-DBS%20Form%201910E%20v1.0-O.xls">http://defenceintranet.diif.r.mil.uk/libraries/corporate/PSCPAY/PayDetailsAndEnquiries/Forms/20140331-DBS%20Form%201910E%20v1.0-O.xls</a>
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