



**The Professional Trades Union for Prison,  
Correctional & Secure Psychiatric Workers**

**National Chair:** Mark Fairhurst  
**General Secretary:** Steve Gillan

**Headquarters:**  
Cronin House  
245 Church St.  
Edmonton  
London N9 9HW  
t. 020 8803 0255  
f. 020 8803 1761  
e. general@poauk.org.uk  
w. www.poauk.org.uk

**North Regional Office**  
1 Linden House  
Sardinia St.  
Leeds  
LS10 1BH  
t. 01132 428833  
f. 01132 429075  
e. adminnro@poauk.org.uk

**Northern Ireland**  
Castell House  
116 Ballywalter Rd.  
Millisle Co Down  
BT22 2HS  
t. 02891 861928  
f. 02891 861839  
e. adminnl@poauk.org.uk

**Scotland**  
21 Calder Rd.  
Edinburgh  
Scotland  
EH11 3 PF  
t. 0131 443 8105  
f. 0131 444 0657  
e. adminscot@poauk.org.uk

**POA Circular 017/2019**

Action		Information	
England/Wales	<input type="checkbox"/>	England/Wales	<input checked="" type="checkbox"/>
Scotland	<input type="checkbox"/>	Scotland	<input checked="" type="checkbox"/>
Northern Ireland	<input type="checkbox"/>	Northern Ireland	<input checked="" type="checkbox"/>
Special Hospitals	<input checked="" type="checkbox"/>	Special Hospitals	<input type="checkbox"/>
Private Sector	<input checked="" type="checkbox"/>	Private Sector	<input type="checkbox"/>
IRC	<input checked="" type="checkbox"/>	IRC	<input type="checkbox"/>

11<sup>th</sup> March 2019

Dear Colleagues

**ANNUAL LEAVE & ADDITIONAL HOURS PAYMENTS BERRYMAN V SECRETARY OF STATE FOR JUSTICE**

The National Executive Committee has been working with Thompsons to address the issue of additional leave for additional hours worked (paid) for some considerable time with HMPPS.

Following the successful tribunal claim, it is the NEC's belief that this ruling now sets a precedent for all employees, regardless of where they work.

HMPPS have amended their current leave and pay policies and a solution has been reached which is satisfactory to the NEC.

The above case was dealt with at the courts and now provides clear evidence that employees who work additional hours are entitled to have these hours taken into consideration when they take their four statutory weeks annual leave as defined by the Working Time Directive.

The ruling also provides for compensation and back pay. The amount of back pay is limited to 2 years and may be less than that depending on when holidays were taken.

The additional holiday pay is paid at 7.693% which is based on 20 days of statutory holiday averaged over 52 weeks.

So, for example, if you have worked 100 hours of additional paid work at £22 an hour. £22 x 100 = £2200 (total claim) you would calculate 7.693% of £2,200 which is £169.25 for the Holiday Pay due. The same calculation is applicable for Overtime worked by other grades and other payments in the qualifying group.

The arrears will be pensionable if the original additional payment was pensionable.

All payments will be subject to Tax and NI and pension (as applicable).

It is now incumbent on all members who work in any workplace not covered by HMPPS, who work additional hours over their contract but do not receive additional pay to compensate for leave to enter into a Grievance quoting the above case.

Members should also submit Legal Paperwork as available on the POA Website if the matter remains outstanding.

Thanking you in anticipation of your support and co-operation.

Yours sincerely



**STEVE GILLAN**  
General Secretary