

Holiday Pay Template Letter

[Your Name]

Address line 1

Address line 2

Postcode

[Recipient's Name]

Address line 1

Address line 2

Postcode

Date

Dear [insert name of the agency]

REQUEST FOR INFORMATION REGARDING THE CALCUALTION OF HOLIDAY PAY

As you are aware, all workers in the UK, including supply teachers as agency workers, are entitled to a total of 5.6 weeks of paid annual leave each year under the Working Time Regulations (WTR) that is split into leave years.

Holiday pay under the WTR is meant to equate to a worker's usual rate of pay during periods of actual work, as prescribed in both the WTR and sections 221-224 of the Employment Rights Act 1996.

For those who work in more casual arrangements, or have variable hours from week to week, such as myself as a supply teacher, knowing how much I am entitled to be paid for annual leave can be more complicated.

Previously, in order to provide pay for periods of statutory annual leave, those with irregular hours had their holiday pay calculated at a rate of 12.07% per hour, otherwise known as the 'percentage' method.

However, following the Supreme Court decision in Harpur Trust vs Brazel, the percentage method for calculating holiday pay was deemed incorrect. Instead, the Supreme Court held that calculating holiday entitlement and pay for part-year workers should not be pro-rated, but instead should be based on 5.6 weeks of annual leave, regardless of the number of hours, days or weeks actually worked (the 'calendar week' method).

As such, I am writing to you to clarify the situation regarding the calculation of my holiday pay, as I believe I may be captured by the judgment in the Harpur Trust vs Brazel case, something that is confirmed in advice and guidance issued by the Department for Business and Trade (formerly known as the Department for Business, Energy and Industrial Strategy).

If you could please provide me with the following information as soon as reasonably practicable, that would be greatly appreciated:

- confirmation that my holiday is being paid in line with the 'calendar week' method; and
- confirmation of the reference period used to calculate my holiday pay, including the basis for any such decision.

If you do not believe it to be the case that I am covered by the aforementioned ruling, please provide the basis on which such a decision has been taken.

I very much look forward to hearing from you in the future.

Yours sincerely,

[Insert name]