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NATIONAL JOINT COUNCIL FOR LOCAL AUTHORITY FIRE AND RESCUE SERVICES

To: Chief Fire Officers
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities
Directors of HR (Fire Authorities)

Members of the National Joint Council

4 April 2020

CIRCULAR NJC/3/20

Dear Sir/Madam

LEAVE DURING CORONAVIRUS OUTBREAK

1. The coronavirus outbreak will create increasing pressures on the availability of personnel.
2. Fire and rescue services as part of their ongoing contingency planning will be contemplating variations to the approval of applications to take leave during the outbreak.
3. Recognising that leave is subject to the exigencies of service and that it may not be necessary to change current leave arrangements at this time, this will no doubt include in the first instance whether to ask employees to indicate if they would be willing and able to cancel any booked leave and defer taking this leave to another time.
4. On 27 March 2020, Parliament agreed legislation that had been laid the day before which introduced [The Working Time \(Coronavirus\) \(Amendment\) Regulations 2020](#), The 2020 Regulations) came into immediate effect.
5. The 2020 Regulations relax the rules on the carry-over of statutory annual leave where it is not reasonably practicable for a worker to take some or all of their annual leave in their current leave year **as a result of the effects of coronavirus**. The relaxation applies to the four weeks leave under regulation 13 of the Working Time Regulations 1998 (WTR) and it means the leave can be carried over from one leave year to the next for up to two years after the leave year in which it was meant to be taken. Further, workers will be entitled to pay in lieu for that leave, should their employment end before the leave is taken.
6. Authorities are asked to consider extension of that temporary position to also cover leave over and above that referred to in the regulations, which would remove the potential for any additional leave to be lost and provide for it to be taken in the same way.
7. In the immediacy, the NJC is mindful that untaken leave, particularly where a large number of employees are involved, will create bottle-necks further down the line. However, authorities are asked whenever possible to prioritise any currently booked leave or leave booked during the crisis where that leave is in connection with a wedding or funeral of an immediate family member.

8. Authorities are reminded that rules apply to an employer refusing a request to take statutory leave, meaning the employer has to give at least as many days' notice as the number of days leave it is refusing. Further the 2020 Regulations introduce a requirement that carried over leave to which the relaxation in those regulations applies can only be cancelled where the employer has "good reason" for doing so. In the event that the employer requires the leave to be cancelled, the leave will not be forfeited and can be taken at a later time within the permitted carry over period.
9. All leave (whether Scale A, Scale B, long service leave, or Public Holiday leave) which is not taken as a result of the request by the fire and rescue service, or postponed by the employee in order to assist the fire rescue service, during the period of this crisis will be considered leave in the context of this circular.

Yours faithfully

NAOMI COOKE
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Joint Secretaries