

For holiday years beginning on or after 6 April 2024, holiday rights for part-year and irregular hours workers are changing.

Part-year and irregular hours workers

Under the legislation:

- a person is a **part-year worker**, in relation to a leave year, if, under the terms of their contract, they are required to work only part of that year and there are periods within that year (during the term of the contract) of at least a week which they are not required to work and for which they are not paid.
- a person is an **irregular hours worker**, in relation to a leave year, if the number of paid hours that they will work in each pay period during the term of the contract in that year is, under the terms of their contract, wholly or mostly variable. For schools, this could, for example, encompass exam invigilators and peripatetic teachers.

Holiday entitlement

For holiday years beginning on or after 6 April 2024, holiday entitlement for part-year and irregular hours workers must be calculated in hours rather than weeks. Holiday accrues on the last day of each pay period at the rate of 12.07% of hours worked in that pay period, subject to a maximum of 28 days' holiday. This is designed to address the problem caused by the Supreme Court's ruling in *Harpur Trust v Brazel* that pro-rating holiday entitlement for part-year workers was unlawful. This led to part-year workers potentially receiving a higher proportion of their annual earnings as holiday pay than full-time or part-time workers working regular hours throughout the year.

Special rules apply where a part-year or irregular hours workers goes on maternity or other family-related leave or sick leave. In broad terms, holiday accrues at 12.07% of average hours worked in the 52 weeks before they went on leave.

Holiday pay

Schools can choose between paying holiday pay at the time holiday is taken or paying rolled-up holiday pay, a practice which is now lawful. Back in 2026, the European Court of Justice ruled that rolling-up holiday pay was unlawful as it deterred workers from taking their holiday entitlement. The Government has now been able to change this following the UK's departure from the EU.

If a school pays holiday pay at the time holiday is taken, holiday pay is calculated as an hourly rate of pay for the number of hours taken. If a school chooses to pay rolled-up holiday pay, they must pay a supplement in each pay packet for holiday pay, calculated as 12.07% of all remuneration for hours worked in the pay period. They then do not pay the worker when they take holiday. The amount of rolled-up holiday must be set out on the worker's itemised pay statement.

The Government has published [guidance](#) designed to help employers navigate this complex area.

What does this mean for schools?

These changes are significant and we recommend that schools conduct a review of their holiday arrangements to identify their irregular hours and part-year workers and to ensure they are complying

HOLIDAY RIGHTS FOR PART-YEAR AND IRREGULAR
HOURS WORKERS



with the new law. Employment contracts and holiday policies are also likely to need updating to reflect these changes.

Please get in touch if you would like help with reviewing holiday arrangements for your staff or with making the necessary changes to employment contracts and holiday policies.