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Direct Payments - Advice notes

**Holiday pay**

**Entitlement**

Your Personal Assistant (PA) is legally entitled to 5.6 weeks paid holiday (including bank holidays) each year, or in proportion if they work part time.

You can work out your PA’s exact entitlement by multiplying the number of hours or days they work for you each week by 5.6 weeks to get a total. For example, if they work 5 hours every week: 5 x 5.6 = 28 hours a year. If they work 3 days a week: 3 x 5.6 = 17 days a year.

If your PA works irregular hours you will need to use the online calculator to work out how much leave they are entitled to. This can be found at: [www.gov.uk/calculate-your-holiday-entitlement](http://www.gov.uk/calculate-your-holiday-entitlement).

Your PA’s leave year should be set out in the employment contract.

When a PA starts to work for you they will have to build up annual leave, especially in the first year. This means they will have to work a certain amount of time before they can have a day off.

Your PA should take all their leave within the leave year.

**Self-employed**If your PA is self-employed they are not entitled to a paid holiday.

**Rolled up holiday pay**

Rolled up holiday pay is unlawful. This is where an employer includes the basic hourly rate (£9.75) with the holiday pay amount (£1.17) to increase the PA’s hourly rate to £10.92.

Government guidance states:

"Holiday pay should be paid for the time when annual leave is taken. An employer cannot include an amount for holiday pay in the hourly rate (known as 'rolled-up holiday pay'). If a current contract still includes rolled-up pay, it needs to be re-negotiated."

[www.gov.uk/holiday-entitlement-rights/holiday-pay-the-basics](http://www.gov.uk/holiday-entitlement-rights/holiday-pay-the-basics)

**More information and help**

If you need help to understand this advice note, or you’re not sure or worried about something, please get in touch with us and we’ll be happy to help.

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