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**PowellsLaw** 

Winter 2019

## Dementia Talk: A Visit from Alan Richardson of Alzheimer's Society

PowellsLaw were pleased to welcome Alan Richardson of Alzheimer's Society to our office recently to talk to partners and staff about Dementia. Alan is a volunteer Dementia Champion, and gives up his time to enlighten businesses and other groups as to the effects of dementia, which is a disease and not a normal part of ageing.

Alan was able to discuss his own personal experiences of dealing with a loved one living with dementia. He was able to share tips and suggestions for how everyday life can be made easier for those effected by dementia, and what the symptoms of dementia may be.

Following Alan's visit and the group discussions held during that meeting, many of the staff at PowellsLaw are now Dementia Friends, including all of the Private Client team who deal with Wills and Powers of Attorney.

One in 14 people over the age of 65, and one in 6 people over the age of 80 have dementia. There are around 850,000 people in the UK living with dementia.

It is possible to live well with dementia, but important to plan ahead and get your affairs in order. If you or a loved one have recently been diagnosed, make sure that financial and other affairs are in good order. Ensure that you have an up to date Will.

Consider setting up a Lasting Power of Attorney. This will allow someone else you trust to make decisions on your behalf if you're no longer able. These decisions may relate to property and financial matters or your health and welfare, allowing you a say in your future medical care.

**Contact one of the team at PowellsLaw for a free initial discussion on 01934 623 501.**







# Carrying over **Holiday Entitlement** in Cases of Sickiness

The rules relating to carrying over holiday entitlement where an employee is absent through sickness have occupied domestic and European courts for a number of years. As things presently stand:

- If an employee or worker becomes ill while on holiday he or she can re-schedule it within the same leave year, or carry it over to the next leave year if there is not enough time left in that leave year to take it.
- Employees/workers continue to accrue annual leave entitlement during absence through illness.
- Employees/workers can take annual leave at the same time as being absent due to illness.
- Employees/workers who leave employment during a year in which they have been away from work due to illness are entitled to the same payment on leaving for untaken annual holiday as any other employee or worker.

A recent case in the Court of Justice of the European Union has considered whether an employee's/worker's right to carry over holiday entitlement relates to all of their 28 days' annual leave entitlement under the Working Time Regulations.

20 days of this leave derives from a European Directive. The remaining 8 days, which effectively represent the 8 bank and public holidays, are a matter of domestic law, being over and above that required by the European Directive.

As a consequence of the recent decision of the Court of Justice of the European Union, it has been held that for employees/workers on long term sickness, their right to carry over holiday into a new leave year only relates to the 20 days given by the European Directive and not to the additional 8 days given by domestic law.

Unless, therefore, there is a contractual right to carry over that leave, the employee/worker will lose that holiday.

**If you have any questions arising from the matters covered by this article or employment law generally please contact Glyn Evans on 01934 637911 or [evans@powellslaw.com](mailto:evans@powellslaw.com)**

# Holiday Leave: To Lose or not to Lose?

**The Court of Justice of the European Union (CJEU) has given judgement in relation to 2 cases which have potentially important implications for workers and their right to carry forward annual leave into a new leave year.**

Workers in the UK have an annual leave entitlement of 5.6 weeks but the judgement relates only to the 4 weeks of annual leave which flow from the Working Time Directive and which is incorporated into UK law by the Working Time Regulations 1998.

The CJEU makes it clear that employers should ensure that workers are encouraged to take their annual leave and are aware that failing to do so within the relevant period may result in the loss of that leave.

The practical implication is that if a worker 'carries over' leave into a new leave year and his or her employment is then terminated, he or she may have a right to claim a payment in lieu of the untaken holiday entitlement if their rights have not been adequately explained to them.

The best advice is for employers to ensure that they have a clear holiday policy explaining the potential loss of untaken entitlement at the end of the holiday year. Some sort of central diary system which can send out reminders to workers well in advance of the leave year is also good practice.

In summary, to avoid the risk of potential claims by workers for untaken leave entitlement employers should inform workers, accurately and in good time, of the risk of losing that leave at the end of the leave year, if it has not been taken.

**If you require more information regarding the matters covered by this article or in relation to employment law generally please contact Glyn Evans on 01934 637911 or email [evans@powellslaw.com](mailto:evans@powellslaw.com).**







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## Christmas Office Opening Times

**Please note** that our offices will be closed  
from Monday 23rd December at 4pm until  
2nd January 2020 at 9am.

Wishing you a very Merry Christmas and a Happy New Year

**PowellsLaw** 



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