

# Special Leave Policy

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Policy updated March 2004 following consultation with the unions

Policy updated September 2011 following consultation with the unions; SMG & SRC

Reviewed by HR August 2015; minor changes to update terminology

November 2016: terminology updates

February 2019: terminology updates and links added

April 2019: link updated

June 2019: reviewed to ensure inclusive and gender neutral

April 2020: updated to incorporate Parental Bereavement Leave and Pay Regulations

June 2021: updated to include a maternity related special leave section (2.3)

July 2021: Policy updates agreed with our recognised trade unions

October 2022: Paid fertility leave added and unpaid grandparents leave incorporated

November 2022: Jury service pay arrangements updated after SLT approval

June 2023: Governor roles terminology update (3.3)

April 2024: Paid Carer's leave added (SLT approved 5.3.24)

# Special leave policy

## 1. Introduction

1.1 This policy is part of our commitment to assisting members of staff to balance their work and home lives. It sets out the provisions for special leave, which may be paid or unpaid, in the following circumstances:

- Illness of family members and/or dependants
- Bereavement
- Emergency leave for care of dependants
- Maternity related special leave
- Time off for fertility leave
- Grandparent leave
- Carer's leave
- Examinations
- Appearance in court
- Attendance as a witness in court
- Voluntary public duties
- Jury service details

1.2 The policy also covers territorial army, special constabulary, navy reservists and similar duties and jury service.

1.3 It is recommended that this policy is read alongside the maternity; adoption; paternity; shared parental leave and parental leave policies.

1.4 In addition to the leave provisions within this policy, Deans/directors may exceptionally grant further time off (either paid holiday or unpaid leave) where they consider that the circumstances justify this and where the school/departmental operations are not adversely affected. Deans/directors are advised to consider the sensitivity of the circumstances in each case and to apply consistency and equity, when granting any additional, unpaid, or compassionate leave.

1.5 This policy is inclusive of same sex partners and is intended to be gender neutral.

## 2. Outline of the provisions

### 2.1 Compassionate leave

Entitlements to compassionate leave are detailed below:

### 2.1.1 Family illness

Family illness of:	No of days leave granted
<ul style="list-style-type: none"> <li>• spouse/partner</li> <li>• parent</li> <li>• child</li> <li>• sibling</li> <li>• grandparent</li> <li>• grandchild of a person standing in loco parentis* to the member of staff or to whom the member of staff stands in that relation.</li> <li>• a person whom the member of staff maintains or with whom the member of staff shares the home (in the case of a member of staff having no spouse, parent or child) which results in domestic difficulties such that a doctor considers that the individual should not be alone and the member of staff needs to be with them.</li> </ul>	Up to four days with pay in any year, (a year being a rolling 12 month period)

(\*a legal term for someone who is not the biological parent of a child but who acts like a parent to the child) or to whom the member of staff stands in that relation.

### 2.1.2 Bereavement

Death of:	No of days leave granted	Additional leave for funeral?
a child under the age of 18  or  a baby in the womb, 24 weeks of pregnancy.	2 weeks' statutory leave taken as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across the first year after their child's death.  Parents with at least 26 weeks' continuous service with their employer and weekly average earnings over the lower earning limit will also be entitled to Statutory Parental Bereavement Pay (SPBP).	
<ul style="list-style-type: none"> <li>• Spouse/partner</li> <li>• Parent</li> <li>• a person whom the member of staff maintained or with whom the</li> </ul>	Up to three days with pay in any year, (a year being a rolling 12 month period)	Up to one further day  Where the funeral takes place at a distance of more than a half day's journey from London, up to three days with pay

member of staff shared the home (in the case of a member of staff having no spouse, parent or child)		will be granted for attendance at the funeral.
<ul style="list-style-type: none"> <li>• Sibling</li> </ul>	Up to two days with pay in any year, (a year being a rolling 12 month period)	<p>Up to one day with pay will also be granted for the member of staff to attend the funeral.</p> <p>Where the funeral takes place at a distance of more than a half day's journey from London, up to three days with pay will be granted for attendance at the funeral.</p>
<ul style="list-style-type: none"> <li>• Grandparent</li> <li>• Grandchild of a person standing in loco parentis to the member of staff or to whom the member of staff stands in that relation.</li> </ul>	Up to one day with pay in any year, (a year being a rolling 12 month period)	<p>Up to one day with pay will also be granted for the member of staff to attend the funeral.</p> <p>Where the funeral takes place at a distance of more than a half day's journey from London, up to three days with pay will be granted for attendance at the funeral</p>
<ul style="list-style-type: none"> <li>• Person standing in loco parentis to the member of staff or to whom the member of staff stands in that relation</li> <li>• Parent-in-law</li> <li>• Son-in-law</li> <li>• Daughter-in-law</li> <li>• Relative (if resident with the member of staff at the time of death) or of whom the member of staff is</li> </ul>	None	<p>Up to one day will be granted for a member of staff to attend the funeral</p> <p>Where the funeral takes place at a distance of more than a half day's journey from London, up to three days with pay will be granted for attendance at the funeral.</p>

next of kin, and also funerals attended in a representative capacity		
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2.1.3 Serious illness, death or funeral of a close personal friend if resident with the member of staff or a close relative other than those specified in paragraphs 2.1.1 and 2.1.2 and 2.2.3 above.

No of days leave granted	Additional leave?
Up to three days with pay in any year, (a year being a rolling 12 month period) at the discretion of the dean/director. (Any leave so granted should not exceed that granted under the provisions in 2.2.1, 2.2.2, or 2.2.3 above)	In circumstances where the close friend or relative lived a significant distance from the member of staff or in cases where arrangements take significantly longer than anticipated, the dean/director might consider granting the member of staff annual leave or unpaid leave, in addition to compassionate leave.

### Applying for compassionate leave

Where reasonably practicable, the member of staff is advised to make their request for special leave to their line manager via MyView. Where this is not possible due to the urgency of the situation, the member of staff is advised to discuss their request with their manager and the manager is then asked to formally record the member of staff's verbal request via MyView.

Deans/directors are advised to treat requests for compassionate leave sympathetically, consistently and equitably and to respond in a period of time that is conducive to helping the member of staff with their difficulty. This response could be given verbally to the member of staff and then confirmed in writing so that the member of staff is clear as to the period of special leave granted and whether it is with pay, without pay, or a combination of the two. Employees and managers should formally record all approved leave via MyView so that any salary deductions can be made.

## 2.2 Emergency leave for care of dependants\*

2.2.1 Members of staff are entitled to a reasonable amount of unpaid time off to deal with unforeseen family emergencies involving a dependant. An emergency should not normally exceed 1 to 2 days leave. Examples include:

- providing assistance when a dependant falls ill or is injured;

- making arrangements for the provision of care for a dependant who is ill or injured;
- dealing with the unexpected disruption or termination of care arrangements for a dependant;
- a dependant giving birth;
- dealing with an unexpected incident involving a child during school hours;
- making arrangements for the funeral of or to attend the funeral of a dependent (also refer to paragraph 2.2 below).

\* In this policy, a 'dependant' is a spouse/partner; a child; a parent; in some cases a person who lives in the same household as the member of staff as part of the family; any person who reasonably relies on the member of staff for assistance if they fall ill or in cases where the care of a dependent is unexpectedly disrupted; and persons who rely on a member of staff to provide care arrangements.

2.2.2 A member of staff who wishes to take emergency leave for care of dependants is advised to discuss the details of the emergency with their line manager as soon as is practicably possible, estimating the amount of leave they may need. The member of staff is then asked to formally record all leave dates via MyView either before or as soon as possible after their leave so that any salary deductions can be made.

## **2.3 Maternity related special leave**

### 2.3.1 Maternity leave

Our maternity leave and pay provisions are set out in our Maternity leave policy.

### 2.3.2 Miscarriage

Any member of staff who has the misfortune to experience a miscarriage is entitled to two weeks paid leave. This will be recorded as special leave on the HR/Payroll system. The partner of the member of staff will also be entitled to two weeks paid leave.

If, following this period of leave, the member of staff feels that they need a longer period of leave, they are encouraged to talk to their manager who will consider granting them compassionate leave within the provisions of this Special Leave Policy.

The redundancy protection set out in section 9.2 of our Maternity Policy applies to staff who have suffered a miscarriage before 24 weeks of pregnancy, from the date they notify the university of the pregnancy until two weeks after the end of the pregnancy.

### 2.3.3 Still birth

In the tragic event that a baby is still born after 24 or more weeks of pregnancy, the maternity leave and pay provisions set out in our Maternity leave policy apply. The redundancy protection set out in section 9.2 of our Maternity Policy would also apply.

## 2.4 Leave for fertility treatment

2.4.1 We would like to support staff who are undergoing fertility treatment by providing them with paid time off.

2.4.2 Staff who have worked with us for 12 months or more can take up to 5 days paid leave in any rolling 12 month period if they are having fertility treatment.

2.4.3 Time off for investigations related to fertility issues should be recorded as sickness absence under our Sickness Absence Policy and Procedure.

2.4.4 Staff who are supporting their partner who is undergoing fertility treatment can take up one day's paid leave to attend a specific appointment.

2.4.5 Staff are asked to request this leave from their line manager, giving as much notice as possible. Managers are advised to approve leave requests where possible or to discuss alternative options if necessary.

2.4.6 Staff who do not qualify for this leave or who need more leave than set out in these provisions are advised to request annual leave or unpaid leave.

## 2.5 Grandparent leave

2.5.1 Colleagues who would like to spend time with their grandchildren during the first year after their birth or adoption, can take up to one week's (pro-rata) unpaid leave, in a single block, in any rolling 12 month period.

2.5.2 Staff are asked to seek approval for this leave from their line manager, giving as much notice as practically possible and ideally 8 weeks beforehand. Once approved, colleagues are asked to formally record the approved leave via MyView so that any salary deductions can be made.

## 2.6 Carer's leave

2.6.1 Colleagues who have caring responsibilities for a dependant with a long-term care need<sup>1</sup>, are entitled to up to one working week<sup>2</sup> of paid carer's leave each year (a year being a rolling 12 month period). This leave can be used to arrange or provide care.

For staff who work irregular hours, HR will calculate how much carer's leave the member of staff is entitled to take, based on their working hours by adding up the total number of hours worked in the previous 12 months and dividing that total by 52 (or however many weeks since they started the job, if they've been in the job less than a year).

The legislation sets out that a person is a dependant of an employee if they:

- are a spouse, civil partner, child or parent of the employee;
- live in the same household as the employee, otherwise than by reason of being the employee's boarder, employee, lodger or tenant; or
- reasonably rely on the employee to provide or arrange care.

The legislation sets out that a dependant of an employee has a long-term care need if:

- they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
- they have a disability for the purposes of the Equality Act 2010; or
- they require care for a reason connected with their old age.

2.6.2 The leave can be split into days, half days or taken in a week's block.

2.6.3 Colleagues are asked to make requests for carer's leave to their line manager:

- Specifying the days on which they wish to take leave; and
- Giving notice before the relevant date (twice the length of time being requested, or three days, whichever is the longest)

2.6.4 Managers cannot refuse requests for leave but they can ask the member of staff to take this leave at a later date if *'the employer reasonably considers that the operation of their business would be unduly disrupted if the employee took carer's leave during the period identified in the notice'*.

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<sup>1</sup> as set out in section 80J of [The Carer's Leave Act](#)

<sup>2</sup> A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.



- 2.6.5 Managers cannot require colleagues to provide evidence in relation to carer's leave before approving the leave.
- 2.6.6 Any agreed flexibilities to help support our carers to balance their caring responsibilities and their work can be documented in our [Carer's Passport](#).
- 2.6.7 Employees and managers should formally record all approved leave dates via MyView to help ensure accurate reporting of carer's leave.

### 3. Other time off work

#### 3.1 Examinations

A period of time off with pay, as is considered to be reasonable, will be granted by the dean/director for attendance at examinations directly connected with the work of the member of staff. These examinations would normally be in respect of a professional educational qualification directly connected with the work of the member of staff. Employees and Managers should formally record all approved leave dates via MyView.

#### 3.2 Appearance in court or attendance in court as a witness

In line with legislation, periods of time necessary for appearance at court with pay will be granted to a member of staff summonsed in the capacity of a witness either on subpoena, other direction from a court or other authorised body, or at the request of the police or the parties, as directed by the court or other authorised body.

Paid time off will be granted to a member of staff for attendance at an inquest as a witness.

Employees and Managers should formally record all approved leave dates via MyView.

#### 3.3 Leave for voluntary public duties

Subject to the needs of the school/department, members of staff may be granted leave by their dean/director and to serve as:

Public Duty	Amount of time off
<ul style="list-style-type: none"> <li>• a magistrate (or Justice of the Peace)</li> <li>• a local authority leader of council</li> <li>• a local authority committee chair</li> <li>• a member of a local authority</li> </ul>	<p>Up to 5 days paid leave per year in any year, (a year being a rolling 12 month period) (pro rata for fractional staff).</p> <p>Pay shall be the normal pay of the member of staff less an amount equal to any allowance to which they would have been entitled under section 177 of the Local Government Act 1972 or any other statutory enactment in respect of loss of earnings.</p>

<ul style="list-style-type: none"> <li>• a member of a police authority (this does not include being a special constable)</li> <li>• a member of any statutory tribunal e.g, an employment tribunal</li> <li>• a member of a relevant health body</li> <li>• a member of the boards of prison visitors or a prisoners visiting committee</li> <li>• a member of the managing or governing board or a trustee of an educational establishment maintained by a local education authority, an academy trust or a further or higher education corporation</li> </ul>	<p>The Local Government Act 1972 allows for payment of a financial loss allowance to organisations covered by the Act where members of staff are required to undertake public duty leave. This provides that the organisation may claim back a proportion of the member of staff's salary for time spent on public duties. No payment shall be made in the event of full loss of earnings being recoverable by the member of staff concerned by way of claim for financial loss allowance under section 177 of the Act. (Note: when the member of staff is receiving an attendance allowance instead of financial loss allowance, the deduction should be at the rate of the financial loss allowance; if this deduction appears excessive in individual cases, the Director of Human Resources may make such lesser deduction as deemed appropriate in the circumstances).</p>
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Members of staff are asked to submit their requests for time off to their line manager via MyView with sufficient advance notice for the manager to consider their request and to provide the manager with any documents pertaining to their public duty appointment. Managers are advised to consider requests as promptly as possible and to apply consistency and equity, when granting leave for public duties. Managers may turn down requests if they consider that the request is unreasonable or will adversely affect school/departmental operations.

Any periods of special leave requested in excess of the entitlements listed in section 3.3 will be conditional on the time lost being made up or, if that cannot be done, on any such additional leave being unpaid.

### **3.4 Army reservists, special constabulary, navy reservists & similar duties**

Deans/directors are advised to apply the [Ministry of Defence guidance](#).

### **3.5 Jury Service**

Members of staff who are called up for jury service will be allowed time off for this. Further information on jury service is in Appendix 1.

#### **4. Appeal**

Any member of staff who disagrees with a decision made in respect of a request for special leave is advised to discuss this in the first instance with their immediate line manager/dean/director, endeavouring to resolve the issue. The objective should be to settle the matter via informal channels, wherever possible, with Human Resources' guidance and advice, as appropriate. If informal resolution is not successful, the individual might then wish to consider raising their concern through our [Grievance Procedure](#).

## Information for staff due to undertake jury service

### 1. The process

- 1.1 If you are called for jury service you will receive a jury service 'summons' from the court. This will include details of the jury service process. You are advised to respond immediately to the Court by completing part of the summons form and returning it to them, following the instructions in the summons.
- 1.2 You will also receive a 'Certificate of Loss of Earnings or Benefit' form. You do not need to complete the **loss of earnings part** of this form as we will pay your salary normally during your jury service.
- 1.3 Please inform your manager of the dates when will be absent from work due to jury service as soon as you become aware of them. It will not normally be possible to cancel or postpone jury service but please refer to section 3 below if there might be a need to try to do so.
- 1.4 Jury service normally lasts two weeks. On arrival, potential jury members may be asked by the court whether they are available to serve on cases which are expected to last longer than two weeks, or they may be asked specifically to serve on such a case. The University asks staff to please advise the court that their employment makes them unavailable for a period longer than two weeks. Please also refer to section 2 below.
- 1.3 Once jury service has ended, the court will reimburse jury members for 'travel expenses' and 'subsistence', if applicable.
- 1.4 You will need to formally record your period of jury service via MyView.

### 2. Long court cases

- 2.1 Occasionally a court case may unexpectedly become extended for an indefinite period and the court will declare, mid-way through a case, that a jury member cannot be released to return to work after two weeks. In such an event the court will give written notice to the jury member. In such circumstances, the member of staff should please let their manager know as soon as possible and share the written extension notice from the court with them.

### 3. Postponement/cancellation of jury service

- 3.1 It is not normally possible to postpone or cancel jury service. However, if your manager foresees that your absence on the requested dates will cause serious operational difficulties, your

manager is advised to contact their normal Human Resources contact and provide a rationale for requesting that the summons be cancelled. Human Resources will write to the court and make the request. If the court refuses to cancel the summons, you will have to attend.

## **5. Further information**

- 5.1 If you need any further information, please contact your normal [Human Resources contact](#).