



1. INTRODUCTION

1.1. This policy has been developed to support the University's commitment to help members of staff to balance the demands of work with domestic, public and civic duties. The aim of the policy is to provide a framework within which requests for special leave can be considered in a fair and equitable way, balancing the needs of the individual with those of the University.

The policy covers the following categories of leave:

- Special leave for unplanned, domestic, personal and family reasons;
- Time off for:
 - medical visits and health screening;
 - public and civic duties;
 - jury service;
 - attendance at court;
 - volunteering as a leader for uniformed youth organisations;
- Special leave for Territorial Army/Reserve Forces.

1.2. Normally, a special leave request form (see appendix 1) should be completed by the member of staff, and authorised by their Head of Department/Manager, prior to leave being taken, and all appropriate documentation completed accordingly. Where, due to exceptional circumstances, it is not possible to complete the form in advance of taking the leave, it should be submitted as soon as is practicably possible.

1.3. In cases where the Head of Department/Manager and/or member of staff require assistance with the interpretation of this policy, advice should be sought from a member of the Advisory or Business Partnering Teams in the Division of Human Resources.

1.4. All leave granted will be pro-rata for part-time staff, based on their full-time equivalent (FTE) hours.

2. Linked Policies, Procedures and Guidelines

The provisions within this policy are in addition to the University's existing policies and procedures relating to other types of leave including, but not limited to:

- Annual Leave;
- Academic Study Leave;
- Additional Leave Purchase Scheme (ALPS);
- Maternity, paternity and adoption leave;



- Maximising Attendance Policy and Procedure;
- Public holidays and closure days;
- Staff Volunteering Policy;
- Time off for Trade Union duties;
- Unpaid Leave.

3. SPECIAL LEAVE FOR UNPLANNED DOMESTIC, PERSONAL AND FAMILY REASONS

The University recognises that many of its members of staff combine their working lives with the responsibilities of raising a family, caring for dependent relatives, and other domestic commitments, and that there may be occasions when urgent domestic, personal and family matters compete with work responsibilities.

Due to the wide range of circumstances of urgent and unforeseen need, it is not practical to provide an exhaustive list of the situations covered by this category of leave. It is recognised that there may be situations, other than those covered below, where Heads of Department/Managers may wish to exercise discretion to grant leave. However, in the interests of consistency, where it is not clear whether or not the policy should apply, Heads of Department/Managers should discuss the circumstances of particular requests with a member of staff from the Advisory or Business Partnering Teams in the Division of Human Resources.

3.1. Time off for Dependents/Carers Leave

The Employment Relations Act (1999) gives members of staff the right to take a reasonable amount of time off work to deal with emergency situations involving their dependents¹ in the following circumstances:

- To provide assistance when a dependent falls ill, is injured or assaulted, or gives birth;
- To make arrangements for the provision of care for an ill or injured dependent;
- An unexpected disruption or termination of care arrangements of a dependent, or the breakdown of those arrangements;
- To deal with an incident that involves their child, where it occurs unexpectedly while the child is at school/other educational establishment, such as sickness.

¹ A dependent is defined as the member of staff's spouse, child or parent, or a person living with the member of staff in the same household (but not as a member of staff, tenant, lodger or boarder). In some circumstances, a dependent could be someone else who relies on the member of staff for assistance. This could be an individual for whom the member of staff has primary caring responsibility, such as an elderly relative not living in the member of staff's household, or someone who is involved in a serious emergency, where the member of staff is the only person who can help.



Staff have the right to reasonable time off during working hours for dependents; this time off is intended to deal with **unforeseen** matters and **emergencies**.

Whilst there is no statutory right for the time off to be paid, the University's approach will be to allow members of staff to take up to one day off, with pay, to deal with an immediate, unexpected problem, and to put other necessary care arrangements in place. This may be extended in exceptional circumstances, at the discretion of the Head of Department/Manager. However, members of staff will not be allowed to request more than three days of paid time per year for leave under this category. Any leave in addition to this will be unpaid, unless alternative arrangements can be made with the member of staff's Head of Department/Manager, such as taking annual leave, swapping days, or a temporary variation of hours.

The total amount of time off should be reasonable when considering the particular circumstances of the case, be sufficient to deal with the immediate problem, and to arrange alternative long-term care if necessary. This leave is not intended to provide extended time off for ongoing care, recurring matters, nor for planned time off work.

3.2. **Compassionate/Bereavement Leave**

The University recognises that members of staff may be faced with difficult personal circumstances involving an unplanned major life event, which requires the member of staff's absence from work. Events which may warrant compassionate/bereavement leave include, but are not limited to:

- The diagnosis, or final stages of, care for a serious (life-threatening) illness, or death of a close relative;
- Funeral, cremation or burial of a close relative or other individual with whom the member of staff has a close relationship;
- The member of staff falling victim to a serious crime;
- Road traffic collisions or other distressing accidents/incidents involving the member of staff;
- A breakdown of the member of staff's personal or domestic arrangements (such as separation, divorce, eviction, removal of children etc).

Heads of Department/Managers have the discretion to grant **up to** five days' paid compassionate/bereavement leave to members of staff.

In exceptional circumstances, Heads of Department/Managers, after discussion with their Head of Division/Head of College, and having consulted Human Resources, have the discretion to allow further additional compassionate leave above five days. Thereafter,



depending on circumstances, a Head of Department/Manager may agree a period of annual or unpaid leave.

In determining the amount of compassionate/bereavement leave to grant, Heads of Department/Managers should take the specific circumstances of the situation into account, including:

- The nature of the relationship and the level of emotional involvement the member of staff has with the deceased or sick party;
- Whether the member of staff is responsible for making practical arrangements, such as arranging a funeral, or acting as executor of a will;
- Whether there is a requirement to travel to assist a family member, or attend a funeral;
- Any cultural or religious requirements.

Time off for funerals, where there is a less immediate or close relationship to the deceased may be granted at the discretion of the Head of Department/Manager.

3.3. Urgent Domestic Leave

Heads of Department/Managers may grant leave in response to immediate needs such as an urgent domestic crisis, eg house burglary.

Up to one day's paid leave may be granted for domestic emergencies, after which, provisions to take annual leave and/or unpaid leave may be agreed. The Head of Department/Manager will consider leave in any circumstances where, due to urgent and unforeseen events, a compassionate response is necessary.

3.4 Aggregation of Special Leave for Unplanned Domestic, Personal, and Family Reasons

Paid leave granted under section 3 of the policy will normally be limited to a total of no more than ten days' paid leave in any calendar year. Any exceptions to this will be considered on a case-by-case basis, in consultation with Advisory or Business Partnering Teams in the Division of Human Resources.

4. TIME OFF FOR MEDICAL VISITS AND HEALTH SCREENING

The University recognises that staff may occasionally need to be absent from work to attend medical appointments and/or undergo medical procedures. In dealing with requests for time off under this section, Heads of Department/Managers must pay due regard to the requirements of the Equality Act 2010.

4.1. GP, Dental and Hospital Outpatient Appointments

Wherever possible, members of staff are required to arrange medical appointments such as GP, dentist, hospital or medical screening appointments in their own time. However, the University recognises that some medical appointments are not within the member of staff's control and members of staff may need to be absent during working hours to attend such appointments. Where this occurs, members of staff will be granted reasonable paid time off to attend, taking due account of departmental needs, but may be required to make up working time lost.

With the exception of emergency situations, authorisation must be sought in advance and, as much notice as possible must be given in all cases.

Any absence of half a day (pro-rata to full time equivalent hours) or more will be treated as sickness absence, and must be recorded in accordance with locally agreed sickness reporting process (see the Maximising Attendance Policy and Procedure).

Where regular appointments are needed, the timing/frequency should be discussed with the Head of Department/Manager, both to assist the member of staff in attending, and to minimise the impact on the workplace and service delivery. It may not be possible in all circumstances for paid time off to be given and, in such circumstances, therefore, the member of staff may be asked to take annual leave, unpaid leave, or make up the time away from work.

In all circumstances, the University reserves the right to ask for evidence of medical appointments, eg a hospital letter or appointment card.

4.2. Cosmetic Surgery/Procedures

In cases of surgery purely for cosmetic reasons (not related to gender reassignment), annual leave should be taken in the first instance. In exceptional circumstances, unpaid leave may be granted, subject to the operational needs of the service. Requests for time off, treatment, and recuperation related to cosmetic surgery is subject to the usual process for requesting annual leave.

In the event that such treatment results in the member of staff becoming unfit for work, eg due to infection or other complications, the usual sickness absence provisions will apply, including requirements for certification.



Time off for surgery, treatment, and recuperation that relates to a medical or psychological condition and is supported by a medical certificate, will be treated as sickness absence in the same way as any other medical absence.

4.3. Time off for Medical Treatment relating to Gender Reassignment

Requests for time off for medical treatment relating to gender reassignment will be managed and recorded in accordance with the University's Maximising Attendance Policy and Procedure.

Time off for non-medical treatment related to gender reassignment will be considered, subject to operational requirements. Normally, annual leave or unpaid leave will be considered for these purposes, including requests for time off from members of staff before returning to work in their new gender.

4.4. Time off for Fertility Treatment

Members of staff who have completed 26 weeks of continuous service with the University are entitled to up to one week's paid leave (pro-rata to full time equivalent hours) per calendar year to undergo fertility treatment.

If a member of staff undergoes more than one cycle of fertility treatment per calendar year, requests for leave for additional cycles should be discussed the Head of Department/Manager to agree how the period of absence will be covered.

In the event that such treatment results in the member of staff becoming medically unfit for work, the usual sickness absence provisions will apply, including requirements for certification.

4.5. Time off for Donating Blood/Plasma

Up to one hour's paid leave of absence may be granted in a rolling four-month period to enable members of staff to donate blood during normal working hours, subject to prior approval by the Head of Department/Manager.

5. TIME OFF FOR PUBLIC AND CIVIC DUTIES

Subject to the needs of the service, special leave may be available to staff undertaking certain civic and public duties of the kinds listed in Section 50 of the Employment Rights Act (1996), and as required by other legislation.

Examples of the public duties for which special leave may be given under the terms of Section 50 (2) of the Employment Rights Act (1996):

- A magistrate (Justice of the Peace);
- A local authority (eg a Councillor);
- A statutory tribunal (eg an Employment Tribunal);
- A police authority;
- A board of prison visitors, or a prison visiting committee;
- A relevant health body;
- A relevant education body (eg a member of the managing or governing body of an educational establishment or General Teaching Council);
- The Environment Agency, or the Scottish Environment Protection Agency.

Members of staff should obtain the agreement of the University by submitting a request, with the support of the Head of Department, to the Division of Human Resources, before undertaking voluntary public and civic duties.

A maximum of five days of paid leave per calendar year may be granted for public and civic duties. Additional unpaid leave up to a maximum of five days (or eight days when serving as a Justice of the Peace) may be authorised by the Head of Department/Manager.

In determining the amount of leave to be granted, the Head of Department/Manager will take in to account:

- How much time off is generally required for the performance of the duties;
- How much time off the member of staff has already been granted under this section;
- The impact on service delivery.

A member of staff who is appointed Chairperson, or equivalent, of a public body, and thereby attracts additional duties, may be granted up to an additional three days of unpaid leave per year (pro-rata for part-time staff based on their FTE) for carrying out such additional duties, including any magisterial duties.

Any special leave authorised for public duties may be taken in days or half-days, as required, with the prior agreement of the Head of Department /Manager for each absence from duty.

Members of staff who are granted paid special leave for public or civic duties must undertake to refund to the University any fees for attendance allowances received, other than fees or allowances paid specifically as travelling and subsistence expenses. If the



attendance allowance is greater than a day's pay, then unpaid leave should be given. No travelling or subsistence will be paid by the University.

Members of staff may also be granted unpaid special leave for the following reasons, however, these will be considered on a case-by-case basis depending on the specific circumstances:

- To serve or stand for election as a Member of Parliament;
- To serve or stand for election in local government as an elected or co-opted member of a Local Authority.

6. TIME OFF FOR JURY SERVICE

A member of staff who is required to attend court as a Jury Member should contact their Head of Department/Manager to request time off work, and provide a copy of the court summons. The member of staff is entitled to claim reimbursement of attendance costs from the Crown Court in respect of:

- Travelling expenses, which the member of staff retains;
- Subsistence expenses, which the member of staff retains;
- Loss of earnings, which is dealt with as set out below.

The member of staff will continue to be paid whilst on jury service at their normal basic rate of pay, subject to the deduction of any monies received from the court in respect of loss of earnings at the daily rate shown on the loss of earnings certificate, which must be completed by the Payroll Office.

On conclusion of jury service, staff must submit this certificate to the Court Disbursements Officer, and make a claim for travelling and subsistence expenses and loss of earnings for the full period of attendance.

When the claim has been paid, staff must obtain and complete form JS2 and return it to the Payroll Office. The appropriate deduction will be made from a subsequent salary payment.

Please note that staff will bear any shortfall in the event of a failure to claim the full entitlement.

7. TIME OFF FOR ATTENDANCE AT COURT

A member of staff who is required to attend court, either with the consent of the University, or on a subpoena, witness summons or otherwise as a legal obligation, will be granted

paid special leave if the case is related to the University. This is on the understanding that any witness fee received (as distinct from allowances for travelling and subsistence expenses) is declared by the member of staff to the University and will be deducted from the member of staff's salary.

No travelling expenses or subsistence allowances will be paid by the University.

Members of staff required to attend court for reasons unrelated to the University must notify their Head of Department/Manager of their court attendance. Members of staff will be granted unpaid leave, and alternative leave such as annual leave will be considered. Where unpaid leave or annual leave has been granted, the member of staff may retain any compensation for loss of earnings or other sums payable, or ordered by, the court.

8. VOLUNTEERING AS A QUALIFIED LEADER FOR UNIFORMED YOUTH ORGANISATIONS

The University will allow up to one week off per calendar year for volunteering at Uniformed Youth Organisation events. This leave will be paid for a maximum of half the time taken – for example, if a full-time member of staff requests to take one week off, the University will pay them for 2½ days, and the remaining 2½ days will be unpaid, or taken as annual leave.

To qualify for this leave, members of staff **must** be a qualified leader.

9. SPECIAL LEAVE FOR TERRITORIAL ARMY/RESERVE FORCES

The University recognises some staff may require leave for activities in the reserve and cadet forces. Members of staff who, with the knowledge of the University, volunteer for service with the Territorial Army or who, at the time of their appointment, declare the fact of their membership of the Territorial Army/Royal Naval reserves to the University, may be granted the following time off for such activities subject to the conditions set out in the sections below:

9.1. Annual Camp – (this occurs once a year for fourteen days)

Members of staff may be granted the following time off for attendance at annual camp/training subject to the needs of the service:



Amount of Time Off²:

First week of camp or equivalent	Second week of camp or equivalent
Member of staff chooses either one week's additional paid leave, and repays remuneration received from TA/Reserve Forces <i>or</i> one week's unpaid leave, and retains remuneration received.	Special leave without pay, or uses annual leave entitlement.

9.2. Other Duties

Members of staff who are required to undergo short periods of training, normally on Saturdays and Sundays, additional to annual camp, should arrange to attend either on days off, or by taking annual leave.

9.3. Royal Navy Reserves

Members of the Royal Navy Reserves may be required to undertake more than fourteen days' continuous training in one year. These reserves will be granted, in that year, special leave in excess of the scale in paragraph 9.1, provided that the total average annual allowance of paid special leave over the period of years used to govern the training does not exceed the amount in paragraph 9.1.

9.4. Call Out of Armed Forces Reservists

Reservists in University employment, who are served with a call out notice, must be released from duty, and reinstated when they return. (A reservist or employer has a right to apply for exemption or deferral of a notice in exceptional circumstances, and advice concerning this will be contained with the notification of call out).

Members of staff called out will be required to attend their Unit for acceptance. Staff not accepted will return to work as normal and, where staff return to duty as normal, the absence will be treated as special leave with pay, and staff will be required to repay to the University any remuneration received from the Ministry of Defence in respect of earnings.

Staff accepted for call out will be paid a standard award by the Ministry of Defence according to their rank and specialised skills. Staff may also claim additional loss of

² Per calendar year (pro-rata for part-time members of staff).



earnings, where applicable. Special leave without pay will, therefore, be granted for the full duration of the call out leave.

The period of leave will not break continuity of University service. Annual leave will be granted by the armed forces according to their arrangements. Annual leave will, therefore, not accrue during the call out period.

9.5 Applying for Special Leave for Territorial Army/Reserve Forces

Members of staff requesting special leave **with or without pay** for Territorial Army/Reserve Forces must complete the necessary form and provide Heads of Department/Managers with a copy of the appropriate documentation. Heads of Department/Managers should ensure a copy of the information is placed on the member of staff's personal file, and the monthly absence form is completed appropriately.

10. EQUALITY IMPACT ASSESSMENTS

- 10.1. The University recognises and values the diversity of its members of staff and the local community. Our aim is to provide a safe and inclusive environment, free from discrimination, where all individuals are treated with dignity and respect.
- 10.2. As part of the development of this Policy, an equality impact assessment was undertaken to identify and address any potential or actual adverse impacts. No detrimental impacts were identified.



Appendix 1

Special Leave Request Form

Absence Information

Member of staff details	Name	Employee number
E-mail address:		Tel:
Department:		
Head of Department /Manager:		
E-mail address:		Tel:

Type of Absence Requested:

- Special Leave for Unplanned Domestic, Personal and Family Reasons:**
 - Time off for Dependants/Carers Leave³ Compassionate/Bereavement Leave⁴
 - Urgent Domestic Leave⁴
- Time off for Medical Reasons** **Time off for Public/Civic Duties** **Jury Service**
- Attendance at Court** **Volunteering Uniformed Youth Organisations** **TA/Reserve Forces**
- Other**

Dates of Absence:

From: _____ To: _____

Number of working days/hours:

Reason for Absence:

<i>Member of Staff Signature</i>	<i>Date</i>
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Head of Department/ Manager Approval

- Paid leave granted
- Unpaid leave granted

Comments

Head of Department/Manager Signature *Date*

Once completed, please send the form to hradvice@le.ac.uk. A copy of this form will be placed on the member of staff's personal file. Where there is an impact on pay only, HR will confirm in writing to the member of staff, copying in the Head of Department/Manager.

³ Head of Department/Manager to ensure that a Return to Work interview is carried out in line with the Maximising Attendance Policy.



Appendix 2 – Process for requesting and approving Special Leave

