



# Special Leave Policy

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# 1. Aim

- 1.1 The University understands that there may be times when employees need time off from work for reasons that do not fall under the normal leave provisions. This special leave policy sets out guidance on how to respond in such situations.
- 1.2 As a general principle, the University wants to support employees in maintaining a good work life balance. In line with the principle of mutual obligation, both line managers and employees must consider together how to balance the needs of the individual with the need to maintain the work of the University.
- 1.3 Where employees experience urgent domestic need and personal distress, the University wants to support employees by granting reasonable time off. Line managers must consider what is reasonable and offer the flexibility they can to safeguard the well-being of employees. It is also important to consider what else can be done to support employees in these situations, for example our Employee Assistance Programme and the option of working flexibly.
- 1.4 Voluntary public service has social, personal and workplace benefits for employees, the University and the community. The University is committed to supporting employees who wish to undertake public service duties, taking into consideration the business needs of the University.

## 2. Scope and exclusions

- 2.1 The Special Leave Policy applies to all permanent, full time, part time and fixed-term employees at the University of Essex regardless of length of service. Employees of the University of Essex Campus Services (UECS) or Wivenhoe House Hotel have their own specific policies and procedures but may wish to refer to this policy as guidance.

## 3. Introduction

- 3.1 The provision of special leave recognises that employees will sometimes need time off work for reasons that do not fall within normal leave provisions. Line managers will need to balance the needs of the individual with the requirement to maintain the work of the university. Employees can appeal to the next level of management if they are unhappy with a decision. All leave will need to be given within existing budgets and resources. There is also a requirement to record all special leave through HR Organiser and People Manager to ensure that the University has a record of these provisions.

## 4. Compassionate leave

- 4.1 Compassionate leave is paid leave, usually intended to cover bereavement, serious illness of a close relative/dependant/friend, or another urgent or unforeseen circumstance which may prevent someone from coming to work.

# Bereavement

- 4.2 Where someone has suffered the loss of someone close to them, it is important that line managers consider how best they can offer support. The usual amount of paid leave would be up to 5 days (pro rata for part-time employee). Line managers may use discretion to increase paid leave where reasonable and in line with the needs of the University. Line managers must treat all requests with sympathetic consideration and use discretion to increase paid leave where reasonable and in line with the business needs of the University, taking into account the relationship between the employee and the deceased, involvement in funeral preparations, the distance that may have to be travelled from the local area and so on.
- 4.3 Parents of a child under the age of 18 who dies, or parents of a child who is stillborn after 24 weeks of pregnancy are entitled to two weeks paid parental bereavement leave which the University will top up from statutory to full pay. More support on stillbirth can be found in the [Miscarriage, Stillbirth and Infertility Policy](#) (.pdf).
- 4.4 Should additional extended time off be required, where possible and at the discretion of the line manager (taking into account the needs of the Section/School/Department) employees could arrange to do one (or, where appropriate, a combination) of the following:
- take the day(s) as annual leave from the current year's entitlement
  - take the day(s) as unpaid leave
  - make up the time over an agreed time period (up to three months) if it is feasible to do so, taking into account the needs of the Department/School/Section
- 4.5 If an employee has been severely affected by the bereavement, a period of sick leave may be appropriate.
- 4.6 Any employees needing time off for compassionate reasons should inform their line manager (or other appropriate person) as soon as possible, giving the details of the proposed absence.
- 4.7 When employees return to work, line managers should consider whether any additional support needs to be provided. For example, it may be appropriate for someone to work flexibly for a short while. The University's [Employee Assistance Programme](#) and [Occupational Health team](#) will provide support to line managers and individuals.

# Serious illness

- 4.8 Where employees suffer the serious illness of someone close to them, line managers should discuss with the individual how best to provide support. It may be that a short period of paid leave is necessary at the outset, usually a period of **one-three days** (pro rata for part-time employee). However, where there is a long term illness, a temporary flexible working arrangement might be

more appropriate. The Occupational Health team and the Employee Assistance Programme are on hand to advise and help.

## Other urgent unforeseen circumstances

4.9 This is intended to cover urgent and unexpected emergencies such as fire or flood, burglary, car theft, road accident which creates transport difficulties. Usually, a period of **one–three days** (pro rata for part-time employees) would be appropriate in such circumstances. Line managers will need to consider the following factors in deciding whether to grant such leave: the nature and extent of the emergency, the support available to help deal with the emergency, and the impact of the emergency on the individual. If the incident has caused any illness or injury to the individual, then a period of sickness leave may be appropriate. Line managers and individuals should consider the services of Occupational Health and the Employee Assistance Programme.

## 5. Carer's leave

5.1 The University wishes to support employees in managing work alongside caring responsibilities and recognises the value of retaining employees who are also carers.

5.2 Carers are people who spend unpaid time looking after, or supporting, a dependant with a long-term care need. A dependant can include an employee's husband, wife, civil partner or partner, child, parent, a person who lives in their household (not tenants, lodgers or employees) or a person who relies on them, for care, such as an elderly neighbour. A long-term care need is considered as having a disability as defined under the Equality Act 2010, an illness or injury that needs care for at least three months or a care need related to old age.

5.3 From day one of employment, employees may be granted **up to five days** (pro rata for part-time employees) of carer's leave with full pay within any 12-month period on a rolling basis. They may also be granted up to a **further 5 days** unpaid carer's leave per year. This will not affect annual or sick leave provisions and employees are not required to exhaust their annual leave before carer's leave is granted. Carer's leave is separate and additional to other types of leave. Any leave can be requested in half days, full days or a whole week (pro rata for part-time employees). An employee who may need to care for more than one dependant can still only take **up to five days** (pro rata for part-time employees) of carer's leave with full pay within any 12-month period on a rolling basis with a possible further **five days unpaid**.

## Applying for care leave

5.4 Any employee requesting carer's leave must give their line manager notice before they start their carer's leave, but it does not have to be put in writing and they do not have to give evidence of their dependant's care needs. The notice an employee must give will depend on the number of days they wish to take; three working day's notice must be given to take one day of leave and 10 working day's notice must be given to take five days of leave.

5.5 A line manager cannot refuse someone's request for carer's leave, but they can ask them to take it at a different time if the absence would cause serious operational disruption. If a line manager asks an employee to delay their carer's leave another date must be agreed upon within one month of the original requested date and an explanation in writing must be given as to why they need to delay the leave. This must be done within 5 working days of the request or before the leave starts, whichever is the earlier.

## Long-term carer's leave

5.6 If an employee with caring responsibilities is faced with a particularly intensive period of caring requiring complete absence from work for a significant period of time, they must discuss the situation with their line manager. All feasible options should be explored. For example, a temporary reduction in hours or a temporary job-share.

5.7 Long-term carer's leave can only be granted if the University is satisfied that the employee's workload can be appropriately covered. The maximum period for which long-term carer's leave can be granted is **13 calendar weeks in any 12-month period**.

5.8 Employees considering applying for long-term carer's leave should ensure they are aware of the implications of taking this leave with regard to pension benefits and membership<sup>1,2</sup>

5.9 Employees granted long-term carer's leave are entitled to return to work in the same job at the end of the period of agreed leave.

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<sup>1</sup>To ensure your pension entitlement is not affected, the University will automatically take pension contributions from you for short periods of unpaid leave. For longer periods, you would be given the opportunity to make voluntary contributions to maintain your pensionable service. If you choose not to make voluntary contributions, then your pensionable service will be reduced by the amount of time you take unpaid leave.

<sup>2</sup>If you are eligible to be submitted in the REF, you should consider the implications of long-term leave on the number of research outputs you will require for submission. You may want to discuss the implications with your Head of Department, departmental Director of Research or the Research Governance and Planning Manager in the Research and Enterprise Office.

5.10 Any period of long-term carer's leave counts towards continuous service. Annual leave entitlement accrues during any period of unpaid long-term carer's leave in accordance with the Working Time Regulations, but the annual leave must be taken within the leave year that it has accrued.

## **6. Time off for medical, dental or related appointments**

6.1 Generally routine appointments (e.g. dentist, optician, and non-urgent doctor's appointments) for both full and part-time employee should normally be made outside of work hours. If this is not possible, for full time employee for example, the appointment can be made and taken during work time. This would usually be as near to the beginning or end of the day as possible, although this may not be the best time in all departments. Individuals and line managers should consider together how best to arrange the appointment to minimise work disruption. This would be paid authorised absence for part of a working day.

6.2 Where employees need to accompany dependants to medical or dental appointments, line managers can exercise discretion and allow paid absence if disruption to work is minimal. Otherwise, time off will usually need to be taken using annual leave, unpaid leave or making up the time over an agreed period.

## **7. Adverse weather conditions**

7.1 A degree of flexibility will be required from all employees during adverse weather conditions. Unless specifically broadcast to the contrary, the University will stay open where possible to ensure a normal level of service is maintained. Employees will be informed by the Registrar and Secretary, or their nominee, of any decision to reduce services, and send employees home early during adverse weather conditions.

7.2 It is expected that all employees will make every reasonable effort to get to work. If an employee is unable to attend their normal place of work or is likely to be significantly delayed, they should speak directly with their line manager if possible (or in their absence, another senior member of staff). The individual should agree with their line manager how to treat the absence for payment purposes.

The following options can be considered:

- a day's paid annual leave
- a day's unpaid leave
- a paid day with the agreement to make up the lost hours on a later date
- if appropriate, the employee may work from home

## 8. Paid time off to perform public duties

8.1 The University will grant, subject to the demands of the service, leave with pay, for a period not exceeding 18 days in any period of 12 months (calculated on a pro rata basis for part time employees) for the purpose of carrying out voluntary public duties as:

- Magistrates/Justice of the Peace (JP)
- local Councillors
- membership of any statutory tribunal (e.g. an Employment Tribunal)

8.2 Any leave authorised for public duties may be taken in days or half-days, as required, with the prior agreement of the employees line manager for each absence from work. Such agreement will not be unreasonably withheld. Additional leave may be granted on an unpaid basis.<sup>3, 4</sup>

8.3 Employees who are appointed as Chairperson, or equivalent, of a public body, and thereby attracts additional duties, may be granted up to an additional 6 days' paid leave for carrying out such additional duties, including any magisterial duties.

8.4 Employees who are granted leave should undertake to refund to the University any fees or attendance allowances received other than fees or allowances paid specifically as travelling and subsistence expenses. No travelling or subsistence allowance will be paid by the University.

[Parts 6, 7, 8 are currently under review and may be revised]

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<sup>3</sup>To ensure your pension entitlement is not affected, the University will automatically take pension contributions from you for short periods of unpaid leave. For longer periods, you would be given the opportunity to make voluntary contributions to maintain your pensionable service. If you choose not to make voluntary contributions, then your pensionable service will be reduced by the amount of time you take unpaid leave.

<sup>4</sup>If you are eligible to be submitted in the REF, you should consider the implications of long-term leave on the number of research outputs you will require for submission. You may want to discuss the implications with your Head of Department, departmental Director of Research or the Research Governance and Planning Manager in the Research and Enterprise Office.

## 9. Unpaid time off to perform public duties

9.1 The University may permit employees to take unpaid time off to carry out the following public duties:

- Members of a National Health Service Trust
- School Governors
- Prison Visitors
- Lay visitors to police stations/member of police authority

9.2 This is not an exhaustive list. Employees who are unsure as to whether an activity may be considered under these guidelines should consult People & Culture.

9.3 In addition to unpaid leave, line managers may wish to consider flexible working arrangements to accommodate the period of leave.

[Parts 6, 7, 8 are currently under review and may be revised]

## 10. Volunteer reserve forces

10.1 The University will grant, in addition to the normal annual leave entitlement, 5 days with pay (pro rata for part-time employees) for employees who have volunteered for the Territorial Army or Reservist Training and is required to attend training exercises, summer camps, etc. Should an employee be mobilised an appropriate period of unpaid leave of absence will be granted.<sup>5, 6</sup>

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<sup>5</sup> To ensure your pension entitlement is not affected, the University will automatically take pension contributions from you for short periods of unpaid leave. For longer periods, you would be given the opportunity to make voluntary contributions to maintain your pensionable service. If you choose not to make voluntary contributions, then your pensionable service will be reduced by the amount of time you take unpaid leave.

<sup>6</sup> If you are eligible to be submitted in the REF, you should consider the implications of long-term leave on the number of research outputs you will require for submission. You may want to discuss the implications with your Head of Department, departmental Director of Research or the Research Governance and Planning Manager in the Research and Enterprise Office.

[Parts 6, 7, 8 are currently under review and may be revised]

## **11. Jury service, court and tribunal attendance**

- 11.1 Employees who are called for jury service or as a witness in a court or tribunal case should inform their line manager immediately providing confirmation of their attendance. The line manager should then update the People Manager system accordingly. If the attendance is during a pre-arranged holiday, employees may attend and take annual leave at a later date provided that they provide confirmation of their attendance. If the employee is not required to attend court every day, or for only half of a day, they must return to work wherever practicable.
- 11.2 An employee on jury service is able to claim 'loss of earnings' from Her Majesty's Courts Service (HMCS) to cover their salary or part of their salary. The University will pay the difference between this compensation and normal average earnings – it will not pay for the proportion of salary covered by 'loss of earnings'. Employees should forward a HMCS 'Certificate of Loss of Earning or Benefit' to People & Culture for completion then pass the completed form to the Court.
- 11.3 To ensure that the employee is not disadvantaged by any delay in the payment by the Court of loss of earnings and to recognise that the actual loss of earnings is unlikely to be certain at the time of the University's payroll is run, the University will continue to pay the employee their normal pay until they have received notification from HMCS of the loss of earnings.
- 11.4 Employees are under a duty to promptly notify People & Culture of all loss of earnings compensation received from HMCS. They will need to send People & Culture the original copy of the remittance advice sent by HMCS.

## **12. Religious observance**

- 12.1 The University is proud of its diverse multicultural community and recognises the importance that faith, belief and spirituality play in the lives of employees. We must be respectful to the cultural and religious needs of employees and try to accommodate requests whenever possible in line with the University's [Equality, Diversity and Inclusion Policy \(.pdf\)](#).
- 12.2 Employees are encouraged to approach their line manager to request a change in their working arrangements/pattern in order to carry out acts of religious observance such as prayer. This may be on a daily basis or at certain times in the year. If the change requires a reduction to the number of hours worked a flexible working form would need to be completed.
- 12.3 If an employee wishes to take part in a religious festival, day of observance or pilgrimage, they should request annual leave. As with all requests for time off, employees making such requests should give as much notice as possible, ideally at the beginning of the leave year, although it is noted that the dates may change from year to year and the exact date may not be known until

nearer the time. If an individual has insufficient annual leave remaining, the line manager could allow unpaid leave, for all or part of the period.

## **13. Equality impact assessment**

13.1 The University has conducted an Equality Impact Assessment on this policy and is satisfied that its application should not result in a differential and negative impact on any groups of employees identified under the Equality Act 2010.

## **14. Monitoring**

14.1 The People, Culture and Inclusion Advisory Group (PCIAG) will monitor the impact of this policy.

## **15. Related university policies and procedures**

- [Flexible Working Form \(.pdf\)](#)
- [Hybrid Principles](#)
- [Equality and Diversity Policy \(.pdf\)](#)
- [Family Leave Policy \(.pdf\)](#)
- [Career Break Policy \(new\) \(.pdf\)](#)

## **16. University sources of information**

- [Health and Wellbeing](#)
- [Employee Assistance Programme](#)
- [Taking annual leave](#)

## Document Control Panel

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