



Special Leave Policy/Procedure

This policy / procedure is not contractually binding upon employees or the College, except to the extent required by law. Where the terms of this policy/procedure are in conflict with an employee's terms and conditions of employment, the terms and conditions of employment shall prevail.

Written by: Human Resources July 2009
Consulted with: Trade Unions
Approved by: SLT
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1. PURPOSE AND SCOPE

1.1 The purpose of this policy/procedure is to explain employee entitlement to request special leave.

1.2 Special leave covers the occasions when, in addition to annual holiday leave and leave as a result of sickness or maternity, staff may need to request absence from work

1.3 This policy / procedure is applicable to all Exeter College employees, including Senior Postholders.

1.4 This policy/ procedure explains:

- eligibility for special leave
- the types and amounts of special leave
- whether the special leave will be paid or unpaid
- the procedures to follow to apply for special leave

1.5 Special leave should be used only in genuine circumstances. Any abuse of the system will be viewed seriously and will be dealt with via the disciplinary procedure.

1.6 This policy / procedure excludes Adoption Leave, Maternity leave, Parental Leave, Paternity Leave, Flexible working requests, Sickness Absence and Re-organisation, Re-deployment and Redundancy, for which the College has separate policies/procedures.

2. Eligibility

2.1 All staff are entitled to request the special leave detailed in this policy, with the exception of leave for fertility treatment, and for elective and cosmetic surgery, for which staff must have completed their probationary period.

2.2 A close relative is defined as:

- Spouse or Civil Partner
- Son/daughter
- Step son/step daughter
- Parent/parent-in-law
- Grandparent
- Brother/sister
- Step brother/step sister
- Brother/sister-in-law
- Uncle/aunt
- Guardian/step parent

2.3 A dependent is defined as the employee's:

- Parent/step parent/guardian.
- Spouse or Civil Partner
- Child/step child.

- A person who reasonably relies on the employee to make arrangements for the provision of care.
- A person, who lives in the same household as the employee other than a tenant, lodger or boarder.

3. TYPES OF SPECIAL LEAVE

3.1 Bereavement Leave

Staff may request up to 5 days' paid absence in connection with the death of a close relative. The amount of time allowed will depend on the particular circumstances, relationship to the deceased and responsibility for funeral arrangements. This entitlement includes time off for travel and to attend the funeral.

3.2 Compassionate Leave

Up to five days paid leave in any twelve month rolling period may be requested, to enable a member of staff to be with or care for a dependent who is critically ill or critically injured. The Head of Department/Faculty, in conjunction with a member of the HR department, may grant additional unpaid leave.

3.3 Healthcare appointments

Employees should make every effort to arrange healthcare appointments (i.e. dental, optical, doctor's) outside of their teaching hours/core hours (except in emergencies).

There may be some medical appointments which cannot easily be changed or arranged out of working hours. In this case, employees are expected to take the minimum amount of time off work to attend the appointment. For example, if the appointment is at a local hospital at 10am, it would be reasonable to expect the member of staff to be back at work after lunch.

Provided that an employee gives his/her Head of Faculty/Department reasonable notice of the date and time of a healthcare appointment, time off with pay will normally be granted, although this is subject to the discretion of the employee's Head of Faculty/Department. Where, however, time off for appointments becomes frequent or regular, or starts to cause difficulties for the employee's department, the Head of Faculty/Department has the discretion either to require the employee to make up for the time off by working extra time on another occasion, or to grant any further time off without pay.

Employees must obtain approval from their Head of Faculty/Department in advance of any appointment. The Head of Faculty/Department reserves the right to ask an employee to reschedule an appointment if its timing would cause disruption to the College's business. The Head of Department/Faculty may also request the employee to produce an appointment card.

3.5 Ante-natal care

Pregnant employees are entitled to reasonable paid time off to attend midwife appointments, hospital appointments and for antenatal care as recommended by a healthcare professional, subject to production of evidence of the appointment, if requested by the Head of Faculty/Department.

3.6 Prospective fathers and Co-Parents

Prospective fathers/Co-Parents are entitled to request up to a maximum of one day's paid leave to attend an ante-natal visit and/or an ante-natal scan with their spouse/partner. If the appointments are local it is reasonable to expect the member of staff to be absent for just ½ a day.

3.7 Fertility Treatment

An employee may request up to three days' paid leave in a rolling 12 month period to undergo fertility treatment. If the employee requires time off beyond this they may take further days out of their annual leave entitlement or take the time off as unpaid leave.

An employee must have completed their probationary period in order to receive this paid leave.

3.8 Graduation or award ceremony

One days' paid leave per year may be requested to attend an employees' own graduation or awards ceremony, or the graduation or award ceremony of a close relative.

3.9 Domestic distress

Employees will be allowed reasonable time off to cope with domestic distress such as burglary, fire, and flood or to attend an unexpected or sudden emergency involving a dependent, i.e. the dependent is ill, injured or assaulted. The amount of time off permitted and whether the time off will be paid or unpaid will be decided at the discretion of the Head of Department/Faculty. This special leave should only be used to deal with emergency situations when no other alternative arrangements could be made, and the minimum amount of time should be taken.

3.10 Examinations

One days' paid leave per exam (up to a maximum of 3 days per year) plus one day to sit each exam (up to a maximum of 3 days per year), may be requested, providing the course of study directly relates to the individual's work.

3.11 Religious festivals

Employees are entitled to up to three days' paid leave in a rolling 12 month period to attend religious festivals or events which are related to their faith.

3.12 Jury Service

Employees summoned for Jury Service must inform their Head of Faculty/Department immediately. Whilst employees will normally be released for Jury Service, there may be occasions when the College may wish to appeal in order to defer the service to a later date, i.e. if the jury service were to have serious adverse effect on the provision of College service.

Full salary will be paid when an employee serves as a juror. However, employees are expected to claim for Loss of Earnings from the Court and this will be deducted by the College from the employee's next salary payment after the expenses have been received by the employee. The employee will be responsible for claiming loss of earnings from the Court.

Employees not required on any particular day or part day for Jury Service must return to normal College duties.

3.13 Witnesses' Attendance at Court

Employees who are required to attend court as a witness because of an incident he/she witnessed will be allowed paid leave. Employees should claim their full entitlement to reimbursement from the Court which will be deducted from the employee's next salary payment.

3.14 Public Officers

Unpaid time off will be granted to enable an employee to fulfil their duties as a Justice of the Peace or as a member of the following bodies:

- a local authority;
- a statutory tribunal;
- a police authority;
- the Service Authority for the National Criminal Intelligence Service or the Service Authority for the National Crime Squad;
- a board of prison visitors or a prison visiting committee;
- a relevant health body;
- a relevant education body;
- the Environment Agency, the Scottish Environment Protection Agency or a relevant Scottish water and sewerage authority.

Written permission must be obtained from the appropriate SLT member prior to taking up such responsibilities.

3.15 Trade Union Duties

Trade Union Representatives

Employees who are representatives of a trade union recognised by the College are legally entitled to reasonable paid time off work to enable them to perform their duties as such officials and/or to undergo relevant training.

The activities in which representatives are most likely to be involved include:

- negotiations with the College on issues such as pay, holidays, working hours
- discussions with members (either individually or collectively) on the progress or outcome of negotiations
- dealing with staff grievances and accompanying members at grievance or disciplinary hearings

Trade union representatives are also permitted a reasonable amount of paid time off to attend courses approved by the trade union to which they belong, in aspects of employee relations that are relevant to their official duties. Requests to attend such training courses should be directed to the Head of Faculty/Department.

Health & Safety Representatives

Health & Safety representatives appointed by the Colleges' recognised trade unions are entitled to take reasonable paid time off during their working hours as is necessary to undertake their function and for undergoing reasonable training for these functions.

3.16 Inclement weather/ disruption to travel arrangements

Staff who are unable to reach their normal place of work because of transport difficulties which could not reasonably have been foreseen or overcome (caused, for example, by adverse weather conditions such as deep snow or a strike), will normally receive payment for their normal contracted hours for that day(s). The employee should contact their Head of Faculty/ Department as soon as possible to alert them to the difficulty. Every effort should be made to travel to an alternate place of work, or to work from home.

3.17 Other paid/unpaid special leave

This policy / procedure is intended as a guide, and as such is not an exhaustive list of all potential circumstances. The College aims to support staff during times of difficulty and recognises the need for flexibility. The Head of Faculty/Department may exercise reasonable discretion - please contact Human Resources for advice.

4 Procedure for requesting special leave

4.1 Whilst many requests for Special Leave will initially be made verbally, all requests for special leave must be formalised by the employee as soon as possible, using a special leave application form (Appendix 1)

4.2 Once complete, the Application for Special Leave Form should be sent to the Head of Faculty/Department, who is authorised to grant requests for Special Leave. In cases where the type of special leave is limited per rolling year, the Head of Faculty/Department should check with Human Resources to ensure that the special leave has not been exceeded.

4.3 The Head of Faculty/Department is responsible for advising Finance as soon as possible of unpaid leave for hourly paid staff.

4.4 Human Resources will initiate payroll deductions for unpaid leave of all other staff on receipt of the approved Application for Special Leave form. All authorised requests for special leave must be forwarded by the Head of Faculty/Department to the Human Resources Department as soon as possible to ensure that the appropriate records are kept and adjustments made to the employee's pay where the leave is unpaid.

4.5 If employees do not agree with the Head of Faculty/Department's decision on Special Leave, they should use the College's Grievance Procedure.

5 Review of policy / procedure

This policy / procedure will be reviewed every two years, or upon changes to legislation and best practice, whichever is the sooner.

6 Legislation relating to this policy/procedure

This policy incorporates the legal rights detailed in the following:

Employment Rights Act 1996 as amended by the Employment Relations Act 1999, the Employment Act 2002 and supporting regulations.

Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 SI 2000/1551

Race Relations Act 1976

Jury's Act 1974

Working Time Regulations 1998 SI 1998/1833

Employment Equality (Religion or Belief) Regulations 2003 SI 2003/1660

Employment Equality (Age) Regulations 2006 SI 2006/1031

Civil Partnership Act 2004

Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005 SI 2005/2114

APPLICATION FOR SPECIAL LEAVE

Please complete the form below and forward to your Head of Faculty/Department for authorisation. The authorised form will then be sent to the HR Department.

Employee Name:

Faculty/Department:

Job title:

Period of leave requested:

day(s).

From:

to:

Type of leave requested (i.e. Jury Service):

Reason for special leave request:

Head of Faculty/Department authorisation

I do / do not* agree to the above Special Leave request (* Delete as appropriate).

The Special Leave request will be paid / unpaid * (*Delete as appropriate).

Name:

Signed _____

Date _____

Reason if Special Leave request refused:

Notes:

Head of Faculty/Department **must** advise Payroll of unpaid special leave for hourly paid staff.

HR will initiate pay deductions for unpaid leave for all other staff.

In the case of jury service or attendance at court as a witness, loss of earnings must be claimed by the employee. Evidence of monies paid by the court must then be provided to Human Resources to enable the appropriate deductions from salary to be made.