

Time Off and Special Leave Policy and Procedure

1 Introduction

This policy and procedure is discretionary in nature. Whilst the University expects its employees and staff to comply with it, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions.

Breach of this policy and procedure may be addressed via the University's disciplinary and code of conduct policies.

This policy and procedure will be reviewed by the Human Resources department on a 3 year basis or amended in response to changes in future legislation and/or case law.

2 Ownership

The Human Resources department owns and manages this policy on behalf of The University of Northampton.

3 Organisational Scope

The policy on the use of Special Leave and Other Leave is a corporate policy and applies to all workers and employees of the University including wholly owned subsidiaries.

4 Policy Statement

- 4.1 The University has a range of additional leave options available to help employees to achieve an appropriate balance between paid work and

personal life. It contains the following leave options:

- Compassionate Leave (6.1)
- Domestic Leave (6.2)
- Dependency/Carers Leave (6.3)
- Longer-term Dependant Care Leave (6.4)
- Parental Leave (6.5)
- Travel Disruption/Severe Weather (6.6)
- Medical Appointments (6.7)
- Disability Leave (6.8)
- Elective Surgery (6.9)
- Fertility Treatment (6.10)
- Public Duties (inc Jury & Witness Service) (6.11)
- Members of Reserve Forces (6.13)
- Trade Union Duties (6.14)
- Career Break/Sabbatical (6.15)

4.2 This policy aims to inform employees and managers of employment rights relating to Special Leave and Other Leave and to provide a framework for the decision making process.

5 Key Principles

5.1 Human Resources (HR) should be consulted and advice sought if there is any doubt about the decision, before the employee is notified of the outcome. This is to ensure consistency and fairness across the University.

5.2 Requests for leave described in this policy, should be made to managers by fully completing Time Off and Special Leave Form (Appendix A), which may be completed in retrospect where appropriate (for example with domestic leave) in order for the leave to be recorded correctly and for it to be authorised.

5.4 A copy of all applications whether leave is paid or not, should be signed by line managers and forwarded to HR where they will be kept on the employee's personal file. Any leave taken should be recorded on the local absence return by reporting it to the appropriate person within the school or department.

5.5 Unauthorised recording of conversations is prohibited. Anyone in breach of this may be subject to disciplinary action.

6 Procedure

6.1 Compassionate Leave

An employee may be granted a period of paid compassionate leave for:

- Severe personal distress – death of a relative, critical illness of an immediate family member or the breakdown of a marriage or long term relationship
- Attending a funeral
- Making funeral arrangements for an immediate family member

Up to 5 days compassionate leave can be granted on any one occasion. Staff working less than a 5 day working week will be granted leave on a pro-rata basis. Additional time off is dependent on individual circumstances and management discretion in conjunction with HR.

6.2 Domestic Leave

There are occasions when employees need time off to attend to urgent domestic situations/incidents, such as burst pipe, gas leak, flood, fire, burglary. This provision is to allow those who experience a genuine domestic emergency, to take a reasonable amount of unpaid time off work to deal with the emergency. Domestic Leave does not apply to planned events such as domestic repairs, refurbishments, building work, installation of appliances etc. It is the sudden unforeseen nature of the event that qualifies it for consideration under this procedure.

6.3 Dependency/Carers Leave

In accordance with statutory guidance, employees may take a reasonable amount of unpaid time off for family emergencies. This is to manage unexpected or sudden problems and make any necessary arrangements for the longer term.

These can fall under the following categories, however, this list is not

exhaustive and applications should be considered individually dependent upon the circumstances of each case:

- If a dependant falls ill, has been involved in an accident or assaulted.
- To make longer term care arrangements for a dependant who is ill or injured.
- An unexpected disruption or breakdown in care arrangements for a dependant.

For the avoidance of doubt, the circumstances that trigger the right to Dependency/Carers leave must be unforeseen or emergency situations.

Requesting Domestic or Dependency/Carers Leave

An employee needing this type of special leave should contact their line manager at the earliest opportunity. If the employee becomes aware of an emergency situation whilst at work, they should speak with their line manager immediately, explain the nature of the emergency, the reason for leaving early and how long they expect to be absent from work. Permission to do so will not reasonably be refused.

If the employee is unable to contact their manager before they need the leave to commence, they must make contact as soon as possible, but no later than two hours after their normal start time.

How much leave can be taken?

Time off will be granted in respect of the time needed for the employee to deal with the immediate situation and to make longer term arrangements where necessary.

The university envisages that the amount of leave taken will, in most cases, be one or two days, but depending on the circumstances may be only a few hours. The employee must actively seek alternative longer term arrangements as soon as possible after the emergency occurs.

If the employee is unable to make alternative arrangements and the emergency is ongoing, they must contact their manager and explain

why additional leave is required. This may be accommodated by agreeing a period of annual or unpaid leave.

The University reserves the right to monitor and where appropriate, investigate employees who take regular or frequent time off on account of domestic and/or dependency/carers leave, in order to establish the circumstances.

6.4 Longer-term Dependant Care Leave

Where an employee is the primary carer for a dependent who is suffering from a long term or terminal illness, a longer period of leave may be needed. The time off granted will be dependent on the individuals circumstances and the manager will need to discuss the employees needs and how this can be accommodated.

Additional leave could be granted by agreeing an extended period of unpaid leave, a temporary reduction in working hours or change in work pattern.

6.5 Parental Leave

The University of Northampton recognises that employees, who satisfy qualifying conditions, have a statutory right to take unpaid Parental Leave.

In accordance with relevant legislation, employees qualify if all of the following apply:

- They have been working for the University for more than a year
- They are named on the child's birth or adoption certificate
- They have or expect to have parental responsibility.
- They're not self-employed or a 'worker' – e.g. an agency worker or contractor
- They are not a foster parent (unless they've secured parental responsibility through the courts)
- The child is under 18

Entitlements

Child	Entitlement
For each child and adopted child	18 weeks up to their 18 th birthday

Unless the child is disabled, leave must be taken in blocks or multiples of one week, with a maximum of 4 weeks allowed per year for each child. Employees are required to give at least 21 days notice in writing to their manager, specifying their intended start and end dates.

If an employee or their partner is having a baby or adopting it is 21 days before the baby/child is expected.

Any leave taken of less than one week will be treated as one full week, for the purposes of parental leave.

6.6 Travel Disruption/Severe Weather

The University acknowledges that travel disruption (e.g. due to severe weather conditions) may from time to time make travel to and from work difficult or on occasions impossible.

In the event of travel disruption it is the responsibility of the employee to make every reasonable effort to attend work for their normal contracted hours, at their normal place of work, or another location if instructed to do so by their line manager.

For temporary delays and disruptions, the employee should make every effort to attend work later in the day, reporting any absence or lateness to their manager in advance.

If the university is officially declared closed at the *beginning* of a working day, this will be classed as a closed day and no pay will be withheld.

If the university is officially declared closed *during* a working day, this will be classed as a closed day from the point of closure and no pay will be withheld.

If the university is open, any working time missed due to late arrival will

need to be made up at a later date (as per flexi-time if applicable to grade). If this is not possible, it should be taken as unpaid leave.

If an employee is unable to attend work due to severe weather and the university is open this should be taken as flexi-time (if applicable to job grade), annual or unpaid leave.

Where employees are required to provide unexpected care for their dependants due to school/nursery closures, please see Dependency Leave above. Please note: where employees know that the school/nursery will be closed for a second consecutive day, they should request to take annual, flexi (if applicable to job grade) or unpaid leave as normal.

Employees needing to leave work, due to weather conditions, before the university closes are required to take flexi (if applicable to job grade), annual or unpaid leave. Any unpaid leave taken should be recorded using the Time Off and Special Leave Form (Appendix A)

6.7 Medical Appointments

Employees should try to accommodate medical appointments outside the core working hours, where possible.

However, time off for the following will be paid and should not be recorded, or monitored as sickness absence in relation to trigger points:

- Ante-natal care
- Disability-related care (see 6.8)
- Hospital appointments to be agreed with the line manager and HR on a case by case basis considering the nature and frequency of appointments

Employees will be required to produce letters, appointment cards, etc., to verify this.

All employees are expected, where practical, to make other health-related appointments (e.g. GP, physiotherapy, dental, optician) outside of core working hours. Where this is not possible, the individual should give sufficient notice to their line manager and should make every effort to minimise disruption to University business.

Working time lost should be made up using flexi-time (if applicable to job grade), or taken as annual or unpaid leave. If the absence is likely to cause disruption to University business, managers reserve the right to ask the employee to reschedule the appointment, unless that might reasonably jeopardise the individual's health or recovery. Any unpaid leave should be recorded by using the Time Off and Special Leave Form (Appendix A).

These absences should not be recorded or monitored as sickness absence.

6.8 Disability Leave

Disability Leave may be considered a reasonable adjustment under the Equality Act (2010) and allows disabled staff and those with impairments to request paid time away from work where it is not possible to schedule appointments outside their core working hours. Disability leave is distinct from sick leave and relates to time off that is usually planned and for a fixed period of time, which may be regular or one off short periods or longer term.

Disability Leave may be required to allow disabled staff and staff with impairments:

- To attend medical appointments for treatment, rehabilitation or monitoring
- To recover after a blood transfusion or dialysis
- To adjust to a new or worsened disability or medical condition
- Training for the use of specialist equipment or with a guide dog
- To complete an assessment related to possible reasonable adjustments
- To wait until the employer introduces the required reasonable adjustment

An employee who wishes to request disability leave is required to complete the form in Appendix A and return to their Line Manager for authorisation. The Line manager will discuss the request with HR and the employee.

The agreement needs to define the period of disability leave, provide

for regular assessments to review the situation and to identify what other support is required. In some cases the University might seek the advice of the Occupational Health provider to help identify what reasonable adjustments can be made.

Disability Leave agreements will be reviewed at least on an annual basis.

The University recognises that not all disability leave can be planned in advance. Employees should notify their manager at the earliest opportunity of the need to take leave and agree the details and further communication requirements. An employee may request that disability related sickness absence is changed to disability leave retrospectively where the conditions above apply.

Unexpected sickness absence related to a known disability will be treated under the Absence Management Policy and Procedure.

Disability Leave will not be included in assessing attendance, performance, promotion, selection for redundancy or other employment related issues and any DL will be counted as continuous employment

6.9 Elective Surgery

For the purposes of this policy, elective surgery is surgery that is not considered to be medically necessary or surgery that is for non-medical reasons.

Management discretion regarding reasonable time off from work must be exercised regarding individual circumstances. To ensure consistency, managers should discuss the request with their HR representative before confirming any agreed time off with the individual.

6.10 Fertility Treatment

If staff anticipate that they will require time off work due to fertility procedures, and any medical appointments associated with this, in the first instance they should discuss this with their manager. The request will be treated sympathetically and in the strictest confidence, and in consultation with the relevant HR representative. The manager can determine if and how this can best be accommodated by the school or

department, in order to meet the needs of the individual. As a consequence of the personal nature of such situations each case will be duly considered on its own merits and on an individual basis.

6.11 Public Duties

The Employment Rights Act 1996 requires employers to permit employees who hold certain public positions reasonable time off to perform the duties associated with them.

Public duties as defined by the act are as follows: duties as a lay magistrate/justice of the peace, and membership of a local authority, a school governing body, a statutory tribunal, a police authority, a board of prison visitors or a prison visiting committee, a local health body, a local education body or the Environment Agency.

Staff members undertaking such duties have a statutory right to “reasonable time off”, but such time off will be without pay.

The Employment Rights Act 1996 states that employers must permit Justices of the Peace time off during working hours to fulfil their duties. The Department of Constitutional Affairs asks employers to allow Justices of the Peace the equivalent of 13 full days (or 26 half days) per year for this purpose.

Employees should provide written notification to their manager, via the Time Off and Special Leave Form (Appendix A) of the dates when they wish to attend public duties, including the expected length of absence.

In considering such requests, line managers will consider how much time off is requested, how much time off has already been granted for the duties in question, and the impact of the absence on the operational requirements of the University.

6.12 Jury and Witness Service

An employee summoned for jury service should inform their line manager immediately.

Employees serving as a juror need to claim for loss of earnings under the Juror’s Allowance Regulations, via a Certificate of Loss of Earnings which is issued by the court. This form should be sent to Payroll prior

to undertaking jury service. On completion of jury service employees must send their remittance form to Payroll to ensure adjustments to salary are completed.

The University will pay employees their normal salary, plus any enhancements or allowances, which form part of their normal pattern of work, less the daily allowance paid by the jury service.

Employees will be paid directly by the jury service, and must inform payroll of the number of days served and daily allowance received, in order to adjust their salary accordingly the following month.

Employees will retain any payments made by the court for daily travelling, subsistence, child minder to which they are entitled.

6.13 Members of Reserve Forces

Employees who are members of the Reserve Forces are required to declare this at the start of their employment with the University, or to inform their manager of their intention to join if this occurs during employment

Members of staff who have declared membership of a reserve force to the University can request one week's additional paid leave for attendance at annual camp or training via the Time Off and Special Leave Form (Appendix A). Any additional requests will be considered and would be granted as unpaid leave subject to approval.

The University will support employees who are compulsorily mobilised for service in the Armed Forces. Employees must produce their call up notice that has been issued. The University will exercise the right to appeal the decision if it feels the employees absence will cause serious problems or harm to the University.

The Ministry of Defence will cover the employees salary and contractual benefits during mobilisation. If the employee is a member of a pension scheme administered by the University of Northampton, and chooses to remain in it, the Ministry of Defence will make the employer contributions.

Employees have no entitlement to accrue annual leave whilst mobilised.

At the end of the military service, an employee has a legal right to be re-employed for a minimum period, depending in length of employment with the University prior to mobilisation.

Please see Reserve Forces Guidance for full legal entitlements and employer obligations.

6.14 Trade Union Duties

In accordance with the Trade Union and Labour Relations Act 1992, employees who are union representatives of an independent trade union recognised by the University are entitled to reasonable paid time off to carry out certain trade union duties.

Reasonable time off can be taken for duties relating to or connected with the subjects of collective bargaining.

Trade Union representatives are statutorily entitled to take a reasonable amount of paid time off to accompany a worker at a disciplinary or grievance hearing as long as they are certified by the union as being capable to act as a workers companion.

Union representatives are also entitled to reasonable paid time off to undergo training in aspects of employee relations relevant to their trade union duties. The training must be approved by the Trades Union Congress or the independent trade union of which the employee is a union representative.

The amount and frequency of time off should be reasonable in all circumstances and union representatives should provide their manager with as much notice as possible of the timing and duration required. Union representatives should seek to minimise business disruption by being prepared to be as flexible as possible when requesting time off.

6.15 Career Break/Sabbatical

Employees with at least one year's continuous service with the University may request extended unpaid leave of between three months and one year. Before making a request employees should consider whether one of the work life balance/flexible working schemes could better meet their needs.

The application must be made at least three months before the start of the requested leave start date.

An employee's date of continuous service with the University will not be affected by a period of unpaid leave. However, any period of unpaid leave of more than three months duration will not count towards accrual of entitlement to service related benefits (e.g. annual leave, occupational sick pay). Contractual benefits will be suspended during the period of unpaid leave.

There will be no entitlement to annual leave or accrual of entitlement during the period of the career break. Any annual leave owing must be taken before the commencement of the break.

Employees wishing to request an unpaid career break should be aware that membership of occupational pension schemes will be suspended during this period, causing potential loss of benefits. Depending on the scheme of which the employee is a member it may be possible to buy back equivalent benefits on return to paid employment. If considering this option the employee is advised to talk to a member of the HR Payroll and Pensions team.

Consent must be obtained from the University if the employee wishes to undertake paid work during the period of leave. Undertaking paid work for another employer could result in a break in continuous service.

Employees on an unpaid career break are expected to remain in contact with their school/department as required by their manager where possible. An agreement on the appropriate means and frequency should be reached before the leave starts.

If an employee wishes to return earlier than originally requested they are required to give at least eight weeks notice to ensure that any necessary arrangements can be made.

The employment contract continues for the period of the career break, but with no entitlement to pay or pay benefits. All other Terms and Conditions remain the same.

Staff able to return to their previous substantive post will return to work on their previous grade and incremental point. In the event that a member of staff is not able to return to their previous post due to

organisational restructure, the University will seek to identify a suitable alternative position which will enable staff to return on their previous grade and incremental point.

Once a career break request has been approved a further request cannot be made until five years following the employees return.

A maximum of two career breaks may be taken within an employee's employment with the University.

7 Associated Documents

Absence Management Policy and Procedure

8 Version Control

Version Control		Approval record	
Author:	HR	Approval:	Board Approval
Date written:	November 2013	Updates:	June 2016
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Record of Amendments			
Date	Details of Change	Approval	
April 2015	Addition of Disability Leave Legislative changes to Parental Leave	23/06/2015	
June 2016	Update to pensions implications of career breaks/sabbaticals Inclusion of option to select career breaks/sabbaticals on form (appendix A) – was previously omitted		

