Special and Other Leave Policy

1. Policy Statement
The University recognises that there are occasions when employees require time off from work for circumstances not covered by other University Policies. Consideration of applications for time off under this policy will be made promptly, fairly and equitably by managers\(^1\).

2. Scope and Purpose
This Policy applies to all University employees. Its purpose is to provide employees with information and options for special and other leave (referred to as special leave with/without pay throughout this document) not covered in other University policies.

The provisions set out in this Policy are not exhaustive and if any requests for special leave fall outside it, the manager should seek advice from their local College/Support Group HR Advisor.

3. Principles
The following principles will apply to this policy:

- This Policy and the procedures for special leave cannot always be prescriptive, therefore each request should be considered on its own merits at the discretion of the manager.
- It should be noted that special leave is not normally a statutory entitlement unless otherwise stated in this document.

\(^1\) For the purposes of this policy the term ‘manager’ will be defined so as to include the nominated or line manager or another designated person of suitable seniority and responsibility within the relevant work unit or group.
- The number of days and frequency of requests for special leave will be taken into consideration by the manager, along with the reason for the request, when considering granting reasonable time off under this Policy.

- Should a request for special leave be declined, the employee has the option of requesting annual or unpaid leave. College/Support Group HR Advisors can provide further advice and guidance in regard to this Policy, where required.

4. **Entitlement to Special Leave**

   There is no qualifying period for entitlement to special leave under this Policy. Each situation will be considered on the basis of the individual’s circumstances, at the discretion of their manager and in line with the business area needs.

   If, exceptionally, an employee requires more time off than the special leave options allow, the manager should seek advice from their local College/Support Group HR Advisor.

5. **Making an Application**

   Requests for special leave must be made by the employee to their manager as soon as the employee is aware that time off will be required. Use the Special Leave Application form:
   
   [http://www.ed.ac.uk/human-resources/forms/Special_Leave_Application_Form.docx](http://www.ed.ac.uk/human-resources/forms/Special_Leave_Application_Form.docx)

   It is acknowledged that situations may arise where it is not possible for employees to request special leave in advance. In such situations employees must notify their manager (or where this is not possible, an appropriate deputy) at the earliest opportunity, confirming the reason for their absence, and how much time off work they may need.

   The manager should verbally agree the special leave arrangements and a retrospective application will be made once the employee returns to work.

5.1 **Considering Applications**

   Managers should adopt a fair and sympathetic approach in applying this policy, ensuring they have taken all the facts into consideration. Where necessary, managers should seek advice from their local College/Support Group HR Advisor.
5.2 Evidence of Special Leave Requirements
Some special leave requests will require documentary evidence in advance in order to support the application e.g. jury duty or court attendance as a witness. Failure to produce such evidence will result in the request being refused.

6. Management of Special Leave Applications

6.1 Approval of Special Leave
Managers should inform employees as early as possible if their leave has been granted or not. Where an urgent or immediate response is required this can be given verbally and the form completed on the employee’s return to work.

6.2 Refusal of Special Leave
Before refusing a request for special leave, managers should seek advice from their local College/Support Group HR Advisor. Reasons for declining a request for special leave must be provided to the employee in writing by the manager, e.g. due to business needs, or repeated requests for similar events.

If an employee feels that the request for special leave has not been considered as outlined within this Policy they can discuss this with their College/Support Group HR Advisor.

6.3 Record Keeping
Line managers should keep a record of all applications and decisions, and forward a copy of the completed form to their local College/Support Group HR team to hold on the employee’s personal file. Where a salary adjustment is required the manager must forward the form to Payroll to action accordingly.

6.4 Unauthorised Absence/ Sponsored Workers
Managers should contact their College/Support Group HR Advisor as early as possible if an employee is away from work without the appropriate authorisation.

If a sponsored worker is absent for more than 10 calendar days without permission, UK Visas and Immigration (UKVI) must be notified. A report should be submitted to UKVI within 10 working days of the 10th day of an absence.
Further information on unauthorised absence can be accessed at:
http://www.docs.csg.ed.ac.uk/HumanResources/Policies/Unauthorised_Absence.pdf

7. Types of Special Leave

7.1 Unforeseen Emergency Situations

Managers should adopt a fair and sympathetic approach to requests for time off to deal with critical domestic emergencies. These might include fire, flood or theft at home. There is no statutory right to paid leave to deal with domestic emergencies, and it is anticipated that any period of paid leave will be limited to a maximum of 1 working day. This leave is intended to help employees remedy their individual situation quickly or put alternative longer term arrangements in place. If an employee needs further time off, then alternative leave arrangements should be discussed with their manager. This may include annual or unpaid leave.

7.2 Attending Jury Duty/Court as a Witness

Employees who are called for jury duty will receive paid leave to attend. Employees called as a witness by the University shall be regarded as being on University business and will receive paid leave to attend. Where the employee has been called as a witness by persons other than the University, the absence will be treated as special leave with pay.

Employees must inform their manager at the earliest opportunity when they are called and should keep them regularly informed about how long they are likely to be away from work. If jury/witness duty lasts for less than half a day, or there is no requirement to appear on a particular day/part-day the employee must return to work for the remainder of the day, wherever practicable.

The University is not responsible for the payment of any travel expenses and subsistence and the employee should claim these direct from the Court using the form provided with their jury pack. Further information on what can be claimed can be found at: https://www.gov.uk/juryservice/what-you-can-claim

Where an employee has been a victim of a crime and is required to give a witness, statement to the Police, or on behalf of the University, they will be eligible for paid leave if an appointment cannot be made outwith working hours.
7.3 Trade Union Duties, Activities & Training
Trade union officials from the University's recognised Trade Unions are granted a reasonable amount of paid time off work to carry out industrial/employee relations duties or undertake training in relation to these duties. These arrangements are made outwith this Policy.

7.4 Personal Health and Welfare Appointments
Reference should be made to the Absence Management Policy for details of the arrangements for time off for routine appointments with GPs, Dentists, Hospital, Opticians etc.
http://www.docs.csg.ed.ac.uk/HumanResources/Policies/Absence_Management-Policy.pdf

7.5 IVF/Fertility Treatment/Elective Procedures
There is no statutory right to time off for fertility treatment or other elective procedures, but sympathetic consideration will be given to employees who require time off to attend medical appointments in relation to these types of procedures, e.g. paid or unpaid leave or flexible working patterns may be considered.

If an employee anticipates that they will require time off work for an elective medical procedure or any medical appointments associated with it, they must discuss this with their manager.

Given the sensitive nature of such situations each case will be considered on its own merits. However, employees are not usually entitled to statutory sick pay (SSP) / Occupational Sick Pay (OSP) unless certified as unfit to work as a result of corrective IVF, cosmetic surgery or plastic surgery for medical reasons.

Advice should be sought from your local College/Support Group HR Advisor.

7.6 Blood donations
Employees are expected to make these appointments in their own time. Where an emergency call for blood donors is made, e.g. in the event of major accident, then time off with pay will normally be given.

7.7 Bereavement/Compassionate Leave
7.7.1 Bereavement Leave
An employee can request up to 5 days’ bereavement leave with pay upon the death of a close relative, or where the employee is solely responsible for making the funeral arrangements. Managers should consider each request sympathetically and fairly on the merits of the situation and using their discretion.

Any requirement for additional time off should usually be taken as either unpaid or annual leave. Additional paid leave may be considered in exceptional circumstances, e.g. where extensive travel is required to attend the funeral or where arrangements have been delayed or are complicated.

7.7.2 Time off to Attend a Funeral
For the death of a family member or someone with whom the employee has a close personal relationship, the University will normally allow an employee to take paid leave of up to 1 day for the purposes of attending the funeral. Discretion should be exercised by the manager based on the circumstances and responsibilities falling on the employee concerned.

7.7.3 Compassionate Leave
An employee may request compassionate leave for extreme personal circumstances such as when a family member or person with whom an employee has a close relationship is diagnosed with a serious or terminal illness, a marital breakdown or breakdown of a similar relationship or where there is major damage to the employee’s home, e.g. by fire, flood or burglary.

7.8. Voluntary Public Service/ Leave for Public Duties
Under the Employment Rights Act 1996 employees who hold certain public positions have a right to reasonable unpaid time off during working hours to carry out certain public duties.

Before agreeing to take on any new public duties, employees should discuss the matter with their manager to ensure that there is minimum impact within the School / Support Department.

For ongoing duties, employees should provide their manager with a timetable of commitments in relation to these duties at the earliest opportunity.
The University is not required to give paid time off in relation to public duties but reasonable special leave requested by an employee may be granted. Employees who are members of the following bodies are eligible to apply for special paid leave:

- Magistrates/Justice of the Peace
- Members of a local authority/Councillor
- Members of a police authority
- Members of any statutory tribunal
- Members of a relevant health body
- School Governor or member of a Governing Body of an Educational Establishment

The University will normally allow paid leave of absence not exceeding 12 days in any 12 month period for the purpose of carrying out public duties. Leave of absence will only be paid when the University has agreed to the employee accepting a public position. Any additional agreed leave will be on an unpaid basis.

7.9 Leave of Absence for Staff Campaigning for Election to Parliament

The following entitlements are available to employees campaigning for election to, or who have been elected as a member of the Scottish, UK or European parliament. Employees not currently Members of Parliament will be granted up to 10 days’ paid leave of absence before the election date for campaigning (pro rata for part-time employees). Employees may also arrange to take annual leave and/or unpaid leave by agreement with their manager.

If elected, unpaid leave of absence will normally be granted for a single fixed period of 4 or 5 consecutive years in line with the maximum potential duration of the parliament.

The University does not undertake to re-instate employees before the completion of the leave of absence period if the parliament is dissolved early or for any other reason.

At the end of the period of unpaid leave, employees who are Members of Parliament are entitled to return to work with the University, to the same or similar role at an equivalent level, as agreed at the time of initial election to parliament. If, at the end of the period of unpaid leave of absence, the
employee has been elected for a further term, they will be required to resign from their post with the University.

7.10 Territorial Army/Volunteer Reserve Forces (TA/VRF)

Employees must tell their manager if they are a Reservist, or are intending to apply to become a reservist, and must seek their manager’s agreement before proceeding. Managers will be informed through the Ministry of Defence [MOD] ‘Employer Notification system’ if a Reservist is employed by the University or if an existing employee joins the Reserve Forces. The information provided by the MOD will also set out the Reservist's training and mobilisation obligations and their rights as an employee, the University's rights as an employer, and details of the financial assistance the University can get if an employee is mobilised. The MOD will also send a follow-up letter each year to confirm that the information held is still accurate.

Employees who belong to the TA or VRF and who are required to attend an annual two week training camp are normally eligible for two weeks’ leave. One week will be granted with pay, and the other week should be taken as annual leave entitlement or unpaid leave of absence.

For all other TA/VRF duties, employees are expected to participate in these outside of their standard working hours or as part of their normal leave entitlement.

Where mobilisation results in additional cost to the University, managers can claim financial assistance, e.g. to cover the costs of finding a temporary replacement for employees, such as for advertising and agency fees, extra overtime payments for existing staff, and possibly retraining the employee on their return to work. Further details at:

http://www.sabre.mod.uk/Employers/The-Mobilisation-process/Financial-assistance

Reservists who are mobilised will be granted unpaid leave and full employment will be restored upon return from military service to the same or a similar role at an equivalent level.

7.11 Representing the University / your Country

There is no statutory entitlement for time off to participate in sporting or other competitive events but individual requests, where the employee will be representing the University or their Country, will normally be considered favourably. Managers should consult with their local College/Support Group HR Advisor to discuss the possible support options.
7.12 Volunteering to Assist at Sporting Occasions
Individual requests for time off to volunteer to assist at sporting, or other high profile events e.g. the Olympic or Commonwealth Games, will normally be considered favourably. Managers should consult with their College/Support Group HR Advisor.

7.13 Other Volunteering Activities
Requests for time off for other volunteering activities will be considered on their merit and in line with business requirements.

8. Study Leave
Employees may formally request time off work to undertake training, which may be paid or unpaid, to help them develop specific skills relevant to their role. Full details can be found in the Time for Training document at:
http://www.docs.csg.ed.ac.uk/HumanResources/Policies/Time_for_Training.pdf

9. Other Options
9.1 Unpaid Extended Leave
In certain circumstances extended unpaid leave may be granted. Employees wishing to request extended unpaid leave should discuss this with their manager, who will consult with their College/Support Group HR Advisor.

9.2 Other Leave
Where special leave is not appropriate or the employee requires additional time off, the following options should be considered:
• Annual leave - where the time off is half a day or more.
• Flexible working, or arranging to work up additional hours for a limited period of time on an agreed basis.
• Changing working patterns or arrangements on a short-term basis, such as swapping shifts, lectures, or working from home, where possible and where business requirements permit.

10. Cancellation of Special Leave
Following approval of a request for Special Leave, employees may choose to cancel their period of leave if their circumstances change. Managers will usually allow for the leave to be cancelled,
however, there may be circumstances where a request for cancellation cannot be accommodated, for example, a formal contract to provide cover for the employee’s absence has been put in place, and the University would incur costs if that contract were to be cancelled. There may be occasions where, for business reasons, the manager asks an employee to cancel a period of approved special leave, for example, where the unplanned absence of other employees may affect the service provided by the business area.

In such cases, the manager will discuss all options with the employee concerned, before making a decision, and will also consult with their local College / Support Group HR team.

11. Payment, Terms and Conditions
Continuity of employment is maintained during paid time off under this Policy. Employees are entitled to continue to receive all non-cash benefits applicable to them during authorised periods of paid special leave, such as childcare vouchers and accrual of annual leave.

Salary and all non-cash benefits, including pension contributions, will normally be suspended for the full duration of any period of unpaid leave which lasts for more than two weeks.

12. Pension Contributions
Longer terms of special leave may also impact upon pension contributions and where unpaid leave is granted for a period of over two weeks, pension contributions may not be maintained by the University. Temporary absence from a pension scheme during a period of unpaid leave can also mean temporary suspension of life cover, not just loss of pensionable service, unless payments continue to be paid.

The employee must contact the University Pensions office at pensions@ed.ac.uk to seek advice and discuss any pension implications, in advance of the leave.

13. Policy History and Review
This policy was approved by CJCNC on 27 September 2013 and took effect from that date.

In the event of any significant change to the legal position on special leave situations, any relevant statutory requirements or any other related matter, this policy will be subject to immediate review
in consultation with the Trade Unions. In the absence of such a change, the policy will be reviewed by December 2017.

This Policy replaces those sections on special leave circumstances from archived Terms and Conditions, Special Leave with Pay, Leave of Absence for Staff Campaigning for Election to Parliament.

13.1 Change Control Record

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<th>Approval date:</th>
<th>Amendment made:</th>
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<tr>
<td>1.</td>
<td>29 July 2014</td>
<td>Minor amendment to clarify pension rights and process during unpaid periods of leave.</td>
<td>HR Policy Development Group</td>
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<tr>
<td>2.</td>
<td>September 2016</td>
<td>Minor amendment to update weblinks</td>
<td>HR Policy Development Group</td>
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14. Alternative Format

This document can be provided in alternative formats on request by email to UHRS@ed.ac.uk or by calling 0131 650 8127.