

SPECIAL LEAVE POLICY AND PROCEDURE

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Other relevant policies to refer to:	<u>Flexible Working Guidelines for Supporting Carers in the Workplace</u>
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This policy will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation. In the event that this policy or procedure is not so compliant, the relevant legislation shall prevail.

Changes to this policy will be subject to consultation and agreement with the University's recognised Trade Unions before implementation

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POLICY

1. Policy Statement

- 1.1. Brunel University London is fully committed to equality of opportunity in employment for all our employees and to developing flexible working practices and employment policies that support a positive work life balance. As part of this commitment, the University recognises that there may be occasions when employees need to request time off work for domestic and personal reasons, or are required to be absent from work for essential civic duties such as Jury Service.
- 1.2. The aim of this policy and procedure is to provide a clear and consistent framework that enables employees to request leave to attend:
- 1.3.
 - to an unplanned, urgent domestic, personal or family matter (including time off for dependents; compassionate and/or bereavement leave);
 - a medical appointment; and
 - Jury Service.
- 1.4. 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:
 - Adverse Weather Conditions
 - Employee Volunteering (including Voluntary Public Service and Reserve Forces activities)
 - Fertility Treatment Support
 - Family leave including Parental Leave (planned leave)

2. Scope & Eligibility

- 2.1. This policy and procedure applies to all employees of the University, regardless of gender or the gender of an employee's partner and irrespective of length of service, hours of work, or grade. They do not apply to agency workers or contractors.
- 2.2. In line with legislation ([The Carer's Leave Regulations 2024 \(legislation.gov.uk\)](#)) Brunel as an employer will allow employees who have a dependant with a long-term care need to take one week's unpaid leave to provide or arrange care in each rolling 12-month period. 'Dependant' and 'long-term care need' are defined in S.80J of the Employments Rights Act 1996, inserted by the [Carer's Leave Act 2023 \(legislation.gov.uk\)](#), namely:
 - They can choose to take the one weeks' unpaid leave as either **individual days** or **half days**, up to **a block of one week** and need not be taken on consecutive days.
 - The required notice period is either twice as many days as the period of leave required, or three days, whichever is the greater.
 - A manager cannot decline a request altogether but may postpone carer's leave where it reasonably considers that the operation of the business would be unduly disrupted if it allowed the leave during the requested period.

3. General Principles

The following general principles apply:

- 3.1. All Special Leave requests will be dealt with on a strictly confidential basis.

- 3.2. The University will act sympathetically in situations envisaged by this policy and recognises the benefits to both the University and employees of applying this policy in a fair and reasonable manner.
- 3.3. The policy aims to maintain consistent management practice across the University and will enable managers to implement fair and equitable practices when making decisions on requests for Special Leave. This may not entail making identical decisions in all cases as each individual case need be assessed according to the circumstances.
- 3.4. Whilst operational needs and individual attendance records may be taken into account, Special Leave will not be unreasonably withheld.
- 3.5. In cases where the Manager/Head of Department and/or employee require assistance with the interpretation of this policy, advice should be sought from Human Resources.
- 3.6. All leave granted will be pro-rata for part-time employees.
- 3.7. Some types of leave will be granted on a paid or part payment basis whilst others will be unpaid. Guidance on each type of leave has been provided within this policy.
- 3.8. Depending on the service requirements of the department and the nature of the role, in some cases it may be possible for an employee to work from home or, to work flexible hours on a temporary basis (see [Flexible Working Guidelines for Supporting Carers in the Workplace](#)) or, to take annual leave rather than Special Leave. Agreement of the Manager/Head of Department must be sought first.
- 3.9. It is recognised that it is not possible to cover all circumstances where Special Leave may be appropriate. For specific or exceptional circumstances, please contact Human Resources for further advice.

4. Support for Employees

- 4.1. Supporting an employee with returning to work after a sad event should be handled sensitively and with compassion. A free, 24 hour, confidential advice service is available for employees from Carefirst (contact details can be found at [Care First \(brunel.ac.uk\)](#) or by going online: [www.carefirst-lifestyle.co.uk](#)). If an employee wishes to use this service, they should quote 'brunel001' as the username and 'university1234' for the password.

5. Unplanned, Urgent Leave for Domestic, Personal or Family Matters

- 5.1. The University recognises that many employees combine their working lives with the responsibilities of raising a family, caring for dependent relatives, and/or other domestic commitments, and that there may be occasions when unplanned matters compete with work responsibilities.
- 5.2. 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 Managers/Heads of Departments 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, Managers/Heads of Departments should discuss the circumstances with Human Resources.

5.3. Aggregation of Special Leave for Unplanned, Urgent Leave for Domestic, Personal or Family Matter

5.3.1. Paid leave granted under section 5. of this policy will normally be limited to a total of no more than **ten days' paid leave** in a **holiday** year.

5.3.2. Additional unpaid leave may be granted at the discretion of the University.

5.4. Time off for Dependants

5.4.1. A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on the employee for care. This could be an individual for whom the employee has primary caring responsibility, such as an elderly relative not living in the employee's household, or someone who is involved in a serious emergency, where the employee is the only person who can help.

5.4.2. Whilst employees have a statutory right under the [The Carer's Leave Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk) to take **one weeks' unpaid leave** in a **rolling 12 month period** to provide assistance or take appropriate action to deal with an **unplanned** and **urgent** situation involving a dependant, the University's approach will be to allow employees to also take **one days' paid leave** in addition to deal with the immediate, unexpected problem and to put the necessary care arrangements in place.

5.4.3. The circumstances where dependant leave can be granted, include (but is not limited to):

- To provide assistance when a dependant 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.

5.4.4. Employees who wish to take unpaid leave the notice period that they will be required to give is twice as many days as the period of leave required, or three days notice period whichever is the greater.

5.5. Compassionate/Bereavement Leave

5.5.1. The University recognises that employees may be faced with difficult personal circumstances involving an **unplanned major life event**, which requires the employee'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 employee has a close relationship;
- A breakdown of the employee's personal or domestic arrangements (such as separation, divorce, eviction, removal of children etc.)
- The employee falling victim to a serious crime.

5.5.2. All requests for compassionate/bereavement leave should be dealt with sympathetically, sensitively and in a timely manner. Leave should be granted based on the circumstances of the case and consideration should be given to:

- The nature and extent of any illness;
- The nature of the relationship between the individual and the employee;
- Whether the employee is involved in 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; and
- Any cultural or religious requirements.

5.5.3. In most cases, up to **one weeks' paid leave** will be granted for compassionate/bereavement leave.

5.5.4. In exceptional circumstances, such as the loss of a child, spouse, parent or sibling, two weeks' compassionate/bereavement leave will be granted. This may be extended at the discretion of the Manager/Head of Department (see point 5).

6. Parental Bereavement Leave

6.1. In the very sad event that an employee loses a child under the age of 18, or where an employee's pregnancy ends in miscarriage or is stillborn from the twenty fourth week of pregnancy, or if the baby is born alive and sadly dies, the employee will be entitled to take two weeks' statutory Parental Bereavement Leave (see [Statutory Parental Bereavement Pay and Leave: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/statutory-parental-bereavement-pay-and-leave) for further information).

6.2. All employees, regardless of their length of service with the University or hours worked, will be entitled to take this leave in either a single block of 2 weeks, or as two separate blocks of one week each taken at different times across the first year after their child's death.

6.3. Statutory Parental Bereavement Pay (SPBP)

6.3.1. An employee will be entitled to SPBP, if they:

- have at least 26 weeks' continuous service with the University; and
- earn average weekly earnings at or above the Lower Earnings Limit for National Insurance contributions.

7. Time Off to Attend Medical Appointments

7.1. The University recognises that employees will from time to time need to attend medical, hospital, dental, optician and other routine appointments. Whenever it is possible to do so, employees should endeavour to arrange such appointments outside of their usual working hours or, if this is not possible, at times that will cause the minimum amount of disruption and absence from work (i.e. at the start or end of the working day or at lunchtime).

7.2. However, the University recognises that the timing of some medical appointments are not within the employee's control and that they may unavoidably need to be absent during working hours to attend such appointments. Where this occurs, it would be reasonable to allow employees time off with pay for up to **four medical appointments** in a 12 **month-rolling period**, taken during working hours, subject to the considerations set out above. The employee will need to request this leave on CHIME.

- 7.3. Should there be a need for an employee to be absent from work on more than four occasions per year in order to attend medical appointments, reasonable time off may be permitted but in most circumstances this will be without pay. Alternatively, an employee may be asked to take annual leave to attend additional appointments, to make up the time, or to use up any time off in lieu (TOIL) they may have accrued. If an employee does not accrue TOIL as part of his/her role, this time would have to be made up by agreement with their Manager/Head of Department.
- 7.4. If a large amount of time off work is required for appointments, employees will be referred to Occupational Health for additional guidance and support.
- 7.5. Managers/Heads of Departments may request evidence of appointments (in writing or otherwise).

8. Attending Court for Jury Service

- 8.1. Employees who are required to attend court as a Jury Member should contact their Manager/Head of Department and provide a copy of the court summons at the earliest opportunity. If an employee fails to notify his/her Manager/Head of Department of their summons, he/she may not receive paid leave.
- 8.2. Employees will continue to be paid whilst on Jury service, 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.
- 8.3. The **first two weeks of absence** due to attending Jury Service **will be paid in full**, and it is not anticipated the employee would make a claim to the court. In exceptional circumstances, where the jury service obligations extend beyond this, the employee should complete the 'loss of earnings' form, providing a copy to the Payroll Department. Any monies received in respect of attending the Jury service must be declared to the Payroll and these will be reduced from the employee's salary, so as to ensure they are in an equal position.
- 8.4. Further information about jury service can be found on the [gov.uk website](https://www.gov.uk).

9. Notification Procedure for Special Leave Request

- 9.1. Employees should submit their request for Special Leave in writing (by email is acceptable) to their Manager/Head of Department for consideration and provide as much notice as possible.
- 9.2. If, due to exceptional circumstances, it is not possible to provide notice prior to the employee's leave, the employee should inform their Manager/Head of Department as soon as practically possible, stating the reason for the absence and how long they may expect to be absent from work.
- 9.3. Where employees require the day off in an emergency, the employee will normally be granted this leave on the understanding that they must discuss the matter with their Manager upon their return to work to determine whether Special Leave can be authorised (either paid or unpaid).
- 9.4. It should be noted that Special Leave with pay is not a statutory entitlement and is at the discretion of the Manager/Head of Department. Should Special Leave not be authorised or deemed appropriate, then employees may have the option of using annual leave.
- 9.5. In some cases, documentary evidence will be required in order to process the Special Leave such as jury service summons etc. Failure to produce such evidence may result in paid leave being denied.

10. Consistency and Reporting

- 10.1. Managers should adopt a fair, consistent and sympathetic approach in applying this policy and procedure ensuring they have taken all the facts in to consideration and discussed the matter with Human Resources, where appropriate.
- 10.2. It is important that all absences under this policy and procedure are recorded on CHIME and notified to Human Resources in a timely manner so that Payroll can process the leave accordingly.