

# **Special Leave Policy and Procedure**

## Document Control

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## 1. Introduction

- 1.1. Queen Mary recognises the personal and domestic commitments that many of our people balance in conjunction with their roles. This policy outlines how the University will provide additional support to employees at extraordinary times, both for their own welfare and for the welfare and wellbeing of others.
- 1.2. The University is committed to supporting employees to balance the demands placed upon them by their work and by their home and personal responsibilities. It is recognised that occasionally it will be necessary for an employee to take leave at short notice where an urgent and unforeseen home or personal need arises. While this policy does not provide an automatic right to special leave, Queen Mary is committed to actively considering the range of needs within our community. All requests will be received sensitively, and Queen Mary will ensure that employees are supported respectfully, and that any impact on operational performance and delivery is mitigated where possible.
- 1.3. This policy applies to all Queen Mary employees.
- 1.4. Our Strategy 2030 describes Queen Mary's commitment to create a truly inclusive environment, building on our cherished cultural diversity, where students and staff flourish, reach their full potential and are proud to be part of the University. It describes our core values: Inclusive; Proud; Ambitious; Collegial; Ethical. Our policies are developed in line with our Values. Find out more about [Our Values in Action](#).

## 2. Purpose

- 2.1. This policy sets out the process for the following types of special leave:

- Time off for Family and Dependants (Carers Leave)
- Compassionate Leave
- Parental Bereavement Leave
- Emergencies at Home
- Public Duties e.g. Jury Service
- Military Reservists and Cadet Force Members
- Time Off for Medical Appointments
- Severe Weather and Disruption to Travel
- Unpaid Leave

## 3. Context

- 3.1. Many of our employees at Queen Mary successfully balance their personal commitments with their work but it is understood that circumstances can arise when employees may require time off work. In addition to annual leave, other leave may be granted to support employees with commitments outside of work which impact on their time during the normal working day. This policy sets out the circumstances where leave with or without pay may be granted to enable our employees to deal with such commitments. In addition, the University has a responsibility to permit employees who hold certain public positions reasonable time off to perform the duties associated with them.
- 3.2. While employees have the right to request special leave, the approval of the leave is at the discretion of their line manager. However, every effort will be made by line

managers to approve reasonable requests and mitigate any impact on service provision where possible.

- 3.3. For all types of leave, line managers may, where there are exceptional circumstances, put forward a case for extended paid leave to be provided. Cases should be in writing and sent to the Chief Governance Officer and University Secretary (for Professional Services staff) or to the Principal (for Academic staff) detailing how much paid leave is being requested and the exceptional circumstances and reasons which apply.

## **4. Compassionate Leave**

### **What is Compassionate Leave?**

- 4.1. Queen Mary recognises that dealing with a bereavement is difficult. In the event of the death of a close relative, the University is committed to supporting our employees by offering compassionate leave to support them to take the time they need away from work.

- 4.2. A close relative is defined as a:

Child

Parent or next of kin

Spouse or partner

Sibling

Grandparent

Parent-in-law; or

Someone who is a relative or friend of the employee who is most important to them but does not fall into one of the categories above (chosen family).

### **How much time off is available?**

- 4.3. While there is statutory provision relating to leave following the death of a child, the University recognises the importance of supporting employees at other times of bereavement with paid time off work. Paid leave of up to 5 working days or 35 hours (pro-rata for part-time employees), may be granted following the death of a close relative.
- 4.4. The time off does not need to be taken consecutively. Individual circumstances need to be taken into account. Once compassionate leave is exhausted, annual leave or, if the annual leave entitlement is exhausted, unpaid leave may be granted.
- 4.5. Line managers should acknowledge the nature and level of support that the employee will need, and that some employees may require additional time off to allow the employee to fulfil religious or cultural expectations such as mourning rituals.

### **Time off for Funerals**

- 4.6. Where an employee requests leave to attend the funeral of a close relative (as defined in 5.2 above), paid leave should normally be granted for the day of the funeral. This will be in addition to the provisions made for compassionate leave as set out in 5.3 above.
- 4.7. Line managers should consider the employee's circumstances and the needs of the service when granting special leave to attend a funeral, taking into account that some

employees may have to travel long distances including going to another country. In these circumstances further unpaid leave may be granted at the discretion of the line manager (who may seek advice from their [HR Adviser](#)), or the employee may choose between taking annual leave or unpaid leave or a combination of both.

- 4.8. Paid time off to attend the funeral of a close friend or a work colleague, as a representative of the University, may be given where possible, and subject to service delivery and standards being maintained.

### **Line Managers' Responsibilities**

- 4.9. Line managers should take into the account the following when dealing with requests for compassionate leave:

- Impact on the individual and their wellbeing (this includes consideration of the loss itself together with the impact on the individual of meeting/rejecting the request)
- The relationship of the employee to the deceased
- Responsibilities that the employee may have as a consequence of the bereavement e.g. making funeral arrangements
- The support the employee may need to provide to other family members
- The amount of travelling involved e.g. if the employee needs to go abroad
- Consider and agree how much information the employee wishes their colleagues to have about the death and to be mindful that this information is sensitive and to keep strictly to the facts.

- 4.10. Line managers need to be mindful of the family unit of the bereaved employee and that in some cases a short term change in working arrangements may be required. For example, offering part time hours or flexible working on a temporary basis to enable the employee to return to work during a period of increased caring responsibilities. Line managers are encouraged to be actively involved in providing support to the bereaved employee, offering interim options and signposting to bereavement support where appropriate (section 4.14).

### **Requesting Compassionate Leave**

- 4.11. In the event of a need to leave work unexpectedly or being unable to start work at their normal time, the employee should contact their line manager prior to their start time or as soon as possible thereafter to request time off. The employee must state the reasons for their absence and, if possible, how long they may require to be off work.

- 4.12. The employee must speak directly to their line manager or in their absence their nominated deputy or their line manager's manager. If they are unable to speak to an appropriate manager, the employee should leave a message and contact details so that the manager may get in contact with the employee. It is a reasonable expectation that the employee should try to make contact again at a later time/date.

- 4.13. It is the employee's responsibility to keep in touch with their line manager and let them know when they will return to work. On return to work a Special Leave Request form should be completed (Appendix 1).

## Bereavement Support

- 4.14. The University has an Employee Assistance Programme (EAP) [Workplace Options](#); the username is queenmary and the password is employee. They can also be contacted by phone on 0800 243458, 24 hours a day, 365 days a year.
- 4.15. External sources of help and support for bereaved employees include:
- The [NHS](#) which offers advice and support as well as information on specialist bereavement support groups;
  - [Cruse Bereavement Care](#), which offers support to bereaved people, for example via a telephone helpline;
  - [Child Bereavement UK](#), which offers support to families when a child passes away, for example via a telephone helpline;
  - [Age UK](#), which has a website that includes [guidance and support](#) on coping with bereavement;
  - [WAY Widowed and Young](#), which specialises in supporting people aged 50 or under whose partner has passed away; and
  - [Marie Curie](#), which supports families living with a terminal illness.

## 5. Parental Bereavement Leave

### What is Parental Bereavement Leave?

- 5.1. The University recognises that, while dealing with any bereavement is difficult, the death of a child can be particularly distressing. The University wants to support bereaved parents by ensuring they can take parental bereavement leave. The University is committed to providing this leave as paid time off, in excess of the statutory minimum requirements.
- 5.2. In the event of the loss of a child under the age of 18, employees can take parental bereavement leave; this includes parents who have a pregnancy loss (including abortion) or stillbirth after 24 weeks of pregnancy. For the loss of a child aged 18 and over employees are able to request compassionate leave (Section 4).

### Who can take parental bereavement leave?

- 5.3. All employees can take this type of leave if they are the parent of the child who has passed away, or the partner of the child's parent. Employees can take this type of leave if they have parental responsibility for the child, for example adoptive or foster parents and step-parents.

### What leave can a bereaved parent take?

- 5.4. Employees can take two weeks of parental bereavement leave as follows, either:
- a single block of two weeks; or
  - two separate blocks of one week at different times.
- 5.5. If it is more beneficial to the employee to take the leave as individual days, requests will be considered by line managers on a case by case basis and every effort will be made to accommodate these requests.
- 5.6. Employees can take the leave within the 56 weeks following the bereavement as it is recognised that the anniversary of the death of a child will also be a particularly difficult

time. If an employee has lost more than one child, they have a separate entitlement to bereavement leave for each child who has passed away.

### **Notice to take parental bereavement leave**

- 5.7. Employees who want to take parental bereavement leave within the first 56 days (8 weeks) following the bereavement, can take the leave straight away; they do not have to provide any notice. They must inform their line manager no later than when they are due to start work on the first day on which they wish to take leave or, if that is not feasible, as soon as possible thereafter. On return to work a Special Leave Request form should be completed (Appendix 1).
- 5.8. To take leave more than 56 days (8 weeks) after the bereavement, employees should give their line manager at least one week's notice and a Special Leave Request form should be completed (Appendix 1). It is expected that the employee and line manager will work together to agree the arrangements, and the line manager will actively support the employee, signposting to bereavement support where appropriate (section 5.15).

### **Changing a request for parental bereavement leave**

- 5.9. The University understands that this is an incredibly difficult time for employees, and wants to offer as much flexibility as possible. In accordance with the statutory regulations, employees can therefore cancel their planned bereavement leave and take it at a different time (within the 56 weeks after the bereavement) as follows:
- 5.9.1. Where the planned leave was due to begin during the first 56 days (8 weeks) after the bereavement, employees must advise their line manager that they no longer wish to take the leave before their normal start time on the first day of the planned leave.
- 5.9.2. Where the leave was due to begin more than 56 days (8 weeks) after the bereavement, employees should advise their line manager at least one week in advance that they wish to cancel it and when they wish to re-arrange it to if known at that point.
- 5.10. Employees may change the duration of a week of parental bereavement leave that has already begun in agreement with their line manager and take the remaining days at a different time (within the 56 weeks after the bereavement).

### **Pay during parental bereavement leave**

- 5.11. The University recognises the need to provide bereaved parents with as much support as possible, and employees will continue to receive normal pay during parental bereavement leave. This exceeds the statutory position, which provides statutory pay only.

### **Returning to work after parental bereavement leave**

- 5.12. When employees return to work after parental bereavement leave, they have the right to return to the same job.
- 5.13. However, if the employee returns from bereavement leave that follows on immediately from maternity, adoption, paternity leave or shared parental leave (taken in relation to the child who has passed away), and the total time on leave is more than 26 weeks, the employee has the right to return to the same job, unless in exceptional



circumstances this is not reasonably practical (for example where there has been an organisational change). In this case, the employee has the right to return to a suitable and appropriate job on the same terms and conditions.

- 5.14. Paragraph 5.13 may also apply if the employee's leave included more than four weeks of ordinary parental leave (taken in relation to any child), regardless of the total length of the leave. The University has a separate policy regarding [unpaid ordinary parental leave](#).

## **Bereavement Support**

- 5.15. The University has an Employee Assistance Programme (EAP) [Workplace Options](#); the username is queenmary and the password is employee. They can also be contacted by phone on 0800 243458, 24 hours a day, 365 days a year.

- 5.16. External sources of help and support for bereaved employees include:
- The [NHS](#) which offers advice and support as well as information on specialist bereavement support groups;
  - [Cruse Bereavement Care](#), which offers support to bereaved people, for example via a telephone helpline;
  - [Child Bereavement UK](#), which offers support to families when a child passes away, for example via a telephone helpline;
  - [Age UK](#), which has a website that includes [guidance and support](#) on coping with bereavement;
  - [WAY Widowed and Young](#), which specialises in supporting people aged 50 or under whose partner has passed away; and
  - [Marie Curie](#), which supports families living with a terminal illness.

## **6. Time off for Family and Dependants (Carer's Leave)**

### **What is paid family and dependent's leave (Paid Carer's Leave)?**

6.1. Paid Carer's leave is paid time off which may be granted in urgent or emergency situations, involving dependents, when normal care arrangements have broken down or cannot be immediately put into place. The aim of Paid Carer's Leave is to provide a compassionate response to immediate and unforeseen needs arising from home situations that may occur from time to time. Although there is a statutory requirement to provide reasonable time off this is normally unpaid, however the University recognises the importance of supporting employees at this time and is therefore committed to providing paid time off.

- 6.2. Queen Mary expects that employees will have robust arrangements in place to ensure that dependants are cared for during their working hours. Where possible, back up arrangements should also be in place should circumstances change.

- 6.3. Paid Carer's Leave is solely intended to deal with an **initial** emergency related to carer responsibilities. It is normally only granted for one or two days at a time to deal with instances such as:

- Unexpected illness or injury of children/dependants
- Unexpected breakdown of normal caring arrangements
- If a dependant is unwell, either mentally or physically, or has been involved in an accident or assaulted, including where the dependant is distressed rather than injured physically.

- To deal with an incident involving a child of the employee that occurs unexpectedly during a period when the child would normally be at school or attending childcare.

6.4. Employees do not need to have exhausted their annual leave entitlement before requesting Paid Carer's Leave. However, it will not be granted to cover known/planned carer commitments, examples include:

- Child-minder's holiday commitments
- School inset days

6.5. Employees are able to request annual leave or use any accrued time off in lieu (TOIL) for any absences covered in section 6.4. In such situations this must be arranged and authorised with the line manager as soon as practically possible to maximise the ability for leave to be granted and enable the service to cover the absence adequately. It is expected that the employee and line manager will work together to agree the decision and will actively support each other in doing so.

### **Who is considered to be a dependant?**

6.6. A dependant for the purpose of this policy is defined as someone wholly or mainly dependent upon an employee for support, maintenance or assistance, who is usually (although not exclusively) a member of the employee's immediate family or a close personal relative. A dependant is a:

- Spouse
- Partner
- Child
- Parent
- Sibling
- Friend or family member who lives in the same household but is not a tenant or a lodger
- Any other person who would reasonably rely on the employee for assistance if they are unwell or are injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury (chosen family).

### **How much time off is available?**

6.7. The amount of paid time off which may be given for carers leave is up to 5 working days or 35 hours (pro rata for part time employees), in any rolling 12 month period (which commences on the first day carers leave is taken).

6.8. It is anticipated that any single instance of paid carers leave will not last for more than one or two days and as agreed by the line manager.

### **Line Managers' Responsibilities**

6.9. Line managers must keep records of all requests for carers leave, along with:

- Evidence of the reason for the leave request (i.e. the request form in Appendix 1)
- The decision to approve leave
- Whether the leave is paid or unpaid

- The reason for any refusal to grant leave (including type of leave requested e.g. paid, unpaid or annual leave), for example due to other employees being absent and/or that service provision may be affected as a result. Before refusing a request, line managers should seek advice from their [HR Adviser](#).
- Advising their HR Administrator by e-mail of any dates when employees are on unpaid leave, so that appropriate adjustments can be made to an employee's salary and, where relevant, pension contributions.

### **What if the employee knows in advance that they are going to need time off?**

6.10. Paid Carer's leave is intended to cover unforeseen emergency circumstances. If the employee knows in advance that time off will be required, this should be requested as annual leave, Unpaid Carer's Leave or TOIL. Unpaid Carer's Leave is a statutory right from 6th April 2024 for, up to, one week per year to provide planned care (or make arrangements for such care) for a dependent (as defined above) with a long-term care need.

6.11. If the reason for the leave relates to caring for a child in a non-emergency situation, the employee may also be entitled to unpaid ordinary parental leave (refer to the [Parental Leave Policy](#)).

### **Requesting Paid Carer's leave and Unpaid Carer's leave**

6.12. As the nature of Paid Carer's leave is unplanned (as it relates to an emergency), it will not be possible to apply within a set timeframe. In the event of a need to leave work unexpectedly or being unable to start work at their normal time, the employee should contact their line manager prior to their start time or as soon as possible thereafter to seek permission for their absence. The employee must state the reasons for their absence and how long they may require to be off work.

6.13. The employee must speak directly to their line manager or in their absence their nominated deputy or their line manager's manager. If they are unable to speak to an appropriate manager, the employee should leave a message and contact details so that the manager may get in contact with the employee. It is a reasonable expectation that the employee should try to make contact again at a later time/date.

6.14. It may not always be possible for the manager to ascertain immediately whether carers leave is applicable. In some circumstances a further discussion will take place on the employee's return to work as to whether carers leave is approved or whether annual leave, TOIL or unpaid leave is more appropriate.

6.15. It is the employee's responsibility to keep in touch with their line manager and let them know when they are likely to return to work. On return to work a Special Leave Request form should be completed (Appendix 1).

6.16. Employees should provide as much notice as they can in requesting planned Unpaid Carer's Leave by completing a Special Leave Request form (Appendix 1), noting that the minimum statutory notice is the greater of 3 days or twice the length of the leave requested.

## **7. Time Off for Medical Appointments**

### **What is meant by a medical appointment?**

7.1. The University recognises that employees will from time to time need time off work to support their health and wellbeing by attending medical appointments. Time off for medical appointments refers to a GP appointment, a hospital/consultant appointment, counselling or physiotherapy appointments or a dental appointment.

### **Taking time off for medical appointments**

7.2. Whenever possible, medical or dental appointments should be arranged in the employee's own time. Where this is not possible, employees should try to arrange appointments near

the beginning or end of the working day to minimise disruption. However, it is appreciated that may not always be practical and line managers should be as flexible as possible in accommodating time off to attend medical appointments.

- 7.3. The authorisation of time off to attend the appointment should be agreed in advance. Employees should keep their line manager informed of all appointments and let them know as soon as possible and at least the day before about the appointment.
- 7.4. There should be a discussion between the line manager and employee to determine how the time off is to be managed.

#### **Time off up to 4 hours**

- 7.5. Where appointments require the employee to take up to 4 hours out of work, this will be paid time without the need to make up time at another point in the working week.

#### **Time off over 4 hours**

- 7.6. For appointments that would require more than 4 hours out of work, the employee should take TOIL or a half day's annual leave – whichever is most appropriate as agreed by the line manager. Cases will be treated on an individual basis and can be influenced by elements such as the amount of time off for appointments already taken and whether the employee has a disability or long-term physical or mental health condition. Managers should seek advice from their HR Adviser in these circumstances.

#### **Time off for elective appointments**

- 7.7. Where time off is requested for elective procedures such as cosmetic surgery or laser eye treatment, the employee must obtain authorisation in advance from their line manager that they can take the time off before confirming the date for the procedure / appointment.

#### **Additional support**

- 7.8. In some circumstances (e.g. if many and/or frequent appointments are requested), the line manager may discuss with the employee whether they require any additional support from the University (e.g. through [reasonable adjustments](#), flexible working, Employee Assistance Programme). Employees may also be asked, by exception, to show evidence of their appointments (e.g. hospital letter, appointment card) to allow managers to make an informed decision about leave requests. However, employees will not be required to disclose any private details of the specific procedure or treatments they are undergoing if they do not wish to do so.
- 7.9. Antenatal appointments are not covered by this policy on time off for medical appointments. For information on antenatal appointments please refer to the University's [Maternity Leave Policy and Procedure](#).

#### **Time off for transitioning**

- 7.10. The University is developing guidance for employees who are transitioning at work which sets out the support available. Paid leave will be given to employees to attend transition-related appointments and treatment as outlined in paragraphs 7.1 to 7.6 above. Time taken for surgery and to recover from surgery will be recorded as sickness absence but will not be counted in relation to absence monitoring.

## 8. Severe Weather and Disruption to Travel

- 8.1. It is the duty of each employee to make their own arrangements to get to work on time. It is recognised that at times, employees may experience severe difficulties in getting to and from work as a result of severe weather conditions and/or disruption to travel services. However, employees are expected to make all reasonable and safe attempts to attend work in order for services to be maintained, even if this means they will arrive late.
- 8.2. Severe weather can be defined as snow, ice, fog or floods, resulting in extremely hazardous journeys by road or using public or private transport.
- 8.3. “Extremely hazardous” is defined as those conditions in which the police, armed forces and/or appropriate motoring authorities advise people not to travel at all as a result of severe local weather conditions. If schools/nurseries are closed due to severe weather conditions, the employee may request carers leave (refer to section 6).
- 8.4. Disruption to travel services can be caused by:
- Severe weather conditions resulting in delays/cancellations to public/private transport
  - Major disruption to public services and private transport due to major accidents
  - Industrial action by public transport services i.e. underground/rail
  - Fuel crisis
  - Other major incidents involving police, fire and ambulance services.
- 8.5. Employees not able to attend work, following approval by their line manager, will have the option of:
- working from home (may not be suitable for some roles but every effort should be made to accommodate this e.g. using the time to complete relevant on-line training)
  - taking time off in lieu using hours already worked
  - agreeing to work the hours lost at another time
  - taking annual leave
  - taking unpaid leave
  - requesting carers leave if a child’s school/nursery is closed.
- 8.6. If instructed by the police or armed forces (or any other government authority) to not to leave their homes because it is unsafe to do so due to adverse weather conditions, employees should adhere to these instructions and not attempt to attend work. Employees should notify their line manager immediately or at the earliest opportunity. Employees may be able to work from home or if that is not possible may be granted special leave with pay.
- 8.7. Employees may request to work at premises other than their normal base. They should inform their line manager of their intention to attend a different University site and the line manager should co-ordinate this with the management team at the other site.
- 8.8. It is the responsibility of each employee to inform their line manager if they are unable to attend work because of severe weather or travel disruption, and to keep their line manager regularly informed.

## **9. Emergencies at Home**

9.1 The University recognises that there may be other occasions when an employee may need emergency leave to deal with unexpected situations at home and to make necessary longer term arrangements. There is no statutory provision for time off in these circumstances however the University recognises the importance of supporting employees with unforeseen circumstances at home and therefore employees are able take one day's paid emergency at home leave at short notice to deal with emergency circumstances with approval from their line manager. Time off is intended for urgent situations that could not be foreseen.

9.2 Examples of situations which may be considered as an emergency are:

- Burglary
- Vehicle theft
- Vehicle accident
- Emergency repairs to home e.g. due to flooding or fire
- Other similar circumstances

9.3 If longer than one day's leave is required, short notice annual leave or, if the annual leave entitlement is exhausted, unpaid leave may be granted to attend to such situations or the line manager may agree that time off may be made up as time off in lieu (TOIL) for additional time off of less than half a day.

## **10. Leave for Public Duties**

Employees may be granted reasonable time off to perform public duties subject to the needs of the service. The length of leave available will depend on:

- How much time off is required to perform the duties
- How much time off the employee has already been granted for public duties
- The impact of the absence on Queen Mary's ability to meet service needs and maintain service quality.

### **10.1 Jury Service**

10.1.1 In the event of the employee being called for jury service, they should contact their line manager at the earliest opportunity to discuss the matter. Jury service normally lasts for 10 working days, but may be longer. The employee should provide their line manager with a copy of the Court summons and any other relevant documentation.

10.1.2 Employees will be paid their normal salary during jury service and therefore there will be no requirement for them to claim loss of earnings from the Court.

10.1.3 During the period in which an employee is attending Court as a juror, they will be expected to attend work on any full day when they are not required in Court.

### **10.2 Military Reservists and Cadet Force Members**

10.2.1 Although there is no statutory right to paid time off, Queen Mary employees who are members of the reserve or cadet forces are entitled to one week's additional paid leave per year in order to attend annual camp. Staff have the choice of their second week at camp being counted as either special leave without pay, or being taken out of their annual leave entitlement. This provision is available to employees who advise

the University of their intent to volunteer for service, or who declare the fact of their membership of a reserve force at the time of appointment to their Queen Mary role. Employees must provide documents to their line manager evidencing their membership, confirmation of dates of the annual camp, and give adequate notice as outlined under the [annual leave process](#).

- 10.2.2 Compulsory/Voluntary Mobilisation: Compulsory mobilisation cannot be refused but an application may be made by the employee for an exemption, deferral or revocation if their absence is likely to have a serious impact on the service. The application must be made within 7 days of the employee's receipt of the mobilisation notice. Reservists will normally be given 28 days' notice of mobilisation and the maximum period for mobilisation is 12 months. An employee who volunteers for mobilisation must seek prior agreement from their line manager. The University is not obliged to give consent for voluntary mobilisation.
- 10.2.3 Mobilisation is unpaid and annual leave will not accrue during this period. Where applicable, the MOD will pay employer's contributions to the employee's University pension, subject to the employee continuing to pay their own pension contributions. The University may apply to the MOD for an employer's award in respect of replacement costs that exceed the employee's earnings, for any non-recurring costs such as agency fees and advertising costs, and for any training needed as a result of their absence when they return to work to carry out their duties (but excluding any training that would have been carried out anyway).
- 10.2.4 After mobilisation, employees have the right to be reinstated to their former job within 6 months of mobilisation on terms and conditions that are no less favourable. Where this is not possible they will be offered an alternative position with the same terms and conditions. To preserve the right to reinstatement the employee must write to their line manager no later than the third Monday after demobilisation confirming their intention to return within 13 weeks. In exceptional circumstances this may be extended up to a maximum of a further 13 weeks. It is an offence to dismiss an employee because they have been, or are likely to be, called out for military service.
- 10.2.5 Mobilisation will not create a break in employment if the employee is reinstated within 6 months of demobilisation, and service at Queen Mary will be considered as continuous.
- 10.2.6 For further details please refer to <https://www.gov.uk/employee-reservist>.

### **10.3 Other Public Duties**

- 10.3.1 Under the Employment Rights Act 1996, employees who hold certain public positions have a right to reasonable unpaid leave during working hours to carry out certain public duties.
- 10.3.2 Employees who are members of the following bodies are eligible for leave under the Act:
- Magistrates
  - Independent prison monitors in Scotland
  - Members of a local authority
  - Members of any statutory tribunal
  - Members of a relevant health body\* (see below)
  - Members of a relevant education body\*\* (see below)

- Members of the Environment Agency
- Members of an independent monitoring board for a prison or a prison visiting committee
- Lay observers of conditions in court custody and under escort
- Members of visiting committees of immigration removal centres; and
- Members of visiting committees of immigration short-term holding facilities

\* A relevant health body in England is:

- The National Health Service Commissioning Board
- A clinical commissioning group established under section 14D of the National Health Service Act 2006
- An NHS Trust
- The National Institute for Health and Care Excellence
- The Health and Social Care Information Centre

\*\* A relevant education body in England is:

- A managing or governing body of an educational establishment maintained by a local authority (as defined in section 579(1) of the Education Act 1996)
- A further education corporation, sixth form college corporation or higher education corporation

#### 10.3.3 Notification of membership of a relevant body:

New starters who already hold a position within a relevant public body, or employees who take up such a position, should provide written notification to their line manager and the HR Adviser. They must also notify their line manager in advance of any public duties for which they may wish to take leave.

#### 10.3.4 'Relevant' public duties:

In line with the provisions of the Employment Rights Act 1996, reasonable time off will be provided to employees undertaking the following 'relevant' public duties:

- Attendance at meetings of the body or any of its committees or sub-committees
- Performance of duties approved by the body for the purpose of discharging its functions or those of any of its committees or sub-committees

In the case of local authorities operating executive arrangements:

- Attendance at meetings of the executive or its committees
- Performance by a member of the executive of duties for the purpose of discharging the functions of an executive

#### 10.3.5 Leave arrangements:

Employees who perform the duties outlined above are entitled to the following paid leave, in addition to annual leave, to undertake these duties.

- Magistrates - up to 13 days' paid leave, pro-rata for part time employees, within a 12 month period, which commences on the first day leave is taken
- Other public bodies - up to 5 days' paid leave, pro-rata for part time employees, within a 12 month period, which commences on the first day leave is taken.

10.3.6 Any reasonable leave requested in excess of these days, may be granted, subject to the line manager's approval, and should be either taken from the employee's annual leave entitlement or will be unpaid.

10.3.7 Reasonable leave should be assessed by the line manager of the employee requesting it using the following criteria:



- How much time off is required overall to perform the duties and how much time off is required to perform the particular duty in question
- How much time off has the employee already been allowed for such activities
- The operational requirements of the department and the effect of the employee's absence upon it.

#### 10.3.8 Applying for leave:

Employees should give their line manager and HR Adviser adequate notice (a minimum of one week) of any duties/training for which they wish to take leave. Leave requested at short notice (less than one week) may be granted but at the discretion of the line manager.

10.3.9 To submit a request for leave, the employee should complete the Special Leave Request form (Appendix 1) and submit this to their line manager as soon as possible.

### 11. Unpaid Leave

- 11.1. Unpaid leave for other reasons may be granted to an employee only in exceptional circumstances and, normally, only when the employee's annual leave entitlement has been exhausted.
- 11.2. Periods of unpaid leave of less than one month will have no impact on annual leave accrual. Employees taking unpaid leave of one month or more will continue to accrue statutory annual leave (28 days including bank holidays) but not contractual annual leave (e.g. 30 days, plus University closure days). Contractual annual leave will be pro-rated to exclude any weeks where the employee was on unpaid leave.
- 11.3. Before taking unpaid leave employees should ensure they understand any impact on their pension. Employees should refer to [USS](#), [SAUL](#) or the [NHS pension](#) information on absence from work/life changes.

### 12. Unauthorised Absence

- 12.1. Employees should ensure that they follow the correct process to request leave in accordance with this policy. It should be noted that if leave is taken without appropriate approval, this will be recorded as unauthorised absence, their pay will be suspended for the period of the unauthorised absence and the matter may be formally investigated under the University's [Discipline Policy and Procedure](#).

### 13. Equality, Diversity and Inclusion

- 13.1. The University takes equality of opportunity seriously and has an [Equality, Diversity and Inclusion Governance framework](#), supported by a range of Equality Policies that apply to all employees and help to promote and ensure equality of opportunity. All employees are required to familiarise themselves with and understand these policies.
- 13.2. In line with our Values in action, the University will ensure that all requests under this Special Leave Policy are dealt with compassionately and sensitively. No one involved will be discriminated against or treated unfairly because of their protected characteristics and/or identity, in accordance with the Equality Act 2010.

13.3. In line with our Values in action, all employees have a responsibility to treat others fairly and with respect and to actively promote an inclusive culture that values diversity and maintains dignity at work.

#### **14. Review of this Policy and Procedure**

13.1 This policy and procedure will be periodically reviewed as required.

**Appendix 1**

**APPLICATION FORM FOR SPECIAL LEAVE**

Please refer to the University's Special Leave Policy and Procedure for details of eligibility, entitlement, application process and requirements for supporting documentation.

Employee's Name \_\_\_\_\_ Job Title \_\_\_\_\_

Type of leave requested:

Reason for request:

Dates of leave:

(Dependent upon circumstances, this may be in retrospect or in advance and the dates may be actual or estimated – please make this clear).

Signature \_\_\_\_\_ Date \_\_\_\_\_

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Manager's Comments (if any):

Manager's Name \_\_\_\_\_ Job Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

N.B. Manager's should ensure all leave taken is recorded on [MyHR](#)

cc Local Personal File