



University of
St Andrews

Special leave

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Purpose	This policy provides guidance and outlines the procedure on types of leave that may be required that do not necessarily fall under annual leave, family friendly leave (i.e. maternity) or sickness leave provisions.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.5	<ul style="list-style-type: none">• New section 6: Safe Leave.• Enhanced compassionate leave provision.• Tweaks to section 3: Parental Bereavement Leave wording.• Added examples to Appendix A.	Published	Lisa Stewart HR	15/12/2021

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1. Introduction

- 1.1 The University is committed to developing work practices and policies that support work-life balance. In support of this commitment, the University has developed a range of additional leave options to help employees take time away from work for reasons that do not necessarily fall under existing leave provisions.
- 1.2 Employees can request a change to their working pattern via the [Flexible Working Policy](#).
- 1.3 This policy is not intended to be prescriptive and therefore each request should be considered on its own merit and decisions to authorise leave will be at the discretion of the appropriate line manager. A list of special leave scenarios can be found at [Appendix A](#). Please note this list is not intended to be exclusive.
- 1.4 The provisions made within this policy apply to all employees irrespective of length of service, hours of work, job family or grade.

2. Time off for dependants/carer's leave

- 2.1 Whilst employees are responsible for ensuring they have appropriate care mechanisms in place to meet their personal needs, the University will endeavour to assist in circumstances where these arrangements have unavoidably broken down, or where additional unforeseen pressures arise for which time off may be required.
- 2.2 All employees will be allowed reasonable time off, up to three days per rolling year to provide care and attention to dependants or to deal with an unexpected event involving a dependant. This may include:
 - caring for ill dependants or accompanying them during an unexpected appointment/stay at hospital.
 - making longer term care arrangements for the ill or injured.
 - breakdown or unexpected disruption in care arrangements.
 - incidents at school.
- 2.3 Reasonable time off will be granted for as long as it takes to deal with emergencies or unexpected events. For example, if the employee's child falls ill, time can be taken to deal with their initial needs, such as taking them to the doctor and arranging for their care. However, time off will not be granted for an employee attending a routine or pre-planned doctor/hospital appointment with a dependant and annual leave should be taken in such circumstances.

3. Parental bereavement leave

- 3.1 We recognise that, while dealing with any bereavement is difficult, the death of a child is among the most devastating events that anyone will ever face. The University is committed to supporting bereaved parents through their grief by ensuring they can take parental bereavement leave. This entitlement includes not only birth parents, but also the partner of the child's parent, surrogacy and adoptive parents. This leave is a day one right, so an employee does not need to have a continuous period of service to be entitled.
- 3.2 As per the Parental Bereavement (Leave & Pay) Act 2018, and the Parental Bereavement Leave Regulations 2020, parents who suffer the loss of a child (under 18) are entitled to up to 2 weeks leave. The University goes further than the legislation offers and ensures that

this leave is paid and covers all children, regardless of age, which includes individuals who suffer a stillbirth after 24 weeks of pregnancy. An employee has a separate entitlement to parental bereavement leave for each child if they have lost more than one. This leave may be taken as one block, or as two non-consecutive one-week blocks, at any time during the 56 weeks following the death of the child. This leave cannot be taken as individual days.

- 3.3 A parent who is intending to take parental bereavement leave must notify their line manager of the date of the child's death and the date on which they want to absence to begin. If the employee wants to take this leave after 56 days of the child's death, they must provide their line manager with at least 1 weeks' notice of the request.
- 3.4 Employees who suffer the loss of a stillbirth (from 24 weeks of pregnancy) retain their entitlement to maternity, adoption and paternity leave (and pay if eligible). Employees should refer to the relevant policy for guidance.
- 3.5 All other compassionate leave is covered in the section below.

4. Compassionate leave

- 4.1 The University recognises that employees may be faced with difficult personal circumstances involving the serious illness or death of a dependant e.g. a partner/spouse, parent, child or someone else who relies on the employee. Parents who suffer the loss of a child should refer to [Parental bereavement leave](#) (section 3). The University understands that, during these situations, employees may need to take time away from work and may require additional support. The University also appreciates that employees may also require time off for a bereavement for someone who is not a dependant e.g. a close friend, colleague, or family member.
- 4.2 Individual circumstances, the nature of relationships and the required observances of different religions may vary. Therefore, rather than being prescriptive on the situations under which compassionate leave is available, each case should be assessed individually by the line manager or Head of School/Unit who should take the following into consideration:
- the relationship between the individual and the employee.
 - the nature and extent of any illness.
 - whether the employee is involved in making funeral arrangements.
 - whether there may be a requirement to travel or attend a funeral.
- 4.3 Line managers have the discretion to grant up to two weeks paid compassionate leave to employees who need to care for a dependant who is seriously ill or following the bereavement of a dependant.. Thereafter, depending on circumstances, the line manager may agree a period of annual or unpaid leave.
- 4.4 Time off will vary depending on the circumstances and taking into account the nature of the relationship as outlined in section 4.2 but will normally follow the guidelines below:
- Death of a dependant or responsibility for arranging funeral, normally up to two weeks.
 - Death of someone who is not a dependant, normally up to one day to attend the funeral.

5. Time off for other emergencies

- 5.1 The University will be sympathetic to a reasonable request for time off to deal with critical domestic emergencies not involving dependants and not covered by other types of leave. This may include fire, flood or theft at home.
- 5.2 This leave is intended to be a short-term solution to enable employees to remedy their individual situation.
- 5.3 Line managers have the discretion to grant up to three days paid leave to employees. The manager, in discussion with [Human Resources](#), may decide to extend this by up to a further week of paid or unpaid leave. Thereafter, depending on circumstances, a manager may agree a period of annual or unpaid leave.

6. Safe Leave

- 6.1 Anyone can report instances of violence, assault or abuse to the University and access support at any time via the [Report & Support](#) portal.
- 6.2 All employees, regardless of length of service, who are victims of violence, assault or abuse of any kind, including victims of identity-based hate crime, may be granted up to 10 days paid safe leave (*pro-rated for part time employees*) for the purposes of protecting themselves (and their family) and make necessary arrangements. Reasons include but are not limited to:
- Attending medical appointments or counselling relating to the violence, assault or abuse;
 - Attending legal proceedings such as court/police appointments;
 - Seeking protection e.g. safe housing;
 - Visiting legal advisors or support agencies e.g. for re-housing or re-organising childcare, or for other relevant/specialised services relating to the violence, assault or abuse.
- 6.3 Safe leave may be taken as a block of up to 10 days (*pro-rated for part time employees*) or as intermittent periods of absence; this will be determined based on the needs of the employee. The University reserves the right to request supporting documentation, such as from a healthcare professional, the police and/or relevant support agencies, as appropriate.
- 6.4 Employees who require safe leave should raise this with their line manager or email hrconfidential@st-andrews.ac.uk. Alternatively, the employee can request to speak with an appropriate adviser via [Report & Support](#). Requests for safe leave and information disclosed will be handled in the strictest confidence.

7. Time off for fertility treatment

- 7.1 The University recognises that fertility treatment is a stressful and emotionally demanding process and aims to support its employees and those employees with partners who are going through this process. As such, employees who are receiving and recovering from fertility treatment are entitled to time off of up to 5-days (*pro-rated for part time staff*), per cycle of treatment, limited to one cycle in 12-months (no more than 3 cycles in total). The leave is specifically associated with the fertility cycle i.e. consultant appointments,

monitoring and collection of eggs and embryo transfer. This includes employees with same-sex partners and single persons.

- 7.2 Supporting partners can take up to 2-days leave to cover any treatment and to provide support to their partner undergoing fertility treatment (pro-rated for part time staff), per cycle of treatment, limited to one cycle in 12-months (no more than 3 cycles in total).
- 7.3 Employees who have 26-weeks continuous service with the University will be entitled to take this leave as paid. Employees who do not meet this criterion are eligible for the time off however this would be unpaid.
- 7.4 Employees who require leave for fertility treatment should advise their line manager or approach a member of the HRBP team. All requests for fertility treatment leave will be treated in the strictest confidence.
- 7.5 If an employee requires additional time off, they should discuss this with their line manager i.e. the taking of annual leave, unpaid leave, sick leave, flexible working, home working.

8. Hospital/clinic appointments

- 8.1 When it is not possible to make appointments with GPs, Dentists and Opticians out with work time, then these appointments should be made at the start or end of the working day in order to minimise disruption. On occasion, employees should make arrangements with their manager to make this time up if a longer appointment is required.
- 8.2 Reasonable paid time off will be granted to allow employees to attend hospital/clinic appointments subject to the discretion of the line manager.
- 8.3 In line with the [Policy and guidance on trans staff and students](#), trans staff are able to attend clinic appointments and have time off for surgery and recovery.
- 8.4 The University reserves the right to ask for evidence of the appointment e.g. hospital letter, appointment card.

9. Jury Service/Witness representation at Court

- 9.1 If an employee is summoned for Jury Service or is requested to appear as a witness in Court, they should report this to their line manager as soon as possible so that preparations for their absence can be made in advance. The line manager must complete the [Special Leave notification form](#), advising the dates of the jury service/witness representation and submit this to [Salaries](#).
- 9.2 Employees will be granted leave to attend. The University will pay the employee as normal for the first 10 days required at court and is therefore not required to complete a Certificate of Loss of Earnings for the first 10 days.
- 9.3 If the requirement to attend Jury Service/witness at Court lasts longer than 10 days, the employee will be required to claim an allowance for loss of earnings from the Court. A Certificate of Loss of Earnings is usually sent directly to the employee once they have confirmed their availability to the Court, however the employee can also download this form from the [Scottish Court website](#). The Certificate of Loss of Earnings must be sent to [Salaries](#) so that it can be completed and signed on behalf of the University. The employee is then required to provide this document to the Court for accurate payment. The employee

will receive a payment breakdown from the Court which should then be provided to the Salaries Office in order to deduct the payment received from the Court from the employee's salary.

10. Adverse weather conditions

10.1 Employees may be granted reasonable time off when they are prevented from attending work due to adverse weather conditions. Various options are available for this and further guidance can be found in the [Adverse weather policy](#).

11. Essential Civic or Public Duties

11.1 There are other types of leave available where employees are required to perform essential civic or public duties. The legislative requirement for this is contained within the Employment Rights Act 1996.

11.2 All employees will be allowed reasonable time off work to undertake public duties on a case by case basis. The line manager will consider the amount of time off required, time already granted for this purpose and the business continuity of the service.

11.3 The public duties that are covered by the existing legislative provisions are as follows (source direct.gov.uk):

- a magistrate, sometimes known as a justice of the peace
- a local councillor
- a school governor
- a member of a policy authority
- a member of any statutory tribunal (e.g. an Employment Tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a school council or board in Scotland
- a member of the General Teaching Councils for England and Wales
- a member of the Environment Agency or the Scottish Environment Protection agency
- in England and Wales, a member of the prison independent monitoring boards or in Scotland, a member of the prison visiting committees
- a member of Scottish Water or a Water Customer Consultation Panel

11.4 Where 'no loss of earnings' compensation is offered by the relevant public body, the employee is required to inform the [Salaries Office](#) and their salary will be adjusted accordingly i.e. this will be classed as unpaid time off.

11.5 Employees should advise both [Human Resources](#) and their line manager before first entering into such commitments and discuss the extent of the commitment and the implications for their work.

12. Members of the Reserve Forces

12.1 Employees who are members of the Volunteer Reserve Forces (Royal Naval Reserve, Royal Marines Reserve, Territorial Army or Royal Auxiliary Air Force) will normally be granted two week's additional paid leave per year. Reservists will be required to inform their line manager and provide copies of any documentation prior to the leave being approved. Existing reservists are also expected to inform the University of their next re-engagement.

12.2 Recruits to the volunteer reserve forces are required to inform the University of their status as reservists to ensure that the University is better informed as to its obligations to employees, also, to enable managers to plan adequately for their absence and ultimate return.

13. Trade Union duties

13.1 Reasonable time off with pay during working hours will be granted for trade union officials for the purpose of carrying out trade union duties or undertaking training in relation to trade union duties for a trade union recognised by the University.

13.2 Reasonable time off with pay during working hours will be granted for Union Learning Representatives for the purpose of carrying out related duties or undertaking relevant training for a trade union recognised by the University.

13.3 Further details can found within the [Trade Union agreement](#).

13.4 Employees who are TU members and wish to attend meetings during work time should request approval for the time off from their line manager. This time will be unpaid or should be worked back subject to the agreement of the line manager. A degree of flexibility, from both parties, will be required here as it is not always possible to have meetings during lunchtime for various reasons.

14. Organisational change

14.1 Reasonable time off with pay during working hours will be granted in situations of organisational change where the employee has been displaced, in order that they can attend for interview both internally and out with the University.

14.2 Further information about redeployment and redundancy can be downloaded from the respective policies on the [HR policy webpage](#).

15. Miscellaneous

15.1 It is recognised there may be exceptional situations where the University requests that employees do not attend work for a specified, or sometimes unspecified, period e.g. for health and safety reasons or in situations requiring business closure such as a pandemic flu outbreak. In such situations, employees will be expected to attend work unless the University announces a closure and ensuing contingency plans. Employees will be notified accordingly, and possible alternative working arrangements will be discussed and considered where appropriate. Payment will dependent on the circumstances, but employees should note that the adverse weather guidance will be followed in the first instance if employees are unable to attend work.

16. Procedures

16.1 It is understood that situations may arise where it is not be possible for the employee to provide notice of time off. On these occasions, the employee (or where this is not possible, someone on their behalf) should inform their line manager (or designated School or Service Administrator) as appropriate, as soon as possible, on the first day of absence of the reason(s) for the absence and how long they may expect to be absent from work.

- 16.2 Where employees require the day off in an emergency, in most cases the time off will be granted and the classification of the leave (annual, special, unpaid, etc.) will be discussed when the employee returns to work.
- 16.3 Special leave will not be granted automatically, and the employee will normally be given the day off for an emergency with the understanding that they must discuss the matter with their line manager upon their return to determine whether special leave can be authorised.
- 16.4 It should be noted that special leave is not a statutory entitlement and is at the discretion of the individual line manager. Should special leave not be authorised or deemed appropriate, then employees may have the option of using annual or unpaid leave.
- 16.5 In some cases, documentary evidence will be required in order to process the special leave such as Court attendance e.g. jury service summons. Failure to produce such evidence may result in the special leave being denied.

17. Payment, terms and conditions

- 17.1 Special leave will normally be paid. In some cases, where this is not appropriate or the special leave has to be extended, this will be unpaid. This will be agreed between the line manager/Head of School/Unit and the employee.

18. Other options

- 18.1 The use of special leave does not preclude the use of alternatives to taking unpaid leave and employees may consider using one or more of the following options when taking leave:
- Annual leave e.g. where time off is half a day or more.
 - Career Break Policy/Sabbatical Leave.
 - Flexible working or arranging to work up additional hours e.g. where time off is less than half a day.
 - Changing working patterns or arrangements on a short-term basis such as swapping shifts, lectures or working from home where possible.
- 18.2 All other contractual terms and conditions continue to apply during periods of special leave. Longer terms of special leave and unpaid leave may impact upon pension contributions and in these circumstances, the employee should contact [Human Resources](#) to discuss the matter further.

19. Consistency and reporting

- 19.1 Managers should adopt a fair, consistent and sympathetic approach in applying this policy and procedure ensuring they have taken all the facts into consideration and discussed the matter with Human Resources, where appropriate.
- 19.2 It is important that all absences under this policy and procedure are recorded and notified to Human Resources. Line Managers should complete the [Special Leave notification form](#) and submit to [Salaries](#) for processing.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0	Migration of policy to the Governance Zone	Published	Lisa Stewart Human Resources	11/06/2019
1.1	Section 3 added due to the new employment legislation on parental bereavement leave. Special leave form also updated.	Published	Lisa Stewart Human Resources	06/04/2020
1.2	Section 6 added: Introduction of Time off for fertility treatment	Published	Lisa Stewart HR	19/08/2020
1.3	Minor change to working in Section 4 (Compassionate Leave)	Published	Lisa Stewart HR	26/03/2021
1.4	Attending Court as a Witness/Jury Duty: Change of process.	Published	Lisa Stewart HR	21/04/2021
1.5	<ul style="list-style-type: none"> • New section 6: Safe Leave. • Enhanced compassionate leave provision. • Tweaks to section 3: Parental Bereavement Leave wording. • Added examples to Appendix A. 	Published	Lisa Stewart HR	15/12/2021

Appendix A: Special leave scenarios

The table below is for guidance purposes only but gives an overview of scenarios and what leave

Scenarios	Special Leave	Unpaid Leave	Annual Leave	Sick Leave
You have to attend hospital for a surgical operation which involves an inpatient stay.				<input checked="" type="checkbox"/>
Your child's school or nursery is closed because of the weather.	<input checked="" type="checkbox"/>			
Your child is unwell and unable to attend school/nursery/childminder.	<input checked="" type="checkbox"/>			
One of your pipes have burst and there is a flood in your home.	<input checked="" type="checkbox"/>			
You are moving house.			<input checked="" type="checkbox"/>	
You have severe back pain following a clinic appointment the day before.				<input checked="" type="checkbox"/>
You have no annual leave left and wish to attend a wedding abroad.		<input checked="" type="checkbox"/>		
You have been off sick and wish to extend your phased return over 4 weeks.			<input checked="" type="checkbox"/>	
You have to take a parent to hospital as they do not drive.			<input checked="" type="checkbox"/>	
Your child develops an illness overnight which requires hospital admission.	<input checked="" type="checkbox"/>			
There has been a burglary at your home.	<input checked="" type="checkbox"/>			
You have suffered the loss of a child before 24 weeks pregnancy.				<input checked="" type="checkbox"/>
You have suffered the loss of a child after 24 weeks of pregnancy.	<input checked="" type="checkbox"/>			
You do not meet the eligibility to take paternity leave. (2 options)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
You would like to attend the funeral of an acquaintance.			<input checked="" type="checkbox"/>	
You are a victim of assault and need to attend legal proceedings e.g. police appointment.	<input checked="" type="checkbox"/>			
You will be attending the funeral of a relative.	<input checked="" type="checkbox"/>			
You are undergoing fertility treatment.	<input checked="" type="checkbox"/>			
You have a hospital appointment.	<input checked="" type="checkbox"/>			
You have been called for jury duty.	<input checked="" type="checkbox"/>			
You are a reservist.	<input checked="" type="checkbox"/>			
You are a trade union official and have to attend a training day.	<input checked="" type="checkbox"/>			
You are at risk of redundancy and have an interview to attend at another organisation.	<input checked="" type="checkbox"/>			
You are having cosmetic surgery (including laser eye surgery) – not medically required.			<input checked="" type="checkbox"/>	
You have a dentist appointment or GP appointment.*	<input checked="" type="checkbox"/>			

**Dentist and GP appointments should be made at the start or end of the day where possible. On occasion, employees should make arrangements with their line manager to make this time up if a longer appointment is required.*