****

**Special Leave – Guidance for Managers**

## Purpose of Notes

These notes are intended to provide information and practical guidance for managers to use for the purpose of managing special leave in their area of responsibility, and should be used in conjunction with the Special Leave Policy. Further support and advice is available from HR.

Special Leave includes bereavement leave, dependent emergency leave or to deal with domestic emergencies. The Special Leave Policy sets out the amount of leave that is applicable in the specific circumstances. It is however a guide, and there may be circumstances where managers feel it is appropriate to use their discretion based on the circumstances known to them.

## Introduction to relevant legislation

Section 57(A) of the Employment Rights Act 1996 provides staff (irrespective of length of service) with the right to take ‘reasonable’ time off work to deal with an emergency, such as one involving a dependent. This could be a spouse, partner, child, grandchild, parent, or someone who depends on the employee for care.

An employer does not have to pay a member of staff for this leave but many employers (including the University), offer paid special or compassionate leave on a discretionary basis. The University offers up to five days paid leave within 12 months. Additional unpaid leave may also be granted at the discretion of the manager.

In the event of a miscarriage or stillbirth, special provisions apply. See the Maternity Policy for more information.

## Manager Responsibilities

It is the responsibility of the manager to manage requests for Special Leave within their teams, and ensure that any Special Leave requests are recorded, including any refusal of Special Leave.

Managers must also keep in touch with members of staff during a period of Special Leave, as appropriate in the circumstances. Areas for discussion may include:

* What support the individual needs at this time, if any.
* How much leave is required.
* What the individual wishes colleagues to be advised about their absence from work, if at all.
* Any support the individual requires on their return to work, if applicable.
* If the member of staff requires additional leave in addition to that provided under this policy, what options they have available to them.

## Key considerations for special leave

Special leave should be used for short term, emergency or unforeseen situations. With the exception of bereavement leave, such leave should normally be for no more than one or two days.

If it should be the case that the situation becomes sustained, requires long term changes or time away from work, staff should consider making a flexible working request (which can be permanent or temporary), using holiday, or taking unpaid leave.

There may be a situation where a member of staff has exhausted their entitlement to paid special leave; they are still likely to be entitled to unpaid leave as a legal right under the time off for dependents legislation.

## Managing requests for special leave

Requests for special leave are often, due to their nature, made at short notice. Managers must consider requests for special leave, and handle them sensitively and in confidence, considering each on its own merits and with regard to the particular circumstances.

Factors to take into account when consider requests for Special Leave include:

* Severity of the issue.
* The nature and extent of the situation.
* The amount of time requested.
* Impact on the University.
* Likely impact upon the member if staff or their family members and dependents.
* Any specific responsibilities of the employee (e.g. are they an executor of a will in the event of a bereavement).
* Any special circumstances (e.g. a funeral taking place abroad).

Special Leave should normally only be refused in exceptional circumstances. Before declining a request for Special Leave, managers may wish to take advice from HR.

The amount of paid (or unpaid leave) is matter for the discretion of the manager, taking into account all of the relevant circumstances.

In the unusual event that Special Leave is refused, the manager must confirm the reason for the refusal to the member of staff.

Managers may request evidence of the situation that has necessitated the request for Special Leave (e.g. a death certificate). Such requests should be handled sensitively and made only when absolutely necessary.

## Making Time Up / Working Flexibly

## Where staff are not entitled to paid Special Leave (because the situation is ongoing, or where the circumstances are not covered by the Policy) the manager should discuss with the member of staff what options they have. Wherever possible, staff should be encouraged to make up the hours at another time unless this is operationally impractical.

## Reporting Procedure

Where practicably possible, staff should request special leave via the usual application process in their department. Where this is not possible (for example, in an emergency situation), they should make the request verbally to their manager who should record it on their behalf or ask them to apply retrospectively / complete any forms on their return to work.

**Other Situations**

From time to time, unforeseen or serious situations may arise that are not dealt with in the Special Leave Policy. In these circumstances, the manager may apply their discretion and apply the spirit of the policy when deciding to award Special Leave. Advice is available from HR.

**Addressing Issues**

There may be occasions were a member of staff takes excessive periods of special leave that are having an impact on the department, colleagues of the University. This may be indicative of underlying issues, such as insecure care arrangements or long term health issues of dependents. It may be appropriate to consider more appropriate / long term arrangements, such as flexible working. It is recommended that an informal discussion takes place initially with the member of staff to explore the issue. Advice is available from HR if required. Please also see our Carers Policy and guidance.