



TIME OFF WORK: EMPLOYEE RIGHTS AND MANAGEMENT GUIDELINES

INTRODUCTION

The following guidelines set out employee entitlements to different categories of leave arising from the Employment Relations Act 1999 and the Employment Act 2002. The University has in a number of respects improved on the basic statutory rights to provide additional support to those with family responsibilities. Alongside these new provisions we have taken the opportunity to update some earlier University guidelines for time off work and flexible working.

The guidelines therefore aim to cover the variety of circumstances – other than University closure, statutory holidays and annual leave entitlement – when employees may wish to be absent from work. Following them should help to ensure consistency of application across the University for all categories of staff, whilst bearing in mind the staffing requirements and operational needs of schools and departments.

This information is not intended to be comprehensive. Managers and staff are encouraged to contact the appropriate member of the Human Resources Division to discuss individual situations where the application of the guidelines is not straightforward.

GENERAL PRINCIPLES

The spirit of these guidelines is one of flexibility and accommodation, with every effort being made to balance the needs of the individual with the operational requirements of the School or unit.

Requests for time off will be considered on a case by case basis and, where possible, managers should try to accommodate reasonable requests by adapting working arrangements or, where appropriate, start and finish times. In certain cases it may be appropriate to extend normal attendance patterns in order to enable an individual to take the equivalent amount of paid time off at an agreed later date.

Staff should be prepared to reciprocate this flexible approach and occasionally individuals may be asked to agree, personal circumstances permitting, to minor

variations in their normal working arrangements in order to accommodate the completion of urgent work.

This principle of flexibility should be followed as much as possible. However, there are a number of circumstances where more detailed guidance is available and these are detailed in separate categories below.

PARENTS – ENTITLEMENT TO LEAVE

Leave associated with parental responsibilities falls within one or more of the following categories:

- (A) **Maternity Leave** – see separate Guidelines incorporating statutory rights provided by the Employment Act 2002.
- (B) **Paternity Leave** – see separate Guidelines incorporating statutory rights provided by the Employment Act 2002.
- (C) **Parental Leave** – see separate Guidelines incorporating additional rights provided by the Maternity and Parental Leave (Amendment) Regulations 2001.
- (D) **Adoption Leave** - see separate Guidelines incorporating statutory rights provided by the Employment Act 2002.
- (E) **The right to request flexible working** - see separate Guidelines incorporating statutory rights provided by the Employment Act 2002.

FAMILY LEAVE/TIME OFF FOR DEPENDANTS

Employees have the right to take reasonable time off during working hours where action is necessary by the employee to deal with crisis incidents affecting dependants. A dependant for these purposes can be defined as the individual's parent, partner, child or another person who may reasonably rely on the employee for care.

The right covers emergencies, rather than for events which can be planned for beforehand and for which other forms of leave may be available.

The circumstances in which this entitlement to time off exists include the following:

- to deal with the consequences of the death of a dependant (e.g. to attend and/or make arrangements for the funeral;
- to arrange for an ill or injured dependant to be cared for;
- to deal with the consequences of an unexpected disruption or breakdown in care arrangements (e.g. where a child is involved in a serious incident at school or during school hours).

It is unlikely that employees will be able to give much, if any, advance warning of their intention to take leave in these circumstances. However, the employee has a duty to tell the employer the reason for the absence as soon as reasonably practicable (ideally at the start of the working day) and to give an estimate of how long he or she expects to be absent.

It is expected that in many cases requests for time off for such purposes can be accommodated within the approach to flexible working illustrated in the General Principles section of these guidelines. However, where necessary, the employee's manager may grant up to 5 days paid leave per annum **in total** for circumstances covered by Dependants' Leave. The 5 days should not be regarded as a contractual right or minimum entitlement for employees. Each case should be considered on its merits and alternatives such as time off in lieu and combining holiday and unpaid leave should always be explored and implemented where felt to be more appropriate.

Managers should note that there is no set limit on the amount of **unpaid** leave which can be taken in addition to the 5 days paid leave in cases where leave is associated with the **care of dependants**. Managers should discuss the situation with the employee and ensure that a *reasonable* period of time is allowed for the employee to deal with the emergency. Advice is available from the Human Resources Division.

Managers should keep records of any leave taken and should inform the Salaries Office in good time about any period of unpaid leave in order to ensure that the necessary salary deductions are made.

TIME OFF FOR PUBLIC DUTIES

Employees who hold certain public positions are able to take reasonable time off to perform the duties associated with them. The Council of the University has approved the following arrangements for employees' absence on approved public duties.

This applies to employees who are:

- justices of the peace,
- members of a local authority,
- members of a police authority,
- members of any statutory tribunal,
- in England and Wales, members of a health authority or special health authority or a primary care trust,
- in England and Wales, members of the managing or governing body of an educational establishment maintained by a local education authority or a further or higher education corporation,
- members of the General Teaching Councils for England and Wales,

- members of the Environment Agency or the Scottish Environment Protection Agency,
- in England and Wales, members of the boards of prison visitors,
- members of the service authority for the National Criminal Intelligence Service of the service authority for the National Crime Squad.

TIME OFF FOR MEMBERS OF THE RESERVE FORCES

The employment rights of members of the reserve forces are governed by the Reserve Forces Act 1996 which determines the circumstances in which reservists can be called up for military service.

- If a reservist is mobilised, he/she will receive a letter for their employer with their mobilization papers, which must be passed on to the employer. Reservists will usually be given at least two weeks' notice.
- An employer cannot prevent a reservist employee from attending military service although the Act does allow for an appeal against the mobilisation notice if the loss of the employee would cause serious harm to the business.
- Employers do not have to continue to pay salary to reservists once they have been called up, as service pay is paid directly by the Ministry of Defence.
- Once the reservist has been de-mobilised, he/she has the right to be reemployed at any time during a six-month period after the end of military service.
- Re-employment must be on the same terms and conditions as would apply had mobilisation not occurred, and if it is not practicable for the reservist to continue in the same post, he/she must be offered a post with equivalent terms and conditions of employment.

HEALTH CHECKS

Employees are entitled to paid time off for the purpose of being screened for breast and cervical cancer.

Requests for time off should be made in accordance with established local procedures and on the understanding that employees would make visits in their own time where possible. Time off to attend for Doctor and Dentist appointments may be granted on the same basis.

UNPAID LEAVE OF ABSENCE

Occasionally employees may request unpaid leave of absence in circumstances other than those set out above (or in the associated Guidelines for parent-related leave). Any such request should be referred to the Human Resources Division, which will consult the employee's school/unit to consider the feasibility and appropriateness of the request.

LEAVE FOR VOLUNTARY ACTIVITIES

Volunteering for activity unrelated to the work of the University should normally be carried out outside of contracted working hours. This may, on occasions, not be possible and any such requests for what will essentially be unpaid leave of absence should be referred to the Human Resources Division, which will consult the employee's school/unit to consider the feasibility and appropriateness of the request.

JURY SERVICE

The Criminal Justice Act 2003 indicates that nearly all members of society are eligible for Jury Service. The usual period of Jury Service is two weeks, but the exact period of leave required will depend on the case(s) to which the juror is allocated. Employees who have received a summons for Jury Service must notify their line manager at the earliest possible opportunity, and provide a copy of the summons, to allow appropriate cover arrangements to be made.

The University will grant employees time off for Jury Service. However, if on any day the employee is not required for Jury Service, or if the service lasts for less than half a day on any day of the Jury Service period, the employee must return to work for the remainder of the day, wherever practicable. It should be noted that employees are often released after serving for one week.

If selected for Jury Service, the Court will send you a Certificate for Loss of Earnings form. This must be sent immediately to Payroll for completion so that you may return it to the court. The University grants leave on the understanding the first five days are paid as normal and that any amount received from the Court for loss of earnings after the first five days will be declared and subsequently deducted from your pay. ***Please note you may only claim for loss of earnings after five days.***

Once your Jury service is complete and you have been discharged, you must obtain from the jury manager a certificate of attendance. This and a copy of the remittance advice you subsequently receive from the court must be provided to Payroll within five working days in order that any deductions to pay may be applied to your next salary payment and your normal net pay be maintained. Any

reimbursement of travel or subsistence expenses issued by the court may be retained.

OTHER TIME OFF

Terms and Conditions of Employment provide and specify the conditions for time off for trade union duties and activities, for study leave and other training and development leave.

Leave for circumstances not covered by the categories set out in these guidelines (and the associated guidelines) should be referred to the Human Resources Division.

Human Resources Division
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