



**Ruskin College**  
Oxford

## **COMPASSIONATE AND SPECIAL LEAVE POLICY**

**Created:** 2016

**Approved:** Senior Leadership Team

**Last Reviewed:** June 2017

**Responsibility for Review:** HR and Senior Leadership Team

**Date of Next Review:** July 2022



## RUSKIN COLLEGE

### COMPASSIONATE AND SPECIAL LEAVE POLICY

#### 1. INTRODUCTION

The College recognises that there will be occasions when members of staff will encounter situations of urgent and unforeseen need in relation to domestic, personal and family matters.

The College aims to provide positive support to staff in these circumstances by granting leave of absence subject to the needs of the business.

#### 2. STATEMENT OF INTENT

- 2.1 The College aims to ensure that staff will receive fair and consistent consideration regardless of job status or job role.
- 2.2 Each member of staff is responsible for organising his/her family and domestic obligations and meeting normal and reasonably anticipated contingencies.
- 2.3 This policy covers the following categories of leave:
  - Compassionate Leave
  - Special Leave:
    - Time off for Dependants
    - Domestic Emergencies
    - Exceptional Leave:
- 2.4 The College believes that due to the nature of special leave, each application for such leave should be considered on its own merits. Applicants who have a request to take special leave turned down will be entitled to a written explanation and should follow the staff grievance procedure if they do not agree with the decision.
- 2.5 Special leave is provided to cover emergency and unforeseen situations and also pre-arranged public service duties. It is possible to supplement special leave with other types of leave where appropriate.
- 2.6 The College routinely monitors all types of staff absence. If it is felt that the policy is being taken advantage of then management action will be taken with the individual concerned.

- 2.7 Members of staff can consult with the HR manager about any aspects of the compassionate and special leave policy.
- 2.8 The College operates an Employee Assistance Programme for its employees. The contact details of the Employee Assistance Programme can be obtained from the HR Manager.

### 3. COMPASSIONATE LEAVE

- 3.1 Compassionate leave is to support members of staff on the death of a close relative or someone for whom the employee has a responsibility for their care. In determining the level of paid leave the following factors will be taken into account by the line manager:
- Nature of the relationship to the deceased
  - Responsibility of the member of staff for being the executor
  - Responsibility of the member of staff for the funeral arrangements
  - Child/dependent care
- 3.2 It is the College's policy to pay staff their normal rate of basic pay when they are absent from work as a direct result of a bereavement.
- 3.3 The following provides guidance on the amount of paid leave to be granted:
- In the event of the death of a member of the immediate family or partner, for example spouse, child, parent or sibling, paid leave of 5 days will be granted.
  - In the event of the death of a dependant who is not part of the immediate family (see definitions in section 4) paid leave of up to 5 days will be granted depending on the circumstances.
  - In the event of the death of a grandparent, parent-in-law, uncle, aunt, cousin etc. paid leave will normally be 1 day.
  - These amounts are in addition to reasonable time off for the funeral.
  - Should additional leave be required then holiday may be used with the agreement of the line manager.
- 3.4 Paid compassionate leave of up to 5 days may also be granted in difficult personal circumstances. The member of staff should, in the first instance, discuss these circumstances with their line manager.
- 3.5 Managers will be sensitive to the different ways staff react to grief. Where there is a medical reaction to grief, staff will be encouraged to see a GP, and absence covered by a medical certificate in these circumstances will be treated as sickness absence.

### 4. TIME OFF FOR DEPENDENTS

- 4.1 The College recognises the need to provide time off for dependants at short notice to enable staff to deal with circumstances of urgent domestic distress. This is also a legal entitlement as part of the Government's Family Friendly initiative. This time off

is to provide a compassionate response to immediate needs relating to caring for dependants.

4.2 Examples of the circumstances, which fall within the remit of this guidance, are:

- to provide assistance when a dependant falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for an ill or injured dependant;
- to cope with the unexpected disruption or termination of arrangements for the care of a dependant;
- to deal with an incident that involves their child and occurs unexpectedly whilst the child is at school/other educational establishment.

4.3 The member of staff must inform their line manager of the reason for their absence and how long he/she expects to be absent as soon as is reasonably practicable. Time off work under this right is normally envisaged as being up to one day but will depend on the situation.

4.4 A dependant is defined as:

- a spouse;
- a partner;
- a child;
- a parent;
- a person who lives with the member of staff other than as his/her tenant, lodger or boarder;
- any other person who would reasonably rely on the member of staff for assistance if he/she fell ill or was injured or assaulted, or who would rely on the member of staff to make arrangements for the provision of care in the event of illness or injury; or
- in relation to the disruption or termination of care for a dependant, any other person who reasonably relies on the member of staff to make arrangements for the provision of care.

4.5 It is the College's policy to pay staff their normal rate of basic pay when they are absent from work as a direct result of a genuine urgent situation involving a dependant provided that:

- the member of staff notifies his/her line manager of the situation as soon as it is reasonably practicable to do so; and

- the amount of time off work taken is only that necessary to resolve the immediate domestic situation (to be agreed with the line manager normally up to one day).
- 4.6 Paid time off under this policy is intended to be for the member of staff to deal with urgent situations involving a dependant. Once the immediate emergency has been taken care of, the member of staff is expected to return to work or, if further time off is necessary, to arrange to take it as paid or unpaid holiday, subject to the agreement of their line manager.
- 4.7 If a member of staff takes frequent or regular time off on account of dealing with problems around dependants, the line manager has the discretion either to require the member of staff to make up for the time off by working extra time on another occasion, or to grant any further time off without pay.

## 5. DOMESTIC EMERGENCIES

- 5.1 The College recognises that staff will from time to time experience emergencies at home, such as a flood, fire or burglary. This policy is intended to allow those who experience genuine domestic emergencies to take a reasonable amount of time off work to deal with the emergency. The policy does not apply to planned events such as domestic repairs, refurbishment, building or trades work, installation of appliances, home deliveries, etc.
- 5.2 In the event of a domestic emergency arising, the member of staff should notify their manager as soon as it is reasonably practicable (either face-to-face if the member of staff is at work, or by telephone), explaining the nature of the emergency and how much time off work is anticipated.
- 5.3 It is the College's policy to pay staff their normal rate of basic pay when they are absent from work as a direct result of a genuine domestic emergency, provided that:
- the member of staff notifies their line manager of the emergency as soon as it is reasonably practicable to do so; and
  - the amount of time off work taken is only that necessary to resolve the immediate emergency (to be agreed with the line manager normally up to one day).
  - the member of staff completes the application form (**Appendix 1**) requesting domestic crisis leave which should be signed by their line manager. The form can be submitted retrospectively as long as the employee has been notified the employer of the absence..
- 5.4 Paid time off under this policy is intended to be for the member of staff to deal with domestic emergencies. Once the immediate emergency has been taken care of, the member of staff is expected to return to work or, if further time off is necessary, to arrange to take it as paid or unpaid holiday, subject to the agreement of their line manager.
- 5.5 If a member of staff takes frequent or regular time off on account of domestic problems, the line manager has the discretion either to require the member of staff

to make up for the time off by working extra time on another occasion, or to grant any further time off without pay.

## **6. ATTENDANCE AT DOCTOR'S, DENTAL AND HOSPITAL APPOINTMENTS**

- 6.1 It is normally expected that doctor's and dental appointments are made outside working hours. If this is not possible, appointments must be arranged to minimise disruption of a working day, ideally at the beginning or towards the end of the working day. Except in cases of emergency, all appointments must be agreed with line managers in advance and appointment letters provided. Where the timing of a hospital appointment cannot be negotiated, the line manager must be informed in advance and an appointment letter provided.
- 6.2 Staff who have accrued Time off in Lieu can be asked to use up some of this time should they have on-going appointments which cannot be arranged outside of work time. Exceptions to this would be for illnesses covered by the Equality Act and other serious ill health needs/requirements. Discussions with HR should be had in these circumstances.

## **7. EXCEPTIONAL LEAVE**

Leave will also be granted in the following circumstances:

### **7.1 Jury Service**

Time off for Jury Service has to be given in accordance with the Juries Act 1974. In certain special circumstances, where the service requirements will seriously hinder the College's business, the College will support a member of staff's application to the Court to postpone their jury service, although there is no guarantee that the application will be successful. Whilst on Jury Service a member of staff will continue to receive full pay. A copy of the summons must be sent to HR, together with a loss of earnings claim form. The juror must then claim loss of earnings from the Court, and then produce proof of payment to HR, who will then deduct the amount from their salary, at the next appropriate pay month. This ensures that the Courts are refunding the College for lost time. It may be possible to claim travel and subsistence from the Court in line with its rules.

- 7.2 Members of staff required for Jury Service must inform their line manager of the dates well in advance in case cover is required. If required for more or less than the normal two weeks, staff should keep in touch with their line manager regarding the date of return.

### **7.3 Attendance as a Court witness**

An employee who is subpoenaed to attend court as a witness may be granted special leave with pay. If an employee is not eligible to claim an allowance for loss of earnings from the court, special leave with pay would not normally be appropriate and annual leave should be used, or in the absence of any annual leave, unpaid leave will be granted.

- 7.4 The employee must claim the allowance for loss of earnings if appropriate from the court and repay this to the College, as in 7.1.



## **7.5 Time off for Public Duties**

This policy takes due regard of the provisions of the Employment Protection (Consolidation) Act 1974.

- 7.6 Ruskin College recognises the importance to the community and its institutions of supporting those members of staff who undertake public duties. Wherever possible, reasonable time off will be granted so that their obligations can be fulfilled. The overriding consideration in the implementation of the College policy is that no student, groups of students or a level of service will be disadvantaged or otherwise inconvenienced by the absence of a member of College staff during the performance of public duties.
- 7.7 Attendance at meetings, sittings or other public functions must be arranged at no inconvenience or detriment to students or colleagues.
- 7.8 The timetable of attendances and level of commitment must be arranged with the line manager at the beginning of each academic year for the whole of the following year. The level of personal commitment must not be detrimental to the performance of College duties.
- 7.9 The actual time allowed will depend on personal commitment, attendance requirements and timetable of attendances, all of which must be negotiated with the line manager in advance as described above, but in any event will not exceed 35 hours paid leave per annum, with no corresponding reduction in an individual's teaching commitment.
- 7.10 Any absences greater than those stipulated above must be taken as unpaid leave, after consultation with the appropriate line manager.
- 7.11 **Eligibility to time off for fertility treatment:**
- Employees will be permitted to take reasonable time off for fertility treatment during normal working hours, although employees who can control the timings of their appointments / treatment should consider the needs of the College.
  - This permission applies to all employees regardless of length of service, hours worked or contract type.
- 7.12 **Procedures for taking time off for fertility treatment:**
- The College will allow employees reasonable time to attend appointments for treatment. Agreement should be reached regarding what time is required. Each request will be considered individually in the context of the particular circumstances.
  - Permission for time off for fertility treatment will not be unreasonably refused. Employees who feel they have not been treated reasonably in relation to such requests should in the first instance discuss their concerns with their line manager or the HR Manager.

- Employees should, if requested by the College, produce information to verify that medical appointments have been made in relation to fertility treatment.
- In the event that such treatment results in the employee becoming unfit for work, the usual sickness absence provisions apply, including the procedure for certification.

7.13 Employees who wish to accompany their partner who is undergoing the Fertility treatment to appointments would usually be expected to use annual leave or TOIL. Special leave without pay may be considered if this is not possible.

7.14 **Please note:** The law relating to surrogacy is very complex. Requests for time off by employees who intend to have a child through a surrogacy arrangement will be considered on a case-by-case basis. Adoption leave or paternity leave may apply depending on eligibility (according to legislation in the UK). It is intended that the principle of fairness and equality should be applied regardless of sexual orientation. Where an employee of the College is to be a surrogate mother, the maternity leave policy will apply.

#### 7.15 Reservist (Armed Services)

A maximum of 5 days/35 hours paid special leave will be given per annum to members of staff who have commitments to serve in the Reserve. Staff should wherever possible let the line manager know of the intended dates of leave required at the beginning of the academic year, and provide written evidence of their commitment from their serving unit.

Leave should be taken out of term time by teaching staff wherever possible.

#### 7.16 Other Situations

Any situations or commitments not covered by this policy where the member of staff feels that paid leave should be considered should be raised with the line manager in the first instance.

### 8. OTHER RELEVANT POLICIES

- Family Friendly Policies
- Absence and Sickness Policy



## APPENDIX 1

### APPLICATION FOR: DOMESTIC CRISIS

**Please note:** Before completing this form, you must read section 5 of the Compassionate and Special Leave Policy.

The purpose of this form is to make a formal request to your line manager for paid domestic crisis leave, as a result of having to deal with an unexpected emergency as detailed in paragraph 5.1. (Please note - under statutory provision, staff have a legal right to a reasonable amount of time off without pay to deal with such emergencies).

If you are granted a period of domestic crisis, your manager may also agree with you to undertake working from home for some of the allocated time off as part of the arrangements if appropriate.

**Please supply the following information:**

NAME: \_\_\_\_\_ DEPT: \_\_\_\_\_

I can confirm that I have read section 5, paragraph 5.1 and 5.3 of the Compassionate and Special leave Policy  (please tick)

I wish to apply for \_\_\_\_\_ day(s) of domestic crisis from \_\_\_\_\_ to \_\_\_\_\_ (date), due to the following reasons:

Signed \_\_\_\_\_

Date \_\_\_\_\_

**This section to be completed by your line manager**

I can confirm that I do / do not (**delete as appropriate**) support the above application for domestic crisis.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**This section to be completed by the HR Manager**

The above request is approved /not approved (**delete as appropriate**)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Please forward completed form to HR**