

# **SOAS Discretionary Unpaid Leave Policy and Procedure**

## **1. Policy**

1.1 This Policy and Procedure set out the process for School employees wishing to take unpaid leave which is granted at the School's discretion. Employees may wish to take unpaid leave for a range of reasons such as to attend religious festivals, to study, to travel etc.

*1.2 Academic employees wishing to take unpaid leave from SOAS to teach and/or research at another institution etc., should submit the Application for Paid Leave of Absence form.*

1.3 Employees (subject to meeting eligibility criteria) may also be able to take other forms of statutory unpaid leave such as Parental Leave, Emergency Dependents' Leave, Public Service Leave etc. Further information on these forms of statutory unpaid leave can be found on the relevant procedures on the HR Directorate website.

1.4 The School will not unreasonably refuse requests for time-off for discretionary unpaid leave.

## **2. Eligibility**

2.1 All School employees are entitled to apply for discretionary unpaid leave, regardless of length of service, hours of work or staff category.

2.2 Employees do not have an automatic right to take discretionary unpaid leave. Unpaid leave is granted at the School's discretion and applications will be considered sympathetically but may be rejected if there is an unreasonable operational impact on the School.

2.3 In relation to Section 2.2 above, the Equality Act 2010 states that using the work requirements criterion (to reject an application) must be very carefully considered if it would have a disproportionately adverse effect upon particular religious groups and cannot therefore be shown to be justifiable.

2.4 School line managers will be sympathetic to requests on these grounds and will try to accommodate them wherever it is reasonably practicable to do so subject to the needs of the School.

## **3. Duration of leave**

3.1 Employees may request to take one or more days' unpaid leave. Occasionally employees may request longer periods of unpaid leave; normally no more than a maximum of one year's unpaid leave is granted.

3.2 Where a period of unpaid leave is requested of more than one year, Heads of Department/Directors of Professional Services will use their discretion in considering the application.

#### **4. Terms and Conditions of Employment during Unpaid Leave**

4.1 During unpaid leave, no salary payments will be made to the employee and other contractual benefits will be suspended (e.g. sick pay, allowances, etc). Employees will not be eligible to apply for any new computer or season ticket loans during any period of unpaid leave. Any employee who resigns whilst on unpaid leave will be required to repay any outstanding loans owing to the School.

4.2 It is the School's policy to pay the Employers' pension contribution for the first 12 months of unpaid absence by a School employee who is a member of either the USS or SAUL pension schemes in line with the rules of the respective schemes. Employees who are members of either pension schemes and who may be contemplating taking unpaid leave for a continuous absence of longer than 12 months, should contact the Payroll & Pensions Manager to discuss options available to them.

4.3 Employees taking unpaid leave will continue to accrue statutory annual leave (28 days including bank holidays) but not contractual annual leave (e.g. 30 days, plus School closure days). Contractual annual leave will be pro-rated to exclude any weeks where the employee was on unpaid leave.

4.4 Employees who take unpaid leave are still employed by the School during their leave and therefore are required to comply with their contractual obligations towards the School (e.g. notice of resignation, disclosure of confidential information, paid work outside SOAS, Intellectual Property etc).

4.5 Relevant School Policies and Procedures will continue to apply to all employees on unpaid leave (e.g. Grievance or Disciplinary Procedure etc).

#### **5. Procedure**

5.1 If an employee wishes to make an application for discretionary unpaid leave, they are encouraged to discuss their application with their Head of Department/Manager in the first instance.

5.2 When making an application for unpaid leave, the employee should complete the Discretionary Unpaid Leave application form (*hyperlink to form*) and send a copy of this to their Head of Department/Manager. On their application form, the employee should specify the reason for the unpaid leave and the start and end date of the unpaid leave.

5.3 Employees should submit their application as far in advance of the date they want to take unpaid leave as possible; this is particularly important when an employee wishes to take more than two weeks' unpaid leave so that their Head of Department/Manager can try to make arrangements to cover their absence.

5.4 If a Head of Department/Manager approves the discretionary Unpaid Leave Application, they should sign the form and send it to their designated HR Officer as soon as possible to ensure that the necessary contractual adjustments are made and the employee is not overpaid.

5.5 The HR Officer will write to the employee confirming details of their discretionary unpaid leave and outlining the terms and conditions of the leave.

5.6 The employee is required to sign and return the letter from the HR Directorate to confirm their acceptance of the terms and conditions of the unpaid leave. Failure to sign and return the letter will result in the withdrawal of agreement for the employee's unpaid leave.

5.7 On receipt of the signed letter from the employee, the HR Directorate will make the necessary deductions of pay for the unpaid leave etc.

5.8 As stated above, Heads of Department/Managers are encouraged to treat unpaid leave applications sympathetically where possible. However, in some cases, it is recognised that the unpaid leave may adversely disrupt School business or operations. In such cases, the Head of Department/Manager should immediately consult with their Faculty Dean/Professional Services Director to see if the unpaid leave can be accommodated. If the Faculty Dean/Professional Services Director in consultation with the Head of Department/Manager decides that the unpaid leave will unduly disrupt School business, the Discretionary Unpaid Leave Application Form should be completed to confirm this and the reasons specified. It should then be returned to the employee as soon as is practicable.

5.9 Where Discretionary Unpaid Leave Applications are rejected, it is recommended that the Head of Department/Manager considers holding a meeting with the employee to explain the reasons for the refusal and to discuss the possibility of the employee taking unpaid leave on other dates (if appropriate).

5.10 There is no right of appeal if an employee's application for unpaid leave is rejected but the employee can, if they feel they have been unreasonably refused permission, can use the School's grievance procedures as appropriate.

## **6. Return to Work**

6.1 If the unpaid leave is less than four weeks, the employee is entitled to return to the same job, or where that is not practicable, to a similar job with the same status, terms and conditions as their previous job.

6.2 Employees on unpaid leave of one month or more have no entitlement to any extension of their period of unpaid leave and are required to return to work upon the expiry of their unpaid leave.

## **7. Equal Opportunities**

7.1 The procedure outlined here should be carried out with due regard to any diversity issues which may have affected either the original situation or the current process. The School's Diversity Adviser and diversity specialists within the HR Directorate are available to support colleagues in this area.

7.2 Where a diversity issue (e.g. a disability including chronic physical or mental health conditions) has been disclosed to the School, whether prior to the situation which triggered this process or during the process, the line manager co-ordinating the process is responsible for checking with the employee to determine their needs and for making the appropriate arrangements.

7.3 Employees who have not previously disclosed a diversity issue which may be relevant to this process are encouraged to do so, as early as possible, so that it can be taken into account

## **8. Approval**

This Policy and Procedure was agreed with the School recognised trade unions, UCU and UNISON on 24 June 2011.

**HR Directorate  
SOAS**

**November 2011**