



## Introduction

The Temporary Unpaid Leave Scheme has been introduced as one of a number of voluntary initiatives to support the financial sustainability of the University in response to the Covid-19 pandemic. It provides employees with the opportunity to apply for a temporary period of unpaid leave without this constituting a break in continuous service. The Scheme will be available initially from 1 February 2021 until **30 September 2022**.

## Eligibility and Criteria

To be eligible, employees must have a minimum of six months' service from when the unpaid leave would begin. The minimum length of unpaid leave that can be requested under this Scheme is one month and up to 12 months in duration. An extension to an initial period of unpaid leave can be requested and if approved, must not exceed a total of 12 months unpaid leave.

The circumstances under which a period of unpaid leave may be requested under this Scheme include, but may not be limited to:

- Further personal studies/development which may or may not be work related
- Undertake caring responsibilities (please note employees may wish to access the Special Leave and/or Carers Leave Policy for leave under one month in duration)
- Personal wellbeing following illness or significant event
- Take part in an altruistic event
- Other reasons considered on an exceptional basis

The normal expectation would be that employees would return to work following the period of unpaid leave for at least three months.

The period of unpaid leave cannot exceed the length of the contract of employment.

Employees must not undertake any paid employment (which in any way relates to their University employment) with another employer during the period of the unpaid leave without the prior approval of the University.

Should employees wish to apply for a longer period of leave, they may wish to apply for a career break if the conditions of the Career Break Policy are met (<https://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/careerbreaks/documents/careerbekpolicy.pdf>).

## Impact on Terms and Conditions

If employees are considering a temporary period of unpaid leave, managers are encouraged to discuss the implications of the unpaid leave on their pay, pensions and service.

During the period of unpaid leave, continuous service is retained, with the unpaid leave period counting towards any contractual benefits such as redundancy pay, maternity pay, sickness pay etc where relevant. In the case of the substantive post being made compulsorily redundant whilst the employee is on a period of unpaid leave approved under this Scheme (and assuming this does not exceed 12 months), any redundancy payment would be calculated on the salary as if the staff member had continued working (ie any increment/pay award applicable during that period would be included as if the employee had been working).

The employee's annual leave entitlement would reduce by the period of unpaid leave ie by 1/12<sup>th</sup> of full allowance per month of unpaid leave. There will be no entitlement to annual leave or accrual of entitlement to annual leave during the period of unpaid leave. This also applies to any University Closure Days and Bank Holidays, which fall in the unpaid leave period.

Any pro-rata annual leave untaken should be taken before the commencement of the unpaid leave where practical to do so, and particularly where a period of unpaid leave of over six months is being requested.

There will be no entitlement to sick pay whilst on unpaid leave.

Employer pension contributions will cease during the period of unpaid leave. Employees may wish to continue to make employee pension contributions where enabled by the relevant pension scheme. Employees should be encouraged to speak to the University Pensions Team (email: [pensions@nottingham.ac.uk](mailto:pensions@nottingham.ac.uk)), prior to taking unpaid leave, to discuss the options available during the unpaid leave to ensure that any implications for their pension membership and benefits are understood.

Where an employee becomes pregnant during unpaid leave, the normal accrued statutory/occupational maternity leave and pay entitlements will apply. Where appropriate, the unpaid leave will be superseded by maternity leave, but the maternity leave will not extend the period of unpaid leave.

### Considering Applications

Requests should be considered within the context of the University's commitment to equality, diversity and inclusion, and all requests should be considered with due consideration of the operational and associated implications of any proposed periods of unpaid leave, including the impact on colleagues' workloads. The expectation is **not** that the same work is delivered with less resource. Any applications made should consider how periods of unpaid leave could be accommodated so that it does not mean that colleagues would unreasonably cover the work or that a backfill on the same grade is required.

In certain circumstances, managers may consider whether a temporary back fill at a lower grade to fulfil some of the tasks would be appropriate - **if considering this, then it would be expected that meaningful financial savings would still be realised.**

Where an application is made from an employee on a fixed-term contract, managers should consider the request and in particular implications around external funding. Where the contract is externally funded, it would not normally be expected that a request for a temporary period of unpaid leave would be approved if this meant extending the length of the contract. Where the unpaid leave is within the period of the grant, consideration needs to be given as to the ability to meet the expectations of the grant within the unpaid leave period before any request can be considered for approval.

Where more than one request is received within a particular team/department/area of work, and where these cannot both/all be approved, it may be helpful to explore if there is any room for adjustment or compromise in relation to the requests. Each case should be considered on its own merits, looking at the possible operational impacts of each case.

Other considerations may include any implications on colleagues where the requester is a manager/supervisor of others and the impact of other temporary schemes (eg the Temporary Reduction in Hours Scheme). Unless there are significant operational impacts in relation to the request, senior managers should attempt to approve requests from employees where possible.

## Application and Approval Process

Applications will be considered in light of the purpose of the Scheme and the compatibility of the request with the operational needs of the University, including the implications of workload for colleagues.

Employees are encouraged to discuss unpaid leave with their relevant manager and complete the Temporary Unpaid Leave Application Form (<https://www.nottingham.ac.uk/hr/guidesandsupport/coronavirus/voluntary-savings-initiatives.aspx>). The appropriate senior manager should consider the request, complete the **approval** section of the form and send it to the Human Resources Department (email: [hr@nottingham.ac.uk](mailto:hr@nottingham.ac.uk)). The duration of the unpaid leave will be clearly specified and agreed before it commences, and an employee will not be entitled to return to work before the expected end of the unpaid leave unless agreed. Employees will receive confirmation of the period of unpaid leave from Human Resources where approved.

Managers will need to formally confirm the return-to-work date to the Human Resources Department using the online Return from Unpaid Leave Form (<https://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/careerbreaks/documents/careerbrokepolicy.pdf>) on (or before) the 15<sup>th</sup> of the month prior to returning at the latest.

## Where applications are not approved

If the application is not approved, the relevant senior manager should discuss this with the employee and the reasons why the application has not been approved. There is no right to appeal against the decision. Managers should seek advice from the HR Employment Relations Team (email: [hrer@nottingham.ac.uk](mailto:hrer@nottingham.ac.uk)) or their relevant HR Business Partner (<https://www.nottingham.ac.uk/hr/aboutus/hr-business-partnering.aspx>) in these circumstances before confirming with the employee.

Employees have the right, under certain circumstances, to request flexible working. The Flexible Working Guidelines (should the employee wish to apply for a permanent change to their hours/working pattern) and the application form are available on the HR web site at: <https://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking/index.aspx>.

## Further Information

For further advice and support please contact the HR Employment Relations Team (email: [hrer@nottingham.ac.uk](mailto:hrer@nottingham.ac.uk)).