

## **B17 Time Off For Dependants Policy**

### **1 Policy**

- 1.1 The policy aims to give employees, both male and female, the right to reasonable time off for dependants in the event of a birth, illness, illness, an assault, emergency situations, or as a consequence of death. The circumstances have to be unforeseen and the right also extends to making arrangements for the provision of care.
- 1.2 The above forms the Council's policy as at November 2010, it should be noted that: -
  - the policy does not confer any contractual rights
  - the Council will retain the right to review the policy at any time. Changes may result from employee, management and trade union feedback and/or from changes in employment legislation. The Council, following consultation with recognised Trade Unions, will implement revisions and updates.
  - The policy will cease on the 1 April 2015.

### **2 Scope**

- 2.1 This policy applies to all Council employees, including Head Teachers, Teachers and Chief Officers.
- 2.2 A Chief Officer is defined as a Deputy Chief Executive, Assistant Chief Executive, Director or a designated Deputy to one of the Directors.
- 2.3 This policy excludes the Chief Executive.
- 2.4 The policy is recommended for implementation by staff directly employed by schools, for example those based in Academies.

### **3 Principles**

- 3.1 This Policy applies to all eligible employees of the Council regardless of the number of hours worked per week.
- 3.2 There is no qualifying service period required to entitle an employee to take Dependant Leave.
- 3.3 The opportunity to take time off for Dependant Leave is in an emergency only. It does not cover such situations as, for example, taking a dependant to a previously agreed hospital appointment.
- 3.4 The Council expects that leave taken within this Policy should not usually be more than two periods of 1 or 2 days absence in any 6

months, but it will depend on the situation and be up to the line manager's discretion.

- 3.5 The Council may not expect the employee to rearrange working hours, or make up time that has been lost.
- 3.6 During any period when the employee is taking Dependant Leave he or she is not entitled to pay, however continuity of service will continue to accrue.
- 3.7 Where an employee applies for Dependant Leave and this is declined and he or she subsequently fails to attend for duty this will be recorded as unauthorised absence. Unauthorised absence may be subject to the application of the Conduct Policy and Procedure.

## **4 Taking Dependants Leave**

- 4.1 A dependant of an employee is defined in the legislation as one of the following:
  - husband or wife or partner
  - child
  - parent
  - someone else who is regarded as part of the family and lives with an employee
  - anyone else who is reliant on an employee in emergency situations, or
  - a person who lives in the same household as the employee, but not a tenant or lodger.
- 4.2 Employees can request unpaid Dependant Leave to take action that is necessary:
  - to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
  - to make arrangements for the provision of care for a dependant who is ill or injured;
  - in consequence of the death of a dependant;
  - because of the unexpected disruption or termination of arrangements for the care of a dependant; or
  - to deal with an incident involving a child of the employee that occurs unexpectedly during a period when the child is attending school.
- 4.3 In determining whether the leave is 'necessary' the Council will consider the following factors:
  - the availability of someone else who can help in the circumstance
  - the nature of the incident
  - the relationship of the employee with the dependant.
  - the number of occasions such leave has been sought previously

- 4.4 In assessing an application for Dependant Leave the Council may choose not take into account the needs of the business and any disruption that the leave might cause. However, if the employee has taken Dependant Leave on previous occasions the Council will take into consideration the following:
- the number of times the employee has taken time off
  - the length of time the employee has taken time off
  - when the time off was taken
  - whether on each occasion the employer was informed of the absences.
- 4.5 In many situations the Council will not have the opportunity to refuse the leave, because the employee will be informing the Council after the event of the emergency. However, the Council can consider refusing Dependant Leave with regard to the following:
- where it is not necessary to take the time off, for example, if a child has had a serious accident it would be reasonable for both parents to go to the hospital, but if a child minder was ill it would not be reasonable for both parents to leave their work to care for the child.
  - where the amount of time requested by the employee is deemed to be unreasonable.

## **5 Notice, Dependant Leave**

- 5.1 The opportunity to take time off for Dependant Leave is in an emergency only. The very nature of this means that there should be no planning of the leave in advance. However, the employee is required to inform their line manager as soon as reasonably practicable about the absence, the reason for it and the anticipated length.
- 5.2 The employee is required to give regular updates if the absence goes on for more than one day, he or she is expected to keep their line manager informed.
- 5.3 If the employee agrees a length of absence with their line manager, the employee cannot extend this without agreement.

## **6 Pension Implications**

- 6.1 There are no pension implications for unpaid leave of less than 30 days. The Council does not pay pension contributions for any periods above 30 days, however the employee may elect to continue making pension contributions.
- 6.2 For teaching staff in the Teachers Pension Scheme unpaid leave will be reflected as a loss of service for those days.

