



DEPENDENT LEAVE POLICY 2009

Introduction

Under section 57A of the Employment Rights Act 1996, all employees are statutorily entitled to take unpaid time off work for unforeseen urgent family reasons making the presence of the employee indispensable or giving time to make any necessary care arrangements.

This leave will normally be granted at the discretion of the employee's line & Service manager, subject to operational demands, and reasonable requests will not be refused. There is no qualifying length of service.

The right is intended to cover unforeseen matters. If employees know in advance that they are going to need time off work they should arrange this time off through other mechanisms e.g. parental leave or annual leave. However this Authority recognises that some employees have adult dependents who may need their assistance from time to time other than in an unforeseen emergency and this is catered for under 'Special Dependent Leave'.

Definition of a dependent

A dependent is defined as an employee's spouse or partner, child, parent or partner's parent, or someone living as a dependent in the household; in some circumstances a dependent may be an individual for whom the employee has a primary caring responsibility. In cases of illness, injury or where care arrangements break down a dependent may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.

Circumstances covered

An employee is entitled to be permitted to take a reasonable amount off time off during working hours in order to take action that is necessary, such as:

- to provide assistance on an occasion when a dependent falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for a dependent who is ill or injured;
- in consequence of the death of a dependent;
- because of the unexpected disruption or termination of arrangements for the care of a dependent;
- to deal with an incident involving a child which occurs unexpectedly during school hours.

Special Dependent Leave

Events may be foreseen but of a serious nature making the presence of the employee necessary. For example, time off to settle an elderly relative into a care home or to attend a hospital appointment or planned operation with an elderly dependent/partner.

This Authority has agreed a maximum of up to 5 days unpaid special dependent leave a year (special circumstances may increase this) to deal with specific circumstances involving a dependent. This leave will normally be granted at the discretion of the employee's line manager, subject to operational demands, and reasonable requests will not be refused.

Procedure

Employee's responsibility

The employee must talk to their line & Service manager as soon as the need for time off arises giving the reason for time off and how long they expect to be away from work. If an employee has to respond to an emergency whilst at work the time off should be granted by their Service manager or the Service manager's representative at the time. The employee must contact the line & Service manager on return to work giving the reason for the absence.

Managers' responsibilities

The manager must record Dependent or Special dependent leave on the employees leave card as 'time off for dependents or special dependent leave - unpaid'.

As with all periods of unpaid leave, the Service manager must notify HR-Payroll by memo '**Unpaid leave (parental; dependent & special dependent) – managers' memo to HR-Payroll**' [[link to memo](#)]. This must reach HR-Payroll no later than 15th of the month in which the deduction is to be made. The reason for the unpaid leave must be given.

HR-Payroll responsibility

HR will monitor the use of the policy from these Memos. Payroll will make the deduction for the unpaid leave.

Other ways of meeting the employee's need

In more unusual situations managers should seek guidance from the HR Team in order to establish consistent and fair usage of flexible leave facilities.

The following policies and conditions of service could be used to provide flexibility for employees when catering for unexpected family emergencies:

- Parental Leave
- Flexible Working
- Compassionate Leave

By arrangement with the line & Service manager, it might be possible at short notice for the employee to take:

- A flexi-day
- Time off in lieu
- A day's annual leave
- A combination of the above

Break in service to care for a dependent

Where an employee returns to local government service following a break in service for reasons concerned with caring for children or other dependents they will be entitled to have previous service taken into account with regard to Sickness and Maternity schemes, provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened. For the purpose of the calculation of entitlement to annual leave the eight years time limit does not apply.

In order to qualify for this provision employees must declare in writing that they left local government service to care for their children or other dependents and that they undertook no permanent employment during the period in question.