

Time off for Dependants (Unpaid Carer Leave)

- 1.1 Legislation gives employees the right to take reasonable time off during working hours to deal with unexpected or sudden emergencies and to make any necessary longer term arrangements.

Below are some circumstances where an employee has the right to take time off:

- When a dependant falls ill, or is injured or assaulted
- When a dependant gives birth – see also Special Leave Policy (Maternity Support) and the Maternity Handbook (Section 10 of the Employment Handbook)
- To make longer-term arrangements for a dependant who is ill or injured
- To deal with an unexpected incident involving the employee's child during school hours
- To deal with an unexpected disruption or breakdown in care arrangements for a dependant.

The illness or injury need not necessarily be serious or life threatening and may be mental or physical.

- 1.2 Employees do not have to complete a qualifying period of service in order to be able to take time off in an emergency and they have no statutory right to be paid for this time off. The right applies to all employees including those who are permanent, temporary, full and part-time and who have a contract of employment with the Council.

- 1.3 The 'emergency' must involve a 'dependant' of the employee. A dependant is defined as a husband, wife, parent or child of the employee, or someone who lives in the household e.g. a partner or an elderly aunt or grandparent. It does not include tenants, lodgers or live-in employees such as a housekeeper.

- 1.4 In cases of illness or injury or where care arrangements break down, a dependant 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.

- 1.5 The amount of reasonable time off will vary according to the circumstances of the emergency. It allows time to deal with the immediate crisis and to make longer term care arrangements if necessary:

- The right is intended to cover genuine emergencies
- An employee cannot have unlimited time off and in most cases one or two days should be sufficient to deal with the problem

- The right to time off does not enable employees to take time off in order to provide care for a sick child beyond dealing with the immediate problem or crisis
 - If employees know in advance that they are going to need time off and it is not as a result of an unexpected disruption or breakdown of care arrangements, they should request parental leave, flexi-time or annual leave in the usual way, depending on the circumstances.
- 1.6 In determining what is a reasonable amount of time off, the manager should always take account of the 'individual circumstances'. The manager should consider:
- The nature of the incident that has occurred;
 - The closeness of the relationship between the employee and the particular dependant; and
 - The extent to which anyone else is available to help out.
- 1.7 The time off is for unforeseen matters and to deal with the immediate crisis. The Department for Business, Innovation and Skills advises that one or two days should normally be sufficient to deal with most types of single emergencies.
- 1.8 There may be occasions when it is necessary for both parents to take time off work under this provision. Managers will need to adopt a sensible approach depending on the circumstances of the situation.
- 1.9 The employee must tell their manager, as soon as practicable, the reason for their absence and how long they expect to be away from work. There may be exceptional circumstances, where an employee returns to work before it was possible to contact his/her manager, but he/she should still inform the manager of the reasons for absence on returning. It is not necessary to give notice in writing.
- 1.10 The right to time off is intended to cover genuine emergencies. The employee has a responsibility to give the manager sufficient information so that the manager understands the situation and the need for the employee to be absent from work to deal with the situation.
- 1.11 When approving Time off for Dependants Leave the manager may not take into account any disruption or inconvenience caused to the service by the employee's absence.
- 1.12 Any misuse of this right will be dealt with under the Council's Conduct Procedure.
- 1.13 In the event that an employee applies for Time off for Dependants Leave and believes that permission is refused unreasonably, he/she should raise a complaint using the Council's Grievance Procedure. If

the employee still feels he/she has been unfairly treated, he/she may make an application to an Employment Tribunal. Employees are protected from being penalised or dismissed because they have taken, or have sought to take time off under this right. It is unfair to be dismissed or selected for redundancy for taking, or seeking to take time off under this right.