

# EMERGENCY/COMPASSIONATE LEAVE

## *Introduction*

The Council acknowledges that many of its employees have to deal with the daily demands of personal commitments and dealing with emergency situations. Although long-term arrangements normally exist to allow personal and domestic issues to be met, on occasion, it is possible for a clash of work and domestic issues to occur, which may require you to take time off work, usually at short notice.

Employees have a statutory right to reasonable unpaid time off work to deal with such incidents and these leave provisions comply with the requirements set out on this in the Employment Relations Act 1999.

The following leave provisions should provide you with adequate short and long term solutions to meet your responsibilities to deal with personal or domestic problems. They aim to encourage managers and employees to openly discuss these problems and resolve them in a mutually acceptable manner.

NB: Separate guidance on leave provision for unpaid carers can be found [here](#).

## *Scope of the Provisions*

These leave provisions apply to all permanent and fixed term employees. Part-time and job share workers are entitled to the same provisions, including paid leave on a pro-rated basis. For employees who work non-standard hours, e.g. varying and compressed hours, the maximum paid leave will be calculated by reference to the average weekly contracted hours.

## *Leave for Emergency Personal/Domestic Incidents*

You may require time off work to deal with incidents requiring immediate attention.

These tend to be when a dependent falls ill, gives birth or is injured or assaulted; where you have to make arrangements for the care of a dependent who is ill, injured or where current care arrangements have failed; where a dependent dies or where your immediate presence is required to deal with an incident involving your child during school hours.

There are also other emergency situations which occasionally arise affecting you and your family or dependents which may require you to take time off work. These may include emergencies such as fire, flood or the after-effects of crime.

## **Leave of Absence**

Where your presence is crucial to resolving immediate problems, you are entitled to reasonable time off work. The amount of time taken should only be that necessary to deal with the particular problem in the short term, or to make longer term arrangements. There is not a set limit on the amount of time off for each incident, rather the amount of leave will depend on the individual circumstances of the problem.

Consideration can be given to grant a maximum of 3 days' paid leave - which equates to a maximum of 21.6hrs (*pro-rata basis for part time employees and those working non-standard days*) of absence in a calendar year i.e. 1 January to 31 December, starting from the first day of paid absence (effective from 1 January 2016).

Where more time is needed, or where paid leave is exhausted, or it is necessary to make a commitment to a dependent for a longer time period, the following can be considered:

### **a) Temporary Amendment to Working Patterns**

You can request a change in either your pattern of weekly hours or a reduction in hours worked. Any reduced hours working would be for a specific period of time with the requirement to revert to your original contract, unless a permanent change is agreed with your Line Manager.

### **b) Annual Leave**

With the agreement of your Line Manager, annual leave entitlement can be expressed and taken in hours rather than full day or half day blocks. This would allow individuals to take their leave flexibly on occasions when they may need time away from work through the working day.

### **c) Flexitime**

In exceptional circumstances, when other alternatives are exhausted, those who participate in the Flexible Working Hours Scheme may be allowed additional flexibility over and above normal restrictions. Where appropriate, this may involve allowing unaccredited time off for making arrangements for care of a relative, or to attend to a family crisis. This will be acceptable as long as the absence does not push the balance of time beyond the maximum debit limit (ie 11 hours for full-time employees).

### **d) Unpaid Leave**

You are statutorily entitled to reasonable unpaid leave to deal with the problem. Your Line Manager will grant reasonable unpaid leave to allow you to deal with the problem and that which is considered appropriate in maintaining service provision, given the impact of your absence.

e) **Carer Leave**

***Giving Leave of Notice***

You must give your Line Manager as much notice as possible of the leave you require, the reasons why and the length of time you expect to be absent. There may be times when you return to work before it is possible to notify your absence to your Line Manager. When this happens, you must, on your return to work, inform your Line Manager of your absence and the reason for absence.

Your Line Manager may reasonably request that you provide evidence of the need for longer periods of leave, for example, a letter from your dependant's GP.

In authorising leave of absence, your Line Manager will also have to consider the consequences of your absence on the provision of the service.

***Compassionate Leave***

Time off requests should be handled quickly and sensitively by each Executive Director or responsible manager and should be granted in accordance with the following criteria:

- If you are directly responsible for the funeral arrangements arising from the death of your spouse, partner (including same sex couples) or any relative, you will be granted up to 5 working days' paid leave of absence.
- If you are not responsible for making funeral arrangements, you will nevertheless be granted time off with pay on the day of the funeral of your spouse, partner (including same sex couples) or any relative. Executive Directors have discretion to grant a further 2 working days' paid leave of absence, having regard for the location of the funeral, etc.
- You will be granted appropriate paid leave of absence to attend the funeral of any friend or colleague up to one day, having regard for the location of the funeral.

***Parental Bereavement Leave and Pay***

Under the Parental Bereavement (leave and Pay) Act 2018 from 6<sup>th</sup> April 2020, *\*bereaved parents* are entitled to two weeks unpaid leave following the death of a child under the age of 18 or following a stillbirth from 24 weeks of pregnancy. This is a day one entitlement with no qualifying continuous service criteria.

The leave must be taken within 56 weeks of the death of the child or stillbirth, this can be taken as a single block of two weeks or as two separate blocks of one week at different times. For example, this can allow for time to be taken off for difficult events such as birthdays or anniversaries

If an employee loses more than one child, they will be entitled to take a separate period of leave for each child.

Employees with at least 26 weeks' continuous service will be entitled to 2 weeks statutory paid leave. (statutory parental bereavement pay).

No notice is required for leave taken immediately following the date of death or stillbirth, however if leave is taken later, at least one weeks' notice should be given.

*\*Definition of bereaved parents includes: birth parents and adults with parental responsibility, for example: adoptive parents, individuals who are fostering to adopt, legal guardians (including same sex couples).*