

Time off for Compassionate Leave & Emergencies

Frequency of Review: 3 years

Reviewed by Full Governing Body – July 2017

Policy based on adopted policy of LA policy of same name July 2016

Amendments

DS/EC/HJ/JA/NF PJT Federation SLT 8/03/2017 & 22/03/2017 & 10/05/2017 &
17/05/2017

Policy statement

Penk Valley Federation Governing Body, recognises UK legislation which gives employees the statutory right to take reasonable unpaid leave to deal with dependant-related emergencies and also for certain public duties. This policy provides a framework for managers to ensure consistency when dealing with an employee's request for time off.

This policy, which goes beyond the basic rights by allowing for paid, as well as unpaid, leave depending on the situation, covers time off for compassionate leave, emergency leave, public duties and work breaks. The 'appropriate level of authority' should be determined according to the employer's decision making structure.

Who the policy covers

This policy applies to all employees, regardless of length of service and employment status, eg fixed term, permanent, temporary (unless otherwise specifically stated). It does not form part of the contract of employment. The procedure does not apply once an employee has left the employment of Penk Valley Federation, and does not apply to agency workers.

Policy principles

Compassionate and emergency leave is intended for urgent or serious situations that employees are unable to plan for. Holiday entitlement or other types of leave should be used where employees need time off work for commitments that can be planned ahead.

As emergency leave is in place to cover unplanned events, the absence will begin as soon as the employee needs it. Where compassionate leave has been agreed the absence should begin as soon as the employee needs it. There is no limit as to how many times an employee can take emergency time off for dependants and an employee is allowed to take a reasonable amount of time off to deal with the emergency.

There are no set limits as it depends on the facts of each situation.

The following definitions apply:

- "Dependants" include partner (including same sex partner), husband, wife, civil partner, child, parent or grandparent, step-parent or parent-in-law, sibling or elderly relative. They can also be another person who lives in the same household or someone who reasonably relies on the employee for assistance in the event of serious illness or injury. Dependants do not include individuals who live in the same household but under a commercial arrangement such as a tenant, boarder, lodger or employee.
- "Family" includes the employee's wider family such as cousins, aunts, uncles or a partner (including same sex partner) who no longer lives in the same household.

With regards to time off for **public duties**, the Penk Valley federation encourages and supports contribution to the wider community and society. Making a contribution to the community also provides opportunities for personal development, enables an interchange of ideas, supports the Federation's values and enriches the community and society in which we live.

Policy provisions

Compassionate leave

Compassionate leave may be granted in certain circumstances of urgent domestic distress. An employee can request to take up to five days paid absence (pro-rated for part time employees) where a dependant (as defined above) dies, is seriously injured or unexpectedly falls seriously ill. Such time off includes time to organise and attend funerals.

The entitlement (full or pro-rated days) can be taken as single days as circumstances dictate.

Time off may also be granted for attendance at funerals of people other than dependants (for example – work colleagues,).

Time off for emergencies

An employee might find that they have to deal with an emergency concerning a dependant for which they need to be absent from work but for which paid leave is not available under any of the Federation adopted schemes. Penk Valley Federation will grant a reasonable amount of unpaid leave to deal with these emergencies.

Asking for compassionate or emergency leave

In an emergency or compassionate situation, communication with an employee's line manager is an important consideration. It is recognised that, in an emergency situation, it may not be possible for an employee to speak to their line manager before they leave work. However the employee should speak to their line manager as soon as they can. They should explain the circumstances, if possible indicating the length of time they are likely to need to cover the immediate situation. There is no requirement to provide written notification or written proof.

Other considerations

There may be occasions where the need for time off is likely to continue beyond the entitled absence provided for by this policy (for example where a dependant has a longer term hospitalisation).

In these circumstances careful consideration should be given to other provisions available to assist employees such as annual leave, flexitime, time off in lieu, unpaid leave or work breaks.

Roles and responsibilities

It is the responsibility of employees to discuss with their manager the circumstances surrounding the need to take time off as compassionate or emergency leave.

It is the responsibility of managers to support and listen to employees when the initial emergency occurs, grant any request for time off where an employee is eligible, and then talk to them about any continued impacts.

Workbreak/time off for public duties/reserve forces/ representative sport

For Further information relating to the above, please contact the Federation Business Manager in the first instance.

Jury service

Where a employee receives a summons to serve on a jury, they should report that fact immediately to their manager. Leave of absence will be granted unless an exemption is secured. Although not obliged under law, paid leave of absence will be granted to employees undertaking jury and other public service.

When summoned for jury service, an employee will receive a form called "*Certificate of Loss of Earnings or Benefit*" from HMCS. The employee and the manager should complete the relevant parts of the form, and then send it to the Business Manager along with the Notification of Jury Service. The employee must use this to claim their loss of earnings from the Court and hand it to Court officials on the first day of attendance for Jury Service.

On completion of jury service, the employee will receive a payment from HMCS for the total amount of earnings allowed by law. It should be noted that the 'loss' of earnings paid by HMCS

will not usually amount to the employee's normal earnings. The employee will also receive a certificate of attendance and an 'Advice Slip' explaining how the payment has been calculated.

The employee should send the 'Advice Slip' to shared services who will then make arrangements for the 'loss of earnings payment' to be reclaimed by the employer. The employee will keep any travelling and subsistence expenses they have claimed from the court.

Witnesses

Employees called to be witnesses, defendants, or plaintiffs on behalf of the County Council will be granted paid leave to attend court.

However, time off with pay will not be granted in respect of cases personal to the employee, but managers should facilitate availability to attend court. This should be on an unpaid basis.

Returning to the workplace

If an employee attends court for jury service or as a witness but they are not required for a particular day, they should return to the workplace on that day. If they do not return to work, this will be considered as unauthorised absence and the employee will not be paid for this time.

Review of Policy

This policy will be reviewed every 3 years, or before if necessary by the Federation Governing Body.