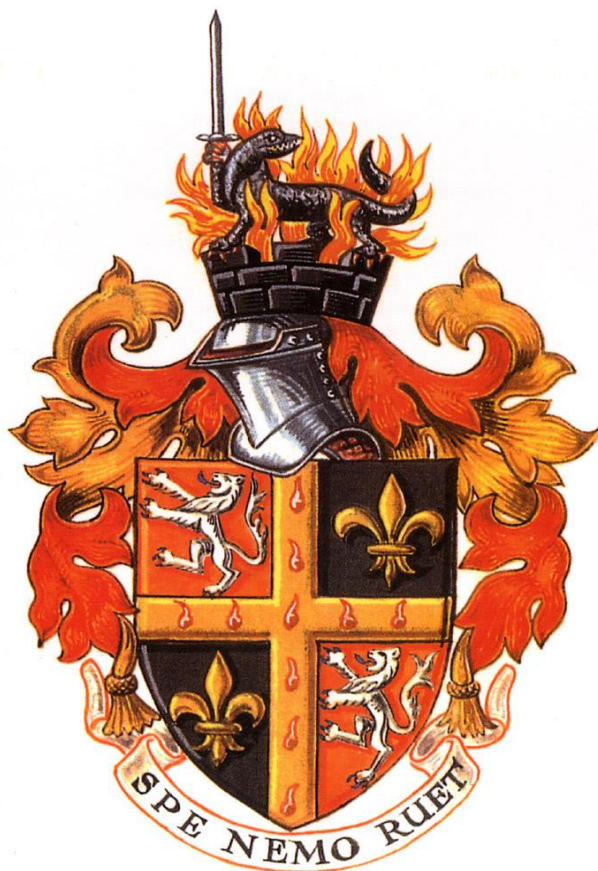


# SPENNYMOOR TOWN COUNCIL



## TIME OFF FOR DEPENDENTS: EMERGENCY LEAVE AND SPECIAL LEAVE POLICY

<b>Author of Policy:</b>	Town Clerk
<b>Date Effective From:</b>	24 <sup>th</sup> May 2022
<b>Policy Review: When &amp; By Whom</b>	12 <sup>th</sup> May 2022 Constitution Working Group
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<b>Version Control:</b>	V4

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# Introduction

- 1.1 This policy is designed to comply with the rights granted to employees, by law, when taking time off to deal with an unforeseen emergency.
- 1.2 The right to emergency leave is available to everyone who has a contract of employment whether they work on a part-time or full-time basis.
- 1.3 Good attendance is a vital factor in the effective operation of Council business. High levels of attendance will help to maintain good quality services and an excellent professional reputation. Poor levels of attendance have a major impact on our colleagues and damage to our professional reputation.

## 2 Aims and Scope of the Policy

- 2.1 This policy is used to support employees who need time off work to deal with certain unexpected or sudden emergencies concerning a dependent and to make any necessary longer term arrangements. It applies to all employees, regardless of length of service.
- 2.2 This does not apply to long term care arrangements such as child care or nursing a sick child or relative.
- 2.3 This policy applies to all staff and has been introduced to ensure that staff absences are handled in a fair and consistent manner. All staff absences will be recorded, monitored and managed. Should any occasions of lateness become a concern, management may use disciplinary action to address these concerns.

## 3 Who is a dependent?

- 3.1 A dependent may be a husband, wife, child or parent, or anyone living in your household as a member of the family. It may also be someone who relies on you for assistance who lives with you. This does not include tenants or boarders living in the family home.

## 4 When does this apply?

### 4.1 This policy may apply

- If a dependent falls ill, or has been injured or assaulted
- When a dependent goes into labour
- To make longer term care arrangements for a dependent who is ill or injured
- To deal with the death of a dependent
- To deal with an unexpected disruption or breakdown of care arrangements for a dependent
- To deal with an unexpected incident involving an employee's child during school hours.

## 5 Notification

5.1 Employees must inform their line manager as soon as possible before their usual start time or as soon as the problem has occurred. Employees must say why they need the time off and how long they think it will take to resolve the problem.

## 6 How Much Time Can An Employee Take Off Work?

6.1 Employees will be allowed reasonable time off work. The time off will vary depending on circumstances of the emergency. In many instances only a few hours will suffice to resolve any immediate problems. For most other cases, one day will be sufficient to deal with the problem.

## 7 Will employees be paid for the time off work?

7.1 No, all time off for dependents (emergency leave) will be unpaid. There is no requirement to pay for time off for dependents. However, the emergency leave can be taken as holiday, or lieu time, if available.

7.2 If you are unable to take holiday or lieu all leave will be **unpaid**.

## 8 Extreme weather or other emergency conditions

8.1 Should extreme weather conditions or other emergencies affect the functioning of the Council and the Council has to close for a short period, the following provisions will apply:

- Closure for a period of time resulting in staff either being sent home from work or instructed not to attend work, staff will receive their normal average earnings/days' pay.
- Should staff be unable to attend work due to severe weather conditions (e.g. unable to use their own transport and public transport services have ceased to operate, etc.) or other factors such as flight delays in returning from holiday, the emergency leave should be taken as holiday, or lieu time, if available. If not available it will be unpaid leave.

## 9 Compassionate leave

9.1 Compassionate leave may be granted in circumstances such as the serious illness of a close relative.

9.2 Close relatives are defined as follows:

- Mother/father
- Son/daughter
- Step child/adopted/foster child
- Partner/spouse
- Brother/sister

- 9.3 Employees must seek authorisation from the Town Clerk to take compassionate leave.
- 9.4 The Council recognises that in such circumstances, employees may need longer away from work. If this can be accommodated, it will be on the basis of unpaid leave.
- 9.5 Flexible working may also be considered in circumstances where regular period(s) of time away from work are needed. Each case will be considered on an individual basis.

## 10 Examples of When This Policy Does Not Apply

10.1 This policy would not apply in the following instances:

- A broken central heating boiler at home
- Problems with the family pet
- Accompanying a friend to hospital
- An event that is known in advance (i.e. taking a child to hospital for an appointment)

This list is not exhaustive; it is only intended for guidance.

## 11 What If Employees Need Longer Time Off Work?

- 11.1 This provision for time off (emergency leave) is for unforeseen matters. If employees know in advance that they will need some time off work, or if they need a longer period off work, then a request should be made for annual leave in the usual way.
- 11.2 If the employee has a child under the age of 18 or is a carer, consideration may be given to allowing flexible working. However, the needs of service delivery must be considered on an individual basis.

- 11.3 A request can be made by an employee with 26 weeks' continuous service who cares or expects to care for a person who is 18 or over where the person in need of care is:
- married to or the partner or civil partner of the employee, or;
  - a relative of the employee, or;
  - living at the same address as the employee.
- 11.4 Partner covers men and women who are not married but are living together as husband and wife and two people of the same sex who are not civil partners but are living together as if they are civil partners.

## 12 Abuse of the Policy

- 12.1 This provision is for genuine emergencies regarding a dependent. Any abuse of this policy will be considered as a disciplinary matter and will be dealt with under the Town Council's Capability and Disciplinary Procedure.

## 13 Special Leave

- 13.1 In addition to normal annual leave entitlements, requests for special leave will be considered under the following headings:-

## 14 Jury Service

- 14.1 The appropriate National Agreements will apply to employees called to serve as jurors. An employee receiving a summons to serve on a jury must report the fact to his/her Manager/Town Clerk, who shall grant leave of absence, unless exemption is secured.
- 14.2 The employee shall claim the allowance for loss of earnings to which he/she is entitled under the Jurors' Allowances Regulations currently in force. He/she shall then have deducted from full net pay an amount equal to the allowance received. The Town Clerk must also indicate on this form if the employee is required to return to work if not required for jury service for full or part days.
- 14.3 Employees' attention is drawn to the fact that under the Local Government Pension Scheme Regulations, contributions based on full pay will be payable for the first 30 days' absence. If the absence continues after a period of 30 days,

the employee will be deemed to have given notice that he/she elects to continue paying contributions based on full pay.

- 14.4 The employee will receive from the Court details of the Jurors' Allowances payable and a Jurors' Loss of Earnings Certificate on which to claim loss of earnings. The employee will submit the form to his/her manager who will certify that a deduction from earnings will be made for each day the employee performs jury service. The amount of the deduction will be the appropriate jurors' allowance or actual earnings, whichever is the lower amount. An amount equal to the allowance received will then be deducted from full net pay by Payroll.

## 15 Trade Union Conferences

- 15.1 Paid leave shall be granted to a Trade Union Steward attending the annual conference of recognised Trade Union, subject to the smooth running of the service. Approval must be sought, in advance, from the Town Clerk.

## 16 Other leave provisions available to employees

- 16.1 The Town Council has a range of other policies which may be more suitable to allow employees time off from work. The Time Off for Dependents (Emergency Leave) Policy is only for emergency situations.

- i. Maternity Leave
- ii. Paternity Leave
- iii. Adoption Leave
- iv. Parental Leave
- v. Bereavement Leave