



# Heybridge Parish Council

## TIME OFF FOR DEPENDENTS POLICY

### **1. Legislation**

- 1.1 The Employment Rights Act 1996 implements legislation, setting out an employee's right to take time of work for dependents.
- 1.2 All employees have the right to reasonable amounts of unpaid time off to deal with certain issues affecting dependents. A "dependent" is the employee's spouse or civil partner, child, parent or a person who lives in the same household as the employee but who is not his or her employee, tenant, lodger or boarder. Government guidance states that an elderly aunt or grandparent who lives in the employee's household would be a qualifying dependant.

### **2. Circumstances in which time off may be taken**

- 2.1 An employee is entitled to take a reasonable amount of time off in the following circumstances:-
  - i. To provide assistance on an occasion where a dependent falls ill, gives birth or is injured or assaulted;
  - ii. To make arrangements for the provision of care for a dependent who is ill or injured;
  - iii. In consequence of the death of a dependent;
  - iv. Because of the unexpected disruption or termination of arrangements for the care of a dependent, or
  - v. To deal with an incident involving a child of the employee which occurs unexpectedly in a period during which an educational establishment is responsible for the child.
- 2.2 Note that, in relation to the first two of these circumstances, "dependent" also includes those who reasonably rely on the employee for such assistance or arrangements.
- 2.3 In general, the time off is to make arrangements for care, etc. It is not a right to time off to provide continuing care. Case Law suggests that no more than a few hours or, at most one or possibly two days should be sufficient to deal with the immediate crisis.

### **3. Notice requirements**

- 3.1 An employee should tell their employer of the reason for his or her absence as soon as reasonably practicable and how long he or she expects to be absent. This notice does not need to be in writing.

### **4. Potential Issues**

4.1 There may be instances where the Council suspects that an employee is abusing time off for dependents. While an employee does not need to provide evidence of the reason for dependent leave or their relationship to the person affected, if the Council believe that the employee is abusing the system, normal disciplinary procedures should be followed. Careful investigation is required and advice should be sought before disciplining an employee in these cases as the employer can itself be ordered to compensate the employee if it imposes any detriment for taking time off for dependents.

### **5. Status**

This policy will be considered for adoption by Council on 20<sup>th</sup> February 2014.  
Adopted on 20<sup>th</sup> March 2014. Reviewed April 2016.

21 January 2014  
Clerk