

# Time off for Dependents

## Policy and Procedure

Reviewed January 2020



## 1. Introduction

The right to time off for dependants was introduced by the Employment Relations Act 1999 and is contained within Section 57A of the Employment Rights Act 1996 and became effective from 15 December 1999.

## 2. Scope

This procedure covers all employees excluding staff on the complement of locally managed schools for whom a separate procedure applies.

## 3. Qualifying Criteria

Time off must be needed for a dependant. Dependand is defined as including:

Spouse: Husband, wife, civil partner.

Child: This means a child of any age.

Parent: This includes step parents.

Someone who lives in the same household: this includes partners or elderly relatives living with the employee but does not include an employee, tenant, lodger or boarder.

There is no service requirement to qualify for time off.

## 4. What is the Right?

The right is to reasonable unpaid time off during the employee's working hours in order to take action, which is necessary in a number of different circumstances as detailed below:

- To provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted.
- To make arrangements for the provision of care for a dependant who is ill or injured (illness or injury includes mental illness or injury).
- In consequence of the death of a dependant (*This right would cover, for example, making arrangements for, and attendance at funerals*).

- Because of the unexpected disruption or termination of arrangements for the care of a dependant. *(This would cover the employee providing assistance for him or herself or making other arrangements)*
- To deal with an incident, which involves a child of the employee and which, occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him. *This would cover –  
When the child is distressed for some reason*

*Where the child has committed a serious misdemeanour, which could lead to expulsion*

*Note – The County Council has **paid** Compassionate Leave provisions, which may be granted on the death or serious illness of an immediate family member. These provisions are independent of and in addition to the Regulations concerning Time Off for Dependants.*

## 5. Applying for Time Off

The employee must contact the line manager or nominated officer as soon as possible, informing why he/she is absent/requires time off and how long he/she expects to be absent.

Employees taking time off for this purpose will be required to apply for Time Off for Dependants Leave the web based self-service system, [‘My View – Dashboard’](#)

If employees are unable to access the web based self-service system a [Time Off for Dependants Application Form](#) should be completed and submitted to their line manager. However, there is no requirement to provide documentary evidence. The primary purpose of completing the Form is to authorise the subsequent deduction from pay for the period of unpaid leave.

Line managers should keep a record of any time off taken and forward a copy of the Form to their Business Support Unit on each occasion so that the necessary adjustment to pay can be made.

## 6. Abuse

Any abuse of the scheme will be dealt with under the Council’s Disciplinary Procedure. Examples of abuse include:

- Taking leave for purposes other than for a dependant as detailed above.

## **7. Appeals**

If an employee considers that they have had a legitimate request for time off turned down they can use the Grievance Procedure to resolve the matter.

## **8. How Much Time Off Is Reasonable**

The manager should consider the following in deciding how much time off is reasonable:

- What are the practical things to be done? How long would this normally take?
- Are there any circumstances, which would justify more time for the particular employee? For example, does the dependant live at some distance and therefore is not practical for the employee to come back to work in between making arrangements?
- Are there any service needs that would affect the amount of time allowed to a particular employee at a particular time?
- The above three considerations should then be balanced in deciding what is reasonable.

## **9. Ensuring equality of treatment**

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

If you require this publication in an alternative format please contact People Management on Ext 6184 or email

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