



## **CITY OF ELY COUNCIL**

### **POLICY REGARDING EMPLOYEE ABSENCE**

#### **1. RIGHT TO TAKE TIME OFF WORK FOR DEPENDANTS**

##### **Legislation**

The Employment Rights Act 1996 implements European legislation, setting out an employee's right to take time off work for dependants.

All employees have the right to reasonable amounts of unpaid time off to deal with certain issues affecting dependants. A "dependant" 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.

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

An employee is entitled to take a reasonable amount of time off in the following circumstances:

- To provide assistance on an occasion where 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;
- In consequence of the death of a dependant;
- Because of the unexpected disruption or termination of arrangements for the care of a dependant, or
- 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.

Note that, in relation to the first two of these circumstances, "dependant" also includes those who reasonably rely on the employee for such assistance or arrangements.

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.

##### **Notice requirements**

The member of staff should tell their Line Manager 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.

## **Potential Issues**

There may be instances where the Council suspects that an employee is abusing time off for dependants. While an employee does not need to provide evidence of the reason for dependant 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 and advice will 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 dependant.

## **2. COMPASSIONATE LEAVE**

Compassionate leave is at the overall discretion of the Clerk or the Chairman. However, to achieve a consistency in general paid leave will be granted for the death of a close family relative; ie spouse, civil partner, father, mother (or equivalent in laws), son or daughter (or equivalent in laws), siblings and grandparents, up to three days paid laid (reduced pro-rata for part time working) will be granted.

The Clerk will consider the individual circumstances, taking account of such matters as the need to organise funeral arrangements.

## **3. DENTISIT/DOCTOR/HOSPITAL APPOINTMENTS**

Employees will not usually be allowed time off work for attending routine dentist, doctor or optician appointments. Where possible hospital out-patient appointments should be scheduled either early morning or late afternoon, in order to minimise the disruption to the working day. In-patient appointments or procedures taking the whole day will be treated as being on sick leave for that day.

## **4. UNAUTHORISED ABSENCE**

Unauthorised absence occurs when an employee fails to attend work and has not made arrangements with their Line Manager. The employee will be expected to take an unauthorised absence from their annual leave entitlement. Unauthorised absence may result in disciplinary action.

## **Review of Policy**

This policy will be reviewed on an annual basis.

Approved and adopted 11th March 2019

Signed .....

Cllr M Rouse – Chairman of the Council