



## Tenterden Town Council

### Emergency Dependents Leave Policy

<b>Reviewed</b>	<b>Adopted</b>
Approved by Staff & Employment sub-committee	06/11/2023
Adopted by Finance & General Purposes Committee	13/11/2023
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Next review	September 2025

## 1. PURPOSE AND SCOPE

The Employment Rights Act 1996 sets out regulations concerning the rights of an employee to help a Dependent with an emergency.

All employees with dependents have a statutory right to take reasonable unpaid time off to deal with unforeseen emergencies. This is unlikely to amount to more than a day or two a year. These unpaid days are recorded as Emergency/Dependent's Leave.

This policy covers all instances where you may need to take unplanned absence to attend to urgent or serious situations affecting your dependents and where no alternative provision is available.

Emergency leave is designed to provide carers with the opportunity to make alternative arrangements for the care of dependents. The Emergency leave policy is not intended to be used to allow carers to look after dependents on an ongoing basis (although time off may be available under other policies).

## 2. TAKING EMERGENCY LEAVE

Dependents include parents, husband, wife, partner, civil partner, children or individuals living as part of the family for whom you are the main carer or an individual who depends on you for care, e.g. an elderly neighbour.

Emergency leave is only intended to cover unplanned absence to attend to urgent or serious situations affecting your immediate family or dependents. It is impossible to provide a complete list of circumstances that are covered under the policy; however, the most common circumstances are as follows:

- to provide assistance on an occasion when a dependent falls ill, gives birth or is injured or assaulted;
- to make arrangements for the provision of care for a dependent who is ill or injured;
- as a result of the death of a dependent;
- because of the unexpected disruption or termination of arrangements for the care of a Dependent, or
- to deal with an incident which involves a child of the employee and which occurs unexpectedly when the child is at school.

Emergency Leave does not cover a situation which was known beforehand, or one for which there was advance notice. Dependents do not include persons with whom your relationship is a commercial one, or pets.

As soon as is reasonably practicable in the circumstances, contact the Town Clerk (or if unavailable, the Chair of the Staff and Employment sub-committee of the Council by telephone to explain the circumstances, and if possible, an indication of the length of time-off you are likely to need in order to make alternative arrangements. If the Town Clerk (or Chair of the Staff and Employment sub-committee) is unavailable, you must contact another member of the Staff and Employment sub-committee instead.

If you need to stay and care for a dependent on an ongoing basis (beyond a day or two a year) you can agree with the Town Clerk (or in their absence, the Chair of the Staff and Employment sub-committee) to take annual leave; or where you have insufficient annual leave to take a period of unpaid leave or if appropriate, request to make up the time and/or request flexible working. Alternatively, you may be able to take Parental Leave where the care is for your child.

This is a non-contractual procedure which will be reviewed from time to time.

# Emergency/Dependents Leave Policy

## How to deal with a request for emergency dependents leave

From time to time, employees may need to take unplanned absence to attend to urgent or serious situations affecting their dependents. The purpose of Emergency/Dependents leave is to provide the employee with a short period of breathing space to deal with the situation. The time off need not be paid, but if councils agree to paid time off, it must be applied consistently.

### Notification

- As soon as is reasonably practicable in the circumstances, an employee should contact the Town Clerk (or Chair of the Staff and Employment sub-committee) by phone to explain the reason for their absence.
- The employee may not wish others to know the reason for their absence so exercise discretion to protect their privacy.

### Discuss

- Discuss with the employee how long they expect to be off. Ask them to let you know if anything changes.
- Discuss any immediate work matters that may need attention.
- Adopt a flexible, understanding approach and recognise that the situation may be stressful for the employee.

### Consider

- Where an employee needs to care for a dependant on an on-going basis, consider whether annual leave can be taken. Where the employee has insufficient annual leave consider whether unpaid leave or parental leave can be taken (the latter applies where the care is for the employees child).
- Consider if the employee needs support on their return to work (depending on the circumstances of their absence)

## **ELIGIBILITY**

All Employees have the right to take time off for dependents regardless of length of service.

Dependents in respect of whom an employee can take time off for are:

- Spouse/civil partner
- Child
- Parent
- A person who lives in the employee's household
- A person who reasonable relies on the employee for assistance (for example an elderly neighbour)
- In relation to the disruption or termination of care for a dependent, a person who reasonably relies on the employee to make arrangements for the provision of care.

## **PAYMENT**

Unless your policy states otherwise, employees are not entitled to be paid while they are taking Emergency/Dependents Leave. However, all other terms and conditions of employment are preserved.