

## **EMERGENCY LEAVE FOR DEPENDANTS**

### **Guidelines for Line Managers**

This guidance document has been developed to assist line managers to make informed, fair and transparent decisions when they receive requests for emergency time off for dependants. The guidance is based on advice from government which reflects the Employment Rights Order 1996 and the Employment Relations Order 1999, which give employees with dependants the right to take unpaid leave to deal with an emergency involving a dependant. The University's policy allows employees a reasonable period of **paid** leave to deal with such circumstances (previously referred to as family responsibility leave).

In order to decide whether someone should be granted paid emergency leave you should consider the following factors.

#### **What is a “dependant”?**<sup>1</sup>

A “dependant” could be the employee's husband, wife, partner, child, parent or anyone living with them in their household as a member of their family. A dependant may also be anyone who reasonably relies on them for help in an emergency, for example an elderly neighbour.

It does **not** normally include tenants or boarders living in the family home, or someone who lives in the home as an employee e.g. a housekeeper. However the University recognises that people's circumstances are different and therefore a line manager may exercise some discretion and consider the individual member of staff's circumstances.

#### **What counts as an emergency?**<sup>2</sup>

An emergency is an **unexpected** or **sudden** problem involving someone who is dependent upon you. The situation may require the member of staff to put longer term arrangements in place but in the first instance, requires them to support the dependant. **Some** examples include:

- A dependant falls ill or is involved in an accident or assault, including where the dependant is hurt or distressed rather than physically injured. The illness may be mental or physical;
- An unexpected and sudden disruption in childcare or other care arrangements for a dependant, for example when a childminder is ill;
- An incident involving their child while they are at school, for example if the child is hurt or has been suspended without notice;
- Where they need to deal with the death of a dependant, including making funeral arrangements; (see also Special leave)
- Their partner/wife goes into labour

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<sup>1</sup> The definition of “dependant” is taken from [www.directgov.co.uk](http://www.directgov.co.uk)

<sup>2</sup> These examples are based on the advice in [www.directgov.co.uk](http://www.directgov.co.uk)

### **What is “reasonable” time off?**

There is a maximum of five days’ paid leave in any year **but** a member of staff should not assume that they will be given 5 days to deal with an emergency. In most cases the paid leave granted will be one or two days to deal with the immediate crisis and put in place longer term arrangements where necessary. So for example if a child becomes ill, you may give your member of staff paid leave to take the child to the doctor or hospital, and then to make longer term arrangements for the child’s care if required. It does not mean they will be given two weeks’ leave to look after the child. In such circumstances, where they cannot make alternative arrangements, they may have to use annual leave to care for the child.

### **What would not qualify for paid emergency time off?**

A member of staff will not normally be granted emergency leave if they can be expected to know in advance that they are going to require time off. For example if they know in advance that they will need to take a child or other dependant to a hospital or other medical appointment then they should ask for annual leave in the normal way.

### **Do staff have to give notice to take emergency leave for dependants?**

Since this leave is in connection with emergencies it will often not be possible to give any notice. For example if a staff member finds out on Monday morning that their childminder is ill they will probably have to take that Monday off as emergency leave for dependants, to put in place alternative arrangements for the rest of the week. Similarly if a staff member has to take a dependant to hospital in the middle of the night they should inform you as soon as they could be reasonably expected to the following day, that they need emergency leave. If a staff member receives news that their child has been hurt at school, or suspended with immediate effect, they may need to leave very quickly. They should however tell someone in the office or department/faculty that they are going.

There may be exceptional circumstances when the employee actually returns to work before they were able to inform the line manager of the emergency, but they must tell them the reason for their absence on their return.

### **Can an employee appeal a line manager’s decision?**

The line manager should seek to resolve matters informally first. However, if this is not possible, any member of staff may lodge a grievance

### **What assistance is available to line managers?**

Both Human Resources and Equality and Diversity Services can provide further advice including examples of circumstances where in the past, requests for leave have been granted, or turned down.