

Emergency Dependants Leave Policy and Procedure

1. Introduction

- 1.1 The law provides rights to all employees, allowing **reasonable time off without pay to deal with each emergency involving a dependant**. A decision on whether or not to grant a request for Unpaid Emergency Dependants Leave is therefore not related to the needs of the Service.
- 1.2 Lancaster City Council will **extend this legal right to certain employees allowing them time off with pay** to deal with an emergency involving a dependant, subject to certain conditions.

2. Scope

- 2.1 This Emergency Dependants Leave Policy is intended to provide guidance when responding to requests from employees for time off to deal with each emergency involving a dependant.
- 2.2 All employees, excluding casual workers will be entitled to time off under one or both of the following two classifications:
- (i) **Paid Emergency Dependants Leave** – available to employees who have completed **one years' continuous service** with the Council before the commencement of the period of Emergency Dependants Leave.
 - (ii) **Unpaid Emergency Dependants Leave** – available to all employees without a qualifying service period.
- 2.3 Emergency Dependants Leave, whether paid or unpaid, is for **urgent family situations that are of an emergency or unforeseen nature**.
- 2.4 Emergency Dependants Leave is **not** available to accompany dependants to prearranged or routine appointments, nor is it available to care for dependants on an ongoing basis. It is available just to resolve the emergency situation. On occasion, this may mean that the period of paid absence will be less than a working day to allow the employee to put alternative arrangements in place.

3. Entitlement

- 3.1 **Paid Emergency Dependants Leave** – this may be granted for periods of **up to two days with pay** at the discretion of a Senior Service Manager and subject to the conditions outlined further below.

3.2 Unpaid Emergency Dependants Leave – this will be granted for employees with less than one year’s continuous service who do not wish to use their annual leave entitlement. It will also be granted for employees who have more than one years’ continuous service but do not meet the conditions outlined below to be granted Paid Emergency Dependants Leave. As the Unpaid Emergency Dependants Leave is available for emergency situations only, it is expected that no more than two days will be approved at the discretion of the employee’s line manager.

4. Conditions

4.1 The granting of up to two days Paid Emergency Dependants Leave is conditional on an employee having five days or less of unallocated annual leave entitlement remaining in the fourth quarter of the annual leave year; that is January to March.

4.2 The granting of a reasonable amount of Unpaid Emergency Dependants Leave is not conditional on an employee’s annual leave entitlement in the fourth quarter of the annual leave year, and can therefore be requested at any time during the annual leave year to deal with an emergency involving a dependant.

4.3 If there is a suspicion that an employee is abusing the scheme, consideration will be given to disciplinary action as contained within Disciplinary Policy and Procedure.

5. Potential reasons for the request

5.1 In accordance with legislation, employees will be granted Emergency Dependants Leave when the employee is faced with an emergency involving a dependant. For example:

- to provide emergency care for sick or convalescing **dependants***;
- accompanying children for emergency or unplanned medical treatment;
- childcare emergencies, where normal arrangements have broken down; for example sickness or unexpected unavailability of the regular childminder;
- attendance at urgent court hearings in child custody cases.

5.2 For the purpose of this policy, **dependants* are defined as:**

- spouse, partner, child, brother, sister, mother, father;
- a close relative or close friend living separately, but who relies on the employee for domestic or financial support;
- a person living in the employee’s household who is directly dependent on the employee for domestic or financial support.

6. Approval process

6.1 Paid Emergency Dependants Leave - a request for this type of leave should receive approval from a Senior Service Manager before commencement. However, the Council is aware that this may not be feasible in an emergency, in which case the

employee should receive approval from their line manager or another available manager before commencement of the leave. It will be expected that the employee telephones the relevant manager to request paid emergency dependants leave in **all** cases. It is not acceptable to text or email requests. The employee is then responsible for ensuring approval is received from a Senior Service Manager once the emergency has been resolved.

- 6.2 Unpaid Emergency Dependants Leave** - a request for this type of leave does not need approval from a Senior Service Manager, and can instead be approved by the employee's line manager.
- 6.3** In certain emergency situations, the immediate emergency may be resolved within one day or less, however the employee may require further time off to fully resolve the situation. In this circumstance, it is expected that the employee may receive approval for one day of Paid Emergency Dependants Leave only. Unpaid Emergency Dependants Leave or Unpaid Leave may be requested by the employee if further time off is required.
- 6.4** Where an employee requires more than the maximum two days of Paid Emergency Dependants Leave, the employee may request Unpaid Leave. The total amount of time off to be granted to deal with an emergency will be at the discretion of a Senior Service Manager.
- 6.5** Where an employee makes a request that is not exactly as described above but is generally within the spirit of the policy, Senior Service Managers will have discretion to grant the leave and may refer to Human Resources for guidance.
- 6.6** On occasion, relevant managers may request evidence of the need for such Paid or Unpaid Emergency Dependants Leave, for example a medical certificate or a hospital discharge summary.

7. Leave Borrowing

- 7.1** As an alternative to the above, where an employee requires more than two days Paid Emergency Dependants Leave, Senior Service Managers will have the discretion to allow employees to borrow annual leave from their entitlement for the forthcoming leave year, subject to the following conditions:
 - ❑ the employee must have exhausted their annual leave entitlement for the current leave year;

And

 - ❑ the employee must state that they do not wish to take Unpaid Leave.
- 7.2** An employee wishing to request forthcoming annual leave for this reason may borrow up to five working days, in advance of accruing their entitlement to it.
- 7.3** An employee who has been granted annual leave in advance of their entitlement will be required to sign an undertaking confirming repayment of any salary received in respect of the period, should they leave the Council's employment before accruing the period of leave granted in advance. HR should be contacted for a copy of the undertaking.

7.4 Once contacted, HR will make any necessary adjustments to MyView to ensure the employee received their correct annual leave entitlement.

8. **Recording Emergency Dependants Leave**

8.1 If approved, the line manager must ensure that any paid or unpaid absence approved under the Emergency Dependants Leave Policy is correctly recorded onto the MyView system. This is to ensure that the employee's employment record is accurate and in the case of Unpaid Emergency Dependants Leave, to ensure that the employee is paid correctly.

9. **Pension contributions**

9.1 During periods of Unpaid Emergency Dependants Leave the employee may elect to pay pension contributions. Employees wishing to explore this option should contact payroll@lancaster.gov.uk at the earliest opportunity, as certain time limits apply. Further advice on pension contributions during periods of unpaid leave can be sought from Your Pension Service.

10. **Rights during Emergency Dependants Leave**

10.1 The employee will be entitled to return to their existing post provided that they return to work on or before the agreed date.

10.2 Failure to return on the agreed date after a period of Emergency Dependants Leave will result in pay being suspended, and will be treated as an unauthorised absence which will be dealt with through the Disciplinary Policy and Procedure.

11. **Review**

11.1 This Emergency Dependants Leave Policy will be reviewed 2 years after implementation or earlier in the event of further changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	May 2008	Family Support Leave provisions included within the Family Leave Scheme	
2.0	02.02.2016	Revised policy to be agreed by JCC and Personnel Committee	