

# Compassionate and Carers Leave Policy



## Contents

1	Scope.....	3
1.1	Definition.....	3
1.2	What counts as a long-term care need .....	3
1.3	What carer's leave can be used for .....	3
1.4	Entitlement.....	3
1.5	If an employee cares for more than one dependant .....	4
1.6	Giving notice to take carer's leave .....	4
2.	Time off for Dependants .....	5
2.1	Definition of a dependant.....	5
2.2	Entitlement.....	5
3.	Bereavement Leave.....	6
3.1	Definition.....	6
3.2	What time can an employee take.....	6
3.3	Time off when a child is stillborn or dies under the age of 18 .....	7

## 1 Carers Leave

The right to take carer's leave applies from the first day of work.

An employee can take carer's leave to give or arrange care for a dependant who needs long-term care.

### 1.1 Definition

A carer is an employee with responsibility for a 'dependant' defined as:

- A spouse
- A civil partner
- A child
- A parent
- A person who lives with you other than as your tenant or lodger.
- Any other person who would reasonably rely on you for care such as an elderly neighbour.

### 1.2 What counts as a long-term care need

A dependant has a long-term care need if they:

- have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
- have a condition that amounts to a disability under the Equality Act 2010; or
- require care for a reason connected to their old age.

This statutory right to carer's leave applies to a wide range of caring situations, but excludes general childcare, except where your child meets the definition of a dependant with a long-term care need.

### 1.3 What carer's leave can be used for

Examples of when an employee could use carer's leave include:

- taking their disabled child to a hospital appointment
- moving their parent who has dementia into a care home
- accompanying a housebound dependant on a day trip
- providing meals and company for an elderly neighbour while their main carer is away with work for the day

### 1.4 Entitlement

All employees (irrespective of length of service and whether they are part time or full time) are entitled to take up to a week of carer's leave every 12 months. This would be unpaid.

An employee can take the leave in one continuous block, as individual days, or as half days.

An employee is entitled to a period of leave that is equal to their usual working week. For example, if someone works 3 days a week, they can take 3 days of carer's leave.

Extra paid or unpaid leave can be agreed at the discretion of Directors in liaison with Human Resources, to achieve consistency. In addition to this, in some cases, it may be expected that as well as the above provisions employees may use some annual leave.

Directors are encouraged to consult Human Resources on any situations about which they are unsure.

### **1.5 If an employee cares for more than one dependant**

If an employee cares for more than one dependant, they do not have a separate entitlement to carer's leave for each dependant.

### **1.6 Giving notice to take carer's leave**

Employees must give their manager notice before the start of their leave.

Employees are asked to give as much notice as possible when requesting carer's leave so that managers can plan for their absence.

The minimum notice an employee must give will depend on how many days of leave they want to take.

#### **Minimum notice requirements**

<b>Number of days requested</b>	<b>Minimum notice required</b>
Half a day to 1 day	3 days' notice
1.5 to 2 days	4 days' notice
2.5 to 3 days	6 days' notice
3.5 to 4 days	8 days' notice
4.5 to 5 days	10 days' notice
6 days (if an employee works 6 days a week)	12 days' notice

The statutory right to carer's leave is intended to be for planned and foreseen caring commitments. If an employee needs to take time off to manage an unexpected or sudden problem relating to a dependant and make any necessary longer-term caring arrangements, then see time off for dependants (section 2).

Managers cannot refuse someone's request for carer's leave. However, where the employee's absence would cause serious disruption to the organisation, Managers can ask for this to be taken at a different time.

If a Manager needs to delay the leave, they must:

- agree another date within 1 month of the date the employee originally requested leave for
- explain in writing why they need to delay the leave – they must do this within 7 days of the request or before the leave starts, whichever is the earlier

If the employee needs to cancel their request for carer's leave, they should do this as soon as possible. It's good practice for the Manager to consider this but they do not have to agree to it.

## **2. Time off for Dependants**

Employees are allowed time off to deal with emergencies involving a dependant.

### **2.1 Definition of a dependant**

An employee's 'dependant' can include:

- A spouse
- A civil partner
- A child
- A parent
- A person who lives with you other than as your tenant or lodger.
- Any other person who would reasonably rely on you for assistance if he/she fell ill or was injured or assaulted, or who would rely on you to make arrangements for the provision of care in the event of illness or injury; or
- In relation to the disruption or termination of care for a dependant, any other person who reasonably relies on you to make arrangements for the provision of care.

### **2.2 Entitlement**

All employees (irrespective of length of service and whether they are part time or full time) are entitled to take a reasonable amount of time off during working hours in order to take necessary action:

- To provide assistance when a dependant falls ill, gives birth or is injured or assaulted
- To make arrangements for the provision of care for an ill or injured dependant
- Because of the unexpected disruption or termination of arrangements for the care of a dependant
- To deal with an incident that involves their child and occurs unexpectedly while the child is at school/other educational establishment

Employees must inform their manager of the reason for his/her absence and how long he/she expects to be absent as soon as is reasonably practicable. Time off work under this right is envisaged as being no more than one or two days in most cases.

Up to a week can be granted for time off to care for one of the above, subject to the time being made up later. Any additional leave can be agreed by Directors.

Where staff do not have the ability to make time up, any time off would need to be taken as annual or unpaid leave.

Extra paid or unpaid leave can be agreed at the discretion of Directors in liaison with Human Resources to achieve consistency. In addition to this, in some cases, it may be expected that as well as the above provisions employees may have to use some annual leave.

Issues for managers to consider when granting time off;

- Closeness to employee of the member of family involved
- Nature of problem/illness – seriousness, both physical and emotional problems should be considered
- Suddenness of problem – did the employee have any time to plan/prepare

Directors are encouraged to consult Human Resources on any situations about which they are unsure.

It should be noted that employees cannot take time off under “time off for dependants” if they knew about the situation beforehand. This is for emergency situations only.

### **3. Bereavement Leave**

#### **3.1 Definition**

Bereavement leave relates to time off to deal with the initial emotional shock and later funeral or other arrangements.

#### **3.2 What time can an employee take**

All employees (irrespective of length of service and whether they are part time or full time) can take:

- 7.4 Hours (Pro-rata for part time) for the funeral for a close relative, i.e. husband, wife, partner, mother, father, child (over the age of 18), grandparents and, in addition, up to 22.2 Hours (Pro-rata for part time) leave to deal with emotional shock and funeral arrangements.
- 7.4 Hours (Pro-rata for part time) leave to attend the funeral of any other relative by blood or marriage.
- Up to 7.4 Hours (Pro-rata for part time) to attend the funeral of a close colleague.

This time will be paid at the employees normal rate of pay for the days they are absent.

Time off to attend the funeral of a friend, etc. will not be unreasonably refused, but the time taken will need to be made up or taken as time off in lieu, unpaid or annual leave.

The above is a guideline only to ensure consistency of approach across all service areas. However, each application should be judged on the specific circumstances relating to the individual case and extra paid or unpaid leave can be agreed at the discretion of Directors in liaison with Human Resources.

### **3.3 Time off when a child is stillborn or dies under the age of 18**

Employees have a right to 2 weeks off if their child dies under the age of 18 or if they have a stillbirth after 24 weeks of pregnancy. This is called parental bereavement leave and is also known as “Jack’s Law”.

Statutory parental bereavement leave can be taken in the 56 weeks following the child's death.

If more than one child dies, the employee is entitled to 2 weeks' statutory parental bereavement leave for each child.

Further details regarding parental bereavement leave and pay can be found here [Parental Bereavement Leave](#). This is also referenced in the Family Friendly Policy.