



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Time Off for Dependents Leave Policy

DOCUMENT CONTROL

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DOCUMENT APPROVALS

This document requires the following committee approvals:

| Committee | Date of meeting pending approval |
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| CDC Personnel Committee | 17 October 2022 (16:00) |

DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District

DATE FOR REVIEW

No later than 1 November 2025 but sooner if impacted by legislative changes

REVISION HISTORY

| Version | Revision date | Summary of revision |
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TIME OFF FOR DEPENDENTS POLICY

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1 Entitlement to time off for dependents leave

This policy does not form part of any employee's contract of employment and the Council may amend it at any time.

This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

Time off for dependents leave is unpaid but provide you with the right to take a reasonable amount of time off work in particular circumstances relating to your dependents. Dependents in respect of whom you can take time off are:

- your spouse or civil partner
- your child
- your parent
- a person who lives in your household (excluding tenants, lodgers and employees)
- a person who reasonably relies on you for assistance, to make arrangements or take action of the kind referred to within the bullet points set out below at (2).

2 The purpose of the absence

The right to time off work for dependants is limited to dealing with an unexpected event involving a dependant.

The circumstances in which employees may take time off for dependants are specified in legislation. These are to:

- provide assistance when a dependant falls ill, gives birth or is injured or assaulted
- make arrangements to provide longer-term care to a dependant who is ill or injured
- deal with the death of a dependant
- deal with the unexpected disruption, breakdown or termination of arrangements for the care of a dependant
- deal with an incident involving the employee's child while a school or another educational establishment is responsible for them.

The right to time off is limited to taking action that is necessary to deal with one of the above unexpected events. Its purpose is to allow an employee a short period of breathing space to deal with a dependant.

This policy does not apply where an employee needs to take planned time off or provide longer-term care for a dependant. If the right to time off for dependants does not give the employee, the scope / time off needed to look after a dependant then they should refer to other Council policies such as Flexi-Time or Compassionate leave.

Further detail on circumstances where time off work for dependants applies is as follows:

3 Exercising the right to time off

Whether the action the employee is taking because of an immediate or unexpected crisis will be considered necessary will depend on the circumstances, including the nature of the problem, the closeness of the relationship between them and the dependant, and whether anyone else is available to assist. Action is unlikely to be considered necessary if the employee knew of a problem in advance but did not try to make alternative care arrangements.

The manager should take into account the circumstances and treat each situation on the basis of whether or not the time off is reasonable and necessary.

4 The needs of the organisation

Reasonable time off in relation to a particular problem will not normally be more than one or two days. However, we will always consider each set of circumstances on their facts.

Line managers cannot take into account the operational needs of their organisation when assessing whether or not an employee is entitled to take time off for dependants, or whether or not the amount of time off that the employee needs to take is reasonable and necessary to deal with the particular circumstances. Even where the employee has an important deadline to meet, this should not prevent the line manager from permitting the employee to take time off.

All employees are entitled to take time off for dependants, and they do not need to have accrued a minimum period of continuous service to be eligible.

5 The procedure

An employee will only be entitled to time off under this policy if, as soon as is reasonably practicable, they tell your line manager:

- (a) the reason for their absence; and
- (b) how long they expect to be away from work.

If the employee fails to notify us as set out above, they may be subject to disciplinary proceedings under our Disciplinary Procedure for taking unauthorised time off.

We may in some cases ask the employee to provide evidence for their reasons for taking the time off, either in advance or on their return to work. Suspected abuse of this policy will be dealt with as a disciplinary issue under our Disciplinary Procedure.

All line managers should familiarise themselves with this policy.

Provided that the correct process has been followed in line with this policy, an employee should complete a copy of the form at Appendix 1 on their return to work and forward directly to payroll for processing once the form has been authorised by their line manager. As all time off for dependents is unpaid, payroll

will arrange for the employees' salary to be adjusted accordingly in light of the time off.

6 Special Paid Leave

In exceptional cases, Special Paid Leave of up to five days may be granted in any one leave year by the line manager to enable an employee to face an emergency situations or to cope with a critical situation involving a dependant / close family member / someone who depends on them.

An example could be:

- Employees whose partner or close family member have a terminal/life threatening illness

Special paid leave is not suitable for situations where advance notice is given (i.e. to take a dependant to hospital for an appointment or planned school inset days).

Additional leave, without pay, may be granted in special circumstances at the discretion of the Council, whereby provisions are not made elsewhere to cover such circumstances.

7 Local government pension scheme

Any absence, which is unpaid, will be treated as a break in service for occupational pension purposes unless you choose to pay voluntary contributions.

You must write to Payroll and state your intention to pay voluntary contributions no later than 30 days after your return to work. You may pay these contributions as a lump sum or in instalments. For further advice, please contact Payroll.

| TIME OFF FOR DEPENDANTS' NOTIFICATION FORM | |
|--|--|
| Name of employee | |
| Department | |
| Job Title | |
| I declare that I am requesting to take unpaid time off for a dependant, in accordance with my rights under the Employment Rights Act 1996. | |
| The dependant I request to take the time off for is:- | |
| <input type="checkbox"/> My child | |
| <input type="checkbox"/> My partner / spouse | |
| <input type="checkbox"/> My parent / step-parent | |
| <input type="checkbox"/> Someone who lives with me as part of the family (this excludes lodgers, tenants, boarders and live in employees) | |
| <input type="checkbox"/> Someone who reasonably relies on me for assistance in the absence of someone who has a closer relationship with them | |
| And the reason for this time off is / was:- | |
| <input type="checkbox"/> To provide assistance on an occasion when this dependant fell ill or was injured or assaulted. | |
| <input type="checkbox"/> To provide assistance on an occasion when this dependant gave birth. | |
| <input type="checkbox"/> To make longer term care arrangements for this dependant who was ill or injured (this includes mental illness or injury). | |
| <input type="checkbox"/> To take action required in consequence of the death of the dependant. | |
| <input type="checkbox"/> To deal with an unexpected disruption, breakdown or termination of arrangements for the care of the dependant. | |
| <input type="checkbox"/> To deal with an incident which involved/involves my child and which occurred unexpectedly in a period which an educational establishment which my child attends was responsible for him or her. | |
| When did / will this absence take place:- | |

| | | | |
|---|--|------------|--|
| From (date): | | To (date): | |
| Total missed hours that would normally be working during this period: | | | |
| Signed Employee: | | Date: | |
| Signed Assistant Director: | | Date: | |
| This form should be returned to Human Resources | | | |