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Policy and Procedure on Unpaid Time Off for Emergency Care of a Dependent

1. Introduction

This Policy is one of a suite of Policies concerning family responsibilities. Other policies include: Maternity Leave, Paternity Leave, Adoption Leave and Unpaid Parental Leave.

The Employment Relations Act 1999 contains provision for Time off for Emergency Care of a Dependent. This was introduced by Regulation on 15 December 1999 and seeks to implement the EU Directive on Parental Leave and leave for Family Emergencies.

2. Policy

An employee has the right to a reasonable amount of unpaid time off to deal with the emergency care of a dependent.

Who is a Dependent?

A Dependent is defined as the employee's spouse, child or parent, or a person living with the employee in the same household (but not as an employee, tenant, lodger or boarder).

In some circumstances, a dependent could be someone else who relies on the employee for assistance. This could be an individual for whom the employee has primary caring responsibility, such as an elderly relative not living in the employee's household, or someone who is involved in a serious emergency where the employee is the only person who can help.

Key elements of the Policy:

There is no service requirement to be eligible for time off.

An employee will be entitled to time off to deal with the following situations –

- a dependent falls ill, is injured or assaulted, or gives birth;
- childcare or other care arrangements break down, eg. if the childminder or nurse does not turn up;
- a child is involved in a serious incident at school or during school hours, eg. if the child has been involved in a fight or is distressed.

The amount of time off should be reasonable in the particular circumstances of the case, and should be sufficient to deal with the immediate problem and to arrange alternative longer-term care, if necessary. There is no set limit on the amount of time which employees can take off, however in the majority of situations, whatever the problem, one or two days will normally be the most that is needed.

The Policy does not apply when the emergency does not include emergency care responsibilities for a dependent, eg. responding to gas or water leaks. In such circumstances, staff should either take annual leave or arrange with their Line Manager how to make up the time off work.

Employees have the right to return to their jobs, or if this is not possible, jobs of equivalent status, terms and conditions.

Employees who have taken parental leave will not be disadvantaged with regard to terms and conditions such as continuity of service, increments, promotion rights, notice of termination or redundancy selection. With regard to annual leave entitlement, they will retain their annual leave entitlement according to grade and length of service but actual leave will be based on the amount of paid service accrued during the leave year.

3. Procedure

This type of leave will usually be difficult to request in advance. Staff requiring time off for emergency care of a dependent should contact their Line Manager at once to explain the situation and to discuss their leave request.

Immediately on their return, staff should write to their Line Manager, confirming the dates and details of the time off period.

The Line Manager will write to the ELHAP Administrator with the details so that the necessary pay adjustment can be made.

4. Link to Policy on Compassionate Leave

The Policy on Compassionate Leave allows up to 5 days' paid leave to be granted in the event of the death of immediate close relatives (parent, spouse, sibling or child), some of whom would come within the definition of dependent (please refer to the ELHAP Compassionate Leave Policy).

**Implemented by the ELHAP Board of Trustees
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