

Time Off for Dependants Policy

Responsibility for Policy:	Executive Director of Human Resources
Relevant to:	All LJMU Staff
Approved by:	SMT on 1 December 2015
Responsibility for Document Review:	Executive Director of Human Resources
Date introduced:	Long standing LJMU policy
Date(s) modified:	February 2005, October 2015, May 2018
Next Review Date:	March 2021

RELEVANT DOCUMENTS

- Employment Rights Act 1996
- Civil Partnership Act 2004
- Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005
- Relevant Case Law

RELATED POLICIES & DOCUMENTS

- Requests for Flexible Working Policy
- Guidance on Special Leave
- Ordinary Paternal Leave Policy
- Staff Handbook



Time Off for Dependants Policy

1. Introduction

The University operates the following policy in relation to emergency situations involving dependants. It explains the right to take time off to manage unexpected or sudden problems relating to a dependant and enabling them to make any necessary longer-term arrangements. Employees will not be subjected to a detriment for taking time off in accordance with this policy.

2. Scope

This policy applies to all employees of the University.

3. Responsibilities

All employees are responsible for complying with this policy.

4. Objectives

To advise University employees of their rights regarding time off for dependants.

To outline the following:

- Circumstances in which right to time off for dependants applies
- The procedure to follow
- Pay
- The consequences of providing false information.

Circumstances in which right to time off for dependants applies

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 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;
- in consequence of the death of a 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.

A dependant is:

- a spouse;
- a civil partner;
- a child;
- a parent;
- a person who lives with the employee other than as his/her employee, tenant, lodger or boarder;
- any other person who would reasonably rely on the employee for assistance if he/she fell ill or was injured or assaulted, or who would rely on the employee 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 the employee to make arrangements for the provision of care.

Procedure

An employee who needs to take time off for dependants should contact his/her line manager at the earliest opportunity. If the employee becomes aware of an emergency situation while at work, he/she should immediately speak to his/her line manager about leaving work early. The employee should explain:

- the reason for the absence; and
- how long he/she expects to be absent from work.

If the employee's line manager is unavailable, he/she must speak to an equivalent or more senior manager.

If the employee is unable to contact the manager before taking time off for dependants, he/she should contact the manager as soon as possible. The manager should record the absence on staff InfoBase.

The employee must inform the line manager as soon as possible of any change in the anticipated date of his/her return to work.

The University may, in some cases, ask the employee to provide evidence of the reason for the time off, either in advance or on the employee's return to work. Suspected abuse will be dealt with under the University's Disciplinary Procedure.

Pay

There is no statutory entitlement to receive pay while taking time off for dependants. Therefore, the University does not pay employees for any time off for dependants.

How much time off can be taken?

The right to time off for dependants will, in most cases, be one or two days. The employee must actively seek alternative longer-term arrangements for the care of a dependant as soon as possible after the emergency occurs.

If the employee is unable to make alternative arrangements, he/she must contact their line manager and explain why further absence is required. If further time off no longer qualifies as time off for dependants, it is at the absolute discretion of the University whether or not to grant annual leave/discretionary unpaid leave at short notice.

Failure to return from a period of time off for dependants on the anticipated return date and/or failure to follow the notification procedures set out in this policy may be treated as a disciplinary matter under the Disciplinary Procedure.

Employees who need to care for a dependant in circumstances falling outside the right to take time off for dependants should refer to the University's policy on flexible working or guidance on special leave (career break).

Providing false information

If an employee knowingly provides false information in relation to taking time off for dependants, this may be treated as a disciplinary matter under the Disciplinary Procedure, which could potentially amount to gross misconduct, rendering the employee liable to summary dismissal.

5. Guidance

Employees should seek guidance from their Business Partner to ensure the procedure is followed correctly.

6. Contacts

With regard to the contents of the policy:

- Appropriate Business Partner
- Line Manager.

7. Data Protection

Employers can be subject to significant fines under the General Data Protection Regulation (GDPR) for failure to follow the data protection principles and data breach requirements. Organisations may also be subject to direct claims for compensation by individuals who have suffered damage as a result of a breach of the GDPR.