

Desktop Guide to HR - Emergency Time Off for Dependants (Compassionate Leave)

Who is Entitled to Emergency Time Off for Dependants?

Employees have the right to take **reasonable** time off to deal with an **emergency** involving someone who is **dependent** upon them. There is no qualifying length of service to earn this right and no limit to the number of times an employee can take time off for dependants, provided they are genuine emergencies.

As the employer, you do not need to pay an employee for time they take off in this way, however it's unfair to refuse an employee reasonable time off to deal with an unexpected event involving a dependant. It's also unfair to dismiss or penalise them (by not giving them promotion or training for example).

If an employee is dismissed, made redundant or penalised because of this right or if they are refused reasonable time off, they can complain to an Employment Tribunal and, if successful, an order may be made for them to receive compensation, be re-employed or re-instated.

Who is Entitled to Emergency Time Off for Dependants?

A dependant could be a:

- partner
- child
- parent
- anyone living in the employees household as a member of their family
- anyone who reasonably relies on the employee for help in an emergency (such as an elderly neighbour)

However, this right to time off for emergency care of dependants does not apply to every problem.

For example a burst water pipe or a sick dog does not count as neither involves a dependent.

What is Classed as an Emergency?

Emergency situations that would make an employee eligible for time off include:

- a dependant falling ill
- a dependant being injured or assaulted
- a dependant having a baby
- to deal with an unexpected breakdown in care arrangements for a dependant
- to deal with the death of a dependant

However, the right only covers emergencies and so doesn't apply if the event is known about in advance. For example, if an employee wants time off to take their child to a dental appointment, then the right does not apply.

What is Classed as 'Reasonable' Time Off?

There's no set amount of time allowed to deal with an unexpected event involving a dependant as it will vary depending on what the emergency is. However, employees are only permitted to take time off to deal with the emergency and to make any arrangements that are needed. For example, if a child falls ill the employee can take enough time off to deal with their initial needs, such as taking them to the doctor and arranging for their care. However, they are not entitled to take time off to care for the child themselves beyond this unless alternative arrangements are made, such as booking holiday.

With this in mind, for most cases one or two days should be sufficient to deal with the problem.

How Is Emergency Time Off for Dependants Taken?

To take time off, employees should inform their employer as soon as possible of the problem and the likely length of time they will need to take off work. It should be encouraged that the employee gives the details in writing as soon as they can and you may find it useful to have a form prepared for the employee to fill in.

If an employee needs to be off for longer than they originally thought to deal with something, they should contact you as soon as they can to let you know why and how long they might need. If you feel that an employee is taking more time off than they you cope with, you should warn the employee of this.

--- PLEASE NOTE ---

The information set out in this document is correct at 1st May, 2011. As the legislation that applies in this article/document is general in its context, your specific circumstances may require tailored advice for it to be effective. If in doubt, contact Crispin Rhodes on 01908 230969 or email angela@crispinrhodes.co.uk