

**TITLE: COMPASSIONATE, DOMESTIC EMERGENCY AND BEREAVEMENT
LEAVE POLICY**

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1.1 Introduction

SETA is committed to equality of opportunity in employment for all its staff and to developing work practices and human resource policies that support work-life balance.

SETA's compassionate, domestic emergency and bereavement leave arrangements cover a range of exceptional circumstances which may affect employees and extend in the appropriate circumstances the statutory right of employees, as set out in the Employment Relations Act (1999), to take reasonable unpaid time off work to deal with an emergency involving a dependent and to make any necessary longer term care arrangements.

SETA recognises that managers will need to balance the requirements of the service with the needs of an employee at a time of personal stress or a serious family emergency and understands that a prompt and thoughtful response to requests from employees is important in maintaining good working relationships.

The aim of this policy is to inform employees and managers of employment rights relating to compassionate leave (including time off for dependents) domestic emergency leave and bereavement leave and to provide a framework for the decision making process.

1.2 Compassionate leave

Compassionate leave is designed to support staff where the emergencies are related to children or dependents.

Employees have the statutory right, no matter what their length of service, to take reasonable unpaid time off work to deal with an emergency involving a dependent. This leave is intended to cover genuine emergencies and there is no set limit as to the number of times an employee can be absent from work under this right.

A dependent is defined by the statute as "the partner, child, or parent of the employee, or someone who lives with the employee as part of their family. It does not include tenants or boarders living in the family home, or someone who lives in the

home as an employee, e.g. a live in nanny. In cases of illness, injury or where care arrangements break down, a dependent may also be someone who can reasonably be said to rely on the employee for assistance". For instance a parent or grandparent who lives elsewhere but who relies on the employee for assistance when they have difficulties or an elderly neighbour living alone who falls and breaks a leg, where the employee is closest on hand at the time of the fall.

Statutory leave may be granted to an employee for the purpose of dealing with a situation involving a dependent such as for example:

- A child or dependent who is sick, injured or assaulted
- An adult for whom a employee cares where no other arrangements can reasonably be made for someone else to look after the person
- A serious incident involving a child at school
- A serious illness involving a dependent
- A child or dependent whose usual care arrangements are unexpectedly disrupted

Alongside these statutory rights to unpaid leave SETA's Managers/ Director, or their nominated deputies, have discretionary authority to grant up to five days paid compassionate leave per year. Circumstances falling within the statutory permissions may be considered for this purpose. Each case will be considered on its merits, using the principles outlined below. Applications for compassionate leave beyond this limit (up to a maximum of 10 days per year) must be referred to the Chief Executive. Any further leave may also be granted as flexi, annual or unpaid leave.

The SETA recognises that circumstances and the nature of relationships vary. Therefore rather than being prescriptive on the situations under which compassionate leave is available each case should be assessed individually and should take into consideration the following factors to determine whether a request is granted:

- The seriousness of the situation
- The age of the person
- The extent to which the person can cope on their own
- The nature and extent of any illness
- The availability of others to look after the person
- The relationship between the person and the employee

Compassionate leave will not be granted to deal with predictable domestic arrangements that could be accommodated using annual or flexi-leave (for example regular childcare and childcare during the school holidays).

Employees must report their absence to the responsible person within SETA as soon as is reasonably practicable. They also need to advise of the reason for their absence and how long they expect to be away from work.

Any leave taken must be recorded on the employee's leave card.

1.3 Leave for a domestic emergency

Leave for a domestic emergency is designed to support staff where the emergencies are unrelated to children or dependents.

SETA's Managers/Directors, or their nominated deputies, have delegated authority to grant 1 day of paid leave per emergency recorded using the guidelines below. Any further leave should be taken as flexi, annual leave or unpaid leave.

Examples of an emergency include:

- A road accident or other similar accident involving the employee
- The breakdown or theft of the employee's car
- A burglary at the employee's home or a violent crime or involving the employee
- Fire or flooding at the employee's home.

This list is not exhaustive.

In determining whether request for leave should be granted the following factors should be taken into consideration:

- The nature and extent of the emergency
- The availability of others to deal with the emergency
- The likely impact of the emergency on the employee

This leave is intended to cover genuine emergencies. If a employee knows in advance that they are going to need time off for a domestic issue (for example in the case of delivery of goods to the employee's home) they should ask for leave in the normal way. Any leave taken must be recorded on the employee's leave card.

1.4 Bereavement leave

Employees are entitled to 10 days bereavement leave with pay on the death of a partner, parent or child.

SETA recognises that circumstances, the nature of relationships and the required observances of different religions vary. Therefore rather than being prescriptive on absolute periods of leave in other cases, there is a need to assess each case individually. Because of this the paid leave periods given below are for guidance only. Each case should be assessed depending on its own particular circumstances.

Up to 10 days paid leave may be granted to employees who have experienced the death of a partner or immediate family member. If an employee has to make funeral and/or other arrangements a further period of up to two days will generally be granted for these purposes at the discretion of the Director. If the employee has to travel a long distance to attend/arrange the funeral then, depending on circumstances, further additional time off to allow for travelling may be granted.

Employees who need only to attend the funeral of a relative or close friend will normally be granted reasonable time off with pay. In most instances this will be a period of up to one day. However if the employee has to travel a long distance to attend the funeral of a close relative then depending on circumstances additional time off to allow for travelling may be granted.

Any leave taken must be recorded on the employee's leave card.

1.5 Refusal of leave

Staff who feel that they have been unreasonably refused the right to compassionate, domestic emergency or bereavement leave or who feel that they have been victimised for requesting leave should, in the first instance raise the matter with the HR Manager. They also have the right to raise the matter through the grievance procedure.

Any complaints related to compassionate, domestic emergency or bereavement leave will be recorded by the Human Resources Manager.