

COMPASSIONATE, DEPENDANT AND EMERGENCY LEAVE PROCEDURE



Heddlu
Gwent
Police

SUMMARY

'STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ IN PARTICULAR SECTION 1.2'

Gwent Police is committed to providing a high standard of service to the public and recognises the need to strive for continuous improvement. One of the principal ways of achieving this is through a motivated workforce, which can deliver services to the required standards.

This procedure outlines provisions for time off for police officers and police staff on compassionate grounds, and to deal with certain unexpected or sudden emergencies.

PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UP TO DATE VERSION CAN BE FOUND ON THE INTRANET POLICIES SITE.

NOT PROTECTIVELY MARKED

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1.0 Guidance, Procedures, Tactics

1.1 Risk Assessments and Health and Safety Considerations

The Gwent Police Service Dynamic Assessment should be applied as necessary. A training package in the use of risk assessment will be provided to all police personnel if required or requested.

1.2 Specific Instructions,

1.2.1 General

This procedure has been written to take into account the provisions set out in Police Regulation 33, Annex T - Time off for Dependants, and Section 57 A of the Employment Rights Act 1996.

Annex T provides for police officers to take a *reasonable* amount of time off during duty periods for dependants i.e. the time is paid. However, for police staff, this procedure goes above and beyond requirements of the Employment Rights Act 1996 in that:

- Legislation provides a statutory requirement to give police staff reasonable **unpaid** time off for dependants. This procedure provides line managers with the discretion to grant some or all of the required period as paid leave, depending on circumstances.
- There is no statutory requirement to provide police officers or police staff with time off, paid or otherwise, to deal with domestic emergencies such as a home flood. This procedure provides **discretion for line managers** to authorise reasonable time off to deal with such emergencies. This leave may be paid or unpaid, depending on the severity and circumstances of the event.

1.2.2 . Definition of Compassionate Leave

All police officers and police staff, regardless of their length of service, may need to take a reasonable period of time off work in the event of :

a) Bereavement

- the death of a dependant
- to make arrangements for and/or attend the funeral of a dependant
- to attend the funeral of a close family member such as siblings, in laws, grandparents. Line managers should seek advice and guidance of a Divisional Personnel Officer or Personnel Manager where the relationship falls outside these categories.

b) Dependant Emergency

Certain unexpected and sudden events involving people who depend on them

requiring absence for a short duration:

- to assist a dependant who falls ill or is injured or assaulted or to make arrangements for the provision of their care
- to assist a dependant who gives birth suddenly in advance of a planned confinement (this is not intended to supersede the rights for paid time off under the statutory maternity provision)
- to deal with an unexpected disruption or breakdown of arrangements for the care of a dependant, such as nursery closing.
- to deal with an unexpected incident involving the staff member's child during school hours

Examples of the circumstances under which time off for dependants may be appropriate is shown at **Appendix A**. The examples are taken from the ACAS document: "Time off for Dependants - A guide for employers and employees."

c) Domestic Emergency

Unforeseen domestic emergencies of a substantial nature (to do with events, not people) :

- Major flood, burglary, fire, etc. –

As an emergency service, if a domestic emergency is part of a widespread event, then such absence may not be approved.

Any leave granted under this procedure for a domestic emergency may be paid or unpaid, or a combination of both depending on the length of time required and the circumstances.

1.2.3. Definition of "Dependant"

A dependant is defined as the officer's / employee's

- Spouse or civil partner
- partner
- child
- parent or other relative/ person living with and dependent upon the member of staff. It does not include someone who lives in the same house as them (for example, a housekeeper) or as a tenant, lodger, or other boarder.
- anybody who reasonably relies on the member of staff for assistance or for making arrangements for the provision of care in the event of illness , injury or assault.

1.2.4. Guidelines for reasonable time off

It is not possible to categorically state what constitutes a reasonable period of paid or unpaid leave, since this will vary according to the circumstances of each case. However, the following provides some guidance on what considerations will be taken into account when determining reasonable time off:

a) Bereavement

- The day of the funeral
- Additional time to travel long distances to attend a funeral
- Additional time where the individual is responsible for funeral arrangements or circumstances may be complicated.
- The nature of the relationship

b) Dependant Emergency

In most cases, one or two days leave under this procedure should be sufficient to deal with the immediate problem: for example, if an individual's child falls ill suddenly e.g. with chicken pox, or an elderly relative for whom they have caring responsibilities requires immediate assistance e.g. following a fall, then time off may be granted

- for the immediate care of the dependant and to seek medical advice
- to make suitable arrangements for the dependant's ongoing care.

This procedure does not provide an additional leave allowance for individuals to take *paid* time off themselves to care for the dependant for the duration of their illness. The procedure is intended to cover sudden, unforeseen illness, not routine medical appointments and minor ailments. Line managers will use their discretion when deciding to what extent the circumstances meet this criteria, or whether it would be more appropriate to assist in other ways, such as the granting of annual leave at short notice or re rostering shifts.

c) Domestic Emergency

In most cases one or two days leave under this procedure should be sufficient to deal with the immediate problem. For example, time off may be granted to:

- make safe the home
- address any damage requiring immediate attention

Time off will not normally be granted once the emergency part of the situation has been resolved.

The line manager will take into consideration all the relevant factors in deciding whether time off should be granted under this procedure and whether the time off is paid or unpaid. Where longer periods of time off are required to deal with the situation, then individuals should refer to section 1.2.5 below .

Divisional Personnel Officers and Personnel Managers can provide guidance on the application of this procedure. The line manager must seek the agreement of a member of the Senior Management Team if leave in excess of 3 days is to be granted under this procedure.

1.2.5. Alternative options for consideration when time off under this procedure would not be appropriate

The right to time off is generally for unforeseen, short-term difficulties or significant events. Time off under this procedure would not be appropriate for non-emergency situations such as the repair of domestic appliances, the death of a pet or for attending the funeral of non-dependants (unless a line manager has determined that there is justifiable reason to do so).

The line manager may also consider whether the circumstances are more appropriately dealt with by alternatives such as granting annual leave at short notice, flexi time, time off in lieu of overtime, etc.

Where the situation demands a longer period off work, individuals should refer to their line manager or Personnel Officer for advice. There are specific procedures such as Parental Leave or Career Break, which may be a more appropriate way to deal with the situation. However, line managers may also be able to support individuals through a variety of other ways. These may include options for flexible working hours e.g. altering start and finish times, reduced hours, working from home, job share, part-time working, or unpaid leave.

Any abuses of the right to emergency leave will be treated as a disciplinary matter.

1.2.6. Applying for leave

Where circumstances are known in advance, then leave should be applied for in advance of the event taking place using the form shown in **Appendix B**. However, it is recognised that leave is likely to be needed with little or no warning. Where a written application cannot be made the member of staff should contact their line manager to explain the circumstances and discuss their needs.

Lines managers may then authorise time off verbally or complete the form on behalf of the individual. Unless specifically agreed at the time, any leave granted does not automatically assume that the whole period will be paid or that it will last for an indefinite period. If necessary, a separate discussion may take place once events emerge, or even after the event, as to what the line manager considers to be reasonable under the circumstances.

A copy of this form must be sent to the respective Divisional Personnel Officer for recording and monitoring purposes. A report will be compiled on an annual basis of the applications made and granted each year, with an analysis of the reasons given and the number of days granted.

1.2.7. Disputes

In the event of a dispute as to what constitutes reasonable time off, the staff member should seek to resolve the problem via the Fairness at Work Procedure.

Appendix A

Examples of when time off for dependants may be appropriate

If a dependant falls ill, or has been injured or assaulted

The illness or injury need not necessarily be serious or life-threatening, and may be mental or physical. The illness or injury may be a result of a deterioration of an existing condition; for example, a dependant may be suffering from a nervous breakdown; he or she may not require full-time care, but there may be occasions when his or her condition deteriorates, and his or her partner or parent, son or daughter, needs to take time off work in consequence. The right to time off is also available where a dependant has been assaulted but is uninjured: for example, where a dependant is a victim of a mugging incident, but has not been physically hurt, the employee can take time off work of necessary to comfort or help the victim.

When a dependant is having a baby

Where necessary an employee can take time off to assist a dependant when she is having a baby. This does not include taking time off after the birth to care for the child.

To make longer care arrangements for a dependant who is ill or injured

Where a dependant needs to be cared for because of an illness or injury, the employee can take time off work to make longer term care arrangements. This might mean making arrangements to employ a temporary carer or taking a sick child to stay with relatives.

To deal with the death of a dependant

When a dependant dies, an employee can take time off to make funeral arrangements, as well as to attend a funeral. If the funeral is overseas, then the employer and employee will need to agree a length of absence which is reasonable in these circumstances.

To deal with an unexpected disruption or breakdown of care arrangements for a dependant

Time off can be taken where the normal carer of the dependant is unexpectedly absent; for example, a childminder or nurse may fail to turn up as arranged, or the nursery or nursing home may close unexpectedly.

To deal with an unexpected incident involving the employee's child during school hours

An employee can take time off to deal with a serious incident involving his or her child during school hours. For example, if the child has been involved in a fight, is distressed, has been injured on a school trip or is being suspended from school.

Extract taken from: Time Off for Dependents - A Guide for employers and employees - ACAS

GWENT POLICE

APPLICATION FOR TIME OFF FOR COMPASSIONATE / DEPENDANT / EMERGENCY LEAVE

NAME.....

STATION/DEPT.....

DIVISION PAY NO.

DETAILS OF LEAVE REQUIRED

DATES PAID / UNPAID (delete as applicable)

No. days paid leave.....No. days unpaid leave.....

CIRCUMSTANCES

.....
.....
.....
.....
.....

I acknowledge that the provision of false information may result in disciplinary action being taken against me.

Signed..... Collar number..... Date.....

]

Print Name.....

For use by line manager

REQUEST AGREED

Authorised By

Date

REQUEST NOT AGREED

Reason:

Alternative action discussed and proposed:

Once action on this form is completed the line manager should issue one copy to the applicant and a further copy should be sent to the Divisional Personnel Officer for retention on the employee's personal file. The line manager may also wish to retain a copy for their records.

In the event of unpaid leave being granted the manager should contact either their personnel department or pay roll section directly.

2.0 Procedure Statement & Intentions

2.1 Principle & Scope of Procedure:

This procedure applies to all police officers and police staff regardless of their length of service. It does not apply to agency staff.

2.2 Aims of Procedure

- To ensure that time off is granted to deal with emergency situations.
- To ensure that managers and members of staff understand the law in relation to the matter

3.0 Introduction

3.1 Origins/Background Information

It is considered good practice to have such a procedure to ensure a consistent approach in dealing with requests for time off for dependants and other emergencies

3.2 Motivators/Driving Forces

The motivating factor behind this procedure is to provide a high standard of service delivery to the public through achieving a motivated and supported workforce.

3.3 The Legal Basis and Legitimate Aims

Police Regulations 2003 - Regulation 33, Annex T - Time off for Dependants applies to police officers

The Employment Rights Act 1996 Section 57A applies to police staff

4.0 Implications of the Procedure

4.1 Financial Implications

There is a financial implication in that individuals are entitled under this procedure to paid time off which, in certain aspects, is more generous than the statutory requirement.

4.2 Human Resources/Training

Line managers will be required to support police personnel to ensure that the aims of this procedure are understood and complied with.

4.3 Strategic Plan Links

The Human Resources Strategy supports our aim to be a good and caring employer.

4.4 Diversity

In the application of this procedure consideration must be given to the possible social impact of this procedure on the community. A social impact assessment is a requirement to ensure all issues are considered. This is also a requirement of the Gwent Police Race Equality Scheme. Social impact assessments must be undertaken before and after the application of this procedure.

Under the Race Relations (Amendment) Act 2000 Gwent Police is required to undertake proactive work to meet the General Duty of :

- Eliminating unlawful racial discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people of different ethnic groups.

The General Duty is outlined in Section 71 (1) of the Act, and must be met **in its entirety**.

Monitoring must be undertaken to ensure that there is no adverse impact either positive or negative upon any one particular social group or individual. The results of monitoring must be analysed and be available for publication, and appropriate changes made.

All individuals using this procedure must be aware of the potential impact that this procedure has on the individuals to whom it is applied. The following strands of diversity and their corresponding pieces of legislation must be considered when answering these questions.

- Welsh Language Act 1993
- Race – Race Relations Act 1976
- Race Relations Amendment Act 2001
- Disability - Disability Discrimination Act 1995
- Gender – Sex Discrimination Act 1975
- Equal Pay Act 1970
- Employment Equality (Sexual Orientation) Regulations 2003

- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006

4.5 Consultation

Police Authority
Chief Officer
Divisional / Departmental Heads
Superintendents' Association
Divisional Personnel Officers
Police Federation
UNISON
Gwent Police Womens' Association
Gwent Black Police Association
Gwent Police Disability Network
Gwent Gay Police Network
Freedom of Information Officer

5.0 Human Rights Consideration Certification

5.1 Auditing for potential interference and discrimination

Q1. What articles of the Human Rights Act 1998 may be engaged?

Article 3
Article 8
Article 9
Article 10
Article 11
Article 14

Q2. Where individual rights are engaged what is the potential to discriminate against the parties involved?

" In the application of this procedure the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".

5.2 Key Human Rights Principles

Q1. What is the legal basis for your procedure?

Section 3.3 refers

Q2. Does the procedure provide details of what could be considered as a legitimate aim for the potential interference with an individual's rights, through the exercising of this procedure?

Restrictions on the rights protected in articles 8 - 11 in the Human Rights Act will be compatible with the convention only if they are aimed at protecting one of the interests listed in articles 8(2), 9(2), 10(2) and 11(2) respectively. The interest protected are broadly the same and generally include:

1. National Security
2. Public Safety
3. The protection of health or morals
4. The prevention of disorder or crime; and The protection of the rights of others.

Q3. How are staff made aware of the clearly defined decision making processes?

Section 1.2 refers

Q4. What are the minimum standards of documentation in relation to decision making?

Section 1.2 refers

Q5. How does your procedure provide guidance on the justification for assessment and actions as to whether the action is the least intrusive?

Section 1.2 refers

5.3 Rights, Publication, Audit and Inspection

Q1. Are there any sections of the document which should not be disclosed to the public on the Force Publication Scheme; because they consist of tactical or operational procedures, that would inhibit the apprehension or prosecution of offenders if publicly known, or would compromise the ability of the force to carry out its duties? Please outline the relevant sections that cannot be disclosed.

This procedure can be disclosed

Q2. What rights to make representation and appeal process are available?

Persons who wish to make representations regarding the operation of this

procedure will have recourse to civil law. There is also the right to use both formal, informal and organisational complaints procedures in respect to the operation of this procedure. Where dismissal is contemplated an individual has a statutory right to attend a hearing to discuss the matter. This includes a statutory right to be accompanied to the meeting by a trade union representative or a work colleague. There is also a statutory right to appeal.

Q3. What internal review and audit process is in place or is proposed?

This procedure has been drafted in accordance with the principles and rights contained within the Human Rights Act 1998. It will be reviewed and continuously assessed in the light of any relevant changes and developments in the application of the Act.

Q4. What external independent scrutiny is recommended?

This procedure document can be scrutinised during Inspection undertaken by the Police Authority and HMIC.

5.4 Certification of Compliance

Consideration has been given to the compatibility of this procedure and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.

5.5 Legal Vetting

There are no issues in this procedure under ECHR which cannot be resolved.

This procedure has been vetted.

6.0 Promotion and Distribution

In order to highlight the existence of this procedure to staff there will be the following :

- GO entry following ratification
- Publication on the Force Intranet and internet

7.0 Monitoring / Review

Monitoring of the application of this procedure will be undertaken by the Head of Human Resources.

Monitoring will be in line with the principles of the Race Relations (Amendment) Act 2000.

8.0 Procedure Identification Page

Procedure Title: Compassionate Dependant Emergency Leave

Reference: 102/11 b issue 2

Underlying Documents: Equal Opportunities Policy/ Fairness at Work Procedure

Procedure Ownership: Head of Human Resources

Portfolio/Business Area Owner: Chief Officer Operational Support

Procedure Written By: Personnel Manager / Personnel Officer

Department Responsible: Human Resources

Procedure Lead: Personnel Manager

Links to other Policies/Procedures: Equal Opportunities Policy, Fairness at Work.

Procedure Implementation Date: 6th February 2008

Procedure Review Date: Two years from approval