

## **Appendix One**

### **Compassionate Leave for Staff**

In English law there is no automatic entitlement to paid time off for a funeral or "time off for dependents. "However, it is common for responsible employers' to allow time off possibly with pay so an employee can mourn and attend the funeral of immediate family. Immediate family means spouse or former spouse/partner/civil partner, child, parent, grandparent, grandchild, sibling plus any of the above relations of an employee's spouse/partner/civil partner.

However, there is also section 57a of the Employment Rights Act 1996 which provides an employee is allowed a reasonable amount of time off to deal with an emergency involving a dependant or the consequences following the death of a dependant. A dependant here means a spouse child or parent or anyone else living with the employee (but not a tenant or lodger). The employee must tell the employer as soon as the emergency arises and keep him informed how the emergency develops. The initial compassionate time off may be converted to annual leave or parental leave as the situation develops. For example, the child of an employee may break his/her leg and the employee has to go to the hospital immediately – this is compassionate leave- there is an emergency which requires the employee's presence. Later the employee may need time off to look after the child/ visit the hospital etc which will become parental leave or possibly annual leave. There are no set time limits for compassionate leave, but it is unpaid unless the employer decides otherwise.

ACAS strongly recommends that a clause about compassionate leave be included in employee's contracts as it's a stressful time for an employee when a compassionate leave situation arises, and they do not want the additional stress of looking through a company handbook to find out whether they are allowed time off and whether its paid or unpaid time off.

### **Conclusion**

There seem to be 2 situations envisaged. 1. Time off to attend a funeral of a relation or dependant – this is not an emergency and the employee will have notice of the time and place of the funeral and (paid at the discretion of the Council and not unreasonably withheld)2. Time off because of a family emergency – this is a situation which could blow up at any time and time to sort out arrangements for a funeral. (non-paid)

### **Resolution for Council**

"To consider whether to add the following clause to the Contracts of Employment of all staff employed by the Town Council:

"You will be allowed time off in addition to annual leave to attend the funeral of a family member and also, should circumstances arise, a reasonable amount of time off to deal with any family crisis requiring your immediate presence. You must inform your line manager and the Chair of Finance & Governance as soon as you know the date of the funeral and/or when the family crisis arises and as it develops so arrangements may be made to cover for your absence. The Chair of Finance & Governance will decide whether this extra time off will be paid or unpaid. "