

COMPASSIONATE LEAVE/EMERGENCY CARE OF DEPENDANTS LEAVE AGREEMENT

1. Introduction

- 1.1 The University recognises the benefits from supporting family friendly initiatives and assisting employees to achieve a balance in their work commitments and their life outside of work.
- 1.2 Employees have a statutory entitlement to unpaid 'Time off for Dependants' under the Employment Relations Act 1999. This right allows employees unpaid time off to deal with an emergency involving a dependant.
- 1.3 Aston's Compassionate Leave/Emergency Care of Dependants Leave Agreement incorporates entitlements agreed by the University Council.
- 1.4 This agreement sets out the rights, entitlements and obligations of employees who wish to avail themselves of the compassionate leave/emergency care of dependants leave benefits provided by the University.
- 1.5 The University also provides benefits under the **Parental Leave Scheme** and the **Paternity Leave Agreement**.
- 1.6 Employees are advised to seek advice from their designated HR Advisor to ensure that they are fully informed about all aspects of the agreement. This contact will be completely confidential.

2. Eligibility

- 2.1 All employees regardless of length of service or hours of work are entitled to compassionate leave.
- 2.2 All employees regardless of length of service or hours of work who have responsibility for a dependant as defined in section 4 are entitled to emergency care of dependants leave.

3. Reason for Leave

- 3.1 You have a statutory entitlement to reasonable time off for care of dependants in the following circumstances:
 - 3.1.1 To help out, or make arrangements when a dependant falls ill, is injured or assaulted, this includes where a dependant has not been physically injured but is distressed, for example as a result of a mugging incident;
 - 3.1.2 To help out when a dependant gives birth (prospective parents may wish to consult the University's **Paternity Leave Agreement**);
 - 3.1.3 To cope when arrangements for caring for a dependant break down unexpectedly, for example where a nurse or carer fails to arrive as arranged or where a nursery is unexpectedly closed;
 - 3.1.4 To deal with the consequences of a death of a dependant;
 - 3.1.5 To deal with an unexpected, serious incident at school, or during school hours, for example where a child has been involved in a fight, injured at school or is being suspended from school.
- 3.2 Where there is not a statutory entitlement the University may grant compassionate leave for the following reasons:
 - 3.2.1 Urgent domestic/personal circumstances, for example if your property has been burgled or you have been assaulted but not physically injured, for example as a result of a mugging incident;
 - 3.2.2 The bereavement of a close relative who was not a dependant;
 - 3.2.3 The bereavement of a more distant relative.

4. Statutory Definition of a Dependant

4.1 A dependant is defined as the employee's spouse, child or parent, or someone living in the same household, for example a partner or grandparent (it excludes tenants or employees). It also includes someone who relies on the employee for primary assistance such as an elderly relative.

5. Leave Entitlement

5.1 The apportionment of leave in circumstances referred to in section 3 is often complex and each case will be considered individually by the Executive Dean/Head of Support Department.

5.2 There is not a maximum amount of leave that can be taken however, the amount of time off should be reasonable in the particular circumstances of the case and should be sufficient to deal with the immediate problem and to arrange alternative longer-term care if necessary.

5.3 The following allowances of leave are considered reasonable:

- 1-2 days To deal with an emergency involving a dependant or in the event of an urgent domestic/personal problem
- 3 days Upon the bereavement of a close relative where you are responsible for funeral arrangements. This includes 1 day for attendance at the funeral.
- 1 day Upon the bereavement of a more distant relative to enable attendance at the funeral.

5.4 Executive Deans/Heads of Support Departments may take into account your remaining annual leave entitlement when considering requests for Compassionate Leave/Emergency Care of Dependants Leave

5.5 Compassionate Leave/Care of Dependants Leave is intended for genuine emergencies, in most cases 1-2 days should be sufficient, for example, if a child falls ill, the leave should be enough to help cope with the immediate crisis – to deal with the immediate care of the child, visiting the doctor if necessary, and to arrange longer term care. It does not entitle the employee to two weeks off to care for a sick child. However, more

extended leave may be available under the University's other leave arrangements, for example the **Parental Leave Scheme**.

6. Notification

- 6.1 You are required as soon as reasonably practicable, to notify your Executive Dean/Head of Support Department or your manager/supervisor of the reason for your absence and its likely duration.
- 6.2 There may be circumstances where an employee returns to work before it was possible to contact the Executive Dean/Head of Support Department or their manager/supervisor, but he/she should inform the appropriate person of the reason for the absence on their return.

7. Pay

- 7.1 Leave approved under section 5.3 will be paid leave.
- 7.2 Executive Deans/Heads of Support Departments may use their discretion to permit additional paid or unpaid leave taking into account the points raised section 5.

8. Terms and Conditions of Employment

- 8.1 Whilst you are on compassionate leave/emergency care of dependants leave:
 - 8.1.1 You will retain continuity of employment;
 - 8.1.2 You will continue to accrue annual leave entitlement;
 - 8.1.3 You will continue to accrue sick leave entitlement;
 - 8.1.4 Your pension rights and contributions will not be affected.

9. Further Information

- 9.1 Information regarding the University's commitment to work-life balance can be found in the **Work-Life Balance Policy Statement**.
- 9.2 Information regarding paternity leave can be found in the **Paternity Leave Agreement**.

- 9.3 Information regarding parental leave can be found in the **Parental Leave Agreement**.
- 9.4 These documents can be accessed on Aston's Human Resources Web Pages at www.aston.ac.uk/hr or are available from Human Resources
- 9.5 The DTI guidance notes on Time off for Dependants offer some useful advice on what time off for dependants may be used for and how it may be used – The DTI leaflet Time off for Dependants ([URN 99/1186](#))

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