

20. How to Manage Other Types of Absence

1 OVERVIEW

As an employer, there may be reasons other than holiday and sickness absence which cause employees to be temporarily absent from work, for example:

- compassionate leave
- parental leave
- unauthorised absence
- time off work for medical and dental appointments
- time off work to deal with domestic emergencies.

Below are some guidelines for dealing with these different scenarios.

2 RELEVANT LEGISLATION

You must comply with the requirements of the Employment Rights Act 1996 as amended by the Employment Relations Act 1999 and the Equality Act 2010 in relation to entitlement to emergency dependents leave and access to opportunities for benefits.

The Part-Time Workers Regulations 2000, are also relevant in ensuring people on part-time contracts receive comparable treatment to people on full-time contracts.

3 COMPASSIONATE LEAVE

It is important to be clear what circumstances the compassionate leave policy would cover. Include a description of the type of events that would be covered by the policy.

It is important to define who would be regarded as a dependent. Under the Employment Relations Act 1999 a 'dependent' is defined as a 'spouse, child, parent or person living in the same household'.

Entitlement to time off

- There is no legal requirement to offer compassionate leave, but your policy, as a minimum, should offer the minimum statutory requirements set out in the Employment Relations Act 1999, i.e. to offer a 'reasonable' amount of unpaid time off to deal with emergencies involving dependents. This right applies to all employees regardless of length of service.
- A compassionate leave policy may offer more than this, for example, a degree of paid leave. This will depend on your position in relation to compassionate leave.

Payment arrangements and any discretion

- State whether leave would be paid or unpaid and indicate whether there is a discretionary element to compassionate leave.

Procedure to request compassionate leave

- State who the employee should notify when they need to take compassionate leave and who will authorise the leave.

Where possible, employers should accommodate the requirements of religions or beliefs when a death occurs. The bereavement customs of some religions may require arrangements above and beyond normal compassionate leave and what may be judged as reasonable time off may be different in these circumstances.

4 PARENTAL LEAVE

The right to parental leave is governed by a default scheme unless an employer adopts a different policy. Under the default scheme:

- a maximum of four weeks' leave per child can be taken during a particular year.
- parental leave can only be taken in blocks of a week or multiples of a week.
- an employee who wishes to take parental leave must give you at least 21 days' notice and state the dates on which he/she wishes the period of leave to start and end. A response to the request should be given in writing.
- If a father wants to take parental leave on the birth of a child, he must give the employer at least 21 days' notice of the expected week of childbirth (EWC) and the period of parental leave he wants to take.
- Similar rules apply if employees want to take a period of parental leave at the time of a placement for adoption. They must give 21 days' notice of the week the placement is expected to occur and the period of parental leave they want to take. If it is not possible to give 21 days' notice they must give the notice as soon as reasonably practicable.
- You can postpone the parental leave if it is felt that the operation of the business would be unduly disrupted by the employee taking leave at that time. This must be done within seven days of receiving the employee's notice. In this case you must:
 - Agree to allow the employee to take the same period of leave at a specified later date.
 - Consult with the employee about the new start date, which must be within six months of the date the employee originally requested.
 - Write to the employee confirming the postponement and the reasons for it.
- You are not entitled to postpone parental leave if it is being taken on the birth of a child or the placement of a child for adoption.
- If you cannot meet the request for parental leave then it is recommended that you meet with the employee to explain the reasons and to consider ways of helping if the leave cannot be granted.

5 UNAUTHORISED ABSENCE

If an employee is absent from work but did not request leave or has not explained their absence from work, the absence could be considered as unauthorised. You will need to investigate and explore the reasons for the absence. This may involve writing to the employee to invite them to a meeting to discuss the matter further.

If you are not satisfied with the explanation, you may decide to take further action under your disciplinary procedure.

6 TIME OFF FOR MEDICAL AND DENTAL APPOINTMENTS

It is normal for businesses to understand the need for employees to attend doctor or dentist appointments occasionally and it is helpful to set out expectations around these appointments.

It is normal to expect your employees to try to book appointments outside of working hours to minimise any possible disruption to business operations.

However, this may not always be possible to achieve. In these circumstances you should ask employees to book the appointment at the start or the end of the working day to minimise disruption as much as possible. Outline that you will need to approve time off needed for appointments and time off will be granted at your discretion.

7 TIME OFF TO DEAL WITH DOMESTIC EMERGENCIES

Should an employee experience a domestic emergency, it is helpful to try to support and assist employees where possible with short notice requests for time off to attend to any emergencies.

Requests for time off work

You may authorise time off for an employee to attend to a genuine domestic emergency. This will be for a period of time necessary to address the immediate emergency. The employee is expected to return to work as soon as possible thereafter.

You will need to decide whether any time off for domestic emergencies will be paid or unpaid.

Time off work

It is reasonable to only grant the amount of time off that is necessary for the emergency to be dealt with. Confirm to the employee the amount of time off work granted, together with the expected time that the employee is expected to return to work.

If there is an ongoing situation, the employee should discuss this with you and they may make a request for an extended period of time off from work. Extended periods of time off are granted at your discretion.

8 NEXT STEPS

- Consider what your stance on these different types of absence will be, for example, how much time will you offer for compassionate leave. Try and be supportive and flexible to employees where there is a genuine need for time off.
- Communicate your position on these different types of leave to your employees.
- Support your employees when they are returning from these types of leave by meeting with them to ensure they are able to return to work and informing them of any changes or developments during the absence.

9 FACTSHEETS TO HELP

- How to Manage Holiday
- How to Manage Sickness Absence
- Promoting an Equal Opportunities Workplace and Avoiding Discrimination

10 FOR MORE ADVICE AND INFORMATION

ACAS - (Advisory, Conciliation and Arbitration Service) free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law. www.acas.org.uk

Achieve in Bath & North East Somerset - free recruitment support, advice and help. Matching job seekers, employers and course providers to help employers recruit, train and retain employees. www.achieveinbathnes.co.uk

Future Bright - free help & support for businesses and employees to realise their full potential. Provide access to training and development, workshops and networking. HR support to promote career progression and best practice to attract and retain staff. www.futurebright.org.uk

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