

Time Off for Dependants Guide

Overview

Composite Legal Expenses Insurance provides advice to thousands of businesses and individuals each year through its legal advice helpline. The vast majority of calls to the helpline come from businesses seeking help on employment related matters.

Our expert lawyers have used their years of experience dealing with these matters to create this guide for you to use as a reference tool.

The guide has been condensed as much as possible to make sure you only get an overview of the area, for that reason it should not be viewed as comprehensive or as a substitute for specific legal advice.

If you have the benefit of a legal expenses policy with us, then the guide can be used in addition to the advice we provide and you should contact our advisors for advice in relation to any specific situations.

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TIME OFF FOR DEPENDANTS

Time Off for Dependants

All employees have the right to take a “reasonable” amount of unpaid time off work in order to take action which is necessary:

- to provide assistance when a dependant falls ill, gives birth or is injured;
- to make arrangements for the provision of care for a dependant who is ill or injured;
- in consequence of a dependant’s death;
- because of unexpected disruption or termination of arrangements for the care of a dependant; or
- to deal with an unexpected incident which occurs when an employee’s child is at school or on a school trip

Employees must inform you as soon as is reasonably practicable of the reason for their absence and how long they expect to be absent as a result.

Dependant is defined widely in the legislation. A “dependant” is defined as a spouse or civil partner, child or parent of the employee, or a person who lives in the same household as the employee who reasonably relies on the employee to assist if they fall ill or are injured, or who reasonably relies on the employee to make arrangements to provide care.

“Reasonable” Time Off

What is a reasonable amount of time off will depend on the nature of the situation and a tribunal would also take into account the individual circumstances of the employee. As an employer it is important to consider the circumstances fully and if necessary question the employee as to why he/she feels they need that amount of time off.

If an employee is taking more than a reasonable amount of time off their absence could become unauthorised, although it may be worth taking legal advice from our Helpline before considering taking disciplinary action.

Remedy

If an employee is unreasonably refused this right, then they can make a complaint to an employment tribunal. If a tribunal considers the complaint well founded, it can make a declaration to that effect and may award such compensation as it considers would be just and equitable in the circumstances.

An employee may have additional claims if they are treated differently or dismissed as a result of making a request under this right.