

Department for Environment, Food and Rural Affairs

Human Resources

# Unpaid Special Leave Guidance

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## **Statutory entitlement to unpaid leave to care for dependants**

Under the Employment Relations Act 1999, you have a statutory right to take a reasonable period of time off work (unpaid) to enable you to deal with an emergency involving a dependant and not to be dismissed or subjected to any detriment for doing so (see intranet pages on Legal Framework and Employment Tribunal Complaints). It is intended to cover unforeseen or sudden problems and to make any necessary longer term arrangements. With the exception of a dependant giving birth, it is not intended to cover situations that can be anticipated or are known about in advance (for which you should arrange annual or flexi leave with your Line Manager). You may however, have a contractual entitlement to further paid and unpaid leave, over and above your statutory entitlement, and this is covered in the intranet pages on Departmental special leave.

## **Circumstances which may warrant leave**

Some examples of circumstances where leave may be warranted are:

- if a dependant falls ill or has been involved in an accident or assaulted, including where a victim is distressed rather than injured physically;
- when a partner or child is having a baby;
- to make longer term care arrangements for a dependant who is ill or injured;
- to deal with the death of a dependant, for example to make funeral arrangements or to attend a funeral;
- to deal with the unexpected disruption or breakdown in care arrangements for a dependant, for example, when a childminder or nurse fails to turn up;
- to deal with an incident involving your child during school hours, for example, if your child becomes involved in a fight or is being suspended from school.

This list is not exhaustive. Seek advice from Shared Services (SSCL) if your circumstances fall outside these examples.

## **Who counts as a dependant?**

A dependant may be your husband, wife, child, parent or someone who lives with you as part of the family. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, for example a live-in housekeeper.

In cases of illness, injury or when care arrangements break down, a dependant may also be someone who reasonably relies on you for assistance. This may be where you are the primary carer or you are the only person who can help in an emergency.

## **How much leave must be allowed?**

The limit to the amount of leave which you can take will depend on what is reasonable in the circumstances, in most cases no more than a day or two. For example, if your child falls ill, the leave should be enough to allow you to deal with the immediate care of your child, visiting the doctor if necessary, and to make longer term care arrangements.

## **Payment for leave to care for dependants**

The statutory right to leave does not include a right to pay. However, the departmental special leave arrangements do provide for paid leave, within certain limits, for many of the situations covered by statutory unpaid leave.

## **Applying for leave**

You should notify your Line Manager as soon as possible about your absence, the reason for it and how long you expect to be away from work. To request a period of special leave, whether paid or unpaid, enter the details directly into SOP using the “Leave of Absence” function in Employee Self Service. Your request will be routed to your line manager for consideration.

## **Unpaid leave for domestic or personal reasons**

Unpaid special leave may be granted:

- if it is difficult for you to make suitable arrangements for the care of your child/children during the school holidays
- to allow you to care for elderly or infirm relatives or dependants
- for extended holidays abroad;
- to allow you to take up full-time work outside the Civil Service (used exceptionally, e.g., when the appointment will provide useful or relevant experience, such as short-term contracts with the European Commission)
- to gain qualifications of recognised educational value through full-time study.

The Career Break Scheme is designed to help you cope with longer-term domestic responsibilities e.g. childcare, care of elderly or infirm relatives, and to accompany a spouse/partner on transfer to a new area.

Your Line Manager may recommend the approval of a reasonable amount of unpaid special leave. Apply with full details of the reason for the absence to your Line Manager by entering the details directly into SOP using the “Leave of Absence” function in Employee Self Service. Your request will be routed to your line manager for consideration.

## **Appearing in court**

If you appear in court as a defendant you may apply for annual leave or unpaid special leave.

Paid special leave will not be granted if you are appearing in civil proceedings. You may, however, apply for unpaid special leave and in addition to retaining any travel or subsistence allowance received from the court, you may retain any compensation for loss of earnings or other sums payable by the court (or other party to the action).

## **British and European Parliamentary elections**

If you are free from any restriction on political activities or, being in the intermediate group (see the rule regarding Political Activities in the Defra Code of Conduct), have been granted individual permission to take part in national political activities you may be allowed up to six weeks unpaid special leave to serve as a political agent to a candidate, or to be a bona fide prospective candidate in a Parliamentary election.

## **Local government elections**

Paid special leave is not available if you are a candidate in local government elections.

## **Study and sabbatical leave**

Unpaid special leave may be granted for full-time courses of study of recognised educational value, but will not normally be allowed more than once.