

Brixworth Parish Council

Bereavement, Compassionate and Special Leave Policy



Document Number	EMP11
Adopted	June 2023
Reviewed	
Next Review	June 2026
Folder Location: operations/policies/bereavement, compassionate and special leave policy	

Compassionate, Bereavement and Special Leave Policy

Brixworth Parish Council acknowledges the personal nature of emergencies, bereavement and grief and in line with its duty of care as an employer, is committed to supporting its employees in practical and reasonable ways.

Section 57A of the Employment Rights Act 1996 gives employees the right to have “reasonable” time off work to deal with an emergency or bereavement involving a close family member or a dependent. A dependant is a spouse, civil partner or partner (including a same sex partner), child, grandchild, parent, step-parent, sibling or a person with whom the employee is in a relationship of domestic dependency or someone who depends on that staff member for care. “Reasonable” is not defined in the legislation.

Employed parents will have a statutory right to two weeks’ paid leave if they lose a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy. The Parental Bereavement (Leave and Pay) Act 2018 allows bereaved parents to take up to two weeks’ the leave within 56 days of the child’s death or stillbirth.

In most circumstances employees will be expected to use their annual leave or time off in lieu to meet most personal or family emergencies. In planning the taking of leave throughout the year employees should have in mind that they may need to cope with an emergency which is part of everyday life. It should not be assumed that any emergency could be met by compassionate leave.

The scheme applies equally to all employees.

The Compassionate Leave Scheme

Paid Leave

Bereavement and/or special leave is paid leave that allows an employee time off to deal with their personal distress and related practical arrangements when dealing with an emergency situation or death of a dependant.

Unpaid Leave

Unpaid leave on compassionate grounds may be granted after an emergency or bereavement (each case will be considered on an individual basis). An employee must consult with the Clerk, or in the case of the Clerk by the Chairman of the Personnel Committee, before starting unpaid leave.

Emergency Leave

The Council recognises that in many cases, in the event of an emergency or bereavement, employees will need to arrange to take leave at very short notice. Employees should therefore notify the Clerk of the situation as soon as possible so that necessary arrangements can be made. The Council recognises that it will not be possible in most cases for applications for leave to be considered by the Council, given the frequency of Council meetings. The Clerk therefore has delegated authority to exercise discretion and grant applications on behalf of the Council. In the event of the Clerk needing to apply for bereavement leave, such discretion to grant an application will be exercised by the Chairman of the Personnel Committee or in their absence, by the Council Chairman.

The Council recognises that it has a duty of care to its employees and in situations of this nature it is the policy of the Council to put the needs of the employee first.

Bereavement

Brixworth Parish Council recognises that bereavement impacts individuals differently. The Council acknowledges that not all employees will need to take the full allowance and some employees will need additional time, depending on their relationship with the person who has died and the circumstances of the death.

In the event of the death of an immediate relative 5 working days paid leave will be granted. For part time employees the paid leave will be pro rata. An immediate relative is a includes a spouse, civil partner or partner (including a same sex partner), child, grandchild, parent, step-parent, sibling or a person with whom the employee is in a relationship of domestic dependency. The leave need not be taken in consecutive days.

In the event of the death of a child before they turn 18, or if you have a stillbirth after 24 weeks of pregnancy, you can take 2 weeks' leave for each child who has died or was stillborn.

In exceptional circumstances for example where the employee is responsible for funeral arrangements, has to travel abroad to attend the funeral or where the death occurs on holiday overseas, additional paid leave may be granted at the discretion of the Council. Employees should discuss such matters with the Clerk as soon as possible so that applications can be considered.

The Compassionate Leave Process

Compassionate leave needs to be approved by the Clerk, in the event of the Clerk needing to apply for compassionate leave, such discretion to grant an application will be exercised by the Chairman of the Personnel Committee or in their absence, by the Council Chairman. Any compassionate leave granted shall be reported to the next Full Council Meeting.

It is important to recognise that from time to time employees may need to be granted leave with minimum notice, to make arrangements for dependant relatives.

In emergencies employees should be granted leave immediately and arrangements made for consideration to be given to whether or not annual leave, compassionate leave, or unpaid leave is granted at a later date.

Employees shall manage their leave entitlement to enable, as far as possible, for the needs of personal/family emergencies to be met.

In the event of a bereavement, or critical illness where the employee is the carer, requiring leave in excess of the provisions above, consideration should be given to the employees outstanding leave entitlement or any lieu time the employee has accrued and which might be used to meet the requirement. In exceptional cases unpaid leave will be considered, depending on the circumstances.

An employee may request, in writing, a period of unpaid leave for a limited amount of time. Applications for leave of absence without pay on compassionate grounds are discretionary and subject to formal approval by the Clerk or, in the event of the Clerk requesting leave, the Chair of the Personnel Committee.

Special Leave

Adoption Appointments

Employees are entitled to paid time off to attend adoption appointments.

Ante-natal Care

Employees are entitled to paid time off to attend ante-natal appointments.

Emergency Dependents Leave

Employees are permitted time off to deal with an emergency involving a dependant: A dependant is a includes a spouse, civil partner or partner (including a same sex partner), child, grandchild, parent, step-parent, sibling or a person with whom the employee is in a relationship of domestic dependency or someone who depends on that staff member for care.

An emergency is defined in the government advice by the following examples – staff may request unpaid time off when a dependant is involved in the following emergencies:

- Illness, injury or assault (of a dependant) – This includes mental or physical illnesses and it does not need to be life threatening. It could be that they have an existing health condition that has got worse. Staff can also take time off to arrange longer term care for a dependant.
- The failure of a normal carer to turn up for work.
- An incident with a dependent child at school.
- Staff can also take time off if a dependant goes into labour, if you are the person they are relying on to take them to hospital.

Staff are permitted a 'reasonable' amount of time to deal with an emergency, but there is no set amount of time as it depends on the situation. The Clerk (or Chair of Personnel if relating to the Clerk) will be responsible for agreeing the amount of time.

Extreme weather

During severe weather, all drivers should only travel if absolutely essential. They are encouraged to follow all travel warnings and follow Met Office and Highways England advice.

During extreme weather conditions the Clerk will advise staff on local conditions. If employees make a genuine effort to get to work in exceptional circumstances are unable to reach the workplace safely, they should advise the Clerk as soon as reasonably practicable and work flexibly; changing shifts or working from home if possible.

Funeral

One day's (pro rata) paid leave to be given to attend funeral of:-

A Dependant (as defined in Dependants Care Leave); or A close relative. This is defined as: brother, sister, parent, parent-in-law (including parents of employee's partner), grandparent, grandchild.

Trade Union Activity

An employee who is also an employee representative for a trade union is entitled to take reasonable time off during the employee's working hours in order to perform their functions as an employee representative or candidate.

Magistrate, Jury Service and other Public Duties

Paid leave of absence will be granted for employees undertaking public duties. Where an allowance is claimable for loss of earnings, the employee should claim this and pay the allowance to the Council.

Medical Screenings/Hospital Appointments

Where possible employees should try to schedule medical appointments in their own time or make the time up under our flexible working policy. However, Brixworth Parish Council are aware that this is not always possible and will support staff, allowing them to take the time for medical appointments when necessary.

Basic Statutory Entitlements – Time off for dependants

There is no statutory entitlement to pay if staff do take time off for an emergency. However, Brixworth Parish Council is committed to supporting their staff when dealing with unforeseen life events and will assess each case on an individual basis and where reasonable time can be made up under the Flexible Working Policy.

Employees dealing with a personal emergency must consult with the Clerk to discuss the options available. These arrangements will always be at the discretion of the Council and will depend on the circumstances of the case and the impact that any absence on your part may have on the organisation. However, the Council will be sympathetic to your need for time off (which may be paid or unpaid at our discretion) to deal with the situation and make any arrangements that may be necessary.

Return to work

In certain circumstances a full return to work may not be possible following an emergency event or the death of an immediate relative – for example when the employee's grief is likely to impact on their ability to perform their role or where new childcare arrangements need to be put in place or where the care of an elderly parent has transferred to the employee. In such cases the Council will consider a short-term phased return to work or, as appropriate, a short term or permanent flexible working arrangement. Such an arrangement would need to be agreed in advance with the Council.

Health and safety

Emergency events and bereavements can have a significant impact on concentration, sleep and the quality of decision making. Any employee who is concerned about their ability to conduct their duties properly in the weeks following a bereavement must discuss the issue with the Clerk (or in the case of the Clerk with the Chairman of the Personnel Committee).

Equality, culture and diversity

The Equality Act (2010) (legislation.gov.uk) protects employees with protected characteristics and therefore Brixworth Parish Council will ensure that all requests are treated equally and that the Council does not treat some employees less favourably than others. Brixworth Parish Council recognises that different cultures respond to life events in significantly different ways. The Clerk will check whether the employee's religion or culture requires them to observe any particular practices or make any special arrangements which would necessitate them being off work at a particular time. Employees should not assume that the Council is aware of any such requirements and should draw this to the attention of the Clerk (or in the case of the Clerk with the Chairman of the Personnel Committee) as soon as possible.