

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

ITEM FOR STAFFING COMMITTEE

21 March 2016

1. POLICY ON TIME OFF FOR DEPENDANTS

Submitted by: Executive Management Team

Portfolio: Policy, People and Partnerships

Purpose of the Report

For the Committee to consider the trade unions request to pay employees on the first occasion within a twelve month period. An employee would need to have arrived at work and gone home to deal with an emergency situation.

Recommendation

That the Committee considers the Trade Unions request.

1. Background/Issues

- 1.1 Under the Employment Rights Acts 1996 and 1999, employees have a statutory right to take a reasonable amount of time off work to deal with unexpected and/or sudden emergencies and to make any necessary longer-term care arrangements for dependants.
- 1.2 The right does not include entitlement to pay.
- 1.3 To date, very few Newcastle Borough Council employees have taken time off under the Regulations.
- 1.4 This item has regularly appeared on the ECC agenda initially on 16 September 2013. The Committee recommended that instead of pay being suspended when employees take time off work to deal with unexpected and/or sudden emergencies and to make any necessary longer-term care arrangements for dependants, they should continue to receive pay (and contractual benefits) at the manager's discretion. It was also recommended that instances of employees taking time off under the policy should be monitored and reported back to the ECC after 6 months.
- 1.5 The Policy was approved by the Staffing Committee on 2 October 2013. The suggestion/recommendation for time taken off under the policy to be paid was not supported, either for the first day or for the whole period of 'dependants leave' due to:
 - The potential for additional costs (pay, and in some cases, pay for staff to cover absence) when there is currently an ongoing requirement for the council to make budget savings;

- The approach could compromise the objectives/use of approved flexible working arrangements which are designed to be mutually beneficial to the council and employees; and
- The potential for other, previously agreed arrangements to be compromised (see below).

The current Guidance for Managers and Staff in relation to situations affecting dependants during adverse weather conditions was issued in January 2010 following consultation with the trade unions and provides:

'Employees who are unable to get to work due to the weather conditions should use annual leave, flexi leave or compensatory leave in the first instance.

Requests for additional unpaid leave will be treated sympathetically but will be at the manager's discretion, taking into account the requirements of the service.

Employees who may be required to be at home to care for dependants (eg, to care for children in the event of school closures) are encouraged to use annual leave, flexi leave or compensatory leave in the first instance. However, employees have the statutory right under the Employment Rights Act 1996 to take a reasonable amount of unpaid time off to care for dependants in certain circumstances, provided they notify their employer as soon as is reasonably practicable.'

- 1.6 This item was discussed again on 27 October 2015 and it was resolved that a review meeting with the Chair of the Committee and the Trade Unions should be arranged. This meeting took place on 19 January 2016. The Trade Unions were informed that only one employee had requested leave which was taken as a day's annual leave.
- 1.7 The trade unions request remains the same and asks that the council consider paying employees on the first occasion within a 12 month period. For an employee to be eligible they would need to have arrived at work and subsequently had to leave during the day to deal with a family emergency.
- 1.8 EMT has considered and do not support the trade unions request, to pay staff on the first occasion, due to the reasons previously stated by the Staffing Committee. The Time off for Dependants policy is statutory and allows for reasonable unpaid time off to deal with a family emergency. This approach is in line with other local authorities.
- 1.9 The proposal to pay on the first occasions was subsequently discussed at the ECC meeting on 26 February 2016. The Members of the ECC supported this but agreed that safeguards should be put into place to ensure that there were no regular occurrences.
- 1.10 The ECC has also recommended that instances of employees taking time off under the policy should be monitored and reported back to the ECC after twelve months.

2. Legal and Statutory Implications

- 2.1 Implementation of the proposed Policy and Procedure will ensure the council continues to comply with the Employment Rights Acts 1996 and 1999 and that best practice is followed when dealing with future requests.

3. Equality Impact Assessment

- 3.1 The Policy and Procedure as proposed will ensure a consistent approach to processing requests from staff.

4. Financial and Resource Implications

- 4.1 Under the Employment Rights Acts, the right to take a reasonable amount of time off work to deal with unexpected and/or sudden emergencies and to make any necessary longer-term care arrangements for dependants does not include entitlement to pay.
- 4.2 If it is decided that such leave should be unpaid, few requests are likely. However, on occasions there may be an indirect cost when it is necessary to backfill a post of a person who is taking 'dependants leave'. It is anticipated that these costs would be met from within existing approved budgets.
- 4.3 It is difficult to estimate the potential demand for/cost of paid dependants leave and this would have to be monitored to determine whether the increased costs could be met from within existing approved salary budgets.

5. Major Risks

- 5.1 None.

6. List of Appendices

Appendix A –Time Off for Dependants Policy and Procedure.