

CANTERBURY COLLEGE POLICY ON COMPASSIONATE LEAVE, TIME OFF FOR FERTILITY TREATMENT AND DEPENDANTS LEAVE IN FURTHER EDUCATION COLLEGES

This document includes guidance on the following areas:

- Compassionate leave
- Time off for fertility treatment
- Dependants leave

1 Introduction

- 1.1 The College recognises the need for effective policies, which play a key part in supporting an appropriate work life balance. Such policies are intended to:
- allow a more effective combination of home and work responsibilities;
 - enhance equality of opportunity at work;
 - maintain the competitive advantage of the organisation by retaining skilled and valued employees.
- 1.2 Facilitating time off for urgent reasons is an important aspect in effective College management. Section 5 of this guidance reflects right to dependants leave, which is now embodied in The Employment Rights Act 1996. This guidance also describes entitlements and procedures related to other leave which is not currently included in legislation.

2 Scope

- 2.1 This agreement describes entitlements to compassionate leave, fertility treatment and dependants leave for employees at the College, subject, in some instances, to certain eligibility criteria. Employees are also encouraged to refer to other related policies such as: {maternity, adoption, paternity and parental leave}.
- 2.2 The law relating to surrogacy is very complex. Requests for time off by employees who intend to have a child through a surrogacy arrangement will be considered on a case-by-case basis. Adoption leave or paternity leave may apply depending on eligibility (according to legislation in the UK). It is intended that the principle of fairness and equality should be applied regardless of sexual orientation. Where an employee of the College is to be a surrogate mother, the maternity leave policy will apply.

3 Compassionate Leave

- 3.1 Eligibility & entitlements:
- 3.1.1 Compassionate leave is available to all employees regardless of length of service. It is intended to assist employees in the event of bereavement or serious illness of a close relative. Employees will be eligible for up to a maximum of 10 days, or pro rata, paid leave in any year; a year being a rolling 12-month period.
- 3.1.2 A close relative will include partner, parents, grandparents, brother, sister or child. The College will also consider applications for leave in the case of individuals treated as close relatives but not included above.

- 3.1.3 The (line manager/HR Manager) will agree the number of days for any individual giving consideration to the details of each application.
- 3.1.4 The College will consider applications for additional compassionate leave for those who have to travel significant distances overseas to attend a funeral, or in the case of caring for terminally ill dependants.

4 Fertility Treatment

4.1 Eligibility to time off for fertility treatment:

- 4.1.1 Employees will be permitted to take reasonable time off for fertility treatment during normal working hours, although employees who can control the timings of their appointments / treatment should consider the needs of the College.
- 4.1.2 This permission applies to all employees regardless of length of service, hours worked or contract type.

4.2 Procedures for taking time off for fertility treatment:

- 4.2.1 The College will allow employees reasonable time to attend appointments for treatment. Agreement should be reached regarding what time is required. Each request will be considered individually in the context of the particular circumstances. Employers are encouraged to provide paid leave for medical/hospital appointments for fertility treatment and associated treatments.
- 4.2.2 Permission for time off for fertility treatment should not be unreasonably refused. Employees who feel they have not been treated reasonably in relation to such requests should access the College grievance procedure.
- 4.2.3 Employees should, if requested by the College, produce information to verify that medical appointments have been made in relation to fertility treatment.

5 Dependants Leave

5.1 Eligibility to dependants leave

- 5.1.1 Employees have the right to take dependants leave during working hours.
- 5.1.2 The right applies to all employees regardless of length of service, hours worked or contract type.
- 5.1.3 Employees are entitled to take reasonable time off in order to take action necessary in relation to the types of specific circumstances set out in 5.3 below.

5.2 Who is a dependant?

- 5.2.1 A dependant is defined for the purposes of this procedure as an employee's partner, child, parent, dependant relative, or someone who lives in the same household as the employee but who is not his or her employee, tenant, lodger or boarder.

However, the definition of dependant can be extended to any other person who relies on a College employee for the provision of care arrangements.

5.3 When dependants leave may be taken:

5.3.1 Employees may take reasonable time off during working hours in order to take action necessary to deal with the following types of emergencies:

- a) to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted;
- b) to make arrangements for the provision of care for a dependant who is ill or injured;
- c) because of the unexpected disruption or termination of arrangements for the care of a dependant; or
- d) to deal with an incident that involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment that the child attends is responsible for him or her.

These are examples of instances which may require dependants leave; however, the College will give consideration to requests for dependants leave which are not included above but may require the support of the College. Illness and injury do not necessarily have to be serious or life threatening and may be linked to a dependant with a deteriorating condition requiring occasional support. However, the leave is intended to enable employees to deal with unexpected disruptions to care arrangements, rather than to allow employees to provide care for dependants themselves. The College will consider sympathetically each individual request for dependants leave considering the merits and circumstances of the specific case.

5.4 Procedures for taking dependants leave

5.4.1 The employee must inform the College of his or her absence as soon as is reasonably practicable, stating how long he or she expects to be absent for.

5.4.2 The College will allow employees reasonable time to do what is necessary in any particular given situation. (Whether this leave is paid should be the subject of local agreement within the College). Agreement should be reached regarding what time is required and for what purposes, though it is accepted that the employee may need to alter the initial agreement depending on the circumstances. Each request will be considered individually in the context of the particular circumstances.

5.4.3 There is no limit to the number of occasions on which an employee can exercise the right to take time off; however, such leave should be for genuine emergencies and unforeseen matters. Employees should therefore utilise annual leave, or parental leave for any planned absence as dependants leave is not intended for such purposes.

5.4.4 Permission for dependants leave should not be unreasonably refused. Employees who feel they have not been treated reasonably in relation to such leave should access the College grievance procedure.

6 Terms and Conditions of Employment

6.1 Contract

- 6.1.1 The employee's contract and continuity of service will continue during any periods of leave covered by this joint agreement whether the leave is paid or unpaid.
- 6.1.2 Entitlement to other contractual benefits during periods of unpaid leave will be a matter for local agreement between the Corporation and employees. Employers and employees may wish to continue to make pension contributions during unpaid periods of absence to maintain continuity of pensionable service.

7 General

- 7.1 Any attempt by an employee to act dishonestly in respect of any element of the College's policy(ies) on compassionate leave, time off for fertility treatment or dependants leave will be regarded as serious misconduct and will result in the employee being subject to the College's disciplinary procedure.
- 7.2 If an employee believes that they are not being treated fairly in relation to the right to leave in relation to compassionate leave, time off for fertility treatment or dependants leave, the matter should be dealt with through the grievance procedure or by contacting [HR / a trade union representative].
- 7.3 This policy will be reviewed on a regular basis in accordance with legislative developments and the need for good practice.