



# Time Off For Family And Care Emergencies

An advice leaflet  
for Usdaw members





# Time Off For Family And Care Emergencies

Are you juggling work with caring for a child, relative, partner or friend? Do you sometimes need time off work to deal with an accident or other problem at home involving the person you care for?

- Every employee has the right to take a reasonable amount of time off work to deal with an unexpected emergency involving a dependant. Who counts as a dependant is described inside this leaflet.
- You have this right from day one of your job.

- You are protected by law from dismissal or victimisation for using this right.
- In most cases the leave will be unpaid. For more details about what your employer provides check your company handbook, company benefit leaflets or speak to your Usdaw rep or Area Organiser. Your local Usdaw office can be contacted on **0800 030 80 30**.

Read on for help and advice in claiming.



## Who Can Qualify?

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The legal right is called the right to time off for dependants. The right applies to all employees, full-time and part-time, and those on fixed-term contracts.

## Is the Time Off Paid?

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The right does not include entitlement to pay. For details on how this right is implemented in your company check your company handbook, company benefit leaflets or speak to your local Usdaw rep or Area Organiser. Your local Usdaw office can be contacted on **0800 030 80 30**.

## Who Counts As a Dependant?

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For the purpose of this right, a dependant includes:

- Close relatives:
  - Your spouse.
  - Your children.
  - Your parents.



- Someone who lives in the same household as you:
  - Your partner.
  - Another relative who lives in your household.
- Someone not in your household but who 'reasonably relies on you for assistance':
  - If you are their primary carer.
  - If you are the only person who can help in an emergency.

It does not include tenants or boarders unrelated to you.

## In What Circumstances Can You Take Time Off?

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The right enables you to take time off work to take action which is necessary to deal with an unexpected or sudden problem concerning a dependant and make any necessary longer-term arrangements.

1. If a dependant falls ill or has been injured or assaulted:
  - The illness or injury need not be serious or life threatening, and may be mental or physical.
  - It may be an occasion when an existing condition deteriorates.
  - If the dependant is assaulted, but not injured, you can take time off work to comfort or help them.
2. To make longer-term care arrangements for an ill or injured dependant:
  - For example, making arrangements to employ a temporary carer, or taking a sick child to stay with relatives.

3. When a dependant is having a baby:
  - You can take time off to assist a dependant while she is having a baby.
  - This does not include time off after the birth to care for the child - fathers/partners can take paid Paternity Leave to do this, or Parental Leave.
4. The death of a dependant:
  - You can take time off to make funeral arrangements, as well as to attend a funeral. Many companies have bereavement leave agreements/policies that allow some paid time off following the death of a close relative.
  - If the funeral is overseas, you will need to agree a reasonable length of time off with your employer.
5. To deal with an unexpected breakdown of care arrangements:
  - Where the normal carer of the dependant is unexpectedly absent, for example, a childminder or nurse fails to turn up.
  - A school, nursery or nursing home unexpectedly closes.
6. To deal with an unexpected incident at school. You can take time off to deal with a serious incident involving your child during school hours, for example:
  - Your child has been in a fight.
  - Your child is injured or distressed.
  - Your child is being suspended from school.

#### Example

David had a call at work from his son's school to say that his son was feeling unwell.

Time off for dependants meant that he was able to collect his son from school, take him to the doctor the next day and make arrangements for David's mother to look after him for the rest of the week. David returned to work after one and a half days.



## How Much Time Off Can Be Taken?

You are entitled to a 'reasonable' amount of time off in the circumstances set out. The law does not specify 'reasonable time' as it will vary according to the circumstances.

It may, for instance, be reasonable to allow someone who doesn't have a network of close family members nearby more time off than someone who does. For example, members whose close family are overseas may need more time to make alternative care arrangements than someone whose parents and grandparents live nearby.

Government guidance states 'for most cases, one or two days should be sufficient to deal with the problem', for example, if a child falls ill with chicken pox, the employee can take time off to deal with the crisis, visit the doctor and make longer term care arrangements. You are not entitled to take two weeks off to look after the child.

There is no limit set on the number of times an employee can use this right.

## Telling Your Employer

You must tell your employer, as soon as practicable:

- The reason for your absence.
- How long you expect to be away from work.

It is not necessary to give notice in writing.

## Protection from Dismissal and Detriment

Employees are protected by law from being penalised or dismissed for taking, or seeking to take, time off under this right.

Detriment includes:

- Being selected for redundancy.
- Being moved to a lower grade.

If you believe you have been wrongly refused time off, or you have suffered a detriment by taking your right, contact your Area Organiser for advice.

## Get Advice

For information about your rights at work, call the Usdaw Helpline on **0800 030 80 30**.

For further information on your rights and benefits see Usdaw's leaflets:

- *Workers' Rights (leaflet 211):* [www.usdaw.org.uk/211](http://www.usdaw.org.uk/211)
- *Working Carers - Know your rights (leaflet 343):* [www.usdaw.org.uk/343](http://www.usdaw.org.uk/343)
- *Working Parents - Know your rights (leaflet 381):* [www.usdaw.org.uk/381](http://www.usdaw.org.uk/381)

They can be found on our website at: [www.usdaw.org.uk](http://www.usdaw.org.uk) or can be ordered by contacting your local Usdaw office on **0800 030 80 30**.

## Join Usdaw Today

The best way to ensure your employer respects your rights is to join a trade union. Your employer cannot prevent you from joining a trade union.

Usdaw can offer you help and advice on all your rights at work, as well as free expert legal services. Staff represented by a trade union are more likely to have better wages and conditions than those who aren't.

Usdaw represents nearly 360,000 members, mainly in retail and related sectors. The best way to protect and improve your rights at work is to join Usdaw.



# More Information

## Usdaw Nationwide

Wherever you work, an Usdaw rep or official (Area Organiser) is not far away. For further information or assistance, contact your Usdaw rep or local Usdaw office. Alternatively you can phone our Freephone Helpline 0800 030 80 30 to connect you to your regional office or visit our website: [www.usdaw.org.uk](http://www.usdaw.org.uk)

You can also write to the Union's Head Office. Just write **FREEPOST USDAW** on the envelope and put it in the post.

## Join Usdaw

You can join online at:  
[www.usdaw.org.uk/join](http://www.usdaw.org.uk/join)



Scan the QR code to join today.

## What Happens Next

Once we process your application, you will receive a membership card with our Helpline telephone number and a New Member's Pack giving details of all the benefits and professional services available to you.



[www.usdaw.org.uk](http://www.usdaw.org.uk)

UsdawUnion

