



*This Guidance Note is not a complete statement of the law. It is intended for general information only and is not a substitute for seeking specialist advice in particular circumstances. No responsibility for loss occasioned as a result of a person acting or refraining from acting in reliance on it, is accepted by the authors or by NYFVO.*

## **Notes on Compassionate leave**

During the course of an individual's working life there will be times when he/she feels they require time off to deal with family or personal issues, such as in the case of bereavement. There appears to be no automatic entitlement to compassionate leave outside circumstances covered by particular statutory rights, such as the right to reasonable time off to care for dependants. Usual practice in the case of bereavement is to allow three days off in the event of the death of a close relative, plus a day for the funeral.

It helps employees to know where they stand if there is some reference in the contract of employment to the amount of time off that is likely to be allowed in particular circumstances, such as a clause headed "Family leave and personal leave" which gives the employer a **discretion** to grant leave, and preferably also a discretion as to whether such leave is with or without pay.

Possible situations to be included:

Serious illness of spouse, dependant or close family – x days  
Death of any of the above – x days  
Funeral of any of the above – x days  
(Own wedding – x days)  
(Moving house – x days)

As with all "discretionary" policies, it is necessary to be alert to the need for consistency in exercising discretion, otherwise problems can occur by way of accusations of discrimination, victimisation and so on.

In the case of small organisations run by management committee, it should be made clear who has authority to make the decision whether or not leave will be granted in a particular case – e.g. the chair, a manager, the committee as a whole?

[NYFVO/EA/October 2005].