

QA



By Stuart Markless, of Martin Searle Solicitors, answers your questions on time off for employees

Q: I HAVE an employee who takes time off work because her childcare arrangements have broken down.

Is she allowed to do this?

A: All employees have the statutory right to reasonable time off for emergencies involving dependants – a spouse, partner, child, parent or someone living with them other than a lodger.

It could also be someone who reasonably relies on the employee for care, for example an elderly neighbour.

The right only arises in specific circumstances, including an unforeseen disruption in care arrangements – the case in this instance.

Other situations include when the dependant falls ill, is injured or assaulted or is having a baby.

It also applies when the employee is making longer-term care arrangements, dealing with the death of a dependant, or faces an unexpected incident involving their child during school hours.

Q: Sometimes she does not let me know until quite late in the day.

Do I have to pay her when she's not at work?

A: Your employee is permitted to take the time needed to cope with the situation.

But she is obliged to let you know as soon as reasonably practicable what is happening and how long she will be away.

The statutory right does not entitle the employee to be paid, so unless the issue is covered in your contract of employment, you can decide whether to pay her.

Q: It seems to be happening more and more often and I'm getting very suspicious of her.

What can I do?

A: There is no limit on the number of times an employee can exercise these rights. But if you think she is abusing the right, deal with the situation using your disciplinary procedure.

Be aware that the law protects employees from being treated unfairly because they have exercised their right.

For instance, they could bring an employment tribunal claim on the grounds they have unreasonably been refused time off or suffered a detriment for taking or seeking time off.

Likewise, if you were to dismiss your employee for taking or asking for time off, you could end up in a tribunal.

To prevent ambiguities arising in the future, adopt a clearly-worded policy setting out the precise circumstances in which employees may take time off to care for dependants, plus the evidence and notification required.

This should also highlight penalties for abusing the right or failing to follow the notification procedures.

Publicise the policy so employees cannot claim they were not aware of their obligations.

Any policy of this nature needs to be applied consistently throughout the workforce.

● Government guidance on time off for dependants is available online at www.berr.gov.uk/files/file41731.pdf.

Pledge for parents

PARENTS as well as teachers are benefiting from a school's commitment to increase skill levels.

Linda Dupret, headteacher at St Paul's Nursery and Primary School in St Nicholas Road, Brighton, has signed a skills pledge with the Learning and Skills Council (LSC).

The pledge is a voluntary public commitment from employers to help workers improve their skills and gain qualifications, and to train staff to at least NVQ Level 2, the equivalent of five good GCSEs.

Along with staff, St Paul's supports parents to gain the relevant qualifications, some of whom have gone on to become



SUPPORT: Staff and parents at St Paul's Nursery and Primary School

teaching assistants at the school.

Ms Dupret says: "We have six teaching assistants and a member of office staff completing an NVQ as well as five parents currently working on their NVQ. I am so pleased with the commitment from my staff and parents.

"It is their hard work that makes St Paul's a successful, happy school."

David Smith, LSC area director for Brighton, added: "Fifty local companies have made the pledge, showing that developing talents can make a difference."

For more information visit www.lsc.gov.uk/southeast.

'Qualification will be more important in downturn'

Firms back new diploma for young

by **SAM THOMSON**

A BUSINESSMAN is encouraging fellow employers to help raise the educational achievements of young people.

A new work-related diploma for people aged 14 to 19 is designed to be completed alongside core GCSEs.

The more advanced qualification can count for up to four and a half A-levels.

Tony Cohen from Nsure, a Worthing-based insurance and financial services specialist, has joined the Diploma Employer Champions' Network (DECN), a group of employers backing the diploma which also includes big names such as Toyota, Vodafone, Microsoft, GMTV, Rolls Royce and BT.

The qualification will eventually cover 17 subjects and employers can get involved to any degree they choose.

As well as offering work experience placements and work shadowing for teachers, they can help shape the curriculum, give talks and lectures, set business prob-

lems for students to work on as projects or simply provide resources, equipment and use of premises.

Mr Cohen said: "This is a great opportunity for other local businesses to give students an understanding of a chosen sector and allow them to develop employability skills.

"The evidence is clear – when employers get involved in education, everyone benefits. Young people find it easier to understand the purpose of their studies, schools build relationships with their local community and employers have the opportunity to influence the career choices of the next generation's workforce."

Mr Cohen, who is also a governor at Worthing High School and Thomas A Becket Middle School, which his now grown-up children attended, believes the qualification will become increasingly important during the economic downturn.

He said: "Diplomas are more relevant than ever these days as unemployment is going through the roof.

"If you are an employer and presented with one interviewee who has good academic qualifications but no teamworking skills or any idea over how to behave in an office and another who has been on placements through the diploma, it's clear which one they will choose."

The diploma should also help fill the skills gap in the financial services industry.

Mr Cohen said: "Over the past few years, rationalisation has seen countless companies in our sector disappear. The fact that there is no real training base for our industry only exacerbates the problem.

"We think the diploma will open young people's eyes to opportunities in financial services at a young age and encourage them to make their careers in the industry – while also helping to fill the skills gap."

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Wide-ranging

THESE are the diplomas currently available or coming on stream in the next three years.

Sept 2008: Construction and building, creative and media, engineering, IT, social health and development.

Sept 2009: Business administration and finance, environmental and land-based studies, hair and beauty studies, hospitality, manufacturing and product design.

Sept 2010: Public services, retail business, sport and active leisure, travel and tourism.

Sept 2011: Humanities, languages, science.

Employers who want to be involved should visit www.dcsf.gov.uk/14-19/employers.

Engage Partnership Employment League

EACH month, the Engage Partnership Employment League will highlight those businesses which demonstrate their commitment to diversity by employing local marginalised people.

For more information on employing diverse people, contact claire.mitchell@engagesolutions.org.uk.



One job outcome per company other than those indicated ()

Engage organisation:
RBLI Employment Solutions

Anderida Adolescent Care, Carers Centre, Self-employed (2).

Engage organisation:
Careers Development Group

AMEX, Better Health Care, Brighton and Hove Buses, Carewatch (Brighton and Hove), Epic Organisation, Next, Royal Mail (2), Shoreham Vietnamese Cuisine

Engage organisation:
Southdown Housing

Association/Sussex Partnership NHS Foundation Trust, Marks & Spencer