

Time Off for Dependents / Parental Bereavement Leave

A guide for PFEW Representatives



Police Regulations and Determinations 2003 provide a variety of leave (both paid and unpaid) for Police Officers faced with personal or family difficulties that mean they need to be away from work. This guide deals with two such types of leave – Time Off for Dependents (TOFD) and Parental Bereavement Leave.

These entitlements are a huge benefit to our members, both men and women, but particularly for women, who tend to have greater responsibility for child and elder care within families. Unfortunately, we have found that some forces systematically try to downplay or even misrepresent these entitlements in their policies.

The full extent of the time and the pay available for those taking TOFD is often unclear in force policies, hurdles are put in the way of officers trying to take the leave and they are made to feel they are letting their team down or should be grateful for what they get even if this is less than their entitlement.

Parental Bereavement Leave is a new type of paid leave relating to the death of a child that has been incorporated into force policies, unfortunately many forces have chosen to devise policies that represent this as being in place of rather than in addition to similar TOFD provisions.

It is no surprise therefore that there is low take up of TOFD in the police service.

This guide for Police Federation of England & Wales Representatives aims to help you change that perception and ensure that officers can benefit from the full extent of the leave available to help them manage difficult times in their lives. Annex T of Police Regulations contains officers' entitlement to paid TOFD. Annex TA deals with Parental Bereavement Leave. Both are reproduced at the end of this guide.

This document is correct as of May 2022, the force policy examples are correct as of November 2021. If you have any questions about the contents please contact your Branch Equality Lead.

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Time Off for Dependents - Annex T

Annex T is attached. We suggest you familiarise yourself with this first before reading this guide.

TOfD is a statutory benefit that derives from the Employment Rights Act 1996. This Act applies to employees only (i.e. not Police Officers) and is an entitlement to unpaid leave. It did not apply to police officers until it was incorporated into Police Regulations and Determinations (Annex T) in 2003; in Police Regulations it is classed as duty, and as such is an entitlement to paid leave. Whilst there are different entitlements for officers and staff, most forces have created policies that try to combine both, however this often means they misrepresent the full extent of this entitlement for police officers. TOfD leave is generally unpaid outside the police service.

The Police Staff Council handbook (the nationally agreed standards for our Police Staff colleagues) states: "The time off for dependants' provisions in the Employment Rights Act 1996 will apply to police staff. This leave is intended to deal with short-term difficulties or to make arrangements to deal with long-term difficulties. It will normally be restricted to one or two days duration and shall be paid."

Forces have developed TOfD policies that have invariably been based on the Police Staff agreement and do not properly reflect the provisions that should apply to Police Officers as laid out in Annex T. A force policy cannot override Regulations, and as a Federation Representative you should work from Annex T when advising members on their entitlements and only rely on force policy for explanations of process.

Many forces have limited TOfD to "one or two days". The PNB Circular that first introduced the entitlement for Police Officers (which was later incorporated into the Determination as Annex T) referred to the leave being "normally 1 or 2 days", however there was no such limit in Annex T and force policies that state there is a limit (32 of 43 forces do state this) are wrong.

It is possible to limit the number of days paid leave for Police Staff as the underpinning legislation is for unpaid leave, however, there is no such thing as unpaid TOfD for Police Officers. TOfD is treated as duty (see the last line of Annex T), and duty is always paid for a Police Officer.

The guide of one or two days is meant to be helpful and is one with which we would agree. Most instances of TOfD will be a day or two, longer periods of time off may be less common, but it does not mean a policy can restrict the number of days available to a Police Officer.

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Similarly, there is also no limit in Annex T on the number of occasions a year the entitlement can be taken. Life is rarely regular, and an officer may not need to make use of the entitlement for many years, then 6 or 7 times in a single year. As long as the leave is necessary and the other conditions in Annex T are met, there is no limit on the number of occasions a year it can be used.

In the case of *Naisbett v Npower Ltd 2012* Ms Naisbett took 6 occasions/7 days of dependents leave over a 12 month period when her son was ill and could not attend nursery. On each occasion she had no other available childcare. Although each absence was authorised, her employer issued her with a written warning saying that her absences were a cause of concern and that further absences could result in dismissal. A Tribunal considered each of her absences and concluded that they were all necessary and reasonable in the circumstances.

The time allowed for the member to deal with the matters affecting their dependant is constrained only by exigencies of duty, however this is a high bar. Exigencies of duty refers to periods when there is a pressing policing need. Inconvenience to the force or local management, or their inability to reorganise the sizeable resources at their disposal is not a factor in whether our member can take this leave. If the conditions are met then this is an entitlement, not an optional extra that the force can regulate when or whether it is taken. There is no requirement in Annex T that TOFD is only available once all other leave has been exhausted. Any Force which has a policy or practice that Police Officers must use TOIL, annual leave or any other type of leave, before they will be granted TOFD is acting contrary to Regulations.

Some force policies refer to TOFD as “carers’ leave”, or “emergency leave”. This minimises the true scope of TOFD and what it is intended to cover. TOFD is about caring, providing support and dealing with unexpected situations that affect people who depend on us, but it also covers a wider range of circumstances and situations.

In the case of *Harrison v the Royal Bank of Scotland 2008* the EAT said that the word “unexpected” does not mean “sudden” and/or “in emergency”. Ms Harrison had known that she could not work on a particular day two weeks in advance because her usual childcare arrangements would not be available. Her back up arrangements were also unavailable and, despite trying, she could not get any other childcare for the day. The Tribunal found that in the circumstances the disruption was unexpected; an incident can be “unexpected” even when it is known about in advance.

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Who is Covered?

Paragraphs 3 to 5 of Annex T describe who is to be regarded as a dependant. This is largely self-explanatory, but it also covers a wider group than you might first imagine.

For Spouse you should also include Civil Partner (Annex T was published prior to Civil Partnership legislation). It does not explicitly include a partner not married to or in a Civil Partnership with the member, however if they live together then they are covered under 3(d) of Annex T or otherwise they are likely to be covered for part of the entitlement by paragraphs 4 and 5.

Children are identified as dependants in paragraph 3, this means that an officer's child remains their dependant even if they no longer live in the same household.

Grandparents and siblings are not covered specifically but the definitions in paragraphs 4 and 5 are wide enough to include them in certain circumstances. Every family is different and if the circumstances are right then a wide variety of people are covered. A widowed uncle who has no children of his own or a family friend or even a neighbour may also be covered for some parts of the entitlement if they rely on the member to make arrangements for them when things go wrong.

Some force policies refer to this as "carers" leave, which can serve to minimise the scope of TOfD and what it is intended to cover. Most people wouldn't consider themselves to be a carer to their spouse, nor would they think of themselves of being a carer to their parents if all they did was help out when things go wrong. TOfD is about caring and providing support for loved ones, but it also more than that so avoid accepting the premise that this only about carers – it covers all those outlined in the Regulation.

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What Circumstances are Covered?

There are 5 listed reasons for the entitlement in paragraph 1 of Annex T. To be eligible for the leave an officer needs to show that they meet the particular requirements set out there.

Most importantly they need to show that the leave is necessary. In the case of *Harrison v Royal Bank of Scotland 2008* the EAT indicated that several factors need to be considered to establish whether the relevant action is “necessary”. Factors would include the nature of the disruption, the availability of alternatives, finance and the time needed to deal with the matter.

The acceptable reasons for the leave fall into three broad categories; sub-paragraphs (a) and (b) concern responding to something that has happened, sub-paragraph (c) is about death of a dependent and sub-paragraphs (d) and (e) concern unexpected caring needs.

1. Responding

“in order to take action which is necessary:

- 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,”

The first entitlement is very straight forward. If a police officer’s dependant falls ill, gives birth or is injured or assaulted then the officer is entitled to paid time away from work to take what action is necessary to provide them with the assistance they need. The most common occurrence is likely to be a sick child; if the family get up one morning and a child is very unwell then the officer is entitled to deal with the situation.

That might take an hour or the whole day. Depending on the situation (e.g. a single parent) this may need more than a day. The officer notifies their line manager and attends work when able. They should not be required to make up the time (the TOfD they availed themselves of is already classed as duty), and they should not suffer any negative comment or other impact for taking up their entitlement.

Another example would be if an officer’s parent is in a car crash, not admitted to hospital, but now immobile then, if no alternative assistance is available, the officer is entitled to respond by providing the assistance they need on their return home, even if this means leaving work to go and assist. This would be TOfD, and the remaining part of their Tour of Duty would be classed as such.

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The area of doubt and sometimes an area of disagreement between officers and their manager, is how long they are entitled to take off. There is no specified limit on the length of a period of time off for dependants - but it must be reasonable. There is no hard limit as many force policies try to impose by stating 1- 3 days TOFD is all that is available in their policies. The vast majority of instances of TOFD to provide assistance will be a day or less, but not always. The key therefore is the personal circumstances of the officer and their dependant and the specifics of the case at hand (the nature of the disruption, the availability of alternatives, finance and the time needed to deal with the matter).

This leads to the second reason the entitlement applies, the need to make arrangements for the provision of care of a dependant who is injured or ill. In many cases it won't be clear cut where providing care, and making arrangements for future care start and end, they may overlap.

What an officer who finds themselves dealing with a situation should be advised to do is respond immediately to the need, but very quickly start actively exploring options for someone else to take over.

It is likely to be very case specific, but this entitlement is not there to allow someone to remain off work for long periods of time providing care, however sometimes it isn't easy to put in place long term solutions, especially after life changing events, and the provision is flexible enough to provide for an officer who needs more than the usual few days if they approach it with good intent and are actively also looking to make future arrangements.

Sometimes an officer may need to assist without giving any care themselves e.g. if a parent is being discharged from hospital there may be lots of work to do with the hospital, local authority, private care providers to put in place future care. All the time spent doing this is classed as making arrangements under TOFD and can be taken as such if its needs doing during duty hours.

In the case of *Simmons v No 8 Partnership* 2021, Ms Simmons requested time off to find a care home for her elderly father during the pandemic. He was suffering from dementia and lived some distance away from her. Her employer argued that her father had not suddenly become ill and the time off was unreasonable. She resigned. In the circumstances the Tribunal considered it would have been reasonable for her to have been provided with 10 days TOFD over a 3-month period (she was a part-time worker working 2 days a week).

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2. Death

“in order to take action which is necessary:

c) in consequence of the death of a dependant,”

On the whole most Forces are very supportive when an officer’s dependant dies, and managers often have wide discretion to grant paid or unpaid compassionate or special leave. However, in the event of an issue arising Annex T provides a basic entitlement to paid leave. This would cover the practical arrangements that need to be made in the event of a death of dependant, it is not about time away from work to grieve. Things such as waiting with a body for a doctor to certify death, identifying the deceased, arranging the funeral, attending the funeral, managing probate are matters which are necessary in consequence of the death. These actions are likely to be between a few hours to a day over a period of time. Each occasion would be likely to fall within the entitlement to TOFD.

In the case of the death of a baby within 15 weeks before the expected date of birth, an officer is entitled to receive their entitlement to both contractual and statutory maternity pay and leave (see Annex L). This would be in addition to any compassionate leave or TOFD.

Annex TA also provides 2 weeks’ paid parental bereavement leave for officers following the death of child. This is also in addition to any compassionate leave or TOFD. Annex TA is attached and is explained later in this document.

Unfortunately, most forces (24 out of 43) have chosen to remove all reference to the fact that TOFD covers duty time away from work in consequence of the death of dependant and instead explain this as if it is discretionary. It is not, and it applies to the wide range of people that are defined as dependants (including the officer’s parents) in Annex T.

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3. Disruption

“in order to take action which is necessary:

d) because of the unexpected disruption or termination of arrangements for the care of a dependant, or

e) to deal with an incident which involves a child of the member and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him.”

This section of Annex T is the most likely to benefit our members, particularly those with child or eldercare commitments. They are most likely to be women police officers, who may have already reduced their hours to cope with their home life responsibilities. Working part time does not limit an officer’s entitlement to TOFD.

It is expected that all officers will have already put in place ongoing provision for the care of any dependents based on their circumstances. However, every now and again care arrangements break down and these provisions allow time away from work to put other arrangements in place.

Once again there is no limit on time, and what might be considered reasonable is case specific, but all Police Officers should be aware that as part of their core Terms and Conditions there is a provision to support them to get on top of things quickly when there is an issue with a dependent, in order that they can return to work promptly.

The second provision relating to schools is a wider category than the previous category as it covers more than injury, illness or care. It reflects that whilst at school a child is under their supervision so if for any reason (including suspension or discipline) the school indicate they need parental support or are withdrawing their guardianship then the parent can be absent from work to take responsibility.

In the case of Thompson v Parker Hannifin Manufacturing Limited 2018 the Tribunal said that Mr Thompson should have been granted TOFD when his daughter’s school asked him to collect her because she was ill. On the facts they said, the need to remove the child from school met the definition of “unexpected incident involving a person’s child during school hours” and the school’s refusal to take the child back whilst she was still ill was “an unexpected disruption of the arrangements for the care of the child”

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It is likely that bad weather events that cause a school to close would also come within the definition of “unexpected incident involving a person’s child during school hours” and “an unexpected disruption of the arrangements for the care of the child”. An officer who is not able to leave their child at school and who is unable to make alternative care arrangements for the child should be able to exercise their entitlement to TOFD.

What isn’t covered

TOFD is not designed to allow an officer to provide the care required by a dependant – it is to give the officer the time and space to set up care arrangements or to deal with a unexpected event involving a dependant. It is not designed to deal with personal difficulties such as a domestic appliance breakdown or pets. Neither is it designed to provide for regular visits to doctors or hospital.

Some colleagues will have significant caring responsibilities for a parent or, for example, a child with disabilities. The time needed for this should be managed through part-time working, flexible working, change of role or hours or other bespoke agreements.

TOFD is the back up for when there is disruption to the plans in place or a new event, not an alternative to putting long term solutions in place.

Your Role as a Representative

In the first instance your role as a workplace Federation Representative is to seek to resolve disputes at a local level (instigating the Force’s grievance/Fairness at Work policy if necessary). Use the actual text of Police Regulations, which cannot be replaced by any force policy, to ensure our member receives their full entitlement.

If however attempts to resolve the issue at local level are unsuccessful, reps should contact their Branch Equality Lead. There are a number of options available to take the matter further, so you should be mindful of the need to submit a C2 in good time (i.e. well within 3 months of the right having been denied).

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Parental Bereavement Leave - Annex TA

Annex TA is attached. We suggest you familiarise yourself with this first before reading this guide.

Parental Bereavement Leave is two weeks paid leave in the 56 weeks following a child's death. It allows an officer additional leave (without seeking authorisation) away from work on top of their annual leave to grieve, celebrate, or just cope as fits for them. Annex TA does not apply in respect of the death of other dependents or relatives.

Annex TA is very flexible; in the first 8 weeks an officer can take one or two weeks paid leave with practically no notice to the force and it must be granted. An officer just needs to contact the force to say they are not coming in to trigger one of their weeks of entitlement. After the first 8 weeks, the officer simply needs to give a week's notice to take the leave. At all times they are just telling the force when they are taking the time off, not asking permission.

Parental Bereavement Leave is additional to, and not a replacement for, TOfD. Unfortunately, the majority of forces have chosen to misrepresent this in their policies. In the event a child of one of our members dies they are entitled to TOfD under Annex T to deal with the immediate circumstances, arrange the funeral and attend the funeral. They are subsequently entitled to the 2 weeks Parental Bereavement Leave under Annex TA at any point over the next year.

As is the case for TOfD, Parental Bereavement Leave is classed as duty, so it is always paid leave.

Death of a baby

A woman police officer is entitled to maternity pay and leave if she has her baby at any time after the 15th week before her baby is due to be born (known as "the relevant date"). If her baby dies or is stillborn after the relevant date, or if her baby is born prematurely before the relevant date and is alive on the relevant date, she is still eligible for all her statutory and police maternity leave and pay.

Unfortunately, many Force policies on parental bereavement leave do not make this clear. Parental Bereavement leave and pay are in addition to maternity leave and pay and to TOfD, yet bizarrely some force policies have deleted all reference to death being a reason for TOfD and just refer to an officer being eligible for Parental Bereavement leave.

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In the event of a woman giving birth to a baby who dies after the relevant date, her Statutory Maternity Pay will begin the following day. Thereafter she has a number of options:

- She is able to take her Police Maternity Pay and Leave from the date she had previously notified the force she would take it or notify a change in date. She could bring forward the date of her Police Maternity Pay and Leave if that would be more advantageous for her;
- She is able to take 2 weeks Parental Bereavement Leave and pay before returning to work or postpone her bereavement leave to up to 56 weeks from the date of death;
- She could take TOfD under Annex T to deal with the necessary arrangements following the death of a baby, and/or
- She could be provided with compassionate leave in line with force policy as appropriate to the circumstances.

If the woman's partner or father of the baby also works for the Force it is important to ensure that they also benefit from bereavement leave, TOfD and/or compassionate leave in the circumstances.

Your Role as a Representative

As a Federation Representative you should always seek advice from your Branch Equality Lead in the event of a member of yours whose child dies in order that they can be fully advised of their entitlements in relation to TOfD and Parental Bereavement Leave (and maternity leave and pay if the death involves loss of a baby after the 15th week before the expected date of birth). You should also inform your Branch Board Chair or Secretary as soon as possible, as whilst officer welfare is primarily the responsibility of the force, your Branch Board may have additional support and action they can provide at this time.

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Review of Force Policies

In November 2021 we submitted Freedom of Information requests to all forces in England and Wales requesting a copy of their Time Off for Dependants policy, and details about how often officers were using their entitlement.

Most current force policies are wrong, and for the most part those that do not contradict Police Regulations consistently seek to downplay what the entitlement is or deter use. Many policies state how generous and family friendly the force is, but then try to limit what TOFD can be taken contrary to Regulations.

Attached is a summary of issues with all 43 force policies, only one of which we reviewed we would consider to be close to acceptable.

Most forces have policies that state there is limit on the number of days TOFD an officer can take (there isn't), most policies fail to mention it can be utilised in the event of death of dependent (it can), and half of the policies imply this is not an entitlement but a discretionary provision (it isn't).

We asked all forces to provide us with details about how many officers take up their entitlement to TOFD. We asked them to provide us details for 2019, so as to get a pre-Covid sample of how this entitlement operates in their forces.

The Metropolitan Police told us that 102 (1.2%) women police officers and 211 (0.9%) male officers took at least one period of TOFD in 2019; for South Wales it was 18 women (1.8%) and 27 men (1.3%).

Some forces were even more stark. Northumbria Police told us that not a single woman had taken TOFD in 2019, but that 10 men (0.4%) had done so. The City of London told us that only 1 woman (0.5%) and 10 men (1.7%) had used the leave, but the fact that the City of London policy does not mention TOFD can be used to provide assistance when a dependant is ill or injured but does state that it can be used for a domestic problem such as flooding may explain this.

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It may be that the issue is proper recording of TOFD, but that too would point to a culture where this absolute entitlement is not recognised for what it is and instead is managed in a more discretionary way. It is however clear that an entitlement, though of benefit to all (especially in relation to death), that is squarely aimed as a retention tool to allow people with responsibilities relating to dependants (who are much more likely to be women) to remain in work whilst managing other commitments has not been culturally accepted by the police service.

The low take-up of TOFD by Police Officers in most forces is a sign that they have effectively minimised something they should instead be actively promoting as a real benefit that enables those with dependants to remain as Police Officers.

Whilst a number of force policies do not state anything that is incorrect, these tend to be thin documents that obfuscate by not explaining how extensive this entitlement actually is. A notable exception to this is the policy of Gloucestershire Constabulary. As well as explaining the procedure it provides practical examples of circumstances when TOFD could be taken. It is no surprise therefore that this force told us that 82 women officers (20.2%) and 137 male officers (17.9%) had taken TOFD in 2019. Given that TOFD is often just a few hours or a day this is still a very small impact for the force. An organisation's policies are both reflective of the culture and a driver for change, and this force stands out from all others as one that embraces the entitlement to TOFD as a positive benefit.

Gloucestershire's policy includes the following examples:

- a childminder or nurse fails to turn up as arranged or the nursery or nursing home has to close unexpectedly;
- a dependant has been involved in an incident;
- a childcare provider advises an individual that the following week or on a certain date they are not able to care for the child and there are no alternative arrangements to put in place;
- to make arrangements for the provision of care for an ill or injured dependant;
- a dependant is very seriously ill, but expected eventually to recover;
- a dependant is terminally ill, i.e. they have been told what a consultant believes to be their life expectancy;
- a dependant has been diagnosed as having a disability which they need time to come to terms with and an assessment made of their needs, e.g. multiple sclerosis, motor neurone disease, Crohn's disease, stroke.

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REVIEW OF FORCE TOFD POLICIES BASED ON RESPONSES TO A NOVEMBER 2021 FOI

A – This policy uses the word emergency, a word that does not appear in Annex T
 B – This policy states or implies this is discretionary leave
 C – This policy does not mention the fact TOFD covers death of a dependant and covers this instead as discretionary bereavement leave
 D – This policy minimises, paraphrases or otherwise does not clearly outline the 5 reasons an officer is entitled to TOFD
 E – This policy incorrectly limits the amount of leave, or paid leave, that can be taken

	A	B	C	D	E	Notes
Avon & Somerset	X				X	Limit of 5 days per year
Bedfordshire	X	X	X	X	X	“There is no legal right to be paid” 2 days paid at discretion of manager
Cambridgeshire	X	X	X	X	X	“There is no legal right to be paid” 2 days paid at discretion of manager
Cheshire	X	X		X	X	TOFD is at the discretion of the manager based on “fairness” and “consistency”
City of London	X			X	X	1 to 2 days, maximum 5 per year This force policy does not mention that it is for the care of a dependant when ill or injured but does state it can be used for a domestic problem such as flooding
Cleveland	X	X	X	X	X	Limit of 2 days per occurrence
Cumbria	X	X		X	X	“2 days are advised”
Devon & Cornwall	X	X	X	X	X	The line manager should agree the amount of dependants leave with the individual (up to two days)
Derbyshire		X	X	X		This is the only force that does not have a policy on TOFD. In response to the FOI request they state that all such leave will be considered under their compassionate leave policy, which is all discretionary.
Dorset	X	X	X	X	X	The line manager should agree the amount of dependants leave with the individual (up to two days)
Durham			X	X	X	Normally restricted to one or two days a year
Dyfed-Powys					X	One or two days maximum
Essex	X				X	Erroneously refers to the PNB circular that Annex T replaced (1 or 2 days will be paid). If both parents work for the force the policy states it is the managers choice who is granted the leave.
Gloucestershire			X			This policy seeks to explain the circumstances TOFD can be utilised in a positive way.
Greater Manchester		X	X		X	“We will grant you a maximum of three occasions per year as leave with pay. After that, unpaid leave (or CTO, annual leave) will apply.”
Gwent			X	X	X	Hardly explains what TOFD is, including not mentioning that it is for care in the event of injury or illness.
Hampshire	X		X	X		Must obtain line manager approval
Hertfordshire	X	X	X	X	X	“There is no legal right to be paid” 2 days paid at discretion of manager
Humberside	X		X	X	X	2 days. Requires applying for using a force form

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	A	B	C	D	E	Notes
Kent	X				X	Erroneously refers to the PNB circular that Annex T replaced (1 or 2 days will be paid). If both parents work for the force the policy states it is the managers choice who is granted the leave.
Lancashire	X					A very brief policy
Leicestershire	X				X	A thorough policy that then constantly tries to minimise what the entitlement actually is.
Lincolnshire	X	X			X	“The Force reserves the right to refuse special leave in circumstances where the maximum entitlement has been taken or where granting such leave would have a negative impact on Force operations and service delivery”
Merseyside	X	X	X	X	X	“Where leave is required to deal with an unforeseen situation relating to care for a dependant, this shall normally be restricted to a period of one or two days with pay, up to a maximum of 10 working days in any year”
Metropolitan	X	X	X			“It is important to note that this type of leave should only be used to provide emergency care at short notice”
Norfolk	X			X		This policy states “any misuse of this entitlement may invoke misconduct procedures” – such a statement is not attached to other entitlements.
North Wales	X		X	X	X	This policy states that after 2 days the leave will be unpaid - for Police Officers TOFD is always paid.
North Yorkshire	X	X		X	X	This policy does not explain what TOFD can be used for.
Northamptonshire	X		X		X	This policy incorrectly states that Police Officers are entitled to TOFD under employment law rather than Police Regulations. Also states “each situation should be considered individually, taking into account the balance between the needs of the Force and the individual’s immediate needs”
Northumbria		X	X		X	“There is no right to paid time off.”
Nottinghamshire		X	X	X	X	“An initial paid leave of absence of 1 day may be approved. Extensions will be at the Force’s and OPCC’s discretion and further leave of up to 2 days unpaid may be approved for a single incident.”
South Wales		X	X	X	X	This policy references the Regulation, but then does not explain, and the subsequent policy implies this is unpaid

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	A	B	C	D	E	Notes
						leave to be used when other types of leave have been used up.
South Yorkshire	X	X		X	X	“Where approved by the Line Manager up to two consecutive working days paid leave can be granted”
Staffordshire		X	X	X	X	Policy seeks to minimise the entitlement and states only 1 day will be paid.
Suffolk	X			X		This policy states “any misuse of this entitlement may invoke misconduct procedures” – such a statement is not attached to other entitlements.
Surrey	X					Joint policy with Sussex. Better than most policies but would be improved by being clearer about the entitlement and that it is always paid for Police Officers.
Sussex	X					Joint policy with Surrey. Better than most policies but would be improved by being clearer about the entitlement and that it is always paid for Police Officers.
Thames Valley						Very basic policy which would be improved by explaining the entitlement – but correct.
Warwickshire	X	X	X	X	X	“Employees may take one or two days leave to deal with a short-term emergency involving a dependant and/or to make longer term arrangements for their care. A maximum of one day will be granted as paid leave and a further day’s leave may be taken as annual leave, flexi-time/TOIL or unpaid leave.”
West Mercia	X	X			X	Limit of 2 days
West Midlands	X		X	X	X	“Officers and staff can take up to three days paid time off in a 12-month period to deal with unplanned events and emergencies involving their dependants.”
West Yorkshire	X		X		X	“Only the first day of dependents leave will be paid, on a maximum of 2 occasions in any 12 months and any further occasions/days will be unpaid”
Wiltshire	X					Helpfully explains the entitlement with examples, but also incorrectly states it is unpaid and they are generously making it paid for what the force deems a reasonable period.

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THE POLICE REGULATIONS 2003, REGULATION 33, LEAVE

(9) A member of a police force shall, so far as the exigencies of duty permit, be entitled to be permitted to take a reasonable amount of time off during periods of duty in order to take such action, and for such purposes, in respect of a dependent of that member, and subject to such conditions, as shall be determined by the Secretary of State; and for this purpose the Secretary of State may determine the meaning of “dependent” in relation to members of a police force.

ANNEX T, DETERMINATION FOR REGULATION 33, TIME OFF FOR DEPENDENTS

1) A member of a police force is entitled to be permitted by his chief officer to take a reasonable amount of time off during his normal duty periods in order to take action which is necessary:

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

2) Paragraph (1) does not apply unless the member:

- a) tells his chief officer the reason for his absence as soon as reasonably practicable, and
- b) except where paragraph (a) cannot be complied with until after the member has returned to duty, tells his chief officer for how long he expects to be absent.

3) Subject to paragraphs (4) and (5), for the purposes of this section “dependent” means, in relation to a member of a police force:

- a) a spouse,
- b) a child,
- c) a parent,
- d) a person who lives in the same household as the member, otherwise than by reason of being his employee, tenant, lodger or boarder.

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- 4) For the purposes of paragraphs (1)(a) or (b) “dependent” includes, in addition to the persons mentioned in paragraph (3), any person who reasonably relies on the member:
 - a) for assistance on an occasion when the person falls ill or is injured or assaulted, or
 - b) to make arrangements for the provision of care in the event of illness or injury.

- 5) For the purposes of paragraph (1)(d) “dependent” includes, in addition to the persons mentioned in paragraph (3), any person who reasonably relies on the member to make arrangements for the provision of care.

- 6) A reference in this determination to illness or injury includes a reference to mental illness or injury.

- 7) Leave taken as time off for dependents shall be treated as duty.

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ANNEX TA REGULATION 33 PARENTAL BEREAVEMENT LEAVE

Eligibility for leave

1) These provisions apply on the death of a child under the age of 18, or a stillbirth after at least 24 weeks of pregnancy, where the date of death has occurred on or after 6 April 2021. In the case of stillbirth the date of death is taken to be the date the child is stillborn.

2) These provisions apply to any officer, regardless of length of service, who is a 'bereaved parent'. For these purposes, a bereaved parent is any of the following to the child at the date of death:

- a) a parent¹
- b) a natural parent of a child who has been adopted, but there is a court order providing for contact with the child
- c) a person with whom a child has been placed for adoption, for so long as that placement has not been disrupted²
- d) a prospective adopter who is living with the child following the child's entry into Great Britain from overseas for adoption purposes, and has received official notification of their eligibility to adopt
- e) an intended parent under a surrogacy arrangement
- f) a parent in fact³; or

¹This does not just include natural parents but also others treated as parents by law, including adoptive parents or persons who have become parents under provisions relating to surrogacy or fertility treatment.

² A placement has been disrupted if the child has been returned under adoption legislation, or the child's placement with a prospective adopter, or foster parent who is also a prospective adopter, has been terminated.

³ This applies if the person has, for a continuous period of at least four weeks ending with the date of death, lived with the child in their own home and had day to day responsibility for their care. No account is to be taken of absences of a temporary or intermittent nature. So for example this could include foster carers, guardians, or others who are not parents of the child but are their main carer. However this does not apply if the child is in the care of a person in premises in which any parent or other person with parental responsibility for the child is living, or if the person was or is entitled to receive wages or other remuneration in respect of the child's care.

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- g) the partner⁴ of any of the above

Entitlement to leave

3) An officer is entitled to be permitted by their chief officer or police force to take a period of leave, known as 'parental bereavement leave', which may be taken either as one week, two consecutive weeks or two separate weeks at different times. A 'week' is any period of seven calendar days and the leave must be taken as whole weeks⁵.

4) Parental bereavement leave can be taken at any time in the period of 56 weeks beginning with the date of death.

5) Where more than one child has died or been stillborn, the officer is entitled to a separate period of leave in relation to each child.

Notification of leave

6) An officer must give their chief officer or police force notification (which does not have to be in writing) of their intention to take any absence from duty as parental bereavement leave, specifying:

- a) the date of the child's death;
- b) the date on which the officer chooses that any period of leave to start; and
- c) whether the officer intends that period of absence to be for one or two weeks.

7) For parental bereavement leave starting within the first 56 days or 8 weeks of the period starting with the date of death, the officer must give notification no later than the time they are due to start work on the day that they start parental bereavement leave⁶. However if this is not reasonably practicable, the officer must give notification as soon as reasonably

⁴This means a person who lives with the child and the parent in an enduring family relationship, but is not a relative (parent, grandparent, sibling, aunt or uncle, including half-blood relatives such as half-siblings/aunts/uncles, or adoptive parents) of the parent.

⁵As these are calendar weeks, there is no need for pro-rata arrangements for officers working part-time or compressed hours.

⁶ So for example if an officer is due to start work at 9:00am on a Monday they should give notice no later than 8.59am on the Monday.

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practicable afterwards. If an officer is already at work during this period and they give notification of their intention to begin their leave on the same day, the period of parental bereavement leave begins on the next day.

8) For parental bereavement leave starting after this period (weeks 9 to 56 after a child's death) the officer should give at least one week's notice of their intention to take parental bereavement leave wherever possible, or as soon as reasonably practicable otherwise.

9) Officers can change or cancel their weeks of parental bereavement leave within the same periods of notice as set out above⁷. However a week of parental bereavement leave cannot be cancelled if it has already commenced. A period of parental bereavement leave commences on the date specified in the notice, unless cancelled, or the exception referred to above at 7) applies.

Terms and conditions before, during and after leave

10) Parental bereavement leave shall be treated as duty.

11) The provisions above are in addition to any existing allowances under Annex T or other determinations, including in relation to bereavement or other parental leave⁸.

⁷ So for example if an officer wishes to cancel a period of leave within weeks 9-56 of the child's death, they may do so by giving notice at least seven days/one week before their leave is due to start.

⁸ So for example an officer may be entitled to take periods of leave under both Annex T and these provisions.