

## SCHEDULES

### SCHEDULE 7

#### EMERGENCY VOLUNTEERING LEAVE

##### PART 1

###### ENTITLEMENT TO EMERGENCY VOLUNTEERING LEAVE

###### *Entitlement to emergency volunteering leave*

- 1 (1) A worker is entitled to be absent from work on leave for the period specified in an emergency volunteering certificate if the condition in sub-paragraph (2) is met.
- (2) The condition is that, no later than 3 working days before the first day of the period specified in the emergency volunteering certificate, the worker—
  - (a) notifies their employer in writing of their intention to be absent from work on leave for the period specified in the emergency volunteering certificate, and
  - (b) provides their employer with a copy of the certificate.
- (3) An “emergency volunteering certificate” is a document issued by an appropriate authority certifying that the worker—
  - (a) has been approved by the authority as an emergency volunteer in health or social care, and
  - (b) will be acting as an emergency volunteer in health or social care from the date, and for the period, specified in the certificate.
- (4) The period specified in the certificate must be a period of—
  - (a) two consecutive weeks,
  - (b) three consecutive weeks, or
  - (c) four consecutive weeks,and must begin and end in the same volunteering period.
- (5) A worker may not be absent from work under this paragraph more than once in each volunteering period.
- (6) This paragraph is subject to paragraph 3 (exceptions).
- (7) In this Schedule “emergency volunteering leave” means leave under this paragraph.

###### *Meaning of “volunteering period”*

- 2 (1) For the purposes of paragraph 1 the “volunteering periods” are—
  - (a) the period of 16 weeks beginning with the day on which this Schedule comes into force;

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- (b) any subsequent periods of 16 weeks specified by the relevant national authority in regulations;
  - (c) any period of less than 16 weeks, ending with the expiry of this Part of this Schedule, specified by the relevant national authority in regulations.
- (2) A volunteering period specified in regulations under sub-paragraph (1)(b) or (1)(c)—
- (a) may not begin before the end of the previous volunteering period;
  - (b) may, but need not, begin immediately after the end of the previous volunteering period.
- (3) In this paragraph the “relevant national authority” means—
- (a) in relation to England and Wales and Scotland, the Secretary of State;
  - (b) in relation to Northern Ireland, the Secretary of State or the Department for the Economy in Northern Ireland.
- (4) The Secretary of State may not make regulations under this paragraph in relation to Northern Ireland unless the Department for the Economy in Northern Ireland consents.

*Exceptions to entitlement to emergency volunteering leave*

- 3 (1) Paragraph 1 does not apply where the worker—
- (a) is employed by an undertaking which has a headcount of staff of less than 10;
  - (b) is employed by the Crown;
  - (c) is a relevant member of the House of Lords staff, within the meaning of section 194 of the Employment Rights Act 1996;
  - (d) is a relevant member of the House of Commons staff, within the meaning of section 195 of the Employment Rights Act 1996;
  - (e) is employed under a contract of employment with the National Assembly for Wales Commission;
  - (f) is employed under a contract of employment with the Scottish Parliamentary Corporate Body;
  - (g) is employed under a contract of employment with the Northern Ireland Assembly Commission;
  - (h) is employed under a contract of employment in police service (within the meaning of section 200(2) of the Employment Rights Act 1996);
  - (i) is of a description specified in regulations made by the relevant national authority.
- (2) Sub-paragraph (1)(h) does not apply in relation to Northern Ireland.
- (3) In sub-paragraph (1)(i) the “relevant national authority” means—
- (a) in relation to England and Wales and Scotland, the Secretary of State;
  - (b) in relation to Northern Ireland, the Department for the Economy in Northern Ireland.

*Meaning of “appropriate authority”*

- 4 (1) This paragraph applies for the interpretation of this Part of this Schedule.
- (2) In relation to England, “appropriate authority” means—
- (a) the Secretary of State for Health and Social Care,

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- (b) the National Health Service Commissioning Board,
  - (c) a county council,
  - (d) a district council for an area for which there is no county council,
  - (e) a London borough council,
  - (f) the Common Council of the City of London, or
  - (g) the Council of the Isles of Scilly.
- (3) In relation to Wales, “appropriate authority” means—
- (a) the Welsh Ministers,
  - (b) a county council, or
  - (c) a county borough council.
- (4) In relation to Scotland, “appropriate authority” means—
- (a) the Scottish Ministers, or
  - (b) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.
- (5) In relation to Northern Ireland, “appropriate authority” means—
- (a) the Department of Health in Northern Ireland,
  - (b) the Regional Health and Social Care Board, or
  - (c) a Health and Social Care trust.