



Traffic Commissioners for Great Britain

Administrative Policy Guidance

COMPASSIONATE ABSENCES AND BEREAVEMENT

This policy has no statutory basis and is issued with and is subject to the agreement of the Traffic Commissioner Board.

Contents:

	Page
Introduction	1
General Policy	1
Compassionate leave - <i>Bereavement</i>	1
Compassionate Leave - <i>Caring Responsibilities</i>	2
Compassionate Leave - <i>Other circumstances</i>	2
Compassionate Leave - <i>Exceptional circumstances</i>	2
Other types of Leave - <i>Career Breaks</i>	2
Other types of Leave - <i>Salaried part-time working</i>	3
Other types of Leave – <i>Maternity, Paternity and Adoption Leave</i>	3

Introduction

1. Traffic commissioners (TCs) operate at arm's length from the [Department for Transport \(DfT\)](#) as independent regulators and a specialist tribunal.
2. Whilst each TC is an appointee of the Secretary of State, they are each an independent public body. The governance, within the statutory and legal framework, is therefore a matter for the TCs themselves. Pending statutory reform as recommended by the 2023 Functional Review, they have agreed to continue working arrangements as a TC Board and to adopting shared policies.
3. Further to the Agreement on Liability Issues dating to January 2016, the development of policies is based on the acknowledgement of judicial equivalence. This Administrative Policy Guidance is therefore based on the Judicial Office's Compassionate Leave policy for Salaried Courts and Tribunals Judiciary, dated October 2012 and the Bereavement Guidance for the Judiciary dated January 2024.

General Policy

4. It is widely recognised that there is a need and desirability for judicial office-holders (in this case Traffic Commissioners) to be able to use a reasonable amount of their 'annual leave' for normal holiday purposes and that it is thus undesirable for them to have to use leave for unavoidable absences. Short periods of special leave with pay may therefore be granted, primarily to enable office-holders to cope with a short-term domestic crisis and to allow sufficient time, where necessary, for longer-term arrangements to be made.
5. Confirmation for special leave with pay, under the terms of this document, will be sought from the Senior Traffic Commissioner.
6. Traffic Commissioners should be reasonable and, wherever possible, timely in their requests, which should normally be made in writing or by email and include reasons. Traffic Commissioners understand that they may be requested to provide evidence.
7. The Senior Traffic Commissioner should be reasonable and consistent when considering requests; they should satisfy themselves as to whether the request is justified, requesting evidence if necessary. Given the adverse effect domestic crises can have on a Traffic Commissioner's ability to function effectively, the Senior Traffic Commissioner may need to be proactive in encouraging individuals to take leave until matters are resolved.
8. Where, by virtue of the circumstances, notification cannot be made in advance, the Traffic Commissioner will notify the tribunal administration as soon as possible via TCCO@otc.gov.uk. The TC Corporate Office will alert the Senior Traffic Commissioner and contact an appropriate person at the hearing centre concerned.

Compassionate leave - Bereavement

9. Up to seven days' special leave with pay may be taken on the death of a near relative or, in the case of some other relative, in special circumstances where, for

example, the Traffic Commissioner is responsible for making the funeral arrangements.

Caring responsibilities

10. In the case of illness of a near relative, up to 3 days (exceptionally 5 days) may be taken where it is necessary for the Traffic Commissioner to be in attendance or, at short notice, to assume responsibility for the care of a seriously ill or infirm relative who cannot be left alone, or for the care of a young family when a parent is suddenly taken ill.
11. Traffic Commissioners who are required to accompany a family member to a medical appointment, for example a medical or dental appointment for their child, will use their annual leave, take unpaid leave or accrued time-off in lieu, or make temporary alternative arrangements to their sittings pattern. Any such arrangements will be made after alerting the Senior Traffic Commissioner and allowing notification to the hearing centre.

Other circumstances

12. These arrangements may also be applied to domestic crises and other situations where hardship would otherwise occur including, for example, where there has been a fire or flood at the family home, or a burglary has taken place. In such cases, the Traffic Commissioner might seek up to three days (exceptionally five days) to be able to make suitable arrangements to resolve the issue. A record with a full explanation of the hardship that would arise should be retained.

Exceptional circumstances

14. Traffic Commissioners who may require longer periods of absence, e.g. to care for a near relative who is critically or terminally ill, should speak to the senior sponsor in DfT, who may seek assistance from, the Senior Traffic Commissioner Where the situation cannot be covered by a short-term measure, e.g. a temporary readjustment to the sitting or work pattern, the Traffic Commissioner will normally look to use his or her annual leave, to take unpaid leave or (where it is available) to rely on leave that has been accumulated or accrued time-off in lieu.

Other types of leave

Career breaks

15. Where these entitlements are insufficient to meet the Traffic Commissioner may wish to consider applying for a career break.
16. Judicial office-holders will normally have held salaried office for two years before they become eligible for a career break. Those career breaks are unpaid and do not count towards reckonable service for pension purposes. Judges can apply for a minimum of three months and a maximum period of three years, but the position of Traffic Commissioners is different because of the numbers involved. However, the Secretary of State retains a power under paragraph 5A of Schedule 2 Public Passenger Vehicles Act 1981 to act in their absence. Requests for career breaks will therefore be referred to the senior sponsor in DfT. It is reasonable to expect a response within 21 days of making the request.

Salaried part-time working

17. Whilst there is no absolute right to sit part-time, all salaried tribunal office-holders may request part-time working. Such requests will need to be considered by the senior sponsor.

Maternity, Paternity and Adoption Leave

18. Arrangements should reflect judicial office-holders and those applicable to staff in the Department. Accordingly, parental leave would extend to 13 weeks additional, but unpaid leave for the period up to the child's 5th birthday. If the child is disabled, 18 weeks are available for the period up to their 18th birthday. That entitlement is applied to each child.

Health and Welfare

19. The Lord Chief Justice's and the Senior President of Tribunals' policies for dealing with ill-health are set out in their Judicial Health and Welfare policies, which offer a useful guide to the approach which might be adopted by the senior sponsor.