



Parent & Carer
Alliance C.I.C.

Carers Leave

Guidance Notes

A Guide for Employers

<p>Quick Overview</p>	<ul style="list-style-type: none"> • New right for employees to book time off work to provide or arrange care for their dependant who has a long-term care need. • The law comes into effect from 6 April 2024. • Carer’s leave is unpaid leave. • Employees can take a maximum of one week of carer’s leave per rolling 12 month period. • Employers can postpone leave but not refuse a request
<p>Who Is A Dependant?</p>	<p>A person is a dependant of an employee if they:</p> <ol style="list-style-type: none"> a) are a spouse, civil partner, child, or parent of the employee. b) live in the same household as the employee, however, this does not include the employee’s boarder, employee, lodger, or tenant, or c) reasonably rely on the employee to provide or arrange care. This could be, for example, an elderly neighbour..
<p>What Is A Long-Term Care Need?</p>	<p>A dependant of an employee has a long-term care need if any of the below apply:</p> <ol style="list-style-type: none"> a) they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months. b) they have a disability for the purposes of the Equality Act 2010. c) they require care for a reason connected with their old age
<p>What’s The New Law?</p>	<p>The Carer’s Leave Act 2023, and Carer’s Leave Regulations 2024, will introduce a brand-new right for eligible employees to book in time off work to provide or arrange care for their dependant who has a long-term care need.</p>
<p>When Does The Law Come Into Force?</p>	<p>If the draft regulations are approved, employees will be able to take carer’s leave from 6 April 2024</p>

Who Is Eligible To Take Carer's Leave?

The right to take carer's leave applies to employees who have a dependant with a long-term care need. It applies from day one of employment

What Can The Leave Be Used For?

Carer's leave is to be used by employees to provide care or make care arrangements for a dependant who has a long-term care need. Employees already have the right to reasonable time off for dependants to deal with an emergency involving a dependant. This might be taken, for example, when an employee's child falls ill while at school so the employee needs to leave to pick them up. Time off for dependants is to deal with the emergency that has arisen and make arrangements; it is not intended to be used by employees to actually provide that care. This new right, however, will entitle eligible employees to take planned leave to provide care, or to make arrangements for it, when there is not an emergency. Note that, whilst the definition of dependant is the same for time off the dependants and carer's leave, carer's leave can only be taken when that dependant meets the criteria of 'long-term care need'. This means, therefore, that carer's leave is not simply an extension of the right to time off for dependants nor does it give employees an extra type of time off to use for childcare, unless the child is disabled. Employees who need to support dependants for a short period of time would not be eligible to take carer's leave due to the 'more than three months' element to the definition of 'long-term care need'. Whilst the legislation itself does not provide any examples, the government has previously stated that carer's leave should be used for a wide variety of caring activities, such as the following: a) providing personal support, such as keeping an eye out for someone, keeping them company, and staying in touch. b) providing practical support, such as making meals, going shopping for them, laundry, cleaning, gardening, maintenance, and other help around the house. c) helping with official or financial matters, such as helping with paperwork, dealing with 'officials', paying bills/rents/rates, collecting pensions/benefits. d) providing personal and/or medical care, such as collecting prescriptions, giving medications, changing dressings, helping them to move around the home, getting dressed, feeding, washing, bathing, using the toilet. e) making arrangements, such as dealing with social services or the voluntary sector, moving someone

into a care home, making home adjustments or

How Much Leave Can An Employee Take?

An eligible employee is entitled to take a maximum of one week's leave per rolling 12 month period which ends on the last day of the carer's leave the employee has requested. 'A week' is the length of time that the employee would normally be expected or required to work in a week at the time of making a request to take carer's leave. Where an employee's working hours vary from week to week or over a longer period, or they are a part-year employee, you can work out a week by dividing the total of the periods for which the employee is normally required to work during the course of a week, over the period of 52 weeks ending on the last day of the leave the employee has requested, by 52. If the employee has been employed for fewer than 52 weeks, divide by the number of weeks they have been employed by you. If they have been employed for less than one week, their 'week' is what they would be expected to work in that first week. Leave can be taken in multiple blocks or all in one go but the minimum amount of leave to be taken at one time is half of the employee's working day.

How Is Carer's Leave Requested?

Employees who want to take a period of carer's leave should make a request to their employer. The request:

- can ask for all or part of the leave they are entitled to
- must specify that the employee is entitled to take carer's leave in terms of the person to be cared for, that they will take leave in order to provide or arrange care for that person and that they have not exceeded their entitlement
- must specify the days on which the employee wants to take leave and
- must, if the leave relates to part of a day, specify this fact.

The notice needed from employees will be short. It is the length of time which is longer out of: • double the amount of time requested to be taken as carer's leave for that instance and • a period of three days. For example, an employee who wants to take half a day of carer's leave will have to give at least three days' notice. A request for a consecutive period of four days of leave

<p>How Much Notice Does An Employee Need To Give?</p>	<p>will need at least eight days' notice. If an employee fails to give the required amount of notice, employers can choose to waive the requirement provided the employee has made the request in line with the information needed as shown in 'How is Carer's Leave Requested?' above.</p>
<p>Do I Have To Accept A Request For Carer's Leave?</p>	<p>The draft regulations allow you to postpone a request for carer's leave in certain circumstances. If you reasonably consider that the operation of your business would be unduly disrupted if the employee took carer's leave at the time they have asked for, you can postpone it for up to one month. The new period of carer's leave must be for the same length of time as the original request, and the new date can be determined by you after having consulted with the employee. You will then need to write to the employee setting out the reason for the postponement and the new agreed date of leave. This letter must be given to the employee as soon as is reasonably practicable but no later than whichever is earlier out of:</p> <ul style="list-style-type: none"> • seven days after the employee gave the request to you and • the earliest day or part day of the leave originally requested.
<p>Does The Employee Need To Provide Any Evidence Of Eligibility?</p>	<p>No. Employers aren't allowed to require an employee to provide evidence that they qualify for carer's leave, for example, that they are taking the leave in relation to someone who falls into the definition of a dependant, or that they have a long term care need. The leave is, therefore, open to potential misuse. It should be made clear to employees that any suspected misuse of the right will be investigated and if there is sufficient evidence, disciplinary proceedings may be instigated.</p>
<p>How Much Do I Pay Those Who Take Carer's Leave?</p>	<p>Carer's leave is unpaid unless you choose to pay employees during the time off. If you do decide that you will pay employees whilst they take carer's leave, you will need to ensure that you update their contract of employment or employee handbook to reflect this.</p>
	<p>During carer's leave, an employee is entitled to the benefit of their normal terms and conditions except for pay. Employees who have taken carer's leave have the</p>

What Rights & Protections Will Qualifying Employees Have?

right to return to the same job. An employee will be protected from suffering a detriment arising from their taking or requesting carer's leave, or because the employer believed the employee was likely to take carer's leave. Dismissing an employee or selecting them for redundancy because they have requested or taken carer's leave, or because the employer believes they will take carer's leave, will be an automatically unfair dismissal. The employee has three months from the matter complained of to bring such claims within the employment tribunal. If successful, the employee may be awarded compensation which the tribunal considers just and equitable in all the circumstances including the employer's behaviour and any consequential loss sustained by the employee

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- Describe the revision made to the research brief
- Revised by: @parentandcareralliance



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