

The Carer's Leave Act 2023 has opened up many more possibilities for carers who are employed.

These changes came into effect on the 6 April 2024.

- The Carer's Leave Act covers employees in England, Wales and Scotland.
- Employees are entitled to one week's; 5 days, unpaid leave per year if providing or arranging care for someone with a long-term care need.
- This leave can be taken flexibly (in half or full days) for planned and foreseen caring commitments.
- It is available from the first day of employment.
- It provides the same employment protections to employees as other forms of family-related leave, including protection from dismissal.

Who Can take Carer's leave?

This includes if you are caring for someone with a physical or mental illness or injury, a disability, or care needs because of their old age. The person you are caring for may be a family member or someone else who relies on you for care.

Any employee who is providing or arranging care for someone with a long-term care need is entitled to take this leave.

The right to take carer's leave is available from the first day of your employment and applies to full-time and part-time employees.

What can Carer's leave be used for?

The Carer's Leave Act introduces a new entitlement to leave for employees who are 'providing or arranging care' for someone with a long-term care need

The law doesn't state what type of care this includes but it is intended to cover a range of caring situations. These could include things like taking someone to a medical appointment, supporting someone with personal care, arranging visits with health professionals or organising care for the future.

Do I have to show my employer proof that I'm a Carer?

The law also states that an employer can't require an employee to supply evidence that they are caring so it is up to you to identify that you are caring and are requesting the leave.

How do I request Carer's leave?

You can take carer's leave in half or full days, up to and including a block of a whole week of leave at once.

This leave is intended for planned and foreseen caring commitments. If the situation is urgent, employees have the legal right to take a reasonable amount of time off work to deal with an emergency involving someone who relies on them for help (as a dependant).

You can take up to one week of carer's leave a year (ie within a 12 month period).

You should also confirm to your employer:

- that you are requesting carer's leave (to provide or arrange care for a dependant with a long-term care need) and
- the specific days (or half days) you require for the leave. Your notice does not have to be in writing, but you will need to provide this information to your employer.

How much notice do I need to give my employer?

Under the new Act, you should give your employer notice of carer's leave:

- at least three days in advance if you are requesting a half day, or single day, of leave
- at least twice as many days as your requested leave period if you are applying for two or more consecutive days' leave. (For example, if your request is for two days leave, you will need to give four days' notice).

What is meant by 'a week' of Carer's leave?

A week is defined by your contract with your employer:

- If you are a full-time employee, this will normally be five days.
- If you are a part-time employee, this will be your contracted hours rounded up to the nearest half day.
- If you are on a variable week-to-week contract, this will be how many hours you have worked for your employer (up to 1 year) divided by the number of weeks you have worked for your employer (rounded up to the nearest half day and up to a maximum of 5 days).
- If you want to take carer's leave in your first week of employment, your employer should calculate this by using the amount you are expected to work in a week as the amount of leave you can take. (For example, if your normal working week will be five days, your entitlement to carer's leave will be five days within a 12 month period).

Under the Carer's Leave Act, the amount of time that an employee can request is up to one working week within a 12 month period.

Am I entitled to more Carer's leave if I am caring for more than 1 person?

One week per year is the maximum leave that employees are entitled to under the Carer's Leave Act, regardless of how many dependants they may be supporting (who have a long-term care need).

For example, if you need to care for more than one person, you cannot take a week of carer's leave for each dependant. However, you can use your entitlement to a week's carer's leave on more than one dependant (eg three days to care for one person and two days to care for another).

However, some employers already offer carer's leave beyond the new legal minimum so also check what your workplace provides.

Can my request be rejected?

Your employer can postpone your request for carer's leave (to provide or arrange care for a dependant with a long-term care need) but cannot reject it.

Your employer can only postpone your requested period of leave if they 'reasonably consider that the operation of their business would be unduly disrupted' if the leave was approved. If your employer believes this is the case, then they must:

- agree to permit you to take a period of carer's leave of the same duration
- consult you and confirm a new date on which the leave can be taken within one month of the original date you requested
- give you notice in writing of the postponement with the reasons for this and the agreed date when you can take the leave. This notice must be given to you within seven days of your original request (and before the requested start date of the leave if you made your request with less than seven days' notice).

Could my job be affected by taking Carer's Leave?

No, as with other forms of family leave, the Carer's Leave Act gives you rights and protections to enable you to take carer's leave. These include the following:

- right to the terms and conditions of employment that would have applied if you had not been on carer's leave (eg holidays, pensions and other benefits)
- right to return to your job with your seniority, pension and similar rights as before taking leave
- right not to be subjected to any detriment because you took (or sought to take) carer's leave. (For example, your employer should not change your role or duties without consulting you)
- protection from unfair dismissal (and redundancy) if this is related to you taking carer's leave.

Find out more about employees' rights when on leave on the [GOV.UK](https://www.gov.uk) website. If you think you have been discriminated against for taking carer's leave, you should immediately contact your Human Resources team or get in contact with a union or other staff representative. You could also contact [ACAS](https://www.acas.org.uk) for support and advice or [Citizens Advice](https://www.citizensadvice.org.uk).

Does Carer's leave have to be unpaid?

Under the Carer's Leave Act you only have the right to take **unpaid** carer's leave.

However:

- Some employers offer some days of paid leave for caring so it is worth checking whether your employer provides this. For example, paid leave is sometimes offered in a contract of employment or allowed at the discretion of the line manager. Check with your manager or human resources department to see if this may be available.
- Your employer may also offer flexible working arrangements that could help on an occasional, informal basis. For example, this could be a small adjustment in your working hours on a one-off basis, or allowing you to work from home for part of the day or week. Again, check with your manager or human resources department about this.

If your employer does offer paid leave - but for less than five days - you are still entitled to take up to a week's carer's leave a year if you are supporting someone with a long-term care need. For example, if your employer offers three days of paid leave, you could take a minimum of another two days unpaid.

NB: If your employer already offers a week or more of carer's leave in your contract (that covers planned and foreseen caring commitments), the new law will not affect this. However, some employers may decide to increase their leave provision following the new Act by allowing an additional five days' unpaid carer's leave on top of what they already offer.

Please if you would like any further information or support in your caring role, get in touch with us:

Carer Support Carlisle & Eden

Penrith Office: 01768 890280

Carlisle Office: 01228 580214