



Carer's Leave Guidance

Review Date: 26th March 2024

Summary

Carer's Leave is available from 6 April 2024. It is an entirely new right permitting employees from day one of employment to take up to one week per year (unpaid) leave to provide care or assist someone who is dependant on them who has a long-term care need.

How to apply for Carer's Leave:

Employee identifies as being entitled to Carer's Leave and wishes to take it.



Employee should contact their line manager and give appropriate notice.



Employee should submit an [unpaid special leave form](#) to their line manager.



The employee's line manager may authorise unpaid special leave form and submit to payroll. If Service records are also kept, a copy of the form should be forwarded to the appropriate person.

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Rationale

According to the charity Carers UK, around 9% of people are providing unpaid care to a dependant, meaning a large proportion of the workforce could be affected. The average person has a 50:50 chance of caring by age 50 – long before they reach retirement, with half of women caring by age 46.

Employees who care can now request carer's leave. This new right will help many more carers stay in work. Aberdeenshire Council is committed to encouraging a positive culture of support for carers recognising the demands of balancing work and caring responsibilities. A flexible approach for carers can: attract and retain staff, reduce stress, increase resilience and productivity, reduce sick leave, improve service delivery, and increase staff morale.

Introduction – What is the Carer's Leave Act?

From April 2024, all UK employers must offer their employees up to one week unpaid leave per year. The employee can then spend this week providing or arranging care for a dependant with a long-term care need.

Legislation

The Carer's Leave Act 2023 entitles employees in England, Wales, and Scotland up to one week of unpaid leave each year to look after someone who relies on them because they are ill, have an injury, are disabled, or have care needs because of their age.

Key Points:

- Carer's leave will be available from the first day of employment.
- Carer's leave will be unpaid.
- The right to carer's leave is intended for planned activities or assistance provided by an employee to somebody dependant upon them who has a long-term care need.
- Carer's leave is not the same as time off for dependants leave. Which is for emergency situations.
- It is possible to postpone carer's leave for up to one month where it would unduly disrupt the employer's business.
- In deciding whether to allow the time off, the employer can consider whether the required notice has been given for the requested carer's leave.
- Employees can take a maximum of one week of carer's leave per rolling 12-month period.
- An employee can make a complaint to the employment tribunal that they have suffered a detriment or been dismissed due to taking carer's leave.
- Dismissing an employee for taking carer's leave will be automatically unfair.

Definition of Carer

The legislation refers to "unpaid carers" who care for someone in their home lives (not someone working as a professional carer).

An unpaid carer is someone who helps look after a friend or family member who has a disability, illness, mental health condition, addiction or needs extra help as they grow older.

Being a carer is separate from caring for a child, unless that child has a disability or additional needs.

Definition of Dependant

The Carer's Leave Act 2023 has described a dependant as any of the following:



A spouse, civil partner, child or parent of the employee



Somebody who lives in the same household as the employee (excluding boarders, employees, lodgers and tenants)



Somebody who relies on the employee to provide or arrange care – this does not have to be a family member.

What is a long-term care need?

The Carer's Leave Act 2023 specifies that a dependant has a long-term care need if:

- They have a physical or mental injury that requires (or is likely to require) care for more than three months.
- They have a disability for the purposes of the Equality Act 2010 (this means that they must have a mental or physical impairment which has a substantial and long-term effect on their ability to do day-to-day activities).
- They require care for a reason connected to their old age.

How does carer's leave work?

Employees will be able to take up to one week unpaid every 12 months, with a 'week' meaning the length of time they normally work over seven days. So if someone usually works three days a week, they can take three pro-rated days of carer's leave in a year. This can be taken all at once, as half days or full days.

Carer's leave cannot be used to provide general childcare but can be for a child who has long-term health or disability-related care needs.

The amount of leave does not increase if the employee has more than one dependant in need of care, it is still a maximum of one working week every 12 months.

Do employee's have to show proof?

Under the Carer's Leave Act, line managers cannot ask for evidence relating to an employee's caring responsibilities or ask how the worker intends to use their leave, due to data protection issues around handling sensitive personal or medical data.

Possible reasons might be settling official matters such as pensions or legal documents, dealing with care homes or social services, or taking someone to a medical appointment.

How much notice must employees give for carer's leave?

An employee must give notice if they intend to take carer's leave, specifying that they are eligible for the leave and the day(s) they intend to take it. The notice should be three days or twice as many days as the number of days requested, but line managers can waive this requirement if they wish.

Employees needing to take emergency time off may be better off using their right to time off for dependants. Carer's leave is designed to cover planned time off to look after dependants.

Can a request for carer's leave be refused?

Once a request has been submitted by an employee for carer's leave, it cannot be refused. It can, however, be postponed if operations would be unduly disrupted.

If that decision is taken, the line manager must provide written notice of the reasons for postponement within seven days. They also need to offer suggested revised carer's leave dates which must be within one month of the original requested dates. Ideally, any re-arrangement would happen in consultation with the employee.

Employees and Rights

As with other family-friendly rights, employees have the right to return to the same job after a period of carer's leave, and the terms of their contract should remain unchanged.

They are also protected from detriment and dismissal – so if they were dismissed for taking or requesting this type of leave, this would automatically be deemed unfair.

What other options are available for carers?

Employee Procedures

Because caring responsibilities can ebb and flow depending on a range of health and personal factors, employees may want to draw on different HR policies and procedures to support their needs.

Managers could point employees who are carers to [Flexible Working](#) to offer a day-one right to request flexible work. Other options might include working remotely, changing their working hours to part-time or working compressed hours.

[Career breaks](#) provide an opportunity for employees to balance work and other aspects of their lives whilst enabling the Council to retain their experience, knowledge and skills.

Employee Assistance Programme (EAP)

Employees can access EAP (Vivup) independent of their line manager on **0800 023 9324** or by visiting the [VIVUP Website](#).

The Special leave Procedure's for both Local Government and Teaching staff can be found within the following link: [Special leave Procedures](#). Please bear in mind that there are two separate procedure's for Local Government and Teaching Staff.

Employees are encouraged to speak directly to their line manager who will discuss your caring commitments with you and will apply the most appropriate leave option for your circumstances.

If you or your line manager have any questions on any specific HR policies, you can contact askHR. You can log in to the askHR self-service portal via the link on the Arcadia homepage or Telephone **(01467) 534400** or Email askHR@aberdeenshire.gov.uk

ALDO Courses

ALDO

Please use the following link to access your [ALDO Log in](#).

Two courses available are:

Carer Awareness - Level 1 will increase awareness of those with a caring role and ensure that carers have the information and support they need at the right time.

Caring Counts in the Workplace is for managers who are interested in finding out more about carers and understanding their own role in identifying and supporting carers in the workplace.

External Carer Support Organisations

Aberdeenshire Council works closely with third sector organisations who provide support to carers. These organisations can provide;

- Advice and information on a wide range of resources and community supports.
- Signposting to a specific service or organisations in your area.
- Assist you in completing an Adult Carer Support Plan should you wish to.
- Peer support as part of a group, or work on a one-to-one basis.

VSA – Aberdeenshire Carer Support Service (For carers of those living in Aberdeenshire)
Tel: 01224 727670

Email:
Carers.Shire@vsa.org.uk
[VSA Website](#)

Quarriers – Aberdeen Carers Support Service
Tel: 01224 914036

Email:
aberdeencarers@quarriers.org.uk
[Quarriers Virtual Carers Centre](#)

The following Aberdeenshire Council resources may also be helpful:

[Caring for Others \(Aberdeenshire Council\)](#)

[Unpaid Carers Services and Support \(Aberdeenshire Council\)](#)

For more information, please email – carerssupport@aberdeenshire.gov.uk

Document Revision History

Document Revision History					
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001	26/03/2024	workSTYLE – New Format	HR Operational	D Fyfe, M Chapman	
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Appendix One – The Resource Pack

Resource Pack

