

Carer's Leave Policy

People Management

Adopted: May 2024



sirgar.llyw.cymru
carmarthenshire.gov.wales

1.0 Introduction

This policy sets out our commitment to supporting carers and the procedure for managing a request from an employee for Carer's Leave in line with the Carer's Leave Act 2023.

Employees may have caring responsibilities and may request our support to combine work with care. We have adopted this policy to demonstrate our support for employees who are carers, and to set out what support is available.

We aim to give carers the same recruitment and career opportunities as everyone else. We will give carers as much support as possible to achieve this objective.

2.0 Scope

This policy and procedure cover all employees including centrally employed teachers but excludes staff on the complement of locally managed schools for whom a separate policy applies. In the absence of a policy agreed locally by individual schools the principles of this policy should be followed.

3.0 Definition of a carer

When defining carers, we aim to strike a balance between recognising the special circumstances of caring, and not classifying carers as a rigid or separate group.

We define carers as employees with significant caring responsibilities that have a substantial impact on their working life. The activities that carers undertake are wide ranging, including but not limited to:

- help with personal care.
- help with mobility.
- managing medication.
- practical household tasks.
- emotional support; and
- help with financial matters or administration.

Carers' needs are different from the needs of employees with routine childcare responsibilities, and the circumstances and milestones of caring are different from those of routine childcare. Please look at our [Leave and Absence](#), and [Flexible Working](#) policies for options that may support you balancing childcare.

Caring can be unpredictable and emotionally upsetting. An employee may acquire caring responsibilities overnight, for example where their parent has a stroke, or caring responsibilities may develop over time, for example where the employee's partner has a debilitating long-term health condition. With routine childcare, the

child's journey is more predictable as they grow older, go to school and become more independent. The milestones of caring may go in the opposite direction, for example an elderly parent may become frailer and more dependent over time, and a disabled child may continue to have significant support needs when they become an adult.

4.0 Definition of a dependents

The definition of a “dependant” who may require your care includes:

- your spouse, civil partner, child, parent.
- a person who lives in the same household as you (other than by reason of them being their employee, tenant, lodger or boarder); or
- any other person who reasonably relies on you to provide or arrange care.

5.0 Identification and disclosure

You are not required to disclose to your line manager that you are caring for someone but are encouraged to do so. This will help us provide appropriate support to you. Line managers will respect the confidentiality of any information provided to them in this regard.

When you disclose to your line manager or via the Equality and Diversity section of 'MyView- Dashboard' that you are a carer, we will process any personal data collected in accordance with our [data privacy statement](#). Data collected from the point at which you inform us of your caring responsibilities is held securely and accessed by, and disclosed to, individuals only for the purposes of supporting you with your caring responsibilities (for example when dealing with requests for flexible working).

Where a manager knows that you have caring responsibilities, your line manager should discuss the support that our organisation offers carers and encourage you to access this support. Please see our [Support for Carers](#) web page.

6.0 Carer's leave.

Carer's leave is one week's unpaid leave in a rolling 12-month period and there is no minimum service requirement to apply for it. A week of carer's leave is the same duration as your normal working week.

Carer's leave will apply to all employees and is intended to allow you to provide or arrange care for a dependant with a long-term care need.

7.0 What carer's leave can be used for.

Carer's leave can be used for a long-term care need. A dependant has a long-term care need if they:

- have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months.
- have a condition that amounts to a disability under the Equality Act 2010; or
- require care for a reason connected to their old age.

This statutory right to carer's leave applies to a wide range of caring situations, but excludes general childcare, except where your child meets the definition of a dependant with a long-term care need.

Where you have short term caring responsibilities, please refer the authority's [Leave and Absence](#), and [Flexible Working](#) policies and procedures. This will provide other options, eg, annual leave, Time Off for Dependents, etc.

8.0 How can carer's leave be taken?

Carer's leave can be taken flexibly. The key requirements are:

- When using the leave, you must take a minimum of half a working day at a time; a working day meaning your usual working pattern. There is no need for the leave to be used on consecutive days. If you work full time, you could therefore take five separate days over a 12-month rolling period.
- You are required to provide notice, although this does not need to be in writing. The notice must include the fact that you are entitled to take carer's leave and the day(s) or part of a day that will be taken.
- You are required to give notice which is either twice the length of time being requested, or three days, whichever is the longest. This notice can be waived with mutual agreement from your line manager provided you are otherwise eligible to take carer's leave.

9.0 Applying for Carer's Leave

You must contact your line manager or nominated officer as soon as possible, explaining why you require carer's leave and the number of day's leave using Appendix 1.

You will also be required to apply for Carer's Leave via the web-based self-service system, 'MyView – Dashboard' using 'Other Absence'. However, there is no requirement to provide documentary evidence. The primary purpose of completing the MyView Form is to authorise the subsequent deduction from pay for the period of unpaid leave.

10.0 Manager's decision and postponing your carer's leave.

Your line manager cannot deny your request for carer's leave but can postpone it if they reasonably consider that service delivery would be unduly disrupted if the leave was approved as set out in Appendix C. If your line manager does postpone the leave, they must provide you written counter notice within seven days of the request, explaining the reason for the postponement and the revised dates the leave can be taken on. You must however be allowed to take the requested leave within a month of your original request.

11.0 Our commitment to you

You have the right not to be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) because you have taken, sought to take, or made use of the benefits of carer's leave.

If you consider that you have had a legitimate request for time off turned down, you can use the [Grievance Procedure](#) to resolve the matter.

12.0 Pay during carer's leave.

You do not have a statutory right to be paid during carer's leave. Therefore, any leave taken as carer's leave is unpaid.

While sums payable by way of wages/salary will cease, all other benefits will remain in place. For example, holiday entitlement continues to accrue. Pension contributions will continue to be paid.

13.0 Cancelling your carer's leave.

You can cancel your carer's leave and take it at a different time as long as you let your line manager know before your leave has started.

You cannot cancel any carer's leave that has already begun.

14.0 Returning to work after carer's leave.

Following your carer's leave, you have the right to resume working in the same job as before on terms and conditions that are no less favourable than the terms that would have applied had you not been absent. Your continuity of employment is not affected.

15.0 External sources of help

There are various organisations that provide help and support to carers, including:

- [Carers UK](#), which provides help and advice for carers on employment rights, benefits and tax credits, assessments, and other practical matters for carers.
- the [NHS website](#), which provides a wealth of information and advice for carer.;
- [Grace Care Consulting](#), which provides advice and support on care, special needs and neurodiversity, al needs and neurodiversity.
- [Age UK](#) and [Independent Age](#), which offer information and support to anyone providing informal unpaid care to an older person through a range of local services.
- [Contact a Family](#), which provides support, advice and information to families with disabled children; and
- [Carers Trust](#), which works with other organisations to provide access for carers to breaks, information, advice, education, training and employment opportunities.

16.0 Abuse of Carer's leave.

Any abuse of the Carer's Leave Policy scheme will be dealt with under the Council's Disciplinary Procedure, e.g., Taking leave for purposes other than for a carer's leave as detailed above.

17.0 Ensuring equality of opportunity.

Everyone must adopt a positive, open and fair approach and ensure the Authority's [Equality and Diversity Policy](#) is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity or expression, sexual orientation, maternity, parental, marital or civil partnership status.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the People Management Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

If you require this publication in an alternative format, please contact People Management by emailing CHR@carmarthenshire.gov.uk

Appendix 1

Request for carer's leave	
Employee's name:	
Employee number:	
Job title:	
Department:	
Start date carer's leave:	
End date carer's leave:	
Please confirm the number of full or half day(s) that you are requesting carer's leave:	
A. Declaration (please tick - you must meet this criterion to be eligible to take carer's leave):	
I will be absent from work for the purpose of providing or arranging care for a dependant	
B. Declaration (please tick one option):	
The dependant is my spouse, civil partner, child or parent OR	
The dependant is a person who lives in the same household as me (other than as a lodger, tenant, boarder or employee) OR	
The dependant is a person who reasonably relies on me to provide or arrange care.	

C. Declaration (please tick one option):	
The dependant for whom I request carer's leave has an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months OR	
The dependant for whom I request carer's leave has a condition that amounts to a disability under the Equality Act 2010 OR	
The dependant for whom I request carer's leave requires care for a reason connected with their old age.	
<p>Notes</p> <p>You must meet the criterion under Declaration A, as well as one criterion under Declaration B and one criterion under Declaration C.</p> <p>Carer's leave is unpaid. While sums payable by way of [wages/salary] will cease, all other benefits will remain in place. For example, holiday entitlement continues to accrue. Pension contributions will continue to be paid.</p>	
Employee signature:	
Date:	
Manager approval	
Name of approving manager:	
Approving manager's signature:	
<p>Notes</p> <p>Please enter your proposed alternative dates if you cannot authorise the dates the employee has requested</p>	
Alternative start date carer's leave:	

Alternative end date carer's leave:	
Please confirm the number of full or half day(s) that you are proposing as alternative dates for carer's leave:	
Date:	
Carer's leave taken in the last 12 months:	

Template letter to employee agreeing request for carer's leave.

Dear []

Your request for carer's leave

Thank you for your notice requesting a period of carer's leave received on [] .

I confirm that you can take the requested [number] days' unpaid carer's leave starting on [date] and ending on [date].

[OR

I confirm that you can take [date] as the requested one day's unpaid carer's leave.

OR

I confirm that you can take the [morning/afternoon] of [date] as the requested half a day's unpaid carer's leave. This means that your working day on [date] will start at [9am and finish at 12.30pm] / 2pm and finish at 5.30pm].]

Please do refer to our Carers Leave policy, which sets out other support that we provide to help employees combine work with care.

If you have any queries or concerns, or if I can help in any way, please do not hesitate to contact me.

Yours sincerely

[]

Manager

Template letter to employee postponing requested period of carer's leave.

Dear []

Postponement of your requested carer's leave

Thank you for your notice requesting a period of carer's leave [and discussing your request with me on [date]].

Regrettably, I find it necessary to postpone your leave as your absence on [insert date(s)] would cause significant disruption to service delivery. This is because [insert reason].

I appreciate your understanding in this matter and pleased that you have agreed to postpone your carer's leave to [insert date(s)].

[OR

I am committed to finding a mutually agreeable period for you to take your leave. I proposed the following alternative dates for you to take your carer's leave: [insert dates]. I would ask you to reconsider these alternative dates and let me know at your earliest convenience if any of these are suitable.]

Please be assured that postponing your leave is not a decision that I have taken lightly as I recognise the difficulties of trying to balance the demands of caring and work.

Please feel free to contact me at any time if you have any queries, if you would like to discuss any of the above, or if you would just like to talk through other avenues of support, please contact me.

Yours sincerely

[]

Manager