

Document Control Page	
Name of policy	Time off for carers
Date effective:	6 th April 2024
Purpose of policy	To outline entitlement to carer's leave in accordance with applicable legislation.
Sustain department	Human Resources and Senior Leadership Team
Applicable legislation, guides, standards and references	<ul style="list-style-type: none"> • The law is the Carer's Leave Act 2023. It came into effect on 6 April 2024. • https://www.gov.uk/carers-leave • Equality Act 2010 • https://www.legislation.gov.uk/ukpga/2023/18
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For Information	Trade Union Representative
Approved by	Kath Dalmeny, Chief Executive, & SLT
Date last approved	January 2025
Substantive changes since last update and reason for update	This is a new legal requirement and therefore a new policy is in place.
Impact assessment by Sustain	This policy applied to all paid staff during employment. The legislation allows for a week of UNPAID carer's

	leave however Sustain has approved a week of PAID carer's leave, over and above the statutory legislation.
Review cycle	Annually, or earlier if required by applicable legislation
Next review date	May 2026 (6 months after Dec 2024, and then 12 months thereafter)
Policy location	Sustain Intranet and shared drives for all staff
Policy Drive	HR Drive

Quick notes:

- The aim of the Policy is to outline the circumstances when carer's leave may be taken by staff who have caring responsibilities.
- Anyone who is legally classed as an employee can take time off to help a dependant who needs long-term care. The law is the Carer's Leave Act 2023. It came into effect on 6 April 2024.
- Leave can be taken in half day increments from day one of employment up to an equivalent of one week of their normal working week within a 12 month rolling period.
- Employees have carer's leave entitlement as a day one right, from their first day of employment.
- The charity will pay up to a maximum of a normal week (as per the employee's normal contract) of carer's leave per 12 month rolling period.

HR Policy – Time off for Carers

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1. Introduction

1.1 Employees with caring responsibilities can take unpaid statutory carer's leave from day one of their employment. This policy outlines the Charity's position on employees taking time off for this reason, whilst ensuring the Charity's operations are not unduly affected.

1.2 Employees can take carer's leave to give or arrange care for a dependant who needs long-term care.

2. Entitlement

2.1 Employees are entitled to take **one working week of paid carer's leave** per rolling 12-month period to provide or arrange care for a dependant with a long-term care need. A week is based on the number of days employees normally work in a week.

2.2 Employees can request to take their entitlement in a continuous block or separate occurrences, but each occurrence must be at least one-half of their working day.

2.3 Employees are not required to provide evidence of eligibility in relation to a request for carer's leave.

2.4 Employees are entitled to carer's leave from their first day of work for their employer. Their employment rights (like holidays and returning to their job) are protected during carer's leave.

3. What is a dependant?

3.1 An employee's dependant can include:

3.1.1 their spouse, partner or civil partner

3.1.2 their child

3.1.3 their parent

3.1.4 a person who lives in the same household but is not a tenant, lodger, boarder or employee

3.1.5 a person who reasonably relies on the employee to provide or arrange care, such as an elderly neighbour.

4. What is a long-term care need?

4.1 A dependant has a long-term care need if they:

4.1.1 have an illness or injury (physical or mental) that requires, or is likely to require, care for more than three months

4.1.2 have a disability as defined under the Equality Act 2010

4.1.3 require care for a reason connected with old age.

Definition of disability under the Equality Act 2010

You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

What 'substantial' and 'long-term' mean

- 'substantial' is more than minor or trivial, e.g. it takes much longer than it usually would to complete a daily task like getting dressed
- 'long-term' means 12 months or more, e.g. a breathing condition that develops as a result of a lung infection

There are special rules about recurring or fluctuating conditions, eg arthritis.

Progressive conditions

A progressive condition is one that gets worse over time. People with progressive conditions can be classed as disabled.

However, you automatically meet the disability definition under the Equality Act 2010 from the day you're diagnosed with HIV infection, cancer or multiple sclerosis.

5. Applying for carer's leave

5.1 Employees must give the Charity notice before the start of their leave.

5.2 The length of notice to be given is double the amount of time that the employee wants to take off as carer's leave in that instance or three days, whichever is longer.

6. Postponing carer's leave

6.1 The Charity may decide to postpone an employee's request for carer's leave for up to one month, if the Charity reasonably considers that their absence would call serious disruption. The Charity will try to avoid postponement wherever possible.

6.2 If the Charity needs to delay carer's leave, the Charity will consult with the employee before determining a new date for the employee to take the carer's leave requested.

6.3 The Charity will confirm to the employee in writing the reason for the delay of the carer's leave and the new agreed date of leave. This must be within seven days of the request or before the leave starts, whichever is the earlier.

7. Time off for dependants

7.1 Employees have a statutory right to take a reasonable amount of time off work to deal with emergencies involving their dependants. See the Time Off for Dependants Policy for further details.

7.2 There are other types of leave (e.g. parental leave or compassionate leave), that employees could use instead of carer's leave if applicable. Employees should speak to their line manager and HR.

8. Employees' rights when taking carer's leave

Employees taking carer's leave have the right to:

- return to the same job
- all the same terms and conditions – for example, they would still accrue holiday and get any benefits like staff discounts

It's against the law for an employer to dismiss someone or cause them detriment because of something related to carer's leave.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- their employer reduces their hours
- they experience bullying
- they experience harassment
- their employer turns down their training requests without good reason

- they are overlooked for promotions or development opportunities

If an employer dismisses someone because of something related to carer's leave, it could be automatically unfair dismissal.

8. Payment of carer's leave

The charity will pay up to a maximum of a normal week (as per the employee's normal contract) of carer's leave per 12 month rolling period.

9. What carer's leave can be used for

Examples of when an employee could use carer's leave include:

- taking their disabled child to a hospital appointment
- moving their parent who has dementia into a care home
- accompanying a housebound dependant on a day trip
- providing meals and company for an elderly neighbour while their main carer is away with work for the day.
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10. Giving notice to take carer's leave

Employees must give their employer notice before the start of their leave.

The minimum notice they must give will depend on how many days of leave they want to take.

Minimum notice requirements

Number of days requested	Minimum notice required
Half a day to 1 day	3 days' notice
1.5 to 2 days	4 days' notice

Number of days requested	Minimum notice required
2.5 to 3 days	6 days' notice
3.5 to 4 days	8 days' notice
4.5 to 5 days	10 days' notice
6 days (if an employee works 6 days a week)	12 days' notice

Employees must give their employer notice before the start of their leave.

An employee does not have to:

- put their request for leave in writing
- give their employer evidence of their dependant's care needs

An employee might need to take time off at short notice to care for a dependant.

Employers should be flexible about time off where they can be. If an employee cannot give the minimum notice for carer's leave, they could take time off for dependents.

11. Recording carer's leave

The line manager will make a record of the leave taken using the charity's time and attendance system.