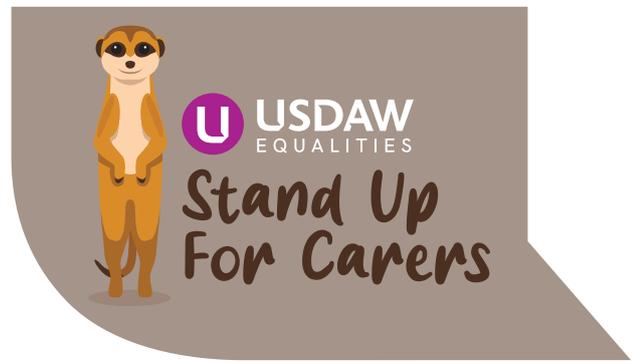


Supporting Parents and Carers Spotlight Day

New Legal Right – Unpaid Carer’s Leave Factsheet



On the 6 April 2024, a new workplace right came into force that gives working carers the right to take unpaid time off work to care for someone.

Who Has the Right?

The Carer’s Leave Act gives employees who provide care for a sick or disabled family member or friend a new legal right to a week’s unpaid leave from work every 12 months.

Employees have the right from day one of their employment.

The new right applies to working carers in England, Wales and Scotland, but unfortunately it has not taken effect in Northern Ireland because employment law is devolved to the Stormont Executive.

What Can I Request the Time Off for?

The unpaid leave must be used for the purposes of giving or arranging care for someone who has either:

- a physical or mental illness or injury that means they’re expected to need care for more than 3 months; or
- a disability (as defined in the Equality Act 2010); or
- care needs related to old age.

The person you are giving care to does not have to be a family member. It can be anyone who reasonably relies on you for care.

The law doesn’t say what type of care the leave can be taken for but it is intended to cover a wide range of caring situations including (but not limited to) things like taking someone to a medical appointment, supporting someone with personal care, arranging visits with health professionals or arranging future care.

This new leave is not designed for dealing with emergencies, which should be taken as ‘Time Off for Dependant Leave’. See *Time Off For Family Emergencies* (leaflet 349) for more information about this legal right.

If you are a parent and your child doesn’t have care needs that are likely to last for more than three months and/or they are not disabled and you need time off for to care for them you cannot take carer’s leave, but you do have a right to take up to 18 weeks’ unpaid leave. This is separate to carer’s leave. It is called parental leave and must be taken by the child’s eighteenth birthday. For more information see *Working Parents Know Your Rights* (leaflet 381).

How Much Time Off Can I Take?

You can take up to one week of leave every 12 months.

A ‘week’ means the length of time you usually work over 7 days. For example, if you usually work 3 days a week, you can take 3 days of carer’s leave. If the hours you work vary from week to week, see the next section.

You can either take a whole week off or take individual days or half days throughout the year.

My Hours of Work Vary from Week to Week – How Many Days Carer’s Leave Am I Entitled to?

If you don’t have a regular working pattern then the amount of unpaid carer’s leave you will be entitled to is calculated by:

- Adding up the total number of hours that you’ve worked in the previous 12 months; and then
- Dividing that total by 52 (or however many weeks since you started your job, if you’ve been in the job for less than a year).

How Do I Request Leave?

You do not have to put your request for carer’s leave in writing but you can if you want to.

However, you must give your employer notice of your intention to take carer’s leave:

- If you are requesting a half day, or single day, of leave you must give at least three days’ notice.
- If you are requesting two or more consecutive days’ leave you have to give at least twice as many days as your requested leave period.

For example, if your request is for two days leave, you will need to give four days’ notice.

The notice period needs to be in full days, even if your request includes half day amounts.

Can My Employer Refuse My Request for Carer's Leave?

Your employer can postpone your request for leave but they cannot refuse it.

They can only postpone your request if they can show that your absence would cause a serious disruption to the running of the business.

If they do postpone/delay it, they must:

- agree another date with you that falls within one month of the requested date for the leave; and
- put the reason for the delay and new date in writing to you within 7 days of receiving your original request, and before the date you asked for your leave to start.

What if I Care for More Than One Person?

If you care for more than one person, you cannot take a week of carer's leave for each person you care for.

You can only take a maximum of one week every 12 months but you don't have to use this one week of leave to care for the same person. You can use it to care for different people.

Do I Have to Prove I Am Carer and if so How Can I?

No. The law is clear. Your employer cannot ask you to supply evidence that you are caring.

Currently there is no official register of carers or national carer card scheme in the UK.

