

Caring and working

For many carers, trying to do a paid job whilst managing their caring role can become complicated and stressful and they may consider giving up work as the only solution. This factsheet outlines some of the factors which carers might consider in order to achieve a more comfortable balance between their job and their caring role.

Carers' rights in employment

You don't have to tell your employer that you are a carer, but carers and other employees have a number of legal rights which may be helpful in enabling them to deal with the demands of caring.

Companies may have their own policies setting out further support they can offer to carers. To begin with, you could arrange to discuss your situation with your line manager or HR department. Many issues can be resolved through informal discussions.

You may also get support or advice from your union.

In 2024, two important pieces of new legislation will be coming in to force which will give carers significant new rights in the workplace, making it easier for carers to stay in a job while managing caring responsibilities at home. The government hopes that employers will benefit from a happier and more productive workforce by increasing the opportunity for employees who are carers to work and manage their caring roles with more flexibility.

Carer's Leave Act 2023

From 6th April 2024, working carers will have the right to take up to one week's unpaid leave from their job every year if they need it, to provide or arrange care for a dependant who needs long term care.

A carer will have the right to take up to 1 week unpaid leave from work to allow them to manage and deal with foreseeable caring situations. For example, this could include time to take the dependent person to planned hospital appointments or to manage a change in their care arrangements.

For the purposes of the act, the term 'dependant' could be the employee's spouse, civil partner, child, parent, a person who lives in the same home or 'a person who reasonably relies on the employee for care'.

A dependant is seen as needing 'long term care' if they have a disability or a physical or mental illness or injury that is likely to need care for more than 3 months, or they need care for a reason connected to their old age.



Key questions about Carer's Leave Act:

- **When does the carer's right to take unpaid leave begin?**
A carer will have the right to take unpaid Carer Leave from their first day in the job, 'day one' of their employment.
- **How much Carer Leave can be taken at once?**
The leave must be taken at a minimum of half a day at a time and maximum a week of the carer's usual working pattern. The week maximum applies even if the carer cares for more than 1 dependant. Days don't need to be taken consecutively, so for example the carer could take 5 separate days over a 12 month rolling period.
- **How much notice does the carer have to give before taking any Carer Leave?**
The employer can ask for advance notice of leave at twice the length of time being requested, or 3 days, whichever is the longest; for example, the carer should give at least 2 weeks' notice before taking 1 week's leave, and should give a minimum of 3 days' notice before they take 1 day's leave. The employer may choose to waive the notice period if appropriate.
- **How should the carer give their employer notice of Carer Leave?**
Although notice doesn't necessarily have to be given to the employer in writing, information given must include the fact that the carer is entitled to take carer's leave and the day(s) or part of a day that will be taken.
- **Can a carer use Carer Leave to deal with short term care needs or emergencies?**
No, Carer Leave is specifically intended to support carers who care for a dependant with long term needs (lasting more than 3 months) as there are alternative types of leave available for other situations such as time off for dependants, parental leave and annual leave.
- **Can the employer refuse to grant Carer Leave?**
The employer is unlikely to be able to refuse the request but if they have strong business reasons to do so, they could ask the carer to postpone or rearrange the leave. If the employer does postpone the leave, they must provide a 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. The carer must be allowed to take the leave within a month of their original request.
- **Does the carer have to prove they are a carer for the dependant?**
The employer is not allowed to require the carer to prove they are entitled to Carer Leave. This is in order to avoid the need for the carer and employer sharing confidential or medical information about the dependant. It would be therefore be good practice for employers to ask their workforce about caring responsibilities in advance and for carers to discuss their caring role with their employer.



- **What if the employer doesn't uphold these rights?**

The carer will be protected in law against discrimination by their employer for taking Carer Leave. The carer would be able to bring an employment tribunal claim if their employer has unfairly or unreasonably stopped them taking Carer Leave.

Employment Relations (Flexible Working) Act 2023

The terms of the Flexible Working regulations have been updated in the recent **Employment Relations (Flexible Working) Act 2023** and changes are expected to be brought in to force in July 2024. It is hoped the changes will make it easier for carers and other employees to negotiate flexible working arrangements with their employer and to manage working and caring roles more easily.

According to the **Flexible Working Regulations 2014**, all employees have the statutory right to ask their employer for flexible working arrangements. Flexible working arrangements could include, for example, changes to the pattern of hours worked across the week or year, going part time, working from home or any other changes to the contract. The employer is required to give the request serious consideration, although they have the right to refuse the request if they have business grounds to do so.

Changes to Flexible Working regulations will ensure that:

- Employees will have a **day one right to make a flexible working request**. Previously employees had to have worked for their employer for 26 weeks before making a request.
- Employees can make **two flexible working requests per year**. Previously they could only make one request a year.
- Employers will have a **legal duty to consult** with the employee before they reject their request.
- Employers must reach a **decision within 2 months** on a flexible working request. Previously they had up to 3 months to respond.

Employees are **no longer required to explain how the requested changes would affect their employer** or how to deal with this. Previously employees were asked how the changes could be managed.

Making an application for flexible working

Applications should be written by letter or email or using an application form/template. Your company may have its own application form, or you can use a template supplied on the government website (www.gov.uk/government/publications/the-right-to-request-flexible-working-form).

- Explain the reason for your application.
- Include the date, and a statement that you are making a statutory request.



- Set out your current working pattern and your revised working arrangement.
- If your application is refused, you can appeal.

If your application is approved, the new working plan should be included in your contract of employment. Be aware that this change to your contract is legally binding and you cannot simply revert to your former conditions of employment if you do not wish to continue with flexible working.

Your employer may agree to a trial period, giving you both an opportunity, without commitment, to try out the suggested flexible working pattern.

If you feel your caring role may be temporary, it may be better to explore less formal changes to your working hours. Some examples are listed on page 5.

Time off for dependants

- If you care for someone and an emergency happens involving them, you have the right to take time off from work to deal with it.
- Your employer does not have to pay you for this time but they may do so. Alternatively, they could allow you 'compassionate leave', paid or unpaid, or ask you to use annual leave instead.
- The time allowed depends on the situation, but is to enable you to resolve the immediate problem and sort out alternative provision for your dependant. You would not normally use this time to care for a dependant over a longer period or to attend pre-planned meetings or appointments.

Parental leave

Parental leave is unpaid. You're entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday. The limit on how much parental leave each parent can take in a year is 4 weeks for each child. You must take parental leave as whole weeks rather than individual days unless your employer agrees otherwise or if your child is disabled.

Employees qualify if ALL of these apply:

- they have worked for the company at least 12 months.
- they are named on the child's birth or adoption certificate or they have, or expect to have, parental responsibility.
- they are not self-employed, an agency worker or contractor.
- they are not a foster parent (unless they have secured parental responsibility through the courts).
- the child is under 18 years of age.

Equal rights

Employers are not allowed to discriminate against carers because they consider them less effective employees because of their caring role. Carers are now protected against direct 'discrimination by association' and harassment under the Equality Act 2010.



Other working and caring arrangements

Depending on your caring and work needs and your employer's requirements, you may be able to negotiate other arrangements that help you to balance your work and care roles (e.g. working from home, 'job sharing', flexi-time).

Career breaks

Some employers offer their employees the option of taking a career break (paid or unpaid) or sabbatical, holding your contract open for an agreed period while you are away from work. Check your company's policy on this.

Further information at: www.gov.uk/career-breaks.

Temporary reduction of hours or change of role

Your employer may agree to reduce your hours or reduce your level of responsibility for a set period of time to allow you to establish a new care situation or deal with increased care demands over a temporary period.

Self-employment

If you have a skill or product that you could turn into a business, working in a self-employed role could give you more flexibility to organise your caring responsibilities around your work. Some carers have continued working for a previous employer on a freelance basis, choosing when to take on work.

Others have created home-based businesses, marketed through the internet. Becoming self-employed can be complex so it is important to get further advice and support on the process.

Leaving work to care

In some situations, carers may feel they are no longer able to cope with their job and their caring responsibilities, and so choose to give up work. This may not always be the best solution however, as working carers can benefit greatly, not only financially, but also in terms of emotional well-being, through their outside contacts and roles. It is also in an employer's interest to retain their skilled, experienced and committed staff by supporting those who are carers to be able to continue doing their job.

Before making a final decision to leave your job, always discuss alternative solutions with your employer. You will need to research the financial implications, too. In addition to the change in your household income, check the effect on your pension and National Insurance (NI) contributions.

The benefits you may be entitled to as a non-working carer will depend on your household situation, income and your caring role. You can get an idea of what you may be entitled to by using a benefits calculator (details on page 7).

Financial considerations

Universal Credit and Tax Credits – benefits calculators

If you are on a low income you may be eligible to have your income topped up with Universal Credit. Universal Credit has replaced Working and Child Tax Credits for



most people. The amount will depend on your situation, your income and the hours you work, so it is important to ensure that you are receiving what you are entitled to. Use a benefits calculator to find out what benefits you could be entitled to and how to make a claim (see page 7 for details).

You could also use an online benefits calculator to estimate your income under different working scenarios. This could help you decide on the number of hours you want to work or how you would be affected if you increased or decreased your salary.

Carer's Assessment

As a carer you have a legal right to a carer's assessment by your local Adult and Community services to assess the support you need in your caring role. This includes looking at support you may need to work or study. If you are caring for your child, your assessment will form part of a 'whole family assessment'.

Carer's Allowance

You may be able to claim Carer's Allowance if you regularly care for someone for at least 35 hours a week.

The person you care for must already receive one of the following benefits:

- Personal Independence Payment daily living component
- Disability Living Allowance care component at the middle or higher rate
- Attendance Allowance or Constant Attendance Allowance
- Armed Forces Independence Payment

While receiving Carer's Allowance you can work and earn up to £139 a week after deductions.

Carer's Credit

This is a National Insurance credit which helps build up your entitlement to State Pension, ensuring there are no gaps in your NI record if you give up work. You could get Carer's Credit if:

- you are caring for someone for at least 20 hours a week.
- the person you are caring for receives certain benefits - eligibility will depend on benefits received by the person (as for **Carer's Allowance** above).

You will automatically receive Carer's Credit if you receive Carer's Allowance.

The Carers' Resource factsheet *Finding out about financial help* gives further information about benefits.

Returning to work after time spent caring

Returning to work after spending time out of the workplace can be daunting. You may worry about finding a role in a changing job market or how to explain any gaps in your work history. However, through being a carer people can often develop skills that would be very useful in the workplace and attractive to employers – for example, time management, keeping calm under pressure, multi-tasking and negotiating.



Further sources of information, advice and support:

You can find additional information relating to topics covered in this factsheet on the government website and from the organisations listed below.

If you do not have access to the internet and would like us to supply information on paper, please contact the Information Team at Carers' Resource.

Government website links:

| | |
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| Flexible working | www.gov.uk/flexible-working |
| Time off for dependants | www.gov.uk/time-off-for-dependants |
| Parental leave | www.gov.uk/parental-leave |
| Career breaks | www.gov.uk/career-breaks |
| Self Employment | www.gov.uk/working-for-yourself |
| Starting up a business | www.gov.uk/starting-up-a-business |
| Benefits calculator | www.gov.uk/benefits-calculators |

ACAS

ACAS provide advice on employment and conciliation services for employers and employees to prevent or resolve workplace problems. You can speak to their helpline advisers and use their online helpline.

Tel: 0300 123 1100 for free support and advice; www.acas.org.uk

Citizens Advice

For all queries, including details of your local office, contact: 0800 144 8848; www.citizensadvice.org.uk

National Careers Service

National Careers Service provides free advice and support to adults on any aspect of working or learning. They offer free face to face appointments, telephone and online support to help with guidance on your career and work choices, courses and learning and CVs, job applications and finding work.

Tel: 0800 100 900; nationalcareers.service.gov.uk

Jobcentre Plus

If you want to find a job while you are caring, Jobcentre Plus may be able to help with some of your care, training or travel costs to allow you to attend courses or interviews. Ask your local Jobcentre Plus about Work Preparation Support for Carers.

Tel: 0800 169 0190; www.gov.uk/contact-jobcentre-plus

If you need further information or would like to discuss any aspect of your caring role, please contact Carers' Resource.



Telephone: 0808 501 5939

Harrogate

Unit 3, Grove Park Court, Grove Park Terrace, Harrogate, HG1 4DP

Bradford

15 Park View Court, St Paul's Road, Shipley, BD18 3DZ

Skipton

Ronaldsway House, 36 Brook Street, Skipton, BD23 1PP

Selby

Community House, Portholme Road, Selby, YO8 4QQ

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www.carersresource.org

We can provide this information in another format. Please contact us to discuss your requirements.

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