

Carers Leave Policy

(Adopted as JNCT 1.22)

April 2024



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Version Control

Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
1	April 2024	Introduction of Carers Leave Policy	L Boyd	April 2025
2				
3				

1. Policy Aims

- 1.1 The aim of this policy is to inform employees about the availability of time off if they have caring responsibilities for dependant(s) as defined in section 3 below and the procedure they should follow if they wish to take it. It is designed to help employees balance their caring responsibilities with their work commitments and provides information on an additional range of options available to employees who are also carers in a wider range of circumstances.

This policy compliments the Council's Flexible Working, Family Leave and Special Leave provisions already in place and demonstrates commitments and responsibilities under the Equality Act 2010 and Carers Leave Act 2023.

2. Who does this policy apply to?

- 2.1 This policy applies to all employees from the first day of their employment with South Ayrshire Council. Employees taking Carers Leave will have their employment rights protected (e.g., entitlement to annual leave and right to return to their job).

3. Who is a dependant?

- 3.1 Employees will be entitled to unpaid leave of 1 week (pro rata) per annum to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months;
- a disability (as [defined in the Equality Act 2010](#));
- care needs because of their old age.

- 3.2 The dependant does not have to be a family member. It can be anyone who relies on the employee for care and employees are not required to give evidence of their dependant's care needs.

- 3.3 Details on how leave can be taken is explained in section 4 below.

4. Time Off for Carer's Leave

- 4.1 Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of Carer's Leave. Leave can be taken as a whole week off or as individual days or half days throughout the year.

- 4.2 If an employee needs to care for more than one dependant, they cannot take a week of Carer's Leave for each dependant. They can only take one week every 12 months but can use the week of leave on more than one dependant.

- 4.3 In the event that two employees of the Council share primary caring responsibilities for a dependant, only one request for Carers Leave can be approved (unless the two employees are able to share the carers leave provision of 1 week). For example, if a married couple have caring responsibilities for a relative, carers leave could be shared with one employee receiving three days and the other employee receiving two days.

- 4.4 Employees taking Carers Leave will not be required to work extra hours to make-up for the time they take off, and they will not need to use annual leave (or accrued time in lieu) to cover Carers Leave absence.
- 4.5 There are a number of different options in addition to Carer's Leave available to employees in a variety of circumstances. Further information can be found in section 6.

5. How to Request Carers Leave

- 5.1 To apply for Carers Leave you must apply through unpaid Special leave in FUSION. A guide on how to do this can be found [here](#).
- 5.2 Employees need to give their manager notice before they want their leave to start.
- If the request is for half a day or a day, the notice period must be at least 3 days.
 - If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.
 - The notice period needs to be in full days, even if the request includes half day amounts.

The request does not have to be in writing and employees do not need to give evidence of their dependant's care needs.

- 5.3 If employees need to take time off at short notice to look after someone in an emergency, they can take time off for this without giving a notice period, please refer to Special Leave Policy in section 6. Examples of emergency situations are:
- To manage an unplanned or temporary caring emergency assisting a relative or partner who is ill or injured and is unable to look after themselves;
 - To make arrangements for the provision of care for a relative or partner who is ill or injured;
 - To manage an unexpected breakdown of care arrangements for a relative or partner.

5.4 Is a manager allowed to delay Carer's Leave?

A manager can't refuse a Carer's Leave request but can ask the employee to take it at a different time. They can only do this if the employee's absence would cause serious disruption to service delivery.

If the request is delayed, the manager must:

- agree another date within one month of the requested date for the leave;
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave.

5.5 Salary deduction

Employees taking a week of unpaid Carers leave are able to request that deductions from salary can be spread over a maximum period of six months or deducted as a lump sum.

Please note that unpaid carer's leave does not reduce pensionable pay for LGE pension scheme (SPFO); however, it reduces pensionable pay for teachers and there is no facility within SPPA to buy back pension.

6. Other Types of Leave

6.1 Depending on the circumstances and employee eligibility criteria, employees may have some of the following options for leave for other caring responsibility. This leave is separate and in addition to Carers Leave.

Flexible Working	All Council employees are entitled to apply for flexible working from their first day of employment. This doesn't necessarily need to be part-time hours; it might involve a change in working hours or days, or compressed hours, or it might assist employees to work from home. Employees can request a change on a temporary or permanent basis. See Flexible Working Policy here: Flexible working policy - The Core (south-ayrshire.gov.uk)
Time off for Family Emergencies	Employees are entitled to paid or unpaid time off work to deal with particular emergency situations affecting their spouse, partner, child or parent. This might include picking up a child who falls ill at school or taking a spouse to hospital following an accident. The Council's Special Leave Policy explains this right here: The Way Templates (south-ayrshire.gov.uk)
Family Leave	If you are a parent, you may be entitled to maternity leave, paternity leave, shared parental leave or adoption leave in the year following the birth or adoption of a child. See our Family Leave Policy here: Family leave policy - The Core (south-ayrshire.gov.uk)
Domestic Abuse Safe Leave	Employees who are victims of domestic abuse may be granted up to 10 days paid safe leave for reasons including legal proceedings, safe housing, counselling. The Council's Special Leave Policy explains this right here: The Way Templates (south-ayrshire.gov.uk)
Ordinary Parental Leave	Eligible employees can take up to 18 weeks' unpaid parental leave for each child for the purpose of caring for that child. The leave can be taken up to a child's 18th birthday. This is available in addition to statutory maternity, paternity, adoption and shared parental leave. Read our Family Leave Policy for details: Family leave policy - The Core (south-ayrshire.gov.uk)
Annual Leave and Enhanced Annual Leave	Employees can use their annual leave entitlement to assist with caring responsibilities and there is the facility for employees to buy additional annual leave through the Council's Enhanced Leave scheme here: Enhanced leave scheme - The Core (south-ayrshire.gov.uk)
Flexi time	The Council operates a Flexi Time scheme in some service areas which allows employees to vary their starting and stopping times of work subject to service delivery needs. Details of the scheme can be found here: Flexi-time scheme - The Core (south-ayrshire.gov.uk)
Work style	Each job within the Council has an identified work style, however there is flexibility to allow for changes to workstyle proposals based on the provision

	of services or an employee's individual circumstances. Information on Remote Working and Work Styles can be found here: Remote Working - Health, Safety and Wellbeing - The Core (south-ayrshire.gov.uk)
Special Leave	This includes time off in specific circumstances such as Bereavement, Medical and Dental treatment for children and elderly relatives and Community Volunteering and includes details of the Council's Career Break Scheme. The Special Leave policy can be found here: The Way Templates (south-ayrshire.gov.uk)

7. Impact Assessment

- 7.1 This policy has been impact assessed in line with the Council's obligation to comply with the Equality Act 2010 and the Public Sector Equality Duty.

8. Monitoring and Review

- 8.1 This policy will be reviewed regularly and in line with any legislative and organisational changes. The recognised trade unions will be consulted on any future changes to this policy.

9. Further Information

- 9.1 Employees can find further information including a range of factsheets and resources in the Supporting Employees Who are Carers fact sheet [Carer Positive - Supporting Employees who are Carers - The Core \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/carers-positive-supporting-employees-who-are-carers-the-core) and by contacting South Ayrshire Information and Advice Hub here: [Information and Advice Hub - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/information-and-advice-hub-south-ayrshire-council)