



Department for
Business, Energy
& Industrial Strategy

Consultation on Carer's Leave

Closing date: 3 August 2020

March 2020



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Any enquiries regarding this publication should be sent to us at: labourmarketparticipation@beis.gov.uk

Introduction

This Government is determined to make Britain the best place in the world to work. We have already implemented a number of recommendations from the Taylor Review of Modern Working Practices, which investigated what impact modern working practices are having on the world of work. For example, we have extended the right to a written statement of core terms of employment to all workers and increasing the maximum fine for employers who treat their workers badly. In addition, parents who suffer the devastating loss of a child will soon be entitled to two weeks' statutory leave.

We are also bringing forward an Employment Bill to deliver the greatest reform of workers' rights in over 20 years. A key aspect of this legislation will be measures to support people to balance their work commitments with their responsibilities outside work.

Lifestyles have changed over the last four decades and many families today have two working parents who are juggling work and their other responsibilities. They have to stretch themselves daily - caring for children, elderly relatives and those with disabilities. This can have a big impact on their careers and limit their participation in the workplace. The impact is felt disproportionately by women, who still tend to be the main carers within households.

Just as lifestyles have changed, so has work. The modern workplace is adapting but there is more we can do as a Government working with business to make things better for working families. That is why the Conservative Manifesto committed to introduce a range of measures to help employees and employers. Some of these measures apply to employees generally, for example, flexible working is an important way to help people to balance their work and other commitments.

The Government recognises that some groups face particular challenges which may warrant specific new employment rights. One of those groups is unpaid carers. Around five million people across the UK are providing unpaid care by looking after an elderly or disabled family member, relative or friend. Demographic change will continue to mean increasing demand for unpaid care, with more people providing more hours of care.¹

Nearly half of unpaid carers are also in work.² While working is associated with positive financial and health-outcomes for unpaid carers, many face difficulties in balancing work and performing a caring role, and may leave work entirely, reduce their hours or avoid going for promotion. This impacts disproportionately on women, who are the main providers of unpaid care.³ That is why the Government has committed to create a new entitlement to one week of additional leave for unpaid carers.

Policies that encourage a healthier work-life balance can bring real benefits to employers and the people that work for them. Employees who feel that they are more in control of their personal and working lives are more likely to be happier and feel less stressed at work. This can lead to improvements in employee health and well-being. As a result, their employers will benefit from: greater employee loyalty, commitment and motivation; a reduction in staff

¹ Brimblecombe et al. (2018), '[Unpaid care in England: Future patterns and potential support strategies](#)'. [online].

² Department for Work and Pensions, [Family Resources Survey, 2017/18](#).

³ Department for Work and Pensions, [Family Resources Survey, 2017/18](#). Labour Force Statistics February-April 2019; Office for National Statistics (2019), Living longer: caring in later working life. Newport: ONS.

turnover and recruitment and training costs; increased productivity and a more positive perception of them by their workforce and people who use their goods and services.⁴

This consultation document seeks views on how to put Carer's Leave into practice. It sets out existing employment rights which can help unpaid carers in certain situations. It explores the circumstances an additional new leave entitlement for carers might cover, mindful too of the impact of additional leave entitlements on employers. It also asks questions about who might qualify, how the leave could be taken and tests what the process for taking the leave might be.

⁴ CIPD (2017) [Resourcing and Talent Planning 2017 SURVEY REPORT](#); Bal, P.M., and De Lange, A.H. (2014) 'From flexibility human resource management to employee engagement and perceived job performance across the lifespan: A multi-sample study' *Journal of Occupational and Organisational Psychology*, Vol 88, Issue 1: pp 126–154.; Shepard, E., Clifton, T. and Kruse, D. (1996) 'Flexible work hours and productivity: Some evidence from the pharmaceutical industry', *Industrial Relations*, Vol.35, Issue 1: pp.123-39; Perry-Smith, J.E. and Blum, T.C. (2000) 'Work-life human resource bundles and perceived organisational performance', *Academy of Management Journal*, Vol.43, Issue 6: pp.1107-1117 cited in Clarke, S., Holdsworth, L. (2017) *Flexibility in the workplace: Implications of flexible work arrangements for individuals, teams and organisations*, ACAS, pp. 14.

Contents

Introduction	3
General information	6
Why we are consulting	6
Consultation details	6
How to respond	7
Confidentiality and data protection	7
Quality assurance	8
Definitions	9
Existing employment rights and practices	9
A new entitlement to Carer's Leave	11
Who would be eligible to take the leave?	11
Relationship between the employee and the person cared for	12
Care need	12
Qualifying period	13
What the leave can be taken for	13
What the leave cannot be taken for	15
Evidence	16
How the leave can be taken	17
How the entitlement would apply	17
How the leave would be available to take	17
Requesting the leave	18
Employment protections	20
The impact on employers	20
Consultation questions	21
Next steps	26
Annex I: Existing employment rights	27

General information

Why we are consulting

This consultation seeks views on a proposal to introduce a new right which would allow qualifying employees to take a week of unpaid leave each year to provide care.

Responses to this consultation will help us understand:

- What purpose Carer's Leave should fulfil, in addition to existing employment rights;
- Who should be eligible to take the leave;
- What the leave can be taken for;
- How the leave would be available to take and the process for taking the leave;
- The costs and benefits to employers and employees.

Consultation details

Issued: 16 March 2020

Respond by: 3 August 2020

Enquiries to:

Carer's Leave Consultation

Labour Market Directorate
Department for Business, Energy and Industrial Strategy
1st Floor, Spur 1
1 Victoria Street
London
SW1H 0ET

Email: labourmarketparticipation@beis.gov.uk

Consultation reference: Carer's Leave Consultation

Audiences:

We welcome responses from all stakeholders including, but not limited to, employers, individual carers, trade unions, representative organisations, charities, professional bodies, medical or social care providers researchers and academics.

Territorial extent:

This applies across Great Britain.

How to respond

Respond online at: <https://beisgovuk.citizenspace.com/lm/carersleave>

or

Email to: labourmarketparticipation@beis.gov.uk

Write to:

Carer's Leave Consultation
Labour Markets Directorate
Department for Business, Energy and Industrial Strategy
1st Floor, Spur
1 Victoria Street
London
SW1H 0ET

A response form is available on the GOV.UK consultation page:
www.gov.uk/government/consultations/carers-leave

When responding, please state whether you are responding as an individual or representing the views of an organisation.

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential please tell us but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We will process your personal data in accordance with all applicable UK data protection laws. See our [privacy policy](#).

We will summarise all responses and publish this summary on [GOV.UK](#). The summary will include a list of names or organisations that responded, but not people's personal names, addresses or other contact details.

Quality assurance

This consultation has been carried out in accordance with the government's [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: beis.bru@beis.gov.uk.

Definitions

Broadly, the term carer refers to “a person providing unpaid care to family members, friends, neighbours, or others because of long-term physical or mental health, disability or problems related to old age”.⁵

How a carer might be defined to qualify for Carer's Leave is explored in this consultation.

Existing employment rights and practices

There are a number of existing employment rights and practices which can help people to balance work and other responsibilities. This section aims to build our understanding of what specific needs one week of Carer's Leave should meet and where it would fill in gaps in existing rights.

The Government's proposal is to introduce Carer's Leave in addition to existing employment rights which can be used to accommodate certain caring needs. These include:

- The statutory right to request flexible working, where employees can request a change to their hours, working patterns or working from home. The Government is committed to bring forward further proposals to make flexible working the default.
- Statutory leave (annual leave), which allows most workers 5.6 weeks' paid holiday per year.
- The right to time off for dependants, which allows employees a reasonable amount of time off for emergencies involving a dependant.
- Unpaid parental leave, which allows parents up to four weeks of unpaid leave each year to spend time with their child.

See Annex I for more detail.

Many employees also offer informal flexible working. For example, an employee might agree with their line manager that they can start late or finish early on a particular day so that they can go with someone to a medical appointment. In addition, employers may grant leave for caring purposes as a part of their special leave policies.

If you have used existing employment rights to do caring, or have insight as to how these are used (for example, from staff surveys, employee networks or other research/analysis), please respond with any detail you might have to the following questions.

If you are an employer, we would also welcome detail on any special leave policies that you might already have in place for carers.

⁵ ONS (2011), [Census 2011](#).

1. Have you or your employees used any of the below options to take time out of work to fulfil caring responsibilities? Please select all that apply.

- Yes, annual leave
- Yes, formal flexible working (meaning a change to contracted hours or location of work)
- Yes, time off for dependants (the statutory right to leave in emergencies)
- Yes, unpaid parental leave
- Yes, informal flexible working (such as an afternoon or morning off or occasional homeworking)
- Yes, other (such as special/compassionate leave granted by the employer)
- No

Please comment on your experience of these existing rights and practices in relation to care, including what specific caring needs the leave was used for.

A new entitlement to Carer's Leave

The Government is proposing to give carers the right to take one week of unpaid leave per year, to provide care for a family member or other dependant who has a longer-term or otherwise significant care need. This section considers how to best design the entitlement.

This consultation seeks views on how a new entitlement to a week's leave for carers can be designed to support employees to balance work and care. At this point, the Government is not looking to introduce pay as well as leave.

The aim of Carer's Leave is to give individuals the flexibility to provide care during regular working hours. It would be additional to existing entitlements such as flexible working, annual leave and unpaid parental leave and allow further opportunity to take time out of work in situations when the need for care is particularly intense or to manage day-to-day needs. As such, the Government's priority is to ensure that the leave is widely available to those who need it, while making sure that the impact on employers is proportionate.

Alongside employment measures such as flexible working and the proposed Carer's Leave entitlement, the Government gives carers access to financial support when they need it, by ensuring that benefits (including Carer's Allowance and Universal Credit) meet the needs of eligible carers and support employment for those carers who are able to work.

The legislation for Carer's Leave would form the minimum for what employees are entitled to, and it would be at employers' discretion to enhance the entitlement in length or offer pay.

Who would be eligible to take the leave?

Eligibility to take Carer's Leave should be based on facts that will be clear to the employee and their employer in each case, to avoid confusion or disagreements.

To achieve this clarity, the Government is considering three main criteria to define a 'carer' that would be eligible to take the leave:

- The employee's relationship to the person cared for;
- The employee will have caring commitments which are longer-term or apply to specific situations where the need is significant;
- A qualifying period of continuous employment with their employer.

In line with existing employment rights, such as the right to request flexible working and time off for dependants, the proposed leave entitlement would apply to employees only.

Relationship between the employee and the person cared for

A definition of caring relationships for the purposes of Carer's Leave needs to reflect modern family circumstances and build in flexibility for the future. The majority of unpaid care takes place within families, who may or may not live within the same household or even the same city. Caring can also be done by neighbours, friends or other people who are not related to each other.

The Government is proposing that the definition for Carer's Leave should broadly mirror dependant relationships under the right to time off for dependants. This would mean that a person could take Carer's Leave to care for:

- A spouse or civil partner
- A child
- A parent
- A person who lives in the same household as the employee (other than as an employee, tenant, lodger or boarder)
- Someone else who reasonably relies on the employee for care

2. Do you agree that this provides an appropriate definition of caring relationships for the purpose of Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please provide reasons for your answer

3. Are there other caring relationships that you think should be considered for inclusion within the scope of Carer's Leave?

Care need

The Government is proposing to restrict Carer's Leave to those caring for individuals with physical or mental health problems, disability or issues related to old age and where the care need is likely to last for a longer period of time such as six months or a year. As such, it should help those people who struggle to stay in work because of their caring commitments.

This is intended to ensure that the leave is available to those who have significant caring responsibilities which means they are at risk of struggling to remain in work in the longer-term.

There may also be some specific care needs which should automatically qualify as care needs for the purposes of Carer's Leave regardless of their duration. The Government believes that these should mirror those conditions which are automatically treated as a disability under the Equality Act 2010 (Cancer, HIV and MS) and also automatically apply in situations of terminal illness.

4. Which conditions on care need do you believe are appropriate for Carer's Leave? Please select all which apply.

- Length of the condition, please comment on what length might be appropriate
- Conditions which automatically qualify as a disability under the Equality Act 2010 (Cancer, HIV and MS), please comment
- Terminal illness, please comment
- Other, please comment

5. If you do not believe that any conditions about care need are appropriate, please explain why and comment on any other conditions which might be appropriate.

Qualifying period

The Government wants to support employers and employees to plan ahead, but also recognises that the need for care can arise at any given time. We therefore welcome views about what an appropriate qualifying period would be for Carer's Leave.

A qualifying period means that an employer would need to be continuously employed by their employer. A 'day one right' means that the employee would be able to take Carer's Leave, with appropriate notice, from the beginning of their employment.

6. Which qualifying period do you believe is appropriate for Carer's Leave. Please select one option.

- 6 months of continuous employment with their employer
- 3 months of continuous employment with their employer
- A day one right (no qualifying period, but with appropriate notice period)
- Other, please specify

Please provide reasons for you answer

What the leave can be taken for

Caring comprises of a wide range of activities. For example, to many, caring means looking after a parent by keeping them company or helping them with practical tasks, such as shopping or banking. For others, caring can involve co-habiting and support with personal care such as washing and getting dressed. Such activities may be a part of the daily routine of a carer or relate to a time when the need is heightened such as transitions, illness, accidents or end of life. They may also be done by a person who is not usually the carer, but who is stepping in temporarily – for example, so that the primary carer can have a break.

The varied nature of caring could make it challenging for employees and employers to identify what the proper use of the leave should be. On the other hand, a narrow definition of the specific activities that the leave can be used for, could mean that the burden of proof becomes cumbersome and that the leave might not be available to those with genuine needs.

The Government therefore proposes to define 'caring' broadly for the purposes of Carer's Leave. It could be appropriate to allow individuals to take the leave for one, or a combination, of the below reasons (which are commonly recognised types of caring):

Providing personal support, such as keeping an eye out for someone, keeping them company and staying in touch.

Providing practical support, such as making meals, going shopping for them, laundry, cleaning, gardening, maintenance and other help around the house.

Helping with official or financial matters, such as helping with paperwork, dealing with 'officials' (also over the phone and the internet), paying bills/rents/rates, collecting pension/benefits.

Providing personal and/or medical care, such as collecting prescriptions, giving medications, changing dressings, helping them move around the home, getting dressed, feeding, washing, bathing, using the toilet.

Making arrangements, such as dealing with social services or the voluntary sector, moving someone into a care home, making home adjustments or adaptations.

Caring may also involve accompanying someone to hospital, the GP, optician, dentist, chiropodist, physiotherapy, mental health assessments or other recurring appointments (such as with the bank) which usually occur during normal working hours. If such appointments are recurring and predictable, this need for flexibility might in many cases be met through flexible working. However, we are aware that many carers still rely on annual leave for appointments. Therefore, the Government welcomes views as to whether the leave should be able to be used to accompany someone to appointments.

7. Do you agree with the proposed reasons for taking Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please comment, including on whether Carer's Leave should be available to use to accompany someone to appointments.

8. Are there any other reasons that you think should be included?

What the leave cannot be taken for

The purpose of Carer's Leave is to help people who struggle to remain in work due to caring commitments by offering them further flexibility to provide care. There are some situations which we do not currently view as being in scope of the leave:

- *Childcare*, other than where the child meets the general conditions for care need. For example, if the child has a condition which lasts for more than six months, a disability or a terminal illness their carer would qualify for the leave. Other, more general childcare is provided for by parental leave entitlements.
- *Supporting recovery*, such as caring for a person who is usually able to live independently but needs support for a limited time period such as recovery after a broken arm or minor operation. Emergencies involving a dependant is provided for by the right to time off for dependants, and annual leave can be used where the short-term care need is foreseeable.

9. Do you agree that childcare (other than where the child has a disability or other longer-term caring need) should be out of scope for Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please provide reasons for your answers

10. Do you agree that caring for a person with short-term care needs should be out of scope for Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please provide reasons for your answers

11. Are there any other circumstances or activities which Carer's Leave should not be taken for?

Evidence

The Government believes that it would be appropriate for employees to in the first instance self-certify their eligibility for Carer's Leave.

To ensure that the leave is used for its intended purposes and the right is not abused, it could be reasonable for employers to request further evidence if they so wish. For example, under the time off for dependants framework, the employee is not required to produce any evidence. However, employers can request that an employee provides appropriate evidence if it is reasonable to do so.

For Carer's Leave, such evidence could relate to the care need (the condition of the person being cared for) or the specific activities that the leave was used for.

Any abuse or deliberate misuse of the right to take Carer's Leave would be covered by a company's internal disciplinary policy.

In requesting evidence, employers would be expected to set out how they are going to handle the information taking data protection requirements into consideration.

12. Do you agree that an employee should in the first instance be able to self-certify their eligibility for Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please provide reasons for your answers

13. If you strongly agree or agree, how often do you think an employee should self-certify their eligibility for Carer's Leave?

- Each time they request the leave
- Once per year
- Other, please comment

Please provide reasons for your answers

14. Do you agree that an employer should be able to request further evidence if they are not satisfied with the self-certification?

- Strongly agree
- Agree

- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please provide reasons for your answers

15. If agree or strongly agree, please describe what evidence could be provided to demonstrate:

- The need for care (of the person being cared for)?
- What activities the leave is used for?

16. Please comment on the key difficulties or challenges associated with providing and appropriately handling evidence, including data protection issues related to information about a person's health.

How the leave can be taken

The Government is proposing to introduce one week of unpaid Carer's Leave per year. Provided that the employee gives proper notice and meets the eligibility criteria, they should be granted the leave by their employer.

How the entitlement would apply

The number of days available to take would apply to the individual employee, rather than the number of people they are caring for. Under this approach those caring for more than one person would not get extra leave days, but two individuals could each take one week of leave to care for the same person. The actual number of days available could be linked to the equivalent of a full working week for a person, meaning that it would be pro-rated for part-time work.

The Government is of the view that the entitlement would not be capped at a maximum number of weeks over a certain number of years. For example, parents can take up to 18 weeks of unpaid parental leave (limited to four weeks per year) until the child is 18. In contrast, it is difficult to predict how long the type of caring needs which Carer's Leave is for are likely to last.

How the leave would be available to take

The Government wants to understand how the leave entitlement can offer flexibility for carers while balancing the impact on employers from staff being away and administering the leave.

We welcome views on two options for how the leave could be accessed:

- As a single block of one whole working week (pro-rated for part-time employees)
- As individual days or half-days, up to one whole week (pro-rated for part-time employees)

Block of one week

This leave model would mirror existing parental leave entitlements, which are available to take as blocks of full weeks.

The leave would be available to take over a single calendar week. This could be pro-rated for part-time work.

To apply for the leave, an employee would need to give their employer advance notice and complete an application to certify their eligibility.

Individual days

This leave model would allow carers to take the leave as one or several days up to the equivalent of the employee's working week. This could be pro-rated for part-time work.

The first time an employee applies for apply for the leave, they would need to certify their eligibility. They would then need to notify their employer ahead of taking any further leave days.

Recognising that this might be difficult to predict, we would be interested to see any evidence you might have that may indicate likely uptake and impact of the leave.

We are also keen to hear views on how different forms of Carer's Leave might interact with, or potentially overlap with, other employment rights such as the right to request flexible working or time off for dependants.

17. Please comment on the pros and cons for employees and employers, if the leave was available to take as:

- A week of unpaid leave, available to take as a single block?
- A week of unpaid leave, available to take as individual days?

Requesting the leave

The Government wants to ensure that employers are able to deliver Carer's Leave, by providing them the opportunity to plan ahead for staff absences and making the administrative burden proportionate. This needs to be balanced with the need among carers for flexibility to respond to changing circumstances, which are not necessarily emergencies but could be difficult to plan for far in advance – such as if a dependant's condition deteriorates.

Therefore, the Government wants to understand if it would be appropriate to require employees to give notice and if so, what a reasonable notice period might look like.

Notice periods for statutory leave entitlements vary considerably, for example, an employee needs to tell their employer at least 15 weeks ahead of taking one to two weeks of paternity leave. To take unpaid parental leave, of up to four weeks, an employee needs to give 21 days' (approximately 3 weeks) notice ahead of their intended start date. Meanwhile, although there is no prescribed notice period for annual leave, the general notice period for taking leave is at least twice as long as the amount of leave a worker wants to take. There is no requirement for

an employee to give their employer notice that they are taking time off for dependants, but the employer must tell their employer as soon as reasonably practicable, the reason for their absence.

18. Do you agree that an individual should be required to give their employer notice ahead of taking Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please provide reasons for your answers

19. If you strongly agree or agree, what do you think a reasonable notice period would be for a block of one week of Carer's Leave? Please select one:

- 2 weeks
- 3 weeks
- Other, please specify

Please provide reasons for your answers

20. If you strongly agree or agree, what do you think a reasonable notice period would be for single day of Carer's Leave? Please select one:

- Less than 1 week, please specify
- 1 week
- More than 1 week, please specify
- Other, please specify

Please provide reasons for your answers

21. Please comment on how employers would manage the process for requesting and recording the leave, and any associated issues, if it was:

- A week of unpaid leave, available to take as a single block?
- A week of unpaid leave, available to take as individual days?

Employment protections

The Government is proposing that an employee who takes time off for Carer's Leave would have similar employment protections as those which apply to other kinds of leave. They would have the right to not be subjected to any detriment because they have taken the leave. If an employee is dismissed for the reason or principal reason that they took or sought to take time off in accordance with the right, they will be able to claim automatic unfair dismissal.

The Government is also proposing that employees would be able to present a complaint to an Employment Tribunal that their employer has unreasonably refused to permit them to take time off.

The impact on employers

The ability to take Carer's Leave should help employees with caring responsibilities to stay in work, supporting them to stay in work for longer while providing them the flexibility to take time out to manage caring responsibilities. This would have longer-term positive impacts on their financial situation, their work life balance and accordingly, their own health and wellbeing. For employers, this would support productivity by preventing burnout among carers and by supporting retention of valued expertise, reducing recruitment and induction costs.

As well as benefits, the Government also acknowledges that any new statutory leave entitlement would create costs to employers. These costs would be driven largely by familiarisation and administrative costs. There may be additional absence costs arising from covering for absent employees, for example, through reorganising staff.

We would welcome any evidence that you might have related to the costs and benefits.

22. What benefits for employers would arise from introducing a right to unpaid Carer's Leave?

23. What are the most significant costs for employers which would arise from a right to unpaid Carer's Leave? Please rank 1 – 4; with 1 as the most significant cost.

- The costs of administering the process (for example employees submitting requests to line managers/HR, asking for additional information, HR recording details of leave taken)
- Re-organisation process/costs (reallocating work, costs of an absent employee etc.)
- Familiarisation costs (costs associated with understanding any new legislation)
- The costs of employers voluntarily opting to pay for the leave

Please provide reasons for your answers and indicate if there are other significant costs.

Consultation questions

1. Have you or your employees used any of the below options to take time out of work to fulfil caring responsibilities? Please select all that apply.

- Yes, annual leave
- Yes, formal flexible working (meaning a change to contracted hours or location of work)
- Yes, time off for dependants (the statutory right to leave in emergencies)
- Yes, unpaid parental leave
- Yes, informal flexible working (such as an afternoon or morning off or occasional homeworking)
- Yes, other (such as special/compassionate leave granted by the employer)
- No

Please comment on your experience of these existing rights and practices in relation to care, including what specific caring needs the leave was used for.

2. Do you agree that this provides an appropriate definition of caring relationships for the purpose of Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please provide reasons for your answer

3. Are there other caring relationships that you think should be considered for inclusion within the scope of Carer's Leave?

4. Which conditions on care need do you believe are appropriate for Carer's Leave? Please select all which apply.

- Length of the condition, please comment on what length might be appropriate
- Conditions which automatically qualify as a disability under the Equality Act 2010 (Cancer, HIV and MS), please comment
- Terminal illness, please comment

- Other, please comment

5. If you do not believe that any conditions about care need are appropriate, please explain why and comment on any other conditions which might be appropriate.

6. Which qualifying period do you believe is appropriate for Carer's Leave. Please select one option.

- 6 months of continuous employment with their employer
- 3 months of continuous employment with their employer
- A day one right (no qualifying period, but with appropriate notice period)
- Other, please specify

Please provide reasons for you answer

7. Do you agree with the proposed reasons for taking Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please comment, including on whether Carer's Leave should be available to use to accompany someone to appointments.

8. Are there any other reasons that you think should be included?

9. Do you agree that childcare (other than where the child has a disability or other longer-term caring need) should be out of scope for Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please provide reasons for your answers

10. Do you agree that caring for a person with short-term care needs should be out of scope for Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please provide reasons for your answers

11. Are there any other circumstances or activities which Carer's Leave should not be taken for?

12. Do you agree that an employee should in the first instance be able to self-certify their eligibility for Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please provide reasons for your answers

13. If you strongly agree or agree, how often do you think an employee should self-certify their eligibility for Carer's Leave?

- Each time they request the leave
- Once per year
- Other, please comment

Please provide reasons for your answers

14. Do you agree that an employer should be able to request further evidence if they are not satisfied with the self-certification?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

- Don't know

Please provide reasons for your answers

15. If agree or strongly agree, please describe what evidence could be provided to demonstrate:

- The need for care (of the person being cared for)?
- What activities the leave is used for?

16. Please comment on the key difficulties or challenges associated with providing and appropriately handling evidence, including data protection issues related to information about a person's health.

17. Please comment on the pros and cons for employees and employers, if the leave was available to take as:

- A week of unpaid leave, available to take as a single block?
- A week of unpaid leave, available to take as individual days?

18. Do you agree that an individual should be required to give their employer notice ahead of taking Carer's Leave?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know

Please provide reasons for your answers

19. If you strongly agree or agree, what do you think a reasonable notice period would be for a block of one week of Carer's Leave? Please select one:

- 2 weeks
- 3 weeks
- Other, please specify

Please provide reasons for your answers

20. If you strongly agree or agree, what do you think a reasonable notice period would be for single day of Carer's Leave? Please select one:

- Less than 1 week, please specify
- 1 week

- More than 1 week, please specify

Please provide reasons for your answers

21. Please comment on how employers would manage the process for requesting and recording the leave, and any associated issues, if it was:

- A week of unpaid leave, available to take as a single block?
- A week of unpaid leave, available to take as individual days?

22. What benefits for employers would arise from introducing a right to unpaid Carer's Leave?

23. What are the most significant costs for employers which would arise from a right to unpaid carer's leave? Please rank 1 – 4; with 1 as the most significant cost.

- The costs of administering the process (for example employees submitting requests to line managers/HR, asking for additional information, HR recording details of leave taken)
- Re-organisation process/costs (reallocating work, costs of an absent employee etc.)
- Familiarisation costs (costs associated with understanding any new legislation)
- The costs of employers voluntarily opting to pay for the leave
- Other, please specify

Please provide reasons for your answers and indicate if there are other significant costs.

Next steps

The Government response to this consultation will be issued after analysis of responses.

Annex I: Existing employment rights

These existing employment rights apply more widely than to carers but might be useful to them in certain situations. The current proposal is that Carer's Leave would be introduced in addition to these rights.

The Right to Request Flexible Working

All employees who have worked continuously for the same employer for at least 26 weeks can submit a request to change their contract once in any 12-month period.

The right applies to employees, not workers.

Changes can be made to their hours, working patterns or work from home.

Employers must deal with requests in a reasonable manner. If an employer does not do so, the employee can take them to an employment tribunal.

An employer can refuse an application on a number of specific grounds if they have a legitimate business reason.

The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt of the request, unless an extension is agreed.

Annual leave

Most workers are legally entitled to 5.6 weeks' paid holiday a year (known as statutory holiday or annual leave). This includes agency workers, workers with irregular hours and workers on zero-hours contracts.

Annual leave is a day one right, and no qualifying service is required.

For most workers working a five-day week this means at least 28 days' paid annual leave a year. An employer can include bank holidays as part of statutory annual leave. Workers take annual leave in a wide range of ways, as several weeks, individual days or half-days.

Workers should give notice if they wish to take statutory holiday. The notice must be at least twice the period of leave they are requesting. For example, if an employee or worker wants to take five days' leave, they must give ten calendar days' notice. An employer can refuse a leave request, but they too must give as much notice as the amount of leave requested - for example ten calendar days' notice if five days' leave was requested.

Although employers can refuse to give leave at a certain time, they cannot refuse to let workers take the leave at all.

The right to time off for dependants

Employees are entitled to time off to deal with an emergency involving a dependant. A dependant could be a spouse, partner, child, grandchild, parent, or someone else who depends on the employee for care.

The right to time off for dependants applies only to employees, and not to workers. It is a day one right, and no qualifying service is required.

The right is to unpaid time off, though many employers choose to pay employees during this period.

An employee is entitled to a reasonable amount of time off to deal with the emergency, but there is no set amount of time as it depends on the situation. For example, if a dependant falls ill, the employee could take time off to go to the doctor and make care arrangements. An employer may then ask the employee to take annual leave if the employee wants to look after the dependant for longer.

The different types of emergency when time off can be taken is set out in legislation.

There is no requirement for an employee to give their employer notice that they are taking time off for dependants, but the employer must tell their employer as soon as reasonably practicable, the reason for their absence.

There are no limits on how many times an employee can take time off for dependants, but the employee cannot have time off if they knew about a situation beforehand. For example, it would not be open to an employee to take this type of leave if the employee wanted to take the dependant to hospital for a planned appointment.

An employee can make a complaint to an Employment Tribunal for compensation if their employer has unreasonably refused to permit them to take time off for a dependant.

Unpaid parental leave

Parents with more than a year of continuous employment can take unpaid parental leave to look after their child.

The right to unpaid parental leave applies only to employees, and not to workers.

The leave could be taken to, for example, spend more time with their children, look at new schools, settle children into new childcare arrangements or spend more time with family, such as visiting grandparents.

The entitlement allows for 18 weeks' leave for each child and adopted child, up to their 18th birthday. This can be taken as up to a maximum of four weeks per year, usually as whole weeks, unless the employer agrees otherwise or if your child is disabled.

This consultation is available from: www.gov.uk/government/consultations/carers-leave

If you need a version of this document in a more accessible format, please email enquiries@beis.gov.uk. Please tell us what format you need. It will help us if you say what assistive technology you use.