

# Responding to BEIS Carer's Leave consultation – Carers UK's views and evidence

## Summary and where to respond (by 3 August 2020)

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Carers UK has welcomed Government's intention and pledge to introduce [Carer's Leave](#) for employees in paid employment, as a vital step in helping both business and families providing care to disabled, older and ill relatives and friends to continue working.

Government has said that they intend this right to be one week's unpaid leave. Whilst Carers UK recognises that this would still deliver positive benefits, we believe this would be even more effective if this was paid. We also believe that Government should commit to staged increases to 10 days paid leave, with a longer period of unpaid leave of up to six months.

We have strong evidence that Carer's Leave:

- helps unpaid carers to juggle work and care;
- provides benefits for business in retaining skilled employees;
- positively changes workplace culture to be more family friendly and inclusive;
- helps support the NHS and social care more broadly.

We believe that during and post COVID-19 this is more important than ever for families, businesses, and the economy. At a time when the NHS and social care system are under extreme pressure, family support has been relied on more than ever.

- 89% of the public support a right to a short period of time off work to care<sup>1</sup>

The consultation on how to implement Carer's Leave is currently underway and we want to encourage a large and positive response with a wide range of evidence. It can be found here: <https://www.gov.uk/government/consultations/carers-leave>

The deadline for responding is **3 August 2020**.

You can respond online here: <https://beisgovuk.citizenspace.com/lm/carersleave>

Or email a response to: [labourmarketparticipation@beis.gov.uk](mailto:labourmarketparticipation@beis.gov.uk)

The Government is keen to hear from all kinds of interested parties: employers, individual unpaid carers, trade unions, representative organisations, charities, professional bodies, medical or social care providers researchers and academics.

This consultation covers England, Wales, and Scotland. Northern Ireland devises its own legislation.

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<sup>1</sup> <https://www.carersuk.org/for-professionals/policy/policy-library/the-case-for-care-leave>

## Why Carer's Leave? What difference does it make?

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Carers UK estimate that, pre-pandemic, there were around 5 million adults juggling work and unpaid care – 1 in 7 of all workers<sup>2</sup>. Since the crisis, we estimate that around 2.8 million additional people have been juggling work and care<sup>3</sup>. We all have a 50:50 chance of providing unpaid care by the time we are aged 50, but women reach this point much earlier – at aged 46, with men having the same chance aged 57<sup>4</sup>.

Pre-COVID-19 around 2.6 million people have given up work to care, the equivalent of 600 people a day<sup>5</sup>.

Recent research<sup>6</sup> showed that unpaid carers struggle to balance their caring responsibilities with their work commitments. It found:

- For 72% of working carers, care is additional to full-time paid work
- 44% of working carers reported that they found it difficult to combine their paid employment and caring responsibilities
- A quarter of workers with caring responsibilities have considered giving up their job entirely
- 30% of working carers had reduced the hours they work because of their caring role and 36% had refused a job offer or promotion, or decided against applying for a job, because of their caring responsibilities.
- 28% hadn't talked to anyone at work about their caring responsibilities. Among them, 39% said this was because they did not believe anything would change.
- Only two-fifths of working carers believed their employer was carer-friendly, with more than a quarter failing to discuss their caring role with anyone at their workplace, most commonly because they believed nothing would change if they did.

### Benefits to unpaid carers and the people they care for

- 80% of carers say that additional paid Carer's Leave of between five and ten days would help them to juggle work and unpaid care<sup>7</sup>
- 89% of the public support a right to a short period of time off work to care<sup>8</sup>
- Keeping carers in work has many benefits including improving incomes in the short and longer term, improving pensions.
- Carers also say that work provides a break for them from caring.

### Benefits to employers and to business

- Retention – losing a member of staff costs business between 1 to 1.5 times the annual salary of a staff member<sup>9</sup>.
- Centrica has saved around £1.8 million per annum through the application of its carer policies in terms of preventing unplanned absences and presenteeism and a further £1.3 million per annum in retention savings.<sup>10</sup>

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<sup>2</sup> Carers UK (2020) 'Juggling work and unpaid care: a growing issue'

<sup>3</sup> Carers Week (2020) 'Making Caring Visible'

<sup>4</sup> Y. Zhang, M. Bennett & S Yeandle (2019) Will I Care? The likelihood of being a carer in adult life, London: Carers UK

<sup>5</sup> Carers UK (2020) 'Juggling work and unpaid care: a growing issue'

<sup>6</sup> [https://www.cipd.co.uk/Images/supporting-working-carers-1\\_tcm18-80339.pdf](https://www.cipd.co.uk/Images/supporting-working-carers-1_tcm18-80339.pdf) (Accessed 25/06/2020)

<sup>7</sup> Carers UK (2020) 'Juggling work and unpaid care: a growing issue'

<sup>8</sup> <https://www.carersuk.org/for-professionals/policy/policy-library/the-case-for-care-leave>

<sup>9</sup> Rayton, B., Dodge, T., & D'Analeze, G. (2012). The Evidence: Employee Engagement Task Force "Nailing the evidence" workgroup. Engage for Success.

<sup>10</sup> <https://www.centrica.com/news/carers-uk-and-centrica-announce-new-partnership-improve-lives-carers>

- Productivity – there is evidence that the impact of staff turnover, absence and stress as a result of juggling work and caring unsupported could be costing UK businesses over £3.5 billion every year, so there are significant savings to be made by better supporting employees to combine work and caring.

### **Benefits to the economy**

- By keeping carers' in work, we could be adding over £5.3 billion to the economy<sup>11</sup>
- Centrica estimates that UK companies could save up to £4.8 billion a year in unplanned absences and a further £3.4 billion in improved employee retention by adopting flexible working policies to support those with caring responsibilities<sup>12</sup>.

### **Benefits to health and social care**

- The value of unpaid carers' support is £132 billion<sup>13</sup>.
- Social care and health systems rely on family members and close friends to help people get to appointments, arrange care, medication, paperwork, etc.
- Social care being in such short supply has placed even greater pressure on families.

## **What is the proposal from Government? One week's unpaid leave each year – Carers UK's views**

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**The proposal is to introduce a new right which would allow qualifying employees to take a week of unpaid leave each year to provide care.**

Carers UK has welcomed this overall proposal, but we believe this would be significantly more effective if this included:

- One week's paid leave – paid ideally by Government at a rate set by Government to recompense employers.
- A pledge to move to two weeks (i.e. 10 days) of paid leave.
- A longer period of unpaid leave of up to six months.

The reason why we have set out the following is because **paid** Carer's Leave has a positive effect for:

- People on low incomes - they are more likely to be able to take Carer's Leave if it is paid.
- Women and Black Asian and Minority Ethnic (BAME) carers – both groups are more likely to be unpaid carers and be on lower incomes.
- Older workers - the majority of unpaid carers are aged 45 plus.
- Parents of disabled children – as their child becomes an adult they lose important parental leave rights
- Young adult carers starting out in paid work
- Certain areas in England, Wales and Scotland e.g. particularly the North of England and post-industrial areas where caring rates tend to be higher.
- Pensions - the groups identified above, are also groups who tend to have lower pensions.

<sup>11</sup> Age UK (2012) Care in crisis: more than £5.3 billion wiped from the economy

<sup>12</sup> <https://www.centrica.com/news/carers-uk-and-centrica-announce-new-partnership-improve-lives-carers>

<sup>13</sup> Buckner, L. & Yeandle, S. (2015) Valuing carers: The rising value of carers' support, London: Carers UK

## Who would be eligible to take Carer's Leave?

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### Government proposal – to use the same definition in law for 'time off for dependants'

- **Carers UK strongly agrees** because this would provide consistency for employers and employees, but it is also sufficiently flexible to cover many different relationships and it is proportionate (i.e. someone who reasonably relies on the employee for assistance). At this point (22.6.2020) there are no other definitions that we believe could be covered.
- **What do employers do?** This also fits with employers' experience who already have Carer's Leave, where they do not draw tight definitions. This definition is also diversity positive.

### Proposal – Government is suggesting that 'care need' should be defined as someone needing care for six months or longer such as a year. There would be certain exemptions such as terminal illness and conditions that are considered a disability under the Equality Act 2010 e.g. cancer, HIV and Multiple Sclerosis.

- **Carers UK agrees** that there should be automatic qualification under the Equality Act for disability. To improve understanding we believe examples must be given of invisible conditions such as mental illness. Carers UK agrees that terminal illness must also apply e.g. families and close friends can often take turns in caring for someone at the end of life.
- **Carers UK does not agree that someone needing care for six months or more is the basis on which this decision should be made.** We believe this would exclude many older people who would not qualify under the definition of disability under the Equality Act 2010, but may need support. This might involve a situation where an older person e.g. aged 75 has a badly broken leg, or may have a fall and needs rehabilitation. We do not believe that there should be a minimum time since diagnosis, conditions and caring situations can vary greatly.

Recovery from COVID-19 is also a good example since many people with complications will need rehabilitation and support; many will be less than six months.

- **What do employers do?** Most employers who have Carer's Leave policies don't define the length of time someone needs a condition. Most employers do not collect detailed information on who needs care and how long the condition will last.

### Proposal – Government is asking how long an employee should be with an employer before they have this right. Should it be six months, three months, from day one (but with a notice period) or another time?

- **Carers UK strongly believes that this should be a DAY ONE right.** We see this as being carer positive. Carers wanting to return to work or move jobs say that a barrier is knowing how carer friendly their future employer might be. The other point is that caring is unpredictable and this support may be needed in that time. There are additional costs for employers if they lose an employee in this period of time.
- **What do employers do?** Most employers who offer Carer's Leave don't specify a time period.

## What can Carer's Leave be taken for?

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**Proposal: Government is proposing that what Carer's Leave can be taken for, in terms of unpaid caring, is broadly defined. E.g. providing personal support, practical support, helping with official or financial matters, personal and/or medical care, making arrangements e.g for care services, moving someone into a care home, making adjustments.**

- **Carers UK agrees with defining caring broadly and welcomes Government's approach.** This provides the diversity needed for caring situations. We do not have other situations to add, apart from accompanying people to appointments.

**Government is also asking whether accompanying someone to hospital, GP, optician, dentist, physiotherapy, mental health appointments, etc. could be covered by flexible working, annual leave or whether Carer's Leave could be taken.**

- **Carers UK believes that carers should be able to take Carer's Leave to attend appointments with the person they care for.** This is beneficial for the person being cared for, and highly necessary where someone has dementia, a learning disability or communication issues. It is also helpful for health and social care services, particularly given patient transport is so poor and unsuitable for many. For workers where flexible working is not possible, Carer's Leave is a vital provision. Our evidence from carers and employers alike is that Carer's Leave is only taken when absolutely necessary.

**Proposal: Government does not believe that the following are within scope of Carer's Leave i.e. childcare (where the child does not have a disability or long term caring need) and short term caring needs are out of scope i.e. would not apply.**

- Carers UK agrees with Government that childcare, where the child does not have a disability or a long-term caring need, is out of scope for Carer's Leave. Organisations which represent parents of non-disabled children have a range of other different measures that they wish to see implemented that we would strongly encourage Government to consider.
- **Carers UK disagrees, however, about short-term caring needs being in scope. We believe that some short-term caring needs must be in scope** where, if the carer was not able to provide assistance, this would have a detrimental longer-term impact on a person's recovery and rehabilitation.

## What evidence should be provided?

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**Government believes that employees should self-certify for Carer's Leave. To ensure that Carer's Leave is used for its intended purpose, employees could also be asked for whom they are providing care or what the care need is.**

- **Carers UK strongly agrees that employees should self-certify for Carer's Leave.** This is a light touch and reasonable approach. However, when it comes to asking for whom they are providing care, or what the care need is, Carers UK believes they should only sign a general statement. This is for data protection of the person being cared for.

- **Carers UK also believes that the carer should self-certify each time they request Carer's Leave.** This is much easier to do and remember than going back one year. It is also impossible to predict Carer's Leave going forward for a year. **We would expect the self-certification to be light touch and it would not be onerous for the carer. It is also easier than the employer asking for and gathering data retrospectively.** It also provides the carer time for reflection about taking the leave when asking for it.
- **What do employers do?** Employers have self-certification. Very few details are retained about the person being cared for and care need because of data protection.

**Proposal: Government is recommending that to ensure that the policy is used for its intended purpose and not abused, employers should be able to ask for additional evidence of the need for Carer's Leave where it is reasonable to do so. This is based on the provision for 'time off for dependants'.**

- **Carers UK agrees that the request for additional evidence should be based on similar provisions to the 'time off for dependants' provisions.** As with 'time off for dependants' we believe that the provision of evidence should not be specified but that this issue should be left open for what is likely to be the very small minority of cases where it may be reasonable for employers to request this. This provides consistency between different provisions and is reasonable.

## **How would Carer's Leave be taken? Notice periods?**

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**Proposals: Either one week as a block or Individual days (or half days) up to one week.**

- **Carers UK strongly believes that employees should have the right to individual days, including half days, up to a block of one week.** This is necessary to make the proposal workable for carers and for employers. We find that employers prefer their employees to take what they need, rather than a block. This makes it easier to manage and does not "waste" leave or use time inefficiently.
- **What do employers do?** They offer individual days or half days up to a maximum e.g. week, two weeks, or more whatever their policy defines. This provides the employer with the right amount of flexibility.

### **Requesting the leave:**

- Most leave requires the employee to give notice, with the exception of time off for emergencies for dependents.

### **Consultation question: Should there be notice for Carer's Leave?**

- **Carers UK agrees there should be a limited period of notice for Carer's Leave.** This is reasonable and differentiates this leave from time off in emergencies. Some employers may decide to improve upon this and suggest that no notice is required.

### **Consultation question: How much notice should be given?**

- **Carers UK believes that the notice period should match the minimum notice periods for annual leave.** This would mean double the length of time required for the time that is being taken i.e. 2 days to take one day, 1 day to take half a day and 2 weeks to take one week.

## Employment protection:

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**Government is proposing that any employees taking Carer's Leave should not suffer any detriment and that they should have recourse to an Employment Tribunal.**

- Carers UK strongly agrees and we would consider this compatible with the spirit of the Equality Act 2010.

## The impact on employers: the benefits and costs of Carer's Leave

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**Consultation asks for benefits and costs associated with implementing Carer's Leave.** Carers UK has evidence of significant benefits associated with implementing Carer's Leave.

Additional recent evidence has been published by the Chartered Institute of Personnel Development which showed that there was a clear positive wellbeing effect where employers were carer friendly.<sup>14</sup>

### Benefits for employers:

- Positive contribution to diversity and inclusion
- Increased productivity including lower recruitment costs, higher retention
- Increased worker loyalty and satisfaction
- Improved employee wellbeing
- Employer of choice

### What difference has COVID-19 made?

This has suddenly brought employees who are juggling work and caring for an older, ill or disabled relative to the fore. An additional 4.5 million people have started caring for someone since the pandemic began and 2.8 million of these are juggling work and care<sup>15</sup>. Employers have had to fast forward their understanding and policies to support working carers and as more people return to work, they will be faced with a new dilemma as the care services that they need and rely on in order to work have not yet started.

What difference does this make during an economic downturn? Employers say that there is a need to keep skilled employees in the right jobs. Carers UK was working with employers during the recession of 2008/9. At that time we formally launched Employers for Carers and found employers wanting to adopt more carer friendly and positive policies in order to manage flexibly during the downturn – this was seen as proactive employee management and was successful.

This also adds to the UK's global competitiveness, where the UK is falling behind other countries with similar or more advanced ageing populations such as Japan, France, Australia, Canada, Germany, Ireland, Belgium, Netherlands, Italy<sup>16</sup>.

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<sup>14</sup> A. Austin & J. Heyes (2020) Supporting Working Carers: how employers and employees can benefit, research report, CIPD/University of Sheffield

<sup>15</sup> Carers Week 2020 Research Report, The rise in the number of unpaid carers during the coronavirus (COVID-19) Carers UK, June 2020

<sup>16</sup> The Case for Care Leave, Carers UK 2013 Carers Week 2020 Research Report The rise in the number of unpaid carers during the coronavirus (COVID-19) outbreak

Carers UK recognises that any new rights take time to pass through Parliament and to implement and that this could be a minimum of 2 or more years away, unless this process is accelerated.

**Costs to employers of these measures:**

There will be a number of administrative costs associated with these measures e.g. logging certification, making arrangements, etc. However, most employers who offer Carer's Leave say that this is manageable and that the benefits far outweigh the costs. Centrica measured take-up of Carer's Leave (one month matched paid leave) showing an average of 3.4 days leave taken amongst those who applied for it. This demonstrates proportionate take-up of their policy.

Some employers have used positive measures to gain insight and to have a more rounded conversation from the outset. Employers have found using a working Carers Passport to help around their paid care leave provisions useful (see [www.carerpassport.uk](http://www.carerpassport.uk) – for examples). Employers use these to take a holistic approach to supporting employees and taking the most appropriate measures looking at leave arrangements, flexibility, adjustments, etc.

**What about social care? Does giving a right to Carer's Leave mean that we don't need to fund social care?**

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No, it does not, funding social care properly is essential. Other leading global economies have seen increased investment in social care over the last 10 to 20 years, not the reverse.

Social care is the foundation of support for disabled and older people, as well as a robust, responsive and personalised NHS. Social care is vital for people to live their lives well.

Unpaid carers also rely on good quality social care in order to be able to work, without good care, this becomes impossible for many. Pre-COVID-19, 2.6 million people had given up work to care, around 600 people a day. The pandemic has shown that as social care reduces, the pressure on families mount. This places, in turn, additional pressures onto employers, who have to deal with the consequences of an underfunded social care system. In order to help Britain's workforce and employers, we need a properly funded social care system.

**What about carers who are not in paid employment and don't get time off? What about Carer's Allowance?**

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Carers UK believes that every carer should have time off if they need it. Pre-COVID-19 we found that 40% of carers providing substantial care had not had a day off in a year. Carers' wellbeing is worse than non-carers and has got worse during the pandemic. This has to change going forward. Carers have a right to better life.

Carers UK has also been calling for an increase to Carer's Allowance which is the lowest benefit of its kind at only £67.25 per week. Scotland has introduced a Carer's Allowance Supplement worth £230 every six months and has most recently doubled this to help carers with the extra costs of COVID-19. Carers UK has been calling for an uplift for carers in England, Wales and Northern Ireland to match the increases seen by people in receipt of Universal Credit.

## What next?

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Carers UK is encouraging carers, employers, health and social care organisations, charities and others to respond to this consultation.

Carers UK will be working with a number of employers through our employer network, Employers for Carers in the UK and Wales and our colleagues in Carers Scotland through their employer network, Carer Positive, to continue to support carers.

## About Employers for Carers

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Employers for Carers (EfC) has evolved from a pioneering group of employers committed to working carers and is backed-up by the specialist knowledge of Carers UK. Our key purpose is to ensure that employers have the support to retain and manage employees with caring responsibilities.

Launched in 2009 as an employers' membership forum, EfC now has over 215 member organisations across the public, private and voluntary sectors. The total number of employees covered by member organisations is now above the 3.5 million mark. <https://www.employersforcarers.org/>

## About Employers for Carers Wales Hub

In June 2018, the Wales Hub of Employers for Carers was formed in order to ensure that there was a focus on supporting Welsh owned and based employers with carers in their workforces.

A You Gov poll carried out by Carers UK at the end of 2018 demonstrated that more and more people are juggling paid care and an unpaid caring role; with 223,000 workers in Wales identifying as a carer; this equates to 1 in 7 of the workforce also having caring responsibilities. Our mission is to change employers' practices across Wales to effectively support carers in their workforce. <https://www.employersforcarers.org/about-us/wales-hub>

## About Carer Positive – Carers Scotland

Carer Positive is operated by Carers Scotland on behalf of the Scottish Government, and its purpose is to recognise those employers who offer the best support to carers, allowing them the flexibility they often need to deliver care at home. This is delivered in a number of ways, including the Carer Positive Award Scheme. Over 437,000 employees in Scotland are now working in 192 Carer Positive awarded organisations and these numbers are growing constantly. <http://www.carerpositive.org/>

## Contact us

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For further information about this policy briefing, please contact: John Perryman, Senior Policy and Public Affairs Officer, Carers UK: [john.perryman@carersuk.org](mailto:john.perryman@carersuk.org)

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