

Carer's Leave Consultation

Submission to Department for Business, Energy and Industrial Strategy

Chartered Institute of Personnel and Development (CIPD)

August 2020

Background

The CIPD is the professional body for HR and people development. The not-for-profit organisation champions better work and working lives and has been setting the benchmark for excellence in people and organisation development for more than 100 years. It has 155,000 members across the world, provides thought leadership through independent research on the world of work, and offers professional training and accreditation for those working in HR and learning and development.

Our membership base is wide, with 60% of our members working in private sector services and manufacturing, 33% working in the public sector and 7% in the not-for-profit sector.

Public policy at the CIPD draws on our extensive research and thought leadership, practical advice and guidance, along with the experience and expertise of our diverse membership, to inform and shape debate, government policy and legislation for the benefit of employees and employers, to improve best practice in the workplace, to promote high standards of work and to represent the interests of our members at the highest level.

Introduction

The Government have launched a consultation on working Carer's Leave. The consultation focuses on a proposal to introduce a new right to introduce a week of unpaid leave for working carers in the workplace. The consultation pin points the main areas that effect working carers in the workplace, existing employment rights and practice, who would be eligible to take Carer's Leave, what the leave can be used for, how the leave can be taken and requesting the leave.

Method

We draw on 3 different sources of evidence in our response to this consultation:

1. Our extensive survey research with Sheffield University which includes a sample of 970 unpaid carers in employment – the first representative survey of working carers in England and Wales (https://www.cipd.co.uk/Images/supporting-working-carers-1_tcm18-80339.pdf)
2. A Carer's Leave Consultation Survey conducted by the CIPD through Survey Monkey in July. We received 99 responses to this survey from HR and people development professionals.
3. Focus group policy roundtable qualitative discussion with 16 participants from HR and people development professionalisms.

Our response

Existing employment rights and practices

Q1: What options do carers currently take to fulfil their caring responsibilities?

[CIPD/ Sheffield University research](#) (2020) suggests that finance is a key consideration when working carers need time out of work to fulfil caring responsibilities. For this reason, the CIPD/ Sheffield research shows that carers are currently most likely to use their own annual leave for caring responsibilities, followed by working evenings and weekends and more than 1 in 10 take sick leave for caring responsibilities. Our focus group participants also said carers used a range of different options currently in their organisations for caring provisions such as annual leave, informal flexible working, emergency leave, sickness absence leave.

Our Carer's Leave consultation survey respondents are overwhelmingly in favour of employees being able to take Carer's Leave to provide care (92 agree, with just 3 disagreeing). Further a large proportion of survey respondents feel that this should be a right to statutory paid leave (49 agree vs. just 14 who disagree).

We think these findings reinforce the importance of introducing **paid** Carer's Leave and we are calling on the Government to introduce 5 days paid Carer's Leave annually. We know that working carers often have to reduce their hours to enable them to fulfil their caring responsibilities and that many have had to re-mortgage or have had to take out loans to cover the cost of the caring they provide ([Carers UK](#), 2013). The CIPD/ Sheffield University research also shows that carers overwhelmingly point to paid leave as the most helpful way of supporting them in their caring responsibilities.

Who would be eligible to take Carer's Leave?

Q2: Do you agree that an employee should be able to take Carer's Leave to provide care for a dependant such as 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?

Yes, we strongly agree that this should be the case if the people being cared for are older, disabled, seriously ill (mentally or physically) and/or unable to care for themselves. We do not believe the leave or the term carer should be associated with those caring roles relating solely to children without a long-term illness or disability. There are other forms of parental leave and pay which support working families, discussed in the Government's *Good Work Plan: Supporting Working Families* consultation and unpaid leave relating to emergency time off for dependents and unpaid parental leave.

Q3: Are there other caring relationships that you think should be considered for inclusion within the scope of Carer's Leave?

No - we believe that the majority of caring relationships should be covered by the above list of relationships.

Q4: Which conditions on care need do you believe are appropriate for Carer's Leave?

We think that with regard to conditions on care leave this should include all conditions that mean someone is unable to care for themselves. We are concerned that if the Government applies too many restrictions here, the support that they are proposing will be lessened because some people that are providing genuine unpaid caring support will not meet the criteria. If you take length of condition, for instance, we know that caring responsibilities are often sudden and unpredictable. Someone might not have a long-term health condition but might have an acute short-term need for support following an accident or a heart attack, for example. Putting conditions around who and who does not qualify is therefore unhelpful and could do more harm than good.

Q6: Which qualifying period do you believe is appropriate for Carer's Leave. Please select one option.

We would be supportive of making this a day one right, particularly as the right relates to unpaid leave and would not place a significant financial burden on employers. We would, however, recommend that employers, if they are able to, enhance this and provide 5 days of *paid* Carer's Leave.

As mentioned above, previous research (Carers UK, 2013) suggests that carers often struggle financially, and paid leave would therefore make a huge difference to them. CIPD/ Sheffield University (2020) also shows that organisations that are supportive of their carers, benefit from increased motivation and less absence from employees.

Our focus group participants are supportive of a day one right, with one emphasising the following point: "People don't wait to have caring responsibilities until they have served a certain amount of time at an organisation."

What the leave can be taken for

Q7: Do you agree with the proposed reasons for taking Carer's Leave? Please comment, including on whether Carer's Leave should be available to use to accompany someone to appointments?

We agree with the Government's proposed reasons for taking Carer's leave, that is for:

- **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.

Q8: Are there any other reasons that you think should be included?

We also think that accompanying someone to hospital, the GP, optician, dentist, chiropodist, physiotherapy, mental health assessments should also be included in scope for Carer's leave. We know that many carers still rely on annual leave for such appointments.

What the leave cannot be taken for

Q9: Do you agree that childcare (other than where the child has a disability or other longer-term care need) should be out of scope for Carer's Leave?

We strongly agree that childcare (other than where the child has a disability or other longer-term care need) should be out of the scope for Carer's Leave. It is important not to confuse the definitions of carers and parents of children without additional needs. Working parents already have access to two types of unpaid leave – emergency time off for dependants and parental leave.

Q10: Do you agree that caring for a person with short-term care needs should be out of scope for Carer's Leave?

We believe that caring for someone with short-term care needs should still be within scope for Carer's Leave if the person being cared for is unable to cope on their own for the duration of their care need.

Our Carer's Leave consultation survey respondents are also overwhelmingly in favour of including care for someone with short-term care needs within the scope of Carer's Leave (78 people believe this vs. just 12 who disagree).

We know that caring responsibilities can often be sudden and unpredictable and this applies whether the care need is short-term or longer-term.

Q11: Are there any other circumstances or activities which Carer's Leave should not be taken for?

As discussed above, we don't think Carer's Leave should be used for childcare purposes (other than where the child has a disability or other longer-term care need). However, if an employee fits the definition of a carer then all of their caring responsibilities should fall under the scope of entitlement to Carer's Leave. Caring experiences vary – an unpaid carer might be providing constant support or a few hours a week, the care might be at home or they might have to travel to support someone. Caring might entail periods of high and low demand, depending on the health of the person that is being cared for. Caring may involve personal care, handling finances, coordinating with medical/care services or providing things (such as doing the shopping). Caring might be a sudden experience (following an illness or accident) or it might be more of a gradual process where the carer realises, for instance, that their parents can no longer manage on their own.

Evidence

Q12: Do you agree that an employee should in the first instance be able to self-certify their eligibility for Carer's Leave?

Yes, we strongly agree that an employee should, in the first instance, be able to self-certify their eligibility for Carer's Leave. An employer needs to demonstrate trust and support to carers to ensure that they feel comfortable talking about their caring responsibilities in the first place. Empowering carers to self-certify their eligibility shows that an organisation trusts their carers. Organisations and line managers also need to be aware that not all carers see themselves as a carer and may not realise that they are eligible for Carer's Leave. That is why it is really important for organisations to talk regularly about what a carer is and how their organisation can support them to juggle their work and caring commitments.

Our Carer's Leave consultation survey respondents are in favour of employees being able to self-certify in the first instance (53 agree with this vs. 25 who disagree). Our focus group participants also agree that employees, in the first instance, should be able to self-certify. They believe some carers may be reluctant to talk about their responsibilities as they view them as personal or out of respect for the person that they are caring for. They therefore emphasise the importance of having an open culture so that carers feel supported to self-certify and developing line managers so that they build trusting relationships with their teams.

Q13: If you strongly agree or agree, how often do you think an employee should self-certify their eligibility for Carer's Leave?

Once a year would fit with the trust continuum and would reduce unnecessary stress for carers and unnecessary paper-work for organisations.

Q14: Do you agree that an employer should be able to request further evidence if they are not satisfied with the self-certification?

Yes, we agree an employer should be able to request further evidence if they are not satisfied with the self-certification but only if they have real concerns relating to eligibility. Our focus group participants support this view as do our Carer's Leave consultation respondents.

Q15: If you agree or strongly agree, please describe what evidence could be provided to demonstrate:

We think any evidence requests should be minimal and easy to obtain for the carers. This might include any evidence relating to Carer's Allowance if the recipient is in receipt of this or an email from the doctor of the person who is being cared for, confirming that they need care.

Q16: 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:

There are some difficulties associated with handling and storing such personal information, including:

- Confidentiality/ data protection – how long can this information be kept

As one of our focus group respondents suggests: “Yes, it would be difficult, you would need the consent of the person you are storing info on, including potentially the person being cared for, which might not be given. You also need to think about how long you can hold that information for with GDPR requirements.”

- Carers might also become worried if this is saved against their record in an official capacity that it could be used to potentially discriminate against them

Some of our focus group respondents suggested that they wouldn't normally feel the need to record this information particularly if employees respected the company. We believe that it would be better where possible to allow people to self-certify and demonstrate employer trust in them. This is after all an unpaid right.

How the leave can be taken

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?

We believe that due to the nature of caring responsibilities, Carers need as much flexibility as possible in the provisions for Carer's Leave. We therefore believe that Carer's Leave should be available as both individual days or as a single block. Employers should be able to cope and help resource either of these periods as they are relatively short. Our Carer's Leave consultation survey respondents show a strong preference for carers having the flexibility to take the week as individual days (83 support this vs. 5 who have a preference for the leave to be taken as a single block).

Requesting the leave

Q18: Do you agree that an individual should be required to give their employer notice ahead of taking Carer's Leave?

We believe that an individual should give notice where they are able to such as for planned appointments and where they are able to reasonably predict periods of greater care need. However, there will be times when it will be much harder to give notice, for instance if someone has a sudden accident or illness and are unable to cope on their own. As one of our focus group respondents suggests:

“People should provide this where they can- i.e. for planned appointments and operations etc. but, in reality, most requirements will be unpredictable and short notice so very difficult to give



*Championing better
work and working lives*

notice for. Guidelines should be put in place but employers need to be flexible and mindful of caring situations.”

Q19: 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:

We think a reasonable notice period for a block of one week’s Carer’s Leave would be 1 week. That said, as detailed above, there may be circumstances where carers are unable to give much, if any, notice. There will also be other occasions where carers might be able to give more notice than this if the activities / events relating to care are scheduled or are more predictable in nature. We would encourage organisations to create trust-based relationships where carers are trusted to provide as much notice as is reasonably possible.

Q20: 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:

As above, we think the notice period for this should be 1 week /less than 1 week if at all possible. However, there may be circumstances where carers are unable to give much, if any, notice and other circumstances where they are able to give more notice than this.

The impact on employers

Q22: What benefits for employers would arise from introducing a right to unpaid Carer’s Leave?

It would place a welcome spotlight on carers and the support that they need in juggling work and care. Often carers are hidden in organisations. It would mean that carers feel acknowledged and better supported. We would hope that it would prompt employers to go further and enhance this leave where they possibly could and also think about other support measures that would benefit carers in general.

Q23: 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.

Our survey respondents believe ‘the costs of employers voluntarily opting to pay for the leave’ would represent the most significant cost to the business, followed by the ‘re-organisation process/costs (reallocating work, costs of an absent employee etc.) – the survey responses are detailed in the table below. Our focus group respondents highlighted a few different areas and potential hidden costs, such as:



Championing better
work and working lives

“Being absent from work for a week and the company having to cover that employee for a week.”

“There are lots of unseen costs associated with changing HR systems and costs associated with admin and changes needed for payroll etc.”

“Line managers will also need to be trained – it takes time and money to do this and again is often a hidden cost.”

What are the most significant costs for employers, which would arise from a right to unpaid Carer’s Leave? Please rank 1 – 5; with 1 as the most significant cost. Figures below indicate people not %’s.

	5	4	3	2	1
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)	11	12	17	11	5
Re-organisation process/costs (reallocating work, costs of an absent employee etc.)	7	15	11	22	19
Familiarisation costs (costs associated with understanding any new legislation)	13	16	24	15	6
The costs of employers voluntarily opting to pay for the leave	16	14	11	18	23