

PLASHET SCHOOL



Working together to promote & celebrate achievement

Carers Leave Policy

Applicable from 14th May 2024

Signed:

Chair of Governors

Introduction

The Carer's Leave Act 2023 came into force on 6 April 2024, providing all carers in employment with a new statutory right to take five days of unpaid leave from work each year to fulfil their caring responsibilities.

This policy outlines the statutory rights and responsibilities of eligible employees who wish to take carer's leave. Carer's leave is available to employees who are required to provide or arrange care for a dependant who has a long-term care need.

This policy applies to carer's leave requests made on or after 23rd April 2024.

Plasnet School applies this policy to employees of the School only (who will be referred to as "you" in this policy) and therefore it does not apply to agency workers, casual workers or the self-employed.

This policy is provided for guidance only and does not form part of any individual's contract of employment with the School, it is not intended to have any contractual effect and can be amended by the School at any time.

Subject to minimum statutory requirements from time to time in force, we reserve the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

What is carer's leave

Carer's leave is a form of statutory unpaid leave allowing eligible employees, regardless of their length of service with the School, one week's unpaid leave during any 12-month period (see below). The purpose of the leave is to enable the employee to provide or arrange care for a dependant who has a long-term care need.

Who is eligible?

To be eligible to apply for carers leave you must:

- be an employee;
- be requesting Carer's leave on or after 23rd April 2024;
- have a dependant with a long-term care need as defined below;
- be requesting the leave to enable you to provide or arrange care for that dependant;
- not have taken more than one week's carers leave in the past 12 months (ending on the last day of the carers leave requested); and
- comply with the notification requirements set out below.

For the purposes of this policy, the following definitions apply:

Long-term care means someone who:

- has an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
- has a disability for the purposes of the Equality Act 2010; or
- requires care for a reason connected with their old age.

A **dependant** means:

- the employee's spouse or civil partner;
- the employee's child;
- the employee's parent;
- a person who lives in the same household as the employee (but who is not an employee, tenant, lodger or boarder of the employee); or
- a person who reasonably relies on the employee to provide or arrange care (e.g. an elderly neighbour).

Duration of carer's leave

The maximum statutory entitlement is one week's unpaid carer's leave during any 12-month period. A "week" is equivalent to your normal working week. However, this may be different if you are in your first year of continuous service.

You are permitted to take carer's leave in consecutive or non-consecutive half or full days. The minimum amount of carers leave you can take is half a working day. The maximum you can take is one continuous week.

In addition to the statutory right to unpaid carer's leave, the Head Teacher, may, at their absolute discretion, and after careful and sympathetic consideration has been given to the circumstances of the case, grant you the following additional unpaid carer's leave. Where authorised you may be granted up to:

- a further 10 days' unpaid leave in any 12-month period;

This entitlement will be calculated pro rata for part time staff, in accordance with their working days when compared to the full time equivalent.

Your right to take carer's leave is a personal right. You cannot transfer your entitlement to the other employee.

Notification Requirements for carer's leave

You must inform the Head Teacher, in writing, of your intention to take carer's leave using the **Carer's Leave Request Form**, which is available in **Appendix 1**. In this you must set out:

- the dates on which the period of leave you are requesting will start and end;
- state if you are requesting leave for part days and detail this; and
- confirm your entitlement to Carers Leave.

You must give at least twice the amount of notice than the period of leave requested or, if longer, at least three days' notice. For example, if you are taking 1 day's leave, you must give at least 3 days' notice. If you are taking 2 days leave, you must give at least 4 days' notice.

Acceptance of carer's leave request

Where we are able to accept your request for carer's leave, we will write to you confirming this, usually within 5 working days (or prior to the first period of leave requested if sooner). We may need to discuss your request with you first.

The School's right to postpone carer's leave

We may postpone your request for carer's leave by up to a maximum of one month of the start date of the original leave requested, if we consider that the leave request would cause undue disruption to the academic, operational, administrative, or pastoral needs and requirements of the School at the proposed time.

If we postpone your request for carer's leave, we will liaise with you about suitable alternative dates. We will send you a written notice, no more than 5 working days after receipt of your request for leave (or before the first day requested), explaining the reasons for the postponement, together with the agreed new start and end dates for the postponed leave, which will be of the same duration as your original request.

Terms and conditions of employment during carer's leave

Carer's leave is unpaid, and the terms and conditions set out in your contract of employment relating to remuneration will not apply during any period of carer's leave.

During any period of carer's leave, you will:

- remain bound by the terms and conditions of your contract of employment including your duty of good faith to us, your duty not to disclose confidential information, your contractual notice provisions and any terms or conditions relating to the acceptance of gifts or other benefits, or participation by you in any other business; and
- continue to be entitled to the benefit of the School's implied obligation to preserve mutual trust and confidence and any terms and conditions of employment relating to notice of termination of the employment by the School, redundancy payments in the event of redundancies and to the School's disciplinary and grievance procedures.

Returning to work

You are entitled to return to work in the same position as you held before commencing carer's leave. Your terms and conditions of employment will be no less favourable than they would have been if you had not been absent on carer's leave.

Annual leave

During any period of carer's leave, annual leave will continue to accrue at the rate provided under your contract **OR** which is the statutory minimum required by the Working Time Regulations 1998. If you are contractually entitled to more than the statutory minimum holiday each year then you will not accrue any holiday entitlement during the period of carer's leave in respect of such entitlement over the statutory minimum and, as such, your overall contractual annual holiday entitlement for that year will be reduced accordingly.

Pension

During unpaid carer's leave, we will not make any payments into the Teachers' Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS) and the time shall not count as pensionable service. However, following your return to work, you may elect to pay additional contributions for additional pensionable service in the scheme (to make up for any pension lost during the period of unpaid leave). Further details can be found as follows:

- [TPS](#)
- [LGPS](#)

If you wish to pay additional contributions to make up any shortfall, then please contact the Head Teacher in the first instance.

Sickness

If you are unable to return to work at the end of your carer's leave due to your own sickness or injury, this will be treated as sickness absence and our Sickness Absence procedures will apply including its notification requirements.

Flexible working

We will deal with any requests by employees to change their working patterns (such as working part-time) after carer's leave on a case-by-case basis. However, you should note that there is no absolute right to insist on working part-time, only a statutory right to request flexible working where you are eligible.

You should refer to our Flexible Working Policy for further information and practical guidance about making an application to work flexibly.

Appendix 1



Request form for Carer's Leave

Your details	
Full name	
Address	
Post code	

Employment details	
Job Title	
Department	
Type of contract	Permanent
	Fixed term
Start date of employment	

Leave request					
You can only take one weeks' unpaid carer's leave during any 12-month period.					
You are permitted to take carer's leave in consecutive, non-consecutive, half-days or full days.					
Number of days		Start date		End date	
Number of days		Start date		End date	
Number of days		Start date		End date	
Number of days		Start date		End date	
Number of days		Start date		End date	

Declaration

I declare that:

I am an employee of Plashtet School	
I am requesting unpaid leave to provide or arrange care for a dependant who has a long-term care need*.	
I confirm I have not taken more than one week's carers leave in the past 12 months (ending on the last day of the carers leave requested in this form)	

* For the purposes of this leave, the following definitions apply:

Long-term care means someone who:

- has an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;

- has a disability for the purposes of the Equality Act 2010; or
- requires care for a reason connected with their old age.

A **dependant** means:

- the employee's spouse or civil partner;
- the employee's child;
- the employee's parent;
- a person who lives in the same household as the employee (but who is not an employee, tenant, lodger or boarder of the employee); or
- a person who reasonably relies on the employee to provide or arrange care (e.g. an elderly neighbour).

Employee Signature	
Date	

For Plashet School completion	
Head Teacher signature	
Date	