

STATUTORY UNPAID CARER'S LEAVE

This annex sets out the statutory right of employees to take unpaid carer's leave to provide or arrange care for a dependant with a long-term care need. This provision applies to employees who require time off for caring responsibilities on or after 6 April 2024. SPS recognises the challenges that carers face while trying to balance the demands of caring, work, and looking after their own health. As an organisation, we are committed to doing what we can to help to ensure that the health and wellbeing of employees with caring responsibilities is looked after.

The statutory right to unpaid carer's leave is intended to be for planned and foreseen caring commitments. If you need to take time off to manage an unexpected or sudden problem relating to a dependant and/or make any necessary longer-term caring arrangements, please refer to Annex A of the [SPS Special Leave Policy](#) (Domestic Reasons).

1. Eligibility

You have a statutory right to take carer's leave (from day one of employment) to provide or arrange care for a dependant if they have a long-term care need. In the context of statutory carer's leave, a dependant means:

- your spouse, civil partner, child or parent;
- any person who lives in the same household as you (other than as a lodger, tenant, boarder or employee); or
- any other person who would reasonably rely on you to provide or arrange care.

A dependant has a long-term care need if they:

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

This statutory right to unpaid carer's leave applies to a wide range of caring situations, but excludes general childcare, except where your child meets the definition of a dependant with a long-term care need. (For time off for general childcare, please refer to the [Maternity & Parenting Policy](#) for information on Statutory Unpaid Parental Leave).

The activities that carers undertake are wide ranging including, but not limited to:

- help with personal care;
- help with mobility;
- managing medication;

- practical household tasks;
- emotional support; and
- help with financial matters or administration.

2. Entitlement

The amount of carer's leave that can be taken is up to one week (unpaid) in any 12-month rolling period. The leave may be taken in one continuous block, as individual days, or as half days.

The entitlement is based on your 'normal' working week. For example, if you work full time Monday to Friday, you will be entitled to 5 days leave in the rolling year and if you work part time, 3 days per week, you will be entitled to 3 days in the rolling year. If your working week varies from week to week, the average number of days worked per week in the previous 52 weeks should be calculated to determine your entitlement.

A "working day" for the purposes of carer's leave is the hours you are scheduled to work on the day the leave is taken.

If you are caring for more than one dependant, you will not have a separate entitlement to carer's leave for each dependant.

3. Pay During Carer's Leave

You do not have a statutory right to be paid during carer's leave. Therefore, any leave taken as carer's leave is unpaid and does not reckon or qualify for pension purposes, however all other terms and conditions of employment such as annual leave accrual, will continue.

Please note, the deduction from your salary will be made in the same month, or the month after the carer's leave is taken, subject to the pay cut off date for that month.

4. Requesting a Period of Carer's Leave

Should you wish to take a period of statutory carer's leave, you should submit your request on the [Notification of Request for Carer's Leave form](#) available on the SharePoint Special Leave policy page. There is no requirement to provide evidence of your caring responsibilities, however, you will be asked to sign a declaration that you meet the eligibility criteria for carer's leave.

As much notice as possible should be given when requesting carer's leave so that any absences can be planned for. In any event, notice in advance that is either twice the number of working days that is to be taken as carer's leave, or three days, whichever is earlier.

All carer's leave must be approved in advance by your line manager.

5. Postponing Your Carer's Leave

While every effort will be made to meet your request for carer's leave, SPS may postpone a period of carer's leave if the absence will result in undue disruption to the business. If a decision is taken to postpone the leave, your line manager will consult with you to agree an alternative leave period of equal duration to be taken within one month of the carer's leave date(s) originally requested.

Your line manager will provide the reasons for the postponement of your request in writing, within seven days of receiving your notification of request for carer's leave form, with revised dates on which the carer's leave can be taken.

6. Cancelling a Period of Carer's Leave

You may cancel a period of carer's leave and take it at a different time as long as you inform your line manager before the leave has started. Carer's leave cannot be cancelled once it has already begun.

7. Recording Carer's Leave

When recording a period of carer's leave for the purposes of attendance management on the SHAR or flexi-time system, the hours you were scheduled to work that day should be recorded and marked as per special leave. As the leave is unpaid, the recording of carer's leave should not have any positive or negative impact on your TOIL/banked or flexi-time balance.

HR teams will record each period of leave on the HR system using the Statutory Unpaid Carer's Leave code.

8. Returning to Work After Carer's Leave

Following a period of carer's leave, you have the right to resume working in the same job as before on terms and conditions that are no less favourable than the terms that would have applied had you not been absent. Continuity of employment is not affected.

9. Employee Support

SPS recognises that caring can be unpredictable and challenging. You may acquire caring responsibilities overnight or caring responsibilities may develop over time. It can be a subject that not everyone finds it easy to talk about. However, SPS encourages you to be as open as possible about any particular issues that you are experiencing to ensure that you are provided with the right level of support.

In particular, you are encouraged to speak to your line manager about your caring responsibilities to explore support available that can help with any challenges you may be facing. The support will vary depending on individual circumstances but may include one or more of the following:

- [Employee Passport](#) - this will support your discussions with your line manager about the impact of personal circumstances at work and can be used to record supportive actions.
- [Flexible Working](#) - you may apply for flexible working arrangements either on a temporary or permanent basis to support work life balance.
- [SPS Employee Assistance Programme](#) - this support is available 24 hours per day and can provide confidential advice and support for carers. You can contact them directly on 0800 854 562 or by accessing our EAP [desktop platform](#) or App.
- [The Spare Room](#) - The SPS Health and Wellbeing SharePoint page provides information about all things health and wellbeing including signposting to support for carers.
- [The Charity For Civil Servants](#) – provides information and support on a whole range of issues and you can access the [dedicated carer's section](#) on their website or call for support on 0800 056 2424 Monday to Friday 10am to 1pm.
- [Carers Trust Scotland](#) - visit the website to find out about support for carers in your area. This information can also be accessed via your local authority.

10. Confidentiality

Any information disclosed by you during discussions with your line manager or the HR department regarding your caring responsibilities will be treated sensitively and in strict confidence.

11. Employment Protections

You have the right not to be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) because you have taken, sought to take, or made use of the benefits of carer's leave. If you have any concerns, please discuss this with your line manager, HR department or Trade Union representative in the first instance or raise your concerns via the SPS Grievance process.

12. Data Protection

This policy has been subject to a Data Protection Impact Assessment to ensure compliance with GDPR.

13. Review

This policy will be reviewed as and when required to reflect changing business and legislative requirements.