



Carer's Leave Policy

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Update Information

This model policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation, statutory guidance, or best practice (where appropriate).

1. Scope

This policy applies to all staff employed directly by schools and academies who have caring responsibilities for a dependant with a long-term care need and who intend to take time off from work to provide or arrange care for that dependant. The right to take unpaid Carer's Leave is a day one right, i.e. regardless of length of service.

Within this policy, references to the school, Headteacher, Governing Board and the Chair of Governors will, for Academies and Academy Trusts, be taken to mean a reference to the appropriate equivalent within those establishments.

The recognised trade unions have been consulted.

2. Policy Purpose

The purpose of Carer's Leave is to allow flexibility and to facilitate an employee taking unpaid time off from work where they have caring responsibilities and need the time off to provide or arrange care for a 'dependant' with a 'long-term care need'.

This policy sets out the Carer's Leave entitlements and the relevant procedure for employees who wish to take Carer's Leave.

3. Carer's Leave

3.1 Eligibility

Employees will be entitled to take unpaid Carer's Leave if:

- The purpose of the leave is to provide or arrange care for a dependant with a long-term care need, and

- The notice requirements for taking the leave are complied with.

3.2 Definitions

The term “dependant” has the same definition given for Dependant’s Leave, i.e.

- Spouse/partner (includes civil partner)
- Child
- Parent
- Person who lives with the employee in the same household other than as her/his employee, tenant, lodger, or boarder
- Any other person who would reasonably rely on the employee to provide or arrange care.

The dependant must have a “long-term care need”. A long-term care need is defined as:

- An illness or injury (either physical or mental) that requires or is likely to require care for more than three months
- A disability under the [Equality Act 2010](#)
- A care need connected to old age.

3.3 Entitlement

Employees will be entitled to take a maximum of up to 5 days unpaid leave in a 12 month period, regardless of the number of dependants. This means that employees cannot claim multiple weeks of Carer’s Leave for multiple dependants.

If additional time away from work is needed, over and above the 5 days allocation, the employer may require the employee to take that time off using other means such as additional unpaid leave, or annual leave where the employee has an entitlement to take annual leave. The employee can also consider alternative arrangements under the school’s Special Leave Policy and/or Flexible Working Policy.

When calculating entitlement to the leave, the employee’s normal working pattern (at the time the request is made) is considered. For example, if the employee works 5 days a week, they will be entitled to take 5 days Carer’s Leave in a rolling 12 month period or if the employee works 3 days a week then they will be entitled to take 3 days in a rolling 12 month period.

3.4 Taking Carer’s Leave

Carer’s Leave could be taken flexibly in a block of 5 days or in single or half days to suit the carer’s caring responsibilities. There is no requirement for the leave to be taken on consecutive days.

Where an employee is taking Carer’s Leave on separate occasions (i.e. single or half days), managers should keep a record of the days taken and the balance remaining for each 12 month period.

3.5 Notice of Intention to take Carer’s Leave

An employee may take Carer’s Leave to which they are entitled on such days as they elect by giving notice of their intention to their employer:

- The notice may relate to all or part of the Carer’s Leave to which an employee is entitled in the relevant period
- The notice must specify that the employee satisfies the eligibility criteria and is entitled to take Carer’s Leave in accordance with this policy

- The notice must specify the days on which the Carer's Leave is to be taken and if the leave relates to part of a day, shall specify this
- The notice must be given before the relevant date, i.e. either:
 - 3 days in advance of the earliest day/part day specified in the notice where the request is for a part day or one day, or
 - (Where the request is for 2 days plus), twice as many days in advance of the earliest day specified in the notice as the number of days/part days to which the notice relates, whichever is the longer period.

NB: The notice period is always calculated in full days.

Where an employee fails to give notice in accordance with the above requirements, the employer has the discretion to choose to waive the requirement.

3.6 Postponement of Carer's Leave

An employer may postpone Carer's Leave where:

- The notice requirements have not been complied with
- The employer reasonably considers that the operation of their business would be unduly disrupted if the employee took Carer's Leave during the period identified in the notice.

If the leave is postponed, the employer should agree to permit the employee to take a period of Carer's Leave for the same duration as the period identified in their notice, and beginning on a date determined by the employer after consulting with the employee, which is to be no later than one month after the earliest day/part day of the employee's original request to take the leave.

If postponed, the employer should give the employee written notice of the postponement which:

- States the reason for the postponement, and
- Sets out the agreed dates the employee can take Carer's Leave.

See Appendix 2.

The notice should be given to the employee as soon as reasonably practicable but no later than the earlier of:

- i. 7 days after the employee's original notice was given to the employer, or
- ii. Before the earliest day/part day requested in the employee's notice.

3.7 Considering Requests for Carer's Leave

The employer cannot require the employee to supply evidence in relation to a request for Carer's Leave before granting the leave.

All requests for leave should be sympathetically considered and where possible, a discussion should take place between the employer and employee to consider the request and whether it can be granted or whether a postponement is required or whether alternative arrangements can be made. The employer should be mindful of additional pressures that the employee may be under outside of work with respect to the care arrangements.

The request for Carer's Leave cannot be cancelled or declined (other than a postponement) unless mutually agreed by the employee/employer and confirmed in writing.

Wherever possible, all discussions should be recorded in writing as a matter of good practice.

4. Local Government Pension Scheme (LGPS) Members – Buying ‘Lost’ Pension

Any period of unpaid leave under this policy will not count for pension purposes. Members of the Local Government Pension Scheme can elect to pay Additional Pension Contributions (APCs) to buy back the ‘lost’ pension.

Where unpaid leave has been approved, the Headteacher will inform the employee of the effect of the unpaid leave on their pension and their right to choose to buy ‘lost’ pension. The model letter at Appendix 4 can be used for this purpose. The employee can then apply, if they wish to do so, using the model letter at Appendix 5.

If the member makes their election to buy the ‘lost’ pension within 30 days of returning to work from the authorised unpaid leave, the cost of buying the ‘lost’ pension is shared between the member and the employer with the member paying 1/3rd of the total cost and the employer paying 2/3rds of the total cost. This is known as a Shared Cost Additional Pension Contract (SCAPC).

The process for buying ‘lost’ pension is set out in the flowchart at Appendix 3.

5. Protection from Detriment or Dismissal

An employee has the right not to be subjected to detrimental treatment or be dismissed because they are exercising their rights under this policy in taking or seeking to take Carer’s Leave.

6. Appendix 1 - Carer's Leave Request Form

<i>Employee to Complete</i>	
Name:	
Job Title:	
Name of Line Manager:	
I wish to apply for Carer's Leave: <input type="checkbox"/>	
From <i>(Insert date):</i>	To <i>(Insert date):</i>
Number of days I intend to take as Carer's Leave in a 12 month period:	
Balance remaining:	
I confirm that the purpose of the leave is to provide or arrange care for a Dependant with a long-term care need: <i>(provide details)</i>	
I confirm that the Dependant cared for is my: <i>(provide details)</i>	
Notice requirements: (i) Leave for part day or one day – I confirm I have given the school at least 3 days' notice (ii) Leave for more than one day – I confirm I have given the school notice which is at least twice as long as the leave requested	
Employee Signature:	Date:
<i>Headteacher/Line Manager to Complete</i>	
Authorised request for:	
Unpaid Carer's Leave for: days	
Headteacher's/Line Manager's Signature:	Date:

NB for Managers: A copy of this form should be retained on the employee's personnel file.

Please remember to inform your payroll provider so that any appropriate adjustments can be made to the employee's pay, if necessary.

7. Appendix 2 - Reply Letter to Request for Carer's Leave

Dear *(Insert name)*

Re: Request to take Carer's Leave

Thank you for your application requesting Carer's Leave which was received on *(insert date)*. The request was for *(insert number of days requested)*, commencing on *(insert start date)* and ending on *(insert end date)*.

The request has been considered and is: *(delete as appropriate)*

1. Granted

Your Carer's Leave will commence on *(insert date)* and end on *(insert date)*. You are expected to return to work on the first working day after your leave period ends.

At the end of your leave period, you will have a balance of *(insert days)* remaining for the relevant 12 month period.

2. Postponed

The request has been postponed because: *(insert reasons. see paragraph 3.6 of the policy)*

After discussion, we have agreed that your Carer's Leave will instead, commence on *(insert revised date which shall be no later than one month after the day which was the first day requested to be taken as leave)*.

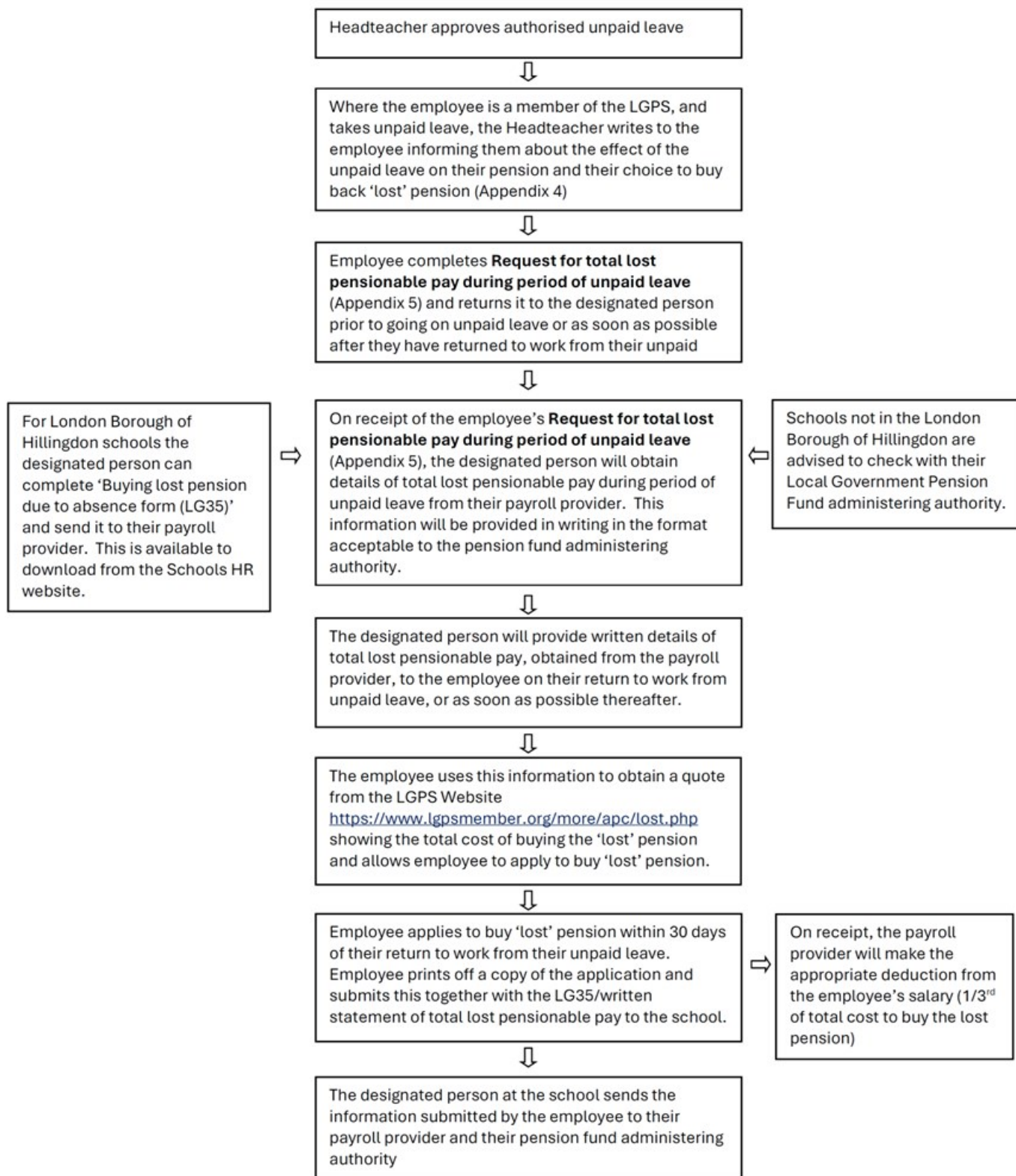
At the end of your leave period, you will have a balance of *(insert days)* remaining for the relevant 12 month period.

If you have any questions about any aspect of your Carer's Leave application or entitlement you should contact *(insert details)*.

Yours sincerely

Headteacher

8. Appendix 3 - Process for Buying 'Lost' Pension - Flowchart



9. Appendix 4 - Model Letter to Employee – Buying ‘Lost’ Pension

Dear *(insert name of employee)*

Authorised Unpaid Leave

Local Government Pension Scheme Member – Buying ‘lost’ pension

I refer to your request for unpaid leave under the school’s Carer’s Leave Policy for the period from *(insert date)* to *(insert date)*.

I have authorised the leave **without** pay and enclose a copy of the signed Carer’s Leave Request Form for your information.

Any period of authorised **unpaid** leave of absence will not count for pension purposes. You can however elect to pay Additional Pension Contributions (APCs) to buy back the ‘lost’ pension. If you elect to buy the ‘lost’ pension within 30 days of returning to work from your period of unpaid leave, the school will pay 2/3rds of the total cost of buying the ‘lost’ pension and the remaining 1/3rd of the total cost of buying the ‘lost’ pension will be paid by you by way of a deduction from your salary.

If you are interested in buying the ‘lost’ pension, please complete and sign the form at **Appendix 5 - Request for Total Lost Pensionable Pay during Period of Unpaid Leave** and return it to *(insert name of designated person)* prior to going on leave or as soon as possible following your return to work from your period of unpaid leave.

The school will provide you with details of the total lost pensionable pay for the period of the unpaid leave on your return to work, or as soon as possible thereafter. This information will enable you to obtain a quote from the Local Government Pension Scheme website (<https://www.lgpsmember.org/help-and-support/tools-and-calculators/buy-lost-pension-calculator/>) showing the total cost of buying the ‘lost’ pension and allow you to apply to buy ‘lost’ pension should you choose to do so.

Yours sincerely

Headteacher

10. Appendix 5 - Request for Total Lost Pensionable Pay during Period of Unpaid Leave

Request for Total Lost Pensionable Pay during Period of Unpaid Leave

I have been granted authorised unpaid leave from *(insert date)* to *(insert date)*.

I am aware that this period will not count for pension purposes unless I make an election to pay Additional Pension Contributions (APCs) to buy back the 'lost' pension.

I am aware that if I elect to buy the 'lost' pension within 30 days of returning to work from the period of the unpaid leave, 2/3rds of the total cost of buying the 'lost' pension will be paid by the school and I will be responsible for paying 1/3rd of the total cost of buying the 'lost' pension.

My share of the payment will be deducted from my salary.

I am interested in buying the 'lost' pension and would like to request details of total lost pensionable pay for the period of unpaid leave so that I can obtain a quote for the total cost of buying 'lost' pension.

Name:

Position:

Signature:

Date:

****Please return this request for information to *(insert name of designated person)*****

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