

Research Briefing

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Informal carers' employment rights and support

Summary

The Department of Health and Social Care (DHSC) has [described an informal/unpaid carer](#) (PDF) as: “...someone who provides unpaid help to a friend or family member needing support, perhaps due to illness, older age, disability, a mental health condition or an addiction”, as long as they are not employed to do so.

The [Carer's Leave Act 2023](#) and associated [Carer's Leave Regulations 2024](#) created a new right for all employees to take up to one week of unpaid leave a year if they have caring responsibilities.

Employees additionally have the right to reasonable unpaid time off if a dependant is ill or injured or if their care arrangements are disrupted.

Carers, like other employees, also have the right to request flexible working from their employers. Employers must consider these requests and can only refuse them for one of a list of statutory reasons.

Carers may also be protected from discrimination or harassment “by association” while at work. Discrimination by association is when a person is treated less favourably because of their association with another person who has a protected characteristic, such as age or disability.

1 Carers' employment rights

1.1 A statutory right to carer's leave

The [Carer's Leave Act 2023](#), together with the [Carer's Leave Regulations 2024](#), created a new statutory right to carer's leave which came into effect on 6 April 2024.

Employees are now entitled to take one week of unpaid leave a year if they have caring responsibilities.

This applies to any employees who are caring for a spouse, civil partner, child, parent or other dependant who needs care because of a disability, old age or any illness or injury likely to require at least three months of care. The leave entitlement is available from the first day of employment with no qualifying period.

To take carer's leave, employees must give notice to their employer; at least three days' notice for a single day or half-day of leave and notice at least twice as long as the leave taken for longer periods. The notice can be verbally or in writing and does not have to include evidence of the dependent's care needs.

Employers are not able to refuse requests for carer's leave but can ask employees to delay it for up to one month, if taking it at that time would cause serious disruption to the organisation.¹

Policy background

The [Work and Pensions Committee's 2018 report on employment support for carers](#) recommended the government should consider supporting paid leave for carers along the same lines as parental leave:

Statutory unpaid leave would be a welcome solution for some carers but simply unaffordable to many others. An existing model of parental leave, paid at a statutory rate, already assists parents while providing compensation to employers, including special assistance for small businesses. In supporting the Parental Bereavement (Leave and Pay) Bill, the Government has demonstrated a willingness to extend this assistance into further circumstances. There is a strong case for five days' statutory paid carer's leave based on the existing statutory leave system. We recommend the Government introduce this policy when resources allow and provide a full impact assessment for such a policy in response to this report.²

¹ Acas, [Carer's leave](#), updated 5 April 2024

² Work and Pensions Committee, [Employment support for carers](#) (PDF), HC581, 9 May 2018, para 47

In the [Carers Action Plan 2018 to 2020](#), the government announced it had set up “an official-level working group” involving various departments to consider the creation of dedicated employment rights for carers to exist alongside existing employment rights (such as flexible working).³

The government announced in the December 2019 Queen’s Speech it would “introduce the entitlement to leave for unpaid carers” as part of an Employment Bill.⁴ The bill was not introduced in the 2019–21 parliamentary session.

In March 2020, the government launched a [consultation on carer’s leave](#). The consultation proposed to create an entitlement to one week of unpaid leave per year for carers. It sought views on a range of issues, including:

- how carers use existing employment rights
- who should be eligible to take the leave
- what the leave can be taken for
- the process for taking the leave
- the costs and benefits to employers and employees⁵

The consultation closed in August 2020. The government response was published in September 2021 and found support for a new right for leave for unpaid carers:

There was clear support across the range of respondents to introduce a new leave right for unpaid carers. Therefore, the Government will introduce such a right for unpaid carers to take up to one week (5 working days) of unpaid leave per year.⁶

The proposed Employment Bill to implement these measures was not included in the 2021 or 2022 Queen’s Speeches.⁷

In the absence of government legislation, a Private Members’ Bill, the [Carer’s Leave Bill 2022-23](#) was introduced on 15 June 2022 by Liberal Democrat MP Wendy Chamberlain. The bill passed and became the [Carer’s Leave Act 2023](#).

For more information about this legislation and its passage, see the Library briefing [Carer’s Leave Bill 2022-23: Progress of the Bill](#).⁸

³ Department for Health and Social Care, [Carers Action Plan 2018 to 2020](#) (PDF), June 2018, para 2.3

⁴ HM Government, [Queen’s Speech December 2019: background briefing notes](#), December 2019

⁵ BEIS, [Consultation on Carers’ Leave](#), March 2020

⁶ BEIS, [Carers’ leave consultation: government response](#), September 2021.

⁷ HM Government, [Queen’s Speech 2021: background briefing notes](#), 11 May 2021.

⁸ Commons Library Briefing CBP9611 [Carer’s Leave Bill 2022-23: Progress of the Bill](#), 27 January 2023

1.2 Flexible working

Carers for adults have had the right to request flexible working from their employers since the introduction of the Work and Families Act 2006.⁹ The 2010 coalition government extended this right beyond carers to cover all employees as part of the Children and Families Act 2014.¹⁰ Employers are only able to refuse a flexible working request on limited grounds identified by statute.¹¹

The Taylor Review in July 2017 briefly considered issues surrounding flexible working and recommended the government should further promote workplace flexibility:

As part of the statutory evaluation of the Right to Request Flexible Working in 2019, Government should consider how further to promote genuine flexibility in the workplace. For example it should consider whether temporary changes to contracts might be allowed, to accommodate flexibility needed for a particular caring requirement. Government should work closely with organisations like Timewise and Working Families to encourage flexible working and initiatives like “happy to talk flexible working” to a wider range of employers.¹²

The statutory evaluation refers to the requirement, in section 134 of the [Children and Families Act 2014](#), to review the extension to all employees of flexible working. The government published its response to the Taylor Review on 7 February 2018.¹³ It agreed with the review’s recommendations about flexible working:

The right to request flexible working, introduced in June 2014, was a major step in making the workplace more accessible for a wide range of people. It is right that the success of this measure is evaluated and as part of that process in 2019, we will consider how further to promote genuine flexibility in the workplace. To help unlock potential in the labour market, including amongst women, older workers, carers and disabled people, the government will launch a joint taskforce with industry on flexible working.¹⁴

In March 2018, the Department for Business, Energy and Industrial Strategy (BEIS) set up the [Flexible Working Task Force](#), which it co-chaired with the Chartered Institute of Personnel and Development (CIPD), the professional body for HR and people development. The Task Force was made up of various

⁹ The relevant section 12 was brought into force on 6 April 2007 by [S.I. 2006/1682](#)

¹⁰ [Children and Families Act 2014](#), part 9

¹¹ For more information see House of Commons Library briefing on [Flexible working](#)

¹² [Good Work: The Taylor Review of Modern Working Practices](#) (PDF), GOV.UK, 2017, p95

¹³ HM Government, [Good Work: A response to the Taylor Review of Modern Working Practices](#), 7 February 2018

¹⁴ HM Government, [Good Work: A response to the Taylor Review of Modern Working Practices](#), 7 February 2018, p43

stakeholders and considered a wide range of issues surrounding flexible work.¹⁵

The Task Force initially ran until Autumn 2019. In February 2021 the CIPD was asked to extend its work by a further 18 months, to consider any lessons of the pandemic in terms of flexible and hybrid working.¹⁶

In May 2018, the Work and Pensions Committee published a report on carers and employment. Among other things, the report recommended the government make flexible working a 'day one' right, rather than one that is only available after 26 weeks of continuous employment:¹⁷

The Government has committed to review the impact of the existing 'right to request' legislation in 2020, to ensure that it continues to have the desired effect. In the Queen's Speech in December 2019, it said it would "bring forward measures to encourage flexible working."¹⁸

In the December 2019 Queen's Speech, the government said, subject to consultation, an Employment Bill would make flexible working the default for all jobs unless employers could show there was a reason why it could not be flexible.¹⁹ The [consultation on making flexible working the default](#) ran from September to December 2021.²⁰ The Employment Bill was not introduced in the 2019–21 parliamentary session and was not included in the May 2021 Queen's Speech²¹ or the 2022 Queen's Speech²².

From 6 April 2024 changes made to the law through the [Employment Rights \(Flexible Working\) Act 2023](#) and associated regulations meant that flexible working request can now be made from day one of employment and employees can make two such requests each year rather than one. Employers also now have to explain the reasons for denying any request, and employees no longer have to explain the impact of their request.

1.3 Time off for dependants

Employees have the right to reasonable time off if a dependant is ill, injured or their care arrangements are disrupted. A dependant can be a spouse, civil partner, parent, child or a person living in the same house as the employee (but not an employee, tenant, lodger or boarder).²³ This time off is unpaid and

¹⁵ [Government and employers unite to kick-start flexible working](#), CIPD, 14 January 2019.

¹⁶ [Flexible Working Taskforce](#), CIPD (accessed 24 May 2022)

¹⁷ Work and Pensions Committee, [Employment support for carers](#) (PDF), HC581, 9 May 2018, para 36

¹⁸ Work and Pensions Committee, [Employment support for carers](#) (PDF), HC581, 9 May 2018, para 36

¹⁹ HM Government, [Queen's Speech December 2019](#), GOV.UK, 19 December 2019

²⁰ Department for Business, Energy & Industrial Strategy, [Making flexible working the default](#), GOV.UK, 29 October 2021

²¹ HM Government, [Queen's Speech May 2021](#), GOV.UK, 11 May 2021

²² HM Government, [Queen's Speech May 2022](#), GOV.UK, 10 May 2022

²³ [Employment Rights Act 1996](#) as amended, section 57A

is specifically to make arrangements for their care in cases that were not foreseeable. This is distinct from carers' leave above which is for cases of ongoing long-term care.

1.4 Unpaid parental leave

The right to unpaid parental leave (also known as 'ordinary parental leave'), separate from paid forms of leave such as maternity, paternity or shared parental leave, is provided in [Part 8 of the Employment Rights Act 1996](#) and [Part 3 of the Maternity and Parental Leave etc. Regulations 1999](#).

An employee with at least one year's continuous service may be eligible for unpaid parental leave if they have parental responsibility for a child. The employee will be entitled to up to eighteen weeks' leave in respect of any individual child to take at any time up to the child's 18th birthday. The leave may be taken in one-week blocks, up to a maximum of four weeks per year.

The leave can be taken for any reason relating to their parental role, including caring responsibilities.²⁴

1.5 Discrimination by association

Carers of disabled and elderly people may be protected at work from "discrimination by association". Discrimination by association is when a person is treated less favourably because of their association with another person who has a protected characteristic.

The Equality Act 2010 protects those caring for disabled or elderly people from discrimination or harassment. Guidance from the Government Equalities Office provides the following example:

Ms Battle applies for a job which involves a lot of travelling. She has the best skills and experience but the company knows that Ms Battle cares for her son who is disabled. The company makes an assumption that she cannot manage because she has a disabled son and so it doesn't offer her the job. This is direct discrimination because Ms Battle is associated with a disabled person. It's against the law to refuse to offer her the job for that reason.²⁵

²⁴ Acas, [Ordinary parental leave: Taking parental leave](#), updated 1 August 2024

²⁵ Government Equalities Office/ Citizens Advice Bureau, [Equality Act 2010: What do I need to know as a carer?](#) (PDF), 2010

2

Employment Support for Carers

In the [2016 work, health and disability Green Paper](#), the government reported “an estimated 2 million people have given up paid work to care”. It also said that 315,000 of these did not return to work and remained unemployed after their caring role ended.²⁶

The Green Paper cited two reasons why carers can find it difficult to balance caring with employment:

- A risk-averse attitude among employers to recruiting those with caring responsibilities; and
- A lack of flexible working arrangements in many organisations.

In the [2021 National Disability Strategy](#), the government reported 54% of employed carers who responded to the UK Disability Survey agreed or strongly agreed their employer is supportive of their caring responsibilities. However, only 26% agreed or strongly agreed that they had the same promotion opportunities as their colleagues.²⁷

In February 2017, the DWP published [Fuller Working Lives](#). This publication announced a new cross-Government Carers Strategy, led by the Department of Health, which would support carers to remain in and re-enter employment.

This strategy was not published, instead the government published a Carers action plan in 2018. One of the themes of the action plan was to support carers in employment.

2.1

Carers Action Plan 2018–2020

The [Carers Action Plan 2018–2020](#) set out various actions to support working carers. These were broken down into three themes:

- Improve working practices: Actions for this theme included a benchmarking scheme, the consideration of dedicated employment rights for carers, and working with Business in the Community to share best practice of carer policies and practices.

²⁶ DWP/Department for Health (DH), [Work, Health and disability green paper: improving lives](#), GOV.UK 2 November 2016

²⁷ Disability Unit/Equality Hub/DWP, [National Disability Strategy](#), GOV.UK, 28 July 2021, p58

- Flexible working: A flexible working taskforce was announced to tackle issues around flexible working. A new Carers' Hub was launched to promote best practice.
- Returning to work: Actions here included e-learning resources focussed on the skills of carers, returner programmes in the public sector and funding to increase opportunities for returners in the private sector.²⁸

2.2 Institute for Employment Studies project: Carers in Employment

A series of Carers in Employment pilots were launched in April 2015, to help support working carers to stay in work or return to paid work alongside their caring responsibilities.²⁹

In January 2018 the Institute for Employment Studies published an evaluation of the [Carers in Employment project](#).³⁰ This project provided a range of support to carers and evaluated its impact. The support ranged from light touch contact, such as advice and guidance materials, to more intensive support, such as regular ongoing contact with a support worker.

A key finding was that carers receiving the more intensive support were more likely to report benefits, and that having a personalised caseworker for carers may help them to continue in work. It said:

The evaluation suggests that named caseworkers assigned to deliver bespoke information, advice and guidance to working carers may be effective in facilitating job retention and helping working carers to continue in work. Advocacy and support worker services provided by the project were reported to have helped working carers cope better at crucial 'tipping points' or domestic crises that otherwise were likely to have had a more detrimental effect on maintaining the balance of care and work.³¹

Another finding was the use of assistive technology helped carers to stay in employment.

Those employers who interacted with the project reported an increased awareness of the challenges faced by working carers. This led to some employers introducing "carer-friendly" Human Resource (HR) policies and practices, such as the promotion of flexible working arrangements.

²⁸ DHSC, [Carers Action Plan 2018 to 2020](#), GOV.UK, 5 June 2018, pp16–20

²⁹ GEO/DHSC/DWP, [Supporting carers to stay in paid employment](#), GOV.UK, 13 February 2015

³⁰ Institute for Employment Studies, [Evaluation of the Carers in Employment Project](#), January 2018

³¹ Institute for Employment Studies, [Evaluation of the Carers in Employment Project](#), January 2018, pii

2.3

Informal Carers and Employment – Systematic review

In September 2019 the DWP published a summary report of a systematic review of the strategies for employment retention of people with caring responsibilities.³²

The review recognised that carer friendly employment includes informal arrangements, such as employers allowing carers extra leave to deal with emergencies, as well as formalised policies, such as a carers register enabling carers to access emergency leave. The review said a carers passport (a document drawn up between an employee and manager outlining the needs of employees with caring responsibilities) could be significant in retaining employment.

Another finding of the review was that local authority statutory care assessments, designed to assess the needs of people who need care and enable carers to access services, do not discuss work, so potentially hinder carers' search for employment:

It was a common finding for carers to report that assessors did not discuss work, despite the centrality of working and caring to carer assessment guidelines.³³

The review addressed barriers to employment re-engagement. The longer a carer has been disengaged from the labour market, the harder it is to re-engage. Carers have difficulty finding flexible employment and obtaining formal care during their potential working hours:

Problems with flexibility of formal care have been previously identified, meaning carers can have trouble arranging alternative care arrangements during their potential working hours.³⁴

³² DWP, [Informal Carers and Employment: Summary Report of a Systematic Review](#) (PDF), GOV.UK, September 2019

³³ [As above](#) (PDF), p12

³⁴ DWP, [Informal Carers and Employment: Summary Report of a Systematic Review](#) (PDF), GOV.UK, September 2019, p15

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