

Research Briefing

By Patrick Brione

26 January 2023

# Carer's Leave Bill 2022-23: Progress of the Bill



## Summary

- 1 Introduction
- 2 Background
- 3 The Bill
- 4 Parliamentary progress
- 5 Commentary

## Annex

### **Image Credits**

Elderly man with younger helper / image cropped. Licensed under Pixabay License – no copyright required.

### **Disclaimer**

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing [‘Legal help: where to go and how to pay’](#) for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

### **Feedback**

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.

You can read our feedback and complaints policy and our editorial policy at [commonslibrary.parliament.uk](https://commonslibrary.parliament.uk). If you have general questions about the work of the House of Commons email [hcenquiries@parliament.uk](mailto:hcenquiries@parliament.uk).

# Contents

<b>Summary</b>	<b>4</b>
<b>1 Introduction</b>	<b>6</b>
<b>2 Background</b>	<b>7</b>
2.1 Campaigns	7
2.2 Work and Pensions Select Committee inquiry 2017-18	7
2.3 Conservative manifestos 2017/2019	9
2.4 Government consultation 2020-21	9
2.5 Employment Bill	10
2.6 Employment (Caring Leave) Bill 2021-22	11
<b>3 The Bill</b>	<b>12</b>
3.1 Clause 1: Carer's leave	12
3.2 Clause 2: Power to make consequential provision	12
3.3 Clause 3: Extent, commencement and short title	12
3.4 Schedule Part 1: Carer's leave	13
3.5 Schedule Part 2: Further amendments to do with carer's leave	14
<b>4 Parliamentary progress</b>	<b>15</b>
4.1 Second reading debate	15
4.2 Committee stage	17
<b>5 Commentary</b>	<b>19</b>
5.1 Political commentary	19
5.2 Other commentary	20
<b>Annex</b>	<b>22</b>
Composition of Public Bill Committee, Wednesday 2 November 2022	22

## Summary

The [Carers Leave Bill 2022-23](#), is a Private Member's Bill, Bill 23 of the 2022-23 session, introduced on 15 June 2022 by Liberal Democrat MP Wendy Chamberlain who came tenth in the [Private Members' Bill ballot for the 2022-23 session](#).

The Bill had its first reading on 15 June 2022 and passed second reading on 21 October 2022. The Bill completed its committee stage on 2 November 2022 without amendment. In both cases MPs from all sides of the House spoke in favour of the Bill and no opposition was raised, meaning the stages were passed without division. It is listed for remaining stages on 3 February 2023.

## Background

Carers' charity Carers UK have [campaigning in favour of a statutory right to leave for carers for many years](#), with their preference being for a right to paid leave.

In November 2017 the Work and Pensions Select Committee launched an [inquiry into employment support for carers](#), which found that carers "often must choose between taking a sick day or using a day's annual leave. This can be detrimental to their own physical and mental well-being." The Committee concluded that "There is a strong case for five days' statutory paid carer's leave based on the existing statutory leave system."

The 2017 and 2019 Conservative general election manifestos both included commitments to introduce leave for carers. In 2020 there was a [Government consultation](#) on "proposals to give employees a week of unpaid leave each year to provide care." The [response to the consultation](#) found strong support for the idea and concluded that "Legislation to introduce carer's leave as a day 1 statutory employment right will be brought forward when parliamentary time allows."

These measures were included in an outline of a proposed Employment Bill in the December 2019 Queen's Speech. However, the Employment Bill was not ultimately introduced in the 2019-21 session and did not reappear in the 2021 or 2022 Queen's Speeches.

In 2021 Conservative MP Jack Brereton introduced a Private Member's Bill, the [Employment \(Caring Leave\) Bill 2021-22](#) which would have given "employees who are unpaid carers the right to one week's unpaid leave for caring purposes." The Bill did not receive a second reading.

## What does the Bill do?

This Bill would require and give the Secretary of State the power to create, by regulations, a new entitlement to carer's leave, "entitling an employee to be absent from work on leave under this section in order to provide or arrange care for a dependant with a long-term care need."

This leave would be a day one right, available to all employees without any qualifying period. It would apply to anyone caring for a spouse, civil partner, child, parent or other dependent who needs care because of a disability, old age or any illness or injury likely to require at least three months of care.

This leave would be unpaid. The maximum duration of the leave and how and when it could be taken would be set by regulations, although the Bill would require the leave entitlement to be at least one week per year.

The new leave entitlement would apply to England, Scotland and Wales but not Northern Ireland where employment law is a devolved matter.

## Commentary

In a [press release](#) following the introduction of the Bill its sponsor Wendy Chamberlain MP explained why, in her view, this was an important issue, saying:

This bill will help carers juggle work and care whilst supporting employers to maximise retention and wellbeing. Passing it will be a significant step forwards from all sides.

According to care sector magazine Home Care Insight, 21 cross-party MPs had pledged public support for the Bill as of 30 August. During a House of Lords debate on [Carer's Leave: Government Departments](#), Lord True, Minister of State at the Cabinet Office, said that the Government would look closely at whether it could support this Bill as a way of delivering on previous Government commitments in this area, while Baroness Smith of Basildon, Leader of the Opposition in the House of Lords, suggested that the Labour Party would be supportive of legislation on this issue.

It has been [reported in the independent](#) that "some 100 organisations – including employers, national and local carers' organisations and trade unions – have publicly expressed their backing" for the Bill. Organisations issuing supportive statements include carer's charity Carers UK and associated employers membership forum Employers For Carers.

# 1 Introduction

The [Carers Leave Bill 2022-23](#), Bill 23 of the 2022-23 session, was introduced on 15 June 2022 by Liberal Democrat MP Wendy Chamberlain as a Private Member's Bill, presented to Parliament through the ballot procedure.

The Bill has extent across the UK, though the new leave provisions would only apply to England, Wales and Scotland, but not Northern Ireland where employment law is devolved.

The explanatory notes for the Bill were drafted by the Department for Business, Energy and Industrial Strategy.

The Bill would take effect on a date to be determined by the Secretary of State through regulations.

The explanatory notes expect only a small cost to the Exchequer resulting from employees taking leave becoming eligible for certain other benefits. The one off cost to businesses of adapting to the new legislation is estimated at £4.7 million, with an annual cost impact on businesses of £40 million.<sup>1</sup>

A required money resolution was approved on 8 November 2022.<sup>2</sup>

---

<sup>1</sup> [Carers Leave Bill 2022-23, Explanatory Notes](#), Para 45-46

<sup>2</sup> [Votes and Proceedings, 8 November 2022](#) [PDF], parliament.uk

---

## 2 Background

### 2.1 Campaigns

Carers' charity Carers UK have campaigned in favour of a statutory right to leave for carers for many years. Their webpage about this campaign explains why Carers UK believe a right to carer's leave is needed:

Prior to the coronavirus crisis, almost 5 million people were juggling paid work alongside caring unpaid – about 15% of the UK's population. In 2020, the number of people in paid work who were also providing unpaid care increased to over 7 million. The stresses and strain of having to juggle paid work alongside unpaid care has led to hundreds of thousands of people having to leave the labour market entirely. On average, 600 people a day leave work to care – with over 500,000 people leaving work to provide unpaid care in the two years before the COVID-19 pandemic.<sup>3</sup>

In 2019 the charity published a report, [Juggling work and unpaid care: A growing issue](#) [PDF], which found that around one in seven workers in the UK were juggling work and care, around two million adults had reduced their working hours in order to care for others and around 7% of workers said unpaid care was negatively impacting on their paid work.

The report concluded that the “top three interventions that workers thought would be most helpful if they were caring alongside work” were “a supportive employer/line manager”, “flexible working” and “additional paid care leave of between five and ten days”. Only 12% of workers reported currently having access to paid care leave. The report recommended the Government “Introduce new rights to paid care leave and a longer period of unpaid leave.”<sup>4</sup>

### 2.2 Work and Pensions Select Committee inquiry 2017-18

In November 2017 the Work and Pensions Select Committee launched an inquiry into employment support for carers. The resulting report was published in May 2018 and found significant difficulties faced by those juggling work and caring responsibilities:

---

<sup>3</sup> [A right to Carer's Leave - supporting carers in employment](#), Carers UK [accessed 25 August 2022]

<sup>4</sup> [Juggling work and unpaid care: A growing issue](#) [PDF], Carers UK, January 2019

Carers might at times need to be absent from work, for example, to accompany the person they care for to a hospital appointment. To do this, they often must choose between taking a sick day or using a day's annual leave. This can be detrimental to their own physical and mental well-being.<sup>5</sup>

The report went on to discuss how the use of sick leave or annual leave to fulfil caring responsibilities posed problems for both employees and businesses, increasing the risk of “sickness, exhaustion and “burnout””.

The report concluded by welcoming the Government's prior commitments to introducing a system of statutory carer's leave, before going on to recommend that at least five days of that be paid rather than unpaid 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.<sup>6</sup>

The Government response to the committee's report was received on 13 July 2018. In response to the recommendation on carer's leave, it stated that “Government is committed to explore the case for statutory carer's leave” but was “not at that stage of development” to undertake a full impact assessment. Instead the Government “have set up an official level working group (DHSC, DWP, BEIS, HMT) to work on this.”<sup>7</sup>

The Government response also referenced the [Carer's Action Plan](#), published on 5 June 2018, shortly after the committee's final report, and which outlines recent Government thinking in this area:

The Department for Business, Energy and Industrial Strategy (BEIS) are considering the question of dedicated employment rights for carers alongside existing employment rights (such as the right to request flexible working and the right to time off for family and dependents)...

... This includes considering the crucial questions that arise around introducing dedicated employment rights with the support of analysts so that any emerging carers leave proposal is most effective.<sup>8</sup>

---

<sup>5</sup> [Employment support for carers](#), Work and Pensions Select Committee, 17 May 2018

<sup>6</sup> [Employment support for carers](#), Work and Pensions Select Committee, 17 May 2018, para. 47

<sup>7</sup> [Employment Support for Carers: Government Response to the Committee's Thirteenth Report](#), 13 July 2018, paras 46-50

<sup>8</sup> [Carers action plan 2018 to 2020](#), HM Government, 5 June 2018



## 2.3

### Conservative manifestos 2017/2019

The Conservative Party manifesto for the 2017 general election included a commitment that “As the majority of care is informally provided, mainly by families, we will give workers a new statutory entitlement to carer’s leave, as enjoyed in other countries.”<sup>9</sup>

This commitment was repeated in the Conservative Party manifesto for the 2019 general election, which pledged that “We will also extend the entitlement to leave for unpaid carers, the majority of whom are women, to one week.”<sup>10</sup>

## 2.4

### Government consultation 2020-21

A [Government consultation](#) on carer’s leave ran from 16 March to 3 August 2020. The consultation sought “views on proposals to give employees a week of unpaid leave each year to provide care”.<sup>11</sup>

The Government response was published on 23 September 2021, saying that the consultation had found “clear support” for the new right across the range of respondents. In its response the Government announced the detail of its plans for carer’s leave:

Having evaluated the consultation responses, the new entitlement to statutory carer’s leave will:

1. be available to the employee irrespective of how long they have worked for their employer (a day one right);
2. rely on the carer’s relationship with the person being cared for, which should broadly follow the definition of dependant used in the right to time off for dependants – a spouse, civil partner, child, parent, a person who lives in the same household as the employee (other than by reason of them being their employee, tenant, lodger, or boarder) or a person who reasonably relies on the employee for care; and
3. depend on the person being cared for having a long-term care need. This would be defined as a long-term illness or injury (physical or mental), a disability as defined under the Equality Act 2010, or issues related to old age. There would be limited exemptions from the requirement for long-term care, for example in the case of terminal illness.<sup>12</sup>

---

<sup>9</sup> [Forward Together, Our Plan for a Stronger Britain and a Prosperous Future: The Conservative and Unionist Party Manifesto 2017](#) [PDF], general-election-2010.co.uk, p65

<sup>10</sup> [Get Brexit Done Unleash Britain’s Potential: The Conservative and Unionist Party Manifesto 2019](#), Conservatives.com

<sup>11</sup> [Carer’s leave consultation](#), Department for Business, Energy & Industrial Strategy, 16 March 2020

<sup>12</sup> [Carer’s leave consultation: government response](#), Department for Business, Energy & Industrial Strategy, 23 September 2021

The consultation had originally proposed that this leave entitlement be restricted to those caring for individuals “where the care need is likely to last for a longer period of time such as six months or a year”. 67% of responses to the consultation disagreed that short-term care needs should be out of scope of carer’s leave. In response, the Government said they intended to “take a broad approach to defining long-term care need”<sup>13</sup> and that “While Government does not intend to put strict rules around the length of care need, we maintain that it is important for carer’s leave to focus on long-term care needs.”<sup>14</sup>

The response also included a recommendation that entitlement to carer’s leave be done on the basis of self-certification by employees rather than requiring documentary evidence and also mentioned ensuring that workers taking carer’s leave be protected from unfair dismissal or other detriment as with other forms of statutory leave.

The recommendations concluded by stating that “Legislation to introduce carer’s leave as a day 1 statutory employment right will be brought forward when parliamentary time allows.”<sup>15</sup>

## 2.5

## Employment Bill

The [Queen’s Speech in December 2019](#) included an Employment Bill which included, among other measures, “introducing an entitlement to one weeks leave for unpaid carers”<sup>16</sup> The Employment Bill was not ultimately introduced in the 2019-21 session and did not reappear in the 2021 or 2022 Queen’s Speeches.<sup>1718</sup>

To date the Government has not introduced any legislation to implement this commitment. In oral evidence before the BEIS Select Committee on 13 December 2022, Business Secretary Grant Shapps suggested that, given a series of Private Members’ Bills including this one, there was no longer any need for a Government Employment Bill, saying:

We have had five separate Bills, which the Department has helped sponsor through Back Benchers. I do not think we have an Employment Bill on the cards per se.<sup>19</sup>

---

<sup>13</sup> [Carer’s leave consultation: government response](#), Department for Business, Energy & Industrial Strategy, 23 September 2021, p14

<sup>14</sup> [Carer’s leave consultation: government response](#), Department for Business, Energy & Industrial Strategy, 23 September 2021, p7

<sup>15</sup> [Carer’s leave consultation: government response](#), Department for Business, Energy & Industrial Strategy, 23 September 2021, p5

<sup>16</sup> Prime Minister’s Office, [The Queen’s Speech 2019: Background briefing notes](#), 19 December 2019

<sup>17</sup> HM Government, [Queen’s Speech 2021](#), 11 May 2021

<sup>18</sup> HM Government, [Queen’s Speech 2022](#), 10 May 2022

<sup>19</sup> BEIS Select Committee, [Oral evidence: The work of the Business, Energy and Industrial Strategy Department, HC 529](#), 13 December 2022, Q145

## 2.6

# Employment (Caring Leave) Bill 2021-22

On 21 June 2021 Conservative MP Jack Brereton introduced a Private Member's Bill, the [Employment \(Caring Leave\) Bill 2021-22](#) which would have given “employees who are unpaid carers the right to one week's unpaid leave for caring purposes.” The Bill did not receive a second reading and fell at the end of the 2021-22 parliamentary session.<sup>20</sup>

---

<sup>20</sup> [Employment \(Caring Leave\) Bill 2021-22](#)

---

## 3 The Bill

### 3.1 Clause 1: Carer's leave

**Clause 1** of the Bill explains the two parts of the Schedule to the Bill, stating that:

In the Schedule—

- (a) Part 1 creates a statutory entitlement to carer's leave, and
- (b) Part 2 contains related amendments

### 3.2 Clause 2: Power to make consequential provision

**Clause 2** would grant powers to the Secretary of State to make regulations by statutory instrument that would make consequential amendments to secondary legislation to implement parts of this Bill. Any such statutory instruments would be subject to the [negative procedure](#).

### 3.3 Clause 3: Extent, commencement and short title

**Clause 3** sets out that the new leave and pay provisions would come into force on a date to be appointed by the Secretary of State via statutory instrument.

The Bill's powers extend across the UK. However, as its main effect would be to insert new provisions into the Employment Rights Act 1996 and given that the 1996 Act does not by default extend to Northern Ireland (and this Bill does not increase the extent of the new clauses it proposes to insert beyond that), in practical terms this Bill would only introduce the new Carer's Leave entitlement to England, Wales and Scotland.

If passed the Bill would be known as the Carer's Leave Act 2022.

## 3.4

### Schedule Part 1: Carer's leave

**Part 1** of the Schedule would amend the Employment Rights Act 1996 to add five new clauses 80J – 80N into the Act, requiring the Secretary of State to create, by regulations, a new statutory entitlement to carer's leave, "entitling an employee to be absent from work on leave under this section in order to provide or arrange care for a dependant with a long-term care need".

"Long-term care need" is defined as including any illness or injury likely to require at least three months of care, any disability under the Equality Act 2010 or any reason connected with old age.

The details of how, when, and how much leave can be taken would be left for the Secretary of State to determine through future regulations. However, the Bill would require that any such leave entitlement must be at least one week per year.

As the Bill includes no provisions to create a statutory entitlement to pay for those on carer's leave, any such leave would be unpaid.

The rights of employees during and after the new leave are laid out to be broadly equivalent to those already granted by the Employment Rights Act 1996 to employees taking other forms of parental leave such as paternity or shared parental leave. The detail of these protections, including potential protections from dismissal or in cases of redundancy, would be left to the Secretary of State to lay out through future regulations.

This Bill would include an option for regulations to provide protection from redundancy "during or after" a period of carer's leave – the expanded "or after" language that the Protection from [Redundancy \(Pregnancy and Family Leave\) Bill 2022-23](#), which received its second reading on the same day as this Bill, separately seeks to add into the existing protections for redundancy during maternity, adoption and shared parental leave.<sup>21</sup>

Employees would be given the ability to complain to an employment tribunal where their new rights to carer's leave had been breached.

All regulations made under Part 1 of the Schedule would be using the [affirmative procedure](#). This includes regulations made under new subclause 80M (1)(h) allowing regulations to apply, modify or exclude an existing enactment in relation to a person entitled to statutory carer's leave. This is a Henry VIII power, deemed necessary by the Delegated Powers Memorandum which explains how it "replicates the power which exists in the statutory provisions relating to Maternity Leave, Adoption Leave, Shared Parental

---

<sup>21</sup> See [Redundancy \(Pregnancy and Family Leave\) Bill 2022-23](#), Commons Library briefing CPB 9609, 14 October 2022

Leave, Parental Leave, Paternity Leave, and Parental Bereavement Leave". The Memorandum goes on to explain the justification for this power, saying:

In relation to Maternity, Adoption, Shared Parental, Parental, Paternity, and Parental Bereavement Leave, the [existing powers] have been exercised in relation to situations where an employee is simultaneously entitled to both the statutory right and a corresponding contractual right. In those circumstances, an employee cannot exercise the rights separately but is entitled to take advantage of whichever right is, in any particular respect, the more favourable right. While this approach has so far been consistently applied to existing entitlements, the regulations might need to change in future if evidence emerged that it was either unclear or somehow ineffective in the case of employees with particular contractual entitlements. If so, then it would be important to be able to reflect the same changes in Carer's Leave as for other types of family-related leave and pay...

...If a different drafting approach were taken in order to avoid the need for a Henry VIII power – for example, relying exclusively on draft new sub-section 80M(f) – then this might be interpreted as an intentionally substantive departure from the scheme adopted in existing family leave rights which must therefore have different effect. This could leave the provision vulnerable to challenge at Tribunal, based on an argument that subsection (f) did not provide sufficient vires to make equivalent provision.<sup>22</sup>

## 3.5

### Schedule Part 2: Further amendments to do with carer's leave

**Part 2** of the Schedule would make a number of consequential amendments to other pieces of existing legislation to take account of the creation of the new statutory right to carer's leave.

---

<sup>22</sup> [Carer's Leave Bill 2022-23, Delegated Powers Memorandum](#), Paras 65-66

---

## 4 Parliamentary progress

First reading of the [Carer's Leave Bill 2022-23](#) was on 15 June 2022. The long title of the Bill is:

A Bill to make provision about unpaid leave for employees with caring responsibilities.

The Bill passed second reading on 21 October 2022 and completed its committee stage on 2 November 2022 without amendment. It is listed for remaining stages on 3 February 2023.

### 4.1 Second reading debate

The Bill received its second reading on Friday 21 October 2022. It was passed without division and all members who spoke, from both sides of the House, were supportive of the principles of the Bill. The Bill's sponsor, Liberal Democrat MP Wendy Chamberlain, explained the purpose of the Bill as being to ensure carers can take necessary time of work to help them manage their caring responsibilities, saying:

It will mean that for the first time ever, all employees from their first day of employment will be entitled to take time off to help manage caring responsibilities. That fills a gap in the current law whereby although employees can take limited time off for emergencies, and parents can take time off to care for their children, there is no provision for the day-to-day planned caring of adults.

...

The leave is flexible and incredibly light touch. It can be taken in half-day chunks, and it works through self-certification. The notice period is expected to be short, at twice the length of time to be taken plus one day. For most people, if they want a half day on Wednesday afternoon that means letting their employer know by Monday lunchtime. As flexible not emergency care, I believe that to be reasonable, and in line with current regulations for annual leave so easy for everybody to understand. Most importantly, employers cannot refuse a request for leave. They can ask for it to be postponed, but only in a manner that is reasonable.<sup>23</sup>

Wendy Chamberlain also noted that she would have liked to go further but that the Bill was a step in the right direction in the interests of making progress quickly:

---

<sup>23</sup> [HC Deb 21 October 2022](#), c992

The Bill does not go as far as Liberal Democrat policy would go. We would like there to be more time and for that to be paid, but I accept that this is a journey and that this is a vital first step in getting these rights on to the statute book now. There is nothing on the statute book that recognises leave for caring.<sup>24</sup>

Other MPs from the Conservative Party and SNP spoke in favour of the Bill. Several MPs spoke about their own caring responsibilities or those of their constituents.

Shadow Minister for Employment Rights Imran Hussain said that the Labour Party supported the Bill, but admonished the Government for not introducing carer's leave through Government legislation as promised in their 2017 and 2019 election manifestos.<sup>25</sup> He also expressed support to go further than the Bill, saying:

We of course support the Bill, but it falls short of what unpaid carers really need, which is paid carer's leave. Under the proposals set out in our new deal for working people, the next Labour Government will legislate to introduce just that, to ensure that working people can respond to family emergencies as and when they arise without being left out of pocket.

Unpaid carers are among the many unsung heroes of the health and care sector—a point that ran through all the contributions today. They step in to support their friends and family with care so that those people can retain some of their independence and dignity. I hope that the Bill progresses with support from all parties. This important Bill certainly has our support and I hope the Government will join us in supporting it.<sup>26</sup>

Responding for the Government, then Enterprise and Markets Minister Dean Russell confirmed that the Government would support the Bill, saying:

The Bill will provide invaluable support to unpaid carers, who carry out such an important and often difficult role in looking after their loved ones. It has been wonderful to see support for it across the House and across the political spectrum today. The Government truly look forward, as I do, to continuing to work closely with the hon. Member for North East Fife to support its passage.<sup>27</sup>

## Money resolution

A money resolution required for the Bill was approved on 8 November 2022.<sup>28</sup>

---

<sup>24</sup> [HC Deb 21 October 2022](#), c993

<sup>25</sup> [HC Deb 21 October 2022](#), c1004

<sup>26</sup> [HC Deb 21 October 2022](#), c1004

<sup>27</sup> [HC Deb 21 October 2022](#), c1006

<sup>28</sup> [HC Deb 8 November 2022](#), c226



## 4.2

### Committee stage

On 2 November 2022 the Bill was considered by a Public Bill Committee chaired by DUP MP Ian Paisley. See the Annex to this paper for the full membership. No amendments were tabled.

The Bill's sponsor, Liberal Democrat MP Wendy Chamberlain, explained the operation of the Bill, saying:

The text of the Bill sets out in detail the legal framework for the entitlement. Large parts of it are very similar to other leave entitlements that are already in operation. That avoids adding complexity, both for employers and employees who will make use of carer's leave.

The main aspects of the entitlement are as follows: the Bill requires the Secretary of State to make regulations to entitle an employee to be absent from work in order to provide or arrange care for a dependant with a long-term care need. There will be no qualifying period, meaning that eligible employees will be able to make a request to take carer's leave from the first day of their employment.

A broad approach has been taken to defining the key terms of eligibility, a dependant and a long-term care need in order to ensure that eligibility is as open as possible, and can encompass the many different circumstances in which a dependant might need care.<sup>29</sup>

Other MPs from both the Labour and Conservative Parties spoke in favour of the Bill. Shadow Minister for Employment Rights Imran Hussain reiterated Labour support for the Bill but repeated the issues he had raised at second reading about the lack of Government legislation and the fact that the leave proposed under the Bill would only be unpaid.<sup>30</sup>

Responding for the Government, Minister for Enterprise, Markets and Small Business, Kevin Hollinrake, reaffirmed the Governments' support for the Bill. In response to the desire expressed by some MPs for paid carers leave, he pointed out the cost that would entail and suggested the current Bill would instead encourage employers to voluntarily provide paid leave where they could afford it, saying:

To respond to some of the comments made, the hon. Member for Stockton North talked about making the leave paid. I understand his view, but point out that this is a minimum entitlement, which sends a signal to employers who are currently not demonstrating that degree of compassion to people in need. I think many employees would provide paid leave as a matter of course. One benefit of the leave being unpaid is that it gives more flexibility about how that leave can be taken, including half-days and single days.

I would point out—I think the hon. Member for Rotherham reflected on this—the cost to business. As set out in the explanatory notes, the cost to businesses

---

<sup>29</sup> [Carer's Leave Bill Deb](#), 2 November 2022, c5

<sup>30</sup> [Carer's Leave Bill Deb](#), 2 November 2022, c11

is £4.7 million in set-up costs and then £40 million per annum to provide the leave. As she said, businesses are facing a pretty hard time right now and we have to be cognisant of the pressures they are under. If businesses do not pay for this, the cost would fall on taxpayers, who are also having a pretty hard time right now, but I think the Bill strikes the right balance between flexibility and affordability.<sup>31</sup>

It was proposed and agreed without division that all clauses stand part of the Bill, which was accordingly to be reported without amendment.<sup>32</sup>

The remaining stages are listed for Friday 3 February 2023.

---

<sup>31</sup> [Carer's Leave Bill Deb](#), 2 November 2022, c13

<sup>32</sup> [Carer's Leave Bill Deb](#), 2 November 2022, c16

## 5 Commentary

### 5.1 Political commentary

In a press release following the introduction of the Bill its sponsor Wendy Chamberlain MP explained why, in her view, this was an important issue, saying:

Unpaid carers are the absolute backbone of our society. According to government estimates, there are at least 2.3 million working carers who could be eligible for leave under this bill: a huge number of people who currently receive far too little support.

This bill will help carers juggle work and care whilst supporting employers to maximise retention and wellbeing. Passing it will be a significant step forwards from all sides.<sup>33</sup>

According to care sector magazine Home Care Insight, 21 cross-party MPs had pledged public support for the Bill as of 30 August including:

Dame Caroline Dinenage MP (Conservative, Gosport), Sally-Ann Hart MP (Conservative, Hastings and Rye), Steve McCabe MP (Labour, Birmingham Selly Oak), Stuart C McDonald MP (SNP, Cumbernauld, Kilsyth and Kirkintilloch East), Caroline Lucas MP (Green, Brighton Pavilion), Sir Ed Davey MP (Lib Dem, Kingston and Surbiton), Marion Fellows MP (SNP, Motherwell and Wishaw), and Liz Saville-Roberts MP (Plaid Cymru, Dwyfor Meirionnydd).<sup>34</sup>

On 19 July 2022, during a debate in response to an oral question on [Carer's Leave: Government Departments](#) in the House of Lords, Lord True, Minister of State at the Cabinet Office, said that the Government would look closely at whether it could support this Bill as a way of delivering on previous Government commitments in this area:

My Lords, we remain committed to legislation to deliver on our commitments on employment, including on carer's leave, as parliamentary time allows. We are aware in this context of the Private Member's Bill on carer's leave in another place; we will look closely at whether we can support it in this Session.<sup>35</sup>

<sup>33</sup> Press release: "[Private Member's Bill seeks new rights at work for unpaid carers](#)", Carers UK, 15 June 2022

<sup>34</sup> Gemma Lloyd, "[Widespread support for Carer's Leave Bill ahead of September debate](#)", Home Care Insight, 30 August 2021

<sup>35</sup> HL Deb 19 July 2022 c1865

Later during the same debate, Baroness Smith of Basildon, Leader of the Opposition in the House of Lords, suggested that the Labour Party would be supportive of legislation on this issue, saying:

I wonder how much parliamentary time it would take to get legislation through to give one week of unpaid leave to carers. May I let the Minister know that, on this side of the House, we will offer our support to give a fair wind to such a Bill?<sup>36</sup>

## 5.2 Other commentary

It was reported in the independent that “some 100 organisations – including employers, national and local carers’ organisations and trade unions – have publicly expressed their backing” for the Bill.<sup>37</sup>

### Carers UK

As discussed above, the carers’ charity Carers UK have campaigned for the introduction of carer’s leave for a number of years. Following the publication of the Bill, Helen Walker, Chief Executive of Carers UK, issued a statement expressing their support for the Bill, while also saying they would prefer to see paid rather than unpaid carer’s leave:

We are really pleased that Wendy Chamberlain MP has decided to focus on the needs of unpaid carers at such a crucial time. As we learn to live with Covid-19 and during the cost of living crisis, there has never been a more important time to ensure that carers are able to juggle work and care. Although the right proposed would be unpaid, it would bring hugely important awareness to the role of unpaid carers within the workplace. For a long time, we have campaigned for carers' rights at work and we hope that this will receive strong Government support across both Houses of Parliament.

In the longer term, we would like to see Carer’s Leave paid but passing this Bill would be a very important step in recognising and supporting carers in employment.<sup>38</sup>

### Employers For Carers

Employers For Carers, an employers membership forum associated with Carer’s UK, also issued a supportive statement from their Head, Katherine Wilson, pointing out potential benefits of carer’s leave for employers:

Employers who already have Carer’s Leave in place say that it’s a win:win situation, to support and retain key employees in the workplace, helping to keep business going and avoiding extra costs. The most forward-thinking

---

<sup>36</sup> HL Deb 19 July 2022 c1866

<sup>37</sup> Hannah Carmichael, “[Widespread support for proposed legislation to aid unpaid carers](#)”, Independent, 30 August 2021

<sup>38</sup> Press release: “[Private Member’s Bill seeks new rights at work for unpaid carers](#)”, Carers UK, 15 June 2022

employers go one step further and have provided Carer's Leave as a paid entitlement.<sup>39</sup>

## Ageing Better

The Centre for Ageing Better, a charity working to improve wellbeing for older people, issued a statement supporting the Bill on 21 September. Dr Carole Easton, Chief Executive at the Centre for Ageing Better, expressed support for the two week's unpaid leave in the Bill as a first step towards their eventual goal of paid carer's leave:

It should not be a binary choice between working and caring for a loved one and Carers' Leave would give carers more opportunities to find the balance that works for them.

A right to Carers' Leave would also relieve some of the pressure felt by millions of caregivers, grant them greater flexibility and show recognition for the immense contribution and sacrifice they make to our society.

Ultimately we would want to see employees receive two weeks' paid carers leave as a guaranteed right. But passing the current Private Members Bill would be an historic first step for carers.<sup>40</sup>

---

<sup>39</sup> As above

<sup>40</sup> [Ageing Better is backing proposed Carer's Leave Bill](#), Centre for Ageing Better, 21 September 2022

## Annex

### Composition of Public Bill Committee, Wednesday 2 November 2022

Chair: Ian Paisley

- † Aiken, Nickie (Cities of London and Westminster) (Con)
  - † Ansell, Caroline (Eastbourne) (Con)
  - † Bailey, Shaun (West Bromwich West) (Con)
  - † Blomfield, Paul (Sheffield Central) (Lab)
  - † Chamberlain, Wendy (North East Fife) (LD)
  - † Champion, Sarah (Rotherham) (Lab)
  - † Cunningham, Alex (Stockton North) (Lab)
  - † Dinenage, Dame Caroline (Gosport) (Con)
  - † Dorans, Allan (Ayr, Carrick and Cumnock) (SNP)
  - † Duguid, David (Banff and Buchan) (Con)
  - † Hart, Sally-Ann (Hastings and Rye) (Con)
  - † Hollinrake, Kevin (Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy)
  - † Hunt, Jane (Loughborough) (Con)
  - † Hussain, Imran (Bradford East) (Lab)
  - † Jarvis, Dan (Barnsley Central) (Lab)
  - † Stevenson, Jane (Wolverhampton North East) (Con)
  - † Tracey, Craig (North Warwickshire) (Con)
- Anne-Marie Griffiths, Committee Clerk
- † attended the Committee

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on [commonslibrary.parliament.uk](https://commonslibrary.parliament.uk).

Get our latest research delivered straight to your inbox. Subscribe at [commonslibrary.parliament.uk/subscribe](https://commonslibrary.parliament.uk/subscribe) or scan the code below:



 [commonslibrary.parliament.uk](https://commonslibrary.parliament.uk)

 [@commonslibrary](https://twitter.com/commonslibrary)