

South Ayrshire Council
Report by Chief Executive
to Cabinet
of 18 June 2024

Subject: Carers Policy

1. Purpose

1.1 The purpose of this report is to seek approval for the implementation of a new Carers Leave policy to support employees who have caring responsibilities.

2. Recommendation

2.1 It is recommended that the Cabinet:

2.1.1 notes the work that has been undertaken in the development of the policy;

2.1.2 approves the implementation of the new policy; and

2.1.3 requests officers to apply to upgrade the Council's Carer Positive accreditation.

3. Background

3.1 Carers represent a significant part of the working age population, both in the workplace, and in the wider labour market. The Carers Leave Act came into effect on 6 April 2024. The aim of the policy is to inform employees about the availability of time off if they have caring responsibilities for dependant(s). It is designed to help employees balance their caring responsibilities with their work commitments.

3.2 The policy compliments the Council's Flexible Working, Family Leave and Special Leave provisions already in place and demonstrates commitments and responsibilities under the Equality Act 2010 and Carers Leave Act 2023.

3.3 The policy applies to all employees from the first day of their employment. Employees will be entitled to unpaid leave of 1 week (pro rata) per annum to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months;
- a disability (as [defined in the Equality Act 2010](#)); and/ or
- care needs because of their old age.

3.4 Carer Positive is a Scottish Government funded initiative with three levels of accreditation: Level 1 Engaged, Level 2 Established and Level 3 Exemplary. The Council is an accredited Carer Positive Employer at Level 2.

4. Proposals

4.1 It is proposed to implement the policy and apply to upgrade the Council's Carer Positive accreditation to Level 3.

5. Legal and Procurement Implications

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 Not applicable.

7. Human Resources Implications

7.1 The HR team will work with and support managers to ensure the policy is implemented.

8. Risk

8.1 Risk Implications of Adopting the Recommendations

8.1.1 There are no risks associated with adopting the recommendations.

8.2 Risk Implications of Rejecting the Recommendations

8.2.1 There are no risks associated with rejecting the recommendations.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#).

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Efficient and Effective Enabling Services.

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Ian Davis, Portfolio Holder for Finance, HR and ICT, and the contents of this report reflect any feedback provided.

13.3 Consultation has taken place with the Trade Unions and they are supportive of the proposals as laid out in Section 4 of the report.

14. Next Steps for Decision Tracking

14.1 If the recommendations above are approved by Members, the Chief Executive will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the 'Council and Leadership Panel Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Upload the policy to the Core	30 June 2024	Chief HR Officer
The policy is communicated to managers and employees via appropriate communications channels	30 June 2024	Chief HR Officer

Background Papers **None**

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Date: **11 June 2024**

Carers Leave Policy

(Adopted as JNCT 1.22)

Appendix 1

June 2024



Contents

Page

1.	Policy Aims	3
2.	Who does the Policy Apply To	3
3.	Who is a Dependant	3
4.	Time Off for Carers Leave	3
5.	How to Request Carers Leave	4
6.	Other Types of Leave	5
7.	Impact Assessment	6
8.	Monitoring and Review	6
9.	Additional Information	6

Version Control

Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
1	April 2024	Introduction of Carers Leave Policy	L Boyd	April 2025
2				
3				

1. Policy Aims

- 1.1 The aim of this policy is to inform employees about the availability of time off if they have caring responsibilities for dependant(s) as defined in section 3 below and the procedure they should follow if they wish to take it. It is designed to help employees balance their caring responsibilities with their work commitments and provides information on an additional range of options available to employees who are also carers in a wider range of circumstances.

This policy compliments the Council's Flexible Working, Family Leave and Special Leave provisions already in place and demonstrates commitments and responsibilities under the Equality Act 2010 and Carers Leave Act 2023.

2. Who does this policy apply to?

- 2.1 This policy applies to all employees from the first day of their employment with South Ayrshire Council. Employees taking Carers Leave will have their employment rights protected (e.g., entitlement to annual leave and right to return to their job).

3. Who is a dependant?

- 3.1 Employees will be entitled to unpaid leave of 1 week (pro rata) per annum to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than 3 months;
- a disability (as [defined in the Equality Act 2010](#));
- care needs because of their old age.

- 3.2 The dependant does not have to be a family member. It can be anyone who relies on the employee for care and employees are not required to give evidence of their dependant's care needs.

- 3.3 Details on how leave can be taken is explained in section 4 below.

4. Time Off for Carer's Leave

- 4.1 Employees can take up to one week of leave every 12 months. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of Carer's Leave. Leave can be taken as a whole week off or as individual days or half days throughout the year.

- 4.2 If an employee needs to care for more than one dependant, they cannot take a week of Carer's Leave for each dependant. They can only take one week every 12 months but can use the week of leave on more than one dependant.

- 4.3 In the event that two employees of the Council share primary caring responsibilities for a dependant, only one request for Carers Leave can be approved (unless the two employees are able to share the carers leave provision of 1 week). For example, if a married couple have caring responsibilities for a relative, carers leave could be shared with one employee receiving three days and the other employee receiving two days.

- 4.4 Employees taking Carers Leave will not be required to work extra hours to make-up for the time they take off, and they will not need to use annual leave (or accrued time in lieu) to cover Carers Leave absence.
- 4.5 There are a number of different options in addition to Carer's Leave available to employees in a variety of circumstances. Further information can be found in section 6.

5. How to Request Carers Leave

- 5.1 To apply for Carers Leave you must apply through unpaid Special leave in FUSION. A guide on how to do this can be found [here](#).
- 5.2 Employees need to give their manager notice before they want their leave to start.
- If the request is for half a day or a day, the notice period must be at least 3 days.
 - If the request is for more than one day, the notice period must be at least twice as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.
 - The notice period needs to be in full days, even if the request includes half day amounts.

The request does not have to be in writing and employees do not need to give evidence of their dependant's care needs.

- 5.3 If employees need to take time off at short notice to look after someone in an emergency, they can take time off for this without giving a notice period, please refer to Special Leave Policy in section 6. Examples of emergency situations are:
- To manage an unplanned or temporary caring emergency assisting a relative or partner who is ill or injured and is unable to look after themselves;
 - To make arrangements for the provision of care for a relative or partner who is ill or injured;
 - To manage an unexpected breakdown of care arrangements for a relative or partner.

5.4 Is a manager allowed to delay Carer's Leave?

A manager can't refuse a Carer's Leave request but can ask the employee to take it at a different time. They can only do this if the employee's absence would cause serious disruption to service delivery.

If the request is delayed, the manager must:

- agree another date within one month of the requested date for the leave;
- put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave.

5.5 Salary deduction

Employees taking a week of unpaid Carers leave are able to request that deductions from salary can be spread over a maximum period of six months or deducted as a lump sum.

Please note that unpaid carer's leave does not reduce pensionable pay for LGE pension scheme (SPFO); however, it reduces pensionable pay for teachers and there is no facility within SPPA to buy back pension.

6. Other Types of Leave

6.1 Depending on the circumstances and employee eligibility criteria, employees may have some of the following options for leave for other caring responsibility. This leave is separate and in addition to Carers Leave.

Flexible Working	All Council employees are entitled to apply for flexible working from their first day of employment. This doesn't necessarily need to be part-time hours; it might involve a change in working hours or days, or compressed hours, or it might assist employees to work from home. Employees can request a change on a temporary or permanent basis. See Flexible Working Policy here: Flexible working policy - The Core (south-ayrshire.gov.uk)
Time off for Family Emergencies	Employees are entitled to paid or unpaid time off work to deal with particular emergency situations affecting their spouse, partner, child or parent. This might include picking up a child who falls ill at school or taking a spouse to hospital following an accident. The Council's Special Leave Policy explains this right here: The Way Templates (south-ayrshire.gov.uk)
Family Leave	If you are a parent, you may be entitled to maternity leave, paternity leave, shared parental leave or adoption leave in the year following the birth or adoption of a child. See our Family Leave Policy here: Family leave policy - The Core (south-ayrshire.gov.uk)
Domestic Abuse Safe Leave	Employees who are victims of domestic abuse may be granted up to 10 days paid safe leave for reasons including legal proceedings, safe housing, counselling. The Council's Special Leave Policy explains this right here: The Way Templates (south-ayrshire.gov.uk)
Ordinary Parental Leave	Eligible employees can take up to 18 weeks' unpaid parental leave for each child for the purpose of caring for that child. The leave can be taken up to a child's 18th birthday. This is available in addition to statutory maternity, paternity, adoption and shared parental leave. Read our Family Leave Policy for details: Family leave policy - The Core (south-ayrshire.gov.uk)
Annual Leave and Enhanced Annual Leave	Employees can use their annual leave entitlement to assist with caring responsibilities and there is the facility for employees to buy additional annual leave through the Council's Enhanced Leave scheme here: Enhanced leave scheme - The Core (south-ayrshire.gov.uk)
Flexi time	The Council operates a Flexi Time scheme in some service areas which allows employees to vary their starting and stopping times of work subject to service delivery needs. Details of the scheme can be found here: Flexi-time scheme - The Core (south-ayrshire.gov.uk)
Work style	Each job within the Council has an identified work style, however there is flexibility to allow for changes to workstyle proposals based on the provision

	of services or an employee's individual circumstances. Information on Remote Working and Work Styles can be found here: Remote Working - Health, Safety and Wellbeing - The Core (south-ayrshire.gov.uk)
Special Leave	This includes time off in specific circumstances such as Bereavement, Medical and Dental treatment for children and elderly relatives and Community Volunteering and includes details of the Council's Career Break Scheme. The Special Leave policy can be found here: The Way Templates (south-ayrshire.gov.uk)

7. Impact Assessment

- 7.1 This policy has been impact assessed in line with the Council's obligation to comply with the Equality Act 2010 and the Public Sector Equality Duty.

8. Monitoring and Review

- 8.1 This policy will be reviewed regularly and in line with any legislative and organisational changes. The recognised trade unions will be consulted on any future changes to this policy.

9. Further Information

- 9.1 Employees can find further information including a range of factsheets and resources in the Supporting Employees Who are Carers fact sheet [Carer Positive - Supporting Employees who are Carers - The Core \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/carers-positive-supporting-employees-who-are-carers-the-core) and by contacting South Ayrshire Information and Advice Hub here: [Information and Advice Hub - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/information-and-advice-hub-south-ayrshire-council)

South Ayrshire Council
Equality Impact Assessment
Scoping Template



Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Carers' Leave Policy <i>The aim of this policy is to inform employees about the availability of time off (up to 1-week unpaid leave per annum) if they have caring responsibilities for dependant(s).</i>
Lead Officer (Name/Position/Email)	Wendy Wesson (Chief HR Officer)

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	None	A 'dependant' is defined as someone who has: a physical or mental illness or injury that means they're expected to need care for more than 3 months; a disability (as defined in the Equality Act 2010); care needs because of their old age. Therefore, elderly will benefit from the implementation of this policy.
Disability	None	A 'dependant' is defined as someone who has: a physical or mental illness or injury that means they're expected to need care for more than 3 months; a disability (as defined in the Equality Act 2010); care needs because of their old age.

		Therefore, individuals with a disability will benefit from the implementation of this policy.
Gender Reassignment (Trans/Transgender Identity)	No impact	No impact
Marriage or Civil Partnership	No impact	No impact
Pregnancy and Maternity	No impact	No impact
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	No impact	No impact
Religion or Belief (including lack of belief)	No impact	No impact
Sex – gender identity (issues specific to women & men or girls & boys)	No impact	No impact
Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	No impact	No impact
Thematic Groups: Health, Human Rights & Children’s Rights	No impact	No impact

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	No impact	No impact
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	No impact	No impact
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	No impact	No impact
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	No impact	No impact
Socio-economic Background – social class i.e. parent’s education, employment and income	No impact	No impact

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	No impact
Advance equality of opportunity between people who share a protected characteristic and those who do not	Unpaid parental leave was already available for those who have caring responsibility for children; with carers’ leave now available, this type of

	unpaid leave is now also offered to look after individuals with a disability and elderly.
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	No impact
Increase participation of particular communities or groups in public life	No impact
Improve the health and wellbeing of particular communities or groups	The availability to take this leave can have a positive impact on the wellbeing of both the carer and the individual being cared for.
Promote the human rights of particular communities or groups	No impact
Tackle deprivation faced by particular communities or groups	No impact

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	No
Rationale for decision: Full assessment not required as there is no negative Medium or High impact identified. There is either positive impact or no impact at all.	
Signed: <i>Noemi Ceccoli</i> Date: 30 May 2024	