

Department for Business Energy and Industrial Strategy – Consultation on Carers Leave

The National Carer Organisations welcome the opportunity to respond to the UK Government's proposals to introduce statutory carers leave. There are seven NCOs in Scotland: Carers Scotland; Carers Trust Scotland; Coalition of Carers in Scotland; Crossroads Caring Scotland; MECOPP (Minority Ethnic Carers of Older People Project); Shared Care Scotland; and the Scottish Young Carers Service Alliance. Together we have a shared vision that all Scotland's unpaid carers will feel valued, included and supported as equal partners in the provision of care. The NCOs aim to achieve this through the representation of carers and giving them a voice at a national level.

In responding to this consultation, we welcome the commitment by the UK Government to introduce carers leave. However, we feel strongly that the Government's proposal falls short of carers' expectations and fails to fully recognise and mitigate the impact of caring on employment

The scope of the consultation is somewhat limited, therefore, we have provided evidence and a range of recommendations on the Government's proposals and their implementation.

Why carers leave is vital

Carer recognition and rights

The contribution carers make to our health and care services cannot be underestimated. There has been an increasing reliance on family members due to deficits and long-term under investment in social care. Carers provide more care to people with support needs in Scotland and across the UK than the entire paid health and care workforce.

Recent analysis of research released for Carers Week 2020, regarding unpaid carers in Scotland, showed that up to 1.1 million people in Scotland could now be providing unpaid care¹. Many face significant challenges to caring, including not being able to take time away from caring (76%), the negative impacts on their physical and mental health (75%), managing the stress and responsibility (73%), the financial impact of the additional care costs (66%), and the negative impact it has on their ability to do paid work (65%).

During the current pandemic this has been brought into stark focus. Research on caring during Covid-19 highlighted that 78% of unpaid carers in Scotland have had to provide more care for their loved ones due to reduced care and support services². A Carers Trust Scotland survey also found that 59% of young carers aged 12-17 and 67% of young adult carers aged 18-25 surveyed are also providing more care since the start of the pandemic. Carers have no choice but to care round the clock for loved ones with complex health conditions and disabilities - without any hope of a break.

Yet carers' rights remain limited. While carers have a right to an assessment, they do not have a right to services to support them in their caring role unless they meet high thresholds of eligibility. They do

¹ Carers Week (2020) Carers Week research report: The rise in the number of unpaid carers during the coronavirus (COVID-19) outbreak – see pp29, 'Unpaid caring in Scotland'

² Carers UK (2020) Caring Behind Closed Doors – see section on page 27: 'Caring Behind Closed Doors in Scotland'

not have a right to a regular break from caring, or to access to replacement care to enable them to combine caring with paid employment.

The contribution that carers make to society is increasingly important. This is undoubtedly gaining wider recognition and warm words of admiration, however in itself, this is simply not enough. Carers need enforceable rights, including within the area of employment.

It is clear that there is public support for this viewpoint, with Carers UK research indicating that 89% of the public support a right to a short period off work to care.³

Economic impact of caring

The Carers Scotland State of Caring in Scotland survey in 2019⁴ found that:

- More than a third (37%) of carers said they are 'struggling to make ends meet'.
- Over two thirds of carers (68%) reported regularly using their own income or savings to pay for care or support services, equipment or products for the person they care for.
- 79% of carers who were struggling financially said that they regularly use their savings or income to pay for what is needed to care
- 54% of carers said that they are not able to save for their retirement

COVID19 has placed carers under even more financial strain, with carers reporting

- 70% have extra costs for food and more than half (53%) for other household bills⁵.
- Almost 40% said they were worried about their financial situation.

The Government's proposal to introduce carer's leave on an unpaid basis will restrict the ability of carers to access this support. For example, research found that amongst workers who cared for 50+ hours per week, 40% were in 'semi-routine and routine' jobs⁶. These occupations are likely to be those with lower levels of pay, restricting carer's leave to only those who can afford to take this unpaid. Oxfam research found that more than one in three unpaid carers of people with additional needs providing over 20 hours of care a week were in poverty. One cause of this link between care and poverty is that unpaid carers can lose income due to having to leave paid work or reduce working hours to juggle unpaid care with paid work or study. Between 2017 and 2019, nearly half a million carers had to leave paid employment to care for someone.⁷

Impact of caring on employment

Carers UK have undertaken several research studies and have pulled together evidence relating to the impact on caring and employment, including carers reducing or ceasing employment and the mitigating benefits of carer-friendly employment policies.

- Carers Scotland estimates that pre-pandemic, 394,950 adults were juggling work and care, 1 in 7 of all workers.⁸

3 <https://www.carersuk.org/for-professionals/policy/policy-library/the-case-for-care-leave>

4 Carers Scotland (2019) State of Caring in Scotland 2019

5 Carers UK (2020) Caring Behind Closed Doors – see section on page 27: 'Caring Behind Closed Doors in Scotland'

6 Will I care? Carers UK 2018

7 Care, poverty, and coronavirus across Britain, Oxfam 2020

8 Carers Scotland news release and in Juggling Work and Unpaid Care, Carers UK, 2019, detailed findings from the nations.

- Since the crisis we've seen a large rise in the number of people providing unpaid care. In Scotland, 227,000 workers are new to caring since COVID-19 and are juggling work and care.⁹

Specifically in Scotland, pre-COVID-19, 7% of people have given up work to care, and 5% have reduced working hours. This equates to 307,632 people having given up work to provide unpaid care and 219,737 carers reducing their working hours. 6% said unpaid caring had a negative impact on their work.

Recent research showed that unpaid carers struggle to balance their caring responsibilities with their work commitments¹⁰. It found:

- For 72% of working carers, care is additional to full-time paid work
- 44% of working carers reported that they found it difficult to combine their paid employment and caring responsibilities
- A quarter of workers with caring responsibilities have considered giving up their job entirely
- 30% of working carers had reduced the hours they work because of their caring role and 36% had refused a job offer or promotion, or decided against applying for a job, because of their caring responsibilities.
- Only two-fifths of working carers believed their employer was carer-friendly, with more than a quarter failing to discuss their caring role with anyone at their workplace, most commonly because they believed nothing would change if they did
- Carers Trust research also found that young adult carers in work missed 17 days of work per year and had to start late or leave early on 79 days per year. Many young and young adult carers are also trying to balance caring, work and full or part-time education.

Benefits of carer's leave

Evidence of the benefits of carer's leave show that it has positive outcomes for both carers, employers and the economy overall.

- 76% of carers say that additional paid Carer's Leave of between five and ten days would help them to juggle work and unpaid care¹¹
- Keeping carers in work has many benefits including improving incomes in the short and longer term, improving pensions.
- Carers also say that work provides a break for them from caring.

In terms of the benefits to employers of introducing carer's leave, there is a strong case that there are economic advantages for them as well:

- Retention – losing a member of staff costs business between 1 to 1.5 times the annual salary of a staff member. Centrica has saved around £1.8 million per annum through the application of its carer policies in terms of preventing unplanned absences and presenteeism and a further £1.3 million per annum in retention savings¹²
- Productivity – there is evidence that the impact of staff turnover, absence and stress as a result of juggling work and caring unsupported could be costing UK businesses over £3.5 billion every year,

⁹ Carers Scotland news release from the Carers Week Research Report (op cit)

¹⁰ https://www.cipd.co.uk/Images/supporting-working-carers-1_tcm18-80339.pdf (Accessed 25/06/2020)

¹¹ Scotland results, Carers UK (2020) 'Juggling work and unpaid care: a growing issue'

¹² Rayton, B., Dodge, T., & D'Analeze, G. (2012). The Evidence: Employee Engagement Task Force "Nailing the evidence" workgroup. Engage for Success.

so there are significant savings to be made by better supporting employees to combine work and caring.

Scottish Business Pledge and Fair Work Agenda

The Scottish Business Pledge is a partnership between the Scottish Government and business that is based on boosting productivity and competitiveness through fairness, equality and sustainable employment. Business can sign up to a range of pledges. There are three core pledges, which include payment of the Real Living Wage, no inappropriate use of zero hours contracts and addressing the gender pay gap. As at 31 January 2020, 711 businesses had signed up to the Business Pledge. These businesses collectively provide 127,225 jobs, 5.1% of all jobs in Scotland.

Amongst the pledges, businesses can commit to effective workforce engagement and support, including ensuring that their workplace is supportive of parents and carers. There are clear business benefits:

According to research organisation Gallup's "Global Workplace" survey in 2014, the most engaged employees beat their less engaged co-workers "hands down":

- Productivity and profitability were up over 20%
- Absenteeism was down by 37%;
- Safety incidents were reduced by almost 50%;
- Staff turnover was reduced by 65%.

These findings are also reflected in the Scottish Government's "Working Together" review (2014) which showed strong evidence on the benefits associated with progressive workplace policies. These included improved innovation, productivity, health and safety, sick leave levels and morale. Flexible working policies have been shown to raise loyalty and motivation. They can have significant benefits on retention, decreased recruitment costs and a widened talent pool.

The Carer Positive award is highlighted within the Scottish Business Pledge as an example of how employers can develop an engaged and supported workforce. Carers Scotland, on behalf of the Scottish Government, runs the award scheme, which aims to recognise employers who support their carer employees, develop and promote good practice to encourage business to better support employees who are carers. There are currently 195 employers who are Carer Positive across a wide range of sectors, representing 437,700 employees in Scotland.

Many Carer Positive employers already offer paid carers leave and often include testimonials from staff within the award application process showing the positive impact this makes in enabling an effective management of their work and caring responsibilities. Furthermore, a recent survey¹³ of employers within the award scheme undertaken in May/June 2020, highlighted that a number had also introduced or extended paid carers leave during the Covid pandemic, in recognition of the additional support employees with caring responsibilities may need. The Care Inspectorate, a public body employing over 600 staff in Scotland, for example in June 2020 increased paid carers leave to 5 days per year. The impact of this has still to be fully evaluated, but the organisation reports that it is gaining positive feedback from staff.

Another Carer Positive employer, Renfrewshire Council, adopted a new Carers Policy in April 2018 introducing 5 days paid carers leave. This leave can be taken as a block, individual days, half days or

¹³ 'Carer Positive Employers and Coronavirus' Report June 2020 <http://www.carerpositive.org/blog/carers-positive-employers-and-coronavirus-survey-report/>

hours to provide greater flexibility and “...help our employees with caring responsibilities to better balance their work and caring commitments.” A survey was conducted later in 2018 to find out what impact the policy had made so far and how the authority could improve the support provided. At that time 88% of respondents said that the new policy had helped them manage their caring responsibilities. In September 2019, the authority reported that since its introduction, 49 requests for carers leave had been approved and a total of 98.5 days taken.

Feedback from carer employees on the use of this also highlighted its benefits. For example:

“Without the Council’s Carers Leave Policy, I would be using most of my Annual Leave and flexi to attend all my mother’s medical appointments. I feel more happier and less anxious at work, as knowing that I have Carers Leave means I can still come into work every day, continue to thrive and strive to the best of my ability, and yet still be able to take time to go and aide my mother when she needs me.”

EU Work-life Balance directive

The European Union Work-life Balance Directive, which aims to improve families’ access to family leave and flexible work arrangements, has entered into European Union law and must now be adopted by Member States.

It sets out a minimum of 5 days leave per year for caring purposes. The introduction of Carer’s Leave is guided by the recognition that the current situation is detrimental to the quality of life of people trying to combine work with caring responsibilities. It is also recognised as a gender equality issue as women take on the majority of caring responsibilities. There are also additional considerations for young people with caring responsibilities trying to enter into work. Carers Trust research show that young adult carers aged 16-18 are twice as likely to be not in education, employment, or training (NEET) as their peers.

Member states can choose whether to increase the level of carer leave and whether this leave is paid or unpaid, but it is strongly recommended that it is paid:

“Although Member States are free to decide whether to provide a payment or an allowance for carers’ leave, they are encouraged to introduce such a payment or an allowance in order to guarantee the effective take-up of the right by carers, in particular by men”¹⁴

It is therefore extremely disappointing that the UK Government has chosen to introduce the minimum entitlement required for EU member states and furthermore that their proposal is to only introduce carer leave on an unpaid basis.

Carers leave entitlement

We believe there is a strong argument for introducing an enhanced entitlement to paid carer’s leave which will far more effectively enable carers to enter and remain productively in employment, and importantly, that this is a sustainable position. An unpaid caring role can impact significantly on employment opportunities. For example:

¹⁴ Recital 32, Work-Life Balance Directive

- Caring roles are disproportionately undertaken by women (recognising the fact that there are also of course many men juggling work and care) and can be detrimental to the full participation of women in the labour market
- Replacement care is often required to enable carers work. The availability of care services varies tremendously, is not always readily available, and can require carers to endure a lengthy bureaucratic process
- Caring for someone with support needs often spans a significant period of time. For example, for parents of disabled children their caring responsibilities may continue until old age
- The supported person's condition may be fluctuating or progressive making care needs more unpredictable. This means carers are more likely to require time off at short notice for emergencies and for hospital and doctors appointments
- Caring is known to have a greater impact on families on low incomes

Our Recommendations on the Government's Proposals

Evidence clearly shows that caring can have a very significant impact on many areas of a person's life. This includes their financial wellbeing and their ability to combine their caring responsibilities with paid employment. Also, for many carers, including young and young adult carers, combining caring responsibilities, paid employment, and part/full-time education.

Because of this we believe that the government's proposals for Carer's Leave must go much further than the one week of unpaid leave set out in their consultation paper. Our recommendation is that:

- Carer's Leave should be set at 4 weeks per year minimum
- Because of the economic impact of caring already evidenced, a minimum of 10 days (or 2 working weeks) should be paid
- Recognising the significant challenges of juggling work and caring, a broader debate on a longer period of unpaid leave would be helpful

In addition, in relation to the specific questions outlined within the consultation, we further recommend:

- There should not be a qualifying length of service for eligibility for carer's leave. It should be a right from the first day of employment. Often a caring role can start suddenly, such as following a stroke, head injury or heart attack - or more recently due to complications of Covid-19. This is exactly the time when employees with new caring responsibilities require flexibility and time off work to adjust to their new responsibilities and put in place alternative care to enable them to return to work. Very often carers give up work at the start of their caring journey because they do not feel they have any other alternative.

By setting a qualifying period this will disadvantage new carers and may discourage existing carers from moving jobs, thereby restricting their employment opportunities.

- Whilst we agree that certain conditions e.g. those that qualify as a disability under the Equality Act 2010 and terminal illness should be automatic qualifications for access to carer's leave. However, this list is not exhaustive nor does it recognise where the person may not yet have a diagnosis or rare conditions. We therefore recommend that the approach must be as flexible as possible and based on the carers own reporting of the care they provide.

- The definition of a carer should be sufficiently flexible to recognise a range of caring relationships, both within and outwith the same household and those caring for friends as well as relatives and close family.
- Short-term caring roles should be included and those carers eligible for carer's leave. Even where the caring role is short term, it may not be possible for a carer to put arrangements in place to enable them to combine work and care for the duration of their caring responsibilities. Alternative social care support through their local authority requires a lengthy bureaucratic process meaning it is unlikely that replacement care would be put in place in a timely manner, if at all. The carer may not have sufficient annual leave to take during this period. It therefore may impact both on the recovery and rehabilitation of the person being cared for and the health and wellbeing of the carer and their ability to continue in employment.
- Carer's leave should be available to accompany the cared for person to appointments. We also believe that attending appointments, including medical appointments should be included in the proposed reasons. While some appointments may be planned for or may be outwith working hours, often this is not possible, available or there may be insufficient warning. Hospital appointments for example are rarely available outwith normal 9-5 working hours. The support detailed that carers provide should be beyond personal or practical support to include emotional support and supervision. This would greater encompass the needs of people with certain conditions where they may require supervision, rather than hands-on support, such as people with a learning disability or mental illness.
- Carers should be able to self-certify for carer's leave and have the ability to do this and short notice as not all caring can be predicted in advance. However, if the nature of their carer leave is predictable and recurring, the system should be flexible enough for them to apply once for a set period. The provision of evidence should not be specified, but should reflect the individual carer's circumstances.
- Carers should be able to take carer's leave as required and not be restricted to blocks of time. As noted above, in some circumstances it will be possible to plan carer's leave and give greater notice to the employer but this will not always be the case.

Further information

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