

Scope: All Staff	Effective Date: 1 April 2023	Responsible Dept: HROD	Equality Impact Assessment:
Last updated by/date: HROD Feb 2023	Next review date: April 2026	Associated links & web pages: Available on HROD intranet pages	

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1841

**YORK  
ST JOHN  
UNIVERSITY**

# Carers Leave Policy

## 1. Introduction

YSJ recognises that many staff are carers for a family member who is older, disabled or seriously ill. Employees may have caring responsibilities whilst continuing to work and it can be difficult to balance the two effectively.

For many carers, looking after a loved one is an important and valued part of their lives, and gives them a sense of fulfilment and self-respect. However, the challenges of combining work and care can detrimentally impact on the wellbeing of carers, and therefore the wellbeing of those for whom they care.

YSJ recognises that carers play a vital role and aims to provide direct, practical support. Early conversations with line management are positively encouraged.

## 2. Purpose and Scope

The policy applies to university employees, full and part time for all permanent and Fixed Term contract staff.

YSJ wants to encourage a workplace culture in which employees feel safe and supported to deal with and talk about the challenges they face as carers.

## 3. Definitions

A terminal illness is a term used to describe a disease that cannot be cured or adequately treated that is reasonably expected to result in death within a short period of time.

This policy supports staff who are a carer for a family member with a terminal illness in the final stages of that terminal illness by **providing six weeks paid leave** (pro rata if part time) and provides for **one weeks' unpaid caring leave per calendar year** (pro rata) **in other caring situations.**

The policy can also be used to support a family member at the point of diagnosis or to support a family member attending appointments and treatments.

Individuals can use the total of six weeks leave in a combination of support at the point of diagnosis, support with attending chemotherapy appointments, or in the final stages of diagnosis with a terminal illness.

Employers for Carers define carers as “employees with significant caring responsibilities that have a substantial impact on their working lives. These employees are responsible for the care and support of disabled, elderly, or sick partners, relatives or friends who are unable to care for themselves.”

Being a carer can mean different things including:

- Giving emotional support and being present to listen to them
- Helping them get advice and information for example about cancer, work or other support
- Helping with everyday tasks such as shopping, cooking, cleaning, or collecting prescriptions
- Giving medication, changing dressings, and helping with other healthcare tasks
- Helping with personal care.

#### **4. Caring for a Family Member with a Terminal Illness**

The policy applies to any member of staff who is caring for a family member with a terminal illness that could be a spouse, partner, civil partner, parent or child. It could be that the employee is the main carer for a family member who doesn't live with them but nonetheless the employee is providing the main care for their family member.

#### **5. Supporting a member of staff as a carer for a family member with a terminal illness**

In the early stages of a terminal illness diagnosis, a member of staff may feel anxious and isolated, so it is important to provide a supportive environment. Managers are expected to listen to staff about their situation and be sympathetic and understanding, recognising that every situation is different. Carers may feel that colleagues and managers don't understand the impact of caring and have a fear of talking about their caring responsibilities. By providing a supportive environment, managers and colleagues can help mitigate against feelings of isolation.

YSJ encourages staff to tell their manager if they are caring for someone with a terminal illness and explain how this may impact them. Coming to terms with a terminal diagnosis of a family member can be difficult and stressful. We encourage staff to talk to their manager or colleagues so that they understand the nature of the situation. By talking to the manager this can help them be sensitive to the challenges and feelings that the individual is experiencing and help them understand the individual's needs so that they can be well supported.

In terms of understanding the impact on work, the member of staff will want to know what might happen when the individual they are caring for has tests or treatment. This may be particularly helpful in the earlier stages of a terminal illness to understand what the impact on work might be so that necessary arrangements can be made.

A member of staff may have been caring for a family member with a terminal illness for several months, or for a much shorter period. The support that the individual will need will depend on their own situation and it may change from day to day.

Some staff may wish to not tell colleagues or only tell a few people. Staff may wish to keep their working life as normal as possible and therefore managers should respect what the individual is comfortable with.

Whilst the Carers Policy allows for six weeks paid leave to support a terminally ill family member, it is recognised that members of staff may need time off for attending regular medical appointments with their family member. We would ask that managers are supportive of this, and either allow for a more flexible working arrangement, or to allow for taking of unpaid carers leave.

Staff may wish to request a temporary adjustment to their normal working hours or their working arrangement (see paragraph 10 regarding Flexible Working). Managers should regularly review the employee's workload and responsibilities as their situation is likely to change over time. Having an open conversation with the individual will help them understand what is realistic and where adjustments can be made.

## **6. Applying for Carers Leave in the case of Terminal Illness**

If a member of staff is applying for carers leave for a family member in the later stages of a terminal illness, they should do so via the relevant form in OneUni. This needs to be approved by their line manager. Carers leave in these circumstances is paid leave, so all normal pay deductions and pension contributions continue. Continuous service continues to accrue whilst taking paid carer's leave. A member of staff is entitled to **six weeks paid carers leave**.

## **7. Other Caring Arrangements**

This policy allows for staff who are carers who wish to take up to one weeks (pro rata) **unpaid caring leave per calendar year** to support with caring responsibilities for any caring reason not linked to supporting a loved one with a terminal illness. In this case, the caring arrangement could be for a spouse, partner, civil partner, parent or child and may extend to other relatives, friends or neighbours who are unable to care for themselves. This is in addition to any provision within the Dependants Leave Policy.

## **8. Applying for Carers Leave (Unpaid) for other caring responsibilities**

Any request for carers leave should be made via a leave request in OneUni. This needs to be approved by the line manager. Staff are entitled to **one weeks' unpaid carers leave** (pro rata for part time staff) in any twelve-month period, regardless of how long they have worked at YSJ.

## **9. Conditions of Service for Unpaid Carers leave**

### **Pay**

Carers leave is unpaid unless it is being taken to care for a family member with a terminal illness.

Deductions will be based on the on the hours that you would normally have worked for the duration of the leave.

### **Local Government Pension Scheme**

Staff may opt to make an Additional Pension Contribution (APC) to cover any lost pension during a period of unpaid leave. This will be a Shared Cost Additional Pension Contribution (SCAPC) if you opt to do this within 30 days of returning to work. This means that YSJ will share the cost of buying this lost pension. Staff have the option to pay additional contributions in a one-off lump sum or through regular payments in salary. Further information is available on the [LGPS website](#)., North Yorkshire Pension Fund.

### **Teachers' Pension Scheme**

An unpaid period of leave will be classed as days excluded; however, you can make up any shortfall in service by purchasing additional pension in multiples of £250 of annual pension. Information is available on the Teachers' Pension website at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk).

### **Other**

All other conditions of employment, excluding remuneration, continue throughout periods of unpaid carers' leave.

## **10. Supporting University Policies**

### **Bereavement Policy**

YSJ has a separate policy on [Bereavement leave](#) which is intended to provide paid leave on the death of a loved one. In the event of the death of an immediate family member, the University normally grants up to two weeks' paid leave around the time of the death. These arrangements can be extended at the managers' discretion and on the individual circumstances depending on the employee's relationship with the deceased.

### **Flexible Working Policy**

Carers have a legal right to request flexible working. This right applies if they are an employee, have worked for an employer for at least 26 weeks before the request and are not an agency worker (unless returning from parental leave).

Flexible working arrangements might include looking at working from home (depending on what is possible in relation to the role), flexible start or finish times, part time working, compressed hours, job sharing. Further details on flexible working are set out in the [Flexible Working Procedure](#) including the circumstances under which a flexible working request can be turned down.

Staff may wish to make an informal request for flexible working arrangements during a period of their family member's terminal illness, and this may be able to be accommodated as a temporary adjustment to normal contractual hours. Making an informal request for flexible working arrangements may be helpful if the change needs to happen quickly or if an individual wishes to try out a change before making it permanent.

### **Dependants Leave – Time off in an emergency**

Carers have the legal right to take a reasonable time off to deal with an emergency that involves a person they care for. Entitlement to **paid and unpaid** Dependants Leave is outlined in the Dependants Leave Policy. Staff are entitled to five days paid Dependants Leave per calendar year (pro rata if part time). Under the statutory right for time off for dependants in an emergency, a dependant is defined as a spouse or civil partner, child, someone who lives in the household as part of the family or someone who 'reasonably relies' on the employee for assistance in making care arrangements if they fall ill or are injured, someone who relies on the carer to help them if they become ill.

The leave is intended to deal with an emergency such as an unexpected change or problem with care arrangements, the person being cared for becoming ill, having to deal with an unexpected incident that involves their child during school hours or needing to make care arrangements when their dependant is ill or injured such as arranging for a temporary carer, but not taking time off to care for the dependant themselves.

In addition to the **five days paid** Dependants Leave per calendar year, employees are entitled to unpaid reasonable time off to deal with emergency situations that arise. The **unpaid leave** is only available in certain situations requiring sudden and unforeseen crisis, not for planned events.

A person's legal right to time off in an emergency does not apply if they want to take planned time off to care for someone. For example, the Dependants Policy would not apply if an individual wished to take the Dependant to a medical appointment.

### **Parental Leave Policy**

Parental Leave is leave requested to enable a parent or carer to look after a child or make arrangements for the good of the child. To be eligible the individual must have one year's continuous service with the University and have parental responsibility for a child under 18 years. Further details on entitlement are set out in the [Parental Leave Policy](#).

## **11. How Carers are protected from Discrimination**

Under the Equality Act 2010 it is unlawful to directly discriminate against an employee because they are associated with someone who has a protected characteristic (excluding marriage and civil partnership and pregnancy and maternity). Carers may be protected in certain situations where they have experienced types of discrimination.

### **Direct Disability Discrimination**

Direct disability discrimination is when an individual is treated less favourably than somebody else because the individual is connected to someone who has cancer. Direct discrimination includes situations where, because you are a carer for someone with a disability you are:

- Not offered a job
- Refused Promotion
- Given worse employment terms (e.g. lower pay).

This means that someone who is caring for a disabled dependant would be included in this protection if they are treated unfavourably based on their Dependant's protected characteristic such as disability. Under the Equality Act, a person has a disability if they have a physical or mental impairment that has a substantial, long-term effect on their ability to carry out normal day to day activities. Certain conditions such as HIV, cancer and multiple sclerosis are expressly included even if there are no adverse effects on day-to-day activities. It does not necessarily mean that a carer of a disabled person should be treated more favourably for example being given more time off than if they were requesting if for the care of a non-disabled person.

### **Harassment**

Harassment is when a person is treated in a way that makes them uncomfortable or intimidated or insulted and this behaviour is related to your association with the person you are caring for.

### **Victimisation**

Victimisation is when an individual is treated badly because they have done or intend to do something that is protected by law (a protected act). Protected acts include:

- Making a complaint about discrimination or harassment under the Equality Act
- Helping someone else make a complaint about discrimination or harassment

## Appendix 1

### Other Sources of Guidance and Support

Every caring situation is different. There are different [health and social care professionals](#) who can provide support as a carer including doctors, district, and community nurses as well as specialist palliative care teams. Support from social services can be accessed by contacting social services for them to undertake a social care needs assessment.

Carers who are the main carer for an individual with cancer, can ask social services for an assessment of needs called a carer's assessment.

### Carers UK

[www.carersuk.org](http://www.carersuk.org) is the UK's only national membership charity for carers. Carers UK is both a support and a movement for change. The charity supports carers recognising that looking after someone can be a rewarding experience but it can also be lonely and bewildering. Carers UK works with service providers, international partners and Government to promote examples of good practice which deliver effective support and service to make life better for carers.

### Macmillan

[Macmillan](#) provides useful guidance and support for carers supporting a family member with cancer whilst continuing to work. A cancer diagnosis can mean extra costs for you and the individual person you care for. This can include paying for travel to hospital or higher food or heating bills. Macmillan can provide advice and enable you to speak to a financial guide who can assess your situation and give you personalised guidance and a welfare rights adviser who can tell you what benefits you may be able to get and help you make a claim. Care needs will change over time, so understanding the range of support available is important.

### York St John Care First Employee Assistance Programme

#### [Care First Employee Assistance Programme:](#)

This programme is provided by Care First and is available free of charge to all staff for work and non-work-related support. Staff can access counselling as well as a range of additional support, webinars and useful factsheets.

To access the service for free call 0800 174 139 or visit:

[www.carefirst-lifestyle.co.uk](http://www.carefirst-lifestyle.co.uk)

Username: yorksj

Password: University

There is also the [CareFirst Zest App](#) which is a free app and can help provide some useful guidance and support.

### York St John Wellbeing Champions

[Wellbeing Champions](#) can advise and signpost people to the relevant support services, and spot signs and symptoms of people struggling with their wellbeing and help via early intervention. Staff may choose to contact a Champion within their Department/School or may prefer to contact one in a separate part of the University.