

Carers leave consultation - Acas response

31 July 2020

This is the Acas Council response to the [government consultation on carer's leave](#) – a proposal to give employees a week of unpaid leave each year to provide care.

Acas Council response

1. Acas (the Advisory, Conciliation and Arbitration Service) welcomes the opportunity to respond to the BEIS consultation on Carer's Leave.

2. Acas is a statutory, non-departmental public body with a duty to improve employment relations in Great Britain. In 2019 to 2020, Acas handled approximately 800,000 calls from individuals and employers to our national helpline and our website received nearly 15 million visits from individuals seeking advice and support.

During the year we provided conciliation in more than 550 collective disputes and also received nearly 140,000 early conciliation notifications. Around 11,600 people attended our open access events, and we provided in-house training to over 38,000 people on a wide range of workplace-related topics.

Acas has considerable practical experience of the dynamics of the workplace and of issues experienced by workers and employers.

3. This response offers some general observations on the proposals set out in the consultation. Where the response covers a question which falls within the direct remit of Acas, the relevant question is specified.

4. Acas welcomes the Government's recognition of the need to support the millions of employees providing unpaid care while also in employment. We agree that, alongside changes around access to flexible work arrangements proposed in the forthcoming Employment Bill, a new Carer's Leave right has the potential to help the Government achieve its ambition of improving job quality across Britain, and specifically support people to balance their work commitments with their responsibilities outside work.

5. The consultation document identifies the multiplicity of responsibilities that individuals may experience away from work, and this rings true of Acas's experience in handling calls from employers and employees – in 2019 to 2020, our helpline recorded nearly 9,000 calls related to flexible working.

This issue holds even greater significance as a result of COVID-19 with the shift to increased homeworking, and new pressures around childcaring and supporting other family and household members – our guidance on making a flexible working request saw a significant increase in visits from around 6,000 in May 2020 to over 19,000 in June 2020.

A poor balance between work and home life can have negative impacts on wellbeing, often leading to stress, burnout, absence, presenteeism and low productivity.

6. Regarding question 7, Acas believes that it would be beneficial for Carer's Leave to be used to accompany someone to appointments. As noted in the consultation document, many carers tend to use their annual leave in these situations. Ensuring the leave is available to use for this reason would give greater flexibility to the carer and reduce the need to use their annual leave, the purpose of which is for rest and recuperation.

7. In relation to question 17, Acas believes that allowing flexibility to take the leave either as a single block or as individual days or half days would help to encourage uptake. This would give both the employer and employee choice in deciding how best to use the leave.

At the same time, it is important to acknowledge the challenges that some employers may face, particularly around workforce planning. Ensuring that there are clear notice periods in place (question 18) should help firms, particularly smaller-sized ones, to plan and organise work as effectively and efficiently as possible.

8. In relation to question 22, Acas believes that one benefit for employers of introducing a right to unpaid leave is that it will provide a stimulus for employers, employees and unions, where present, to jointly consider what kind of caring arrangements work best for individual organisations and workforces.

Another benefit is that it would provide a degree of clarity for both employers and employees around entitlement. This would help avoid misunderstandings, tensions and conflictual situations arising in the workforce.

9. Acas believes that successful implementation of Carer's Leave will depend on various factors. As the consultation notes, there are existing employment rights available for those who are balancing work and care. In Acas's experience, there can be confusion and uncertainty from both employers and employees around the law.

We therefore believe it will be essential that, should the Government decide to proceed, there is clear and accessible guidance to raise awareness of the entitlement. This would help employers and employees have a clearer understanding of the new rights and responsibilities, and how these differ from and sit within the overall package of support available to working carers.

This would help in turn to reduce the likelihood of workforce conflict and potential employment tribunal complaints, and to provide a level of reassurance to enable employees to feel confident in asserting their rights.

Acas would welcome working with the Government and other stakeholders in producing new guidance, as well as in any awareness-raising campaigns that may emerge.

10. Similarly, Acas notes that there is still some work to do in encouraging uptake of existing rights available to carers, namely flexible working. [Previous Acas research \(PDF, 397KB, 40 pages\)](#) found that flexible working is still commonly the preserve of working mothers, and that, despite wanting to play a more active role at home, fathers are often discouraged from putting in requests to avoid paying a career development penalty.

Acas believes that there could be a risk of similar attitudes being adopted around Carer's Leave, and as such, wishes to emphasise the importance of continually addressing wider workforce behaviours to ensure that workplaces are inclusive, and rights are not viewed as gender-specific.

Indeed, in respect of flexible working, Acas is pleased to be part of the Government's Flexible Working Taskforce, and we would be very happy to collaborate with the Government and others to raise awareness to drive uptake of Carer's Leave.

11. The consultation proposes that the legislation for Carer's Leave would form the minimum entitlement, and it would be at employers' discretion to enhance the entitlement in length or offer pay.

Acas would also encourage employers to view it as a minimum, as it remains the case that many carers may feel concerned about the impact of loss of earnings of taking time out of work to meet their caring responsibilities. This could result in some individuals opting to take annual leave in its place, and subsequently lose the time to properly rest and recuperate (see also paragraph 6).

Acas also believes it is worthwhile for employers to consider introducing carer-specific policies, or at the minimum ensure that related policies, such as flexible working, expressly reference carers where appropriate.