

## Legislation update – Carer’s Leave

The Carer’s Leave Act 2023 came into force from 6 April 2024 and will allow employees to take up to one week’s unpaid leave in any 12 month period from the start of their employment.

The new right applies to employees who have a dependant who requires long-term care and those who want to take time off to provide or arrange care for that dependant.

### Permitted Business Reasons for Refusal

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In order to request carer’s leave, an employee must notify in writing that they intend to take carer’s leave. Employees must specify the dates they intend to take off and provide the name of the dependant they are providing or arranging care for.

Employees are required to provide sufficient notice of their intent to take leave:

- a. Twice as many days’ notice as the amount of days or part days
- b. Three days in advance of the earliest day or part day specified in the notice.

If an employee fails to give notice, the employer can choose to waive the formal notice process and deem notice to have been given. In any event, the employee may be entitled to emergency time off work to care for the dependant under the Employment Right Act 1996.

### Does the employee need to provide evidence of entitlement to carer’s leave?

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- Employees can self-certify their entitlement to carer’s leave.
- Employers cannot request evidence in relation to the employees request before granting the leave.

### Is there a right of refusal?

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An employer cannot simply refuse an employee’s request for carer’s leave, nor can they place a blanket ban. Employers are able to postpone a request if the operation of the business would be unduly disrupted. If the employer is seeking to postpone the carer’s leave, they will need to give notice of the postponement before the leave was due to begin. The Employer must explain why the postponement is necessary.

If the employer postpones the carer’s leave, they must allow the leave to be taken within one month of the start date of the leave originally requested.

## What do employers need to do?

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Employers need to review and update their policies and procedures to include this change for carer's leave to reflect the legislative changes. Employers may also want to provide training to those relevant employees who will be dealing with the leave requests.

There is no legal obligation on employers to communicate the changes to paternity leave to their employees, however making your employees aware of the change to their rights shows

**If you have any questions around carer's leave, or need help with drafting a policy, please contact our employment solicitors for an initial free, no obligation conversation on 0208 514 9000 or email us at [employment@edslaw.co.uk](mailto:employment@edslaw.co.uk).**

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