

## Carer's Leave Regulations 2024 Policy and Procedure

### 1. Purpose

Shetland UHI wishes to ensure that all staff have choices which will help them to achieve work life balance and is therefore committed to the development of flexible working policies and practices. The following procedures have been introduced in support of this aim, following the new legislation effective from 6<sup>th</sup> April 2024 as part of the Employment Rights Act 1996

#### **Shetland UHI's Vision:**

Shetland UHI will be an inspirational hub of innovation and learning designed to meet the needs of the people of Shetland, nationally and internationally.

#### **Shetland UHI's Values:**

We will achieve our Vision by:

- Working together - Fostering activity and interaction across the organisation and between staff and students.
- Working for Shetland - Addressing skills needs, supporting innovation and applied research for the Shetland economy as the university for Shetland, with the University for the Highlands and Islands (UHI).
- Working sustainably - Embedding sustainability in the curriculum and in our practice.
- Working to become resilient - Encouraging staff development and aspiration, exploring and achieving new income streams.
- Working with partners - Developing relationships with employers, schools, communities, SIC and relevant national and international institutions

### 2 Scope

This policy applies to employees of Shetland UHI but will be superseded by any national agreements in relation to Carer' Leave in the future, which are not fully defined at this time.

### 3 Entitlement to Carer's Leave

The employee must:

- Have a dependant with a long-term care need:
- Want to be absent from work to provide or arrange care for that dependant:
- Has not exceeded the entitlement of 5 days in any 12-month rolling period.

A dependant is defined as:

- a spouse, civil partner, child or parent of the employee,
- any person who lives at the same house as the employee (other than as a lodger, tenant, boarder or employee),

- or any other person who reasonably relies on the employee for care.

Long Term care need is defined as:

- as an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
- a condition that amounts to a disability under the Equality Act 2010;
- or issues connected with an individual's old age.

## 4 Entitlement

Employees who meet the criteria are entitled to the following unpaid leave from day one of employment.

- The minimum period of unpaid carer's leave is half a working day;
- The maximum period of unpaid carer's leave is one continuous week:

Total entitlement is 5 days unpaid carer's leave in any 12-month rolling period. However, 5 days paid leave may be considered in line with the Bereavement and Compassionate Leave Policy.

## 5 Notice Requirements

Employees should give notice of taking carer's leave as follows:

- equal to at least twice as many days as the number of days of carer's leave they wish to take,
- or
- three days, whichever is earlier.

UHI Shetland will not require an employee to supply evidence in relation to a request for carer's leave before granting the leave.

Where an employee fails to give adequate notice UHI Shetland may choose to waive that requirement providing the criteria within paragraph 3 is met.

## 6 How to apply for Carer's Leave

An employee can apply for Carer's Leave by completing the Carer's Leave Request Form from on UHI Shetland Intranet site.

## 7 Postponement of Carer's Leave

UHI Shetland may postpone the Carer's Leave where:

- An employee has given notice in accordance with clause 5:
- The employee's line manager reasonably considers that the operation of the business would be unduly disrupted if the employee took carer's leave during the period identified in the request.

Where learning means More

- **The** employee's line manager agrees to permit the employee to take a period of carer's leave.
  - Of the same duration as the period identified in the request form: and
  - Beginning on a date determined by the employee's line manager after consulting with the employee, which is no later than one month after the earliest day or part day of the employee's request.
- **The** HR Department will give the employee notice in writing of the postponement, which:
  - States the reason for the postponement, and
  - Sets out the agreed dates the employee can take carer's leave.
- The notice is given to the employee as soon as reasonably practicable but not later than the earlier of:
  - Seven days after the employee's request was given to UHI Shetland, or
  - Before the earliest day or part day requested in the employee's request.

## 8 Terms and Conditions during Carer's Leave

An employee who takes carer's leave is, during any period of that leave:

- You do not have a statutory right to be paid during carer's leave. However, 5 days paid leave may be considered in line with the Bereavement and Compassionate Leave Policy.
- While sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement continues to accrue. Pension contributions will continue to be paid.

## 9 Returning to Work after Carer's Leave

- Following carer's leave, you have the right to resume working in the same job as before on terms and conditions that are no less favourable than the terms that would have applied had you not been absent.
- Your continuity of employment is not affected.

## 10 Our commitment

- You have the right not to be subjected to any detrimental treatment (including being unfairly penalised, disciplined or dismissed) because you have taken, sought to take, or made use of the benefits of carer's leave.
- If you are told not to take or request carer's leave, or you believe that you have been subjected to detrimental treatment because you have taken or requested carer's leave, you should report the matter to the HR Department. Alternatively, you can raise it under the SUHI Grievance Policy.
- Any such behaviour will not be tolerated and will be treated as a disciplinary offence.

## 11 Linked Policies

- Dependants Leave Policy
- Flexible Working Time Policy

## 12 Relevant Legislation

- Employment Rights Act 1996 as amended
- Employment Rights Act 2004
- Data Protection Act 1998 as amended;
- Health and Safety at Work etc. Act 1974;
- Management of Health and Safety at Work Regulations 1999;
- Equality Act 2010

Reviewed	By	Approved
February 2024	HR and OD Lead (new policy)	
21 <sup>st</sup> February 2024	SMG	Yes – but make clearer that it is unpaid leave
11 <sup>th</sup> March 2024	LNCC	Review in line with SIC Carer and Compassionate Leave Policy
	HR&R	07/02/2024