



**WRITTEN RESPONSE TO THE DEPARTMENT FOR BUSINESS, ENERGY &  
INDUSTRIAL STRATEGY (BEIS) CONSULTATION ON CARER'S LEAVE**

**August 2020**

**Nazmin Akthar  
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3<sup>rd</sup> August 2020**

## Questions

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	<b>Respondent type</b>
<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input checked="" type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other (please describe)

	<b>If you are an employer, how would you classify your organisation?</b>
<input type="checkbox"/>	Private sector
<input type="checkbox"/>	Public sector
<input checked="" type="checkbox"/>	Charity/Voluntary sector
<input type="checkbox"/>	Other (please specify)

	<b>If you are an individual, are you:</b>
<input type="checkbox"/>	Employed
<input type="checkbox"/>	Self-employed
<input type="checkbox"/>	Unemployed
<input type="checkbox"/>	Retired
<input type="checkbox"/>	Not looking for work
<input type="checkbox"/>	Other

## **Existing employment rights and practices**

**Question 1 Have you or your employees used any of the below options to take time out of work to fulfil caring responsibilities? Please select all that apply.**

- Yes, annual leave
- Yes, formal flexible working (meaning a change to contracted hours or location of work)
- Yes, time off for dependants (the statutory right to leave in emergencies)
- Yes, unpaid parental leave
- Yes, informal flexible working (such as an afternoon or morning off or occasional homeworking)
- Yes, other (such as special/compassionate leave granted by the employer)
- No

**Please comment on your experience of these existing rights and practices in relation to care, including what specific caring needs the leave was used for:**

- Muslim Women's Network UK (MWNUK) is a national Muslim women's organisation ([www.mwnuk.co.uk](http://www.mwnuk.co.uk)) that has been advancing equality, promoting women's empowerment and connecting voices for change for over 17 years. We are a small national charity (reg. no. 1155092) that works to improve social justice and equality for Muslim women and girls. We find out about the experiences of Muslim women and girls through research and our helpline enquiries. We identify policy and practice gaps and use this information to inform decision makers in government as well as informing our community campaigns at a grassroots level.
- We also develop resources and train women so they are better aware of their rights. We have a separate website for our national helpline ([www.mwnhelpline.co.uk](http://www.mwnhelpline.co.uk)) that provides

advice and support on a range of issues including: domestic abuse; discrimination, employment/returning to work; disabilities; mental health; parenting; personal relationships etc. We have also recently launched an online platform (soon to be re-launched as the MWN Hub) by which Muslim women are able to interact and network with one another; employment and caring related issues are one of the topics discussed by members. Our knowledge and understanding of the issues faced by female Muslim carers therefore comes from working directly with Muslim women.

- The impact of our work is particularly felt in reducing the vulnerability of Muslim women and girls, reducing the prejudice they face, and giving them greater access to rights and services – all of which allow them to contribute to society like any other citizen. We are also creating a critical mass of voices to influence change with more women being confident to challenge discriminatory practices within their communities and in society, and to influence policy makers.
- Additionally, as an employer, MWNUK very much aim to lead by example and live the values that we advocate for in other organisations and sectors. We endeavour to provide an inclusive and supportive working environment by operating family-friendly/carer-friendly policies (whilst balancing the needs of the organisation and our service users) and providing capacity-building opportunities for our employees where possible. Within this response, where possible, we will aim to share our experiences as an employer on how best to support carers whilst balancing the needs of a business and promoting a positive working environment. Ultimately (and predominantly) however, we will be sharing the experiences of our beneficiaries and relying on the lived realities of Muslim/BAME women as a whole when making suggestions and recommendations.
- Based on our knowledge and experience, we believe that existing rights and practices relating to care are not sufficient to take into account the intersectional needs of carers and more needs to be done to support carers in employment. Recent research conducted by CIPD and University of Sheffield has found that 36% of working carers had decided not to apply for a job, refused a job offer or a promotion offer due to their caring responsibilities<sup>1</sup>. Additionally the research also found that 36% of women carers had cut their hours due to caring responsibilities. These findings correlate with our own experiences whereby Muslim/BAME women (particularly from South Asian communities) are having to sacrifice their employment opportunities and prospects in favour of their caring responsibilities and to their personal and financial detriment. This is because Muslim women are more likely to be responsible for caring duties and due to gender stereotypes still at play, are expected to fulfil their caring responsibilities at all costs. Women having to reduce hours or leave employment altogether is evidence that current rights and practices are not sufficient to allow a balance between career and caring responsibilities. This has a serious impact not just on social mobility and inclusion, but affects women's empowerment and diversity in the workplace.
- Those cared for by Muslim/BAME women (particularly South Asian women) can extend far beyond a spouse, children, parents and siblings and can include parents-in-law, siblings-in-law and other extended family including grandparents, aunts and uncles. Cultural pressures can mean that if Muslim women do not fulfil the caring roles expected

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<sup>1</sup> CIPD, 2020: [https://www.cipd.co.uk/Images/supporting-working-carers-1\\_tcm18-80339.pdf](https://www.cipd.co.uk/Images/supporting-working-carers-1_tcm18-80339.pdf)

of them then they would be regarded as 'bad' daughters/daughter-in-laws/wives etc and it can lead to increased animosity and tension. To cite the example of one Muslim woman, trying to balance work and caring responsibilities (which included looking after her mother-in-law after the latter suffered a heart attack) strained her relationship with her husband so much that she became depressed and ended up handing in her notice to get a break; however now she regrets her decision as she doesn't know how she can return to work and feels she has given up her career to look after her in-laws and it is causing a lot of internal resentment. Many Muslim women have also commented as to how the lockdown has, for the first time, given them some reprieve as they have had a genuine reason for not being able to do something for those they care for and other family members have for the first time taken on some responsibility. There is therefore a clear link between caring responsibilities, insufficient support for carers in the workplace (as well as in the home) and mental health matters.

- It is of course sad that Muslim women are placed under such pressures and are having to take on most, if not all, such caring responsibilities and there is a clear need for a shift in attitudes so that caring responsibilities can be shared. However it must also be borne in mind that some women simply do not have any other option and so it is not just about gender stereotypes and cultural attitudes; for example, there are Muslim women who are single parents who look after their children on their own but are also responsible for caring for their elderly parents on their own and simply do not have anyone else that can help. Ultimately, the fact of the matter is, caring responsibilities are a significant barrier for Muslim women in employment and impedes their ability to obtain, remain and/or progress in the workplace.
- This can be partly down to the fact that BAME women are more likely to be in lower-paid jobs to begin with and therefore having to take unpaid leave (or having to use their annual leave for caring responsibilities) reduces their income even further which means it is not cost-effective to continue to work. However, not working can also worsen a financial situation but some carers may feel they have no other choice than to accept financial hardship as they are otherwise unable to fulfil their caring responsibilities. In other cases it is due to existing provisions not being sufficient to cover the circumstances the carers find themselves in; for example, parental leave is not available until an employee has been in employment for 12 months, whilst time off for dependents is only applicable for emergencies. They may find that they are unable to request time off for their specific issues and therefore unable to continue working, or have to limit their options when it comes to career choices and career options.
- A further issue is that, notwithstanding any rights that may be relevant, some employers may not be supportive of employees taking time off for caring responsibilities. Employees may also be hesitant to ask for time off for caring reasons, as they may fear that their ability or commitment to fulfil a role may be judged or they be seen as letting down their colleagues. A frequent comment that has been made throughout the pandemic is how, when forced to, their employers have been able to accommodate home-working and other forms of flexible working arrangements, yet when they had requested the same for a better balance between their work and caring responsibilities (and in turn for their own personal wellbeing) before the pandemic, their requests were refused. Others have also commented as to the number of presumptions that are subconsciously in place which have only come to the fore during the Covid-19 lockdown e.g. employers simply assume that there will be 'someone else' that can help in lieu of the carer, not appreciating that

everyone's individual circumstances will vary and it has taken a pandemic for employers to really listen and make plans that are in fact suitable for the individual circumstances of all employees. In our opinion this goes to show a general reluctance to accommodate the needs of those with caring responsibilities and that more needs to be done to promote the very important role that unpaid carers play within society and the contributions that they make.

- Better support in the form of carer's leave would therefore not only assist from a practical point of view (by allowing carers to have time off and better balance their different responsibilities) but will also assist in promoting a shift in attitudes within the workplace, towards carers and caring responsibilities. At the very least, we feel it will allow carers to feel more confident in being able to ask for help as they have been granted a right specifically for them (and those they care for).
- We know that this is not within the scope of this particular consultation but having stated all the above, we would also ask that consideration be given to introducing paid carer's leave to alleviate some of the financial burdens placed upon carers. As mentioned above, women are leaving employment because it no longer becomes cost-effective to work whilst managing caring responsibilities. As the consultation document itself notes, working has many positive financial and health outcomes and it is a shame that it is women who are then detrimentally affected. We appreciate that not all employers will be able to meet the costs of paid care leave and therefore the introduction of paid carers leave will require government support for at least some employers. However we feel that there will be significant benefits to the economy and that any costs of supporting paid care leave will be outweighed by the benefits and will be cost-effective in the long-run.
- We must also clarify at this stage that although we work predominantly with Muslim/BAME women and girls and will primarily focus on the experiences of Muslim/BAME women and girls within this response, any points we raise may equally apply to non-Muslim/non-BAME women and girls generally (and in certain cases, men and boys). Where we make recommendations or seek changes, we therefore do so on behalf of all individuals affected and who may benefit from the implementation of the recommendations or changes.
- The caring needs that an unpaid carer may assist with will vary, especially where Muslim/South Asian women are involved, because of the many individuals that the carers may be responsible for. Some examples of where annual leave, unpaid leave, parental leave or time out has been taken for dependents include: needing to deal with bereavement of immediate family member; needing to deal with bereavement of family/relative based abroad (for example, where the mother-in-law is based abroad and time off is needed to care for the husband affected by the bereavement and make arrangements to either fly abroad or hold a prayer in the UK for the deceased); dealing with unexpected illness (such as where someone has had a stroke); providing support to someone with a long-term illness (e.g. shopping, making meals, laundry etc); attending medical appointments (planned or unplanned); attending other appointments (such as bank appointments or appointments with lawyers); unplanned pick-ups/drop-offs to school; providing support to someone with mental health issues; providing support to someone escaping abuse etc.

- When considering caring needs of individuals and which carers may provide assistance with, it is important to keep in mind the intersectionality of experiences involved. For example, a carer will need to attend an appointment with the individual they care for not just because the person may be elderly or unwell but because of added language barriers and the carer may need to act as a translator. Therefore there may well be other family within the home that could take the individual to an appointment but it is only the carer that can assist with translating. Those dependent on a carer may also not live in the same household, such as in-laws who live elsewhere but the carer is nevertheless required to support them.

## Who would be eligible to take Carer's Leave?

**Question 2: Do you agree that an employee should be able to take Carer's Leave to provide care for a dependant such as a spouse or civil partner; a child; a parent; a person who lives in the same household as the employee (other than as an employee, tenant, lodger or boarder); someone else who reasonably relies on the employee for care?**

Strongly agree  Agree  Neither agree nor disagree  Disagree  Strongly disagree  Don't know

**Please provide reasons for your answer:**

We are happy with this proposal as we feel that including 'someone else who reasonably relies on the employee for care' is sufficiently broad and flexible to cover all reasonable caring relationships; such as for example, the mother-in-law who lives in a different household or a friend who is a victim of domestic abuse and who has cut ties with their own family and has mental health issues.

We are pleased that the consultation document has noted that caring can be done by neighbours, friends and others who are not related to one another and therefore noted that those who may rely on a carer may not necessarily be a family member or of the same household. Carers can provide life-saving support and it is vital that the rules around carer's leave are not too narrow because it would be counter-productive to have a prescriptive and exhaustive list, especially when we consider the varying circumstances that could be involved. For example, one female Muslim became the unofficial 'carer' for her friend who had escaped a forced marriage and had been disowned by the rest of her family. The victim had also suffered domestic abuse at the hands of her family and had become depressed. However with the support of her friend, who accompanied her to appointments such as to the doctor, Job Centre Plus, law centre and even college, the victim was slowly able to get her life back on track and return to education and later also obtained a part-time job. Had it not been for this carer, the situation could have been very different. It is therefore important to maintain a flexible approach as to who should be considered as 'reasonably' relying on the carer.

**Question 3: Are there other caring relationships that you think should be considered for inclusion within the scope of Carer's Leave?** Comments:

As per our response to question 2, we feel that allowing the rules to cover 'someone else who reasonably relies on the employer for care' allows for flexibility and therefore think it is

sufficient to cover all caring relationships. However, we would ask that employers are also urged to take a flexible approach when considering caring relationships so that someone who very much needs support is not then considered to be out of the scope of the rules. To this end, it would also be helpful for employers if they could be given some examples of the types of scenarios (but not an exhaustive list) that would fall within the scope. We would also ask that it is noted within any guidance to employers that support that may be needed by victims of domestic abuse and we should support those who provide support to victims of abuse.

**Question 4: Which conditions on care need do you believe are appropriate for Carer's Leave? Please select all which apply.**

- Length of the condition. Comment on appropriate length: [Click here to enter text.](#)
- Conditions which automatically qualify as a disability under the Equality Act 2010 (Cancer, HIV and MS). Comments:
- Terminal illness. Comments: [Click here to enter text.](#)
- Other. Comments: [We do not agree that there should be set, specific conditions but rather that there should be guiding factors that are to be taken into account.](#)

**Question 5: If you do not believe that any conditions about care need are appropriate, please explain why and comment on any other conditions which might be appropriate:**

Whilst we do feel that it would be useful and necessary to provide guidance on the types of situations that would fall within the scope of carer's leave, we do not think there should be set conditions before carer's leave can apply as we feel this would be counter-productive and unhelpful. Thus, whilst we certainly agree that those with long-term conditions, terminal illnesses and/or conditions which automatically qualify as a disability under the Equality Act 2010 should be covered, we do not believe that carer's leave should be limited to only those circumstances relating to such conditions.

The clearest example which highlights the inappropriateness of having an exhaustive list is if we consider caring needs associated with mental health issues. Mental health issues are not considered a disability under the Equality Act 2010 unless they last, or are likely to last, at least 12 months. However, someone with mental health issues may need immediate care and in fact, having appropriate support from the outset can assist in reducing the impact of mental health issues on an individual so that it does not become a long-term condition and/or does not significantly impact the quality of life of an individual. This is similarly why it is not appropriate to attach a condition relating to length of time, as it would be counter-productive and could ignore all those who may have developed mental health issues recently. Indeed, it would be very short-sighted to not see that by facilitating the provision of support from an early stage, there could be longer-term economic benefits.

Additionally, it is important to recognise that due to the stigma around mental health matters (including within Muslim communities), there may be a reluctance to seek medical help in the first place and therefore there may not be an immediate diagnosis available. However that will not change the fact that an individual needs support and that the carer needs to provide it. To provide a case example, a female Muslim woman explains how her brother

started to show signs of mental health issues but due to the shame and stigma involved, the parents did not seek medical assistance for a long time (instead choosing to go to faith-healers). In the meantime the brother's mental health kept deteriorating and included self-harm and she (as well as other members of the family) needed to keep him under observation at all times to ensure that he did not harm himself or others. All annual leave was spent caring for the brother. The whole situation was exhausting and started to affect her work and eventually her own health and wellbeing. However, no one knew that outside of work she was spending all her time caring for her brother.

It is therefore very important to maintain a flexible approach as otherwise the caring needs could be the reason that a carer is forced to leave their work, and/or may develop health issues themselves.

**Question 6: Which qualifying period do you believe is appropriate for Carer's Leave. Please select one option.**

- 6 months of continuous employment with their employer
- 3 months of continuous employment with their employer
- A day one right (no qualifying period, but with appropriate notice period)
- Other, please specify : A day one right without a specific need for notice (but employees should be encouraged to provide notice where they are able to do so)

**Please provide reasons for your answer:**

Given that, in our opinion, the objectives of providing carer's leave is to provide better support to carers so that they do not have to choose between employment and their caring responsibilities, we do not feel it is appropriate to then place a requirement for continuous employment on individuals as not being able to take any leave for caring reasons may be the very reason someone feels unable to apply for a role in the first place. Rather, we feel that this should be a right available to all from the outset; given that the current proposals are for unpaid carer's leave, we do not consider it to be particularly onerous that an unpaid carer's leave will be available from the outset – especially as carers are usually reluctant to request leave unless absolutely necessary in the first place. This is currently the way the right for time off for dependents operates and we do not see it being an issue if employers are already used to the way the time off for dependents right works.

In the event that the government agrees to consider introducing paid carer's leave, then it may be necessary to consider a minimum length of employment so as to strike a balance between the needs of the carer and that of the business. However, as we are currently discussing unpaid carer's leave (which would affect carers financially), we do not think this needs to be considered as yet.

We also do not think it is appropriate to place a condition to provide notice as caring needs can occur at any time and may not always be planned and/or foreseeable. However, we do agree that carers should be encouraged to give as much notice as possible where they are able to do so.

## What the leave can be taken for

### Question 7: Do you agree with the proposed reasons for taking Carer's Leave?

Strongly agree  Agree  Neither agree nor disagree  Disagree  Strongly disagree  Don't know

### Please comment, including on whether Carer's Leave should be available to use to accompany someone to appointments:

We agree with the proposed reasons for taking carer's leave as we feel that they are sufficiently broad to cover the variety of reasons for why carers may need to take leave. We are grateful that it has been noted that caring is not limited to providing practical support only and can include helping with financial matters and giving company. Indeed, providing personal support may be the most important form of support of all, especially if we consider caring for those with mental health issues.

### Question 8: Are there any other reasons that you think should be included?

We have interpreted the proposed reasons as broad categories, with the variety of caring reasons falling within these broad categories and that the examples mentioned within the consultation document are not to be considered exhaustive lists. As such, we do not feel that any other reasons need to be specifically included. However it would be helpful to add further examples for ease; for example, attending medical and other appointments with the person being cared for, or on their behalf where they have given the authority to act on behalf of the person cared for.

## What the leave cannot be taken for

### Question 9: Do you agree that childcare (other than where the child has a disability or other longer-term care need) should be out of scope for Carer's Leave?

Strongly agree  Agree  Neither agree nor disagree  Disagree  Strongly disagree  Don't know

### Please provide reasons for your answer:

Although we agree that taking carer's leave for childcare reasons may not always be the most appropriate means of support, we nevertheless feel that it is important to keep open the possibility that carer's leave may need to be used for childcare.

Right to unpaid, parental leave only applies after someone has been in employment for a year and unless there are plans to change the conditions for when parental leave becomes applicable, then it is possible (especially where single mothers are involved) that some individuals may need to use carer's leave for childcare reasons. Allowing time off for child care reasons from the outset is key to supporting Muslim/BAME women in particular to remain in the workplace. Whilst time off for dependents is available immediately, this is usually available to cover temporary, unexpected situations and does not necessarily cover situations where the emergency situation requires further time off. For example, where a child falls ill and needs to be collected from school and then taken to the doctors, this would be covered by the right to time off for dependents but the child may need further care and

support for the next few days which may not be covered. There can also be confusion over what would be considered a 'personal crisis' (in which case time off for dependants right would not apply) as the need to care for a child could form a part of a personal crisis, particularly in a situation involving domestic abuse. It is also important to keep in mind that single parents may not have other forms of support and the differing circumstances that could be involved; a single South Asian mother for example may have been disowned by family for leaving a domestic abuse situation and filing for divorce and may not have any support from family to rely on.

Although annual leave is available, where carers (especially single parents) are forced to use annual leave for caring responsibilities, it can mean that they have no respite for themselves which can mean their own health and wellbeing is impacted as well as those who they care for. This can increase the burden on the employer as well as the state (through NHS support or where the carer then leaves employment). Additionally parents are likely to need to save annual leave for school holidays and where it is used for other caring related issues outside of the school holiday period, this can then mean that they do not have sufficient annual leave remaining to cover school holidays which in itself becomes a caring related issue. Therefore we feel that the carers leave should be available for childcare reasons but as a last resort.

**Question 10. Do you agree that caring for a person with short-term care needs should be out of scope for Carer's Leave?**

- Strongly agree  Agree  Neither agree nor disagree  Disagree  Strongly disagree  Don't know

**Please provide reasons for your answer:**

Although we agree that in many cases annual leave or the right to time off for dependents could be used to support emergency care and short-term recovery needs, we do not feel that there should be a blanket ban on being able to use carer's leave for short-term care needs as it all depends on the individual circumstances of each situation. It could be that the person to be cared for has no other person to care for them and without the carer, they could be completely alone, raising health or other safeguarding risks. There could also be an impact on their mental health, such as where there has been a traumatic accident and they require emotional support.

We feel short term care needs are just as important as long-term care needs, and providing support at an early stage can in fact assist in reducing any longer-term impact on a person's health, wellbeing and recovery. Given that the consultation document has noted that providing company or keeping an eye out for someone is a caring responsibility, we do not see why it matters whether the care needed is short-term or long-term; it is the act of caring that becomes crucial. Perhaps a balance can be struck so that carer's leave is available to cover short-term caring needs but where there are no other means of support (as self-certified by the carer). However, we must also make the point that given carers usually seek time off as a last resort anyway, we feel that carers will have already explored whether there are any alternative options before putting forward a request for leave.

**Question 11: Are there any other circumstances or activities which Carer's Leave should not be taken for?**

At present, we do not have any suggestions in this respect.

## Evidence

**Question 12. Do you agree that an employee should in the first instance be able to self-certify their eligibility for Carer's Leave?**

Strongly agree  Agree  Neither agree nor disagree  Disagree  Strongly disagree  Don't know

**Please provide reasons for your answers:**

We feel this a fair and reasonable approach that strikes a balance between the needs of the carer as well as the business. Individuals already self-certify their first week of sickness and therefore we do not consider this to be an onerous request for carers. However, guidance will need to be issued as to the level of information which will need to be included given that any self-certification will relate to third parties who may not necessarily agree to having their personal information noted in a document and for the employer to hold onto.

**Question 13: If you strongly agree or agree, how often do you think an employee should self-certify their eligibility for Carer's Leave?**

Each time they request the leave  Once per year  Other, please comment:

**Please provide reasons for your answers:** [Click here](#) to enter text.

We do not think it is unreasonable to require an employee to self-certify each time they request the leave and is in line with sick leave provisions and other leave provisions. The reasons for needing carers leave may change and it is important that employers and employees are able to have an open and frank conversation relating to the carer's responsibilities so that discussions can be had as to how to best support the carer (such as temporarily or permanently changing hours, considering home-working etc.) and we feel self-certifying each time a request for carer's leave is made would allow such a review.

**Question 14: Do you agree that an employer should be able to request further evidence if they are not satisfied with the self-certification?**

Strongly agree  Agree  Neither agree nor disagree  Disagree  Strongly disagree  Don't know

**Please provide reasons for your answers:**

We feel this strikes the right balance between the carer and the employer's business and is also in line with parental leave provisions. However, any requests for further information should only be made where the employer considers it absolutely necessary, requests should be made in a safe and respectful manner and where it is reasonably practicable for the employee to be able to provide further evidence (noting in particular that it will be very unlikely that an employee would be able to obtain any evidence from a medical professional when the facts relate to a third party rather than the carer themselves). It should also be borne in mind that carers will generally only seek leave where genuinely necessary, and given that we are talking about unpaid carer's leave rather than paid carer's leave, a carer

will not be financially benefitting from requesting such leave and will only be doing so because it is absolutely necessary.

**Question 15: If agree or strongly agree, please describe what evidence could be provided to demonstrate:**

- The need for care (of the person being cared for): We do not feel an exhaustive list is helpful nor would it be possible to prove a caring need for most situations (for example, how could a carer prove that they need time off for shopping or cooking for the individual being cared for) but some of the types of evidence that could be sought include letters proving evidence of an appointment.
- What activities the leave is used for: As above

**Question 16: Please comment on the key difficulties or challenges associated with providing and appropriately handling evidence, including data protection issues related to information about a person's health:**

The first difficulty relates to being able to provide any evidence as there will be a number of activities (such as providing company or preparing meals for the individual cared for) that simply cannot be evidenced. In some cases the individual being cared for may be able to provide a letter as evidence that the carer is supporting them but this is not always a given (such as due to lack of capacity or language barriers) and it will be difficult to obtain confirmation from medical professionals. It is therefore very important that employers take the realities of the situation into account when requesting evidence.

The second difficulty we envisage is handling information that may relate to third parties, how much information can be stored/retained and what if the third party did not consent to the sharing of information or now wants it removed. E.g. if someone was a carer for their ex-partner who they are no longer with and the ex-partner does not want any records relating to them to be retained. On the one hand, employers may need to retain information for their records (including in respect of any pay related claims), but this also needs to be balanced with the rights of the third party and data protection laws. Guidance will therefore need to be issued as to what can be requested and stored, whether the individual being cared for needs to consent to any information being provided regarding them (if any) and the steps to be taken in the event that a request is made to delete any such information.

## **How the leave can be taken**

**Question 17: Please comment on the pros and cons for employees and employers, if the leave was available to take as:**

***A week of unpaid leave, available to take as a single block?***

Pros for employees:

- This will assist where the employee does need a week to deal with the caring issues that have come to light

Cons for employees:

- This will be unhelpful where the caring need is only for a few days or perhaps even half a day (but which does not fall within other forms of leave that can be taken)

Pros for employers:

- It may provide employers with some certainty as to when carer's leave will be taken, in the knowledge that once it has been taken then the employer will not need to worry about carer's leave again for this particular employee
- It may assist in being able to arrange cover as it is known that the employee will be away for a full week

Cons for employers:

- Although we appreciate that it can be more difficult to have an employee away from work for a full week, we do not feel it will be overwhelmingly burdensome as employers already need to manage sick leave

### ***A week of unpaid leave, available to take as individual days?***

Pros for employees:

- This will provide the employee with greater flexibility and allow them to use the week of carer's leave in segments and as and when needed, rather than only having the one chance to do so.

Cons for employees:

- In our opinion, none; employees would be able to request a full week of carers leave if needed but if it is not necessary then they can take them as individual days. This therefore provides them with the greatest flexibility.

Pros for employers:

- We feel managing individual days would be easier for employers as they would need to arrange cover for a fewer number of days rather than having to worry about cover for a full week

Cons for employers:

- In our opinion, none; we feel the Covid-19 pandemic has highlighted that it is possible for most employers to be more flexible and accommodating of caring needs. Although taking individual days carer's leave can mean that the employer does not know when the remaining carer's leave entitlement will be taken, this is no different than needing to manage sick leave where an employee is taken ill all of a sudden and therefore do not see this being unusually burdensome.

## **Requesting the leave**

**Question 18: Do you agree that an individual should be required to give their employer notice ahead of taking Carer's Leave?**

Strongly agree  Agree  Neither agree nor disagree  Disagree  Strongly disagree  Don't know

**Please provide reasons for your answers:**

We feel that a requirement to give notice misses the point that a caring need (whether long-term or short-term) can come out of the blue and it may not be possible to provide notice in accordance with any requisite notice periods. We do agree that notice should be given to employers where possible and we appreciate that more often than not it will be possible to provide some notice but as caring needs may not always be foreseeable, we feel that notice should not be a formal condition for carer's leave.

**Question 19. If you strongly agree or agree, what do you think a reasonable notice period would be for a block of one week of Carer's Leave? Please select one:**

- 2 weeks
- 3 weeks
- Other, please specify: [Click here to enter text.](#)

**Please provide reasons for your answers:**

As per our response to question 18, whilst employees should endeavour to provide as much notice as possible, we do not think there should be a set time frame as not everyone will always be able to know that they need to take time off.

**Question 20. If you strongly agree or agree, what do you think a reasonable notice period would be for single day of Carer's Leave? Please select one:**

- Less than 1 week, please specify: [Click here to enter text.](#)
- 1 week
- More than 1 week, please specify: [Click here to enter text.](#)
- Other, please specify:

**Please provide reasons for your answers:**

[Please see our responses to questions 19 and 20](#)

**Question 21. Please comment on how employers would manage the process for requesting and recording the leave, and any associated issues, if it was:**

- A week of unpaid leave, available to take as a single block? [We feel this can be managed in the same way as other forms of leave](#)
- A week of unpaid leave, available to take as individual days? [We feel this can be managed in the same way as other forms of leave](#)

**The impact on employers**

**Question 22. What benefits for employers would arise from introducing a right to unpaid Carer's Leave?**

- As has been noted within the consultation document itself, 'while working is associated with positive financial and health outcomes for unpaid carers, many face difficulties in balancing work and performing a caring role, and may leave work entirely, reduce their hours or avoid going for promotion. This impacts disproportionately on women, who are the main providers of unpaid care". This very much correlates with our knowledge and experiences especially where Muslim women are involved. It can also impact the career aspirations of young Muslim girls. Carers leave would help to address these issues and help promote women's empowerment and social inclusion. This will lead to greater social and economic benefits for society as a whole, and in turn the employer.
- Where more women are able to remain within the workplace, we will be able to see an increase in diversity within the employer's organisation and across sectors.
- It will increase the health and wellbeing of those employees who have caring responsibilities which in turn will increase productivity and create a more positive working environment. We feel it will also reduce employee sickness and sickness-related absences.
- Employees who feel supported and feel able to manage their different responsibilities are more likely to remain in the workplace and therefore it will increase employee retention rates and reduce recruitment costs. This in turn will mean that an employer also saves on training costs.
- As carer's leave will need to be formally recorded, it will allow for the build-up of data which can then be used to better understand the needs of carers and make the case for better support provisions for both employers and employees.

**Question 23. What are the most significant costs for employers which would arise from a right to unpaid Carer's Leave? Please rank 1 – 4; with 1 as the most significant cost.**

	5	4	3	2	1
The costs of administering the process (for example employees submitting requests to line managers/HR, asking for additional information, HR recording details of leave taken)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Re-organisation process/costs (reallocating work, costs of an absent employee etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Familiarisation costs (costs associated with understanding any new legislation)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The costs of employers voluntarily opting to pay for the leave	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Please provide reasons for your answers and indicate if there are other significant costs:**

Although there will be administrative costs associated with these measures, we do not see why these will be any more costly than needing to deal with other leave provisions (such as sick leave, parental leave or taking time off for dependants).

Furthermore, whilst we appreciate that there will be added costs arising from needing to arrange cover for those taking carer's leave, we nevertheless feel that employers are already equipped to deal with absences as they should have contingency plans in place for sick-related absences etc. and in this instance we are only discussing up to one week's carers leave. More importantly, we feel providing carer's leave will lead to savings as it will enable a better balance between work and caring responsibilities and in turn better health and wellbeing of employees. This will result in less sickness related absences and better productivity as well as better retention rates.