

The Auriga Academy Trust

Carers Leave Policy

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1. Scope

This policy applies to all staff employed directly by The Auriga Academy Trust who have caring responsibilities for a dependant with a long-term care need and who intend to take time off from work to provide or arrange care for that dependant. The right to take unpaid Carer's Leave is a day one right, i.e. regardless of length of service.

The recognised trade unions have been consulted.

2. Policy Purpose

The purpose of Carer's Leave is to allow flexibility and to facilitate an employee taking unpaid time off from work where they have caring responsibilities and need the time off to provide or arrange care for a 'dependant' with a 'long-term care need'.

This policy sets out the Carer's Leave entitlements and the relevant procedure for employees who wish to take Carer's Leave.

3. Carers Leave

3.1 Eligibility

Employees will be entitled to take unpaid Carer's Leave if:

- The purpose of the leave is to provide or arrange care for a dependant with a long-term care need, and
- The notice requirements for taking the leave are complied with.

3.2 Definitions

The term "dependant" has the same definition given for Dependant's Leave, i.e.

- Spouse/partner (includes civil partner)
- Child
- Parent
- Person who lives with the employee in the same household other than as her/his employee, tenant, lodger, or boarder
- Any other person who would reasonably rely on the employee to provide or arrange care.

The dependant must have a "long-term care need". A long-term care need is defined as:

- An illness or injury (either physical or mental) that requires or is likely to require care for more than three months
- A disability under the [Equality Act 2010](#)
- A care need connected to old age.

3.3 Entitlement

When calculating entitlement to the leave, the employee's normal working pattern (at the time the request is made) is considered. For example, if the employee works 5 days a week, they will be entitled to take 5 days Carer's Leave in a rolling 12 month period or if the employee works 3 days a week then they will be entitled to take 3 days in a rolling 12 month period.

Employees will be entitled to take a maximum of up to 5 days unpaid leave in a 12 month period, regardless of the number of dependants. This means that employees cannot claim multiple weeks of Carer's Leave for multiple dependants.

If additional time away from work is needed, **over and above the maximum calculated entitlement**, the employer may require the employee to take that time off using other means such as additional unpaid leave, or annual leave where the employee has an entitlement to take annual leave. The employee can also consider alternative arrangements under the Trust's **Special Leave Policy** and/or **Flexible Working Policy**.

3.4 Taking Carer's Leave

Carer's Leave could be taken flexibly in a block of 5 days or in single or half days to suit the carer's caring responsibilities. There is no requirement for the leave to be taken on consecutive days.

Request for carer's leave should be made using **EveryHR** under My Portal > My Leave > + Request General Absence > Reason for Absence = Carers Leave.

Under the **Details** section please provide details regards

- who the dependent is that requires long-term care, and
- the nature of the long-term care required.

Every HR will keep a record of the days taken and Trust HR will use this record will be used to calculate the balance remaining for each 12 month period.

3.5 Notice of Intention to take Carer's Leave

An employee may take Carer's Leave to which they are entitled on such days as they elect by giving notice of their intention to their line manger and Trust HR using **Every HR**.

The notice may relate to all or part of the Carer's Leave to which an employee is entitled in the relevant period. The notice must be given before the relevant date, i.e. either:

- 3 days in advance of the earliest day/part day specified in the notice where the request is for a part day or one day, or
- (Where the request is for 2 days plus), twice as many days in advance of the earliest day specified in the notice as the number of days/part days to which the notice relates, whichever is the longer period.

The notice period is always calculated in full days.

Where an employee fails to give notice in accordance with the above requirements, the Trust / school has the discretion to choose to waive the requirement.

3.6 Postponement of Carer's Leave

Employees are required to make a request for Carer's Leave using Every HR. Under Every HR a request for any absence can only be **approved** or **declined**. If a request under the Carer's Leave Policy is declined it is because the line manager wishes to postpone the request. The line manager is expected to contact the employee to discuss and agree alternative dates. Having agreed alternative dates, the request should then be resubmitted by the employee, using Every HR, with the Details section detailing the reasons for the revision.

The Trust / school may postpone Carer's Leave where:

- The notice requirements have not been complied with
- The Trust / school reasonably considers that the operation of their business would be unduly disrupted if the employee took Carer's Leave during the period identified in the notice.

If the leave is postponed, the Trust / school should agree to permit the employee to take a period of Carer's Leave for the same duration as the period identified in their notice, and beginning on a date determined by the Trust / school after consulting with the employee, which is to be no later than one month after the earliest day/part day of the employee's original request to take the leave.

3.7 Considering Requests for Carer's Leave

The Trust / school cannot require the employee to supply evidence in relation to a request for Carer's Leave before granting the leave.

All requests for leave should be sympathetically considered and where possible, a discussion should take place between the **line manager** and employee to consider the request and whether it can be granted or whether a postponement is required or whether alternative arrangements can be made. The Trust /

school and line manager should be mindful of additional pressures that the employee may be under outside of work with respect to the care arrangements.

The request for Carer's Leave cannot be cancelled or declined (other than a postponement) unless mutually agreed by the employee and Trust / school and confirmed in writing.

Wherever possible, all discussions should be recorded in writing as a matter of good practice. Trust HR should be copied on all correspondence (HR@aurigaacademytrust.org.uk).

4. Local Government Pension Scheme (LGPS) Members – Buying 'Lost' Pension

Any period of unpaid leave under this policy will not count for pension purposes. Members of the Local Government Pension Scheme can elect to pay Additional Pension Contributions (APCs) to buy back the 'lost' pension.

Where unpaid leave has been approved, Trust HR will inform the employee of the effect of the unpaid leave on their pension and their right to choose to buy 'lost' pension. The model letter at **Appendix 3** can be used for this purpose. The employee can then apply, if they wish to do so, using the model letter at **Appendix 4**.

If the member makes their election to buy the 'lost' pension within 30 days of returning to work from the authorised unpaid leave, the cost of buying the 'lost' pension is shared between the member and the employer with the member paying 1/3rd of the total cost and the employer paying 2/3rds of the total cost. This is known as a Shared Cost Additional Pension Contract (SCAPC).

5. Protection from Detriment or Dismissal

An employee has the right not to be subjected to detrimental treatment or be dismissed because they are exercising their rights under this policy in taking or seeking to take Carer's Leave

Appendix 1: Carer's Leave Request Form

A request for carer's leave should be made using **EveryHR** under My Portal > My Leave > + Request General Absence > Reason for Absence = Carers Leave.

Under the **Details** section please provide details regards

- Who the dependent is that requires long-term care, and
- the nature of the long-term care required.

Appendix 2: Replying to Requests for Carer's Leave

Employees are required to make a request for Carer's Leave using Every HR. Under Every HR a request for any absence can only be **approved** or **declined**. If a request under the Carer's Leave Policy is declined it is because the line manager wishes to postpone the request. The line manager is then expected to contact the employee to discuss and agree alternative dates. Having agreed alternative dates the request should then be resubmitted using Every HR with the Details section detailing the reasons for the revision.

Appendix 3: Model Letter to Employee – Buying ‘Lost’ Pension

Dear *(insert name of employee)*

Authorised Unpaid Leave

Local Government Pension Scheme Member – Buying ‘lost’ pension

I refer to your request for unpaid leave under the Trust's Carer's Leave Policy for the period from *(insert date)* to *(insert date)*. The request for leave has been authorised **without** pay.

Any period of authorised **unpaid** leave of absence will not count for pension purposes. You can however elect to pay Additional Pension Contributions (APCs) to buy back the 'lost' pension. If you elect to buy the 'lost' pension within 30 days of returning to work from your period of unpaid leave, the school will pay 2/3rds of the total cost of buying the 'lost' pension and the remaining 1/3rd of the total cost of buying the 'lost' pension will be paid by you by way of a deduction from your salary.

If you are interested in buying the 'lost' pension, please complete and sign the form at **Appendix 5 - Request for Total Lost Pensionable Pay during Period of Unpaid Leave** and return it to HR@aurigaacademytrust.org.uk prior to going on leave or as soon as possible following your return to work from your period of unpaid leave.

Trust HR will provide you with details of the total lost pensionable pay for the period of the unpaid leave on your return to work, or as soon as possible thereafter. This information will enable you to obtain a quote from the Local Government Pension Scheme website (<https://www.lgpsmember.org/help-and-support/tools-and-calculators/buy-lost-pension-calculator/>) showing the total cost of buying the 'lost' pension and allow you to apply to buy 'lost' pension should you choose to do so.

Yours sincerely

Trust HR

Appendix 4: Request for Total 'Lost' Pensionable Pay during Period of Unpaid Carer's Leave

I have been granted authorised unpaid leave from *(insert date)* to *(insert date)*.

I am aware that this period will not count for pension purposes unless I make an election to pay Additional Pension Contributions to buy back the 'lost' pension.

I am aware that if I elect to buy the 'lost' pension within 30 days of returning to work from the period of the unpaid leave, 2/3rds of the total cost of buying the 'lost' pension will be paid by the school and I will be responsible for paying 1/3rd of the total cost of buying the 'lost' pension.

I am aware that my share of the payment will be deducted from my salary.

I am interested in buying the 'lost' pension and would like to request details of total lost pensionable pay for the period of unpaid leave so that I can obtain a quote for the total cost of buying 'lost' pension.

Name:

Position:

Signature:

Date:

Please return this request to Trust HR (HR@aurigaacademytrust.org.uk).