

EAST RENFREWSHIRE LNCT AGREEMENT

DEPENDANT AND CARER LEAVE FOR EMPLOYEES COVERED BY SNCT

CONDITIONS OF SERVICE



Education Department

DEPENDANT AND CARER LEAVE FOR EMPLOYEES COVERED BY SNCT

CONDITIONS OF SERVICE

1. INTRODUCTION

- 1.1 East Renfrewshire Council's Education Department recognises its responsibilities as an employer to SNCT employees who may have the responsibility of caring for a family member or dependant, especially at times of emergency or where dependants fall ill for an extended period.
- 1.2 The aim of this policy is to provide our employees with a range of short and long term solutions to support differing circumstances. This will help them balance their working and caring commitments allowing them to continue working and be effective in their job without the need to resort to sickness absence or leaving the working environment. Any leave of absence granted under this policy should be at the exigencies of the service, subject to the exceptions outlined in section 4: Statutory Carer's Leave.
- 1.3 This policy compliments the suite of family friendly policies for SNCT employees such as LNCT 20 Leave of Absence Policy, LNCT 31 Flexible Working Policy, LNCT 37 Sabbaticals and LNCT 38 Career Breaks. This suite of provisions demonstrates the Council's responsibilities under the Equality Act 2010 and Carers Leave Act 2023 and commitment to supporting their employees where possible.
- 1.4 A flexible approach should be considered to support the employee to balance work and caring responsibilities. Equally the employee should be mindful that any request for support must be balanced with the exigencies of the service which will include a consideration of the continuity of experiences for learners. The success of this policy will rely on managers and employees having open and honest dialogue to consider challenges on both sides, and a commitment to try to resolve any difficulties, in a mutually acceptable manner at an early stage.
- 1.5 It should be noted that when an employee accepts an offer of employment, it is expected that they will have/put in place adequate provision for the care of dependants, in particular, young children who will inevitably become poorly on occasion and be unable to attend nursery or school etc. It is also expected that working parents and families should share the caring responsibilities for the dependant(s).
- 1.6 It is fully acknowledged that there will be a range of demands associated with having dependants and being a carer which can be unplanned, unexpected or occur as a result of an emergency. It is expected such incidents will be infrequent and of a singular nature.

2. SCOPE

- 2.1 This policy applies to all SNCT employees from the first day of their employment with East Renfrewshire Council Education Department.

3. DEFINITIONS

- 3.1 The following definitions of dependant and carer apply:

A **dependant** is the spouse, partner, child or parent of the employee, or someone who lives with the employee as part of their family. For example, this could be an elderly aunt

or grandparent who lives in the household. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee.

The definition of a **carer** is a person who provides or intends to provide a substantial amount of unpaid care on a regular basis for a family member who is ill or disabled. This could include someone who is living with a terminal illness or any other critical or chronic mental or physical illness. For the avoidance of doubt, a carer is not someone who looks after young children or has elderly parents who are not ill, debilitated or disabled.

4. STATUTORY CARER'S LEAVE

4.1 Emergency Time off for Family and Dependants

SNCT employees are allowed reasonable unpaid time off to deal with an emergency involving a dependant. For the avoidance of doubt, this is the time to put into place alternative arrangement for the dependant's care or to deal with the emergency. It is not time off to take care of the dependant (see Section 4.3). It is therefore expected that this time off is of short duration, less than one day and employees are expected to return to work as soon as alternative arrangements have been put in place.

In line with Section 1.5, should this request for emergency time off arise on a regular basis, a manager will have a conversation with the employee about their personal situation, as this type of support cannot be sustained long term.

4.2 Statutory Carer's Leave

All SNCT employees are entitled to unpaid leave to give, or arrange care for a dependant, with effect from their first day of service with the Council. This statutory right for unpaid leave is for a dependant who has:

- A physical or mental illness or injury that means they are expected to need care for more than 3 months
- A disability (as defined in the Equality Act 2010)
- A care need related to old age.

To be entitled to statutory carer's leave, in this instance the dependant does not need to be a family member and can be anyone who relies on them for care.

4.3 Employees may take up to one week of unpaid leave every 12 months. A 'week' means the length of time usually worked over 7 days e.g. where an employee normally works 3 days per week, they can take up to 3 days carer's leave. For full time employees i.e. 1 FTE, this will be a maximum of 5 days. Employees are able to take a whole week (pro rata) off or take individual days or half days throughout the year.

4.4 If an employee cares for more than one dependant, they cannot take a week of carer's leave for each dependant, only 1 week in total may be taken in each 12-month period.

4.5 If the request is for a half day or one full day, the notice period required is 3 days. If the request is for more than a day, the notice period must be at least twice as long as the requested leave period i.e. if the request is for 2 days, the notice period must be at least 4 days. The request for unpaid leave does not have to be in writing and employees are not required to give evidence of their dependant's care needs.

5. ENHANCED CARER'S LEAVE

- 5.1 To be eligible for enhanced Carer's Leave, SNCT employees must have over 1 years' continuous service.
- 5.2 To support employees at these difficult and stressful times, employees will be allowed paid time off, to deal with the emergency and to make the necessary arrangements for the ongoing care, subject to agreement and the conditions and limits defined below.

A. Paid time off for up to 2 occasions will be granted, subject to 4.3 and 4.4, over a 12-month rolling period for the following;

1. When a dependant becomes seriously ill or has been involved in or had an accident.
2. An unexpected disruption or termination of arrangements for a dependant's care, such as when a nurse or care worker fails to arrive, or where a school/nursery/day care unexpectedly closes.

B. Paid time off for up to 2 occasions over a 12-month rolling period will be granted for the following;

3. To respond to an incident which involves a dependant of the employee and which occurs unexpectedly during the working day.
4. To attend pre-arranged hospital appointments with a dependant who is unable to travel or cope with the appointment by themselves.
5. To attend appointments/meetings with care providers/healthcare specialists in connection with the ongoing/longer-term care of a dependant who is ill, frail or injured.

For the avoidance of doubt, for points 3, 4 and 5 above, the purpose of the leave is to attend appointments or to deal with an unplanned situation and then return to work, not to provide care.

- 5.3 In total, an SNCT employee may receive an overall maximum of 5 occasions to deal with the full range of caring situations that may arise in any given year. For the avoidance of doubt, it is not 5 occasions per dependant, it is 5 occasions in total, and is pro rata for part time SNCT employees.
- 5.4 It should be noted that the leave available is limited to a maximum of one day on each occasion and if the evidence of the need to provide care or attend an appointment is less than a day, paid leave will only be given for the period of the required absence. In total, an SNCT employee may receive an overall maximum of 5 occasions to deal with the full range of caring situations that may arise in any given year. For the avoidance of doubt, it is not 5 occasions per dependant, it is 5 occasions in total and is pro rata for part time SNCT employees.
- 5.5 Where an employee has exhausted their entitlement to paid leave under section 5, a Head Teacher/Head of Centre/Line Manager may consider their eligibility to be granted statutory unpaid leave subject to the conditions defined in section 4. For the avoidance of doubt the total amount of leave, statutory (unpaid) or enhanced (paid), when added together for all dependants collectively, would not exceed 5 days, or the pro rata working week equivalent, in the rolling 12 month period.

6. LONGER TERM SUPPORT

- 6.1 There may be occasions when a longer period of Carer's Leave for a dependant is needed, as it is clear from the outset that the situation is very serious and the employee will require more than a day's leave to support the situation. The circumstances may vary, but could include:
- Time off to be with a close family member when end of life is imminent after a long illness;
 - As a result of an accident or sudden illness and being advised by medical specialists that a close family member is in a critical/life threatening condition.
- 6.2 In these situations, the Council will allow up to five days paid leave. Thereafter, an employee may apply for unpaid carer's leave or for a temporary flexible working arrangement.
- 6.3 Unpaid Carer's leave can be for a period of up to twelve weeks in a leave year. Time can be requested in individual blocks of no less than one week. Every endeavour will be made to grant unpaid carer's leave. However, where learning and teaching would be unduly disrupted if leave were granted during the period identified, the leave may be refused or postponed.
- 6.4 Unpaid carer's leave can be requested using the Carer's Leave Form at Appendix 1, giving where possible, at least 2 weeks' notice. Completed application forms should be submitted to the Head Teacher/Head of Establishment/ Line Manager in the first instance.
- 6.5 The period of unpaid leave can be taken as an immediate deduction from the employee's salary or the employee can opt for deductions from their salary over an extended period up to a maximum of twelve months. At the point of application, the employee must decide how salary deductions will be taken (e.g. single deduction, or spread over either three, six or twelve months / monthly pay cycles) and authorise payroll to make the appropriate deductions.
- 6.6 Where the employee is a member of the Scottish Teachers' Pension Scheme, taking unpaid carer's leave reduces pensionable pay and there is no facility within the scheme to buy back pension, however there are other options to [increase your benefits](#) that the employee may want to consider following a prolonged unpaid break in employment.
- 6.7 Should the employee leave employment with East Renfrewshire Council before the amount owed is repaid, the balance outstanding will be deducted from their final pay. Where the full amount cannot be deducted from the final pay, the employee will be issued with the appropriate account for the balance owed. Additional money advice and support can be obtained from the Council's Money Advice and Rights Team.

7. FLEXIBLE WORKING

- 7.1 An employee may wish to consider making a flexible working application to support a caring responsibility under this policy. Should they wish to consider this they should follow the processes laid out in LNCT/31 Flexible Working for all Employees covered by SNCT Conditions of Service.

8. OTHER PRACTICAL SUPPORT MEASURES

- 8.1 Many carers will easily be able to continue working full time with just a little bit of flexibility and the understanding from Head Teachers/ Heads of Establishment Line Managers/ and colleagues. As stated in 1.4, open and honest dialogue between Line Managers/Head Teachers/ Heads of Establishment and the employee is key. Employees who have declared caring responsibilities may benefit from flexibility where appropriate, subject to the exigencies of the service. For example,
- Consideration could be given to the timetabling of non-class contact time.
 - Consideration of adjustments to workload and/or deadlines on a short term temporary basis that will support an employee at a time of extreme pressure.
- 8.2 It is recommended that employees let their manager know if they are experiencing demanding caring responsibilities. This will allow a discussion to take place to explore possibilities and options and to agree what support measures can be put in place and how they will work on a day-to-day basis. It is important to clarify the understanding of some of the special arrangements and put this in writing to the employee for clarity.
- 8.3 Any temporary support measures should be reviewed on a regular basis and an agreed phased approach to return to normal working made at the earliest opportunity. It is important to ensure that temporary arrangements put in place to support demanding caring requirements do not become the expected norm.

9. CARERS' NETWORK REGISTER

- 9.1 To support the Council's responsibilities under the Equality Act 2010, employees have the option to update their status in iTrent to record the fact that they meet the definition of a carer as defined at 3.1 . Employees should therefore be aware that this information may be gathered and presented, anonymously, within the Council's workforce monitoring and other similar reports.
- 9.2 East Renfrewshire Carers' Centre provides a full programme of support to carers by providing respite and short break opportunities, stress management and relaxation classes, support groups and information and advice on a range of issues. The Carers' Centre can be contacted at:

Sandler Cottage, No 2 Eastwood Park, Rouken Glen Road, Giffnock, G46 7JS

Tel No: 0141 638 4888 or e-mail enquiries@eastrenfrewshirecarers.co.uk

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