

Agenda Item	7
Report No	HC/11/23

THE HIGHLAND COUNCIL

Committee: The Highland Council

Date: 11 May 2023

Report Title: Carer Positive Policy

Report By: Interim Chief Executive

1. Purpose/Executive Summary

- 1.1 The 2011 Scotland Census identified that 9% of the Highland population have caring responsibilities. In an internal survey conducted in 2022, 13% of Council staff disclosed caring responsibilities for someone with long term health issue/disability. With an ageing Highland population, and people living longer with enduring illnesses, this number is likely to increase, as more people will be called upon to care for older, disabled or seriously ill dependents.
- 1.2 The Carers Leave Bill is currently going through the UK Parliament. If passed, this will provide powers to make the provision of carers leave law by inserting new provisions into the Employment Rights Act 1996. The proposed legislation contains a provision of one week's unpaid leave for the purpose of caring for a dependant with a long-term care need and a day-one right for all eligible employees.
- 1.3 We know that some Highland Council employees already have caring responsibilities which can be challenging and may impact their ability to balance their work and home life. For carers, work can often represent a lifeline, not only financially, but in providing a life outside of caring. However, juggling work and caring responsibilities can be very stressful. Therefore, this paper outlines a proposal for the introduction of a Carer Positive policy and the provision of paid carers' leave for Highland Council staff.

2. Recommendations

2.1 Members are asked to:

- i. Approve the introduction of a Carer Positive policy;
- ii. approve the introduction of up to 5 days paid carers' leave per year: and

- iii. agree the policy and guidance will be reviewed in approximately 6 months by the HR Sub Group, with any significant changes brought back to Corporate Resources Committee for consideration.

3. Implications

- 3.1 **Resource** – The positive resource implications of introducing a Carer Positive policy could result in: reduced risk of employee burnout; and assistance to services to retain skills and experience and negate unnecessary recruitment costs. It is recognised that up to 5 additional days paid leave per year could impact on productivity and business continuity which would be actively managed under the policy. The Guidance sets out the factors that a line manager should consider when determining their response to a request, including the operational impact on service delivery and any associated costs.
- 3.2 **Legal** – Risk of unfair dismissal or discrimination as a result of an employee taking Carer's Leave could expose the Council to legal challenge, therefore, it is important to be mindful of individual circumstances of employees. In addition, failure to comply with the Carers Leave Act, assuming it passes through Parliament, could result in legal challenge against the Council.
- 3.3 **Community (Equality, Poverty, Rural and Island)** – Positive impact on retention of employment, skills and experience at a time when many struggle with the cost-of-living crisis. An initial EqIA screening has taken place with a positive impact on gender and age. The other protected characteristics are neutral and a full EqIA is not considered to be necessary.
- 3.4 **Climate Change / Carbon Clever** – None.
- 3.5 **Risk** - Maintaining a sustainable workforce is included as a risk on the Corporate Risk Register. There are also staffing resource challenges associated with budget constraints. It is anticipated there will be a positive impact on health, safety and wellbeing risk associated with this proposal.
- 3.6 **Gaelic** – no implications.

4. Background

- 4.1 Currently there is no specific policy that supports carers within the Highland Council. If carers are required to take time off it is requested through annual leave, unpaid special leave and utilising the sick pay provision where caring has an adverse impact on an employee's health. It can also result in the carer leaving the organisation because balancing work and caring responsibilities becomes too difficult.
- 4.2 A Carer is defined as "someone who provides unpaid support to a dependant who is affected by long term illness, disability or addiction who could not manage without this help". A dependant is a spouse, partner, parent, grandparent, civil partner or child of the employee, or anyone who lives with the employee as part of their family and is dependent on the employee.
- 4.3 This policy is intended to create a working environment and culture where carers feel valued and supported. It also recognises the importance of retaining experienced members of staff, reducing absence, and negating avoidable recruitment costs.

- 4.4 A Carer Positive policy has been developed to support the Council in managing carers' leave requests with a clear, fair and managed process, whilst supporting employees who have caring responsibilities to balance work and caring commitments. The Carer Positive policy will compliment other Council policies including flexible working, hybrid working and special leave and will positively support employees who have caring responsibilities with both paid and unpaid time off work.
- 4.5 The introduction of the Carer Positive policy also allows the Council to work towards a Carer Positive Employer accreditation. There are currently 250 employers across Scotland with this accreditation, including some of our partner agencies such as NESH and HIE. Twelve Scottish Local Authorities have already achieved accredited status (6 at Exemplar level and 6 Employer Status) and some others are working towards this.
- 4.6 The recognised TUs have been informed of the development of the Policy and supporting Guidance although due to timing this has not gone through the formal HR Sub Group process. The Policy and Guidance will be reviewed in approximately 6 months by the HR Sub Group to ensure it is operating as intended. Any significant changes to the Policy will be reported to Corporate Resources Committee for consideration.

5. Supporting Information

- 5.1 It is estimated that 300,000 individuals currently have caring responsibilities across Scotland and that a sizeable proportion of these individuals may also have workplace responsibilities alongside their caring commitments.
- 5.2 National studies have shown that the impact of having to juggle paid employment with unpaid care has led to significant numbers of carers leaving the labour market or reducing their hours at work. This is at a time when recruitment difficulties are being experienced across a range of sectors. A shortage of social care support is also placing additional pressure on carers and making it harder for them to manage both work and care. Many carers report that they feel exhausted and burned out. For some, reducing hours of work or leaving employment is the right thing to do, for others timely support would enable them to continue in employment. Therefore, there is a need to provide adequate support for carers to support their wellbeing and sustain them in their roles with the Council.
- 5.3 There are limited resources to draw from in relation to Highland specific carer data. The introduction of a Carers Policy will enable the Council to report an accurate picture of carers within the current workforce.

6. A Carer Positive Culture & Policy

- 6.1 The Council needs to identify what implications the new legislation may have for its workforce.
- 6.2 A recent study by the Chartered Institute for People Development (CIPD) identified that often in organisations there is the perception that carers are undervalued and not appreciated. Therefore, it is important to break down barriers and stereotypical perceptions and actively recognise carer contributions by developing a specific policy to support those with caring responsibilities and acknowledge their existence within the organisation.

- 6.3 Enabling carers to have a voice and providing support would benefit not only the carers within the organisation but also assist services to actively manage the impact of unplanned absence and identify the workforce support that is required. This would positively affect organisational culture and signal to working carers that they are valued and able to discuss their caring role.
- 6.4 The 2011 Scotland Census identified that 9% of the Highland population identify as having caring responsibilities. Using data from the Council's Employee Survey in 2022 13% of staff (666 of the 5002 respondents) indicate they have caring responsibilities for someone with long term health issue/disability. This policy will consequently impact directly on a large number of staff and indirectly on their colleagues and managers.
- 6.5 To support the Council's carers, it is proposed that up to 5 days paid leave in a year is made available. It is acknowledged that currently Services may be incurring sickness absence costs where staff's health has been impacted significantly or leave has been requested through special leave policy. The introduction of Carer Positive policy would enable the organisation to actively manage and support the needs of both services and staff. An Equality Impact Assessment screening has taken place. The outcome of this assessment is positive in terms of gender and age. The other protected characteristics are considered to be neutral impact.

Designation: The Chief Executive

Date: 27 April 2023

Authors: Eliane Barrie, Head of People; Marie Mackenzie, HR Business Partner

Background Papers:

Appendices: Draft Carer Positive Policy; Draft Carer Positive Guidance

Human Resources
Goireasan Daonna

Carer Positive Policy
Poileasaidh Cùramaiche
Dheimhinnich

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Document Control

A: Version History

Version	Date	Author	Change
1.0	27/04/2023	Marie Mackenzie	New Policy

B: Document Approval

Name	Title	Role
Elaine Barrie	Head of People	Final Reviewer
Louise McGunnigle	HR Manager	Reviewer
Marie Mackenzie	HR Business Partner	Author



Introduction

The Highland Council (the Council) acknowledges that many of our employees have to deal with the daily demands of caring for dependants and dealing with emergency situations. It is also the case that some of our employees may need to provide long term care for a chronically and/or seriously ill dependant.

This policy provides employees with approaches to meet their caring responsibilities ensuring that flexible working arrangements are promoted for all employees and that requests are considered fairly and objectively, subject to service delivery requirements being met.

Policy Purpose

The purpose of this policy is to support the Council in managing carers' leave requests with a fair and transparent process, to support employees who are carers to balance home and caring commitments.

For the purposes of this policy, a carer is defined as "someone who provides unpaid support to a dependant who is affected by long term illness, disability or addiction who could not manage without this help".

A dependant is a "spouse, partner, parent, grandparent, civil partner or child of the employee, or anyone who lives with the employee as part of their family and is dependent on the employee".

The Council is committed to encouraging a positive culture of support for carers, recognising the demands of balancing work and caring responsibilities.

Guidance

For further guidance please refer to the Carer Positive Guidance document linked at the bottom of this Policy and on the [HR website](#).

The Council recognises that employees can have caring responsibilities which can be challenging and may impact their ability to balance their work and home life.

For carers, work can often represent a lifeline, not only financially, but in providing a life outside of caring. However, juggling work and caring responsibilities can be extremely stressful.

The Council acknowledges that carers undertake a wide range of duties, including but not limited to:

- Help with personal care
- Help with mobility
- Managing medication
- Practical household tasks
- Emotional support
- Help with financial matters or paperwork

The Council has an extensive range of other policies which support flexible working, these include:

- Requests for variation to working arrangements
- Parental Leave
- Special Leave
- Flexible Working Hours
- Flexible Retirement

Principles

The Council recognises the implications of, and its responsibilities under the Equality Act 2010 and this policy enhances the support and assistance available to employees who have a responsibility of caring for a dependant who is affected by long-term illness, disability or addiction.

The Council recognises that from time to time employees will need to balance work and caring responsibilities and seeks to provide appropriate support for employees. The provisions within the Carer's Policy means that some employees may be able to remain in employment where they would otherwise have needed to resign to provide care to a dependant.

A flexible working approach for carers can:

- attract and retain staff
- reduce stress
- increase resilience and productivity
- reduce sick leave
- improve service delivery and increase staff morale.

The Council is committed to raising awareness of the role and demands of carers in the workplace through the implementation of an Employee Carer Support Network, awareness raising publications and training.

The Carer Positive Scheme

Carers wishing to benefit from the Scheme must first elect to join the Council's Carer's Register. The register is a formal list of employees who have identified themselves as carers and who have satisfied the qualifying criteria (as set out in the guidance and application form).

In order to discuss carer needs, flexible working or Carer's Leave the employee's line manager will seek confirmation from HR of the employee's inclusion on the Carer's Register. This information will be disclosed confidentially.

Placement on the register will be reviewed annually or following a change of circumstances in line with best practice on Data Protection. It is the responsibility of the carer to inform their line manager and Human Resources of a change in circumstances.

Access to the Carer Register can offer the following benefits:

- **Flexible Working**

Subject to needs of the service this can be temporary/permanent or short/long term. The ability to vary working hours and to work flexibly is key to enabling carers to balance their caring role and work allowing them to continue in employment.

- **Carer's leave**

Up to 5 working days per leave year and can be used flexibly in either full or half days

- **Keeping in Contact**

Permission to have a mobile phone on during working hours to be accessible at all times during work time

- **Carer Support**

Carers can request to speak to a qualified and confidential counsellor through the EAP if required

- **Employee Carer Support Network – Carers Connected**

Carers can choose to attend Employee Carer Support Network once a month for half an hour, during lunchtime.

There is a presumption that Carer's Leave will be granted. However, in circumstances where services would be unduly disrupted if leave was taken during the period identified and business continuity is critical, the leave may be refused or postponed, and the manager's decision is final.

Scope

This Policy applies to all employees of the Highland Council excluding those staff employed on Agenda for Change who have separate arrangements in place.

Monitoring and Review

This policy will be subject to regular monitoring and review in line with legislative and organisational change.

Equality Impact Assessment

The Policy has been subject to an Equality Impact Assessment (EqIA) screening which shows a positive impact on gender and age with other protected characteristics considered neutral impact.

Useful Contacts

Carers' Information Support line	01463 723 560
Welfare Support Team	0800 090 1004
Human Resources	01349 886610 HR@highland.gov.uk
Trade Unions <ul style="list-style-type: none"> • UNISON • GMB • UNITE • EIS 	01463 715891 01463 233088 01224 645 271 01382 458270
Carers NHS	Carer NHS Website Young Carers Support line 01463 723563 Young Carers main office 01463 723575 email: youngcarers@connectingcarers.org.uk
Mobilise Highland (online support for unpaid carers In Highland)	Mobilise Highland Website
Highland Carers Advocacy	Highland Carers Advocacy website Tel: 01463 723 569 Email: advocacy@hccf.org.uk
Samaritans	Samaritans Highland Website 116 123 (free from any phone)
Alcoholics Anonymous	AA Website National Helpline 0800 9177 650 (Free phone) help@aamail.org
Cruse Bereavement	Cruse Scotland Website Free Helpline: 0808 802 6161
Relationship Scotland	Relationship Scotland Website 0345 119 2020
EAP	Highland Council Employee Assistance Programme
Alzheimer's Scotland	Alzheimers Scotland Website 0808 808 3000
Anxiety UK	Anxiety UK Website Helpline: 03444 775 774 Text support: 07537 416 90
Connecting Carers	Connecting Carers Website 01463 723 560

Kinship Care Support Scotland	0800 028 2233
Befrienders Highland	Befrienders Highland Website 01463 712 791

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

Bereavement Guidance	Click Here
Employee Assistance Programme	Click Here
Equalities in Employment	Click Here
Flexible Working & Flexi Time	Click Here
Homeworking Guidance	Click Here
Hybrid Working	Click Here
Leave Arrangements	Click Here
Long Term Conditions	Click Here
Mental Health & Wellbeing Toolkit	Click Here
Mental Health Representative List	Click Here
Special Leave Policy	Click Here
Stress Management	Click Here
Carers Register	XXXXXXX



Human Resources
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Carer Positive Guidance

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Introduction

The Highland Council (the Council) recognises that employees increasingly have caring responsibilities which can sometimes be challenging and may impact their ability to balance their work and home life.

For carers, work can often represent a lifeline, not only financially, but in providing a life outside of caring. However, juggling work and caring responsibilities can be extremely stressful.

Section Title

Purpose and Aims

The purpose of this policy is to support the Council in managing carers' leave requests with a fair and transparent process, whilst supporting employees who are carers to balance home and caring commitments.

The policy aims to:

- demonstrate the Council's commitment to supporting employees who have caring responsibilities
- provide support to help employees balance working and caring commitments
- support the Council to identify and engage with employees who are carers to understand their daily challenges and seek to remove any barriers
- raise awareness of support provisions available through the Council, for example, health and well-being and financial.

The Carer Positive policy compliments other Council policies including flexible working and special leave and will positively support employees who are primary carers with paid time off work.

Scope

This policy applies to all Council employees. It does not apply to teaching staff or staff on Agenda for Change terms and conditions, who have their own arrangements in place.

Definition of a Carer and Carer's Leave

For the purpose of this policy, a carer is an employee who provides unpaid care to an ill, frail or disabled relative or partner. The employee is a carer and this is not the same as someone who provides care professionally or through a voluntary organisation.

Paid Carer's Leave may be requested by employees with primary caring responsibilities. Although not an exhaustive list, some examples of when paid carer's leave may be requested include:

- to manage an unplanned or temporary caring emergency assisting a relative or partner who is ill or injured and is unable to look after themselves
- to make arrangements for the provision of care for a relative or partner who is ill or injured
- to manage an unexpected breakdown of care arrangements for a relative or partner
- to manage the transition from home to care home or hospital to home/care home
- to provide support when caring for a terminally ill relative or partner
- to manage the hospitalisation of a relative or partner
- provision of kinship care

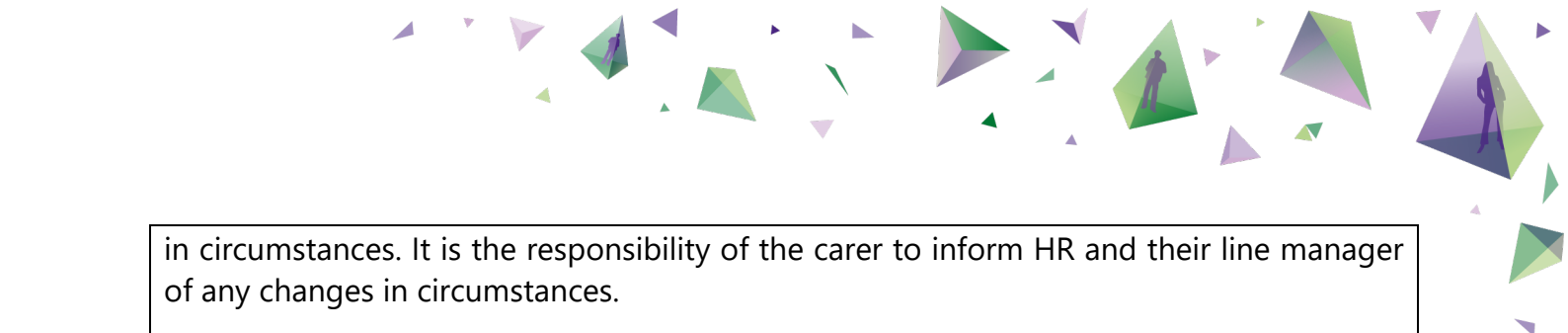
Carer's Register

In order to qualify for paid Carer's Leave, employees must first register themselves on the Council's Carer's Register. This can be done by completing the registration form {insert link}. To register, employees must meet the qualifying criteria below:

- they have at least 26 weeks continuous service
- be able to provide evidence of their caring responsibilities and relationship through their local Carer's Centre such as Connecting Carers (Highland).

If this type of evidence is not available, other forms of evidence that demonstrate a primary caring responsibility exists will be considered.

The Carer's Register will be held by HR in full compliance with the General Data Protection Regulations and placement on the register will be reviewed annually or following a change



in circumstances. It is the responsibility of the carer to inform HR and their line manager of any changes in circumstances.

Making a request for Carer's Leave

Once listed on the Council's Carers Register, employees wishing to apply for Carer's Leave should complete the Carer's Leave Request Form and submit it to their line manager for consideration. Employees must give reasonable notice to allow their manager to consider their request.

Key information the carer provides should include the following:

- the amount of Carer's Leave requested
- the date the Carer's Leave will start and finish

Details of any shared Carer's Leave with a spouse, partner or family member who also works with the Council should also be included.

Upon receiving a request for paid Carer's Leave, the line manager will seek confirmation from HR of their employee's eligibility. Employees who are eligible can request a maximum of 5 days paid Carer's Leave in any leave year. Approved Carer's Leave will be pro-rated in line with an employee's hours/work pattern. Requests for Carer's Leave can be made in hours, half or full days.

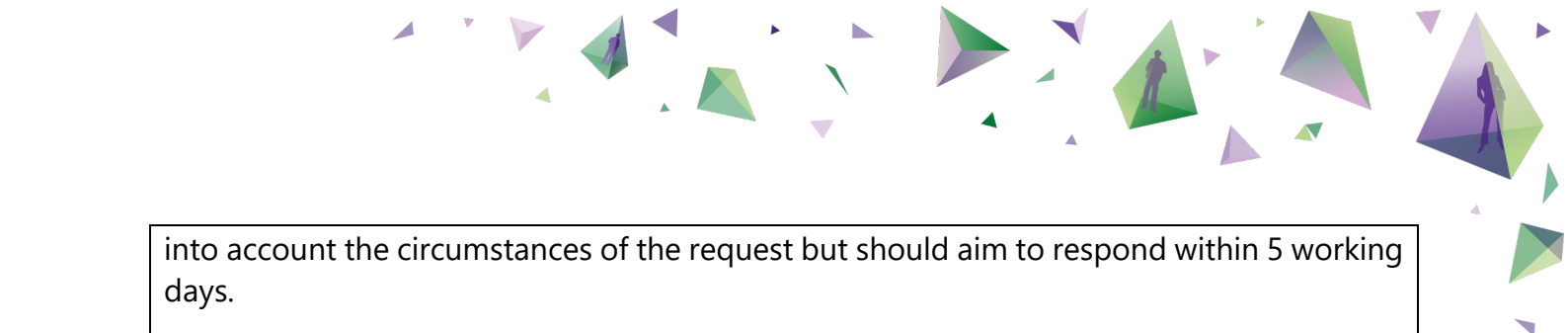
The Council provides access to other support for employees with caring responsibilities that may compliment or be an alternative to Carer's Leave. These include:

- Special Leave
- Flexible Working, including reduction in hours, compressed hours, home working
- Employee Assistance Programme and Occupational Health
- Annual Leave
- Flexi Time

These options should be discussed between the employee and line manager to determine the most appropriate course of action based on individual circumstance.

Considering a request and reaching a decision

To consider a request for Carer's Leave, a line manager on receipt must obtain confirmation from HR that the employee is listed on the Council's Carers Register. Managers should consider the request and inform the employee of the decision, taking



into account the circumstances of the request but should aim to respond within 5 working days.

The line manager should discuss the request with the employee, taking into account the carer's personal circumstances, clarify the reasons for the application and ensure that Carer's Leave is the most appropriate option as other alternatives may be more suitable.

Before reaching a decision on the request, the line manager should consider the following:

- The carer's relationship to the relative or partner
- The nature of the relative or partner's illness
- The expected duration of the Carer's Leave
- The operational impact on service delivery e.g. where a public office may have to close and costs associated with any backfilling if required and/or whether work needs to be redistributed.

Costs should be considered based on what is reasonable and fair, taking into account the circumstances of the request such as business continuity. Once a decision on leave has been reached the manager should submit via MyView.


If a line manager refuses a request for Carer's Leave, the employee must receive from the line manager written confirmation providing the business reasons for the refusal. The employee can appeal to the Head of Service.

In the event that two employees of the Council share caring responsibilities for a relative, only one request for Carer's Leave can be approved unless the two employees are able to share the carers leave provision. For example, if a couple have caring responsibilities for a relative, Carer's Leave could be shared with one employee receiving three days and the other employee receiving two days.

Carer Positive Passport

If agreement is reached the employee and line manager should complete a Carer Passport {insert link}. The Carer's passport is a record that identifies the employee as a carer in some way and sets out the offer of support, services or other benefits in response from the Council. The Carer Passport will help to improve and embed identification, recognition and support for carers in the day-to-day life of the Council.

Carers Connected Support Network



Working and caring for someone can be physically demanding and emotionally stressful. Many carers may feel unsupported, isolated and alone. Sometimes talking to someone in a similar situation can help.

Carers Connected is a Council network for people who manage both work and caring responsibilities or support a family member or work colleague who has caring responsibilities. Through the network, working carers can meet and share their experiences and find out more about the support available. Carers can explore what support facilities are available from the Council and its partners and connect with others to share experiences in a safe, confidential and relaxed setting.

Carers Connected is an online forum. The group meets for half an hour at lunchtime once a month. As well as an opportunity to chat to other carers at the Council, the group will also feature guest speakers from organisations who provide support.

If you would like to join Carers Connected, please contact the HR team at HR@Highland.gov.uk. Please speak with your manager beforehand as although the intention is for Carers Connected to meet during lunchtime, some events may take place in working hours.

Plus One Card

Carers may be eligible for a Plus One Card.

The Plus One Scheme has been developed to help make access to leisure and recreational services easier for disabled customers. The scheme provides a free pass to the person who is supporting a disabled customer (the 'plus one') to attend any participating venues or events. Further information and how to apply can be found [here](#).

Confidentiality

Information relating to Carer's Leave should be recorded, maintained and processed confidentially and securely by the relevant Service and HR. Information processed may include manual or electronic records and will be done so in line with the General Data Protection Regulations ie retention of relevant information and will be used only to monitor the effectiveness of this policy.

Monitoring and Review

This policy will be reviewed regularly and in line with legislative and organisational changes.

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Mental Health Representative List	Click Here
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