

**CARERS** look after family, partners or friends in need of help because they are ill, frail or have a disability. The care they provide is unpaid.

## Choice and Flexibility

Carers UK's response to the consultation document  
May 2005

### Introduction

- 1.1 Carers UK welcomes the opportunity to respond to Choice and Flexibility. Carers UK is an organisation of carers, run by carers and it is from their views and experiences that our response is drawn. Our national freephone helpline, CarersLine, responds to over 20,000 enquiries per year from carers and professionals and Carers UK has a network of around 120 Branches. Carers UK are also the lead organisation of the Action for Carers and Employment (ACE National) Project.
- 1.2 Carers UK are grateful for information received from employers who operate carer-friendly policies in their workplace, as to how their policies are implemented. These organisations include: BT, British Gas, Listwood and HSBC.

### The case for flexible working for carers

- 2.1 There is a very strong case for extending the right to request flexible working to carers. Research by the Equal Opportunities Commission found that nearly one in five carers had left a job or been unable to take a job because of their caring responsibilities.<sup>1</sup> The right to request flexible working would enable many of these carers to remain in work, which would benefit both employers and the carers themselves. Many employers are already offering carers the right to request flexible working, including Employers for Carers, a group of employers who have set up a website to share best practice and publicise the business case for supporting carers.
- 2.2 Every year over two million people become carers, some overnight, some gradually, meaning that there is a new population of carers in the workforce every day. If those carers that want to work can be supported to remain in the workforce during this change it will save companies recruitment costs and the loss of expertise and experience.
- 2.3 Analysis of the 2001 Census shows that there are nearly 3 million carers not in work, of whom 1.8 million are aged between 16 and 65. Although for many carers caring is a full-time occupation, there are significant numbers of carers whose caring role does not necessarily prevent a return to work. Recent research by Carers UK shows that 1 in 3 carers not currently working wanted to return to work if the right alternative care

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was available.<sup>2</sup>

### **The difference between caring and childcare**

- 3.1 Though Carers UK recognise the need to avoid unnecessary complexity, any legislation relating to carers and work needs to acknowledge the difference between caring and childcare.
- 3.2 We welcome the recognition in paragraph 5.14 that the situation facing those people caring for a sick or disabled relative is different from caring for children.
- 3.3 The nature of the caring role is that it is not predictable in the same way as mainstream childcare. Many of the people in receipt of care have deteriorating conditions, which means that the caring role is likely to change over time. Given the nature of caring it makes sense for both employer and employee to avoid regulations that don't reflect the nature of the caring role.
- 3.4 For these reasons we recommend that there is flexibility in the number of requests a carer can make, if their caring situation changes significantly in the course of a year. Carers UK do not foresee such a system creating any problems for employers. Employers who already offer carers the right to request flexible working, such as BT and Listwood, do not limit the number of requests a carer can make, and have not reported any problems with or abuses of the right. We would suggest that the legislation states that carers would 'normally' be limited to one request per year, with clarification in the Guidance that where a caring situation has demonstrably changed since the original request was made, the carer is entitled to additional requests over the same 12 month period.
- 3.5 The issue of a permanent change to the employee's contract should also be approached flexibly. Unlike childcare, a caring role can end at short notice, sometimes unexpectedly. For those caring for a person with a terminal illness, for example, the caring situation is likely to be temporary. The caring role can change after a change in contract has been agreed, for the reasons given above, and it is important that neither employer nor employee are bound by an inappropriate contract.

### *Case Study*

*Brian works as an engineer at an electronics equipment factory where he has worked for twenty years. His wife, June, is diagnosed with breast cancer and Brian becomes her main carer during her illness. Brian wants to remain in work, and has a supportive manager, who is keen to retain Brian's unique skills and knowledge, and arranges a change in Brian's contract to work part-time during June's illness. Despite undergoing treatment June dies six months after the initial diagnosis. During this period Brian has a new manager, who is not as*

*supportive or understanding, and refuses to discuss a change to Brian's contract. Brian cannot afford to live off a part-time wage and is forced to look for full-time work elsewhere.*

- 3.6 We recommend that there is a regular review of changes to contract. Unlike parental care caring is not predictable, the caring role is likely to change over time and it is important that a system exists to review. Every year, 2 million carers finish their caring role and it is important that these carers aren't locked into contracts that are no longer appropriate. In the circumstances we would urge the government to consider extending the right to request flexible working be extended to carers of adults generally, and in the frequency of requests that employers must consider in the year, and to include requests from former carers when caring responsibilities have come to an end (perhaps because the person cared for has died or moved into residential/nursing care).

#### **Providing evidence of caring**

- 4.1 Carers UK believe that in the vast majority of cases employers will not find the need for evidence of caring necessary or desirable. In Carers UK's experience, employers who offer carers the right to request flexible working do not ask for evidence of the caring role, as it makes unnecessary work and bureaucracy.
- 4.2 In addition to the bureaucracy such a clause would place on employers, it would also discourage carers from talking to their employer, and the focus on having to justify and prove their caring role seems to go against the intention of the reform, which is to raise employer's awareness of the business case for supporting carers.
- 4.3 Providing evidence, such as copies of the cared for person's DLA/AA form, also has confidentiality issues. Data protection and human rights legislation may make this unworkable. In addition, many disabled and sick dependants do not claim the benefits to which they are entitled.
- 4.4 Neither BT, Listawood or HSBC ask for evidence of the caring role and Centrica only for evidence in special circumstances, and a broad range of evidence is acceptable.

#### **Q. 19 How should the impact of flexible working law influence the way we consider extending its scope to carers and parents of older children**

- 5.1 The flexible working law introduced for parents has been a great success. None of the problems predicted have come to pass. The 80% success rate for applications demonstrates that the vast majority of requests made are reasonable. The 25% take up rate indicates that demand is at a

manageable level, with not every employee taking advantage of the right just because it is there.

- 5.2 As paragraph 5.7 of the consultation rightly observes, since the law came into effect the number of requests refused has halved, which suggests that the right has helped increase employer's awareness of the business case for supporting flexible working rights for parents. There is every indication that a similar right for carers would have a similar impact on employers' awareness of the business case for supporting carers, and that a similarly high proportion of requests from carers will be able to be met by employers.
- 5.3 Paragraph 5.7 of the consultation refers to research showing that employers are increasingly willing to go beyond the current scope of the law and to accommodate requests where they can. This reflects the opinions of those employers involved in Employers for Carers, who all currently offer the right to request flexible working to carers, and in some cases all employees. These employers emphasise that it is easier and less bureaucratic for them to offer the right to all employees rather than limit the right to certain groups.

#### **Q. 20 What is the case for extending the law to carers of adults?**

- 6.1 There is a very strong case for extending the law to carers of adults. Combining paid work and looking after a relative or friend causes stress and can lead to carers giving up work. This has consequences for businesses, the wider economy, as well as social consequences for the carer. In a survey carried out by Caring Costs in 1996, 49% of carers canvassed had given up work to care.<sup>3</sup>

#### **The Business Case**

- 6.2 Businesses such as British Gas, BT, Centrica Plc, HSBC and Listawood all currently offer carers the right to request flexible working. These employers have already recognized the business case for supporting carers and introduced flexible working policies to support carers. Rather than imposing an unwanted burden on employers, legislation extending the right to request flexible working would have the positive impact of raising employers' awareness of the cost to their business of losing staff when they begin a caring role.
- 6.3 Every year 2.3 million people begin a caring role. Given that nearly 80% of carers are of working age, approximately 1.8 million people are likely to be in work when their caring role begins. Research cited above shows that one in five of these new carers are likely to leave work, which means that every year approximately 300,000 people give up work to care. Although these calculations are best estimates from available data, it is clear that businesses are losing staff because they have begun a caring

role and are unable to balance that role with work.

- 6.4 One study, nearly 10 years old, estimated that every time an employee, such as a carer, leaves the workforce, the cost to business was in the region of £10,000 in terms of recruitment costs, lower productivity, training costs, etc.<sup>4</sup> Employers consequently benefit by saving the costs (direct and indirect) that would result from losing carers because of their caring role.

## **The Economic Case**

- 6.5 The economy as a whole benefits from carers being able to remain in work. Though the exact benefits of extending the right to request flexible working to carers are hard to quantify, it is likely that a large number of carers will be able to remain in work as a direct consequence of such a change.
- 6.6 Analysis of the Census shows that there 700,000 carers of working age who are not currently in work and are caring for less than 20 hours per week. This suggests that in many cases it is not the sheer number of hours the carer spends caring that prevents their remaining in work, and that flexible employment provisions could have enabled many of these 700,000 people to remain in work.
- 6.7 One Carers UK survey found that over half the respondents had given up work to care.<sup>5</sup> Most of these respondents were in receipt of Carer's Allowance and some were also in receipt of Income Support. For every carer forced to give up work because of inflexible working practices there is a cost to the state in terms of tax revenue lost and benefits paid to the carer. There is also likely to be an impact on the overall competitiveness of the economy due to the loss of experienced workers, particularly as the peak age for caring is in the 50-59 age group.
- 6.8 Evidence from the Action for Carers and Employment Project found that the longer a person was out of the labour market, the longer it would take them to get back into the labour market. This has important implications, for example, for the 2.3 million people who end their caring role every year.
- 6.9 The costs to the state of a carer giving up work or being delayed in returning to work would include:
- Loss of income tax revenue
  - Payment of benefits, including the administration costs of benefit payment
  - Loss of National Insurance revenue
  - Additional costs to the state in terms of pension credit, etc.

## **Social case**

- 6.10 Carers are a group at particular risk of poverty. Carers UK's survey, *Caring on the Breadline*, found that carers were amongst some of the poorest and most socially excluded groups in the UK, with 77% of carers reporting that they are financially worse off since becoming a carer. The research found that, after five years of caring, carers were significantly more likely to be in receipt of Income support. One in three (35%) was struggling to pay essential bills and 22% of carers were cutting back on food to make ends meet.
- 6.11 Poverty is also a contributing factor in carers' poor health. The link between health inequalities and low incomes is well established, particularly in workless households. Analysis of the 2001 Census showed that those caring for 50 hours a week or more were twice as likely to report poor health as non-carers. One Carers UK survey found that seven out of ten carers worried about their finances all or most of the time, and six out of ten said that this worry was affecting their health.<sup>6</sup>
- 6.12 The loss of employment is a key contributory factor to the financial difficulties carers can face. If carers are supported to remain in work through a right to request flexible working, then this could prevent a large number of carers from facing poverty.
- 6.13 Numerous surveys have stressed the value of being able to go out to work<sup>7</sup> if the right support is in place. It is important that those carers who want to work are supported to do so. In a survey carried out by *Caring Costs* in 1996, 49% of carers canvassed had given up work to care.<sup>8</sup> Nearly 73% of these said their earnings were affected by caring. Their average weekly loss was £121.73 and average annual loss was £5,625 (1996 wage levels).

## **Demographic case**

- 6.14 The ageing population reinforces the case for supporting carers in the workplace. Currently, a woman has a fifty-fifty chance of providing substantial care at some point during her working life (i.e. by the age of 60). A man has the same chances of providing substantial care by the time he is 75.<sup>9</sup>
- 6.15 Within 35 to 40 years time there could be an increase of nearly 60% in the amount of support needed from carers.<sup>10</sup> The number of carers in the UK is set to grow from 6 million to 9 million in the next 30 years. For someone aged 24 now, their chances of becoming a carer will have trebled by the time they are 59.
- 6.16 Coinciding with these trends, the working age population is in decline. In

the next eight years a further 2.5 million people will be needed in the workforce.<sup>11</sup> Less than a quarter of these places will be filled by school and college leavers, the rest will have to come from the existing populace. Helping carers to remain in work or return to work will have an increasingly stronger economic imperative.

## **Q.21 What types of caring role should the law cover and how should this be defined?**

- 7.1 Employers for Carers define carers as *“employees with significant caring responsibilities that have a substantial impact on their working lives. These employees are responsible for the care and support of disabled, elderly or sick partners, relatives or friends who are unable to care for themselves.”* Carers UK believe that this law should cover any caring role that has an impact on the carer’s working life. None of the organisations in Employers for Carers restrict the right to flexible working according to certain types of caring role. The definition they use is broad and inclusive, and easy to administer.
- 7.2 Carers do currently have limited rights to take (unpaid) time off work to care for a dependant under the Employment Relations Act 1996. Section 57A(1) of the Act gives employees the right to take time off to deal with family emergencies. Under this Act ‘dependant’ includes spouse, children, parent of the employee and any person who lives in the same house as the employee, apart from tenants, lodgers, etc. and any person who reasonably relies on the employee for assistance or to make arrangements for the provision of care.
- 7.3 Carers UK believe that for the right to request flexible working to be effective it needs to be as inclusive as possible. If the right were restricted, for example to those caring for a parent or spouse, this would provide numerous logistical problems for the employer. Employees are likely to regard the rule as unfair and could lead to dissatisfaction, where one employee, caring for a relative, is told that he has a right to request flexible working, whereas another employee caring for a friend has no such entitlement.
- 7.4 Such restrictions would also be complex to administer, if the exact relationship with the cared for person needs to be established before a carer can request flexible working.
- 7.5 Changes in family structure and geographical mobility mean that many families are dispersed over large distances and the traditional support structures no longer exist in many families. This change coincides with the decline in family size. Given these demographic changes, people are less likely to be cared for by their immediate family and are more likely to

rely on extended family, including in-laws, and friends.

#### *Case Study*

*Emma works as a manager in a supermarket. Emma's brother has moved to London for work, and her parents have retired to the south coast. When her aunt, who lives alone, becomes ill with Alzheimer's Disease there is nobody else who can care for her so Emma becomes her main carer. Working flexibly around her aunt's needs is a win-win, as it means her aunt does not have to go into residential care, and Emma can keep her job.*

#### *Case Study*

*Sarah shares a house with Ian, a friend from university. Ian becomes ill and is diagnosed as having HIV/AIDS. Ian's family have never come to terms with his homosexuality and as he is unwilling to rely on them for support, Sarah becomes Ian's main carer. As Ian's condition deteriorates, Sarah needs flexibility to manage his care and remain in her job.*

- 7.6 It is also important that the right applies equally to those caring for a short-term period, those likely to be caring for many years, and for those whose caring role may change over time. As discussed above (paragraphs 3.1-3.5), in some cases the current procedure that applies for parents would not be appropriate for carers. The limit to one request per year and the reliance on a permanent change to an employee's contract could discriminate against those caring for people with terminal conditions and conditions that are likely to deteriorate over time.
- 7.7 Carers UK believe that there should be no restrictions relating to the level of care an employee needs to provide in order to qualify for the right. The crucial issue is the impact the caring role has on an employee's work, regardless of the number of hours spent caring or the type of task involved. Setting criteria for the numbers of hours cared would be bureaucratic for employers, would be difficult to measure and verify. The guidance accompanying the legislation could set out examples of what constitutes 'an impact on a carer's working role'.

#### **Q. 24 What is the level of demand for extending the right to request flexible working likely to be from: 1) carers of sick and disabled adults**

- 8.1 None of the members of Employers for Carers who responded to Carers UK's survey currently collect this information, though none have reported any problem managing demand for such requests.
- 8.2 There are currently 3 million people in the UK who are currently balancing work with a caring role. Of these 1,750,000 are employed full time and 800,000 part time, and an additional 450,000 are self-employed. In many cases the caring role will not impact on the carers' working life and

the carer will not need to change their working arrangements. The majority of carers are caring for less than 20 hours per week, 2,400,000 out of 3 million, and many carers are likely to be caring for a few hours per week, i.e. only 600,000 working carers are caring for 20 hours a week or more.

- 8.3 The majority of these 3 million carers will have already been caring for a significant period of time and it is likely that the majority of people who have had problems balancing their working and caring roles will have already left work. Those carers who have remained in work may already have changed their working arrangement, either through a supportive employer, such as Centrica, who already offer flexible leave to carers, or by changing employer.
- 8.4 It is therefore likely that only a relatively small proportion of the existing carer workforce will request flexible working arrangements and that this figure will be lower than the 25% of parents who have made such a request under existing legislation. Consequently the initial impact of extending the right to carers is likely to be easily manageable.
- 8.5 In addition to those currently in work and caring, there are over 2 million people every year who begin a caring role. It is this group who are most likely to benefit from a right to request flexible working, as it could ensure that their new caring role does not force them to leave work.

**Q 25 What further support and guidance should the government provide to facilitate the spread of flexible working**

- 9.1 It is important that every effort is made to promote the business case for supporting carers in the workplace. Specifically, best practice guidance and case studies should be made available for employers and more general information to raise carer-awareness. The Employers for Carers website should be widely publicised as good practice for employers, both to highlight the business case for supporting carers and to share best practice on carer-friendly policies.
- 9.2 It is important that any Practice Guidance produced to coincide with the legislation gives a broad spectrum of examples of caring situations and employment situations.
- 9.3 It is also important that government use this opportunity to ensure the inclusion of carers across the policy agenda, ensuring that carers are high up on the social care, social exclusion, health and regeneration agendas. A joined up approach is the only way to tackle the complexities of the issues surrounding carers.<sup>12</sup> To deliver this, Carers UK would like to see a national care strategy to mirror the national childcare strategy.

- 9.4 In particular, the government should use this opportunity to address other barriers carers have continuing to work, or in returning to work. Carers in receipt of Carer's Allowance are currently limited by the £82 earnings limit. The inflexible nature of the limit means that carers are dissuaded from working. Carers UK have heard from carers who have had to leave work because of a pay increase putting them a few pounds a week above the earnings limit, and consequently leaving them £40 per week worse off. This is a particular concern in light of the proposed increase in the minimum wage – if there is no increase in the earnings limit to coincide with this increase many carers will find themselves losing out as a result. Carers UK would like to see this problem addressed, either by the extending access to Working Tax Credit to carers of adults, or through tapering the earnings limit on Carers Allowance, so that the carer does not lose the whole of their Carer's Allowance for being slightly over the earnings limit. These changes would ease carers' transition from part-time to full-time work.
- 9.5 Carers UK would also recommend an independent national information service for carers, including a freephone advice line available to all carers. It is important that carers have access to information about the support available to them and the people they care for when they need it. Research by Carers UK demonstrates that up to half of carers take two years or more to find out about the support available to them, and this delay in accessing support can result in the carer having to give up work.<sup>13</sup>

#### *Case Study*

*Stephen has a well paid job at an insurance company. His wife is involved in a car accident and suffers brain damage. Stephen takes emergency leave under the Employment Relations Act to look after his wife when she is released from hospital. Because Stephen is there to care for his wife at the time of her release, the assumption is made that he is able to care for her full time. Stephen does not know about his right to a Carer's Assessment and is not informed about his right by any of the health professionals involved in his wife's case. Stephen wants to remain in work, but without knowing he can get any support from social services finds himself having to give up work in order to care for his wife. After caring for his wife for a year Stephen hears about a local carers project through a friend, and he finds out that he is entitled to a carer's assessment, but by this time he has already given up work.*

- 9.6 Carers UK would also like to see Employee Assistance programmes include information on caring as best practice, and carers included in welfare to work strategies and life-long learning strategies.
- 9.7 Emergency support schemes are also important. Research by Carers UK found that 96% of carers worry about what will happen in an

emergency.<sup>14</sup> These concerns can contribute to a carer's decision to leave paid employment and can also impact on the carer's health, through the stress and anxiety caused. Where an emergency plan has been established with the carer, the carer is unlikely to leave work because of worrying 'what if'.

## Conclusion

The evidence detailed above demonstrates that there is a clear economic and business case for supporting carers in the workplace. It is beneficial for all employers to retain staff who might otherwise leave. And supporting carers who want to remain in work is the most effective way of addressing carers' poverty and income issues.

Given the strong benefits for supporting carers it is important that any legislation is not restrictive. The definition of carers in the legislation should be as broad as possible, both in order to prevent unnecessary bureaucracy and to reinforce the message that it is beneficial to support carers in the workforce. Likewise, the procedure for the new right to request and the requirements it places on employers should reflect the very different nature of caring from childcare, and should be as flexible as possible.

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<sup>1</sup> *Supporting Parents and Carers: unlocking the potential* Equal Opportunities Commission & Parents' and Carers' Coalition, March 2004

<sup>2</sup> Carers UK *Missed Opportunities; the impact of new rights for carers*, Carers UK, 2003, London

<sup>3</sup> Caring Costs (1996) *The True Cost of Caring – a survey of carers' lost income*, Carers National Association: London

<sup>4</sup> *Carers and Employment*, Princess Royal Trust for Carers, 1994

<sup>5</sup> *Caring on the Breadline*, Carers National Association (now Carers UK), 2000, London

<sup>6</sup> *Caring on the Breadline*, op cit

<sup>7</sup> Clark J 2003, *Independence Matters: an overview of the performance of social care services for physically and sensory disabled people*, Social Services Inspectorate

<sup>8</sup> Caring Costs (1996) *The True Cost of Caring – a survey of carers' lost income*, Carers National Association: London

<sup>9</sup> M Hirst 1999, *The Risk of Informal Care: an incidence study*, SPRU, University of York

<sup>10</sup> George M 2001, *It Could Be You: a report on the chances of becoming a carer*, Carers UK

<sup>11</sup> Campbell et al, *Skills in England*, 2001, Policy Research Institute, Leeds Metropolitan University

<sup>12</sup> Howard M 2002, *Redressing the Balance: inclusion, competitiveness and choice*, Carers UK, London

<sup>13</sup> *Carers Missing Millions*, Carers UK, 2003, London

<sup>14</sup> *Back Me UP: supporting carers when they need it most*, Carers UK, 2001, London