

SOLIHULL METROPOLITAN BOROUGH COUNCIL

Carers Policy

(Schools)

This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.

Carers Policy

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1. Introduction

Solihull Council is a 'Carer Friendly' employer and recognises the valuable role carers provide in supporting their family, friends and the community. This policy relates to the support of employees with caring responsibilities to help them to achieve a balance between the demands of their jobs and personal caring responsibilities.

2. Scope

This policy applies to all employees including those on fixed term contracts and casual/zero-hours workers.

This policy has been developed in line with the following legislation:

- The Children & Families Act 2014 which gives all employees with at least 26 weeks' continuous employment, the right to request flexible working.
- The Employment Relations Act 1999 which gives employees the right to take 'reasonable' time off to deal with unexpected situations involving a dependant.
- The Equality Act 2010 brings together anti-discrimination acts and regulations. The Act protects carers against direct discrimination or harassment if they are associated with someone who has a protected characteristic, for example a disability.
- The Care Act 2014 gives carers the same rights as adults in respect of promoting wellbeing, accessing needs and providing support where necessary.

The Council has a 'duty of care' towards all of its employees. This places an obligation on the Council and school to manage and safeguard the physical and psychological wellbeing of carers. To support these objectives, the Council has a range of policies and guidance in place for schools that aims to support wellbeing in the workplace. These policies and guidance documents can be found on the Extranet:

- Sickness Absence Management
- Employee Health & Wellbeing
- Equal Opportunities Policy Statement
- Flexible Working
- Agile Working
- Leave of Absence
- Parental Leave/Shared Parental Leave

3. Policy Aims

The aim of this policy is to:

- Demonstrate the Council's/school's commitment to supporting employees who have caring responsibilities.
- State the support and information available to carers inside and outside of work.
- Raise awareness and understanding of all employees and managers to the needs of carers.
- Support the recruitment and retention of carers, ensuring they have the same career opportunities as everyone else.
- Create a working environment in which employees feel able to disclose and discuss their caring responsibilities.

• Ensure the wellbeing of carers, recognising that caring can be physically and mentally exhausting.

4. Definitions

The Council defines working carers as employees with significant caring responsibilities that have a substantial impact on their working life.

The term 'carer' should not be confused with care worker, or care assistant, who receives payment for looking after someone. It is recognised that carers' needs are different from the needs of employees with mainstream childcare responsibilities.

For the purposes of this policy, the following definition has been adopted for working carers:

'A person in full or part-time employment, who also provides unpaid care for a friend or relation who couldn't cope without their support' (West Midlands Association of Directors of Adult Social Services).

This could be caring for a relative, partner or friend who is ill, has a physical, sensory or mental impairment, is older and frail, or is affected by substance misuse.

Carers usually fall into one of the five following categories:

- Adult Carers: an adult caring for another adult such as a husband, wife, partner, son, daughter, parent, friend, neighbour or other relative,
- Sandwich Carer: this is a fairly recent description of a carer and is usually an adult who cares for a disabled child and finds they are also taking on the responsibility of caring for a parent or older adult,
- Parent Carers of Children with disabilities: an adult who cares for a child with a long term illness or a disability.
- Young Adult Carers: aged between 16-25, caring for another with an illness or disability,
- Young Carers: a young person under the age of 18, who is in some way affected by the need, to take physical, practical and/or emotional responsibility for the care of another person, usually taking on a level of responsibility that is inappropriate for their age or development.

It is recognised that these five types of carer are broad groups and that all carers have differing and diverse needs. Some carers provide support from a distance, i.e. where they support a dependant who does not live with them.

The activities that carers undertake are wide ranging, including:

- help with personal care,
- attending medical appointments and treatment,
- help with mobility,
- managing medication,
- practical household tasks,
- providing emotional support; and
- help with care services, benefits, financial matters or administration.

5. Responsibilities

5.1 Headteacher's responsibilities:

Headteachers are key to implementing this policy. Each carer's situation requires a different response from their manager, so Headteachers/managers should take into account the whole range of support options available when putting in place support for carers.

Key responsibilities of Headteachers/Line managers include:

- Having identified an employee with caring responsibilities, ensure the employee has
 access and is aware of the support available to them. This may include Occupational
 Health, Employee Assistance Programme, completing a Carer's Agreement with the
 employee, using the Carer's Checklist and signposting to other policies and external
 support.
- Create a workplace culture that is supportive of carers, by encouraging employees to make use of the support offered to carers and encouraging discussion around carers' issues.
- Consider requests for flexible working and carer's leave promptly and make decisions in line with the needs of the service.
- To ensure carers are not treated less favourably than other employees.
- Liaise with HR if they have queries about the appropriateness and/or application of carer's leave for any given circumstance.
- Wherever possible, allow the employee to have access to a private telephone and receive appropriate calls in confidence.
- Ensure that time off for carer's leave, dependant care and carer's breaks are correctly recorded on Oracle.

5.2 Employee's responsibilities:

- Raise any concerns with their line manager, as early as possible, if they feel they are experiencing difficulties managing the balance of work commitments and caring responsibilities.
- Keep their line manager as up to date as possible of any changes in circumstances.
- Be flexible with their line manager in assessing options and suggesting alternative ways in which responsibilities and tasks could be undertaken.
- To utilise the external resources available to carers (see section 12 and Appendix 5).
- To share caring responsibilities with other family members, where possible.
- To utilise the existing arrangements that are available to employees within this policy (e.g. flexible working hours etc) before requesting further support.
- Be prepared to consider alternative options when their preference cannot be accommodated for business reasons.

5.3 HR's responsibilities:

- Support and advise Headteachers and line managers on the policy and promote the alternatives available to them in dealing with employees with caring commitments.
- Maintain and regularly review this policy.
- Develop HR policies and procedures that promote and support the health and wellbeing of carers.

 Assist managers and liaise with Occupational Health, other medical professionals and agencies, as appropriate, in order to support employee carers in maintaining good mental health and wellbeing.

6. Carers' circumstances

Carers' needs are different from the needs of employees with mainstream childcare responsibilities, and the circumstances of caring are different from those of mainstream childcare.

Caring can be unpredictable and emotionally challenging. An employee may acquire caring responsibilities in an instance, for example where the employee's parent has a stroke overnight, or caring responsibilities may develop over time, such as where the employee's partner has a debilitating long-term health condition or where a mental health condition deteriorates. With mainstream childcare, the child's development is more predictable as he/she grows older, goes to school and becomes more independent. The milestones of caring may go in the opposite direction, for example an elderly parent may become more frail and dependent over time, and a disabled child may continue to have significant support needs when he/she become an adult.

7. Identification and disclosure

Employees are not required to disclose to their line manager that they are caring for someone, but are encouraged to do so if their circumstances are likely to have an impact at work. This will help the school to provide appropriate support to the employee. Line managers will respect the confidentiality of any information provided to them in this regard.

When an employee discloses to his/her line manager that he/she is a carer, the school will process any personal data collected in accordance with its data protection policy. Data collected from the point at which an employee informs the school of his/her caring responsibilities is held securely and accessed by, and disclosed to, individuals only for the purposes of supporting the employee in his/her caring responsibilities (for example when dealing with requests for flexible working).

Employees who do not wish to disclose their caring responsibilities to their line manager, where there is likely to be an impact at work, are encouraged to approach their Human Resources Advisor for initial advice.

Where a line manager knows that an employee in his/her team has caring responsibilities, the line manager should inform the employee about the support available. The line manager can complete the Carer's Agreement with the employee which will be treated confidentially.

The Carer's Agreement scheme is the starting point for a conversation about an employee's caring responsibilities and the flexibility required to manage them alongside work. The scheme documents the carer's needs at work and identifies solutions to those needs, and enables this information to transfer with the carer if his/her job or line manager changes. It sets out the contact arrangements between the employee and his/her line manager during emergencies. See section 12 and the Carer's Agreement form on the Extranet for further details. A Carer's Agreement would need to be regularly reviewed, at three month intervals as a minimum.

8. Working arrangements

8.1 The Council offers a variety of flexible working arrangements options to carers. Any changes in working arrangements can be agreed on a short-term or long-term/permanent basis. Short-term requests can be agreed locally and do not need to follow the formal flexible working policy.

Below are examples of the possible options available to employees:

- **Job-sharing**: Employees may request to perform their job as a job-share, where more than one person performs work normally undertaken by one person.
- Part-time working: Employees may request to perform their role on a part-time basis, by working shorter days or fewer days per week.
- **Term-time working**: Employees may request to work on a term-time basis by taking unpaid leave during school holidays.
- Compressed hours: Employees may request to work their contracted hours over fewer working days.

Some carers may also wish to consider reducing their hours or duties or moving to a lower paid, less demanding job (where possible) to achieve a better balance of continuing in work while caring. Headteachers and employees should approach these temporary or permanent solutions with an open and creative mind, being willing to consider new and alternative options that balance both the individual's needs and operational school requirements. For example, it may be possible in certain situations to temporarily reduce some of the employee's more demanding duties and allow a colleague to undertake them as a career development opportunity. Where it is possible to secure a position at a lower grade, the employee's salary will be adjusted to reflect the grade of the job being undertaken. In these situations, please speak to your HR Advisor on the practicalities of adjusting a role.

Longer-term or permanent requests to change working patterns should be made using the Flexible Working policy available on the Intranet. Headteachers are not bound to accept the request, but are required to consider it and if denied, must give reasons as to why it was refused.

It is acknowledged that in schools and within childcare facilities, it can be difficult to offer employees homeworking and flexible working. However, all requests should still be carefully considered and all alternatives explored.

8.2 Other options available to carers/line managers to consider

As well as flexible working options available, carers and line managers can also consider using the following options to help the carer with balancing their work and caring responsibilities:

- Parental Leave: Employees will qualify for parental leave if they have worked for the Council for at least 1 year and have legal parental responsibility for a child under 18. Employees can take up to 18 weeks' unpaid leave for each child. A maximum of 4 weeks can be taken in one year for each qualifying child. Please refer to the Ordinary Parental Leave policy on the Extranet for further details.
- Allowing employees to make and receive phone calls in working time: Wherever
 possible and ensuring safeguarding procedures as priority, line managers will allow the
 employee the ability to make or receive calls or use other communication devices, in
 connection with his/her caring responsibilities and access to a private space to
 make/receive calls in urgent situations.
- Authorised paid carer's leave up to 5 days (or equivalent working week for part-time staff) per leave year may be granted towards caring duties at the discretion of the Headteacher. There is no qualifying period for eligibility. If required, further unpaid leave

may be granted depending on the individual's circumstances. This leave is separate to Emergency Dependant Leave which is intended for emergency situations (see section 10).

• Carer's Break: A short-term, unpaid carer's break may be an appropriate option for employees who require a block of time off work to care for a dependant. The maximum duration of a carer's break is 3 months for each dependant. This will be available to employees who are providing care in situations such as providing end of life care to a dependant.

Carer's breaks are to be taken in blocks of a minimum of one week. This may be suitable in situations where the caring responsibilities can be shared with another person. A 'week' is equivalent to the length of time an employee normally works in a week. Carers who have a long-term need for reduced working should consider making a request for part-time working under the flexible working scheme.

Requests for carer's breaks can be submitted by the employee to the Headteacher, detailing the circumstances of the request, on the application form found in Appendix 2. However, it is acknowledged that there will be occasions when it will not be possible to complete the form due to the urgency of the situation.

In circumstances where an employee is providing end of life care (or in other exceptional circumstances), consideration will be given to an element of paid leave where all other options have been exhausted, e.g. use of holiday (full year employees) and paid carer's leave etc. Approval for paid carer breaks is jointly required from the Headteacher and Chair of Governors.

Please refer to Appendix 1 and 2 for further details of the eligibility of taking a Carer's break and the application form.

A Carer's Checklist listing all of the above options is available in Appendix 4 for carers and their line managers to consider to assist them with a work/life balance between caring and work duties.

9. Time off for attending appointments with the cared for person

Employees should discuss with their line manager any known leave needs relating to their caring commitments. This will help the line manager and the other members of the team to plan work and other leave arrangements.

Where possible, carers should book appointments that they need to attend with a dependant at the start or end of the working day to minimise disruption to work. Where this is not possible, the carer should discuss and agree the arrangements with their line manager, which may include taking annual leave (full year employees), taking unpaid/paid carer's leave (at the discretion of the individual's line manager and depending on the number of paid days already used) or make the time up.

10. Emergency Dependant Leave

Employees with caring responsibilities cannot always plan ahead for time off. The ability to take leave in an emergency is important for carers, who may be called on at short notice.

Employees have the statutory right to take a reasonable amount of unpaid time off work to assist or make arrangements for the care of their dependants, known as 'Emergency Dependant Leave'. There is no qualifying period for eligibility. Line managers may grant up to **3 days** paid leave (this is not pro-rata'd for part time employees) during a 12 month rolling period for carers depending upon the circumstances at times of urgent and unforeseen need. Time off for dependants is for

emergency use only and not for pre-planned occurrences, for which the Carer's Leave entitlement can be used.

Paid compassionate leave may also be granted on other grounds such as the critical illness of a close relative. Employees who wish to take time off for dependants should refer to the Leave of Absence policy on the Extranet. Managers should ensure that this is recorded correctly on Oracle.

11. Bereavements

In the sad event of the death of the cared for person, the school grants employees the ability to take compassionate leave. Employees should refer to the Leave of Absence policy for further details.

Employees should be offered the Employee Assistance Programme details so that they can access emotional support and counselling where appropriate. The service also can provide advice on handling practical matters and benefits following a death.

12. Other support for Carers

Employees with caring responsibilities, together with their line manager, should also consider whether or not the following adjustments and support mechanisms would help to combine work with caring duties:

Carer's Agreement:

A Carer's Agreement scheme has been introduced to support SMBC employees who have specific caring responsibilities. Where adjustments are made to working arrangements, the Carer's Agreement form will provide a record which can be reviewed if the employee changes role or their caring responsibilities change. The agreement can include details such as any temporary working arrangements, adjustments to the role/workplace e.g. allowing access to take personal calls at work regarding carer responsibilities etc. The agreement also sets out contact arrangements between the employee/manager during emergencies. The contents of the agreement are confidential and a copy is kept by both the employee and line manager and should be regularly reviewed.

The Carer's Agreement template can be found on the <u>Extranet</u> and example of a completed Agreement can be found in Appendix 3.

Occupational Health

A comprehensive Occupational Health service is available for employees who require additional support or may be displaying signs of stress or mental ill health.

Line managers can contact the Occupational Health team directly to discuss the management of particular health conditions. Referrals to occupational health are made online on HealthHub by the school. Information on how to make a referral can found on the HR school's Extranet site.

Employee Assistance Programme

The Employee Assistance Programme (EAP) is an employee benefit designed to help employees to deal with personal and professional problems which could be affecting their home or work life, health or general wellbeing.

The programme is run by an organisation called **Health Assured**.

This is a confidential facility that will provide information, expert advice and structured counselling by telephone 24 hours a day, 7 days a week. The service gives employees a place to turn for support any time of day or night, 365 days a year. Support is available for whatever issues you might be facing; personal or work-related problems. The service can offer information and advice on some of the practical issues that carers may face, including benefits and allowances, organising respite care, health advice, financial and debt management and obtaining specialised equipment.

To use the confidential service you can contact the freephone number **0800 030 5182**, the email facility on their website or via the instant web chat facility via the website.

www.healthassuredeap.co.uk using the following login details:

Username: **Solihull** Password: **MBC**

 Guide for Employed Carers – A useful document for carers detailing carer's rights at work, rights to an assessment and how to get the support you need.

Outside of work, all carers have a right to an assessment of their needs as a result of the Children and Families Act if you care for a child with an illness or impairment, or the Care Act if you care for an adult. This right also applies if you haven't yet started to provide care but intend to do so. For more information and FAQs, please visit the Solihull Council website pages on the Care Act.

- <u>Credit Union</u> A facility to save monthly through SMBC salary deductions. The aim of credit unions is to encourage its members to save regularly and/or provide loans to members at very low rates of interest.
- Jointly- a free, innovative mobile and online app designed to support carers. It provides a
 central place to store information about the person you are caring for. Set up appointments,
 allocate tasks, save files and notes, manage medication and lots more. Visit
 www.carersdigital.org using the free access code: DGTL2992.
- You can do an <u>online check</u> of your entitlement to benefits as a carer by using the government's **Benefits Adviser calculator**.
- **Trade unions** if you are a trade union member, you can seek help and guidance from your trade union representative.
- Details of other support available to carers can be found in Appendix 5

CARER'S BREAK

What is a Carer's Break?

A Carer's Break is a temporary unpaid break from work, to care for a dependant. The purpose of a Carer's Break is to enable carers some additional flexibility to deal with short-term requirements. Examples of the way that a carers' break might be used are:

- To set up and/or settle a dependant into a new care arrangement;
- To support a dependant who has an acute caring need (such as following an accident/operation, or due to illness or disability);
- To care for a dependant at the end of their life.

Carer's breaks are to be taken in blocks of a minimum of one week, up to a maximum of 3 months. A 'week' is equivalent to the length of time an employee normally works in a week.

In circumstances where an employee is providing end of life care (or in other exceptional circumstances), consideration will be given to an element of paid leave where all other options have been exhausted, e.g. use of holiday (full year employees) and paid carer's leave etc. Approval for paid breaks is jointly required from the Headteacher and Chair of Governors and should be notified to the HR Advisor.

Who is eligible for the scheme?

- Employees must have caring responsibilities as detailed in section 4 of the policy.
- Employees must have a minimum of 26 weeks' continuous service with SMBC when making the request.

Parents wishing to take unpaid leave for family responsibilities which fall under the scope of the provisions of the unpaid <u>parental leave</u> scheme should use that scheme.

How do I apply for a Carer's Break?

The employee should give as much notice as possible to apply for a Carer's Break, although it is acknowledged that in certain circumstances, caring responsibilities can be unforeseen. To apply for a break, the employee should complete the Carer's Break application form and discuss the anticipated length of the break with their line manager as soon as possible. In all situations the respective HR Advisor should be consulted to jointly determine the most appropriate arrangements for the employee.

Whilst each request will be dealt with sensitively, the granting of a Carer Break and the length of the break will be entirely at the school's discretion and will depend on the needs of the service at the time in question. Headteachers/Line managers are expected to give careful consideration to all requests ensuring consistency of approach after seeking advice from HR. Where it is not possible to agree a request, alternatives should be explored.

Carer's Breaks will count as a period of continuous service so you will normally accrue annual leave. The employee should give as much notice as possible if they wish to return before the end of an agreed break period, so that the line manager can make arrangements for your return and end the cover arrangements.

If more time off work is still required, this would be outside of the Carer's Break scheme and will require a discussion with the Headteacher. It may be that the employee has to resign if they require ongoing time off

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to care, but the school will ensure that all other options have been exhausted first. If the employee does not return to work following the Carer Break, they must give the school written notice of their intention not to return and that they are resigning.

For any further assistance on Carer's Breaks and how a period of unpaid leave can affect your pension and other benefits please refer to the FAQs document on the Extranet, or please contact your HR Advisor.

APPLICATION FOR A CARER'S BREAK

DATA PROTECTION FAIR PROCESSING NOTICE

All information supplied on this form may be held and used as detailed:

The form will be passed to the Human Resources department to process your Carer's Break leave. The Headteacher will also retain a copy of the form to manage the Carer's Break and to allow effective workforce management.

The information you provide may be shared with third parties such as other Local Authorities, the Department of Work and Pensions (DWP), HMRC and pension scheme providers.

For further information about how we use your information please refer to the Council's Data Protection Policy on the Extranet_and Privacy Statement on www.solihull.gov.uk.

Requests for paid leave should be considered by the Headteacher and Chair of Governors and be discussed with your HR Advisor.

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EXAMPLE OF A COMPLETED CARER'S AGREEMENT

(Blank template agreement forms can be found on the Extranet)

Solihull Metropolitan Borough Council CARER'S AGREEMENT

Private and Confidential

Copy of this Carer Agreement to be retained by the employee and line manager

EMPLOYEE: Mary JOB TITLE: XXXX		MANAGER: XXXX JOB TITLE: XXXX		DATE: XXXXXX	
Details of caring responsibilities?	How does this impact on the employee, in maintaining their role at work?	What adjustments would help?	Agreed actions	Review date	
Mary is the sole carer for her adult son, who was diagnosed with paranoid schizophrenia 12 years ago. Mary's son is extremely vulnerable and relies on constant reassurance from her at all times.	Mary needs to be available to offer him support and occasionally has to leave the school at short notice. This causes Mary to worry about the impact it has on her colleagues at work. Mary needs to attend medical appointments with her son every other month.	An informal arrangement put in place so that son is able to call her at work if he is having an episode. Use of a private meeting room to take the calls. Allowing Mary to leave when her son needs her. Using carers leave days where possible to attend medical appointments (if cannot attend outside working hours).	Mary to use the school meeting room to take any calls. Headteacher to explain situation to colleagues (but maintaining confidentiality of situation). Mary to advise the Headteacher of any advance medical appointments.	To begin on DATE and review situation every 2 months.	

Mary also has an elderly mother who suffers from various health conditions. She checks on her every day after work.	emergency time off at s her mother.	eed to respond to situations and ask for short notice to attend wo people is taking its and is affecting her	place at sho	ormal agreement in so that Mary can leave it notice in emergency ons without worrying.	Agreement in principle between Headteacher and Mary that she can leave in emergency situations, with a cover rota in place. Mary should notify NAME in the Headteacher's absence. Headteacher to provide Mary with copy /refer her to the Carer's policy, Employee Health & Wellbeing Policy and the Employee Assistance Programme for support and advice for Carers.	To review every 2 months. Ensure that Mary's wellbeing is discussed at her 1-1 meetings.
I consent to my Line Manager retaining a copy of my Carer Agreement						
Signed and agreed by Employee				Date		
Signed and agreed by Manager				Date		

CARER'S CHECKLIST

Below is a checklist of various solutions for carers and their line managers to consider to assist with a work/life balance between caring and work duties.

	V
Ensure carer has been given details of the Employee Assistance Programme, Occupational Health (when applicable) and signposted to further carer information.	
Consider flexible working (temporary basis or permanent) where possible including:	
- Reduction of hours	
- Flexible working patterns	
- Compressed hours	
- Re-arranging shifts/rotas	
Using some annual leave (full year employees only)	
Consider moving to a lower paid, less demanding job (where appropriate)	
Understand the statutory right to unpaid time off for dealing with emergency	
situations for dependants (SMBC offer up to 3 days paid leave in crisis	
situations – see Leave of Absence policy for details)	
Consider Parental Leave (if have children under 18)	
If the above options have been exhausted or are unsuitable:	
 Paid Carer's Leave – allows time off to deal with carer duties (up to 5 days per year – pro-rata for part-time staff) Carer's Break – a break from work to undertake carer duties. 	
Carer's Agreement has been drawn up between employee and their line manager	

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Other resources available to carers / useful links

- Carers Trust Solihull- Independent information and support for carers. http://www.solihullcarers.org/.
- Carers Trust Carers Trust is a major charity for, with and about carers.
- <u>Carers UK</u> provides expert information and advice that's tailored to your situation. They
 can champion your rights and support you in finding new ways to manage at home, at
 work, or wherever you are.
- <u>Autism West Midlands</u> provide specialist support and advice to adults and parents of children on the autism spectrum, as well as offering training to parents and professionals and organising local events and activities.
- Macmillan Cancer support & Marie Curie Cancer Care
- Alzheimer's Society & Dementia Friends
- Solihull Mind (for Solihull residents) www.solihullmind.org.uk. Contact number 0121 742 4941/743 4237 email: contact@solihullmind.org.uk.
- Age UK
- NHS choices have a website that offers information and practical advice for anyone
 experiencing mental ill health. For more information, go to
 www.nhs.uk/livewell/mentalhealth.
- Rethink Mental Illness is the largest national voluntary sector provider of mental health services, offering support groups, advice and information on mental health problems. For more information, go to www.rethink.org or call 0300 5000 927.
- MS Society
- The Stroke Association
- Solihull Integrated Alcohol Service (SIAS). This service helps individuals and their families to overcome drug, alcohol and gambling dependency. http://www.sias-solihull.org.uk
- <u>EASS (Equality Advisory Support Service)</u> This is a helpline to advise and assist individuals on issues relating to equality and human rights.
- <u>EHRC (Equality and Human Rights Commission)</u> This is an independent government service that provides information, advice and support on equality and rights at work.
- <u>Citizens Advice Bureau</u> This service provides free advice on issues affecting people's lives, work, benefits, debt and money, family and housing.
- Department for Work & Pensions Information about benefits for carers.
- ACAS for advice on employment law, the Equality Act and your rights.