

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.

Work and Families Bill – Carers UK response to the draft regulations – Terms and Conditions of Employment, Flexible Working

About Carers UK

- 1.1 Carers UK is the leading policy organisation representing the views and interests of the six million carers in the UK who care for their frail, disabled or chronically ill partners, relatives or friends. Carers UK is an organisation of carers, run by carers, for carers. We have a membership of carers and over 80 Branches, run by carers, throughout the UK. Carers UK have offices in Northern Ireland, Scotland, Wales, Manchester and a UK office in London.
- 1.2 We provide information and advice to carers and professionals on benefits, rights and entitlements and receive 50,000 enquiries every year. We also have an advocacy project in London and run other projects such as Action for Carers and Employment, seeking to make a difference for carers who wish to return to or remain in employment.
- 1.3 Carers UK is a campaigning organisation and has been since it was established 40 years ago. We continue to seek change for carers so that they are able to access the same opportunities in life as others. We aim to raise awareness of carers' issues and seek changes in the law and practical support to prevent carers from poverty, having their health and well-being affected by caring and by not having a choice about whether or not to take on a caring role.
- 1.4 We welcome the opportunity to respond to this consultation on the vitally important regulations to the Work and families Bill. Our response focuses on the regulations to Clause 12, the clause which gives carers the right to request flexible working.

Support for the right to request flexible working

- 2.1 Responses from the recent consultation demonstrate a consensus around the need for carers to have the right to request flexible working. Employers for Carers, a group including major employers such as BT and Centrica, alongside other smaller businesses such as Listawood have been campaigning for better recognition for carers at work. Employers for Carers is a member of the Action for Carers and Employment partnership, led by Carers UK.

What could the Bill achieve?

- 3.1 Carers UK welcomes the Bill and believes that it could make a significant contribution to a real change in the status, recognition and opportunities that carers have. The danger is that the wrong definition of a carer in the regulations could undermine the success of implementation and limit the difference the Bill will make.
- 3.2 A recent TUC report shows that one of the main causes of economic inactivity is caring responsibilities¹. Every year 2.3 million carers start caring². 80% of carers are of working age - this is a very large pool of potential employees.
- 3.3 By 2037 we will need an additional 3.4 million carers drawn from an even smaller workforce, yet we know that currently one in five carers has given up work to care.
- 3.4 The peak age for caring is currently 45 – 64 and many carers will be experienced employees in senior positions. Losing them means losing their knowledge and skills, in addition to the costs of recruiting and training to fill the gap they leave.
- 3.5 A survey sponsored by BT and other business leaders found that 43% of working carers experienced tiredness and 50% experienced stress and anxiety³.
- 3.6 Given the cost to the economy of work-related stress providing support to people so that they can juggle their complex lives has demonstrable returns in terms of reduced absenteeism and increased productivity.
- 3.7 Keeping people in employment also allows them to build better pensions for later life.

How will the Bill make a difference? (Clause 12)

- 4.1 In giving carers the right to request flexible working the Bill takes a vital step in supporting carers in combining employment and caring. Currently some employers do work with employees to help them balance work and care, but many employers do not have a specific carers policy.
- 4.2 Carers UK members tell us that recognition is vitally important to them. Legal entitlement will do far more for self esteem, confidence and the take up of the right to request than any voluntary schemes that employers may already be running.
- 4.3 Carers UK research, "Who Cares Wins"⁴ demonstrates that there is a clear business benefit to employers where carers have access to flexible working arrangements.

A wider, simpler definition

¹ TUC 2004, Full Employment – the next steps; TUC report on working age inactivity in Britain and the rest of Europe.

² National Statistic Office, Census 2001

³ <http://www.carers.org/newtemplate/publications.asp?centreID=65>

⁴ "Who Cares Wins", Carers UK, London, 2006

- 5.1 Carers UK welcomes the fact that the regulations do not seek to define the nature of a caring responsibility. Attempting to define a carer in terms of what they do is intrusive, and the employers we work with tell us that they have not found it useful.
- 5.2 Carers UK has major concerns about the nature of the definition of a carer in the regulations. The DTI has chosen to limit the definition of a carer to people caring for relatives, partners, and people living with them, which excludes a significant number of carers and will make the regulations complex to implement and difficult for people to understand. It will also limit the benefit to businesses of retaining carers as employees.

Who will be excluded if the right to request is limited to close family, partners and co residents?

- 5.1 Carers UK believes that the right to request flexible working should be available to all carers, not just carers who are caring for members of their immediate family, partners or co residents.
- 5.2 We are campaigning for a wider definition than either of those suggested by the DTI. Whilst the majority of carers will be covered by the wider definition suggested, there are significant group of carers who will not – see case studies below.
- 5.3 Carers UK believes that if the definition of a carer used in the Employment Relations Act 1999:

a carer is someone caring for someone who *“reasonably relies upon the employee for assistance”*

is used in addition to the existing, wider family definition, carers whose caring responsibilities mean that they should have the right to request flexible working will be covered, and employers will have a definition which already exists in law that will suit their needs, whilst retaining an emphasis on the family care relationships that form the bulk of long term caring relationships.

- 5.4 Use of the term “reasonable” is commonplace in employment regulation as a means of ensuring that businesses safeguard themselves.

The first definition - “Near relatives”

- 7.1 This definition suggested by the DTI would exclude people caring for siblings and grandparents. Carers UK believes this distinction is arbitrary, and would lead to confusion and resentment in the workplace. People caring for siblings or grandparents are unlikely to understand why their caring commitment is less worthy of respect than that of people caring for parents, children or partners.

Casestudy:

Sam is a 58 yr old carer, looking after his younger 50yr old brother , who has learning difficulties. He is able to work part time, because his brother attends a Day-Centre.

As his brother gets older, he makes increasing demands on Sam, needing trips to the District Nurse , hospital and others. At the moment his employers are understanding, but he is feeling under increasing pressure. Sam wants to be able to make a formal agreement with his employer, rather than having to negotiate and apologise every time he needs to care for his brother.

Sam is an example of someone with a demanding caring role who wants to work and would benefit from the right to request flexible working. He would not have that right under the first, narrower definition suggested in the consultation document.

Second definition “close relatives”

- 8.1 With increasing fragmentation in family networks, many carers caring for vulnerable and needy people are not caring for members of their immediate family. Whilst our ageing population is an important demographic driver in the increased need for care, the nature of caring is also developing in other ways, and varies between communities.
- 8.2 Carers UK has been working with the Terence Higgins Trust on the situation of carers in the HIV community, where the stigma of the virus may mean that many people with the virus are not cared for by family members.
- 8.3 Who provides care is dependant on the types of relationship that the person with a chronic illness or disability will have with their family and friends. This depends on how close they live to family, what relationship they have with family and whether external support networks meet their needs.
- 8.4 Case studies below illustrate caring situations where the carer is not a member of the family, but would benefit from the right to request flexible working.

1. A man has lived in Manchester for several years. He has mental illness - there are periods when he his medication and stress in his life are better controlled and he is able to take a full part in life. However, he is has bouts of more severe illness. He lives hundreds of miles away from his family. His friends are the ones who support him, not his family who are too far away to do day to day help.

2. A man lives in London, he has depression, is blind and has severe alcoholism. A close friend takes care of his paperwork and buys him essentials and needs to visit every three or so days. Again, his family live miles away.

There are groups of people who might feel the exclusion more keenly because

they rely on certain networks of support either because they suffer from discrimination and prejudice in some form or another. This would include small minority ethnic communities where there are significant cultural and language barriers that prevent individuals from accessing services and the problem that the right services are in very short supply.

Examples include:

1. *Migrant community - Terrence Higgins Trust gives an example of someone who has advanced symptoms of HIV/AIDS who would be cared for by someone else within their very small community.*
2. *The language and cultural barriers for the Chinese Community in London are huge and services that they need that are culturally appropriate are almost non-existent. They are far more likely to be cared for by people who are not necessarily their relatives and do not necessarily live together.*
3. *A young woman has moved away from home as her step-father had been very abusive. There had been many arguments with him, culminating in violence and she moved away as soon as she could. She was an only child and the family network is tight. She has never felt able to share her concerns with other family members and feels that they have let her down. She would never turn to them for help. She moves 150 miles away from her family. At the age of 20 she starts to develop mental illness. She lives in shared accommodation and they give her some help, but her real reliance is on a close friend who gives her moral support, checks she is OK, ensures she takes her medication, and advocates for her.*
4. *Many gay and lesbian women experience prejudice. Amanda cares for her friend Jayne who has had a serious car accident and she is helping her rehabilitate and gradually become more independent. Amanda visits her every day, helps her with physio, does her shopping, helps with medication and helps with cooking and sorting our paperwork. Jayne has never felt able to ask for help from her family because they have never accepted her sexuality as a lesbian. For similar reasons, she would never ask a neighbour for help.*

Who would have the right to request using our inclusive definition?

- 9.1 Carers UK believes it is vital to recognise that, whilst many carers are caring for members of their immediate family, there are others who care for more distant family members, friends and family.
- 9.2 Working on the basis of GHS figures, we believe that there are around 76,500 people of working age caring for over 20 hours a week for people who are not living with them. Currently approximately 3,746,000 parents

of children under six are eligible to make use of the right to request flexible working⁵. 22% of them have done so, and 81% of them have had their request either fully or partly accepted. Giving all carers, rather than just those caring for family members, the right to request flexible working, will not result in a major increase of requests made⁶, but will simplify administration of the right enormously.

Simplicity for Employers.

- 10.1 The business case for flexible working is strong. Businesses retain employees and increase loyalty and widen the skills available to them when they currently offer flexible working.
- 10.2 The demographic case is compelling. Our ageing population means that the need for carers will increase by 60% over the next 35 to 40 years. The economy needs a further 2.5 million people in the workforce over the next eight years.
- 10.3 Employers for Carers, a group of small and medium size businesses that have come together to campaign for better representation for carers in the workplace⁷, believes that excluding carers who care for people other than members of their immediate family would increase the burden on employers in administering the right to request flexible working, because they would have to investigate the nature of the caring responsibility instead of focussing on what was best for the employer and the individual.

Who is caring for who?

- 11.1 The number of carers in the UK is set to grow from 6 million to 9 million in the next 30 years⁸. Demographic change is one major driver in this, in that our population is ageing, but both the 2001 Census⁹ and General Household Survey¹⁰ demonstrate that the largest age group of people being cared for within the home is 45-64.
- 11.2 For someone aged 24 now, their chances of becoming a carer will have trebled by the time they are 59¹¹.
- 11.3 When dealing with carers needs we are not solely dealing with care for older people or older people who are caring – needs are more complex and to meet these needs legislation and regulation need to be simple and flexible.

⁵ Work and Families Bill, regulatory Impact assessments October 2005, DTI, URN 05/1585. Source: Labour Force Survey, Spring 2004

⁶ Based on the GHS - 7% of carers spending more than 20 hours a week caring are caring for a friend or neighbour. If we subtract from this the 2.5% the DTI assumes are friends or neighbours living in the same house as the carer, we are left with 4.5% of carers spending more than 20 hours a week caring for a friend or neighbour, or 76,500.

⁷ www.employersforcarers.org.uk

⁸ "We Care, Do You?", Carers UK, London, 2005

⁹ "We Care, Do You?", Carers UK, London, 2005

¹⁰ "Carers 2000", The Stationery Office, London, 2002

¹¹ George M 2001, *It Could Be You: a report on the chances of becoming a carer*, Carers UK

Conclusion

The government has the ability to make a huge difference to the lives of the UK's 4 million working age carers, but the stakes are high – the price that will be paid if the regulations are difficult for employers to implement and alienate groups of carers is equally significant. A caring relationship is one of commitment between the carer and the person being cared for, regardless of whether or not they are related. Carers UK believes it is vitally important that all carers, regardless of who they care for, must have the same rights in the workplace.



Carers UK's campaign, Making Work Work

Campaigning on carers rights to request flexible working is a part of Carers UK's new Make Work Work campaign. The campaign, which is being supported by British Gas, is a part of Carers UK's lobbying to enable carers make their own choices on work and care.

For further information

Regular updates on the Bill's progress can be found on Carers UK's website, www.carersuk.org. Please contact:

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Notes

ACE National is a development partnership led by Carers UK and funded by the European Social Fund's Equal programme which raises awareness of the barriers facing carers who wish to work, and tests and promotes ways of supporting them. Visit www.acecarers.org.uk

Employers for Carers (EfC) is an interest group that includes major employers, employers' organisations and Government agencies. For more information about Employers for Carers please visit www.employersforcarers.org.uk

Carers UK is the leading campaigning, policy and information organisation of and for carers. Carers UK continues to make a difference to carers' lives by:

campaigning for a better deal for carers; **informing** carers of their rights and what help is available; **training** and advising professionals who work with carers; **working** across the UK through its membership and networks of branches and affiliates. For more information, visit www.carersuk.org

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