

## **FOI 020/2025 Response**

Carers Leave Act 2024 - One year on

On 6 April 2024, the Carer's Leave Act came into force, which entitled employees a right of to up to 5 days **unpaid leave for planned occasions** to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury that means they're expected to need care for more than three months
- a disability (as defined in the Equality Act 2010)
- care needs because of their old age

A link to guidance in understanding the law is here <https://www.carersuk.org/help-and-advice/work-and-career/the-carer-s-leave-act-2023/> (You may need to copy & paste the URL to your web browser)

A year ago NHS England's carers' network wrote to NHS commissioning organisations and acute providers to check compliance with the new legislation. Of the replying organisations, only a shade over 25% had planned carer's leave in their current Special Leave policy. Full results, including copies of policies supplied, can be found on the FutureNHS Collaboration Platform - Commitment to Carers workplace - NHS Special Leave Policies Pre 06/04/2024 - Commitment to Carers Folder. (You may need to copy & paste the following URL to your web browser and to seek permission from the administrator to Join). <https://future.nhs.uk/committocarers>.

On the 1st anniversary of the act, the network has teamed up with Carers UK to see the progress made by NHS organisations, as well as 'what good looks like' for special leave and carer's policies. This is an important exercise to protect carer's rights, promote equitable, fair and consistent treatment of carers, and ensure that the law is enacted, not just to the letter, but in a real, meaningful, kind and supporting way.

Please could you reply to this short survey by **23 May 2025**.

### **1. What is the organisation's ID code (ODS)**

RXT00

### **2. What is the organisation's name**

Birmingham and Solihull Mental Health Foundation Trust

### **3. What is the best e-mail address to contact the organisation in the future regarding working carers.**

bsmhft.hrsupport@nhs.net

### **4. Does the organisation have a carers' staff network or peer support group**

No

### **5. If yes, what is the network/group's e-mail address**

N/A – Please refer to the response provided in Q4.

### **6. Is the organisation a member of Carers UK/Employers for Carers (EfC)**

No, and we have no plans to in the future

### **7. If yes, has the organisation undertaken the Carer Confident Assessment.**

N/A – Please refer to the response provided in Q6.

**8. If yes, at which level is the organisation**

N/A – Please refer to the response provided in Q6.

**9. What is the organisation's employee Headcount total (Not FTE or WTE)**

6193

**10. How many of the organisation's employees have formally identified (on ESR) as a working carer**

There are 85 employees formally identified within our HR system as a working carer.

**11. What is the organisation's Working Carer percentage (%), based on the latest NHS Staff Survey (Question 32b)**

Based on Q 32b within the NHs survey: 40.3%.

**12. How has the organisation communicated to staff about their rights under Carers Leave Act.**

Through line management updates, staff intranet, HR clinics and front-line advice.

**13. What training has been given to line managers about the Carers Leave Act**

None implemented to date.

**14. How many staff have booked Carers Leave for planned events in the last 12 months**

The Trust is unable to provide a response to this query. This is because this type of leave isn't available within our policy yet.

**15. What was the average number of days taken**

N/A – please refer to the response provided in Q14.

**16. Please attach a copy of the organisation's current Special Leave policy**

See attached.

**17. In the organisation's Special Leave/Leave policy, is planned Carer's leave paid, unpaid or both**

N/A – please refer to the response provided in Q14.

**18. How many days are paid (maximum) in a 12 month period**

N/A – please refer to the response provided in Q14.

**19. How many days are unpaid (maximum) in a 12 month period**

N/A – please refer to the response provided in Q14.

**20. Are any paid days repayable to the organisation, via payroll deduction or additional time worked**

N/A – please refer to the response provided in Q14.

**21. Do managers have discretionary authorisation to go beyond the policy in appropriate circumstances.**

Yes, on a case- by -case basis in consultation with the People and Culture Team.

**22. If yes, what are they allowed to do**

Support the application of different types of leave, flexible and agile working.

**23. In the organisation's Special Leave/Leave policy, is unplanned Carer's (Emergency Domestic / Dependant) leave paid, unpaid or both**

Both

**24. How many days are paid (maximum) in a 12 month period**

5

**25. How many days are unpaid (maximum) in a 12 month period**

3 Months

**26. Does the organisation's Compassionate Leave allowance include paid Terminal Care leave**

Not Specifically.

**27. If paid Terminal Care is allowed, what's the maximum number of days allowed in a 12 month period**

N/A

**28. The NHS Terms and Conditions of Service Handbook (section 33.23) requires that all NHS employers have a carer's policy to address the needs of people with caring responsibilities - please confirm**

The organisation has a separate carer's policy.

**29. Please attach a copy of your current carer's policy**

Specifically cited within the special and carer's leave policy.