

# Unpaid carer's leave – Your rights

This page gives information on unpaid carer's leave, including what your rights are. Unpaid carer's leave is a right that came into force on 6 April 2024.<sup>1</sup>

This information is for carers of people affected by mental illness in England who are 18 or over.

## What is unpaid carers leave?

You might care for someone who lives with a mental illness. You might work and need time off to care for them.

Unpaid carer's leave is when you take time off to care for them without getting paid by your employer.

Your employer might decide to pay you for this type of leave. But they do not have to unless:<sup>2</sup>

- it is your employer's policy, or
- it is in your employment contract.

## Do I have a right to unpaid carers leave?<sup>3</sup>

You have a right to unpaid carer's leave to arrange care for someone who has:

- a mental illness and they are expected to need care for more than 3 months,
- a physical illness or injury and they are expected to need care for more than 3 months,
- a disability, as defined in the Equality Act, or
- care needs because of their old age.

You can get more information on what is defined as a disability under the Equality Act here: [www.gov.uk/definition-of-disability-under-equality-act-2010](http://www.gov.uk/definition-of-disability-under-equality-act-2010)

## **What if the person I care for is not a relative or friend?<sup>4</sup>**

The person you care for does not have to be a relative or friend. It can be anybody that relies on you for care.

## **When can I request unpaid carers leave from?<sup>5</sup>**

You have a right to request unpaid carer's leave as soon as you start to work for your employer.

## **How much unpaid carers leave can I take?<sup>6</sup>**

You can take a period of leave that is equal to your usual working week. You can do this every 12 months.

So, if you usually work 5 days a week, you can take 5 days leave a year.

If you usually work 3 days a week, you can take 3 days leave a year.

You can take all the time off in one go. Or you can take off individual days or half days throughout the year.

## **What if I care for more than one person?<sup>7</sup>**

You might care for more than one person.

You can still only take a period of leave that is equal to your usual working week.

You might care for 2 people. So, if you usually work 5 days a week, you can take 5 days leave a year. You cannot take 10 days.

## **What if I need time off to care for my child?<sup>8</sup>**

This information is for carers of people affected by mental illness in England who are 18 or over.

But you might:

- care for a child who has a mental or physical illness, injury or disability,
- or care for an adult who has a mental or physical illness, injury or disability, and have a child or children too.

If you are a parent, you can take up to 18 weeks' leave to care for your child.

This is different to carer's leave. This is known as unpaid parental leave.

You can find out more about unpaid parental leave below:

- **Gov.UK:** [www.gov.uk/parental-leave](http://www.gov.uk/parental-leave)
- **ACAS:** [www.acas.org.uk/parental-leave](http://www.acas.org.uk/parental-leave)

If you are unsure whether you should use parental leave or unpaid carer's leave you can contact the **ACAS Helpline**. They can give you free, expert advice. Their contact details are shown in the [Useful contacts](#) below.

### **How do I ask for unpaid carer's leave?<sup>9</sup>**

You must give your employer notice before you start your unpaid carer's leave. Giving them notice means telling them before the leave starts.

How many days' notice you need to give them depends on how many days leave you want to take.

The table below shows you how much notice you need to give your employer.

<b>Number of days leave you want</b>	<b>Days notice you have to give</b>
½ day to 1 day	3 days
1.5 days to 2 days	4 days
2.5 to 3 days	6 days
3.5 to 4	8 days
4.5 to 5	10 days
6 days - if you work 6 days a week	12 days

You do not have to put your request for leave in writing. But it is a good idea to.

You do not have to give your employer evidence of the care needs of the person you care for.

### **What if I need leave to care for someone in an emergency?<sup>10</sup>**

As an employee you have a right to time off to deal with an emergency for someone you care for. The amount of time has to be reasonable.

This is a different right to your right to unpaid carer's leave.

You can read more here on the government website: [www.gov.uk/time-off-for-dependants](http://www.gov.uk/time-off-for-dependants)

### **Are my employment rights affected by unpaid carers leave?<sup>11</sup>**

Your employment rights are not affected by taking unpaid carer's leave.

You can read more on **ACAS's** website here: [www.acas.org.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](http://www.acas.org.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b). See 'Employee's rights when taking carers leave.'

### **What if I do not have regular working hours?<sup>12</sup>**

You might not work the same number of hours every week.

To work out how much carer's leave you can take in a year:

- add up all the hours you have worked in the last 12 months, then
- divide that number by 52. You might not have been in the job 52 weeks. Divide the number above by the amount of weeks you have been in the job.

The number you are left with is the amount of days leave you can take as carer's leave.

You can read more on **ACAS's** website here: [www.acas.org.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](http://www.acas.org.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b). See 'Employees working part of the year or variable hours.'

### **Can my employer delay my carer's leave?<sup>13</sup>**

Your employer might be able to ask you to take your carer's leave at a different time to the one you wanted. But only if you not being in work would cause a serious issue to the organisation.

If they do this your employer must agree another date with you. They must do this within one month of the date you wanted for leave.

Your employer must say in writing why they want to delay your leave. They have to do this:

- within 7 days after you have asked for the leave, or
- before the leave starts, whichever date is the earlier of the 2.

You can read more on **ACAS's** website here: [www.acas.org.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](http://www.acas.org.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b). See 'When an employer can change carer's leave dates.'

### **Where can I get more help and advice?**

You can get free, expert advice on unpaid carer's leave rights and other work-related issues from the **ACAS helpline**. Their contact details are shown in the [Useful contacts](#) below.

You might think you are being discriminated against because you are a carer. You can get free, expert advice from **Equality Advisory and Support Service (EASS)**. Their contact details are shown in the [Useful contacts](#) below.

Others useful organisations are shown in the [Useful contacts](#) below.

## Further Reading

- **ACAS.** Carer's leave: [www.acas.org.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](http://www.acas.org.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b)
- **Gov.UK.** Unpaid carer's leave: [www.gov.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](http://www.gov.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b)

You can find out more information about:

- Supporting someone with a mental illness
- Respite care – Breaks for carers, and
- Discrimination and mental health - The Equality Act 2010

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Also see our **Carers' hub** at [www.rethink.org](http://www.rethink.org).

## Useful Contacts

### ACAS Helpline

You can call the ACAS helpline if you have a workplace problem you want to get advice on. They can help talk through your options.

**Phone:** 0300 123 1100

**Website:** [www.acas.org.uk](http://www.acas.org.uk)

### Carers UK

They have an advice line, online support and carers groups throughout the UK.

**Phone:** 0808 808 7777

**Address:** 20 Great Dover Street, London SE1 4LX

**Email:** [advice@carersuk.org](mailto:advice@carersuk.org)

**Website:** [www.carersuk.org](http://www.carersuk.org)

### Carers Trust

They give practical advice about caring for someone, they can give information about local support if you call them.

**Phone:** 0300 772 9600

**Address:** 2-6 Boundary Row, London SE1 8HP

**Email:** [info@carers.org](mailto:info@carers.org)

**Website:** [www.carers.org](http://www.carers.org)

## Equality Advisory and Support Service (EASS)

This organisation gives practical advice and information about the Equality Act 2010 and discrimination.

**Phone:** 0808 800 0082

**Address:** FREEPOST EASS HELPLINE FPN6521

**Email online form:** [www.equalityadvisoryservice.com/app/ask](http://www.equalityadvisoryservice.com/app/ask)

**Website:** [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

## Want a fully referenced, PDF version?

You can download a fully referenced, printable PDF version of this information by using the link at the top of this page.

## Broken links?

All links to other pages on our website, and other websites, worked when we last reviewed this page. If you notice that any links no longer work, you can help us by emailing us at [feedback@rethink.org](mailto:feedback@rethink.org) and we will fix them. Many thanks.

## Incorrect information?

All the information in this factsheet was correct, to the best of our knowledge, when we published it. If you think any information is incorrect you can help us by emailing us at [feedback@rethink.org](mailto:feedback@rethink.org). Many thanks.

## Did this help?

We'd love to know if this information helped you. You can email us at [feedback@rethink.org](mailto:feedback@rethink.org)

## References

<sup>1</sup> ACAS. Carer's leave [https://www.acas.org.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](https://www.acas.org.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b) (accessed 26 April 2024)

<sup>2</sup> ACAS. Carer's leave - Pay. [https://www.acas.org.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](https://www.acas.org.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b) (accessed 02 May 2024)

<sup>3</sup> Gov.UK. Unpaid carer's leave. [https://www.gov.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](https://www.gov.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b) (accessed 26.04.24)

<sup>4</sup> Gov.UK. Unpaid carer's leave. [https://www.gov.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](https://www.gov.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b) (accessed 26.04.24)

<sup>5</sup> Gov.UK. Unpaid carer's leave. [https://www.gov.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](https://www.gov.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b) (accessed 26.04.24)

<sup>6</sup> Gov.UK. Unpaid carer's leave. See 'How long employees can take' [https://www.gov.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](https://www.gov.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b) (accessed 26.04.24)

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- <sup>7</sup> Gov.UK. *Unpaid carer's leave*. See 'How long employees can take' [https://www.gov.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](https://www.gov.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b) (accessed 26.04.24)
- <sup>8</sup> Gov.UK. *Unpaid parental leave* <https://www.gov.uk/parental-leave> (accessed 26.04.24)
- <sup>9</sup> ACAS. *Carer's leave - Giving notice to take carer's leave*. [https://www.acas.org.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](https://www.acas.org.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b) (accessed 26 April 2024)
- <sup>10</sup> Gov.UK. *Time off for family and dependants*. <https://www.gov.uk/time-off-for-dependants> (accessed 26 April 2024)
- <sup>11</sup> Gov.UK. *Unpaid carer's leave*. [https://www.gov.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](https://www.gov.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b) (accessed 26.04.24)
- <sup>12</sup> ACAS. *Carer's leave - Employees working part of the year or variable hours*. [https://www.acas.org.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](https://www.acas.org.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b) (accessed 26 April 2024)
- <sup>13</sup> ACAS. *Carer's leave - When an employer can change carer's leave dates*. [https://www.acas.org.uk/carers-leave?mc\\_cid=a57605da6b&mc\\_eid=535a7ab64b](https://www.acas.org.uk/carers-leave?mc_cid=a57605da6b&mc_eid=535a7ab64b) (accessed 26 April 2024)

This factsheet is available in large print.

## Rethink Mental Illness Advice Service

**Phone 0808 801 0525**

**Monday to Friday, 9:30am to 4pm  
(excluding bank holidays)**

Email a [\[redacted\]](mailto:feedback@rethink.org)

### Did this help?

We'd love to know if this information helped you

**Drop us a line at:** [feedback@rethink.org](mailto:feedback@rethink.org)

**or write to us at Rethink Mental Illness:**

RAIS  
PO Box 18252  
Solihull  
B91 9BA

**or call us on** 0808 801 0525

We're open 9:30am to 4pm

Monday to Friday (excluding bank holidays)



**Equality, rights, fair treatment, and the maximum quality of life for all those severely affected by mental illness.**

For further information on Rethink Mental Illness Phone 0121 522 7007  
Email [info@rethink.org](mailto:info@rethink.org)



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