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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for employees with a caring responsibility for a dependant to take carer's leave. The Regulations are made in exercise of the powers inserted into the Employment Rights Act 1996 (c. 18) (the "1996 Act") by the Carer's Leave Act 2023 (c. 18).

Part 2 relates to entitlement to carer's leave. The entitlement to carer's leave is provided for in regulation 4 which sets out the conditions for entitlement which must be satisfied by the employee in order to take carer's leave and which includes substantive requirements for the entitlements such as falling within the definitions of a dependant with a long term care need (set out at 80J(2)(a) and 80J(2)(b) of the 1996 Act, respectively). Regulation 7 sets out procedural requirements to be satisfied by the employee, such as appropriate notice to the employer before taking leave. The required notice period is twice as many days as the period of leave required, in advance of the earliest day of the leave and does not need to be in writing.

Regulation 5 sets out that the right is to one week of carer's leave and provides that this is to be taken within a 12 month rolling period. Employees are also given the option to take the leave as half or full days, up to and including taking a block of a whole week of leave at once.

Regulation 6 sets out how to calculate a week's leave for the purposes of regulation 5.

Regulation 8 sets out the process by which an employer can postpone a period of carer's leave where this would unduly disrupt the operation of their business. Employers must give notice as soon as is reasonably practicable and following consultation with the employee, confirm a new date on which they can take the leave within a month of the original date(s) requested.

Part 3 contains provisions applicable to the taking of carer's leave. Regulation 9 elaborates on section 80K of the 1996 Act by providing that an employee is entitled during his or her absence on leave to the benefit of all of his or her terms and conditions of employment apart from the right to remuneration (excluded by 80K(3)(b) of the Act); the employee is also subject to all of the obligations under those terms and conditions except in so far as they are inconsistent with the right to take carer's leave (this exception is at section 80L(1)(b) of the 1996 Act). Regulation 10 provides employees with the right to return to the job in which they were employed before taking a period of carer's leave. Regulations 11 and 12 provide that an employee entitled to carer's leave is protected from detriment and dismissal attributable to the fact that they took or sought to take carers leave.

Part 4 contains provisions applicable where an employee has a contractual right to carer's leave, in addition to the statutory right contained within these Regulations (regulation 14).

A full impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector/civil society organisations is available from The Department for Business and Trade, Old Admiralty Building, Admiralty Place, London, SW1A 2DY and is published with an Explanatory Memorandum alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).