
STATUTORY INSTRUMENTS

2024 No. 251

The Carer's Leave Regulations 2024

Part 2

Carer's Leave

Entitlement to carer's leave

- 4.—**(1) An employee is entitled to be absent from work to take carer's leave where they—
- (a) satisfy the conditions in paragraph (2), and
 - (b) comply with the notice requirements in regulation 7.
- (2) The conditions referred to in paragraph (1)(a) are that the employee—
- (a) has a dependant with a long-term care need⁽¹⁾,
 - (b) wants to be absent from work to provide or arrange care for that dependant, and
 - (c) has not exceeded their entitlement under regulation 5(1).

Extent of entitlement

- 5.—**(1) An employee who satisfies the conditions in regulation 4 is entitled one week of carer's leave during the relevant period.
- (2) The minimum period of carer's leave an employee may take is half a working day.
 - (3) The maximum period of carer's leave an employee may take is one continuous week.
 - (4) Where an employee chooses to take carer's leave it need not be taken on consecutive days.
 - (5) In this regulation "working day" means the period in which an employee is normally expected or required to work on the day the leave is to be taken.

Calculation of a weeks leave

- 6.—**(1) In respect of regulation 5 a week of carer's leave is a period of absence from work equal in duration to the period the employee is normally expected or required to work in a week at the time of making the request, calculated in accordance with paragraphs (2) to (5).
- (2) Where the period for which an employee is normally expected or required, under their contract of employment, to work in the course of a week does not vary, a week's leave for the employee is a period of absence from work which is equal in duration to the period for which the employee is normally required to work during the course of a week in the relevant period.
 - (3) Where the period for which an employee is normally required, under their contract of employment, to work in the course of a week varies from week to week or over a longer period, or where they are normally required under their contract to work in some weeks but not in others, a week's leave for the employee is a period of absence from work which is equal in duration to the

(1) See section 80J(2) of the 1996 Act.

period calculated by dividing the total of the periods for which the employee is normally required to work during the course of a week in the relevant period by 52.

(4) In the case of an employee who has worked for their employer for at least one week but less than 52 weeks during the relevant period, a week's leave is a period of absence from work which is equal in duration to the period calculated by dividing the total of the periods for which the employee is normally required to work during the course of a week by the number of weeks the employee has been employed.

(5) In the case of an employee who has worked for their employer for less than a week, a week's leave is a period of absence from work which is equal in duration to the period for which the employee is expected to work in that week.

Notice requirements for carer's leave

7.—(1) An employee may take carer's leave to which they are entitled on such days as the employee may elect by giving notice of their intention to their employer in accordance with paragraph (2).

(2) A notice—

- (a) may relate to all or part of the carer's leave to which an employee is entitled in the relevant period,
- (b) must specify that the employee is entitled to take carer's leave in accordance with regulation 4(1)(a) and (b),
- (c) must specify the days on which the carer's leave is to be taken and if the leave relates to part of a day, shall specify this, and
- (d) must be given to the employer before the relevant date.

(3) For the purposes of paragraph (2)(d) the relevant date shall be whichever is the earlier of—

- (a) twice as many days in advance of the earliest day specified in the notice as the number of days or part days to which the notice relates, or
- (b) three days in advance of the earliest day or part day specified in the notice.

(4) An employer cannot require an employee to supply evidence in relation to a request for carer's leave before granting the leave.

(5) Where an employee fails to give notice in accordance with paragraph (2)(d), the employer may choose to waive that requirement, and where the other requirements set out in paragraph (2) are complied with, the employee is to be treated as having given notice in accordance with this regulation.

Postponement of carer's leave

8. An employer may postpone carer's leave where—

- (a) an employee has given notice in accordance with regulation 7;
- (b) the employer reasonably considers that the operation of their business would be unduly disrupted if the employee took carer's leave during the period identified in the notice;
- (c) the employer agrees to permit the employee to take a period of carer's leave—
 - (i) of the same duration as the period identified in the employee's notice, and
 - (ii) beginning on a date determined by the employer after consulting with the employee, which is no later than one month after the earliest day or part day of the employee's request for carer's leave;
- (d) the employer gives the employee a notice in writing of the postponement which—

- (i) states the reason for the postponement, and
 - (ii) sets out the agreed dates the employee can take carer's leave;
- (e) the notice is given to the employee as soon as reasonably practicable but not later than the earlier of—
 - (i) seven days after the employee's notice was given to the employer, or
 - (ii) before the earliest day or part day requested in the employee's notice.