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Support for Unpaid Carers in Northern Ireland: a preliminary consideration

RaISe

This Briefing Paper, prepared for the Committee for the Economy, identifies a number of key issues in relation to support for unpaid carers in Northern Ireland.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

Key Points

- Unpaid carers can be family members, friends, male, female, young or old.
- According to the 2021 Census, in Northern Ireland:
 - i. Approximately 222,000 people (12% of residents) were providing some form of unpaid care in 2021.
 - ii. Approximately 70,000 individuals provided 50 hours or more unpaid care each week (a significant increase from the previous figure of 56,000 recorded at the last Census in 2011).
 - iii. Individuals aged 45-64 are likely to have more caring responsibilities than other age groups.
 - iv. Approximately 3,000 children under the age of 15 are carers.
- Evidence shows that, globally, women are more likely to have caring responsibilities than men.
- Evidence suggests that unpaid carers may have their own health challenges, potentially exacerbated by the nature of their caring responsibilities.
- The United Kingdom *Carers Leave 2023 Act* provides for one week's unpaid leave for adults with caring responsibilities in England, Scotland and Wales.
- Employment Law is a devolved matter, but at present, there is no statutory 'Carers Leave' available in Northern Ireland.

Introduction

This Briefing Paper aims to support the Committee for the Economy (the Committee) in its consideration of issues regarding potential support for unpaid carers in Northern Ireland.

Section 1 provides background information, including definitions of unpaid care, a statistical profile of unpaid carers in Northern Ireland and an estimation of the economic contribution of carers here. Section 2 presents a discussion of key issues arising, which could merit further consideration when scrutinising any future Northern Ireland Executive policy support for unpaid carers. Section 3 provides a comparative summary of legislative and non-legislative support for unpaid carers in Great Britain and in other jurisdictions. Section 4 summarises the previous sections and identifies relevant issues for further consideration.

The Committee may wish to note that the paper is based on previous research undertaken by RaISe, along with previous RaISe research papers compiled in this area, specifically:

- NIAR 229-2020: Carers: Legislation, Policy and Practice; and,
- NIAR 214–2020: Background Information and Statistics on Carers in Northern Ireland.

1 Unpaid Carers: The Northern Ireland Context

This section presents information on unpaid carers in Northern Ireland, including key definitions, statistics and an estimation of their financial value to the economy, to provide context for subsequent discussion.

1.1 Defining Unpaid Carers

The main characteristic of an unpaid carer is that they do not receive direct payment for providing the care that they offer. However, throughout the literature on this subject, the terms care or carer are often used interchangeably with the terms unpaid care or unpaid carer. It should therefore be noted that any subsequent mention of care or carers in this paper refers to unpaid care or unpaid carers, not paid care or paid care services provided by professional health care workers or domestic care assistants.

In 2019, the carers support group Carers UK defined unpaid carers as:¹

...people who provide unpaid care, by looking after an ill, older or disabled family member, friend or partner. It could be a few hours a week, or round the clock, in your own home or down the motorway.

The 2021 Northern Ireland Census defines an unpaid carer as follows:²

A person is a provider of unpaid care if they give any help or support to anyone because of long-term physical or mental health conditions or illnesses, or problems related to old age. This does not include any activities as part of paid employment.

¹ <https://www.carersuk.org/media/5w2h3hn2/facts-about-carers-2019.pdf>

² NISRA (2023) 2021 Census Definitions and Output Classifications:
https://datavis.nisra.gov.uk/census/census-2021-outputs-definitions.html#Provision_of_unpaid_care

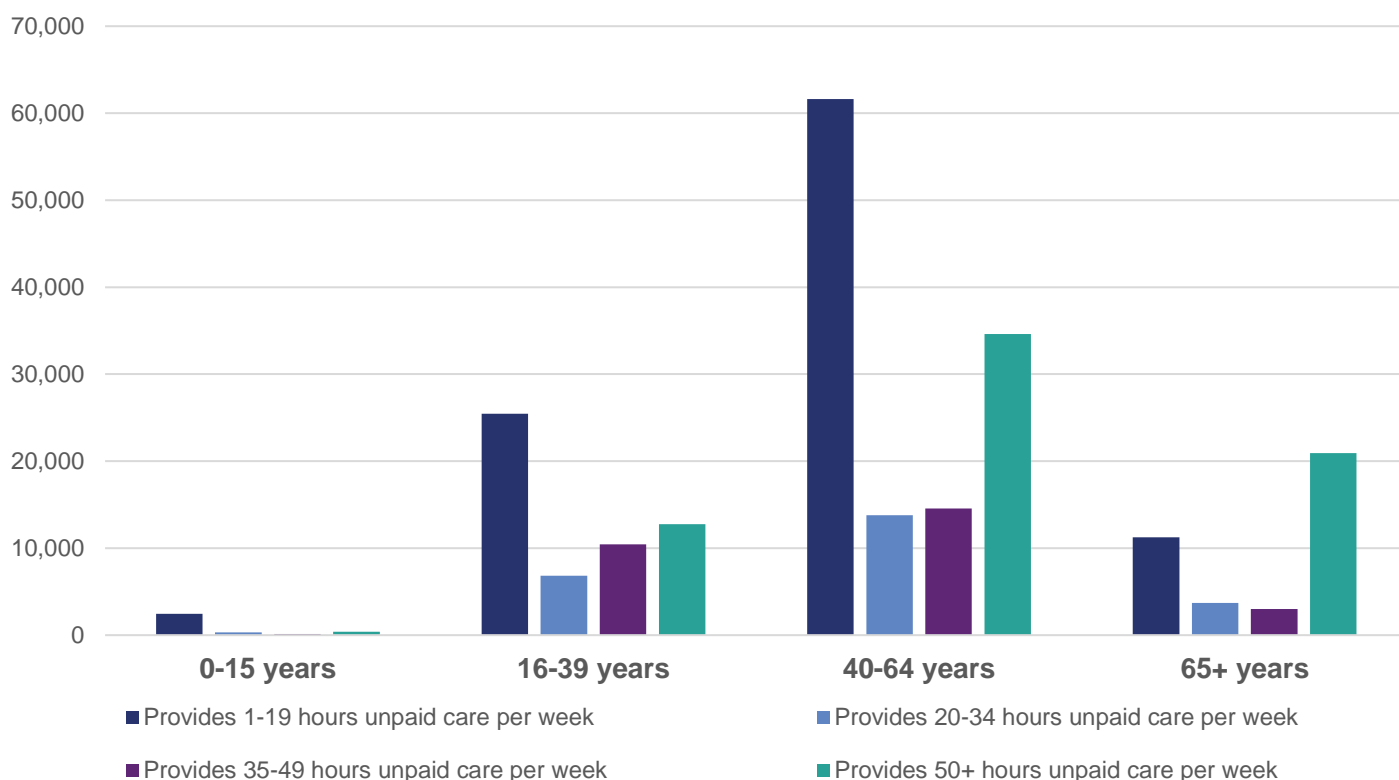
1.2 Unpaid Carers in Northern Ireland: Key Statistics

This sub-section presents a statistical profile of unpaid carers in Northern Ireland.

Northern Ireland Census 2021 Data: Gender and Age

According to the 2021 Census, approximately 222,000 people in Northern Ireland (12% of residents) were providing some form of unpaid care in 2021.³ In terms of gender the majority of individuals providing care were female (130,028). This compares to 92,189 male carers. In percentage terms, 60% of unpaid carers in Northern Ireland are female. Figure 1 below presents the age profile of Northern Ireland unpaid carers in 2021.

Figure 1: Northern Ireland Unpaid Carers by Age ⁴



³ NISRA (2023) *Census 2021: Tables*.

⁴ As cited immediately above.

As Figure 1 above shows, the majority of unpaid carers are in the 45 – 64 age band with over 60,000 unpaid carers in this category providing 1-19 hours of care. Furthermore, nearly 35,000 individuals aged 45-64 provided 50 hours or more per week. Figure 1 also shows that 3,286 children under 15 provided care, with approximately 2,500 children providing at least 1 to 19 hours of care in 2021.

Figure 1 also shows that approximately 70,000 individuals in Northern Ireland provide 50 hours or more unpaid care each week. This is a significant increase from the previous figure of 56,000 recorded at the last Census in 2011.

Carers NI: 2022 Data

Carers UK is the representative body for carers, providing information and campaigning to improve carers' rights in the United Kingdom. Each constituent part of the United Kingdom has its own branch, with Carers NI representing the views and needs of Northern Ireland carers.

Each year Carers UK carries out a survey of unpaid carers. With regard to Northern Ireland, the most recent survey was carried out by Carers NI between July and September 2022. The results were published in November 2022 in, *The State of Caring 2022: A snapshot of caring in Northern Ireland*.⁵ That report suggests that around 290,000 people in Northern Ireland were providing unpaid care for a family member or friend in 2022, nearly 70,000 more than the 2021 Census data figure. Table 1 below shows the breakdown of unpaid care in Northern Ireland, according to the Carers NI 2022 survey.

Table: 1 Provision of Unpaid Care in Northern Ireland in 2022 by hours per week

Category of Care	% Carers
0 - 19 hours unpaid care per week	19%
20 - 49 hours unpaid care per week	23%
50 - 89 hours unpaid care per week	13%

⁵ Carers NI (2022) *State of Caring: A snapshot of unpaid care in Northern Ireland 2022*: https://www.carersuk.org/media/vgrixcscs/soc22_final_web.pdf

90 + hours unpaid care per week	46%
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Source: Carers NI (2022)

Of the estimated 290,000 unpaid carers in Northern Ireland in 2022, more than four in ten (42%) – the largest category – were providing care for more than 90 hours per week.

Duration of Unpaid Care in Northern Ireland

The 2022 Carers NI report also states that almost one third (31%) of Northern Ireland unpaid carers have been caring for 15 years or more, 16% for between 10 – 14 years, 25% for five – nine years, 25% for one – four years, and 3% have been caring for less than one year. Most unpaid carers in Northern Ireland (67%) care for one person, 25% care for two people, 5% for three people, and 3% care for four or more people.

Issues for Consideration

- What impact has the rise in the number of adults providing increasing amounts of unpaid care had on employment in Northern Ireland?
- What is the impact on women in particular?
- Are these individuals being squeezed out of the labour market?
- Is this a factor in Northern Ireland's high level of economic inactivity?
- How are caring responsibilities impacting the educational and training needs and aspirations of children and young people?

1.3 Economic Impact of Unpaid Care

In 2023 the Centre for Care, University of Birmingham in collaboration with Carers NI, published “Valuing Carers 2021”⁶, a report that sought to place a financial value on the contributions of unpaid carers in Northern Ireland. To calculate this, the authors assessed the total number of unpaid care hours contributed by all unpaid carers in each of the Northern Ireland Health and Social Care Trusts (HSCT) per year. They then multiplied this figure by the HSCT-specific unit cost for replacement care. By totalling the values from all five HSCTs the authors provided an estimation of the overall economic value of unpaid care in Northern Ireland.

Using this methodology, the report estimated that in 2021, unpaid carers’ economic contribution equalled £5.4 billion. Furthermore, this represented a 42% increase in real terms since 2011. The report also stated that the economic value of these contributions is the equivalent of around 85% of the Northern Ireland Department of Health’s budget for 2021/2022. Table 2 below presents the real value (considering inflation) of unpaid care between 2011 and 2021.

Table 2: Change in the real value of unpaid carers’ contributions in Northern Ireland⁷

	2021 No. of unpaid carers	2011 No. of unpaid carers	Value 2021 (£m)	Value 2011 (£m)	(%) Change 2021-2011
19 hours or less	100,783	122,301	533	651	-18.2%
20 to 49 hours	52,743	35,369	1,631	893	82.6%
50 hours of more	68,690	56,310	3,186	2,215	43.8%
Total	222,216	213,980	5,350	3,760	42.3%

⁶ Zhang et al (2023) Valuing Carers 2021: Northern Ireland: https://centreforcure.ac.uk/wp-content/uploads/2023/11/valuing-carers-northern-ireland_.pdf

⁷ As cited immediately above.

Issue for Consideration

The figures presented above present a significant saving for the Northern Ireland public finances. Any potential policy intervention in this area should be mindful of the economic contribution provided by unpaid carers. This is perhaps particularly relevant in the current public finance climate where resources in Northern Ireland departments are already stretched.

2 Supporting Unpaid Carers: Issues for Consideration

The provision of unpaid care is becoming increasingly common as the global population ages, with an expectation that the demand for care provided by family members will rise substantially in coming decades.⁸ Unpaid care is therefore an important social and economic issue affecting the employment opportunities, and social and leisure activities of those providing it. As the demand for care is projected to grow, individuals are increasingly likely to become providers of unpaid care at some point in their lives.

This section discusses factors impacting unpaid carers and issues regarding government support which have arisen elsewhere and which could merit further consideration. These include the potential impacts of caring responsibilities on carers' health, finances and employment prospects.

2.1 Health Impacts on Unpaid Carers

Many carers report that caring results in a negative, and often lasting, impact on their general physical and mental health. Furthermore, some people with

⁸ RaSe (2020) NIAR 214–2020: *Background Information and Statistics on Carers in Northern Ireland*.

existing disabilities or long-term conditions also take on caring responsibilities.⁹ Evidence from the 2022 Carers NI survey is consistent with this, stating:¹⁰

22 per cent of carers in Northern Ireland report their health to be 'bad' or 'very bad'. According to the survey, "Given the immense personal cost that comes from providing round the clock care, it is perhaps unsurprising that those who care for more than 50 hours a week reported poorer health, with 26 per cent reporting bad or very bad physical health, and 31 per cent reporting bad or very bad mental health."

When asked about physical exercise, 82% of carers responding to the survey said that they are not able to do as much physical exercise as they would like to do.

Benefits of Respite

Results from the Carers NI 2022 survey found a clear link between access to breaks from caring and better health outcomes among unpaid carers. The report stated:¹¹

...while just 36% of all carers said their physical health was good or very good, this rose to 44% among those who had had a break from caring within the last 12 months. Similarly, 27% of carers said their mental health was good or very good, increasing to 35% among those who had had a break within the last year. Carers reported a host of benefits from taking a break from caring, including the chance to recharge their batteries and do things for themselves.

⁹ RaISe (2020) NIAR 214–2020: Background Information and Statistics on Carers in Northern Ireland.

¹⁰ Carers NI (2019) *State of Caring: A snapshot of unpaid care in Northern Ireland 2019*. (page 21) https://www.carersuk.org/northernireland/news-ni?task=download&file=policy_file&id=6865

¹¹ Carers NI (2022) *State of Caring: A snapshot of unpaid care in Northern Ireland 2022*: https://www.carersuk.org/media/vgrlxkcs/soc22_final_web.pdf

Issue for Consideration

The evidence presented above suggests that some unpaid carers have considerable physical and mental health challenges, potentially exacerbated by the long term nature of their caring responsibilities.

2.2 Financial Impacts on Unpaid Carers

In 2023, Carers Wales conducted a survey specifically on the financial impact of the current cost of living crisis on unpaid carers.¹² The survey showed that there has been an increase in the proportion of carers who are struggling financially compared to the previous year (34% in 2023, compared with 32% in 2022). More than one in 10 (12%) respondents were in arrears to utility companies and one in 20 (6%) in arrears on their rent or mortgage payments. The survey also reported that 63% of respondents said they had cut back on hobbies / leisure activities; 60% were worried about the impact of caring responsibilities on their finance; 66% felt the increase in the cost of living was having a negative impact on their physical and/or mental health; and, 68% worried about their ability to save and plan for the future.

In addition to the issues listed above, the Carers Wales survey report also stated:

Carers have also been disproportionately affected by the cost-of-living increases as essential caring equipment, specialist food and fuel to get to their caring roles or provide transport to medical appointments have all been particularly hard hit.

¹² Carers Wales (2023) *State of Caring: the impact of caring on finances*: <https://www.carersuk.org/media/ineeasbh/sociw-finance-final-eng.pdf>

2.3 Employment Implications for Unpaid Carers

Data from the Department for Communities' *Family Resources Survey report 2019-20*, (the most recent source available) show that 43% of people with unpaid caring responsibilities in Northern Ireland are also in full or part-time employment.¹³ Balancing work with caring responsibilities can provide a challenge: the 2022 Carers NI survey report indicated that nearly 130,000 people in Northern Ireland had either given up work, or reduced their hours to part-time, to care for someone.¹⁴

Barriers to Employment for Carers

According to Carers NI, many carers find it impossible to provide hands-on practical and personal care for someone, manage their appointments, maintain the home and hold down a full-time job all at the same time.¹⁵ Furthermore, Carers NI argues that the disruption to replacement care and social care services (day centres) caused by the COVID-19 pandemic has made it even harder for working carers to juggle their responsibilities between work and caring.¹⁶

The 2022 Carers NI survey found evidence that the demands of caring had negatively impacted carers' career prospects, 64% of respondents said they had given up opportunities at work because of caring. One respondent stated:

...it is becoming more and more difficult. I have had to pull out of two internal recruitment drives with promotion prospects in the last year due to caring responsibilities.

¹³ Department for Communities (2021). *Family Resources Survey report 2019-20*.

¹⁴ Carers NI (2022) *State of Caring: A snapshot of unpaid care in Northern Ireland 2022*: https://www.carersuk.org/media/vgrlxkcs/soc22_final_web.pdf

¹⁵ Carers NI (2022) *State of Caring: A snapshot of unpaid care in Northern Ireland 2022*: https://www.carersuk.org/media/vgrlxkcs/soc22_final_web.pdf

¹⁶ As cited immediately above.

Working from Home

As part of the Carers NI 2022 survey, carers were asked about what support they needed to stay in employment and better juggle work with caring responsibilities. Over 60% of respondents said that working from home had helped them to balance work and caring more successfully. One respondent stated:¹⁷

As a carer, I have greatly benefited from working from home. There has been no impact on the business, but removing the commute from my day has allowed me to increase my hours and pay whilst still being able to juggle caring responsibilities.

Carers' Leave and Flexible Working

As noted below in Section 3 of this paper, working carers in Great Britain have a statutory right to carers' leave as of 6 April 2024. This is not currently available in Northern Ireland. However, Northern Ireland employees,¹⁸ have a statutory right to request flexible working arrangements from their employers. However, under the current Northern Ireland legislation, employees must have worked continuously for their employer for 26 weeks before applying for flexible working.¹⁹ This is not the case in Great Britain where employees have the right to ask for flexible working from the first day of their employment.

Working Carers and a Future Employment Bill for Northern Ireland

In a recent BBC NI article,²⁰ the Department for the Economy (DfE) announced its intent to bring forward a new employment rights bill within the current Assembly mandate. With regard to the new employment bill and carers' rights, the DfE stated:

¹⁷ Carers NI (2022) *State of Caring: A snapshot of unpaid care in Northern Ireland 2022*: https://www.carersuk.org/media/vgrixkcs/soc22_final_web.pdf

¹⁸ The right to request flexible working is only available to employees, not agency workers for example.

¹⁹ Employment Rights (Northern Ireland) Order 1996.

²⁰ BBC NI (2024) *NI's unpaid carers 'being left behind' new carer's leave law*: <https://www.bbc.co.uk/news/uk-northern-ireland-68732508>

The right to carer's leave and a revision to the current flexible working arrangements to remove the current qualifying period before a flexible working request can be made are two of the issues that will be considered in that context.

Issue for Consideration

Given the apparent financial hardships and barriers to employment currently facing unpaid carers in Northern Ireland, the Committee may wish to ask the DfE:

- Is a new employment rights bill the most expedient legislative vehicle to help carers achieve the same employment rights currently on offer in Great Britain?
- What, if any, consideration has the Department given to introducing bespoke legislation for unpaid carers?
- Are there any other supports for unpaid carers that are currently under consideration?

2.4 Women's under representation in the labour market

In Northern Ireland, Carers UK reported that in 2022, 82% of unpaid carers identified as female and 17% as male. The Health Survey Northern Ireland 2022/23 (and associated data back to 2010/11), show females consistently and substantially are more likely to have caring responsibilities than males. Women are therefore an important and substantial subgroup of unpaid carers.

In the United Kingdom, approximately 33 million people were in employment in October-December 2023.²¹ Women accounted for 16 million of this total whilst men accounted for 17 million. The employment rate (the proportion of the population aged 16-64 in work) in the United Kingdom during October to

²¹ House of Commons Library (2023) *Employment – National: Key Economic Indicators*
<https://researchbriefings.files.parliament.uk/documents/CBP-9040/CBP-9040.pdf>

December 2023, was 75%. Broken down by gender; 77% of men aged 16-64 were in employment, compared to 72% of women. Across the EU Member States, this employment rate gap is even wider with women's employment rate at 67.7% compared to men's at 78.5%.²²

Evidence from the European Union

In 2016, a *Eurofound* report cited the importance of care leave in encouraging increased female participation in the labour market, it stated: ²³

Care leave can allow women with care responsibilities to remain attached to the labour market while temporarily dedicating more time to caring this prevents exits from the workforce, which are common among carers, and permanent reductions in working hours.

Interestingly, the same report calculated the economic cost of low female employment rates in EU Member States, as follows:

The total cost of a lower female employment rate is estimated to have been around €370 billion in 2013, corresponding to 2.8% of the EU's GDP. This is the sum of resource costs, which represent forgone earnings and missed welfare contributions of individuals to society, and public finance costs, comprising individual welfare transfers and social benefits. The cost of a woman's exclusion from employment throughout her working life is estimated at between €1.2 million and €2 million, depending on her educational level.

²² European Commission (2023) *Women's situation in the labour market:*

https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/women-labour-market-work-life-balance/womens-situation-labour-market_en#:~:text=Women%20remain%20underrepresented%20in%20the%20labour%20market.%20In,decreased%20in%20the%20last%2010%20years%20%28-1.9%20p.p.%29.

²³ Eurofound (2016) *The gender employment gap: Challenges and solutions:*

https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1638en_1.pdf

Findings such as these led to the introduction of the 2019 EU Directive: Work Life Balance for Parents and Carers which is discussed in further detail below.

EU Directive 2019/1158: Work Life Balance for Parents and Carers

In April 2019, the European Union (EU) Directive 2019/1158 on Work Life Balance for Parents and Carers (the EU Directive)²⁴ came into force in EU Member States (including the Republic of Ireland). The EU Directive's primary focus is addressing the inequalities suffered by working parents and carers, with the creation of range of employment benefits, including a right to request flexible working.

The European Commission's impact assessment for EU Directive 2019/1158, asserts that parenthood and other caring responsibilities appear to be an important driver for the employment differences between women and men. The document cites gender stereotypes and discrimination as root causes for the unequal distribution of caring responsibilities between women and men. It states:

The underlying causes for why caring responsibilities impact women and men's employment outcomes differently are a mix of attitudes and policy factors. The existence of gender stereotypes and discrimination clearly have an effect on women and men's roles in the workplace and at home.

...Part of the reason for why parenthood and caring responsibilities affect the employment of women and men differently is due to expectations of which gender should be engaged in caring/household work and which gender should remain in formal employment.

²⁴ <https://ec.europa.eu/social/main.jsp?catId=1311&langId=en>

One of the key aims of EU Directive 2019/1158 was to redress the underrepresentation of women in the labour market. It views increased flexibility in leave arrangements as crucial to this:²⁵

The availability, or lack-thereof, of leave arrangements can strongly influence women's decisions to stay at home or return to the labour market after assuming care responsibilities. Inadequate leave arrangements can make it harder for parents to reconcile work and care. As a result, many women end up dropping out of the labour market entirely in order to care for children or other dependents, rather than return to work too early... Conversely, the provision of paid leave tends to boost female labour market participation by allowing women some time off to care for a child or dependent relative while strengthening their attachment to the labour market.

Issue for Consideration:

Evidence from the EU not only suggests that more flexible care arrangements could help working women with caring responsibilities stay in employment, but also could encourage new female entrants into the labour market.

2.5 Principles for Policy Making

The European Association Working for Carers - *Eurocarers* has adopted 10 principles to strengthen the position of unpaid carers in society. The Association's aim is to rely on these principles as a guide for policy development across the EU in areas relevant to carers. These principles could potentially provide a useful framework for any consideration of impacts of new policies on unpaid carers.

²⁵ EU 2019/1158 (20 June 2019) *Work-life balance for parents and carers*: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019L1158&from=EN>

Table 3 below summarises those principles.

Table 3: EuroCarers Principles for Policy Making²⁶

Principle	Summary
Recognition	Carers should be recognised for the central role they play in community care, and this recognition should be reflected in all policies having effect on carers.
Social Inclusion	Cares have the right to a social life.
Equality of Opportunity	Carers should have equal opportunities in all spheres of life.
Choice	People should have the right to choose freely whether they want to be a carer, and to what extent they want to be involved in caring; people needing care should have the right to choose who they wish to be their carers.
Information	Carers should have easy access to the information, guidance, advocacy, advice and training they desire – fitting to the stage of their carer’s career.
Support	Carers need financial, practical and emotional support in their role as carers as well as access to needed formal care that is available and affordable.
Time Off	Carers should have the opportunity of taking time off. Therefore, adequate relief i.e. respite care arrangements, acceptable both to the carer and the cared for person, must be readily available and tailored to carers’ needs.
Compatibility of Care and Employment	Carers should have the possibility to combine caring with paid employment. This presupposes labour market policies that allow for caring activities as well as formal care available during working hours.

²⁶ EuroCarers (2020) *Guiding Principles* <https://eurocarers.org/about/>

Health promotion and protection	Carers' own health care needs should be recognised.
Financial Security	Carers should be covered by social security schemes such as income replacement benefits, accident insurance and old age pensions, in order to avoid impoverishment as a consequence of caring.

Source: EuroCarers 2020

Issue for Consideration:

The principles listed in Table 3 above address the range of challenges for unpaid carers. It would seem prudent to give due consideration to these in developing any new legislation or policy initiatives for unpaid carers in Northern Ireland.

3 Support for Unpaid Care: a comparative perspective

This section presents a comparative perspective of support arrangements for unpaid carers. It provides a summary of legislative and non-legislative government interventions to help unpaid carers in different jurisdictions, namely Great Britain, the Republic of Ireland and member countries of the Organisation for Economic Co-operation and Development (OECD).

3.1 Great Britain: Carer's Leave Act

The Carer's Leave Act 2023 received Royal Assent in May 2023. The Act created a new statutory leave entitlement that grants up to one week of unpaid leave per year to employees in Great Britain who are caring for a dependant with a long-term care need.²⁷ In February 2024, the Carer's Leave Regulations 2024 were laid in the United Kingdom Parliament confirming that the Act will come into force from 6 April 2024. A summary of key provisions set out in the 2024 regulations is presented below in Box 1.

²⁷ <https://www.legislation.gov.uk/ukpga/2023/18/enacted>

Box 1: Summary of Key Provisions of The Carer's Leave Regulations 2024

- Statutory leave entitlement applies only to employees in England, Wales and Scotland.
- Entitlement is not dependent on length of service (a day one right).
- To be entitled to the leave, employees need to be providing long term care.
- Long term care is defined as 3 months or more.
- Leave can be taken in half or full days, up to and including a block of a whole week.
- The notice period an employee needs to give to take the leave is twice the length of time that needs to be taken in advance of the earliest day of leave.
- An employee does not need to notify their employer in writing regarding their request to take Carer's Leave, although they can do so if they wish to.
- Employees taking Carer's Leave will have the same employment protections as associated with other forms of family related leave. This includes protection from dismissal or detriment as a result of having taken the leave.

Source: Carer's Leave Regulations 2024.

Responses to the Carer's Leave Act

While responses to the Act were broadly positive, some issues were highlighted. Prior to the enactment of the Act, the Chartered Institute of

Professional Development (CIPD) raised concerns over the duration of the leave periods, stating that the legislation did not cover short term care needs:²⁸

Caring responsibilities can often be sudden and unpredictable and this applies whether the care need is short-term or longer-term.

In a similar vein, CIPD also voiced its concern over the notice period contained in the Act, arguing that the Act does not address the unpredictability of caring, where appointments or issues often come up at the last minute:

...there will be times when it will be much harder to give notice, for instance if someone has a sudden accident or illness and are unable to cope on their own.

In a recent House of Commons (HoC) debate, a Member of Parliament voiced a concern over the unpaid nature of the leave entitlement, stating:²⁹

Given the evidence that there is an economic benefit, it is important that there is an explicit acknowledgment in the impact assessment that keeping the leave entitlement as unpaid will discourage some carers from taking up leave. The impact assessment says that:

“as this is an unpaid leave entitlement some carers will be disincentivised to take the full entitlement of leave, as they do not want to lose more of their income. Existing survey evidence shows that one of the key reasons for not taking leave is because of affordability.”

²⁸ https://www.cipd.org/globalassets/media/comms/about-us/influencing-public-policy/misc-policy/carers-leave-consultation-response-ps_tcm18-83648.pdf

²⁹ [https://hansard.parliament.uk/Commons/2024-02-21/debates/58955460-ff30-4158-b503-5f846dd1d849/DraftCarerSLeaveRegulations2024DraftMaternityLeaveAdoptionLeaveAndSharedParentalLeave\(Amendment\)Regulations2024](https://hansard.parliament.uk/Commons/2024-02-21/debates/58955460-ff30-4158-b503-5f846dd1d849/DraftCarerSLeaveRegulations2024DraftMaternityLeaveAdoptionLeaveAndSharedParentalLeave(Amendment)Regulations2024)

Will the Minister explain why the Government have chosen a policy which, according to their own analysis, appears to limit the take-up?

The CIPD share this view that the leave should be paid:³⁰

Research also shows that carers overwhelmingly point to paid leave as the most helpful way of supporting them in their caring responsibilities.

Issue for Consideration

It would appear prudent to give due consideration to these responses in developing any new legislation or policy initiatives for unpaid carers in Northern Ireland.

3.2 Scotland

The Carers (Scotland) Act

In 2016, the Scottish Parliament introduced legislation aimed to support adults and young carers in Scotland. The Carers (Scotland) Act 2016,³¹ contains provisions to define adult and young carers separately. Under the Act a young carer is:³²

- a) *under 18 years old, or*
- b) *has attained the age of 18 years while a pupil at a school, and has since attaining that age remained a pupil at that or another school.*

Additional provisions under the Act place a duty on the local authorities to offer support for carers. The responsible local authority must provide support to any

³⁰ CIPD (2019) Response to Consultation on Unpaid Carers Leave.

³¹ <https://www.legislation.gov.uk/asp/2016/9/contents>

³² <https://www.legislation.gov.uk/asp/2016/9/section/2>

carer who has identified needs that cannot be met through support provided to the person being cared for, or through general local services. Local authorities must provide adults and young carers with support plans that contain information that identifies carer's needs. Box 2 below presents a summary of the information to be contained in an individual's adult carer support plan.³³

Box 2: Information contained in the adult carer support plan:

- the nature and extent of the care provided and the impact on wellbeing and day-to-day life
- the extent to which the carer is able and willing to provide care
- emergency and future care planning, including any arrangements that are in place
- what 'personal outcomes' matter to the carer in order to help them carry out their caring responsibilities, to have a life alongside caring, and to improve their own health and wellbeing
- support available to the carer if they live in a different local authority are from the person they care for
- whether support should be provided as a break from caring
- support available to locally
- any support which the responsible local authority intends to provide, and

³³ <https://www.gov.scot/publications/carers-charter/pages/5/>

- the circumstances in which their adult carer support plan is to be reviewed.

Source: Carers' Charter: Scottish Government 2018

The Act also contains provisions that require a local authority to consider whether any support include providing a break from caring. Subsection (2) of the Act confers a power on Scottish Ministers to make regulations concerning the forms of support that would constitute a break from caring.

Respitality

Respitality is a Scottish Government funded project that aims to support unpaid carers by giving them access to respite breaks in local hotels and B&Bs. The breaks are donated to the unpaid carers by local hospitality businesses.³⁴

Issue for Consideration

Has the Department of the Economy given any consideration to creating a local equivalent to Scotland's Respitality programme?

3.3 Wales

In Wales, the *Social Services and Well-being (Wales) Act 2014*,³⁵ (the 2014 Act) provides the legal framework for improving the well-being of people who need care and support, and carers who need support.³⁶ The 2014 Act imposes duties on local authorities, health boards and Welsh Ministers that require them to work to promote the well-being of those who need care and support, or

³⁴ <https://respitality.sharedcarescotland.org.uk/about-us/>

³⁵ <https://www.legislation.gov.uk/anaw/2014/4/contents>

³⁶ Social Care Wales (2023) Overview of the Social Services and Wellbeing Wales Act 2014: <https://socialcare.wales/resources-guidance/information-and-learning-hub/sswbact/overview>

carers who need support. Additionally, under the 2014 Act, carers have an equal right to assessment for support to those who they care for.

Charter for Unpaid Carers

In 2022, the Welsh Government published a Charter for Unpaid Carers.³⁷ The Charter sets out the legal rights of unpaid carers in Wales under the Social Services and Wellbeing Wales Act 2014. Box 3 below presents the rights of unpaid carers under the 2014 Act, as set out in the Charter.

Box 3: Rights for Unpaid Carers

- The right to well-being – the relevant local authority, local health board and Welsh Ministers must promote the well-being of people who need care and support and carers who need support.
- The right to have information, advice and assistance – the relevant local authority must provide information, advice and assistance about support services so carers can find and access them.
- The right to an assessment – the relevant local authority must offer a carers' needs assessment. This assessment is to find out what support the carer needs and how the local authority can help if they do need support. The carer's right to an assessment is not affected by how much money they have, but they may be asked to contribute to the cost of support.
- The right to have the carer's voice heard and have control over decisions about their support - during the assessment the local authority must ask what matters as a carer or a

³⁷ Welsh Government (2022) *Charter for unpaid carers*: <https://www.gov.wales/sites/default/files/pdf-versions/2023/10/1/1696245965/charter-unpaid-carers.pdf>

young carer. The carer must be involved in all decisions about their support. Carers have a choice over whether they provide care and the type of care they may wish to provide.

- The right to advocacy if the carer is unable to fully take part in discussions.

3.4 Republic of Ireland

Carers' Leave Act 2001

In July 2001 the Carer's Leave Act (2001) came into operation in the Republic of Ireland. The 2001 Act provides a statutory entitlement for unpaid carers to take (unpaid) leave from their work to provide full-time care and attention for a person who is in need of such care. The eligibility criteria and entitlements under the 2001 Act are summarised in Box 4 below.

Box 4: Carers' Leave Act (2001)

Entitlement

The minimum statutory entitlement is 13 weeks, and the maximum is 104 weeks.

Eligibility

The Act applies to any person:

- working under a contract of employment or apprenticeship
- employed through an employment agency, or
- holding office under, or in the service of the State (including Civil Servants), an officer or servant of a local authority, a harbour authority, health board or vocational education committee, or of the Defence Forces.

An employee **must**:

- have at least 12 months continuous service with the employer
- intend to personally provide full-time care and attention to a person in need of such care engage in limited self-employment in his/her own home.
- engage in employment outside the home for up to 18.5 hours per week, subject to approval of the Minister for Social Protection.

Role of Deciding Officer

The decision as to whether the relevant person is in need of full-time care and attention will be made by a Deciding Officer or Appeals Officer of the Dept. of Social Protection based on information provided by the person's general medical practitioner and assessment by the Department's medical advisor.

Manner in which Carer's Leave may be Taken

The 2001 Act provides that the leave may be taken in one of the following ways:

- one continuous period of 104 weeks, or
- one or more periods, the total duration of which amounts to no more than 104 weeks.

Applying for Carer's Leave

An employee must give written notice to his/her employer of the intention to take Carer's Leave, not later than 6 weeks before he/she proposes to commence the leave.

Work Life Balance and Miscellaneous Provisions Act 2023

As mentioned above, the EU Directive 2019/1158 on Work Life Balance for Parents and Carers came into force in EU Member States (including the Republic of Ireland) in 2019. Member States were afforded three years to adopt the EU Directive into domestic law – that is, transpose and implement the legislation. Consequently, in the Republic of Ireland the Work Life Balance and Miscellaneous Provisions Act 2023 (the 2023 Act) was enacted on 04 April 2023. The 2023 Act gives effect to EU Directive by amending the Parental Leave Act 1998,³⁸ to entitle employees **with caring purposes** the right to request flexible working.³⁹ Table 4 below summarises the application procedure for flexible working requests under the provisions of the 2023 Act.

Table 4: Requesting flexible working arrangements in the Republic of Ireland.⁴⁰

Procedure	Summary
<p>Asking for flexible working</p>	<p>The 2023 Act provides employees with caring duties the statutory right to request a flexible working pattern.</p> <p>To qualify, the employee must:</p> <ul style="list-style-type: none"> • be a parent of a children aged up to 12 years or be a carer for the following: <ul style="list-style-type: none"> • a parent or grandparent • a brother or sister • a spouse or partner • a cohabitant • an individual in the same household who needs significant care or support due to a serious medical reason. • have worked for their employer for 6 months continuously before applying.

³⁸ <https://www.irishstatutebook.ie/eli/1998/act/30/enacted/en/index.html>

³⁹ Work Life Balance and Miscellaneous Provisions Bill 2022: Explanatory and Financial Memorandum (2022): <https://data.oireachtas.ie/ie/oireachtas/bill/2022/92/eng/memo/b9222d-memo.pdf>

⁴⁰ Work Life Balance and Miscellaneous Provisions Act 2023: <https://data.oireachtas.ie/ie/oireachtas/act/2023/8/eng/enacted/a0823.pdf>

<p>Applying for flexible working</p>	<p>When making an application, it must:</p> <ul style="list-style-type: none"> • include evidence of the care needed. This may be a birth certificate in the case of a child of 12 years or under, or a medical certificate for an adult in need of significant care. • be in writing and signed by the employee • be dated • give details of the proposed flexible working pattern, including the starting date • be submitted to the employer as soon as reasonably practicable but not later than eight weeks before the proposed commencement of the flexible working arrangement.
<p>Consideration of the application</p>	<p>Employers shall consider and respond to requests within four weeks of receipt.</p>
<p>Outcome of the application</p>	<p>If the request is granted, approval shall include an agreement prepared and signed by the employer and employee setting out the details of the flexible working arrangement the date of the commencement of the proposed flexible working arrangement.</p> <p>If a request is refused, employers must state the reason for refusal. Employers may also decide to postpone the commencement for a period not exceeding six months.</p> <p>Reasons to postpone the arrangement include:</p> <ul style="list-style-type: none"> • seasonal variations in the volume of the work concerned • the unavailability of a person to carry out the duties of the employee in employment • the nature of those duties • the number of employees in the employment, or the number thereof whose periods, or parts of whose periods, of an approved flexible working arrangement will fall within the period specified in the employee's approved flexible working arrangement, or

	<ul style="list-style-type: none"> any other relevant matters.
Appeals	The employee will be able to challenge a refusal by bringing a complaint to the Workplace Relations Commission.

Source: **Work Life Balance and Miscellaneous Provisions Act 2023**

3.5 OECD Member Countries and paid leave

The OECD family database brings together information from various national and international databases, both within the OECD countries and external organisations.⁴¹ Appendix 1 (page 34 below) presents statutory paid leave entitlements for working parents and families taken from the OECD family database.⁴²

Results from the database show the overwhelming majority of paid leave is offered to provide care for dependent children. However, many countries offer additional paid leave for the care of adults. These include: Australia, Austria, Belgium, Estonia, Canada, France Germany; Ireland; Israel; New Zealand; Poland; Slovak Republic; Slovenia; Spain and Sweden. Interestingly only Israel offers explicit additional paid leave for the care of an elderly person (paid leave to care for a spouse or parent over age 65).

Table 5 (at Appendix 1) also shows that paid leave entitlements are mostly offered for the care of family members. However, there are a few interesting exceptions. Australia, the Netherlands, Norway and Sweden all provide paid leave for the care of non-family members. In Australia and the Netherlands, paid leave is offered for the care of a “member of the household”. In Norway, paid leave is offered to care for terminally ill family members or a person with “close ties”. In Sweden, paid leave is offered to care for a seriously ill family member or “other closely related person”.

⁴¹ Arrangements provided by individual employers or by collective agreement in addition to what is stipulated by law are not covered in the family database.

⁴² OECD (2020) *Family Database Additional leave entitlements for working parents*: <http://www.oecd.org/els/family/database.htm>

In terms of the duration of paid leave entitlements, the majority of the countries in the survey offer paid care leave limited to one month. Belgium offers the longest paid care leave entitlement of 12 months. This also is extendable to 51 months: however, the extension period is unpaid.

Finland, Republic of Ireland, Spain and Switzerland offer the shortest periods of paid leave. Finland offers four days per episode for children under 10 years. However, this is renewable without a limit. Republic of Ireland offer three days in any 12-month period, up to a maximum of five days in any 36-month period for a dependent family member. Spain only offer two days per episode for a family member; however, there is more flexibility for caring for a seriously ill child. In Switzerland only three days per episode is offered to care for a child.

In terms of the proportion of earnings offered as paid leave, the majority of countries offer 100%. Norway and Spain offer 100% of earning as paid leave but this is capped by setting an earnings ceiling. Belgium offers a fixed taxable amount currently set at €786.78 per month. In terms of percentages of earnings, Poland (65%) and the Slovak Republic (55%) offer the least.

Issue for Consideration

The scarcity of non-traditional family related paid leave arrangements may lead to criticism that the provision of statutory paid leave is perhaps out of date and does not account for the growing number of workers within “non-traditional” family arrangements. The changing nature of what constitutes a “family” is perhaps noteworthy for consideration when formulating future policy in this area.

4 Concluding Remarks

Unpaid carers can be family members, friends, male, female, young or old. Traditionally, the unpaid carer has been viewed as a family member looking after an aged relative. Today, more and more non-traditional family arrangements are in place, arguably statutory responses aimed to help unpaid carers need to be cognisant of this changing pattern.

The trajectory of unpaid care seems to be on an ever-increasing path with more and more individuals providing more care for longer periods of time. As the population ages, caring responsibilities are increasingly being placed on older carers.

Research by the University of Birmingham has placed an economic value of £5bn on the contribution of unpaid carers in Northern Ireland. This is a very significant figure and presents a considerable saving for the Northern Ireland budget. Any potential policy intervention in this area should be mindful of the economic contribution provided by unpaid carers. This is perhaps particularly relevant in the current public finance climate.

For a multitude of reasons, not least, the persistence of gender stereotyping and discrimination in society, women tend to make up the majority of unpaid carers in Northern Ireland and abroad. The EU Directive on Work Life Balance and its associated impact assessment suggest that more flexible care arrangements in the workplace (including paid leave) could help working women stay in employment whilst providing their caring responsibilities. This also could encourage new female entrants into the labour market. Additionally, this may contribute to a macro economic boost for Member States, by potentially increasing economic growth.

The introduction of the United Kingdom Carer's Leave Act 2023 is no doubt a welcome intervention for carers and their families in England, Scotland and Wales. However, provisions contained in the Act do not apply to Northern Ireland and therefore there is no statutory right to carers' leave available in Northern Ireland. However, welcome as the Act maybe in Great Britain, it is not without its critics. Many commentators felt the notice period does not address

the unpredictability of caring. Furthermore, many felt that leave should be a paid entitlement given the financial hardships already placed on unpaid carers.

The DfE has announced its intention to introduce a new Northern Ireland employment rights bill before the end of the current Assembly mandate. As mentioned earlier in this paper, recent press statements allude to the inclusion of provisions for improved carers' rights in this proposed legislation. It is possible that this bill could provide a vehicle for enhanced carers' rights.

Appendix 1: OECD Working Parents and Families Database

Table 5: Paid Carer's Leave for Working Parents and Families

Country	Entitlement	Eligibility criteria	Duration	Payment (and conditions)
Australia	Paid leave to care for an immediate family or household member.	All employees other than casual employees.	10 days per year	100% of earnings
Austria	Paid leave to care for a child under age 12	-	2 weeks per year	100% of earnings
	Paid leave to care for dependants other than children.	-	1 week per year	100% of earnings
Belgium	Paid leave to care for a seriously ill family member or a child younger than eight years (for a disabled child, up to age 21)	-	12 months per episode (extendable to 51 months with no payment)	€786.78 per month (taxable)

	Paid leave to provide palliative care for a family member.		2 months per episode	€786.78 per month (taxable)
Canada	Paid leave to care for a family member who 'is at significant risk of death 'within the next 26 weeks.	Employees who have worked 600 hours in the past 52 weeks.	26 weeks per episode	Paid for 26 weeks at 55% of earnings, up to a ceiling.
Chile	Paid leave to care for a child aged 1-18 at serious risk of death.	Employees who have paid at least 8 contributions to pension insurance in the past 24 months.	10 days per year	100% of earnings
	Paid leave to care for a seriously ill child under age 1	-	According to the doctor's certification	100% of earnings with a taxable cap
Czech Republic	Paid leave to care for a child under the age of 10 or for seriously ill family member. (any age)	-	No limit, although a maximum of nine days can be taken consecutively. Only one parent can use the leave at any one time.	Paid at 60% of earnings, up to a ceiling.

Estonia	Paid leave to care for a child under age 12.	-	14 calendar days per episode	80% of earnings
	Paid leave to care for an adult family member.	-	7 calendar days per episode	80% of earnings
	Paid leave to care for a relative with a severe disability.	-	5 working days per year.	Flat-rate payment.
Finland	Paid leave to care for a child under age 10.	-	4 days per episode, but renewable without a limit.	Payment dependent on collective agreements.
France	Paid leave to care for a child under age 20 with a serious illness or disability.	Employees with at least one year of service with the same employer	3 years per episode.	Paid for a maximum of 310 days per 3 years. Payment depends on length of tenure and family structure.
	Paid leave to care for family members with a terminal illness	-	3 months renewable once	Paid for a maximum of 3 weeks.
Germany	Paid leave to care for a child under age 12	Working parents with statutory health insurance.	10 days per child per year, with a	80% of earnings

			maximum of 25 days per year per parent.	
	Paid leave to care for a dependent family member with an unexpected illness.	-	10 days over the lifetime of the family member in need of care.	90% of income.
Greece	Paid leave to care for a seriously ill child (in need of a transplant, regular transfusion or dialysis, or suffering from cancer) under age 18 or a spouse.	-	22 days per year.	100% of earnings.
	Paid leave to care for children or a spouse with a disability.	-	1 hour per day.	1 hours pay.
Hungary	Paid leave to care for a child under age 12.	-	Varies on age of child.	50-60% of earnings.
Republic of Ireland (RoI)	Paid leave to care for a dependent family member.	-	3 days in any 12-month period, up to a maximum of 5 days in any 36-month period.	100% of earnings.

Israel	Paid leave to care for a child aged under 16.		8 days per year. (Taken from employee's sick leave allocation) 16 days per year for a single parent.	50% of earnings from the second day, 100% of earnings from the fourth day.
	Paid leave to care for a child with special needs.	-	18 days per year. (Taken from employee's sick leave allocation); 36 days per year for a single parent.	100% of earnings.
	Paid leave to care for a spouse or parent over age 65.	-	6 days per year (taken from employee's sick leave allocation)	100% of earnings.
Italy	Paid leave for a seriously disabled ill or disabled family member.	-	2 year per employee over the course of the working life.	100% of earnings.
Japan	Paid leave for a seriously ill dependent family member who requires constant care for a period of 2 weeks or more.	-	93 days for each family member over the course of his or her lifetime.	67% of earnings.

Latvia	Paid leave to care for a child under age 14.	Employed and self-employed who have paid social insurance contributions for at least 12 months in the last 2 years.	14 days per episode.	80% of earnings
Luxembourg	Paid leave to care for a child under age 18.	-	Varies depending on the age of the child.	100% of earnings
	Paid leave to care with a child under age 18 with a very serious illness/disability.	-	Up to 52 weeks in any 104-week period.	100% of earnings.
Netherlands	Paid leave to care for an ill child, partner, or other friends or household members.	All employees are eligible but employers can refuse on serious business grounds.	10 days a year.	70% of earnings.
New Zealand	Paid leave for a partner or dependent family member.	Employees with at least 26 weeks services with their employer.	5 days per year.	100% of earnings.

Norway	Paid leave to care for a child under age 12.		Varies on the number of children.	100% of earnings up to a ceiling.
	Paid leave to care for terminally ill family member or a person with close ties.	Active in the labour market for the past 4 weeks.	60 days per episode.	100% of earnings up to a ceiling.
Poland	Paid leave to care for a family member.	-	14 days per year.	80% of earnings.
	Paid leave to care for a child under age 12	-	30 days per year.	65% of earnings
	Paid leave to care for a child over age 12.	-	15 days per year.	65% of earnings.
	Paid leave to care for a chronically ill child.	-	6 months per episode.	65% of earnings up to a ceiling.
Slovak Republic	Paid leave to care for a family member	-	10 days per year.	55% of earnings up to a ceiling.
Slovenia	Paid leave to care for a child under age 8.		15 days per episode.	80% of earnings.
	Paid leave to care for a (co-resident) family member.	-	7 days per episode.	80% of earnings

Spain	Paid leave to care for a family member	-	2 days per episode.	100% of earnings
	Paid leave to care for a seriously ill child under age 18.	Social security contributions	Unlimited. Individual entitlement but only one parent can take the leave at any one time.	100% of earnings up to a ceiling.
Sweden	Paid leave to care for a child under age 12, or under 15 in specific circumstances.	-	120 days per child per year.	77.6% of earnings up to a ceiling.
	Paid leave to care for a seriously ill family member of other closely related person.	-	100 days per episode.	80 % of earnings up to a ceiling.
Switzerland	Paid leave to care for a child	3 months service with current employer.	3 days per episode.	

Source: OECD 2020

