

You may find that the best or only way to manage your work and caring responsibilities is to change your work arrangements. You may also need to take leave at short notice for emergencies. Carers now have more statutory rights at work that help to meet these needs. Employers may also be able to offer additional flexibility through their own policies and procedures.

Seeking support in the workplace

You do not have to tell your employer about your caring responsibilities but as an employee, you have some statutory rights which means that your employer must offer these. Your employer may also offer additional support.

Before you decide to speak to your employer you should find out more about your employer's policy for supporting carers. You can do this by checking your staff handbook or intranet or speaking to your line manager, HR or personnel department or Union or staff representative

Should I tell other staff?

Colleagues can be very supportive and it may help simply to discuss your situation with someone you can trust at work. You may find that other colleagues are also carers and that together you are more able to talk to your employer about ways in which you could be supported.

Statutory Rights

The Work and Families Act 2006 and the Employment Rights Act 1996 give working carers rights to help them manage work and caring including the right to request flexible work and leave entitlement.

These rights apply to employees. Your employment status can affect your entitlement to statutory rights. If, for example, you are self employed, on a short-term contract or employed through an agency you may not be covered by these rights.

1. The right to request flexible working

Flexible working can allow employees to manage both work and their caring responsibilities. Since April 2007 carers have a right to request changes to their working patterns to better manage their caring.



Flexible working patterns can allow employees to manage both work and their caring responsibilities. Flexible working could include flexible starting and finishing hours, compressed working hours, annualised working hours, term-time working, job sharing, part time working, homeworking or teleworking.

Who has the right to request flexible working?

You have the right to request flexible working if you are an employee with 26 weeks continuous employment at the date you make an application, and you are:

- a parent with a child(ren) under 6 or a disabled child(ren) under 18 or
- a carer - to qualify as a carer under the legislation, you must be, or expect to be, caring for a spouse, partner (who you live with), civil partner or relative, or live at the same address as the adult in need of care. 'Relative' includes parents, parent-in-law, adult child, adopted adult child, siblings (including those who are in-laws), uncles, aunts or grandparents and step-relatives.

The law gives employees the right to make one application per year for flexible working. However, your employer may be sympathetic if you find your circumstances have changed and you need to make a further application.

How do I make a request?

The request to work flexibly must be made in writing and dated and should include:

- confirmation that you are eligible i.e. that you are a carer
- an outline of the working pattern you would like
- an explanation of the effect, if any, you think the proposed change might have on your job and, how you think this could be dealt with
- the date on which you would like the proposed change to start
- whether you have made a previous request and, if so, the date of that request

What evidence of caring is required?

You are not required to prove the caring relationship but it may help your application to give as much information as possible. 'Caring' in this context includes not just personal care but also, for example, emotional support, keeping the cared for person company, helping with financial matters or paperwork, escorting them to medical appointments.



When can I make a request?

You can make a request at any time as long as you meet all the eligibility criteria. It's best to make the request as soon as possible as the application process can be lengthy.

Can my employer refuse my request?

Your employer can only refuse your request if they have good business reasons for it. It is important to consider the needs of your company when you make your request, and to include as much information as you can about how your proposed change will help the business as well as you, or how you can deal with any possible negative impact you think your employer may be concerned about.

Business grounds on which your employer can refuse your application are: burden of additional costs; detrimental effect on ability to meet customer demand; inability to reorganise work amongst existing staff; inability to recruit additional staff; detrimental impact on quality; detrimental impact on performance; insufficiency of work during the periods the employee proposes to work; planned structural changes.

If the request is rejected you can appeal in writing within 14 days of notification. You may be able to take further action if your appeal is unsuccessful provided that you feel that the process was not followed correctly; proper consideration was not given to (some of) the facts of your case; you have been discriminated against in some way. If this is the case, seek legal advice.

2. The right to time off in emergencies

Also known as time off for dependants, this gives all employees the right to take a 'reasonable' amount of time off work to deal with an emergency involving a dependant. Whether the time off is paid or not is at the discretion of the employer.

A dependant could be mother, father, son, daughter, parent or anyone who lives with you who is solely dependent on you.

An emergency could be:

- a disruption or breakdown in care arrangements
- the death of a dependant
- if a dependant falls ill or has been assaulted



- to make longer term arrangements for a dependant who is ill or injured (but not to provide long term care yourself)

To use this right to time off, employees must inform their employer as soon as possible after the emergency has happened. This right can also give you some protection from victimisation and dismissal. If you think you have been treated unfavourably because of using this right, you can seek further advice from your union or a legal adviser.

3. Parental leave

If you have at least one year's continuous service with your employer and are responsible for a child aged under 5, or under 18 if the child is disabled, you are entitled to:

- 13 weeks (unpaid) leave per child to look after a child, or
- 18 weeks (unpaid) leave per child to look after a disabled child

The leave must be taken by the child's fifth birthday, or for disabled children, by their 18th birthday. For parents who have adopted a child, the leave must be taken during the 5 years from the date of placement or before the child's 18th birthday, whichever is the sooner.

Leave can be taken in blocks of a week (and usually up to 4 weeks in a year), or blocks of a day if the leave is to care for a disabled child (again, usually up to a maximum of 4 weeks a year). Collective or workforce agreements may allow employees to take more than 4 weeks off in a year.

You must give at least 21 days' notice to your employer to take parental leave.

Parental leave can be postponed by employers if taking leave at the time requested would cause particular disruption to the business e.g. during a seasonal peak in work or if multiple requests for parental leave are made at the same time. If leave is postponed, employers must inform the employee within 7 days of the request for leave being made, and the leave must be granted within 6 months. Parental leave cannot be postponed if it has been requested for the time immediately after the birth of a child or the start of an adoption placement.

4. Organisational/contractual rights

In addition to the statutory rights your employer must give you, they may offer more support. This will be outlined in your contract and the organisation's policies.



For example, you may be able to use leave arrangements, paid or unpaid, at the discretion of your employer to cover intensive periods of care.

If you are thinking of giving up work, a career break (or sabbatical) allows you to keep your options open, ensuring you can go back, and keeping you in touch with the world of work.

Some employers offer paid and/or unpaid career breaks, often after a specified period of service with them, so check your organisation's policies. Sometimes the support you need is very simple like access to a telephone or information and advice.

Additional sources of information and advice

- **Directgov** www.direct.gov.uk has a section on [caring and working](#) covering legal rights around flexible working, issues to consider if you decide to give up work and information about returning to work after a period away from employment.
- **Carers UK** www.carersuk.org produces a booklet called an [Employees Guide to Work and Caring](#)
- **ACAS** www.acas.org.uk the Advisory, Conciliation and Arbitration Service can provide help with employment relations by supplying up-to-date information, independent advice and works with employers and employees

We can provide this leaflet in different formats, for example Braille, audiotape, large print, or community languages, please telephone 01275 882181 or email elly.smith@n-somerset.gov.uk