If you are looking after someone who could not manage without your support due to their physical or mental health, a learning disability, or drug or alcohol misuse, (including a disabled child) you are a ‘carer’.

You may find that the best 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 have 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 to flexible working which could help you balance work and caring.

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**

1. **The right to request flexible working**

From 30 June 2014 you have the right to request flexible working if you are an employee with 26 weeks’ continuous employment service at the date you make an application. This could include, for example, part-time working, working school hours, working flexi-time, compressing hours, and job-sharing. Flexible working like this can allow you to manage both work and caring responsibilities.

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.

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:

- 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 the business
- 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
- state if you are making your request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disabled employee

When can I make a request?

You can make a request at any time. It's best to make the request as soon as possible as the application process can be lengthy. The law requires the process to be completed within three months of the request being received, including any appeals.

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, all employees have the right to take a 'reasonable' amount of time off work to deal with an emergency involving a dependant. There is no set amount of time as it depends on the situation. 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, you must inform your 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.

You cannot take time off if you knew about the situation beforehand for example, if you need time off to take a dependant to a pre-planned hospital appointment.

There are no limits on how many times you can take this time off. Your employer may wish to discuss with you if they think time off is affecting your work.

3. Parental leave

Parental leave is for employees to take time off to look after a child’s welfare. If you are responsible for a child aged under 5, or under 18 if the child is disabled, and you have at least one year’s continuous service with your employer, you are entitled to:

- 18 weeks (unpaid) leave per child to look after a child up to their 5th birthday, or
- 18 weeks (unpaid) leave per child to look after a disabled child who qualifies for Disability Living Allowance up to their 18th birthday

This does not apply if you are self-employed, an agency worker or a foster parent (unless you have secured parental responsibility through the courts).

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.

You must give at least 21 days’ notice to your employer to take parental leave. You must take leave in blocks of a week (up to 4 weeks in a year), rather than as days unless the leave is to care for a disabled child. You must confirm your start and end dates in your notice.

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.

Leave cannot be postponed (delayed) if the employer doesn’t have a ‘significant reason’ (for example, it would cause serious disruption to the business), it’s being taken by the father or
partner immediately after the birth or adoption of a child, it means an employee would no longer qualify for parental leave (for example, postponing it until after the child’s 5th birthday).

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. The employer cannot change the amount of leave being requested.

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

- GOV.UK https://www.gov.uk/flexible-working https://www.gov.uk/parental-leave/overview has a section 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.

- GOV.UK https://www.gov.uk/parental-leave/overview has a section on parental leave.

- 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. It has a webpage on requesting flexible working http://www.acas.org.uk/index.aspx?articleid=1616

We can provide this leaflet in different formats, for example Braille, audiotape, large print, or community languages. Please contact: Public Information on 01275 884 022.