



Fact Sheet No.10

Caring for Someone While Working

The Carers Centre for Brighton & Hove
18 Bedford Place, Brighton BN1 2PT

Tel: 01273 746222

Email: info@thecarerscentre.org

Website: www.thecarerscentre.org

Registered Charity No. 1015728

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Introduction

Caring for a person is often very difficult and care arrangements can be complex. There are a number of areas that you and your employer can explore to help you combine your caring role with employment. All employees have certain statutory rights in this regard. Employees may also have contractual rights, which may be more generous than the statutory rights.

It is in your employer's best interest to consider making reasonable changes to your work pattern to help you work and continue caring. This Fact Sheet provides information on flexible working, making a request for this, how an employer should deal with a request and the reasons why a request may be refused. It also refers to special leave provisions. The following notes give notice of recent changes in the law:

Note 1: The Employment Relations (Flexible Working) Act 2023 contains greatly improved provisions relating to flexible working. The new provisions are likely to come into effect in 2024.

Note 2: The Carers Leave Act 2023 introduces new legislation which will entitle unpaid carers to take up to 5 days unpaid leave from work a year to support the people they care for. The earliest date that these provisions could come into force is April 2024.

The Carers Hub is a focal point to help unpaid carers in Brighton and Hove get the information, advice and support that they need. This may be useful to you in this connection.

Tel: 01273 977000

Email: info@carershub.co.uk

Website: www.carershub.co.uk

Our Fact Sheet No.8 – Employment and Training contains information and advice about career development, job searches, job applications, IT training etc.

Flexible Working

By law all employees have the right to request flexible working after they have worked for the same employer for 26 weeks (6 months) and can make one such application a year. The request can cover changing hours, times or places of work.

Some employers provide better entitlement to flexible working than the basic statutory rights so you should check your contract of employment, staff handbook, human resources policies etc. for any conditions and procedures for making a request in this regard.

Examples of flexible working are:

- Flexitime - employees may be required to work certain core hours but outside of these have some flexibility as to how they work their remaining hours.
- Home working - employees may be able to do some or all of their work at home or away from the workplace.

- Job sharing - two employees share the work normally done by one person.
- Part-time working - employees might work shorter days or fewer days in a week.
- Term-time working - employees don't work during school holidays either taking paid or unpaid leave or their salary is calculated pro-rata over the whole year.
- Shift working – employees have a choice of shifts.
- Shift-swapping or self-rostering - employees agree shifts among themselves with the process overseen by management.
- Staggered hours - employees have various starting and finishing times which could make services available outside traditional working hours.
- Compressed hours - employees work their total hours over fewer working days.
- Annualised hours - employees' hours are calculated over a whole year with some 'fixed shifts' and some 'reserve shifts' which can be agreed on a more flexible basis.

Making a Request

The law gives you the right to make one application a year for flexible working so it is important that you put forward the best case you can. Your employer may be sympathetic if you find your circumstances change and you need to make a further application.

The request to work flexibly must be made by email or in writing, dated and include:

- a statement that it is a statutory flexible working request
- an outline of the working pattern you would like
- an explanation of the effect, if any, you think the proposed change might have on the business 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 any previous request and if so the date of that request.

Your employer may ask you to use a standard application form for this purpose.

You are not required to give reasons why you are making the request, but it should help your application if you give as much information as possible. You do not have to declare your circumstances, i.e. that you are a carer, but again the more details you can give the better your chances of success are likely to be.

It may be worth suggesting that a trial work period might help. This would give both you and your employer an opportunity to try out the proposed working pattern to see what effect it has on both you and the business.

Dealing With a Request

Your employer has a duty to deal with your request (including any appeal) within 3 months or longer if agreed with you. This should be done in a reasonable manner and with careful consideration. You must not be discriminated against because you have made a request. Your employer should arrange a meeting to discuss your request at which you should be allowed to be accompanied by a work colleague. The employer's decision should be given to you in writing and include relevant facts.

Agreeing a Request

The employer should write to you with a statement of the agreed changes and the start date for the changes and discuss implementation. The employer should also change your contract of employment to include the new terms and conditions. This should all be done as soon as possible but not later than 28 days after the request was approved.

Refusing a Request

Your employer can only refuse your request for good business reasons. The reasons are any of the following:

- the burden of additional costs affecting the business
- a detrimental effect on the ability to meet customer demand
- the inability to reorganise work among other staff or recruit additional staff
- a detrimental effect on quality or performance
- a lack of work during the proposed working times
- planned structural changes.

Employees should be allowed to appeal against a refusal although they do not have a statutory right to do so. You should be allowed to be accompanied by a work colleague at an appeal meeting. If you feel that a request was not properly considered you may wish to seek legal advice.

Carers UK have a useful Guide called “Let’s Talk About Flexible Working”. This covers how flexible working could help you as a carer, how to start the conversation with your employer and making a statutory or non-statutory request. The Guide can be downloaded from their website www.carersuk.org

Special Leave

All employees have the right to take a reasonable amount of time off work to deal with an emergency involving a dependant. This would include a breakdown in care arrangements. The time off would be generally unpaid. There are other leave arrangements that your employer may be able to offer such as compassionate leave, borrowing leave or career break.

If you have at least one year's continuous service with your employer and have legal responsibility for a child aged under 18, you can take up to 18 weeks (in total) unpaid parental leave to look after the child’s welfare. The limit on how much leave each parent can take in a year is 4 weeks for each child.

Support

You should be able to find out about any extra support available at your workplace from your line manager, the human resources/personnel department, your welfare officer or occupational health adviser or your union or staff representative.

Further Information

Information on additional support for carers in work can be obtained from Carers UK.
Tel: 020 7378 4999

Email: info@carersuk.org
Website: www.carersuk.org

Carers UK also provide a large range of digital resources for all carers including sections on working and caring. Carers can sign up to use these resources using the link <https://carersdigital.org> The resources are free to all carers in Brighton and Hove because the City Council is a member of the scheme thus providing free access. To register you will need an email address, a password and the following access code provided by the City Council. **BHCC_JT75**

The Carers Centre for Brighton and Hove holds free legal clinics when advice can be provided on carers' rights at work. Generally the clinics take place monthly with half hour pre-bookable appointments between 10.00am and 3.00pm. You should contact the Carers Centre for an appointment by telephone or by e-mail.

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