

Work and Families Act 2006

Statutory rights for carers in employment

There are 660,000 carers in Scotland, with 250,000 combining their caring role with paid employment. One in five of all carers have given up work to care and for those with caring responsibilities of more than 50 hours each week, more than half have given up employment to care.

The Work and Families Act 2006 gives carers of adults the right to request flexible working, building on the existing rights which were introduced in April 2003 for parents of a disabled child under 18. Carers in employment now have more statutory rights to help them manage their work and caring responsibilities.

Who has a right to request flexible working?

You have the right to request flexible working if you are an employee with 26 weeks continuous employment with that employer at the date you make the 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.

What is flexible working?

Flexible working patterns could include:

- flexible starting and finishing hours
- compressed working hours (eg. work a 35 hour week over 4 days instead of 5)
- annualised working hours (eg. hours are calculated over a year and you work some fixed shifts but have flexibility over some of your hours)
- term-time working
- job sharing and part time working
- homeworking and teleworking

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How to make a request for flexible working

You have the right to make one application per year however an employer may be sympathetic if your circumstances have changed and you need to make a further application. You are not required to prove the caring relationship but it may help your application to provide as much information as possible. 'Caring' in this context can include, for example, help with personal care, emotional support, helping with financial matters or paperwork and support to attend medical appointments.

The request for flexible working should be made in writing (your employer may have a standard form) and include the date of application, confirmation that you are eligible, an outline of the working pattern you would like, the date you would like to start the proposed change and details of any previous requests. You should also outline any effects the change would have on your job and how this could be dealt with (eg. a colleague could be trained to take on additional tasks).

For more information and advice on making an application please refer to the ***Employees guide to work and caring*** available free of charge from Carers Scotland on 0141 221 9141.

Parental leave

If you have one years service you are entitled to 13 weeks parental leave to care for a child and 18 weeks for a disabled child who receives Disability Living Allowance and is under 18. Leave can be taken in blocks of one week up to a maximum of 4 weeks leave in a year (for each child) or it can be taken in single days or *multiples of a day* if the leave is to care for a disabled child. You may take leave at any time up to a child's 5th birthday or, if your child is disabled, up to their 18th birthday.