

Time off for dependants, parental leave and flexible working

Did you know...

parents caring for children with cancer may be entitled to take leave from work and to work flexibly?

Caring for a child with cancer can be an exhausting and traumatic experience, and can often create additional financial stress. This factsheet will help you find out if you can take leave from work or arrange to work in a more flexible way, to ease the strain on your family. CLIC Sargent Social Workers can give you more details, or simply talk things through with you.

If you need time off from work

If you are looking after a child or young person with cancer, you have certain rights, set down in law, to time off from work. (Please note that none of the benefits below apply to self-employed people.)

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1. Time off for dependants

(emergency time off)

All employees have a right to take time off work in certain urgent circumstances to care for or make arrangements for a dependant, for example, when:

- care arrangements break down
- you need time off to arrange longer-term care
- a child or dependant falls ill (or if they are already ill, there is a unexpected complication)
- something unexpected happens at school – an accident for example
- a child or dependant dies.

A dependant may be a child, or anyone living in your home as a family member: wife, husband, partner, and so on.

This time cannot be used for long-term sick care, appointments, and so on. It must be necessary and the time taken must be reasonable – in most cases this will be one or two days to deal with the emergency. You have no right to be paid while you take it.

Telling your employer

Talk to your employer as soon as you can, saying why you need the time. Try to say how long you will be away. A phone call will do.

If there are issues

As long as you are being reasonable, employers must not refuse this time off unreasonably. If you are refused, you can complain to an employment tribunal.

2. Parental leave

To qualify for parental leave you must normally have worked for your employer for at least 12 months.

If your child gets Disability Living Allowance and you have worked for your employer for at least 12 months, you have a right to take a total of 18 weeks unpaid parental leave. This must be taken before your child's 18th birthday, with a maximum of four weeks in any one year.

Where your child is not eligible for DLA and is under five years old, (or, if they are adopted, before the fifth anniversary of their adoption), you are entitled to 13 weeks unpaid leave before your child's fifth birthday, again with a maximum of four weeks per year.

Both parents have individual rights to this leave, but no right to be paid while taking it.

Your employer may have their own parental leave scheme, so check with them first. If they don't have a scheme, you simply follow the scheme set out in law.

Ask your CLIC Sargent Social Worker for more details.

Telling your employer

Tell your employer at least 21 days ahead. It's best to ask in writing – give the dates. You may be asked for proof that you are entitled to this, so you may need to provide a copy birth certificate and a record of DLA payments for your child.

If your employers think your leave will disrupt work, they can postpone your leave for up to six months, but must tell you this within seven days of your original request.

If there are issues

As long as you are being reasonable, employers must not discipline you for taking parental leave; they must not refuse or postpone it unreasonably. Your job must be kept open, and you will continue to accrue holiday time. If you are treated unreasonably, you can complain to an employment tribunal.

3. Flexible working

If you have worked for your employer for at least 26 weeks you have the right to ask to work more flexibly.

You can consider many different ways of working (see below). You may want to approach your employer informally in the first place, but if your employer does not agree to your request you can follow this process that is set out in law.

You have the right to ask for flexible working if you care for a child who is under 17 years old or under 18 years old if the child gets Disability Living Allowance (DLA). You can also request flexible working if you care for a dependant adult.

Your employer must seriously consider any application you make, but they do not have to agree if there is a good business reason not to.

Asking

You can only make one flexible working request every 12 months, and unless you specifically agree otherwise with your employer, any changes in working arrangements you ask for in this formal process will be permanent. Whatever you and your employer finally agree, you will need to ask in writing. Explain what working pattern you would like and how its impact might be dealt with.

Details of what else you must include in your letter of request are at www.direct.gov.uk (type 'flexible working application' into the 'search this site' box), or your social worker can help you.

Ways of working

You could ask to:

- work from home
- work part-time
- share your job
- work flexi-hours
- work compressed hours

The employer can turn you down, but must have a legitimate business reason for doing so.

If there are issues

Unless there is an informal agreement, you and your employer must follow the detailed procedure for applying for flexible working. This is extremely precise about applications, times of decisions, and more. Find out more at www.berr.gov.uk. You can only go to an employment tribunal if this procedure has not been followed. It's advisable to get legal advice first.

Need help?

If you have any questions or need help applying for parental leave or flexible working, please speak to your CLIC Sargent Social Worker. Or contact us on **0300 330 0803*** or **info@clicsargent.org.uk** and we will put you in touch with someone who can help.

* Calls to 03 numbers are charged in the same way as calls to a geographic (01 or 02) number. Check your phone contract to see how much you pay for this type of call – it may be included in 'inclusive minutes'.

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For reference information, or if you have any comments or queries about this publication, please contact us on

0300 330 0803 and ask to speak to the information manager.



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