

Flexible working rights – Addendum to existing LA Policies

(Derbyshire County Council’s Authorised Leave of Absence and Flexible Working Policy Feb 2024, and Derby City Council’s School Flexible Working Policy Oct 2015)

Flexible working rights from 6 April 2024:

The new regulations give employees the statutory right to request flexible working arrangements from the first day of employment. The statutory right to request flexible working does not apply until the first day of a job and applies to anyone who is legally classed as an employee.

Types of flexible working:

Types of some examples of flexible working may include:

- Part-time hours
- Staggered hours
- Remote work or working from home
- Hybrid working
- Job sharing
- Term-time working
- Altered working hours.

Considering flexible working before advertising:

When advertising a job vacancy, consideration should be given to flexible working options, as this can help prepare for any future requests once employment commences.

It's good practice to:

- think about how the role might be done flexibly before advertising
- advertise any specific flexible working options that are available within the scope of the role and the needs of the School / Trust
- add a clause in job adverts that you're open to discussing flexible working options
- discuss flexible working before the employee commences the role
- be open and transparent to what might be possible and what the limitations are

Employers can accept, partially accept or reject a flexible working request. The employer can only reject the request if there's a genuine business reason. Advice should be sought from the Central HR Team.

If an employee makes a statutory flexible working request, the employer must:

- handle it in a reasonable way, in line with the [Acas Code of Practice on requests for flexible working](#)
- accept the request unless there's a genuine business reason not to

- consult the employee and discuss any alternative options – unless you've agreed to the request in full
- make a final decision, including any appeal within a maximum of 2 months
- not dismiss or cause the employee detriment because of their request

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience [bullying](#)
- they experience [harassment](#)
- their employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

Making a request:

Employees must put the request in writing stating it is a 'statutory request' for flexible working. The request should include:

- the date they are requesting
- the change they are requesting – for example the change in their hours or place of work
- when they would like the change to start
- if they have made any previous statutory flexible working requests to you as their employer
- the date of any previous requests

Limits for making a request:

An employee can:

- make a maximum of 2 requests during any 12-month period
- only have one 'live' request with the same employer at a time

A request will stay live until any of the following happen:

- a decision has been made
- the request has been withdrawn
- both parties agree an outcome
- it's been 2 months since the date of the request

A request will stay live during:

- any appeal
- any extension to the 2-month decision period, if both parties have agreed to extend it

The Carer's Leave Act 2023:

From 6 April 2024 employees have the right to take carer's leave from the first day of employment to give or arrange care for a dependant who needs long-term care.

Who counts as a dependant:

An employee's dependants can include but is not limited to:

- their husband, wife, civil partner or partner
- their child
- their parent
- a person who lives in their household (not tenants, lodgers or employees)

- a person who relies on them for care, such as an elderly neighbour

What counts as a long-term care need:

A dependant has a long-term care need if they have any of the following:

- a [disability as defined under the Equality Act 2010](#)
- an illness or injury that is likely to need care for at least 3 months
- a care need related to old age

Examples of when an employee could use carers leave include:

- taking their disabled child to a hospital appointment
- moving their parent who has dementia into a care home
- accompanying a housebound dependant on a day trip
- providing meals and company for an elderly neighbour while their main carer is away with work for the day

Leave entitlement:

Employee can take up to one week of **unpaid** leave to care for a dependent with long-term needs, per rolling 12 months. If an employee needs to care for more than one dependant, they can still only take up to one week of carer's leave in total, but the one-week entitlement can be split across more than one dependant.

They can choose to take carer's leave as:

- half days – this is the minimum they can take
- full days
- a whole week

The entitlement is pro-rata for term time and part time employees. For example an employee working 3 days per week is entitled to up to 3 days of carer's leave.

Taking carer's leave:

Employees should give written notice before the start of their leave. The minimum notice they must give will depend on how many days of leave they wish to take as follows:

Number of days requested	Minimum notice required
Half a day to 1 day	2 day's notice
1.5 to 2 days	4 day's notice
2.5 to 3 days	6 day's notice
3.5 to 4 days	8 day's notice
4.5 to 5 days	10 day's notice

If an employee cannot give the minimum notice as stated above the line manager should consider the context of the situation and be flexible where possible.

Request for carer's leave can not be refused, however the line manager may ask them to take the leave at a different time to suit the needs of the School / Trust. If this is the case the line manager must write to the employee detailing the reasons for the decision within 7 days of the request or before the leave starts, whichever is the earlier. Another time to take the carer's leave must be agreed within one month of the date the employee originally requested leave.

If the employee needs to cancel their request for carer's leave, they should do so as soon as possible. The line manager will consider this request, but they do not have to agree to it. They should seek further advice from the central HR team.

Employees do not have to provide evidence of their dependant's care needs.