

Part 3: Flexible working, emergency and parental leave

This factsheet is designed to be a quick guide to the things that new parents ask us about the most. We have tried to ensure it is accurate at **April 2021**. It may not be accurate after that date. What your rights actually are can be complicated, so seek legal advice where necessary, especially if you work but are not an employee (like an agency worker) or if you are not a UK citizen. Working Families will not be liable for any losses subsequent to the use or misuse of this information and guidance.

In this series of factsheets we explain some of the things that you can claim to help with the costs of bringing up a child, as well as some of your rights at work when you or your partner is having a baby, and your right to ask for flexible working, emergency and parental leave when you have children. This factsheet has basic information on flexible working, emergency and parental leave. There is much more information and some tools to help you work out what is best for your family at workingfamilies.org.uk.

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For more information visit: workingfamilies.org.uk

Working Families' helpline:

0300 012 0312 or workingfamilies.org.uk/contact-us-for-advice





What working pattern is right for you?

Before you decide which pattern of working is best for you, think about how it will affect your finances and career. Remember that both you and your partner, if you are a couple, may have the right to request a change in your working pattern. [Information on Working Families' website may help you decide what working pattern will be right for your family.](#)

The Right to Request Flexible Working

There is no absolute right to work part-time. However, if you are an employee and have been with your employer for at least 26 weeks, you have a legal right to ask to work flexibly in your current job, and your employer has a duty to consider your request seriously. This is known as a 'statutory flexible working request'.

The Right to Request is available to both men and women, whether or not they are parents, and covers the hours an employee works, the times they are required to work and the place of work (i.e. home or the workplace). It is important to understand that a change granted under the Right to Request is permanent – if you want a temporary change only, this must be specifically negotiated with your employer.

Even if you do not have the Right to Request (for example, you have not worked for your employer for long enough), you can still ask to change your pattern of work, and sex discrimination law may apply if you are turned down.

Making a statutory flexible working request

In order to be a 'statutory' request, your request must:

- be in writing;
- be dated;
- explain the change you would like to your working pattern;
- explain when you would like the change to come into force;
- explain what effect the change would have on the business (if any);
- suggest how such effects might be dealt with;
- state that it is a statutory request; **and**
- state if you have made a request previously and, if so, when.

There is a [standard letter](#) you can use on Working Families' website. [Guidance from Acas](#) suggests that employees should state if they are making their request in relation to the Equality Act. The example Acas provide is a disabled person who wants to change their hours as a reasonable adjustment. We recommend (though it is not required) that if you are asking for the change in order to care for a child or disabled person, you state this on your application, with some detail about the impact on family life if it is turned down.

Once you have made the request, the employer must deal with the request in a reasonable manner and has three months to give you a decision (although this can be extended by agreement). There is no requirement for a meeting, although it is good practice to hold one. Your employer can only turn down your request if they give one or more of the permitted business reasons. These are:



- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods you propose to work
- Planned structural changes

There is no legal requirement for the rejection to be in writing and there is no legal requirement for a right to appeal (though guidance suggests that it would be good practice to have a written decision with the right of appeal). So the only way an employer can breach the actual procedure is by either not giving permitted reasons, by taking longer than three months to give you a final decision or by giving reasons which are not factually correct.

What to put in your request for flexible working and how to negotiate with your employer

As well as including all the **required** information set out above, it's useful to remember that the more flexible you can be in your request, the more likely it is that your employer will try to accommodate you and find a way to make the working pattern work. When you make your request, you could:

- set out why you think the pattern would work for the business as well as how it will help you, perhaps offering to help search for a job-share partner for the role (and/or train them up), if you want to work part-time, and/or explain how you might be able to work remotely or check in with messages (if customer need/demand is a factor); and

- offer alternatives to your request. For example, "My preference is to work these days and hours but if that can't be arranged, I would also be happy with X or Y."

Try to pre-empt your employer's concerns and counter their arguments for refusal before they make them. The more you've thought about how it can work for them, the more likely it is that they will allow it. You can also consider offering to trial the request for a short period – if you can practically show it works, hopefully your employer will make the arrangement permanent.

Top tips for making your request

- Do the groundwork and start with an informal conversation.
- Try to plan ahead and be prepared to suggest solutions to any of the problems they might raise.
- Gather information about people who do similar jobs to yours on a flexible basis.
- Think carefully about your situation and try to put forward the best proposal you can of how your new arrangement would work.
- Approach negotiation in an open, positive manner, but also be careful about how and when you approach your employer in case you cannot reach agreement.
- Keep notes of your meetings, and of anything that is agreed along the way, including trial periods.
- Explain why you need the new work pattern and mention if it is because of childcare or disability.
- [See here for a detailed step-by-step guide for employees choosing a new work pattern \(part 4\)](#), in particular with regards to negotiation.



Top tips for negotiating generally

- Aim high and be prepared to settle for less.
- Make sure you know what you are asking for and make sure you ask for it.
- Don't expect to get everything you ask for.
- Make compromises where possible to allow the negotiations to move forward.
- When in a negotiation, don't be tempted to fill silence if your manager is thinking or taking time to respond.
- Don't wait for the last minute before you make your request, allow plenty of time.
- Suggest a trial period, so that you can see if it works out.
- Put yourself in your manager's shoes – what is reasonable?
- Offer as much flexibility as you can on your side of the proposal, so that your manager knows that you are willing to be flexible too.

Sex discrimination and flexible working

If you are not entitled to the Right to Request (because you are not an employee or don't have 26 weeks' service), or if you continue to be unreasonably turned down, it can be useful to use the law on sex discrimination as an argument. Indirect sex discrimination may apply if you are a woman and, for example, you cannot work full-time because of your childcare responsibilities. Direct sex discrimination may apply if you are a man and women doing similar jobs to you have been allowed to work part-time. You can get more information about this from our website and helpline.

Parental leave

Parental leave is unpaid time off from work to care for your children. You are entitled to request parental leave if you are an employee, have worked for at least a year for your employer and you have a child under 18. The right applies to both men and women, as long as you have parental responsibility.

You are entitled to 18 weeks of parental leave per child, but you may not be able to take this all in one go. You should check whether your employer has a collective or workplace agreement about parental leave. If not, you can usually only take four weeks in any one year, but your employer may allow more.

You also usually have to give at least 21 days' notice, but your employer could accept less, or may require more under the collective/workplace agreement. It's also not usually possible to take parental leave a day at a time – you must take it in weeks, unless you have a disabled child on DLA or PIP in which case it may be taken a day at a time. However, your employer can be more flexible.

Your employer can't refuse your parental leave but could postpone it if your absence would disrupt the business.

Most people can't claim any financial support during parental leave, but some people may be able to claim Income Support (or in some areas, Universal Credit). This may not apply if you have a partner who is working during your parental leave.

Parental leave is a separate right to Shared Parental Leave (SPL) which some parents may be able to use to share time off during the first year after a child's birth.



Time off for dependants or emergency leave

As an employee, you have the right to take unpaid time off work to deal with an event involving someone who depends on you. This right applies from the moment employment starts and it applies to all employees, permanent or temporary, full-time or part-time. Your employer cannot penalise you for taking the time off (it is automatically unfair to dismiss you if the reason is that you took or sought to take time off), provided your reasons are genuine and it is reasonable.

You can use the right to time off for dependants in the following circumstances:

- A dependant is ill or gives birth.
- A dependant is injured or assaulted.
- You need to deal with a disruption to or breakdown in care of a dependant, such as a childminder failing to turn up and you have been unable to arrange alternative childcare.
- You need to deal with an incident which occurs unexpectedly at school.
- A family member dies and you need to make funeral arrangements or attend the funeral (but your employer may have a specific compassionate leave policy for such cases).

You should only take sufficient time to deal with the immediate problem and you must make arrangements to come back to work as soon as you can. You must also let your employer know what is happening, and how long you think you will be away as soon as reasonably practicable. There is no legal obligation for your employer to pay you for the time you take off (but your employer should not make you rearrange your working hours to make up for lost time).



Useful contacts

Working Families

- We have two more parent toolkits/factsheets at [workingfamilies.org.uk/articles/advice-for-parents-factsheet](https://www.workingfamilies.org.uk/articles/advice-for-parents-factsheet)
- advice@workingfamilies.org.uk
- Helpline: 0300 012 0312
- There is more information for parents at [workingfamilies.org.uk](https://www.workingfamilies.org.uk)

Acas

Acas (Advisory, Conciliation and Arbitration Service) provides free, impartial information and advice to employers and employees on workplace relations and employment law.

- Phone: 0300 123 1100
- [acas.org.uk](https://www.acas.org.uk)

Advice for single parents

- [gingerbread.org.uk](https://www.gingerbread.org.uk) (England/Wales)
- [opfs.org.uk](https://www.opfs.org.uk) (Scotland)

Child Benefit

- Phone: 0300 200 3100
- [gov.uk/childbenefit](https://www.gov.uk/childbenefit)

Citizens Advice

Get information on your rights in employment, benefits and other areas, or find your local Citizens Advice at:

- [citizensadvice.org.uk](https://www.citizensadvice.org.uk)
- [cas.org.uk](https://www.cas.org.uk) (Scotland)
- [citizensadvice.org.uk/about-us/northern-ireland](https://www.citizensadvice.org.uk/about-us/northern-ireland) (Northern Ireland)

Contact – for families with disabled children

- Phone: 0808 808 3555
- [contact.org.uk](https://www.contact.org.uk)

Jobcentre Plus/DWP

- Phone: 0800 055 6688
- You can find your nearest Jobcentre Plus in England, Wales and Scotland by looking at [gov.uk/contact-jobcentre-plus](https://www.gov.uk/contact-jobcentre-plus)
- In Northern Ireland, contact your local Jobs & Benefits office: [nidirect.gov.uk/contacts/jobs-benefits-offices](https://www.nidirect.gov.uk/contacts/jobs-benefits-offices)

Maternity Action

Advice on maternity rights and pregnancy discrimination:

- Helpline: 0808 802 0029
- [maternityaction.org.uk](https://www.maternityaction.org.uk)

Tax Credits helpline

- Phone: 0345 300 3900
- [gov.uk/taxcredits](https://www.gov.uk/taxcredits)

Universal Credit helpline

- Phone: 0800 328 9344
- [gov.uk/universal-credit](https://www.gov.uk/universal-credit)



Can you help?

Working Families needs your help! If you can, please [donate online at workingfamilies.org.uk](https://www.workingfamilies.org.uk).

Complaints procedure

Every year, Working Families offers advice to thousands of parents and carers on their employment rights and in-work benefits. Occasionally someone may feel we got things wrong, in which case we need to be told so we can put things right.

If you have a comment or complaint about any aspect of our service, please email us at advice@workingfamilies.org.uk.



Please note that the information and guidance contained in this toolkit is a short summary for information purposes only. It is not exhaustive. Every reasonable effort has been made to make sure the information is accurate and up to date, but no responsibility for its accuracy and correctness, or for any consequences of relying on it, is assumed by the author or the publisher.

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