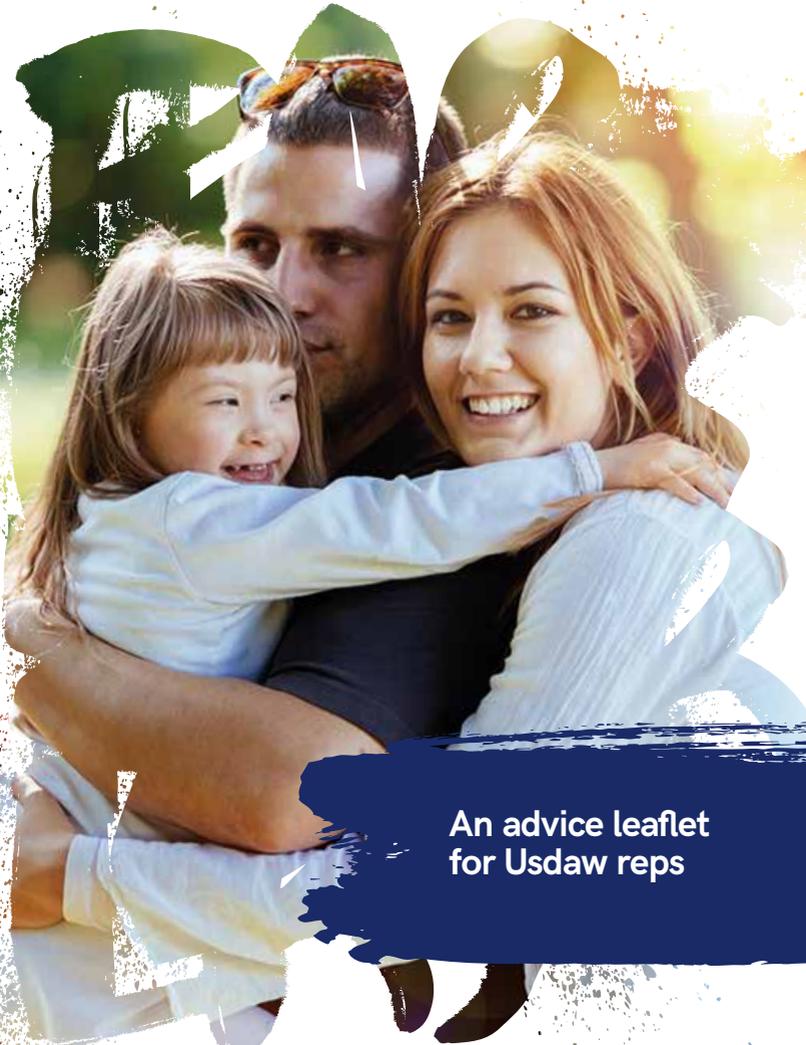




Campaigning
For Equality

Parents and Carers Usdaw Cares About Carers



An advice leaflet
for Usdaw reps



Usdaw reps often help members who, because they are carers, need time off work to look after someone. This is probably one of the most common issues that members ask for help with.

There are a wide-range of reasons why members might need time off. Some of the most common are:

- Family illness.
- Attending appointments.
- Settling someone into hospital or care.
- A breakdown in existing care arrangements.

The right to time off

Has the member asked the manager for time off?

It might seem obvious but a good starting point is for the member to approach their manager, explain what the problem is and ask “can you support me?”. Waving policies and procedures around at the outset can get things off on the wrong foot.

If the manager says “no we can’t help”, then you will want to know what the policy and the law say to see if they can help.

Does the member have a legal right to time off?

Depending on the circumstances, members may have a legal right to a reasonable amount of unpaid time off work.

The amount of time a member needs could vary from a few hours to a period of several weeks or even months. In these circumstances members may have a legal right to time off. The Union may also have negotiated rights with employers that are better than what the law gives them.

This leaflet explains those rights and gives some practical tips on how to support members who need time off work to care.

Reps in Usdaw, particularly newer reps, may find the information in this leaflet helpful in these circumstances.

This right is called Time off For Dependants and it can be used to deal with an unexpected emergency involving a dependant. There are a wide range of circumstances in which members can use the right including:

- Looking after a relative when they first become ill and/or then making arrangements for someone else to care for them.
- Making funeral arrangements.
- Looking after a relative because their other carer has fallen ill.

This right can be used for unexpected situations. This does not have to mean in an emergency, though it might do. So for instance if a member knows in advance that their usual care arrangements are going to be disrupted, they can still use Time off For Dependants.

Time off For Dependants will not help in every situation because the reason for the leave may not be covered by the law.

You can find out more in the Usdaw leaflet 'Your right to time off for family emergencies' (leaflet 349).

Time off For Dependants will not help in every situation because the reason for the leave may not be covered by the law. Nevertheless it's always worth seeing if the member can use this right.

Who counts as a dependant?

The law says that a dependant means the husband, wife, child or parent of the employee. It also includes someone who lives in the same household as the employee. For example, this could be a partner or an elderly aunt or grandparent who lives in the household. But it can also mean someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency. This could include a relative who lives nearby who the member looks after outside work and who falls ill unexpectedly, or an elderly neighbour living alone who falls and breaks a leg, where the member is closest on hand at the time of the fall.

Does the company's policy give the member extra rights?

In many cases Usdaw and the company will have negotiated additional rights to support members who need time off to care. For instance there may be a facility to shift swap or use annual leave. This might suit members better as they would not then be losing pay when they take the time off.

How much notice of needing leave can the member give?

It is in the member's best interests to give as much notice as possible. This does not have to be in writing. The employer will need to know the reason for the absence and how long the member needs to be away from work for.

How much time off does the member need?

Time off For Dependants gives members the right to a reasonable amount of time off. What is reasonable will depend on the circumstances. Government guidance says that one or two days would normally be sufficient. There may be circumstances where the member needs longer and the Government's guidance says that managers should take personal circumstances into account.

There is no limit under the law to the number of times an employee can be absent using Time off For Dependants. However, if there is a recurring problem it may be that relying on Time off For Dependants is not the best way to support the member. Sometimes there is an underlying reason why the member needs time off to care. It would be better to encourage the member to sit down with their manager and see if there is a better solution than several periods of emergency leave.

Depending on the circumstances, members may have a legal right to a reasonable amount of unpaid time off work. This right is called Time off For Dependants and it can be used to deal with an unexpected emergency involving a dependant.

What happens when the member comes back to work?

You will want to be certain that the member is not being penalised for taking authorised time off.

Employees who take Time off For Dependants, or who take leave under a company's family or emergency leave policy, should not be disciplined or suffer any other kind of detriment for doing so. If a member is being disciplined because of their level of absence it is important to check that absences taken in these circumstances have not been included in any absence percentage calculation.

Changes to hours

Does the member need longer term support?

If someone has recently become a carer, they might need to work different hours, either on a temporary or permanent basis.

The best approach to begin with is probably an informal conversation with the member's manager. You can use this opportunity to discuss the change in the member's circumstances, the reasons they need to change their hours and what shift patterns would be more suitable for them.

If this does not result in the outcome the member wants then they could think about making a formal Right to Request Flexible Working. Everyone who has worked in their job for 26 weeks or more has a legal right to ask their employer for a change in their working arrangements. The employer has to give the request serious consideration and deal with it in a reasonable manner – they cannot just say no without giving clear reasons for being unable to accommodate the request.

In many cases Usdaw and the company will have negotiated additional rights to support members who need time off to care.

Any change agreed under the flexible working procedure would be a permanent change to the member's contracted hours but there is nothing to stop the member asking for a temporary change which can then be reviewed later.

See the Usdaw leaflet, Flexible Working for more information (Leaflet 346).

If the employer is asking the member to change their hours

Companies regularly ask our members to change their hours. It can be particularly difficult for working carers to comply with these requests. There are a number of things that reps should consider when members are being asked to change their hours:

- **Is there an agreement covering how the proposed changes should be handled?**
Reps should check with their Area Organiser to find out whether a process has been agreed nationally or locally with the Union and the company as to how changes in hours should be handled. In many cases a process will have been agreed.
- **Has there been proper consultation?**
There should be proper discussion about the proposed change and this should take into account the member's personal circumstances and concerns. There may need to be several meetings between the member, their rep and the manager. Both the member and the manager may need to compromise and not stick rigidly to their starting position.

- **Have the member's caring commitments been considered?** Members who are carers have the right to have their caring commitments taken into account. This does not mean carers can pick and choose their hours but it does mean that any restrictions placed upon them because of their caring responsibilities must be seriously considered by the company.

If an employer does not seriously consider the restrictions that caring commitments place on a member's ability to comply with changes to their job, then the employer may be indirectly discriminating against the member on the grounds of sex.

You can find out more about this in the Usdaw leaflet called 'Working Carers – Know Your Rights' (Leaflet 343).

- **Has the business case for changing the member's hours been properly explained?** Managers must be able to demonstrate a legitimate business case for the proposed changes and clearly show that other options have been considered before the proposal to change hours has been put forward for discussion.
- **Is the change reasonable?** The member may feel that the change is not reasonable because it means their hours or the nature of their job has changed too much.

What is reasonable depends on each person but you can look at things like:

- What will be the impact on the member's caring commitments?
- Do the new hours or new place of work fit in with being near to home in case someone elderly has a fall for instance?

- Are the new hours at a similar time of day or night?
- Is there an impact on the member's pay?
- What will be the impact on the member's journey to work? Will it mean missing the last bus home for instance or the member having to pay a significant amount more money in travel costs?

- **Is the member disabled?** If so, the company will need to take into account the member's rights under the Equality Act 2010 (or Disability Discrimination Act 1995 in Northern Ireland).

- **Is the member pregnant or a new mother?** If the member is being asked to change her hours there are important health and safety issues to consider.
- **Have other options been considered?** Is there an alternative to the change that is being proposed? Could the change be done on a temporary basis? Could the extra hours needed be covered by using overtime?
- **What will be the impact of the change on the member's overall income?** A change in hours or job role could affect the amount of money the member gets in wages and benefits. Does the change in hours mean the member will be moving out of a premium window? Has the member got advice about what the change could mean for any benefits they are claiming? Working less or more hours is likely to affect entitlement to benefits and tax credits.

Performance and attendance issues

Caring for a loved one, while a very rewarding experience, can also be very stressful and tiring, particularly if a change in the situation at home means a member is having to provide additional care, or take time out to arrange more formal care.

It is only natural that this can have an impact on a member's work life. Issues with performance or attendance have the potential to lead to disciplinary action if the member is not supported properly at work.

Performance Issues

If a member's caring commitments are impacting on their performance at work, reps should ensure that managers are aware of the member's situation – if they do not know about it they will be unable to offer any support.

It may be that the member needs some temporary support to get them through a particularly difficult period in their caring commitments. If this is the case, things to consider could include temporary changes to their job role, moving to a different department or asking other colleagues to support the member. It may help the member to take some leave at short notice, or agree a temporary change to their start/finish times.

Attendance Issues

A member's attendance may be affected by their caring commitments, either as a result of having to take time off to care (see earlier section), but also because of the impact of caring on the carer's mental and physical health.

Remember, any time taken away from work under the Time Off for Dependants legislation should be excluded from consideration for disciplinary action. Equally, if a member has taken time off under a company policy that goes beyond legislation, this might also need to be disregarded – so always check the details of the policy.

Again, one of the first things reps should do if carers are having issues with their attendance is let the manager know their situation. This will give them the opportunity to discuss what can be done to support them.

Issues with attendance should not automatically lead straight to a disciplinary warning. Managers should take the member's personal circumstances into account and offer support in the first instance. What that support is will depend on the needs of the member – whether it is temporary or permanent for example. However, with the right support in place the member is more likely to be able to improve their attendance than if they are simply issued with a warning.



Useful Contacts

Disability Living Allowance (DLA)

Disability Living Allowance (DLA) is a benefit for children that helps with the extra costs of looking after a child who:

- is under 16
- has difficulties walking or needs much more looking after than a child of the same age who does not have a disability

Disability Living Allowance Helpline:

Tel: 0800 121 4600

Textphone: 0800 121 4523

NGT text relay (if you cannot hear or speak on the phone): 18001 then 0800 121 4600

Monday to Friday, 8am to 7.30pm

Attendance Allowance

Attendance Allowance is a benefit paid to people who are 65 and over who need help with personal care.

Attendance Allowance Helpline:

Tel: 0800 731 0122

Textphone: 0800 731 0317

NGT text relay (if you cannot hear or speak on the phone): 18001 then 0800 731 0122

Monday to Friday, 8am to 6pm

Personal Independence Payment (PIP)

Personal Independence Payment (PIP) is a benefit for adults of working age who need help with daily activities or getting around because of a long-term illness or disability. PIP has two parts - a daily living component and a mobility component.

DWP – PIP claims

Tel: 0800 917 2222

Textphone: 0800 917 7777

NGT text relay (if you cannot hear or speak on the phone): 18001 then 0800 917 2222

Video relay service for British Sign Language (BSL) users - check you can use the service

Calling from abroad: +44 191 218 7766

Monday to Friday, 8am to 6pm

Carers Allowance

Carers Allowance is the main benefit in the UK for carers.

Apply online by visiting

www.carersallowance.service.gov.uk/

allowance-benefits or download a form and send it to:

Carer's Allowance Unit

Mail opening Site A

Wolverhampton

WV98 2AB

Carers UK

The leading national charity for carers.

Helpline: 0808 808 7777

web: www.carersuk.org

Employers for Carers

Provides advice and guidance to employers who want to support carers in the workplace.

Tel: 020 7378 4956

web: www.employersforcarers.org

Carers Trust

Carers can email for advice and support.

email: support@carers.org

web: www.carers.org

Usdaw contacts

To find out more about the work of the Divisional Equalities Forums and Usdaw's equality work or about joining Usdaw contact:

South Wales and Western Division

Cardiff Office
Tel: 029 2073 1131
email: cardiff@usdaw.org.uk

Eastern Division

Waltham Cross Office
Tel: 01992 709280
email: walthamx@usdaw.org.uk

Midlands Division

Redditch Office
Tel: 01527 406290
email: redditch@usdaw.org.uk

North Eastern Division

Leeds Office
Tel: 0113 232 1320
email: leeds@usdaw.org.uk

Stock photos posed by models.

Scottish Division

Glasgow Office
Tel: 0141 427 6561
email: glasgow@usdaw.org.uk

Southern Division

Morden Office
Tel: 020 8687 5950
email: morden@usdaw.org.uk

North West Division

Warrington Office
Tel: 01925 578050
email: warrington@usdaw.org.uk

Equalities Section

Usdaw
188 Wilmslow Road
Manchester M14 6LJ
Tel: 0161 224 2804
email: equalitymatters@usdaw.org.uk



Improving workers' lives –
Winning for members

www.usdaw.org.uk/equalities

Usdaw

Campaigning
For Equality