



Caring for the Carers

A UCU guide for members and reps



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1. Introduction

More and more working people are becoming carers for friends and family with little help or support so they struggle with combining work and caring duties. An ageing population, underfunding in social care through the government's austerity measures leading to an increase in the rising cost of care, has impacted enormously on the provision of access to and quality of care.

This briefing is designed to help members and branch representatives gain a better understanding of the issues surrounding Carers, their rights at work, and steps to negotiate flexible working. This initiative arose out of the work of UCU Disabled Members' Standing Committee and the following motion which was passed at UCU Annual Congress held in May 2015.

Rights for Carers

Congress notes that progress has been made in family friendly rights which are there to support parents at work. This includes support for disabled children up to 18. Rights for Carers of adults are more precarious with differences in the number of days given and whether these are paid. There are rights under the right to request flexible working, and disability rights in the Equality Act. The Care act 2015 which came in April, sets out other entitlements. It is often difficult to navigate the various rights available for Carers at work.

Congress call upon the NEC to produce a negotiating pack which includes:

- 1. Rights of all workers in relation to caring including the Care Act 2015*
- 2. Rights in relation to supporting a disabled person*
- 3. Negotiating checklist and model agreement*

Social Model of Disability

In recent years, disabled people have used their personal experiences of disability to demonstrate that it is not their condition or impairment which causes the 'problem' but the way society fails to make adjustments for their differences and excludes them from fully taking part in work and social life. This analysis of disability has become known as the '**social model**'. The 'medical model' attributes the causes of disability to individual impairments and sees the disabled person as the problem, believing they should adapt to fit into the world as it is. If this is not possible, then they are shut away in some institution or isolated at home. There is a deep-rooted social and cultural majority consensus based on the medical model, and these attitudes maintain and condone continued exclusion and inequality.

UCU supports and encourages the social model of disability which recognises the vital point that the barriers that currently exclude disabled people are not only the obvious physical obstacles (such as steps for a wheelchair user, or the absence of an induction loop for someone with a hearing impairment), but also the attitude that accompanies the medical model.

2. The picture of Caring

Definition of a Carer

Under the Care Act 2014, a carer is defined as:

“Carer” means an adult who provides or intends to provide care for another adult (an “adult needing care”).
Clause 10 (3)

However, an adult is not to be regarded as a Carer if the adult provides or intends to provide care –

- a) Under or by virtue of a contract, or*
 - b) As voluntary work*
- Clause 10 (9)*

But in a case where the local authority considers that the relationship between the adult needing care and the adult providing or intending to provide care is such that it would be appropriate for the latter to be regarded as a Carer, that adult is to be regarded as such (and subsection (9) is therefore to be ignored in that case).
Clause 10 (10)

Understanding the nature of Caring

There are approximately 6.5 million people in the UK designated as Carers¹ - many do this unpaid and at least half are in work. An estimated 15 million older people with care needs rely on family and friends for help². Caring can be providing support in the form of accompanying a friend, partner or family member to a medical appointment or the longer term care for a disabled person.

Caring can range from:

- Providing financial assistance
- Supporting a disabled person with day to day care
- Providing help such as bathing, dressing, preparing meals
- Helping with the maintenance of someone’s homes etc.

According to a survey conducted by Carers UK it is estimated that there are currently 315,000 working age Carers in the UK and a TUC survey of union members over the age of 50 found that nearly two-thirds were working and caring for a family member or friend. Undertaking caring duties whilst working can prove problematic if you are not receiving the necessary support. The impact of caring whilst working, can cause **additional stress, poor work performance, increases in sickness absence** and **depression** to name a few, which could lead to disciplinary or capability procedures. Carers UK, in their 2015 State of Caring Report, found that:

65%	reported that the stress of juggling work and care was a factor in leaving work, reducing hours or retiring early
18%	were unable to negotiate suitable working hours
60%	of working Carers are worried about their ability to remain in work over the next year
15%	said that the leave available from work was insufficient to be able to manage caring alongside work
51%	had given up work to care
13%	have taken a less qualified job or turned down promotion to fit around caring
21%	reduced their working hours
12%	had retired early to care

¹ Carers UK www.carersuk.org

² BBC News <http://www.bbc.co.uk/news/health-34310729>

Issues faced by Carers

The issues faced by Carers' can have the following impact

Health

Many Carers themselves may be disabled. Having to manage their own well-being and to ensuring that the cared for person is looked after is not an easy task. Having to find the time to attend medical appointment as well as for those being cared for challenging often resulting in the Carers' own health being neglected. Carers are no different to anyone and can be prone to depression or a mental health issue. See below for tips on managing your well-being whilst being a Carer.

Networks / relationships

Carers can become isolated especially at work due to caring. 57%³ of respondents reported that since taking on the role of a Carer, they have become more isolated, being out of touch with friends and colleagues alike.

Finance

Money worries are high on the list of concerns raised by Carers as they weigh up the additional costs of specialist equipment and aids (possibly) required for the cared for person.

Almost 1 in 3 Carers had seen a drop of £20,000 or more a year in their household income as a result of caring

With the increase in living costs, many families are facing lower household incomes despite many being eligible to claim for Carers Allowance. However, due to the low level of payment and other conditions associated with Carers Allowance, the benefit does very little to alleviate the financial pressures being experienced. For further information about Carers Allowance and its application, please visit www.gov.uk/carers-allowance/overview.

The Equality Act 2010 gives protection against discrimination based on age, sex, race, disability, religion or belief or sexual orientation – for further protections under the Equality Act 2010, see page 21 on **Equality Legislation in relation to Carers**. The following are issues facing equality groups:

Black and Minority Ethnic Carers

2011 Census showed that there were just under 600,000 BAME Carers in England and Wales

Black Carers sometimes feel that a lack of cultural awareness and sensitivity can impact on the type of services and advice they receive. They are also one of the hardest to reach and identify due to factors such as cultural, language barriers and isolation.

Disabled Carers

Carers UK reported that financial worries were an issue as disabled Carers were “significantly more likely to be in debt than other Carers” due to a combination of their own disability related costs and reduced earnings. Almost 71% of Carers said their financial circumstances were affecting their health.

Bedroom Tax / Spare Room Subsidy:

On 27th January 2016, the Court of Appeal accepted that the bedroom tax unlawfully discriminates against disabled children requiring overnight care, as it does not allow for an additional bedroom for their overnight Carer. The decision will also apply to those who require an additional bedroom for an overnight carer for an adult in the house which is not either the claimant or the claimant's partner – i.e. an adult child or other relative of the claimant.

³ Carers UK (2014) State of Caring 2014 Survey

LGBT Carers

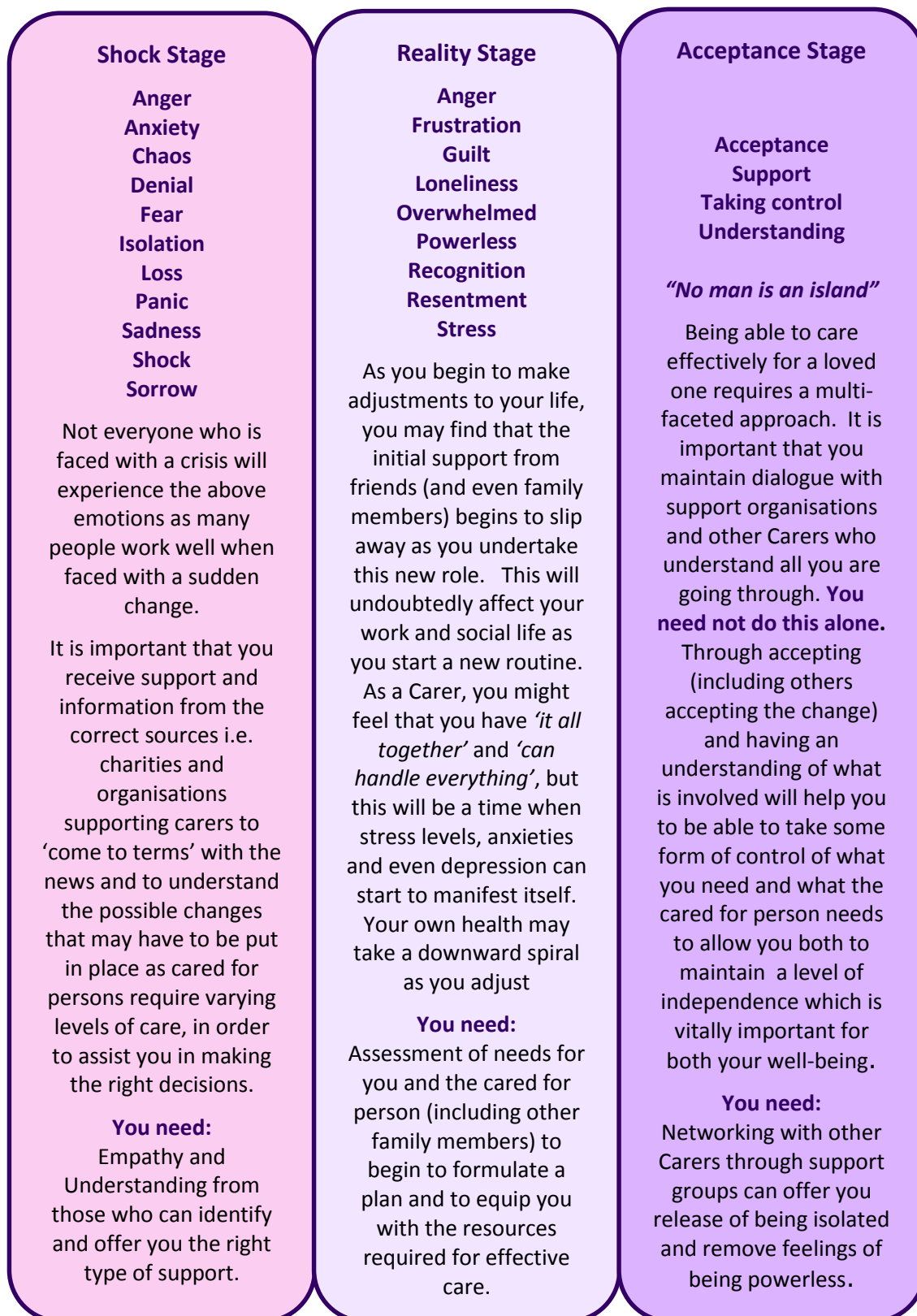
LGBT Carers may feel pressured to come out to their employer and may have concerns about homophobia if they have to disclose. Lesbian, gay and bisexual equality at work – Guidance for UCU members and branches states ***“Coming out is a very personal decision for anyone. It is for the individual concerned to decide when, where, how and to whom they come out. When someone comes out it should be treated confidentially and it is for the individual to decide whether they want others to know”***.

Women Carers

Women are more likely to care during their middle age with 1 in 4 women aged 50-64 having caring responsibilities and are also more likely to be “sandwich Carers” combining eldercare and childcare.

Stages of Caring

When you receive news that you will be required to care for someone, it is inevitable that you will go through a number of emotions (see below). It is equally important that you are able to recognise these stages as they will undoubtedly have an impact on your ability as a Carer. Being able to identify when you are experiencing these emotions and knowing where to seek help and further advice will allow you to manage not only the well-being of the person to whom you are providing care for but also your own well-being.



Types of Carers

Eldercare

Caring for an aging relative and/or friend who cannot manage without help because of sickness, frailty or disability is known as 'eldercare'. Those requiring care may be partners, relatives, friends or neighbours. Eldercare falls into two related areas: providing care and managing care.

Eldercare can range from providing financial assistance, visiting an ill friend or parent or taking them to the doctor, giving emotional support or providing personal care. Carers may or may not live with the person they are caring for, and may share the care with others in the family or with professionals.

Although eldercare usually refers to an older person, chronic health problems common to the older population such as arthritis, heart attacks, dementia and strokes, can frequently occur in mid-life, and mean partners, relatives or friends may suddenly be faced with caring responsibilities. It is not true to say that not all older people and/or friends are frail and are in need of care. The majority are able to live independently but this may only be possible with support from friends and relatives.

Carers Needs

Since older people may have illnesses that last ten years or more, those providing direct care may feel that they have to give up their jobs if the employer cannot accommodate their needs. This also applies to those who have moved or live a fair distance from the person to whom they are delivering care to. As well as facing the stress and the isolation that may be involved in caring, Carers may come up against financial difficulties at a time when they most need the money.

Young Carers

Young Carers help to look after a parent, sibling or other relative with conditions such as a disability (parent and or sibling), illness, mental health condition or a drug or alcohol problem. Young Carers often undertake duties such as:

Household duties

Includes washing, cooking and cleaning for the family

Personal and/or nursing

Administering medication, changing dressings, assisting with mobility

Intimate care

Washing, dressing and assisting with toilet requirements

Emotional support

Monitoring and meeting the emotional needs of the cared for person

Childcare

Helping to care for younger siblings, including escorting to school in addition to other caring tasks such as supervising homework

Other

Managing household finances, accompanying the cared for person to medical appointments (hospital / GP's), acting as a translator for non-speaking sensory impaired or those whose first language is not English

Under the Children and Families Act 2014, a young Carer is defined as:

In this Part “young Carer” means a person under 18 who provides or intends to provide care for another person (but this is qualified by Section 17ZB (3))

Clause 96 (3)

A person is not a young Carer if the person provides or intends to provide care –

(a) Under or by virtue of a contract, or

(b) As voluntary work

Section 17ZB (3)

Young Carers report feelings of worry, fear and heightened anxiety in caring for parents and/or siblings, fear of them dying (especially when they are not around i.e. when they are at school), worrying about their mental health for example if a parent self-harms and the young Carer witnesses the aftermath, or the parent takes an overdose of pills, can be extremely stressful impacting on their own mental health and well-being. Whilst serious examples, this serves to highlight the experience of some young Carers.

England	166,363
Scotland	36,821
Northern Ireland	30,000
Wales	11,000

Numbers of young Carers as reported by The Carers Trust

The impact on young Carers can be challenging and at times isolating and extremely stressful depending on the nature of care that is being delivered. Many young Carers often undertake duties that can be physically challenging and thus puts them at risk of injury, especially in cases of single parent families where young Carers often have to provide care in the form of lifting or dressing the cared for person, which in two parent families may be undertaken by the other adult.

Changes to the Children and Families Act 2014 and the Care Act 2014, it is hoped, will alleviate young Carers from undertaking unsuitable responsibilities. Other examples of how caring impacts on young people can include:

Education

The impact on education for young Carers can have an adverse effect on those in education. In 2013, The Children’s Society reported that young Carers aged between 16 and 19 are more than likely to be **not** in education, employment or training.

Emotional / psychological

Young Carers are more prone to develop behavioural difficulties due to emotional problems. Living in a constant state of worry and stress of not being able to ‘fix’ the issues.

Social

Feelings of isolation from peer groups or that they are ‘different’. Some young Carers have reported incidents of being bullied. Many have very little time for play, sport or leisure activities – older young Carers may find difficulties transitioning to adulthood and in establishing relationships.

You may find that your students are themselves young Carers who will undoubtedly be going through the same stages as outlined in the ‘Stages of Caring’ above. Many will face financial hardships due to government cuts in finance available for students for example the Educational Maintenance Allowance (EMA) as they would undoubtedly be living in homes with already reduced incomes.

*Learning with care: Experiences of student Carers in the UK – NUS Report (2013)*⁴ highlighted the following:

1. Student Carers had experienced varying degrees of support from their institutions, but in all cases there was a lack of coordinated, systematic support
2. More than half of student Carers (56%) had seriously considered leaving their course, compared to 39% of students without caring responsibilities
3. Student carers who were in receipt of Carer's Allowance did not feel the benefit was adequate, but the fact that full-time students are not eligible for Carer's Allowance was considered unfair and contributing to their financial hardship
4. Two thirds of student Carers (67%) regularly worry about not having enough money to meet their basic living expenses
5. Student Carers indicated lower well-being than students without caring responsibilities across all seven indicators in the survey.
6. 15% of student Carers indicated that they had mental health difficulties, and our qualitative research shows that in some cases this can have a serious effect on their studies.

You can read the full report here

<http://www.nus.org.uk/Global/NEW%20Carers%20research%20report%20WEB.pdf>

Young Carers / Students should be directed to Student Support teams at your college or university for help in managing caring responsibilities whilst studying

⁴ National Union of Students report <http://www.nus.org.uk/Global/Campaigns/Learning%20with%20Care%20-%20NUS%20research%20report.pdf>

3. Branch Action

How branches can assist working Carers

The needs of Carers and those they are responsible for are varied and can be extremely complex. Therefore, it is essential as outlined earlier that branches understand the needs of those Carers.

Branches should endeavour to ensure that employers are aware that the needs of those caring for adults are different from the needs of those with childcare responsibilities. One main difference between childcare is that while children usually grow up and leave the home, adult dependants may become frailer, requiring increased amounts of care.

Childcare can generally be planned in advance, but the need to care for a stroke victim may occur suddenly. Childcare needs are often foreseeable, but the demands of supporting an adult with a late-onset disorder (such as dementia) may not be as predictable. Such differences mean that any policy developed to assist Carers should be supportive and flexible.

Branches will also need to consider the needs of members from different backgrounds who may or may not have relatives living in this country. Also important is that when you are having discussions with members who have caring responsibilities, they are conducted sensitively and be treated in strict confidence. The member may be at the first stage (see above) of being a Carer and thus may just want someone to talk through their concerns – we have signposted organisations and groups in **Contacts and Resources** section, see page 41. We have also provided a branch checklist (**Appendix A**) to assist with ensuring that the needs of Carers are included in policies and procedures.

The likelihood of becoming a carer increases with age. Therefore carers will be among the employer's most experienced and valued staff. Carers **should not be seen** as difficult or problematic, or no longer committed to their job. **They want to work** and are as capable as other employees given the right support. They are unlikely to make impossible requests but will require some flexibility from employers, such as time off at short notice.

Carer Policies

The most valuable resource for any employers are its workforce. Retaining skilled workers will reduce the costs of recruiting as well as retaining its knowledge base. Good workplace policies and procedures go a long way to support the needs of the 1 in 9 people in the workplace who are Carers.

Having policies and procedures and good practice for supporting working Carers can help to reduce levels of stress and anxiety that overwhelmingly comes with working and having responsibilities outside of work.

As with all policies, it is equally important that existing policies that cover Carers are reviewed to ensure that if anything else, the correct legislation is being adhered to and that the branch is in agreement with the policy. See below for an example of a Carers' policy.

Having a good workplace policy can have the following benefits for employers and employee

Benefits to the Employer

Increase overall productivity

Lowering staff turnover and reducing recruitment and training costs

Promote a positive image of the institution

Benefits to the Employer continued

Give competitive advantage in recruitment

Decrease in absenteeism

Maximising individual potential

Benefits to the Employee

Lower stress

Ability to maintain a work life balance

Removes feelings of isolation

Please see **Appendix B**, page 28 for an example of a Carers policy

Workplace surveys

Using a workplace survey could also be used to assist branch representatives in negotiating policies with the employer and the findings will help to identify:

- The numbers of Carers in the workplace
- The numbers of prospective Carers
- The average hours spent caring and the numbers who care for more than five hours per week
- A list of changes sought by the staff who are Carers with the extent of support for each to help prioritise demands

It is important to remember that your survey will not obtain a good response unless members have thought about the issue for a while before they receive the survey. Therefore, it is good practice that prior to issuing a survey, caring issues should be raised through branch meetings or publicised in newsletters or on noticeboards. Members should know that their responses will be kept confidential – unless branches asks for their permission to raise their case with employers.

Outlined below are ways in which the branch can raise awareness of caring at your college or university. This includes conducting a survey and negotiating a policy.

6 examples of good practice in the workplace

1	Have supportive policies in place – very important that the policies negotiated support members and offer workplace solutions i.e. flexible working.
2	Encourage employers to provide practical support for managers and work colleagues – this could be in the form of training or staff awareness seminars.
3	Be proactive in promoting caring issues – branches can raise the issue of caring through branch meetings and jointly with employers at careers fairs.
4	Form and support a Carers group – an informal group could help Carers discuss the issues they are facing thus reducing the isolation often experienced by Carers at work.
5	Negotiate practical workplace support for Carers – this could be something as simple as Carers having a space allocated to make confidential telephone calls to those they are caring for.
6	Signposting – vital that carers at work are signposted to external organisations / groups that are available to offer advice on caring matters. This should also include any organisation that your Human Resources Department offers for staff.

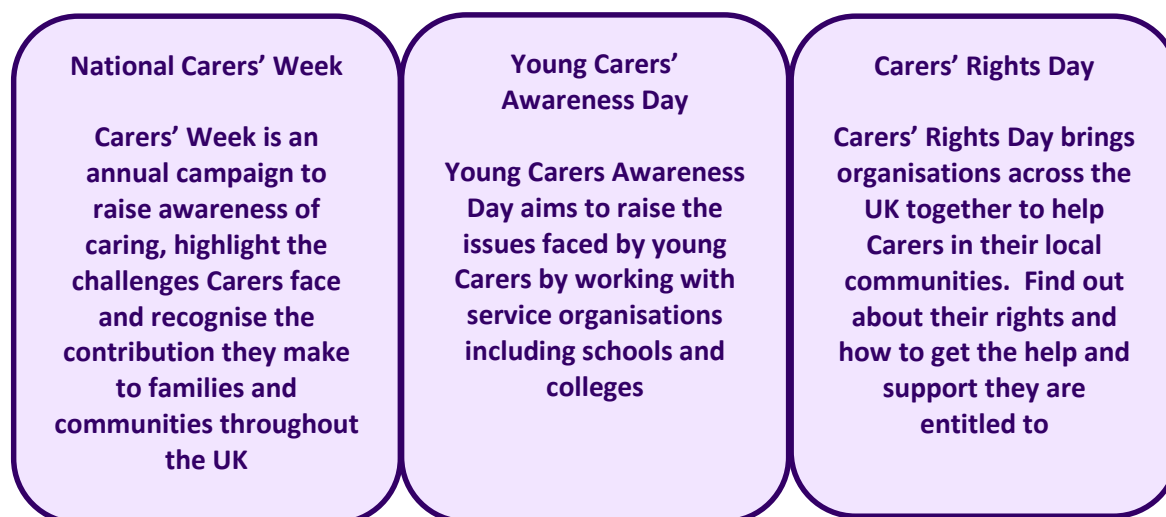
Maintain **CONFIDENTIALITY** at **ALL TIMES**

We have provided a sample survey in **Appendix C** on page 34 that could be amended. Branches should remember to ensure that all part-timers are included and receive a copy of the survey.

Activities for branches

To help raise awareness on issues facing working Carers and those being cared for could include:

1. Delivering a workshop with your college or university for staff and students
2. Raise awareness through this guidance and posters
3. Host an information stand with sister and student unions
4. Conduct a branch survey at your college or university on the impact of caring on working lives
5. Review or negotiate existing policies to ensure that they take account of Carers at work
6. Encourage your college or university to hold a workshop / seminar for staff and students to raise awareness of caring



Personal well-being for reps and members

Good health and well-being is extremely important for your working life. However, when you have additional responsibilities such as childcare or you are the Carer for a family member or friend, your own well-being tends to take a back seat! Here we set out a few tips to help you maintain your own well-being.

- **Inform your employer** – along with your UCU rep and dependant on the nature of your caring responsibilities, inform your employer to start the process for requesting flexible working.
- **Seek support** – many organisations and groups offer support for Carers. It is not advisable to contact your union representative on specific areas of your caring responsibilities.
- **Stay healthy** – as a Carer, it is important that you stay as healthy as is possible. It is easy for us to focus on the needs of others whilst neglecting our own.



Education Support Partnership formerly known as Recourse

Working in education is not always that easy. Constant change, long hours and pressure to deliver can sap our energy and get in the way of doing what we staff in education care most about. They can all stop us feeling at our best.

At Education Support Partnership, we understand the unique pressures that working in FE and HE puts on people. That's why we provide independent, confidential 24/7 support, to help people deal with stress and anxiety, bullying, career and money worries, and a range of other issues.

It's why we provide training and professional services to help leaders engage, energise and look after their staff. And it's why we're positive advocates for the value of health, happiness and wellbeing in the sector. Through everything we do, we're dedicated to giving everyone in education the support they need to feel at their best.

Contact Number: 08000 562 561 (helpline) / 07909 341229 (text)

Email: support@edsupport.org.uk

Website: www.educationsupportpartnership.org.uk

See **Contacts and Resources** page 40 of organisations and groups that offer support to Carers.

4. Rights at work

Maintaining a work-life balance

Most if not all colleges and universities should have in place policies that enable employers to maintain employment whilst managing other responsibilities such as caring and childcare. Establishing good work-life balance policies comes with benefits for both employee and employer. These include:

- Improved commitment and retention
- Increased in morale
- Reduction in absence levels

It is important for all workers (regardless if you have caring responsibilities or not) to have a good work-life balance to ensure well-being in all aspects of our lives. A poor balance between a workers' workload and other responsibilities can lead to stress, absence from work and low productivity.

UCU has developed joint guidance for HEIs on Work-life balance

http://www.ucu.org.uk/media/pdf/5/f/jnches_worklifebalance_feb08.pdf and;

Guidance on Shared Parental Leave and Flexible working

http://www.ucu.org.uk/media/pdf/m/2/Shared_parental_leave_guidance_spring_15.pdf

Flexible Working

Any person with caring responsibilities has a legal right to request flexible working. Flexible working allows for you to make alterations to your working hours in order to accommodate your caring commitments. Although it is more likely that women rather than men will be combining paid work with caring responsibilities, employers must avoid making assumptions about who has responsibilities for caring for children or adults. If you are a Carer of a child or adult, you have the **right to request flexible working**.

In order to request flexible working, you must:

- Have worked for your employer for at least **26 weeks**
- Apply in writing to your employer stating how you would like to change your working pattern – see below for guidance

Your employer must within **28 days** of receiving your request invite you to a meeting (remember to include your union representative in all communication) to discuss your request and has up to three months in which to consider your request. **Requesting flexible working is a right. Your employer does not have to grant your request but they must give it due consideration, giving business reasons for rejecting (if that is the case) your application.**

Flexible working examples

Compressing your hours

An employee works their usual hours in fewer and/or longer blocks during the week. Employees can build up additional hours which they take as a day or half-day away from work

Phased Retirement

The default retirement age has been phased out and workers can now usually work for as long as they want to. Your employer may be happy for you to phase your retirement by allowing you to change to flexible or part time hours

Term-time

Allows employees the opportunity to reduce their hours or take time off (usually unpaid) during any school holidays. An employer could also offer this arrangement to individuals in full-time education e.g. university students who are only able to work during the school holiday periods

Working from home

When an employee carries out all their working duties at home rather than on the employer's premises. NB: the employer is still responsible for all health and safety issues of that employer working from home

Flexi-time

Flexi-time operates differently depending on the nature of business. It can cover the way a working week is organised during the day, week or year or it can also describe the place of work such as homeworking or being on a temporary contract

Temporary break from work

A worker who is employed for a limited period and whose job is usually expected to last for a short while

Shift Work

Shift work is a pattern of work in which one employee replaces another doing the same job within a 24 hour period

Job share

A form of part-time working where two or more share the responsibility for a full-time job

In some professions, some of the choices above may not be suitable for most, for example, options for frontline customer servicing operatives can be limited but flexi-time, part-time working or job share could still be considered.

Parental leave

Parents whose children are due to be born or being adopted on or after 5 April 2015, and who satisfy the eligibility criteria of 26 weeks, related to their working status, will have access to a fully flexible system of parental leave⁵

Time off for emergencies

Also known as dependant leave is applicable to parents and carers who have the right to take time off (**unpaid**) work to deal with an unexpected event involving the person cared for.

For example:

- A dependant is injured or assaulted

⁵ UCU Shared Parental Leave Guidance

http://www.ucu.org.uk/media/pdf/m/2/Shared_parental_leave_guidance_spring_15.pdf

Time off for emergencies continued

- A dependant needs you to deal with a disruption or breakdown in care, such as a childminder failing to turn up, or 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
- A dependant who is ill or gives birth

Temporary change

Many employers may favour a temporary change in your working pattern if it is only for a short period for example whilst making arrangements for care.

Having the flexibility of being able to alter your current working pattern while minor adjustments are being made at home for a short period are informal agreements that can be made with your line manager and supported (should there be a transfer of any of your duties) with your colleagues

See **Appendix E**, page 40 for case studies relating to rights to request flexible working.

Statutory and non-statutory requests

You have two options in which to make a request for flexible working:

- a) **Statutory** – making a statutory request means that you are applying under the law
- b) **Non-statutory** – should your application be refused, you will not be able to apply the legislation around flexible working to your case in an Employment Tribunal

The differences between the two options are:

Statutory Requests	Non-statutory Request
You have to meet the eligibility criteria of 26 weeks consecutive employment You can only make one request a year	You will not have to meet any eligibility criteria, unless your employer's scheme has its own There is no limit on the number of requests you can make in a year, unless your employer's scheme has limit
If your employer refuses your request, there are rules on how you can make a claim in the employment tribunal under the law on flexible working It can take up to three months, or longer if you agree to an extension of time, for your request to be approved	If your employer refuses your request, you can still take a claim to an employment tribunal but not under the law on flexible working
You may not need to make a statutory request if your employer's scheme is better	Getting a decision could be quicker. This may be worth considering if you want to make temporary or small changes to your working pattern and need this to start soon It may be a good idea if you want to try out a new working pattern before making a permanent change.

The following guides on what you need to do in order to make a statutory request for flexible working

Making a statutory request

In order to make a statutory request, it must be:

- In writing
- Be dated
- State that it is a **statutory** request for flexible working
- Set out the working pattern you are asking for and the date on which you would like it to start

- Explain how the proposed change would affect your employer and colleagues and how you think any changes might be dealt with – see below
- State whether you have made a previous application for flexible working to your employer, and if so, when
- Say if you are making a request because you are put at a disadvantage because of your age, sex, race, disability, religion or belief, or sexual orientation⁶. For example, asking for flexibility as a reasonable adjustment to help with a disability.
- Say why you are making your request, if you think it will help. For example, if you are needed to help with caring arrangements, your employer may realise that it would be discriminatory to refuse your request. **NB: you do not have to say why you are making a request if you don't want your employer to know.**

In making your request, you will need to state how your proposed new working pattern will affect your employer by:

- Suggesting who may be able to cover your work when you are not there
- Being clear about the changes you want
- Being flexible about what may be suitable. If you have more than one option, you could describe them all to your employer, saying which choice you prefer and why. This is important if you are making a statutory request because you can only make one application a year. For example, your first choice may be to work three days a week, but you would accept working four days a week
- Explaining how the work could be managed around your changed hours
- Emphasising your continued commitment to the organisation and suggesting ways in which you may be able to provide additional working hours in emergencies

Making a non-statutory request

It is advisable to include the following when making a non-statutory request. There is no set format:

- Set out the working pattern you are asking for and the date on which you would like to start
- Explain how the proposed change would affect your employer and colleagues and how you think these changes might be dealt with
- Say why you are making your request if you think it will help.

See **Appendix D**, page 38 for example letters requesting statutory and non-statutory request for flexible working.

Zero Hour Contracts

Zero hour contracts puts employees 'on call' and to be available for work at their employer's request. The employer is not obliged to provide regular work. Employees are only paid for actual hours worked and must be prepared to work whenever they are asked.

Zero hour contracts are used by many employers in order to secure 'flexible employees'. This type of contract is highly popular in the catering, retail and hospitality industries, and is increasingly used in colleges and universities.

46% of universities and 60% of colleges' use zero hour contracts to deliver teaching.

Source: UCU

Tertiary education is the second largest user of casual labour but zero hour contracts present huge drawbacks in comparison to permanent regular work. UCU's position includes:

- No guaranteed level of regular earnings that provides any certainty over meeting bills or planning for the future

⁶ Protected Characteristics under the Equality Act 2010

- Regular patterns of work can be reduced to zero at a moment's notice with no rights to redeployment or redundancy pay
- Many staff are denied employee status which leads to fewer and less favourable employment rights
- Zero hour contracts have shown themselves to be more open to abuse than regular permanent contracts

UCU's research showed 52.8% of HEIs responding stated that they did use zero hour's contracts for teaching, research and / or academic staff. 47.2% stated they did not. In Further Education, 60.5% of colleges responding said they do use zero hour contracts while 39.5% said they do not.

Targeting the use of zero-hours contracts is a major priority for our union and, like others in the labour movement, UCU is operating a twin track strategy for addressing this. If you are being offered a zero hour contract, **please ensure that you seek advice from your branch representative in the first instance, likewise if there are any changes to your current.**

A number of flexible working options which may suit your needs. Always get advice from your branch when considering changes as there may be options which mean you do not reduce your salary are outlined below: You can find out more about UCU's campaign against zero hour contracts at www.ucu.org.uk/index.cfm?articleid=7308.

5. Legislation in relation to Carers



The Equality Act 2010

The **Equality Act 2010** brings together most equality legislation including the Disability Discrimination Act. The Act covers all forms of discrimination in the workplace including recruitment, terms and conditions, promotions, transfers, dismissals and training or any other detrimental treatment because of disability. It covers all employment and the employer is generally liable for acts of discrimination, harassment and victimisation in the workplace.

Carers, although not specifically mentioned within the Equality Act 2010, can be protected from discrimination as they come from diverse backgrounds including age, disability, race, sex, religion or belief, or sexual orientation

The following are key aspects of the Act.

a) Definition of Disability

The definition is that a worker has to show they have a 'physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities'. There is no absolute definition, it is not simply a case that some conditions are classed as disability and others are not.

For example a person with diabetes may or may not be disabled; a person with dyslexia may or may not be disabled. The test is not limited to any particular conditions, but relates rather to the person.

To satisfy the definition, the disability must:

- Have lasted at least 12 months, or
- Be likely to last at least 12 months, or
- Be likely to last for the rest of the person's lifetime (if less than 12 months)

Normal day to day activities cover what most people do in their everyday lives such as walking, eating, shopping or forming social relationships. People who have had a disability in the past are covered as are people with progressive conditions and conditions such as HIV⁷, cancer and multiple sclerosis. For further information, see Enabling not Disabling.

b) Public Sector Equality Duty.

The duty states that public bodies must:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act

⁷ TUC Briefing – Tackling HIV Discrimination at Work

- Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

England, Scotland and Wales all have different specific duties which are designed to help public bodies comply with the general duty and how the general duty is being met.

The PSED is a useful way to hold your employer to account on equality as they need to publish equality objectives and an analysis of the workforce as a minimum. More guidance is available on the website including the UCU Public Sector Equality toolkit (https://www.ucu.org.uk/media/4883/UCU-Equality-Duty-Toolkit/pdf/ucu_equalitydutytoolkit_update_sep15.pdf)

c) Reasonable adjustments

UCU has produced a separate guide on reasonable adjustments⁸ which is available on the UCU website.

When an employer know or reasonably ought to know of the disabled person's disability they are under a duty to make a reasonable adjustment. The duty arises when a provision, criterion or practice (PCP) or physical feature of the premises places a disabled person at a substantial disadvantage in comparison to those who are not disabled.

The duty is on the employer is to take such steps as is reasonable to avoid the disadvantage. An employer cannot require a disabled worker to pay for the cost of the reasonable adjustment. There is financial assistance available through Access to Work (<https://www.gov.uk/access-to-work/overview>).

Reasonable adjustments include:

- Altering working hours
- Allocating some of the disabled person's duties to someone else
- Providing an interpreter
- Adjusting the premises

Detailed information is given in the UCU Reasonable Adjustment guide (https://www.ucu.org.uk/media/6091/Reasonable-adjustments---removing-barriers-to-disabled-people-at-work-UCU-guidance/pdf/Reasonable_adjustments.pdf).

d) Types of discrimination

Direct discrimination

Direct discrimination is where a worker is treated less favourably because of a disability. Unlike other discrimination legislation it is not unlawful to treat a disabled person more favourably than a non-disabled person. To establish unlawful discrimination, the disabled person will normally have to demonstrate that they suffered discrimination in comparison with some other person (the comparator) or with a group of people.

⁸ UCU Reasonable Adjustments http://www.ucu.org.uk/media/pdf/s/a/Reasonable_adjustments.pdf

It must be shown that the less favourable treatment was for a reason related to the disabled person's disability. The Act also covers those who are **perceived** to have a disability and because they are **associated** with someone who has a disability.

Examples are:

- Someone is not promoted because they have a sight impairment
- Someone is not given time off to look after a disabled child when it has been granted to those with non-disabled children
- Someone is not included in a training event because they are thought to have depression

Indirect discrimination is when an employer applies a provision, criterion or practice which puts disabled workers at a disadvantage and which the employer cannot justify. Employers can only justify indirect discrimination if they can show that it was a 'proportionate means of achieving a legitimate aim'.

Examples of indirect discrimination:

- A worker with social anxiety disorder is included in a hot desking policy which exacerbated the condition
- Insisting workers take their lunch between 1 and 2pm when a disabled worker who could access to a support group for their condition if they had lunch at 12 noon twice a week.

Discrimination arising from disability

This occurs when an employer treats a disabled person unfavourably 'because of something arising in consequence of' the disabled person's disability. An example is a worker loses their temper at work which is out of character. The worker is disciplined but the outburst is due to the severe pain caused by their cancer treatment.

Waddingham v NHS Business Services Authority 2015

A NHS Trust discriminated against an employee with cancer who was required to undergo a competitive interview process in a redeployment exercise. Waddingham claimed he had been unfavourably treated because of something that had arisen in consequence of his disability and the Trust had failed to make reasonable adjustments. He argued that he had been fatigued and having to undertake a competitive interview was not a proportionate means of achieving a legitimate aim. He could have been assessed using evidence from his long service.

Harassment

This is defined as unwanted conduct related to disability that has the purpose or effect of violating a person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment.

Harassment can take many forms and includes, abusive language, name calling, offensive screen savers or social media postings. Harassment covers those who are perceived to be disabled and also by association so if a worker is harassed for taking time off to care for a disabled child.

Victimisation is also unlawful under the EA. Employers must not discipline or otherwise discriminate against any person (disabled or not) who takes action under the Act, appears as a witness at a tribunal hearing, or gives evidence to an internal grievance or disciplinary hearing.

The Care Act 2014

The Care Act 2014 applies to England only and aims to achieve a clearer and fairer care and support system for providers and users.

- **Wellbeing:** Place a **statutory principle** of individual **wellbeing** which underpins the Act and is the driving force behind the Act.
- **Prevention:** **Prevention** and **delay** of the need for care and support and places **people** in control of their own care.
- **Integration:** A **statutory requirement** for local authorities to **collaborate, cooperate** and to **integrate** with other public authorities.
- **Information, advice and advocacy:** Places a duty on local authorities to ensure that **information** and **advice** on care is available to all when they need it. Independent **advocacy** must also be arranged if a person would otherwise be unable to participate in, or understand the care and support system.
- **Diverse care markets:** Care providers must be more **diverse** to allow users and vulnerable people the choice as to which care provider best provides for them.
- **Safeguarding:** The new statutory framework **protects adults from neglect and abuse.**
- **Assessment and eligibility:** Anyone (including Carers) requiring support, **will be entitled to an assessment** regardless of financial contact with the local authority.
- **Charging and financial assessments:** Local authorities must conduct a **financial assessment** if the type of care being considered is chargeable.
- **Personal budget and direct payments:** A **personal budget** will form part of the care and support plan. Where an individual including a Carer has a personal budget, they can have a **direct payment**. From April 2016, self-funders with eligible needs will have an **independent personal budget (IPB)** to record the notional cost of meeting their needs.

Part 1 Section 59 of the Care Act 2014 (which was enacted in April 2015) stipulates that young Carers will have a local authority social worker assigned to identify what kind of help and assistance families require. NB: From April 2015, all local authorities must offer deferred payments and from April 2016, all people with eligible needs will have a **care account** to set out the notional costs accumulated to date towards their **cap on care costs**.

The Care Act 2014 can be downloaded here

http://www.legislation.gov.uk/ukpga/2014/23/pdfs/ukpga_20140023_en.pdf

The Children and Families Act 2014

The Children and Families Act 2014 came into force in March 2014 and seeks to improve services for vulnerable children and support strong families. It underpins wider reforms to ensure that all children and young people can succeed, no matter what their background.

The changes to the law to give greater protection to vulnerable children, better support for children whose parents are separating, a new system to help children with special educational needs and disabilities, and help for parents to balance work and family life.

It also ensures vital changes to the adoption system can be put into practice, meaning more children who need loving homes are placed faster. Reforms for children in care can be implemented including giving them the choice to stay with their foster families until their 21st birthday.

The Act seeks to reinforce legislation relating to the following areas:

- Adoption and children in care
- Aspects of the family justice system
- Children and young people with special educational needs
- The Office of the Children’s Commissioner for England
- Statutory rights to leave and pay for parents and adopters
- Time off work for ante-natal care
- The right to request flexible working

The Children and Families Act 2014 can be downloaded here

http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf



Northern Ireland

Carers in Northern Ireland are covered by the following legislation:

Carers and Direct Payments Act (Northern Ireland) 2002

http://www.legislation.gov.uk/nia/2002/6/pdfs/nia_20020006_en.pdf

This covers the provisions of Carers’ needs, assessment, services and payments

Health and Social Care (Amendment) Act (Northern Ireland) 2014

http://www.legislation.gov.uk/nia/2014/5/pdfs/nia_20140005_en.pdf

Makes an amendment to the Carers and Direct Payments Act (Northern Ireland) 2002

Northern Ireland Act 1998

http://www.legislation.gov.uk/ukpga/1998/47/pdfs/ukpga_19980047_en.pdf

Places a statutory duty on public authorities under the Human Rights Act which requires public bodies to promote equality of opportunity for Carers.



Scotland

Carers (Scotland) Bill 2015

The Carers (Scotland) Act received Royal Assent on 9th March 2016, makes provision for Carers, including:

- The identification of Carers' needs for support through adult Carer support plans and young Carer statements
- The provision of support to Carers
- The enabling of Carer involvement in certain services
- The preparation of local Carer strategies
- The establishment of information and advice services for Carers

For further information visit http://www.legislation.gov.uk/asp/2016/9/pdfs/asp_20160009_en.pdf

The Equality Act 2010 provides carers with protection from some forms of discrimination. For example that employers and providers of goods and services must not treat carers less favourably than those without caring responsibilities.



Wales

The Social Services and Well-being Act (2015)

The Equality Act 2010 provides carers with protection from some forms of discrimination. For example that employers and providers of goods and services must not treat carers less favourably than those without caring responsibilities.

The Social Services and Wellbeing Act (Wales) 2014, became law on 1 May 2014. The main areas of the Act will start to take effect from April 2016. For further information visit www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_2014_en.pdf

6. Appendices

Appendix A: Branch Checklist

Appendix B: Carer's policy

Appendix C: Workplace survey

Appendix D: Example letter for statutory /non-statutory flexible working

Appendix E: Flexible working case studies

Checklist, Ideas and Suggestions for including the needs of Carers at your College or University		
ACTION FOR EMPLOYERS	ACTION FOR BRANCHES	A GOOD POLICY SHOULD
Understand the needs of Carers		
Monitor the policy, identifying the age and gender of those using this policy and (the reasons for leaving put forward at exit interviews)		
Establish an informal support group / network		When monitoring leavers, include Caring as a question
Undertake a survey of staff needs		
Evidence based on a survey of Carer's needs		
Organising educational fairs or seminars in the workplace on caring for staff and students including lunchtime talks on related issues		Provide a policy commitment to equal treatment of Carers
Ensure all managers are briefed and receive training about Carers' needs, and for each, take responsibility for implementing and monitoring the policy	Branches will also need to consider the needs of members from different backgrounds who may or may not have relatives living in this country. Black Carers may be excluded from access to support, because of obstacles of language, culture or religion. For this reason, the involvement of black members in any working group is paramount. Where local authorities have developed specialised services aimed at black communities, that information should be properly publicised, likewise for same-sex relationships.	All employees to be made aware of their options in the workplace – including flexible working options
Ensure staff have a named manager to whom they may go with employment issues relating to caring		Ensure Carers know that they will be treated sympathetically and not suffer discrimination if they come forward. Any discussion will be in strict confidence.
Publicise the policy, including to new recruits and line managers	Caring to be raised in branch meetings, or publicised in newsletters or on noticeboards.	Policy is reviewed and adapted to take account of new legislation
Ensure college/university counsellors are able to deal with Carers' needs and know where to refer them for appropriate advice and information		
Providing retraining after career breaks		
Organise training on preparing for caring		
Providing an information leaflet for all staff		Policy should differentiate from caring needs of those employees with child care against those caring for a disabled, long term sick or elderly person / child

Carers Policy

1. INTRODUCTION

- 1.1 [Name of college / university] is committed to creating a culture in which diversity and equality of opportunity are promoted actively and in which discrimination is not tolerated. Our aim is that our workforce will be truly representative of all society and each person feels respected.
- 1.2 The purpose of this policy is to provide equality and fairness for all in our employment and not to discriminate on any protected characteristics as defined in the Equality Act 2010. The protected are age, disability, sex, gender identity, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion and belief, civil or marriage partnership. We oppose all forms of unlawful and/or unfair discrimination, including but not limited to, on the basis of marital status, class, social background or political belief (see appendix).
- 1.3 Equality of opportunity means that diversity is viewed positively and, in recognising that everyone is different, valuing equally the unique contribution that individual experience, knowledge and skills can bring.
- 1.4 Everyone who works for [name of college or university] or applies to work for [name of college or university], will be treated fairly and valued equally. Selection for employment, promotion, training or any other benefit will be on the basis of experience, skills, aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of [name of college or university].
- 1.5 This policy is to be read in conjunction with [enter names of other relevant policies such as Equality and Diversity, Work life Balance policies].

2. SCOPE

- 2.1 This policy applies to all employment practices including:
- Recruitment and selection;
 - Terms and conditions of service;
 - Pay and benefits; and
 - Training and development
- 2.2 This policy applies to all [name of college / university] employees.
- 2.3 [name of college / university] will be expected to abide by this policy.

3. AIMS

- 3.1 In order to ensure that equality underpins all aspects of our employment policies, procedures and practices, we aim to:
- Ensure that our employment, training and development policies, procedures and practices comply with this policy and does not discriminate intentionally or unintentionally against any group or individual
 - To become an employer of choice by promoting and developing policies that support a work-life balance to our employees who have a caring responsibility, in order to help

them balance their working and caring commitments, and continue to be effective in their role

- Help us to recruit and retain employees with caring responsibilities.
- Provide appropriate training and development opportunities to all employees
- Ensure employees are aware of their personal responsibility to apply this policy
- Monitor our employment processes by age, disability, sex, gender identity, sexual orientation, religion or belief and race, taking action to address any inequalities that are apparent
- Promote a culture of fairness and respect in all employment policies, procedures and practices
- Recognise that employees have the right to work in a supportive and safe environment free from harassment

4. DEFINITION OF A CARER

4.1 Under the Care Act 2014, a carer is defined as:

“Carer” means an adult who provides or intends to provide care for another adult (an “adult needing care”).

Clause 10 (3)

However, an adult is not to be regarded as a carer if the adult provides or intends to provide care –

- a) Under or by virtue of a contract, or*
- b) As voluntary work*

Clause 10 (9)

But in a case where the local authority considers that the relationship between the adult needing care and the adult providing or intending to provide care is such that it would be appropriate for the latter to be regarded as a carer, that adult is to be regarded as such (and subsection (9) is therefore to be ignored in that case).

Clause 10 (10)

4.2 Employers cannot treat carers less favourably than other people who do not have caring responsibilities. The Equality Act 2010 protects a person who experiences discrimination because they are associated with someone who has a disability.

4.3 For example, it would be unlawful if the partner of someone who has cancer was refused promotion because of concerns that they would be unable to give sufficient attention to the job. The Act also allows reasonable adjustments to be requested for caring responsibilities, and other legislation provides the right to a ‘reasonable’ amount of unpaid time off work for unplanned caring responsibilities.

5. RESPONSIBILITIES

5.1 We recognise that some of our employees will have caring responsibilities for children or seriously ill or disabled dependent relatives, partners or close friends. We appreciate the demands this may place on them, and that at times it may be difficult for them to combine their work and caring responsibilities.

5.2 It is the duty of all employees to accept their personal responsibility for the practical application of the policy

5.3 Employees should treat others with dignity and respect and without discrimination in all matters associated with their employment.

6. EMPLOYEES

6.1 Employees are actively encouraged to inform their manager if they are caring for someone and need any support. In this way we can work together to ensure that, wherever possible, they can continue in their job and effectively balance their work and care commitments.

6.2 If you have caring responsibilities and need support, you should speak to your line manager or HR contact and explain your situation and what assistance you think would help.

6.3 If you wish to apply for flexible working, the details are given within our flexible working policy [*delete if not applicable/insert where to find information on flexible working*]. If you are the parent of a child under 18 who is critically ill and therefore defined as 'disabled', you may wish to apply for Parental Leave. Your line manager and HR will then discuss the support options available with you. Together you should explore and agree what is possible and suitable.

7. MANAGERS

7.1 Managers have the responsibility to familiarise themselves with this Policy and to work within its parameters. They also have a responsibility to ensure that all employees are aware of the policy and understand their own and the organisation's responsibilities in respect of it. [*Name of college/university*] reserves the right to amend this policy from time to time.

7.2 Managers will give sympathetic consideration to requests for support from those who have caring responsibilities, based on a shared understanding of the situation and its impact.

7.3 It should be viewed by all as acceptable to request support and to be confident that no one will be unfairly discriminated against because they have caring responsibilities.

7.4 All such requests will be dealt with in a confidential manner.

7.5 Employees who require support will be provided with guidance on the options available to them.

7.6 We will treat all employees fairly and consistently, while taking into account the individual needs of a particular case.

7.7 The specific options that we will consider and management practices that we will put in place in support of carers will include:

- Flexible working [*link to separate policy if applicable*]
- If you are the parent of a child under 18 who is critically ill and therefore defined as 'disabled', you will be entitled to take parental leave [*add link separate parental leave policy if applicable*]
- Special leave options [*link to separate policies if applicable*] such as compassionate leave , carers leave, unpaid extended leave

- Support from the line manager in informing team members about the situation if appropriate and about staying in touch during absence and handling return to work
 - Access to relevant information and advice
 - Confidential support from our Employee Assistance Programme (which may include counselling as well as practical information and advice) *[Delete if not offered]*
 - Information about external self help and support groups Work buddies – colleagues who have been or are going through a similar caring experience
- 7.8 To the extent that our resources allow, provision of temporary staff cover where there is a lengthy absence due to caring responsibilities.

8. HUMAN RESOURCES

- 8.1 Human Resources has a responsibility to provide advice about Carers' Leave to line managers and employees as necessary. They also have a responsibility to record Carers leave and inform payroll of any required adjustments to pay and benefits contributions.
- 8.2 Further information concerning any aspect of this policy should be directed to Human Resources.

9. COMPLAINTS

- 9.1 Any member of staff who feels that this policy is not being applied to them may use [name of college/university] Grievance Policy and Procedure to make a complaint. If the complaint involves bullying, harassment or victimisation, the [name of relevant policy] may also be used.

10. MONITORING AND REVIEW

- 10.1 The Personnel Department will monitor the operation of this policy for both employees and job applications and undertake periodical audits. Monitoring involves the collection and analysis of information on:

- Staff ethnic origin, sex, disability, age, sexual orientation, pregnancy and maternity, gender identity, civil and marriage partnerships and religion or belief;
- The distribution of employees and the success rate of applicants according to their ethnicity, gender, disability, age, sexual orientation, religion or belief and job category / grade;
- Recruitment, training and promotional decisions;
- Reports of victimisation, intimidation, harassment, bullying or breaches of the Equality and Diversity Policy;
- Other information relevant to the application of the policy.

- 10.2 The information collected will be used for the following reasons:

- To understand areas of significant, unexpected over and under representation;
- To analyse changes over time;

- To highlight trends in the organisation with an equality implication
- 10.3 Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.
- 10.4 [Name of college/university] will investigate and take appropriate action where it is found that individuals from particular groups:
- Do not apply for employment or promotion, or that fewer than expected apply;
 - Are not recruited or promoted, or are appointed in a significantly lower proportion than their rate of applicants;
 - Are underrepresented in certain job, grades or locations;
 - Are concentrated in certain jobs / grades / localities and there appears to be a point beyond which they are not promoted;
 - Experience harassment in particular work areas.
- 10.5 Examples of this “appropriate action” could be targeted advertising, mentoring and secondment opportunities.
- 10.6 This policy will be jointly reviewed with the staff trade union(s) every [enter frequency] or at any time where a statutory duty requires [*name of college /university*] to make amendments.
- 11. APPENDIX**
- 11.1 Relevant Legislation**
- [Name of College/University] will implement its Carers Policy in accordance with current legislation including:
- The Equality Act 2010
 - The Care Act 2014
 - The Children and Families Act 2014
- 11.2 Unlawful Discrimination**
- 11.3 It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is in a civil or married partnership. These are known as "protected characteristics". Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
- 11.4 Staff should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to consider reasonable adjustments to overcome barriers to using services caused by disability.

The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services.

In addition, service providers have an obligation to anticipate and address any barriers that may impede disabled people from accessing a service.

11.5 Types of unlawful discrimination

11.6 **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct sex discrimination would be refusing to employ a woman because she was pregnant. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means for achieving a legitimate aim.

11.7 **Discrimination by association** is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, a female employee gives birth to a disabled child. On her return to work after maternity leave she applies for an acting up position. She is turned down and a less qualified colleague (also a mother, but whose child is not disabled) is appointed to the role because the employer thinks that the other employee will need more time off and be less reliable because her child is disabled. She has therefore been discriminated against because of this association.

11.8 **Perception discrimination** is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. For example, a member of staff is 41 but is much younger of appearance. Most people believe that he is in his late-20s. He is not allowed to represent his company at an important national meeting because his line manager thinks that he lacks the appearance of more



Caring at Work Survey

Sometimes looking after a person who is young, elderly, suffering from a long-term illness, or has a disability can often interfere with your responsibilities at work. Please complete irrespective if you receive additional support from organisations such as local authority and/or charity.

By completing this survey, you will help [name of branch] in establishing the impact of caring responsibilities for our members and how best we can offer assistance and support in negotiating changes to your work to enable you to do both.

Answers to **ALL** questions are strictly confidential.

A carer is defined as anyone who cares unpaid for a friend or family member who due to illness, disability, a mental health problem or addiction cannot cope without their support.

Instructions: Please ✓ or state where requested

Question 1

Are you a carer to any of the following?	Yes	No
A child under the age of 18 years		
An elderly person (including parents)		
A person who is disabled		
A person who is ill long-term		

If yes, please indicate the number(s) of people you care for? Please ✓

1	2	3	4	5

Do you have a carer?

Do you have a carer under the age of 18 years?

Yes	No

Question 2

People who are carers may do lots of different things to help. Please tick from the following options	✓
Help with personal care (dressing, bathing, washing, feeding, shaving)	
Physical help (with walking, stairs, getting in and out of bed)	
Help with paperwork or financial matters (letters, cards, forms, bills)	
Other practical help (meals, shopping, housework, decorating, repairs)	
Giving medicines (pills, injections, changing dressings)	
Taking to and from medical appointments	
Keeping company (visiting, sitting with, reading to, playing games)	
Taking out (taking out for a walk or a drive, to see friends or relatives)	
Keeping an eye out, seeing that they are right	

Question 3

How long do you spend on average each week looking after someone in one of the above ways? Include the time when you just need to be there (apart from when you are asleep) and include time travelling to and from their home – if they do not live with you.	✓
0-9 hours per week	
10-29 hours per week	
30-49 hours per week	
More than 50 hours per week	

Question 4

How long have you been a carer?	✓
Less than a year	
Between 1 and 5 years	
Between 5 and 15 years	
15 years or more	

Question 5

	Yes	No
Do you sometimes have to make telephone calls from work to make arrangements for someone you help or care for		

Question 6

	Yes	No
Have you ever been late at work because of problems with someone you help or care for?		

Question 7

	Yes	No
Have you sometimes had to leave work early because of problems with someone you help or care for?		

Question 8

Have you ever had to take time off work to help look after someone? Please tick that options that best fits your experience.	✓
I received paid leave	
I received unpaid leave	
I took holiday leave	
I did work in lieu	
I just rang in sick	
I just took the time off	
Other: please specify	

Question 9

Have you had to change your work to help or look after someone? Please tick the options that best fit your experience.	<input checked="" type="checkbox"/>
Went part-time	<input type="checkbox"/>
Changed to other duties	<input type="checkbox"/>
Job sharing	<input type="checkbox"/>
Moved section / department	<input type="checkbox"/>
Changed to fewer duties	<input type="checkbox"/>

Question 10

	Yes	No
Have you had to refuse (or not apply for) training or promotion because you help to care for someone?	<input type="checkbox"/>	<input type="checkbox"/>

Question 11

	Yes	No
Have you considered resigning because of difficulties combining your work and caring responsibilities	<input type="checkbox"/>	<input type="checkbox"/>

Question 12

Would any of the following changes help you personally?	<input checked="" type="checkbox"/>
Term-time only working	<input type="checkbox"/>
Compressed hours	<input type="checkbox"/>
Flexi -time	<input type="checkbox"/>
Temporary break from work	<input type="checkbox"/>
Phased retirement	<input type="checkbox"/>
Combination of any of the above	<input type="checkbox"/>

Question 13

Do you anticipate taking on the caring responsibilities outlined in question 2 at any time in the next one to five years?	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

Question 14

Can you suggest any other changes that might help? Please write down any that occur. You may attach a separate sheet if necessary.

Please return to [name of branch rep]

Thank you!

Example letter of a statutory flexible working request

[DATE]

Dear

Flexible working request

I would like to apply under section 80F of the Employment Rights Act 1996 to work a flexible working pattern that is different to my current working pattern.

I confirm that I am eligible to make a flexible working request because I have worked continuously as an employee of [NAME OF UNIVERSITY OR COLLEGE] for the last 26 weeks. I have worked in [NAME OF DEPARTMENT/FACULTY] as [JOB TITLE] since [ENTER DATE] and my employee payroll reference number is [ENTER PAYROLL REFERENCE NUMBER]. I have not made a request to work flexibly during the past 12 months.

I have not exercised my statutory right to request flexible working during the past 12 months or, I have previously exercised my right for flexible working on [ENTER DATE AND BASIC DETAILS OF THE PREVIOUS REQUEST]

I am making this request for the following reason: ***Include whichever of the following statements applies to you and delete the other options – feel free to add if these statements do not apply***

- I have / expect to have parental responsibility for the upbringing of a child aged up to and including 18 including a disabled child
- I am married to / the partner of the mother / father / adopter / guardian / special guardian / foster parent of the child
- I have been granted a residence order in respect of the child
- I am / expect to be caring for an adult and I am the spouse / partner / civil partner /relative living at the same address as the adult.
- I am making this request to help me care for the adult.

Include the statement that applies to you below and delete the rest

I have previously made a request to work flexibly on [ENTER DATE AND REASON FOR THAT APPLICATION]

or;

I have never made a request to work flexibly.

My current working pattern is*

Place of work	[]
Hours of work	[]
Days of work	[]
Times of work	[]

I would like to propose the following*

Place of work	[]
Hours of work	[]
Days of work	[]
Times of work	[]
Proposed start date	[]

I think this change in my working pattern will affect [NAME OF UNIVERSITY OR COLLEGE] and my colleagues as follows: [ENTER HERE THE POTENTIAL IMPACT OF THE CHANGE ON YOUR IMMEDIATE COLLEAGUES, DEPARTMENT/FACULTY ETC]

Yours sincerely

Example letter of a non-statutory flexible working request

[DATE]

Dear

Flexible working request

I would like to make a non-statutory application to work a flexible working pattern.

I have worked continuously as an employee of [NAME OF COLLEGE OR UNIVERSITY] since [ENTER DATE]. I have working in [NAME OF DEPARTMENT/FACULTY] as [JOB TITLE] and my employee payroll reference number is [ENTER PAYROLL REFERENCE NUMBER].

My current working pattern is as follows*:

Place of work	[]
Hours of work	[]
Days of work	[]
Times of work	[]

I would like to propose the following*:

Place of work	[]
Hours of work	[]
Days of work	[]
Times of work	[]
Proposed start date	[]

I think this change in my working pattern will affect [NAME OF UNIVERSITY OR COLLEGE] and my colleagues as follows: [ENTER HERE THE POTENTIAL IMPACT OF THE CHANGE ON YOUR IMMEDIATE COLLEAGUES, DEPARTMENT/FACULTY ETC]

I am making this application to [ENTER THE REASON FOR YOUR APPLICATION I.E. IF YOU NEED HELP WITH YOUR CARING ARRANGMENTS]

Yours sincerely

Avoiding direct and indirect discrimination

A woman who is caring for her young child applies to work flexibly using the right to request, for which she qualifies. She is turned down. She makes another request six months later, suggesting a different working pattern that could easily be accommodated. Her employer does not have to use the procedures set out under the right to request, because these requests only have to be considered at 12 month intervals. However, if the employer refuses to look at her request altogether or if they refuse her again, this may be **indirect discrimination** because of sex, unless the employer can objectively justify what they have done. **This is because a refusal to consider a change in the woman's working arrangements has a worse impact on both the individual woman and on women generally compared with men, because they are more likely to have to combine paid work with caring responsibilities.**

Source: Equality and Human Rights Commission (updated December 2014) – Your Rights to Equality at Work: Working Hours, Flexible Working and Time Off

Requests for changes to hours of work or flexible working on the basis of association with a protected characteristics

An employer offers flexible working to all staff. Requests are supposed to be considered on the basis of the business needs of the organisation, but a manager decides that a man's request to work flexibly to care for his 90 years old father is more important than another man's to care for his 50 year old wife. If the manager's decision is based on the age of the person being cared for, this is almost certainly discrimination because of age by association. It would not be unlawful if the decision was objectively justified, since direct discrimination because of age, unlike because of other protected characteristics is allowed if justified.

If the manager made their decision based on the fact that the person with whom the workers was associated was a disabled person rather than an older person, that too might be direct discrimination by association because of whichever protected characteristics lost out. **The manager should base any decision on the business needs of the organisation, not on the protected characteristics of the people making the requests.**

Source: Equality and Human Rights Commission (updated December 2014) – Your Rights to Equality at Work: Working Hours, Flexible Working and Time Off

Requests relating to maternity, paternity, adoption and parental leave

A lesbian has asked her employer for unpaid parental leave. She and her partner adopted a child two years ago and she wants to be able to look after her child for part of the summer holidays. The worker made sure the time she has requested does not conflict with parental being taken by other workers. In exercising their discretion whether to grant parental leave, the woman's line manager refuses her request because they do not agree with same-sex couples being allowed to adopt children. **This is likely to direct discrimination because of sexual orientation.**

Source: Equality and Human Rights Commission Guidance: Maternity, Paternity, Adoption and Parental Leave

7. Contacts and Resources

UCU Equality and Participation

Carlow Street, London NW1 7LH
Email: eqadmin@ucu.org.uk
Web: www.ucu.org.uk
Tel: 020 7756 2500

UCU National

Carlow Street, London NW1 7LH
Email: hq@ucu.org.uk
Web: www.ucu.org.uk
Tel: 020 7756 2500

Trades Union Congress

Congress House
Great Russell Street
London WC1B 3LS
Web: www.tuc.org.uk
Tel: 020 7636 4030

ACAS

Euston Tower
286 Euston Road,
London NW1 3JJ
Web: www.acas.org.uk
Tel: 0300 123 1100 free support and advice
Please visit the website for Regional Offices

Age UK

Tavis House
1-6 Tavistock Square
London WC1H 9NA
Web: www.ageuk.org.uk
Tel: 0800 169 2081

Carers - UK

20 Great Dover Street
London SE1 4LX
Email: info@carersuk.org
Web: www.carersuk.org
Tel: 020 7378 4999
Advice line: 0808 808 7777

Carers - Northern Ireland

58 Howard Street
Belfast BT1 6JP
Email: advice@carersni.org
Web: www.carersni.org
Tel: 028 9043 9843

Carers - Scotland

The Cottage
21 Pearce Street
Glasgow G51 3UT
Email: info@carerscotland.org
Web: www.carerscotland.org
Tel: 0141 445 3070

Carers - Wales

River House
Ynys Bridge Court
Cardiff CF15 9SS
Email: info@carerswales.org
Web: www.carerswales.org
Tel: 029 2081 1370

Carers Trust – Head Office

32 – 36 Loman Street
London SE1 0EH
Web: www.carers.org
Tel: 0844 800 4361
Fax: 0844 800 4362

Carers Trust – London

14 Bourne Court
Southend Road
Woodford Green
London IG8 8HD
Tel: 0844 800 4361

Carers Trust – Scotland

Skypark 3
Suite 1/2
14/18 Elliott Place
Glasgow G3 8EP
Tel: 0300 123 2008

Carers Trust – Wales

Third Floor
33-35 Cathedral Road
Cardiff CF11 9HB
Tel: 0292 009 0087

Crossroads – Caring for Carers

7 Regent Street
Newtownards
Northern Ireland BT23 4AB
Web: www.crossroadscare.co.uk
Tel: 028 9181 4455
Email: mail@crossroadscare.co.uk

Disability Rights UK

Ground Floor
CAN Mezzanine
49-51 East Road
London N1 6AH
Web: www.disabilityrightsuk.org
Tel: 020 7250 8181
Email: enquiries@disabilityrightsuk.org

Education Support Partnership

Web: www.educationsupportpartnership.org.uk
Tel: 08000 562 561
Text: 07909 341 229
Email: support@edsupport.org.uk

Crossroads – Caring for Carers

7 Regent Street
Newtownards
Northern Ireland BT23 4AB
Web: www.crossroadsyoungcarers.com
Tel: 028 9181 4363
Email: ycarer@crossroadscare.co.uk

Equality and Human Rights Commission

Web:
<http://www.equalityhumanrights.com/about-us/about-commission/contact-us>
Please visit the website for list of offices in Manchester, London, Cardiff

National Union of Students

275 Gray's Inn Rd
Kings Cross
London WC1X 8QB
Web: www.nus.org.uk
Tel: 0845 5210 262

The following organisations can offer advice depending on the type of care provided or required

Dementia UK

Second floor
Resource for London
356 Holloway Road
London N7 6PA
Web: www.dementiauk.org
Tel: 020 7697 4160
Email: info@dementia.org

Mencap (England)

123 Golden Lane
London EC1Y 0RT
Web: www.mencap.org.uk
Tel: 0808 808 1111
Email: help@mencap.org.uk

Mind (England)

15-19 Broadway
Stratford
London E15 4BQ
Web: www.mind.org.uk
Tel: 020 8519 2122
Email: contact@mind.org.uk

Macmillan Cancer Support

89 Albert Embankment
London SE1 7UQ
Web: www.macmillan.org.uk
Tel: 0808 808 0000

Mencap (Wales)

Email: helpline.wales@mencap.org.uk

Mencap (Northern Ireland)

Email: helpline.ni@mencap.org.uk

Mind (Wales)

3rd Floor, Quebec House
Castlebridge
5-19 Cowbridge Road East
Cardiff CF11 9AB
Tel: 0292 039 5123

Parkinson's (England)
 215 Vauxhall Bridge Road
 London SW1V 1EJ
 Web: www.parkinsons.org.uk
 Tel: 020 7931 8080
 Email: hello@parkinsons.org.uk

Parkinson's (Northern Ireland)
 Wellington Park Business Centre
 3 Wellington Park
 Malone Road
 Belfast BT9 6DJ
 Tel: 028 9092 3370
 Email: northernireland@parkinsons.org.uk

Parkinson's (Scotland)
 Suite 1-14
 King James VI Business Centre
 Riverview Business Park
 Friarton Road
 Perth PH2 8DT
 Tel: 0344 255 3724
 Email: scotland@parkinsons.org.uk

Parkinson's (Wales)
 Maritime Offices
 Woodland Terrace
 Maesycloed
 Pontypridd CF37 1DZ
 Tel: 0344 225 3785
 Email: wales@parkinsons.org.uk

Resources

University and College Union	
UCU film: Social Model of Disability	This short film was produced to support Disability History Month and explains the social model of disability http://www.ucu.org.uk/disabmem
JNCHES Guidance on Work Life Balance	The aim of this document is to assist Higher Education institutions (HEIs) to achieve standards of good practice in work-life balance by implementing comprehensive and effective local policies. http://www.ucu.org.uk/media/pdf/5/f/jnches_worklifebalance_feb08.pdf
FE National Agreement on Equality	UCU, in agreement with six other unions and associations, have produced a model policy relating to disability equality in FE institutions. http://www.ucu.org.uk/media/docs/g/n/feeng_disequal_nov09.doc
Briefing on new shared parental leave and flexible working	This document gives an overview of what the new provisions entail and draws together information from previous UCU briefings and guidance from ACAS and the TUC. http://www.ucu.org.uk/media/pdf/m/2/Shared_parental_leave_guidance_spring_15.pdf
Reasonable Adjustment	This guidance will examine exactly what the law says, look at some examples and case studies, and discuss how UCU reps can best approach negotiating reasonable adjustments for members. http://www.ucu.org.uk/media/pdf/s/a/Reasonable_adjustments.pdf
Disability Leave	UCU guidance gives advice on disability leave and advises branches of what should be included in negotiated policies http://www.ucu.org.uk/media/pdf/o/j/ucu_disabilityleave_may12.pdf
Enabling not disabling	First issued in 2006, this updated guidance takes into account changes to equality legislation https://www.ucu.org.uk/media/1625/Enabling-not-disabling-UCU-Nov-15/pdf/ucu_enablingnotdisabling_nov15.pdf
Tackling HIV Discrimination at Work	The resource gives advice to UCU branches about how to ensure supportive conditions in the workplace for people living and working with HIV http://www.ucu.org.uk/media/pdf/g/6/ucu_hivguidance_nov09.pdf

Trades Union Congress

Social Model of Disability	<p>The TUC has published a new guidebook on the social model of disability to help unions and their members improve equality for disabled people within unions and in the workplace.</p> <p>https://www.tuc.org.uk/sites/default/files/socialmodel.pdf.</p> <p>TUC blog summarising the reasons for using the social model of disability</p> <p>http://touchstoneblog.org.uk/2015/3/social-model-of-disability-whats-that-about/</p>
Time off and flexible working for carers	<p>If you are juggling work with caring for a relative who is ill, frail or disabled, this leaflet outlines six things you need to know.</p> <p>https://www.tuc.org.uk/sites/default/files/TimeOffforCarers_0.pdf</p>

Online and Telephone Assistance

Benefits check online	<p>www.entitledto.co.uk/benefits-calculator</p> <p>www.turn2us.org.uk/benefits_search.aspx</p>
Carers UK Advice line	0808 808 7777

Legislation – relevant sections relating to Carers and Young Carers (England)

Employment Rights Act 1996	<p>Right to request flexible working (Part 8A, s80F)</p> <p>http://www.legislation.gov.uk/ukpga/1996/18/pdfs/ukpga_19960018_en.pdf</p>
Equality Act 2010	<p>Protected Characteristics (Part 2, Chapter 1, s4-s12)</p> <p>http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf</p>
The Care Act 2014	<p>Promoting individual well-being (Part 1, s1)</p> <p>Integration of care and support with health services (Part 1, s3)</p> <p>Providing information and advice (Part 1, s4)</p> <p>Meeting needs for care (Part 1, s8)</p> <p>Assessing needs (Part 1, s9)</p> <p>Assessment of a Carer's needs for support (Part 1, s10)</p> <p>Eligibility criteria (Part 1, s13)</p> <p>Duty and power to meet a Carer's needs for support (Part 1, s20)</p> <p>Care and support plan (Part 1, s25-26)</p> <p>Continuity of care and support (Part 1, s37)</p> <p>Human Rights Act 1998 (Part 1, s73)</p> <p>Disabled children in transition (Part 1, s59, s60)</p> <p>Parent Carers in transition (Part 1, s61, s62)</p> <p>Young Carers in transition (Part 1, s63, s64)</p> <p>Involvement in assessments (Part 1, s67)</p> <p>http://www.legislation.gov.uk/ukpga/2014/23/pdfs/ukpga_20140023_en.pdf</p>
The Children and Families Act 2014	<p>Young Carers (Part 5, s96)</p> <p>Parent Carers (Part 5, s97)</p> <p>http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf</p>

Legislation – relevant sections relating to Carers and Young Carers (Northern Ireland)

Carers and Direct Payments Act (Northern Ireland) 2002	The entire Act covers the provisions of Carers' needs, assessment, services and payments http://www.legislation.gov.uk/ni/2002/6/pdfs/ni_20020006_en.pdf
Carers and Direct Payments Act (Northern Ireland) 2002	The entire Act covers the provisions of Carers' needs, assessment, services and payments http://www.legislation.gov.uk/ni/2002/6/pdfs/ni_20020006_en.pdf
Health and Social Care (Amendment) Act (Northern Ireland) 2014	Amendments Consequential on the 2009 Act (s3) http://www.legislation.gov.uk/ni/2014/5/pdfs/ni_20140005_en.pdf
Northern Ireland Act 1998	Statutory Duty on Public Authorities (s75) http://www.legislation.gov.uk/ukpga/1998/47/pdfs/ukpga_19980047_en.pdf

Legislation – relevant sections relating to Carers and Young Carers (Scotland)

Carers (Scotland) Act 2016	The entire Act covers Carers including Young Carers http://www.legislation.gov.uk/asp/2016/9/pdfs/asp_20160009_en.pdf
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Legislation – relevant sections relating to Carers and Young Carers (Wales)

The Social Services and Well Being (Wales) Act 2014	Overview of the Act (Part 1, s1) Key terms (Part 1, s3) Overarching duties (Part 2, s5-s6) Assessment of needs (Part 2, s14, s15, s17) Assessing adults (Part 3, s19) Assessing Carers (Part 3 s24-s29) Meeting support needs of a Carer (Part 4, s40-s45) Direct payments to meet a Carer's needs (Part 4, s52) www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_e..pdf
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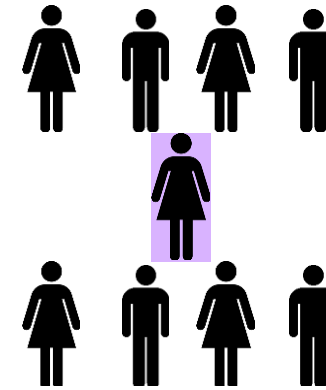
Numbers of Carers in the UK

England 5,430,016
Northern Ireland 213,980
Scotland 492,031
Wales 370,230

Total 6,506,257 carers in the UK
This is estimated to rise to 9 million by 2037

1.4 million People provide over 50 hours of unpaid care per week

3 million people in work have reduced their working hours



Around 1 in 9 workers in the UK has caring responsibilities

2011 Census showed 177,918 young unpaid Carers aged 5 – 17 years old in England and Wales

Over 2 million people have given up work at some point to care for loved ones



In 4 Women aged 50-64 are sandwich Carers balancing child care and caring responsibilities

58% of Carers are female

7 in 10 working Carers have felt lonely or isolated at work as a result of their caring responsibilities

56% of Carers cited stress of juggling work and caring responsibilities as reasons for leaving work



Raising Awareness for Working Carers Carers Rights Day

More working people are increasingly becoming Carers for friends and families at times with little help or support as they struggle with combining work and caring duties. Help to raise awareness of working Carers by talking with your branch or local association about the issues you face and what assistance is available

Source: Carers UK

