

Flexible working and leave for carers

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The Government has launched a consultation today on potential changes to the statutory flexible working regime. Whilst this consultation is called “Making flexible working the default”, the consultation does not, on the face of it, go this far. Although a review of the currently statutory grounds for refusal is included as part of the consultation, the accompanying text indicates that the Government does not see the current statutory grounds as presenting a disproportionate barrier or that there is any need for fundamental change. Instead, the focus is on widening the right to apply from day one, and potentially tweaking the process to allow more requests to be made and/or to shorten the time for dealing with them. Other areas included in the consultation (considering alternatives and temporary adjustments) are matters that are already encouraged by Acas when considering requests or fall within the existing scheme.

The Government has also published today its [Response](#) to proposals for unpaid leave for carers. These proposals, when implemented, would give the right to take one (working) week's unpaid leave per year for the purpose of caring for a dependant with long-term care needs. This right will apply to all employees from day one and leave will be able to be taken flexibly – from half a day up to one week.

The flexible working consultation can be found [here](#); consultation will close at 11.45pm on 1 December 2021.

Legislation in respect of leave for carers will be introduced “when parliamentary time allows”. However, the Response does indicate that it will be brought forward “alongside other measures”, including those in respect of flexible working. Given that the flexible working proposals are still at the consultation stage, it may be a little while before statutory leave for carers is introduced.

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