



# Getting ahead of April 2024 Legislative Changes in Flexible Working and Family-Inclusion

| Area of legislative change                                        | <b>What are the key changes for employers?</b><br>More info <a href="#">here</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>What else should employers do to boost engagement and retention?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <b>Flexible Working</b>                                           |  <ul style="list-style-type: none"> <li>• Employees can ask for flexible working from day one of employment.</li> <li>• Employees can make two requests in any 12-month period and do not have to explain impact on employer when making a request.</li> <li>• Employers must decide requests within two months unless extension agreed.</li> <li>• Employers must consult before refusing a request (i.e. meet with the employee to discuss and consider alternatives).</li> </ul> |  <ul style="list-style-type: none"> <li>• <b>Ensure managers are knowledgeable.</b> Include helping managers understand which types of work are best done onsite or remotely.</li> <li>• Explore flexible time as well as flexible location.</li> <li>• Be willing to trial arrangements: review deliverables to fit hours and seek feedback. Does it work for the employee as well as for the team, clients / customers, organisation?</li> <li>• Foster high levels of trust: measure performance by outputs rather than hours or physical presence.</li> </ul> |
| <b>Paternity Leave</b>                                            | <ul style="list-style-type: none"> <li>• Employees can take paternity leave as one week, two continuous weeks or two weeks at different times.</li> <li>• Leave must be taken within 52 weeks of birth / placement.</li> <li>• Employees give notice of entitlement to leave plus notice of each period of leave.</li> </ul>                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• Consider the rising trend towards equal leave and/or enhanced shared parental leave.</li> <li>• Offer specialist <b>coaching</b> for all new parents to boost retention a confident return and keep career on track.</li> <li>• Train internal buddies or mentors to provide peer support.</li> </ul>                                                                                                                                                                                                                                                                                                       |
| <b>Protection from redundancy in connection with family leave</b> | <p>The right to be offered available suitable alternative employment applies if employee is at risk of redundancy:</p> <ul style="list-style-type: none"> <li>• During pregnancy – once notified employer.</li> <li>• While on maternity / adoption / shared parental leave (as was the case pre-April).</li> <li>• After return from maternity / adoption leave – for 18 months after birth / placement.</li> <li>• After return from at least six consecutive weeks’ shared parental leave – for 18 months after birth / placement.</li> </ul>                       | <ul style="list-style-type: none"> <li>• Be Gender-inclusive: noting that this applies to shared parental leave longer than 6 weeks.</li> <li>• Help managers to be prepared for key conversations (Bright Horizons <b>Parental Leave Toolkit</b> hand-holds the manager as well as the team member).</li> <li>• Ensure effective and pro-active communication at all stages: pre, during and post-leave and return.</li> <li>• Make good use of <b>Keeping in Touch days</b> so the leave-taker is not out of the loop.</li> </ul>                                                                                                                  |
| <b>Carer’s Leave</b>                                              | <ul style="list-style-type: none"> <li>• One week’s unpaid leave (pro rata) per year to provide / arrange care for dependant with a long term care need.</li> <li>• Employees can take leave flexibly – in periods of a day or half a day.</li> <li>• Employer cannot ask for evidence of entitlement.</li> <li>• Employees must give three days’ notice, or twice the period of leave requested (if greater).</li> <li>• Employers can only refuse if absence would cause undue disruption.</li> </ul>                                                                | <ul style="list-style-type: none"> <li>• Consider paid leave to differentiate your offering.</li> <li>• Support your people in finding care, which can otherwise be time-consuming and overwhelming (Bright Horizons <b>Work+Family Space</b> offers this).</li> <li>• Ensure your teams have access to <b>back-up care</b> so they have a contingency plan.</li> <li>• Consider a Carers’ Network: to exchange advice, offer mutual support and act as the voice of carers in your organisation.</li> </ul>                                                                                                                                         |

Note that Neonatal Leave and Pay is now expected to come into force next year in April 2025

- ✓ It applies if child needs at least one week of neonatal care within 28 days of birth
- ✓ Employees can take up to 12 weeks’ leave (probably)
- ✓ Leave will be taken at end of maternity / paternity leave
- ✓ Leave is a day one right; Pay is subject to service and earnings requirements

**Employers can also consider extending enhanced pay to cover this period, provide access to support such as helplines or Employee Assistance Programmes and expert Coaching for the new parent.**