



**Association of Directors of Adult Social Services (ADASS) response to consultation  
“Modern Workplaces: The right to request flexible working”**

The Association of Directors of Adult Social Services (ADASS) represents Directors of Adult Social Services in Local Authorities in England. As well as having statutory responsibilities for the commissioning and provision of social care, including the safeguarding of vulnerable adults, ADASS members often also share a number of responsibilities for housing, leisure, library, culture, arts, community services, and increasingly, Children’s Social Care within their Local Authority

**Summary:**

We welcome the publication of this consultation paper and its stated objectives of wishing “to stimulate cultural change to make flexible working practices the norm” and to legislate to extend the right to request flexible working to all employees. We have not commented on all the consultation questions but have responded to those which are of the most relevance and concern to us in relation to carers.

***Q.1. Should the Government legislate to extend the right to request flexible working to all employees?***

We welcome the consultation paper's proposals to implement the Coalition Agreement commitment to extend the right to flexible working to all employees. Flexibility and understanding are top of the list of employer support which those with caring responsibilities say that they want in the workplace.

A workplace culture where flexibility is the norm is more likely to reduce the potential sense of stigma around requesting flexible working and will help parents and carers to stay in work and continue caring.

***Q.2. Do you support the proposal to replace the statutory process for the consideration of requests with a Code of Practice?***

We can see that replacement of a statutory process with a code of practice would offer more adaptability. It would, however, have to be a statutory code with clear requirements as well as employment practice guidance.

Any change would have to be accompanied by clear information for employers and those with caring responsibilities and be located transparently with the framework of the Equality Act 2010 provisions on issues such as associative discrimination which help protect carers in the work place.

This is essential given the evidence that significant numbers of employees (1 million) continue give up or cut back work to care for someone. For some this may arise from a lack of awareness or recognition that they are carers and so people do not ask for support. In other cases, caring may remain a 'hidden' issue in the workplace for fear of disclosure at a time of economic downturn when people are feeling more vulnerable.

Lack of awareness of workplace rights continues to be a major issue for us.

***Q. 7. Do you agree that the current 26-week qualifying period should be retained?***

We believe there is a strong case for review. One of our concerns is about the difficulty some carers experience in returning to employment. If they wish to do so then it is likely the need for flexibility would exist from their first day. This would also help ensure fair selection processes and would encourage inclusion at the job design and recruitment stage.

***Q.8 Do you agree that the restriction on the number of requests allowed in any 12-month period should be changed?***

The suggested change is supported.

***Q.11 what support do you think employers need to enable them to operate flexible working?***

There is a real need to support employers by effective communication and dissemination both of statutory rights and case study examples showing the business benefits of flexibility in the workplace. We would point you to the *Employers for Carers* response to the 'Refreshing the National Carers Strategy' (September 2010), that practical guidance needs to contain a good balance between information which is readily available online (including in accessible formats with a range of practical examples to bring the issues to life) with telephone advice for more complex questions where needed.

There is also a role here for local councils consistent with their community leadership role. Enclosed with this response is a copy of a joint paper produced in partnership with Carers UK and Employers for Carers and published in July 2011. *Carers and Employment – Making a Difference, Realising Potential* identifies areas of good practice, the challenges and its message is a simple one: it makes business sense to care for carers and to promote modern workplaces and improved employability and skills for carers. We welcome the recognition that Government can lead by example.

***Q.12 when looking for jobs, what could employers or recruitment agencies provide that would highlight that a job has flexible working opportunities?***

Jobcentre Plus has a key role to play in promoting cultural change through its engagement with employers and jobseekers. The commitment to work closely with private sector recruitment agencies to see how best to stimulate the recruitment market for permanent and high quality flexible workers are welcomed. More such agencies, including social enterprises, might be encouraged to specialize in part-time or varied-hours working and employers and potential candidates might also be encouraged to tap into this market.

***Q. 14. Do you have any further comments or suggestions relating to our proposals or impact assessment on flexible working?***

We consider it would be helpful if there could be a clear timetable for action to address these issues. They impact on carers in workplace now. The current economic climate may exacerbate these problems further for carers and increase the risk of more carers leaving employment or not feeling able to return to it alongside their caring responsibilities.

**Dr. Graeme Betts Chair, ADASS Carers Policy Network  
August 2011**