

## EMPLOYMENT UPDATE - DECEMBER 2023

# Flexible working, carer's leave and protection from redundancy

The UK Government has recently announced that three enhanced rights for employees will come into force on 6 April 2024: (i) the right to make a flexible working request on 'day one'; (ii) the right to take a week's unpaid carer's leave per year; and (iii) existing redundancy protections will be extended to cover pregnancy and an extended period of time after parents return to work.

## Flexible working

### Background

Earlier this year, the Government introduced legislation (the *Employment Relations (Flexible Working) Act 2023*) to make it (slightly) easier for employees to submit flexible working requests (see our [update here](#)).

### Latest development

The Government has now introduced secondary legislation (*The Flexible Working (Amendment) Regulations 2023*) which removes the requirement for an employee to have 26 weeks of continuous service to be eligible to make a flexible working request. In other words, the right to request flexible working will become a 'day one' right.

### Practical takeaways

Whilst the changes to flexible working requests are due to come into effect in April 2024 (including, we understand, an updated [ACAS Code of Practice](#)), employers should ensure their processes, policies and training (for both managers and HR) are reviewed and updated as necessary. For more information and resources on flexible working, see our [update here](#).

## Unpaid carer's leave

From 6 April 2024, carers of a person with long-term care needs will be entitled to take a week of unpaid leave each year (under the *Carer's Leave Act 2023* and *Carer's Leave Regulations 2024*). This will be a 'day one' right. For more on this development and practical takeaways, see our [update here](#) when the original legislation was passed.

## Extension of redundancy protections

### Background

In May 2023, the Government passed legislation to extend redundancy protection afforded to those who are pregnant or on/returning from family-friendly leave (the *Protection from Redundancy (Pregnancy and Family Leave) Act 2023*). However, the effect of the legislation was to allow the Government to enact changes by way of regulations in due course.

### Latest development

The Government has now introduced those regulations (*The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024*), with the relevant provisions coming into force on 6 April 2024. Specifically, existing protections from redundancy will extend to:

- › **Pregnancy/maternity:** from (i) the date the employer is informed of the pregnancy to (ii) 18 months from the expected week of birth (or, if the employer is informed of the date, 18 months from the actual date of birth).
- › **Shared parental leave (SPL):** from (i) birth to (ii) 18 months after birth (provided the person has taken 6+ consecutive weeks of SPL).
- › **Adoption:** from (i) placement for adoption to (ii) 18 months after placement for adoption.

### Practical takeaways

Whilst employers should already be aware of the requirement to offer someone on maternity leave priority for any suitable alternative role in a redundancy situation, policies should be reviewed and updated to account for the extended protection.

**If you would like any further advice or assistance on this topic, please contact the Northridge Employment team ([Jamie Feldman](#) and [Ed Dickinson](#)).**