



# Flexible Working Rights

Since April 2003, parents and others (such as guardians) who are responsible for looking after children under the age of six years (or 18 years if the child is disabled) have had the legal right to request to work flexible hours and to have their request taken seriously by their employer, provided they have worked for their employer for 26 weeks continuously before the application is made.

From 6 April 2007, this right was extended to those with caring responsibilities for adult relatives. The definition of 'carer' is an employee who is or expects to be caring for an adult who:

- is married to, or the partner or civil partner of the employee; or
- is a near relative of the employee; or
- falls into neither category but lives at the same address as the employee.

The 'near relative' definition includes parents, parents-in-law, adult children, adopted adult children, siblings (including those who are in-laws), uncles, aunts, grandparents and step-relatives.

With effect from 1 October 2007, changes were made to the list of employees who are eligible to make a request for flexible working in order to care for a child. Specifically, the definition of 'adopter' now refers to a person with whom it has been decided to place a child for adoption, rather than a person matched for adoption, and the definition has been expanded to include situations where the child concerned is not being placed for adoption by a UK adoption agency. In practice, this means adoptions from overseas and adoptions by relatives.

In addition, private foster carers are now eligible for the right, as are employees

who have parental responsibility for a child by virtue of a residence order.

Common types of flexible working are:

- part-time - working fewer hours, perhaps by working fewer days per week;
- flexi-time - choosing when to work. There are usually core hours which an employee has to work;
- annualised hours - the employee's hours are worked out over a year, often with set shifts with the employee deciding when to work the other hours;
- compressed hours - working the agreed number of hours over fewer days;
- staggered hours - having different starting, break and finishing times for employees in the same workplace;
- job sharing - where an employee shares a job designed for one person with someone else; and
- home working.

Where the legal right to request flexible working exists, an employer must consider a request seriously and must follow a set procedure and timetable. An employer can only refuse such a request if they can demonstrate a clear business reason for doing so.

If you receive a request for flexible working arrangements and would like individual advice, please contact Roy Carlo or Judith Curran.

These notes are for guidance only and do not remove the need to take legal advice in any circumstances. No responsibility will be accepted for any loss occasioned as a result of actions taken or refrained from due to their contents.

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