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Flexible working – the way of the future ?

We are told by the government that flexible working is the way of the future. Many employers have adopted flexible working practices on their own initiative. Since the Employment Act 2002 individual employees have also had the right to **request** flexible working arrangements to help them care for a child under 6 (or under 18 in the case of a disabled child). In order to qualify the employee must

- be the child's mother, father, adoptive parent, guardian or foster parent, **or** be married to or the partner of one of these people.
- have worked for you for at least 26 weeks continuously before making the request
- make the request at least 2 weeks before the child's 6th/ 18th birthday
- not have made another application of the same kind in the previous 12 months.

You need to be aware that the right applies to a much wider group of employees than you might assume (e.g. the partner of a foster parent). The request must be made in writing and must be made for the purposes of caring for a child. A request can be made to change hours of work, times of work and/or place of work. It may be as simple as a request to start the working day 15 minutes later in order to be able to drop a child off at school, or it may be a request to work shorter weekly hours, or to work term-time only, to job-share or to work some hours from home. The request must explain why the change is requested, and the employee's views as to how such a change could be managed.

If you receive a request from an employee you are not obliged to agree to what is asked , but you must meet with the employee within 28 days to discuss the request, and they are entitled to have a colleague with them if they so wish. If you feel you cannot agree to their request, this meeting could be an opportunity for both sides to express their views, and perhaps to come up with an acceptable compromise which still offers the employee greater flexibility than they have at the moment.

You should then write to the employee within 14 days of your meeting and either set out what has been agreed as to their new working arrangements and when these will start, or else explain the grounds on which their request is refused, and tell them they can appeal against this decision. It is clear that you do not have to agree to an employee's request for flexible working. However, before refusing a request you should consider it carefully, and you can only refuse it on specified business grounds – these include things like the likely cost of the changes asked for, problems in getting existing staff to cover/ recruiting new staff to cover, etc.

The other question you should ask yourself when deciding whether or not to grant a request is the possible effect of refusal – an unhappy and overstretched employee may not be as productive and committed to your organisation as one who feels their employer has done all they reasonably can to accommodate their individual needs. Offering flexible working arrangements is just one means by which employers can attract and retain staff from as wide a 'pool' as possible, enabling those with young children to utilise their skills and experience in work while still meeting family responsibilities.

Note : The Work and Families Bill will extend the right to request flexible working arrangements to carers from April 2007 – but who will be classed as a "carer" for these purposes has not yet been defined.

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