

**26th September 2007**

## **Flexible working for carers and parents...**

As a parent or carer, it's often difficult to fit everything in to your hectic day. When you've got to work, cook, clean and provide a taxi service for the family, there are never enough hours in the day. Fortunately, it does not need to be this way. Providing you meet certain criteria, your employer is duty bound to consider a flexible working pattern.

Until recently the right to request flexible working was only available for parents with children below six years of age and for parents of disabled children under 18. Now however, the right to request flexible working has been extended to cover carers and, from 1 October 2007, will also cover people adopting (where the child has not been placed by a UK adoption agency), private foster carers and employees who hold residence orders.

In order to qualify as a 'carer', you need to be (or expect to be) caring for a person in need of care who is either your spouse, partner, relative or is living at the same address. Providing you have worked for the company for 26 continuous weeks, have not made a similar application within the last 12 months, and can prove you have the appropriate dependant, you can make an application for flexible working.

To benefit from flexible working, you need to send a letter to your employer requesting the right to a flexible working pattern. You should state:

- The change applied for (is it about, for example, working hours, or times of work or place of work?)
- When you want the flexible working to commence
- Your relationship to the child or dependant
- The effects your flexible working might have on the employer and how they can be minimised
- That the application is made under the statutory right to request flexible working

Your employer has 28 days to reply and should invite you to a meeting to discuss the matter. After the meeting the employer has to respond within 14 days to let you know the decision. If the request is rejected, the employer should specify the grounds upon which they based their decision.

If you do decide to appeal, your employer then has a further 14 days to hold another meeting and 14 days after that to give reasons should they decline the request again.

If the employer has breached the procedure in any way or has made a decision on inaccurate facts, you can apply to an employment tribunal. If you are successful, you can

be awarded up to 8 weeks pay (subject currently to a weekly maximum of £310) and the tribunal may order the employer to reconsider the request. The tribunal cannot force the employer to provide flexible working.

To find out more about flexible working rights or any other area of employment law, contact Debbie Driscoll, at Kingsfords Solicitors on 01233 624545.

### **Disclaimer**

The content of this article is intended for general information purposes only and is not a substitute for specific advice. It is based upon our understanding of the legal position as at September 2007 and it may be affected by subsequent changes in the law. We cannot accept responsibility for any loss as a result of acts or omissions taken in respect of this article.