

Statutory right to request flexible working patterns to carers of children and carers of adults – Revised March 2011

The right to apply for flexible working to carers of children

Since 6 April 2003, an employee who is (or is the spouse, civil partner or live-in partner of) the parent, adoptive parent, guardian, special guardian or foster parent of a child under the age of six, or under the age of 18 if the child is disabled, has had the legal right to submit a written application to his/her employer requesting a more flexible pattern of working hours to help them. In 2009 this right was extended to parents of children up to the age of 16 (18 if the child is disabled).

The right to apply for flexible working to carers of adults

As of 6 April 2007, an employee who has caring responsibilities for an adult aged 18 or over who is the employee's spouse, civil partner or live-in partner, a relative, or someone living at the same address as the employee has the legal right to request flexible working.

To qualify to apply for flexible work an employee must have:

- 26 weeks service with their employer, and
- have or expect to have responsibility for a child, or care for, or expect to care for a person who is 18 or over

An application for flexible work:

- must be made in writing
- is an application for a permanent variation to the employee's hours, time or place of work.
- can only be submitted once in any 12 month period

All employers have a statutory duty to seriously consider an employee's application, and can only refuse the request for one of a number of specified 'business reasons':

- the burden of additional costs;
- a detrimental effect on ability to meet customer demand;
- an inability to reorganise work among existing staff or recruit additional staff;
- a detrimental impact on quality or performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes; of
- such other grounds as may be specified in regulations made by the Secretary of State.

Explanatory Notes

- Both men and women are eligible to request flexible working.
- 'Partner' means the other member of a couple who are not married or civil partners, but that are living together as if they were.
- 'Relative' means a parent, adopter, guardian, special guardian, parent-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, uncle, aunt, grandparents, and includes adoptive relationships and relationships that would have existed but for adoption, i.e. adopted individuals' natural relatives. Step relatives and half-blood relatives are also included.