

FLEXIBLE WORKING

Until fairly recently only a parent had the right to request flexible working until their child was aged 6, or 18 if the child was disabled, provided they had been working for their employer for 26 weeks.

The first extension to the legislation was made in April 2007, which gave carers of certain adults the right to make an application for flexible working.

The legislation changed again on 6 April 2009 to allow parents of children aged up to 17 to be entitled to claim flexible working.

The age for parents of a disabled child has remained at 18. It is believed that this recent change will give 4.5 million more working parents the right to request flexible working.

The process for employees requesting flexible working and the grounds for employers being able to refuse the request remain the same (see below).

To make a formal request for flexible working an employee has to set out their request in writing with their proposals to their employer. Employees should be required to address how they believe the change will affect the business.

Employers are required to “consider” any request for flexible working. Unless the employer agrees the request immediately a meeting with the employee must be held to discuss the request. A response must be provided in writing by the employer and any agreed change to the contract is permanent.

An employer can only refuse a request on the following grounds:

- burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to reorganise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the proposed period of work
- planned structural changes

If the employer refuses the request the employee must be given the right to appeal the decision and a further meeting has to be held to discuss any appeal.

If you would like to find out more, please contact our Employment Team on 01306 880110 or 01483 861848.