

General Purposes committee 8th March 2007

Report title: Extension to right to request flexible working.

Report of Head of Personnel

1. Purpose

To detail the provisions of the Work and Families Act 2006, which extends the right to request flexible working to those caring for adults.

2. Recommendations

That this committee agree

- a. The Council's flexible working scheme be changed to clarify statutory rights of employees caring for adults and/ or children to apply to work flexibly.

Report authorised by:



for Chief Executive

Contact officer: **Stuart Young, Head of Personnel**

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3. Access to information:

Local Government (Access to Information) Act 1985

No documents that require to be listed were used in the preparation of this report.

4. Background

From 6 April 2003 parents of children aged under six or of disabled children aged under 18 have had the right to apply to work flexibly providing they have the qualifying length of service.

In April 2006 the Work and Families Act made amendments to the Employment Rights Act 1996 to extend the above right.

This comes into effect from 6 April 2007 and extends the right for employees caring for an adult. Employers will have a statutory duty to consider these applications seriously.

To be eligible to apply to work flexibly the individual must:

- be an employee
- have worked with their employer continuously for at least 26 weeks at the date the application is made
- not have made another application to work flexibly under the right during the past twelve months

Eligible employees will be able to apply for:

- a change to the hours they work
- a change to the times when they are required to work
- to work from home

This covers working patterns such as annualised hours, compressed hours, flexitime, homeworking, job-sharing, self-rostering, shift working, staggered hours and term-time working.

The right applies to employees that care for an adult who:

- They are married to, is their partner, civil partner
- Is a near relative
- Lives at the same address

The definition of a near relative covers: adult children, parents, parents-in-law, uncles, aunts, grand-parents and step-relatives.

5. Changes to Council Policy

The Council introduced a comprehensive flexible working scheme in 2005.

It does not explicitly state the statutory right to request flexible working as the scheme is open to all employees.

Therefore the scheme will be amended to clarify the statutory rights of employees caring for children and adults.

7. Legal Services Comments

The Head of Legal Services has been consulted on the contents of this report. Legal Services will provide specific advice to Personnel once the amended policy has been drafted.

8. Financial Implications

There are no additional costs anticipated.

9. Equalities implications

Available evidence suggests that there is a preponderance of women as carers either in a paid or unpaid capacity. In principle this change in the law will impact more positively for woman. Specific comments on the impact for Haringey will be provided after the scheme is modified to emphasise the new right.