

WORK AND FAMILIES ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 12: Flexible working

52. The Employment Act 2002 introduced new rights for working parents by way of amendments to the Employment Rights Act 1996. These included the insertion of section 80F in that Act. Section 80F confers a statutory right for a qualifying employee to apply to his employer for a change in his terms and conditions of employment to facilitate childcare. The law is commonly referred to as the right to request flexible working. Regulations deal with the conditions which must be satisfied in order to qualify for the right. The regulations currently provide that the employee must have been continuously employed for no less than 26 weeks and must be the mother, father, adopter, guardian or foster parent (or the partner of, or married to, one of those people) of the child concerned.
53. [Section 12](#) amends this section to widen the scope of the existing law, in particular, by allowing applications to be made by persons who have caring responsibilities for adults.
54. *Subsection (2)* amends section 80F so that applications for flexible working may be made for the purpose of caring for:
- a child who is under an age prescribed in regulations or who falls within a description prescribed in regulations, or
 - a person aged 18 or over who falls within a description prescribed in regulations.
55. The person making the application must also have some relationship with the person receiving the care and the details of this will be dealt with in regulations.
56. *Subsections (3) to (5)* make other amendments of section 80F in consequence of the changes discussed above.