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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 (S.I. 2002/3236) (“the 2002 Regulations”) in respect of the categories of person entitled to make a request under the statutory right for employees to request a contract variation to care for a child or an adult.

The right is provided for in the Employment Rights Act 1996 as amended by the Work and Families Act 2006.

Regulation 3 amends the definitions in regulation 2(1) of the 2002 Regulations. Those amendments redefine “adopter”, to extend the definition to those who are adopting a child, whether domestically or intercountry, where the child has not been placed with those adopters by a UK adoption agency. They also add definitions of “adoption agency”, “private foster carer” and “residence order”.

Regulation 4 adds private foster carer, and the spouse, partner and civil partner of a private foster carer, to the list of those people who are entitled to request a contract variation to care for a child, to encompass a category of people who foster children privately rather than those with whom children are placed by fostering services. It also adds a person in whose favour a residence order is in force in respect of a child, and the spouse, partner or civil partner of such a person, to that list.

No Impact Assessment of the costs and benefits of these Regulations to business has been prepared because the additional costs to business are estimated to be negligible.