

Flexible working for parents of older children

Deregulatory measures

As part of its attempts to reduce administrative burdens on business, the government is consulting on a proposal to replace the current obligation for the employer to write to notify the employee of agreement to the revised working pattern with a right to receive this written confirmation only if the employee specifically requests it. (The obligation to provide written notification to the employee would continue to apply where an employer refuses a request.) This change would apply to all groups eligible to request flexible working. According to the government's partial impact assessment, this deregulatory measure would lead to a 65% reduction of the administrative burden associated with this particular information obligation.

Government consultation questions

Would you agree that it is sensible to remove the obligation for employers to send a formal letter whenever they approve an employee's request to change their working pattern? Please outline your reasons for why you think this.

Please consider the partial Impact Assessment (attached at Annex D); we would welcome any comments on its analysis of costs and benefits (see pages 17-21, pages 26-34 & page 39), a key element of which is the analysis that the deregulatory measure would lead to a 65% reduction of the administrative burden associated with this particular information obligation.

LGE comments

This is the most significant element of the consultation in terms of impact on the actual right to request. Our initial view is that although providing written confirmation to an employee of a change in the employee's working hours, working pattern or place of work is one extra administrative task, any burden this creates is outweighed by the fact that it provides clarity regarding the position of the employer and employee and therefore providing such a letter would always be recommended. Notification of such changes would have to be provided within a month in any case, to comply with the employer's statement of written particulars obligations.

Awareness raising and improved guidance

The independent review highlighted the need for there to be improved awareness of the right to request, particularly among fathers and carers. In response, the Department for Business, Enterprise and Regulatory Reform (BERR) and the Government Equalities Office will be launching a campaign this year to increase awareness of the right among both employees and employers. The campaign will focus on raising awareness of both the individual's right to request and helping business understand how to handle employees' requests through more effective use of tools and advice available on www.businesslink.gov.uk/employingpeople and on www.direct.gov.uk/flexibleworking. Activities will be spread over 12 months encompassing media opportunities, Ministerial events and publications to reach the target audiences.

The review also found that many employers would appreciate more help and guidance about how to introduce flexible working as they are concerned about the impact on their business. The recommendation was, therefore, that the government should consider how it could provide greater assistance and offer practical encouragement to business in implementing the changes.

BERR's Employment Law Guidance Programme aims to improve and promote guidance and time- and money-saving tools on the Employing People pages on the Business Link website (see above). During 2008/9, BERR will be migrating the content from the BERR website on employment law to the Business Link website.

Government consultation question

Having regard to the existing guidance and templates available on Business Link and to any particular characteristics of parents of children aged 16 and under, what more do you think that government can do to assist business, and particularly small business, in implementing flexible working arrangements?

LGE comments

The particular needs and characteristics of parents of children aged 16 and under will be very diverse. However, providing further case studies based on different size and type of organisation or service provision showing how the needs of employees and employers can be accommodated in a mutually satisfactory way should be helpful in demonstrating that different ways of working can be implemented and be successful.

Responding to the consultation

LGE will be coordinating a response on behalf of local government. If you want to contribute to the LGE submission, please send your comments to eru@lge.gov.uk by 4 November 2008. Queries regarding the consultation can be sent to samantha.lawrence@lge.gov.uk. Alternatively, if you respond independently we would be grateful for a copy of your response. The closing date for submissions to the government is 18 November 2008.