

Alan Martin
Employment Relations Directorate
Department for Business, Enterprise and Regulatory Reform
Room 4104
1 Victoria Street
London SW1H 0ET

18 November 2008

Dear Alan,

Please find attached a response from Daycare Trust to your consultation on implementing the recommendations of Imelda Walsh's independent review: 'Amending and Extending the Right to request Flexible Working to parents of Older Children'.

We have been enthusiastic supporters of the Government's introduction of the right to request flexible working for parents, and we were delighted when the Prime Minister announced that Imelda Walsh's recommendation that the right be extended to parents of older children. Indeed we had the chance to discuss the proposals with the previous Secretary of State, Rt Hon John Hutton MP at a seminar we held at the Treasury on the 11th June this year.

On page 9 of the consultation document you invite opinions from respondents on the proposed implementation date of April 2009. We would strongly urge that this date is kept to, as recent changes to the lone parent benefits system mean that there is an urgent need for lone parents returning to work to be able to work flexibly, so they are able to balance caring obligations with maximising their household income.


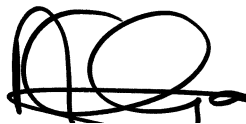
Our research shows that childcare costs are continuing to rise above inflation. Parents are still reporting a lack of high quality affordable and accessible childcare; in the context of the challenging economic backdrop and the Government's changes to benefit entitlement for lone parents, it is more important than ever that the proposed reforms continue as planned.

At a time when household budgets may become more pressurised and parents are encouraged to work to maximise their household income, flexible working rights are the best tool Government has to empower families to safeguard their own prosperity. In short parents need a helping hand, not a strait jacket.

We would also add that we believe that the right to request flexible working should be available to employees from day one. Employees should not have to be in post for twenty six weeks before they are able to apply to alter their working arrangements. In the context of forthcoming changes to lone parent benefits which require lone parents to be available for work, it is essential that if an employees family circumstances change in the first six months of their employment they should not be put in a position in which they have to immediately give up work to fulfil caring responsibilities for their children.

The consultation makes reference to small businesses having concerns over the pace of introduction. Perhaps BERR can at least partially allay these concerns by finding a way to remind SMEs that the 'right to request' is indeed a 'request', which must be answered but is not an automatic entitlement, so of course if there is a solid business case against a request being agreed then the employer can reasonably decline.

Yours sincerely,

Emma Knights

Alison Garnham

Joint Chief Executives, Daycare Trust

Daycare Trust's response to the BERR consultation on implementing the recommendations of Imelda Walsh's independent review: 'Amending and Extending the Right to request Flexible Working to parents of Older Children'.

Having regard to the existing guidance and templates available on Business Link, what more do you think that Government can do to assist businesses, and especially small businesses, in implementing flexible working arrangements?

The Business Link guidance is comprehensive, offering SMEs an excellent summary of the benefits of flexible working and information on how to deal with requests for flexible working arrangements from employees.

The Government could offer further support by:

- (i) Encouraging businesses to display the flow chart describing the process of requesting flexible working in a communal area, similar to the current practise of displaying fire regulations and health and safety information, in the interests of clarity for employees.
- (ii) Leaflets for employers and employees ahead of the implementation of the extension of the right to request highlighting the benefits of flexible working arrangements and advertising the resources available online through Business Link.

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

We disagree with this proposal. As annex C of the consultation document shows, under the current regime an employer must meet with the employee 28 days after receiving a request in order to discuss the request and then 14 days later they must inform the employee of their decision in writing.

If the request is declined, then the employee must lodge a written appeal within 14 days, and if the appeal is unsuccessful then the employee may take their case to a tribunal or binding arbitration. For the appeal and possible tribunal to be conducted on an accurate and fair basis there must be a dated, written record of the decision taken by the employer after the original request and then after any appeal.

(i) These written responses are as important as much for the protection of the employer as the employee. The written responses make it clear that the statutory timetable for considering the request and any subsequent appeal were kept to by one or both parties, and avoid the ambiguity of hearsay evidence, and differing accounts of verbal responses.

(ii) The Government impact assessments included in the consultation document show a clear benefit to employers, and as Article 1 Section C (page 23) of the document states, the relatively small administrative costs of flexible working are outweighed by: "savings in recruitment costs, lower staff turnover and absenteeism and increased productivity and profits".

These benefits clearly out-weigh the relatively small administrative burden of a written response, which could be in the form of an email. The administrative burden associated

with flexible working is negligible when compared to most of the other processes associated with human resources and personnel management.

(iii) The BERR templates on the business link website provide employers with an excellent resource for administering requests, further simplifying and reducing the costs of administering the process.

(iv) At Daycare Trust we are an SME with 16 staff, 12.1 full time equivalents. We have experienced no problems with administering the current system and we consider the costs of sending a written response to employees to be negligible.