
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Flexible Working (Eligibility, Complaints and Remedies) Regulations (Northern Ireland) 2003 ([S.R. 2003 No. 174](#)) (“the 2003 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.

This right is provided for in the Employment Rights (Northern Ireland) Order 1996, as amended by the Work and Families (Northern Ireland) Order 2006.

Regulation 3 amends the definitions in regulation 2(1) of the 2003 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.

Regulation 4 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.