

Flexible Working Request Policy



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1. Introduction

Flexible working is a broad term used to describe any working arrangement that meets the needs of both the employee and the employer regarding when, where and how an employee works. Examples include, but are not limited to:

- part-time working
- homeworking
- hybrid working
- job sharing
- compressed hours
- annualised hours
- term-time working

The right to request flexible working is available to all employees.

Employees in all areas and levels of the Council will be considered for flexible working regardless of their age, sex, sexual orientation, race, religion or belief, pregnancy, marital/civil partnership status, gender reassignment, or disability.

Each application will be considered on its own merits save for where it is made as a reasonable adjustment under disability legislation in which case it will be considered under the rules applying to our duty under those laws.

2. The business need

Whilst the Council is committed to providing the widest possible range of working patterns, it is recognised that the full range of flexible working options will not be appropriate for all jobs across all areas of the business and there is no automatic right for employees to change to any of the flexible working patterns.

Where an instance of flexible working is requested, we will take into account a number of criteria including (but not limited to):

- the cost of the proposed arrangement
- the effect of the proposed arrangement on our service delivery
- the level of supervision that the post-holder requires
- the structure of the Service/Team and staff resources
- other issues specific to the individual's Service/Team
- the tasks specific to the role, including their frequency and duration
- the workload of the role.

3. Making an Application

Employees are entitled to make a statutory request for flexible working from the first day of their employment. Employees can make a maximum of two statutory flexible working requests during any 12-month period. A request cannot be made until any previous request has been concluded in full.

Employees who wish to submit a flexible working application need to put their request in writing to their manager stating the following:

- That it is a statutory request for flexible working
- Whether there has been a previous request submitted and if so, when.
- The change applied for e.g. a new working pattern and the date the employee wishes it to become affective
- How the employee envisages the change will impact the service area including how it might be accommodated.

The application must also state whether the variation is being requested as a reasonable adjustment under the disability discrimination provisions of the Equality Act 2010.

4. The Decision

If the manager agrees to the request this will be confirmed in writing within 2 months of the request being received. If it has not been possible to agree to the request you will be advised of this within 2 months of the request being received, unless both the Council and employee agree on an extension in which case, this will be confirmed in writing. There will be an opportunity for discussion with the manager around alternative arrangements if there are problems in accommodating the original request.

A new working pattern will be a permanent change. There is no statutory right to revert back to any former hours of work / working pattern. The only exception will be where an agreement is made at the outset that the new working arrangement will be time limited (not envisaged to be more than 6 months in duration). In such circumstances, this will be confirmed in the letter setting out the new arrangements.

5. Refusal

If the request is refused the grounds for refusal will be provided to you and can consist of the following:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Employees will be provided with a sufficient explanation as to why the business reason applies in the circumstances.

6. Appeal

An employee has 14 calendar days after the date they are notified of the decision to appeal by letter setting out the grounds of appeal. Appeals should be sent to the HR

Services Manager. Appeals will be heard by the Service Manager or Service Director where they did not make the original decision.

7. Accompaniment

There is no statutory right of accompaniment at meetings held to discuss a request for flexible working. However, requests to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union for any meetings will not be unreasonably refused.

8. Withdrawal of application by employee

The Council will treat an application as withdrawn under the statutory provisions where the employee:

- notifies us, orally or in writing, that they are withdrawing the application
- without reasonable cause, fails to attend a meeting to discuss their application or an appeal meeting more than once.

The Council will confirm the withdrawal of the application to you in writing unless you have already provided written notice of the withdrawal.