
Right to ask for flexible working

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**BRACKNELL FOREST COUNCIL'S
AN EMPLOYEE'S RIGHT TO ASK FOR FLEXIBLE WORKING**

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BRACKNELL FOREST COUNCIL'S AN EMPLOYEE'S RIGHT TO ASK FOR FLEXIBLE WORKING

INTRODUCTION

There is a statutory right for eligible employees to request a change to their contract of employment so that they can work more flexibly and therefore balance their home and personal responsibilities with work commitments.

Managers deal with requests for flexible working frequently, and should always approach such requests fairly. This is a statutory right, it requires managers to respond formally and in line with a specific procedure in order to comply with the law. Please note, the law gives employees a right to ask not a right for the request to be granted.

The right applies to employees who:

- Have worked for the Council for six months (26 weeks) minimum
- Have not already made a formal request within the last 12 months

The employee can ask for a change to:

- The hours they are required to work
- The times they are required to work
- The place of work (e.g. they may request to work wholly or partly from home)

The employee must put their request in writing:

- stating that it is an application is under the legal right to request flexible working
- stating whether and when any previous requests were made
- specifying the change they require and the date from which they would like it to become effective.
- explaining what effect they think making this change would have on their section/department and how, in their opinion any such effect might be dealt with.

Once an application has been made, no further applications can be made for 12 months.

Grounds for refusal

Employers must give serious consideration to such requests and under the legislation are only able to refuse a request on the following grounds:

- The burden of additional costs
- Detrimental effect on the 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

Whilst each case has to be considered on its own merits it is important to look at ways in which requests might be accommodated. If a request to change working hours or pattern of work is granted there will be no right for the employee to revert back to the former arrangement if and when his or her personal circumstance change (unless agreed by

his/her manager). If the exact arrangements requested are not fully acceptable, the manager may discuss with the employee an alternative arrangement.

Procedure for dealing with a formal request for flexible working

When a manager receives a formal request from an employee they must consider it.

- If the manager agrees with the request, the employee must be notified in writing with the date on which it will take effect. This should normally be within 28 days of receiving the request.
- If the manager has not yet decided or does not agree, he/she must hold a meeting with the employee as soon as possible – normally within 28 days. This provides an opportunity to discuss any problems and consider alternatives.
- Once the manager has carefully considered the request and weighed up the benefit to the employee against any adverse business impact, the employee should be notified of the manager's decision in writing. Any suggested change to the arrangements requested should be discussed with the employee.
- If changes are agreed, a new contract will be issued confirming the date on which the new arrangements commence.
- If the request cannot be granted the manager must state why giving at least one of the reasons allowed under the legislation (see above).
- The employee has the right of appeal within 14 days of the decision notice giving full details of their reasons for appeal.
- The manager must respond to the appeal and invite the employee to a further meeting to discuss it - normally within 14 days.
- The employee will have the right to be accompanied at the above meetings by a work colleague or union representative.

All of the above meetings including any appeal hearings should be completed within three months of the formal request.

An employee should not be subject to detrimental treatment on the grounds that he/she has made a request for flexible working.

The manager may decide to offer the new working arrangements on a trial period, in which case the change would be on a temporary basis.

Managers can contact HR on hr@bracknell-forest.gov.uk if they require any further advice about An Employee's Right to Ask for Flexible Working or the procedures for handling requests.