

Right to Request Flexible Working

Document Control

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Revision due	The service would aim to review policies and procedures every 2 years to ensure documents are up to date		
Owning Service	Human Resources		

Approvals (if required)

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Change History

Version	Date	Description	Changes made by
1.2	June 2023	<p>Added details on appeals procedure. Updated formatting. Right to Request Changed to Day 1 right. Removed Reference to employer impact. Added right to request Flexible Working twice in a 12 month period. Reduced timeline for managing request.</p>	Hadie Wynne
1.1	December 2018		Melissa Berry

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1.0	1998		Unknown

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BRACKNELL FOREST COUNCIL

RIGHT TO REQUEST FLEXIBLE WORKING

1 INTRODUCTION

The Council recognises that there are occasions when its employees want to request a change to their working arrangements to enable them to achieve a better work life balance or for other reasons such as; caring responsibilities, further learning or other interests. All requests for flexible working will be reviewed promptly and fairly taking into consideration the needs of the council as well as those of the employees requesting the changes.

A request for flexible working can be made from day one of an employee's employment. Managers are required to consult with and respond formally to these requests. It should be noted that whilst the Council gives employees a right to request day one flexible working, there is no automatic right for the request to be granted.

2 EQUALITY

At Bracknell Forest Council we are committed to encouraging equality, diversity, and inclusion amongst our workforce, and eliminating unlawful discrimination. We want everyone that works for us to feel that their individuality is respected, and their unique contributions are valued.

The aim is for our workforce to be truly representative of all sections of society and our customers, and for each person to feel respected and to be able to give their best.

The Council - in providing goods and/or services and/or facilities - is also committed against unlawful discrimination of customers or the public.

3 PURPOSE

This procedure provides guidance to managers and employees on the procedure to follow to request flexible working.

Given the agile working arrangements already in place it should be recognised that working arrangements will incorporate times when staff are working from home/away from their normal office base. Where reference is given to work time, this will include those occasions where an employee is working from home/away from their normal office base. This policy should be read in conjunction with the Council's Agile Working policy. [Intranet - Agile-Working-Policy-October-2022.pdf - All Documents \(sharepoint.com\)](#)

4 PRINCIPLES

Flexible working is any type of working arrangement that gives some degree of flexibility to how long, where and when an employee works.

Examples of changes an employee can request, can include:

- The hours they are required to work.
- The days they are required to work.
- The times they are required to work.
- Their place of work.

An employee should not be subject to detrimental treatment on the grounds that they have made a request for flexible working.

5 SCOPE

The Council gives employees the right to request flexible working from their first day of employment. Two flexible working requests can be made within a 12 month period, (the date is calculated from the date of the first request).

However, an employee may be entitled to additional requests if they relate to a statutory entitlement, e.g. As a reasonable adjustment relating to a disability under the Equality Act 2010.

6 HOW TO MAKE A REQUEST FOR FLEXIBLE WORKING

All requests must be submitted in writing and include:

- the date of the application
- the changes that the employee is seeking to their terms and conditions
- the date from when the employee would like the proposed change to come into effect
- how, in their view, any such effect could be dealt with
- whether a previous application for flexible working has been made
- the dates of any previous applications

If the request relates to an adjustment under the terms of the Equality Act, e.g., as a reasonable adjustment relating to a disability, this should be made clear in the application.

Employees are encouraged to use this template for their request, [Request for Flexible Working form \(002\).doc](#)

7 PROCEDURE FOR DEALING WITH A REQUEST FOR FLEXIBLE WORKING

7.1 Review Request

When a manager receives a formal request, they must arrange a meeting to consult with the employee, within 28 days of receipt of the request, to find out more about the proposed working arrangements and discuss the impact on both the employee and the Council.

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.

The employee will be given seven days' notice of the date and time of the meeting, which can be held either face to face or over Teams (with the agreement of both parties).

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

If the employee fails to attend a meeting and then fails to attend a rearranged meeting that has been agreed upon, without good reason, their application will be deemed to have been withdrawn.

All meetings, including any appeal hearing, should be completed within two months of the original request, unless extenuating circumstances prevail.

7.2 Flexible Working Request Approved

Once the manager has carefully considered the request and met with the employee they should be notified of the manager's decision in writing, within 28 days of the meeting.

If there are any suggested changes to the arrangements requested these should also be discussed with the employee.

Once the changes are agreed, the manager should notify HR by requesting a Contract Change: [Contract changes \(sharepoint.com\)](#)
Once received, a new contract will be issued confirming the date on which the new arrangements commence.

7.3 Flexible Working Request Refused

If after consideration the manager cannot agree to the flexible working request, the manager must consult with the employee outlining the grounds for refusal before confirming this in writing, which under the legislation can only be 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 must 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 to the former arrangement unless agreed on a temporary basis, if/when their personal circumstances change .. If the exact arrangements requested are not fully acceptable, the manager may consult with the employee on an alternative arrangement.

8 APPEALS PROCESS

The employee has the right of appeal within 14 days of the decision notice giving full details of their reasons for appeal. Where the employee wishes to appeal the decision of their flexible working request, the following process should be followed:

- The appeal will be heard by a different manager from the one who made the original decision.
- The manager hearing the appeal must respond to acknowledge receipt and to schedule a meeting to discuss it within 14 days of receiving their appeal.
- The employee will have the right to be accompanied at the appeal meeting by a work colleague or union representative.
- The outcome of the appeal meeting should be confirmed in writing within five working days.

Managers can contact HR on HR@bracknell-forest.gov.uk if they require any further advice about an employee's right to request flexible working or the procedures for handling requests.