

# Right to Request Flexible Working Policy

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<b>CONTRIBUTORS:</b> (By Job title, department, directorate)		
	Strategic Human Resources Manager	
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	30 June 2014 Children and Families Act changes	

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## **1. Purpose**

- 1.1 The Library regards flexible working as an important part of its overall People Strategy and recognises the benefits from flexible working arrangements for the individual and the Library. From 30 June, 2014 the right to request flexible working, as outlined in the Children and Families Act 2014, has been extended to cover all employees who are eligible to make an application. This policy sets out the statutory minimum requirements to request to work flexibly in these circumstances.
- 1.2 This policy provides clear guidelines on how to make a request for flexible working and how to respond to such a request.

## **2. Scope**

- 2.1 The policy is applicable to all members of staff.

## **3. Definition of Right to Request to Work Flexibly.**

- 3.1. All employees have the right to make a request to work flexibly and for the Library to consider that request in a reasonable manner.
- 3.2. It is important to understand that this is not a right to work flexibly but to ask the Library to consider whether such a way of working is an appropriate alternative to the way in which the employee currently works
- 3.3. If eligible, the employee may request to change their contractual terms and conditions of employment for example, a change to hours of work, start/finish times and place of work (e.g. to work from home) only.

## **4. Eligibility**

- 4.1. The employee must meet the following criteria to be able to make a request to work flexibly:
  - have 26 weeks' continuous service with the Library at the date the request is made; and
  - have not made another application within the previous 12 months.

## **5. Making an Application**

- 5.1. An application to work flexibly must be in writing and be completed on [Appendix 1 –Right to Request Flexible Working Application Form](#), dated and specify the following:
  - That the application is being made under the statutory right to request flexible working;

- How the employee meets the eligibility criteria of service;
- The requested change and the date the employee would like this to be effective;
- Any impact this change may have on the Library and suggestions of how this may be overcome ;
- Whether any previous request to work flexibly has been made and, if so, when;
- Whether the request is being made in relation to the Equality Act 2010.

## **6. Consideration of the Request**

- 6.1.** The Library will give full consideration to all requests to work flexibly from eligible employees. On receiving the request the Line Manager should arrange to have a discussion with the employee in a timely manner. The Line Manager will be required to have completed the consideration of the request as quickly as possible but no later than three months.
- 6.2.** The employee can choose to be accompanied at the discussion by a trade union representative or colleague if they wish. They should let their line manager know in advance of their intention to have a trade union representative or colleague present.
- 6.3.** The Line Manager should consider the request carefully looking at the benefits of the requested changes in working conditions for the employee and the Library, potential costs and potential logistical implications and weigh these against any adverse business impact of implementing the changes. Line Managers should also be careful to ensure they do not discriminate against employees who are protected under the Equality Act 2010 for example, where a flexible working arrangement request could fall under a 'reasonable adjustment' for a disabled employee or those with childcare responsibilities. Line managers on receiving a request can get support from their HR Business Partner or Advisor.
- 6.4.** There may be occasions when a Line Manager receives more than one request to work flexibly closely together from different employees. Where this happens it may not be possible to grant all of the requests received. The Line Manager should look closely at the impact this would have on the business before coming to a decision. Having considered and approved the first request the Line Manager should remember that the business context has now changed and it should be taken into account when considering the second request against the business reasons in 7.2.
- 6.5.** Where a Line Manager receives more than one request closely together from different employees, they are not required to make value judgements about the most deserving request but should look to consider each case on its merits looking at the business context and the possible impact of agreeing the request. The Line Manager may also want to have a discussion with the employees to see if there is any room for adjustment or compromise before coming to a decision.

- 6.6.** The Line manager should discuss the request with their Department Head (SB4 or above).
- 6.7.** If the initial discussion arranged by the Line Manager does not go ahead then another date should be arranged. However, if an employee does not attend the first discussion and any subsequent rearranged discussion and does not provide a reasonable explanation then the Library will deem the application withdrawn. But the Line Manager should find out and consider the reasons for the employee failing to attend both meetings before reaching any decision to close their application. The Line Manager must notify the employee of the decision.
- 6.8.** The Line manager should consider the request in a reasonable timeframe but if for some reason the request cannot be dealt within three months then the Line Manager can extend the time limit, provided the employee agrees with the extension.

## **7. Deciding on a Request**

- 7.1** Once a decision has been made the Line Manager must notify the employee of the decision using Appendix 2 the Flexible Working Application – Acceptance Form.
- 7.2** If the Library cannot meet their employee's request it will be on one or more of the following grounds:
- The burden of additional costs is unacceptable to the organisation;
  - The detrimental impact on meeting customer/service demands
  - An inability to re-organise or re-distribute work among other existing staff
  - An inability to recruit additional staff (this may particularly be the case where the request leaves 'odd' hours to be filled by another employee)
  - A detrimental impact on quality or performance
  - There is insufficient work available during the hours the employee is requesting to work
  - Other structural changes are planned
- 7.3** If the Line Manager refuses the request they must set out clearly their decision based on the business grounds in 7.2 as to why the request cannot be accommodated and why such grounds apply.. Using Appendix 3 Flexible Working Application – Refusal form.
- 7.4** If the requested change of working arrangements is accepted, the new terms and conditions that apply are permanent. The employee has no right to return to their old terms and the employer has no statutory right to enforce a return unless a trial of the new terms has not proved successful. (See Section 8).
- 7.5** If an individual's circumstances change the individual may make a request to have their terms and conditions changed by writing to their Line Manager. If this request cannot be accommodated the Line Manager will write to the individual advising them of the reasons for the refusal.

## **8. Trial Period**

- 8.1** The Library may decide to offer the new way of working on a trial basis initially if it is not sure what the impact of it will be on the business. If the employee agrees to the trial period, the change to the employee's terms and conditions of employment during the trial period will be a temporary change to their terms and conditions of employment.
- 8.2** If the trial is not successful, the employee will revert back to their previous terms and conditions of employment. If the requested change of working arrangements is accepted at the end of the trial then the temporary terms and conditions will become permanent.

## **9. The Appeals Process**

- 9.1** The employee has the right of appeal if their application to work flexibly is declined and must put their appeal in writing to their Divisional HR Business Partner within 14 days of receipt of the employer's decision, unless an extension is agreed.
- 9.2** The letter of appeal must clearly state the grounds for appeal and a meeting will then be arranged, with a member of HR and more senior manager giving the employee the right to be accompanied.
- 9.3** Following the appeal hearing the employer will confirm the outcome in writing within a further 14 days (unless an extension has been agreed) detailing any agreement that has been met or an explanation of the grounds for dismissing the appeal.
- 9.4** The decision at the appeal hearing stage is final.

## **10. Withdrawing an Application**

- 10.1** A request to work flexibly can be withdrawn at any time before it has been accepted and any new terms and conditions agreed have been put in place. This should be confirmed in writing. An employee who withdraws their application will not be eligible to make another flexible working request for a further 12 months.
- 10.2** If an employee fails to attend more than initial discussion and any subsequent arranged discussion to discuss the request and does not provide a reasonable explanation, the employer may assume that the application has been withdrawn.
- 10.3** The Library may also treat an application as withdrawn if the employee unreasonably refuses to provide the required information.

## **11. Protection from Detriment and Dismissal**

- 11.1** Staff are protected from suffering a detriment or dismissal from making an application under the statutory right.
- 11.2** Detriment can cover a wide range of forms of unfair treatment, such as denial of promotion, facilities or training opportunities which the employer would otherwise have offered or made available.

## **12. Equal Opportunities Monitoring**

**12.1** Human Resources keep a record of statutory right to request flexible working requests and outcomes and will monitor and evaluate these on an annual basis. The purpose of this monitoring is to allow Human Resources to evaluate the effectiveness of the policy, to fulfill the Library's obligations for monitoring and ensuring equal opportunities under discrimination legislation.

## **13. Responsibility**

**13.1** All members of staff referred to within the scope of this policy are required to adhere to its terms and conditions.

**13.2** All line managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with Human Resources prior to any action being taken.

**13.3** Human Resources has the responsibility for ensuring the maintenance, regular review and updating of this policy. Proposed changes to the policy will follow the process as described in [Section A: Introduction: Paragraph 1.1](#) of this Staff Handbook. Revisions, amendments or alterations to the policy will be notified to all staff prior to implementation.