Flexible Working Policy

About this Policy

The Company’s objective is to attract and retain the best employees in the marketplace and it recognises that greater flexibility with regard to work patterns can be beneficial to both employees and the Company.

The purpose of this Policy is to inform employees of their statutory right to request flexible working and to ensure that all flexible working requests are managed by the Company in a fair, reasonable and consistent manner and in accordance with legislation.

All flexible working requests will be given full consideration in a non-discriminatory manner in accordance with the Company’s Equal Opportunities Policy. No one who makes a request for flexible working will be subjected to any detriment as a result.

This Policy applies to all employees whether they currently work full or part-time. It does not apply to agency workers, consultants or self-employed contractors.

[This Policy has been [agreed OR implemented following consultation] with the [[TRADE UNION] OR [WORKS COUNCIL] OR [STAFF ASSOCIATION]]

This Policy does not form part of any employee’s contract of employment and the Company may amend or withdraw it at any time.

Responsibilities under the Policy

[The Company’s board of directors (the board) OR [COMMITTEE] OR [POSITION]] has overall responsibility for the effective operation of this Policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the Policy and ensuring its maintenance and review has been delegated to [POSITION].

Managers should be familiar with this Policy and are responsible for ensuring that it is applied fairly. If asked to consider a request for flexible working, a manager should not reject it out of hand because it does not contain the required information but should instead explain to the employee what additional or amended information is needed and ask the employee to resubmit the request.

All members of staff are responsible for supporting colleagues and ensuring the success of the Policy.

Forms of flexible working

Flexible working can include:

- A reduction or variation of working hours;
- A reduction or variation of the days worked; and/or
- Working from a different location

These changes to working arrangements may involve:

- Working part-time (i.e. working less than full-time hours)
- Job-sharing (where two employees do one job and split the hours)
- Working staggered hours (where the employee has different start, finish and break times from other workers)
- Working compressed hours (working full-time hours but over fewer days)
• Working flex-time (where the employee chooses when to start and end work – within an agreed limit – but works certain ‘core hours’)
• Working annualised hours (where the employee has to work a certain number of hours over the year and works certain ‘core hours’ but has some flexibility about when they work the rest of their hours)
• Working from somewhere other than the normal place of work (e.g. from home)
• Working school term-time only

Eligibility

In order to be eligible to make a statutory request for flexible working, you must:

• Be an employee
• Have a minimum of 26 weeks continuous employment with the Company; and
• Not have made a statutory request to work flexibly during the last 12 months

Informal application for a change in working arrangements

If you are not eligible to make a statutory request for flexible working, you may make an informal request to [your line manager OR [POSITION]], who will consider it according to the Company’s business and operational requirements [and its Equal Opportunities Policy].

It will help [your line manager OR [POSITION]] to deal with your informal request fairly if you make it in writing and explain, in as much detail as you can:

• Your current working pattern;
• The new working pattern you are seeking;
• When you want the new working pattern to start;
• Whether you want the changes to be temporary or permanent, and if temporary, how long you want them to last;
• Why you are making the request (e.g. for childcare);
• What effect the proposed changes to your working pattern will have on your work, your colleagues, and on the business generally;
• Any suggestions you have about how to deal with any potentially negative effects

[Your line manager OR [POSITION]] will consider your request and may or may not invite you to a meeting as part of this consideration. [Your line manager OR [POSITION]] will advise you of the outcome of your request within a reasonable time after receiving your request.

Formal application for a change in working arrangements

If you would like the Company to consider making a change to your current working arrangements, you should first of all discuss this informally with your line manager, before submitting a formal request.

If you are eligible and would like to make a formal request, you will need to submit a written application by email or letter [or by filling in the requisite application form which is available [from the HR department/[POSITION]] via the intranet].

Your application should be submitted to [your line manager OR [POSITION]] in good time and ideally at least three months before you would like the changes to take effect. It should include the following information:

• The date of your application
- A statement that it is a statutory flexible working request and confirmation you meet the eligibility criteria set out above, including the date of any previous application for flexible working
- Your current working pattern and as much detail as possible of the new working pattern you are seeking (including working days, hours and start and finish times)
- When you would like the change to come into effect and its duration
- The reasons for your request (e.g. for childcare or religious or cultural requirements)
- Whether you are making the request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability
- What effect you think the requested change would have on the Company (e.g. on the work you do, your colleagues, and on service delivery)
- How, in your opinion, any such effect might be dealt with

### Meeting to discuss application

After receiving your written application, [your line manager OR [POSITION]] will normally arrange a meeting with you to discuss your request before making a decision. Where a request can be approved without further discussion then a meeting may not be necessary, although it may be helpful for [your line manager OR [POSITION]] to discuss the request with you to ensure it really is the best solution.

The purpose of the meeting is to clarify your request and the reasons for it, to discuss the potential impact of your proposed working arrangements on the Company, and (if the Company is unable to accommodate your request in the form in which it was submitted) to explore possible alternative working arrangements.

[Your line manager OR [POSITION]] may be supported at the meeting by a member of the HR department. You may bring a colleague to the meeting as a companion, if you wish. Your companion may speak during the meeting and confer privately with you, but may not answer questions on your behalf.

The meeting will be held in private and, in most cases, at your usual place of work. The Company will try to ensure that the meeting is held at a time and place that is convenient to everyone.

### Decision on application

You will be informed of the decision in writing as soon as possible after the meeting. Statutory time limits apply (see Timescales below).

The Company may require a trial period to be undertaken prior to any final decision being reached. It may also specify a time limit to the duration of any flexible working arrangements.

If [your line manager OR [POSITION]] needs more time to make a decision, for example, where they need more time to investigate how your request can be accommodated or to consult several members of staff, they will discuss this with you.

If your request is approved, or where the Company proposes an alternative to the arrangements you requested, [your line manager OR [POSITION]] will write to you setting out:

- The details of the new working arrangements
- The details of any trial period and review dates
• The changes to your contract of employment (including any changes to pay and benefits consequential on the change to working pattern) and the date from which they will take effect

You will be asked to sign and return a copy of the letter to confirm your agreement to the changes to your terms of employment. This will be placed on your personnel file.

Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent and you will not be entitled to revert back to your previous terms. Nor will you be able to make another formal request until 12 months after the date of your most recent request. You may make an informal request at any time.

Where the Company approves a request, this will not set a precedent or create a right for another employee to be granted a similar request. Each request will be considered on a case by case basis.

There will be circumstances where, due to business and operational requirements, the Company is unable to accommodate your request. In these circumstances, [your line manager OR [POSITION]] will write to you:

• Explaining the business reason(s) for turning down your application; and
• Setting out the appeal procedure.

The Company may refuse a request for flexible working on any of the following grounds:

• The burden of additional costs;
• Detrimental effect on ability to meet customer demand;
• Inability to reorganise work among existing staff;
• Inability to recruit additional staff;
• Detrimental impact on quality;
• Detrimental impact on performance;
• Insufficiency of work during the periods that you propose to work; and
• Planned changes.

**Competing requests**

There may be occasions when the Company receives more than one request to work flexibly from different employees within a short period of time.

Requests will normally be considered in the order they are received. When deciding whether or not to approve a request, the Company will take into account the business context, including the effect of any requests which have already been approved.

Where competing requests are made close together, the Company may:

• Have separate discussions with the employees concerned to explore the possibility of making adjustments or compromises which will allow all the requests to be accommodated
• Try to obtain the agreement of the employees concerned to a form of random selection if unable to distinguish between all the requests

Where the Company is unable to accommodate a request because other employees are already working flexibly and any further flexible working arrangements will impact adversely on the business, the Company may call for volunteers from amongst existing flexible working
employees to change their contracts back to other arrangements, thereby creating capacity for granting new requests to work flexibly.

**Appeal procedure**

If your request is rejected, you may appeal. Your appeal must:

- Be in writing and dated;
- Set out the grounds on which you are appealing; and
- Be sent to the Human Resources Department OR [POSITION] within 14 days of the date on which you received the written rejection of your request.

[The Human Resources Department OR [POSITION]] will arrange for a meeting to take place following receipt of your appeal. We will try to hold the meeting at a convenient time for all those attending. You may bring a colleague to the appeal meeting as a companion, if you wish. Your companion may speak during the meeting and confer privately with you, but may not answer questions on your behalf.

Where possible, the appeal meeting will be conducted by a [more senior] manager who has not previously been involved in considering your request.

You will be informed in writing of the decision as soon as possible after the appeal meeting.

If your request is approved, or where the Company proposes an alternative to the arrangements you requested, [your line manager OR [POSITION]] will write to you setting out:

- the details of the new working arrangements;
- the details of any trial period and review dates;
- the changes to your contract of employment (including any changes to pay and benefits consequential on the change to working pattern) and the date from which they will take effect

You will be asked to sign and return a copy of the letter to confirm your agreement to the changes to your terms of employment. This will be placed on your personnel file.

Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent and you will not be entitled to revert back to your previous terms. Nor will you be able to make another formal request until 12 months after the date of your most recent request. You may make an informal request at any time.

If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application. You may make an informal request at any time.

**Timescales and subsequent requests**

The Company is required to give a decision on formal flexible working requests (including any appeal) within 3 months of the Company receiving the request, subject to any agreement to extend that period. There may be occasions when it is not possible to complete consideration of your request within this expected timeframe. Where an extension of time is agreed with you, [your line manager OR [POSITION]] will write to you confirming the extension.

If you withdraw a request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. Your formal request will be deemed to have been withdrawn by you if you fail to attend a meeting and a re-arranged
meeting, or an appeal meeting and a re-arranged appeal meeting, without good reason. If your formal request is deemed to have been withdrawn, [your line manager OR [POSITION]] will inform you of this in writing.

Problems

If you are unclear about any aspect of this Policy, you should contact [your line manager/the HR department/[POSITION]]. If you are dissatisfied about the way in which your formal or informal flexible working request has been handled, you should raise this informally with [your line manager/the HR department/[POSITION]] in the first instance. If that does not resolve the issue, you should raise a grievance under the Company’s Grievance Procedure.

Breach of Policy

The Company’s Disciplinary Procedure may be invoked if you are found to have intentionally misled the Company in respect of any matter relating to the Policy or to have breached any agreement with the Company relating to flexible working agreements.
Simply Business have teamed up with Clarkslegal LLP to bring you a free, customisable legal document. Simply Business are one of the UK’s biggest small business insurance providers, insuring over 400,000 self-employed people and landlords. Because this is a template document, it hasn’t been drafted to meet your individual requirements and it doesn’t constitute legal advice from Clarkslegal LLP to you. As well as filling in the obvious gaps (e.g. relevant names and dates), so that you can personalise it for your own use, you might also want to make your own changes to it. Depending on your particular circumstances, it might not contain everything that you need. If you do decide to adapt it in any way, the changes you make are your sole responsibility. Whilst this document isn’t intended to replace the personalised, professional advice you can receive from a solicitor, if you have any questions about it and/or would like legal advice in relation to matters covered by this template document, Clarkslegal LLP can of course help you. All you need to do is get in touch and Clarkslegal LLP will talk you through your options on how to get the right legal advice and ensure the document is fully tailored to fit your own requirements. As you’d expect with template materials and general guidance from any similar source, Clarkslegal LLP don’t accept responsibility for any action you might take in relation to documentation provided on this website. (Clarkslegal LLP are also obliged to point out that, to the fullest extent permitted by law and except in respect of death or personal injury arising from our negligence, Clarkslegal LLP exclude liability for any claims, loss, demands or damages of any kind whatsoever with respect to this document including, without limitation, direct, indirect, incidental or consequential loss or damages, whether arising from loss of profits, loss of revenue, loss of data, loss of use, loss of reputation, loss of goodwill or otherwise and whether or not the possibility of such loss has been notified to us.)