Type company name here to auto-populate document

# [Company]

# Procedure for Making a Flexible Working Request

### Principles

Under provisions set out in the Employment Rights Act and amendments and regulations made under it, all employees from commencement of employment have a statutory right to request that their employer considers a change to their contractual terms and conditions of employment to allow them to work flexibly.

In order to maintain the continuity of its business and the wellbeing of its staff, [Company] will consider all requests for flexible working on their individual merits and assess them based on the needs of both the business and the employee. However, employees should note that granting a flexible working request is neither an automatic nor statutory right.

The company will not discriminate in any way when deciding whether to grant a request for flexible working and no one will be treated less favourably because of any of the following characteristics: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership or pregnancy and maternity.

Employees have a statutory right to request two variations in their contractual terms in a period of 12 months.

This procedure relates to requests for permanent long-term changes to working arrangements. Requests by employees for short-term variations should be made informally to their manager and not through this process.

To ensure fairness, requests will be considered in the order in which they are received.

The granting of a request to work flexibly does not set a precedent or create a right for another employee to be granted the same or a similar change to their working pattern. For example, the granting of the first request may mean that it would not be practical to grant similar requests from the same team or department.

The manager and the employee will review any flexible working arrangements (at least annually) to ensure that they continue to be effective in meeting the needs of both [Company] and the employee.

### How to Apply

Any member of staff who has not made more than one flexible working request within the last 12 months can apply to work flexibly for any reason.

All requests must be made in writing setting out:

* The date of the application, the change to working conditions they are seeking and when they would like the change to come into effect.
* What effect they think the requested change would have on the company and how, in their opinion, any such effect might be dealt with.
* That this is a statutory request and whether they have made a previous application for flexible working (including the date of that application).
* Whether this is a request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability.

To ensure all the information is complete, an employee making an application should complete the attached ‘Request to Work Flexibly’ Application Form and submit this to their manager.

The company will ensure that the request has been fully considered (including any appeal) and a response given to the employee within **two months** of the date of submission.

### The Procedure

On receipt of the request form, the employee’s manager will arrange to meet with them to discuss the application. The employee may be accompanied at this meeting by a work colleague or trade union representative if they so wish.

Following the meeting, the manager will write to the employee outlining their decision. This will involve one of the following options:

* accept the request, confirm the start date and include a variation to the employee’s contract of employment confirming the new arrangements
* confirm any compromise agreed at the meeting, such as a temporary change or trial period and include a temporary variation to the employee’s contract of employment with clear timescales
* reject the request setting out the clear business reasons and how these apply to the application; details of the appeal process will also be included

If the application is rejected it will be related to at least one of the following business reasons (as set out in the legislation):

* the burden of additional costs
* an inability to reorganise work amongst existing staff
* an inability to recruit additional staff
* a detrimental impact on quality
* a detrimental impact on performance
* detrimental effect on ability to meet customer demand
* insufficient work for the periods the employee proposes to work
* a planned structural change to the business

### The Appeal Process

If the request for flexible working is rejected, then the employee can appeal against the decision of their manager if:

* there is new information that was not available to the manager at the time they made their original decision or
* the employee thinks the application was not handled reasonably in line with the company procedure or the legislation

Where possible the appeal will be heard by a different manager who will arrange to meet with the employee to hear their case. The employee may also elect to be accompanied by a work colleague or trade union representative at this meeting.

The appeal manager will also consider the reasons given as to why the initial request was rejected by the first manager.

The appeal manager will write to the employee with their decision which will be either:

* Uphold the appeal and authorise the request
* Allow a temporary arrangement or trial period
* Agree with the original decision and reject the appeal (there is no further right of appeal)

# Request to Work Flexibly

# Application Form

|  |  |
| --- | --- |
| Name of employee |  |
| Job title |  |
| Date of application |  |

|  |  |
| --- | --- |
| **I would like to request flexible working arrangements and confirm that:** |  |
| I have not made more than 1 other request for flexible working in the past 12 months. | Yes / No |
| If you have made a previous request for flexible working please give details: |  |

|  |
| --- |
| **Please consider my statutory request for flexible working as detailed below:** |
| Outline the flexible working changes you would like the company to consider and describe the reasons for making this request.  N.B. If the request is in relation to the Equality Act 2010 e.g. as a reasonable adjustment for a disability then please state this. |
| **I think the requested changes would have the following effect on the company and I believe it could this be dealt with as I have described:** |
| Describe any effects your request would have on the business, your work colleagues, team or department. Consider also any likely consequences such as additional costs, impact on quality or customer service etc.  Also describe how you think the issues could be addressed to minimise any potential disruption or negative effect on the business. |

|  |  |
| --- | --- |
| **I would like this working arrangement to commence on:** | |
| **Date** | State the date on which you would like the new arrangements to start |

|  |  |
| --- | --- |
| *I confirm I am aware that if this flexible working request is agreed that my terms and conditions will be altered to reflect the change and that these arrangements will form a permanent change to my contract of employment.* | |
| **Signature** |  |
| **Date** |  |