

Model Policy & Procedure on Handling Requests for Flexible Working

1.0 Introduction

As an equal opportunities employer _____ recognises the potential benefits that flexible working and a better work-life balance can bring to our employees and our organisation.

In general, as a result of flexible working, employees are better able to manage their lives and competing commitments whilst employers have access to a more highly motivated workforce which in turn can result in better performance and higher productivity.

This Flexible Working policy and procedure outlines how requests for flexible working should be made by our employees and the procedure we will use for considering these requests.

2.0 What is Flexible Working?

Flexible working includes a range of different arrangements, which allow employees to change the length, location or duration of their working hours. The kinds of arrangements that may be considered under a flexible working request include; part-time working, job-sharing, school term-time working, working from home, compressed hours or some combination of these.

3.0 Scope of Policy

All our employees with 6 months or more continuous service can apply for flexible working arrangements. Only one request may be made within any 12 months period. This policy provides guidance on our process for handling such requests.¹

However this policy should not be used for requests such as temporary or short-term time-off *ante-natal care, maternity leave, paternity leave, parental leave, shared parental leave, adoption leave or to deal with emergencies involving dependants, or to perform trade union activities or to carry-out public duties or to undertake studying or training*. Those rights are covered by other policies that we have developed and you should refer to the relevant policy when necessary.

4.0 Reasons for Making a Request

You may make a request for flexible working for any reason.

Some employees may request flexible working for reasons related to their caring responsibilities (e.g. caring for a child or other dependant), but other employees may make requests for a wide variety of other reasons. Examples include, but are not restricted to, requests from employees who-

¹ Article 112F, Employment Rights (NI) Order 1996, as amended

Model Policy & Procedure on Handling Requests for Flexible Working

- have a disability and, in relation to which, it will be necessary for us to consider our obligations under the “reasonable adjustment duty” of the *Disability Discrimination Act 1995*
- are approaching retirement
- wish to mark religious observances
- wish to prioritise other aspects of their lives.

In considering any requests for flexible working we will ensure that our decisions promote equality of opportunity in line with equality legislation and do not cause disadvantage to particular groups of employees.

5.0 Principles we Bear in Mind When Making Decisions

We will bear the following principles in mind when considering requests or appeals in respect of flexible working requests:

- we are an *equal opportunities employer* and it is our policy to help our employees to obtain a mutually satisfactory work/life balance, where practicable, so management should keep an open mind about the employee’s proposal and give it serious and genuine consideration
- the policy and procedure will be applied consistently and fairly to all applicants and requests must not be rejected on the grounds of an applicant’s sex, religious belief, political opinion, race, sexual orientation, age or because he/she is disabled
- when considering requests from disabled employees in relation to disability-related requests for flexible working, remember that we owe a duty to make **reasonable adjustments** to those employees and that a failure to comply with the duty is unlawful disability discrimination
- the information upon which any decisions are made will be factually correct
- before rejecting any proposal made by an employee, we will consider any alternative arrangements that may be wholly or partially suitable too and discuss that with the employee
- when weighing up the various options we will:
 - not assume that because a particular option is more convenient or desirable for the

Model Policy & Procedure on Handling Requests for Flexible Working

business that it is genuinely necessary

- give more weight to those options that are genuinely essential for the operation of the business compared to those that are merely convenient or desirable
- give more weight to those options that are likely to have no, or less, adverse impact on the employee compared to those that are merely convenient or desirable to the business.

6.0 Variation of Contractual Terms

If a request for flexible working is granted, it may in some cases involve a variation of the employee's contractual terms as to his or her working arrangements (e.g. hours and place of work). The variation will occur in relation to requests that are made under the right guaranteed by *Article 112F, Employment Rights (NI) Order 1996, as amended*. It is important to note that only one request for flexible working can be made in any one 12-month period under Article 112F.

In cases where the request is not made under *Article 112F*, there will not necessarily be a variation of the employee's contract, unless one is agreed between the company and the employee.

7.0 Trialing New Working Arrangements

Where the employee and/or the company are unsure about whether a proposed flexible working arrangement is practicable or the most suitable available, an arrangement may be introduced on a trial basis over a reasonable period of time. This will allow both parties to determine its suitability and viability before the arrangement is made permanent or alternative arrangements considered.

8.0 Monitoring and Review

The operation of this policy and procedure will be monitored and reviewed at least once every three years. In particular we will monitor the impact of flexible working arrangements on our business but also in terms of employee satisfaction and retention rates.

We will also monitor the number of requests made by the various equality groups represented in our workforce to ensure that there are no barriers to any employee seeking a flexible working arrangement.

9.0 Flexible Working Procedure

Our procedure for handling requests for flexible working is summarised in the flowchart below and the subsequent section. The forms and notices that are used in the procedure are set out in the appendices which follow.

Model Policy & Procedure on Handling Requests for Flexible Working

Flexible Working Procedure Flow Chart



Model Policy & Procedure on Handling Requests for Flexible Working

Flexible Working Procedure

Who may make a request for flexible working?

All of our employees with 6 months service or more are entitled to submit requests for flexible working arrangements.

How to submit your request for flexible working arrangements

You should complete our **Application for Flexible Working Form FW(A) at Appendix 1** and pass this form to your line manager in order to request flexible working arrangements.

Our first decision

Our first decision will be either to-

- agree to your request without holding a meeting, or
- hold a meeting before considering the request.

Where we decide to agree to your request without holding a meeting, we will notify you **in writing** of our decision **within 28 days** of receiving your request.

Meeting to discuss the request

If we feel that we need to meet you to discuss your request before coming to a decision about it, we will invite you to a meeting that will be held **within 28 days** of the date of our receiving your request, unless we agree to extend that period.

If you wish, you may be accompanied at the meeting by a companion (i.e. such as a trade union shop steward or other co-worker). Your companion will be permitted to have paid time-off to attend and may speak at the meeting and confer with you during it.

After the meeting: the decision

Following the meeting we will make our decision. It will be either-

- to agree to your request, or
- to refuse your request.

Where we decide to agree to your request, we will notify you **in writing** of our decision **within 14 days** of the date of the meeting.

Model Policy & Procedure on Handling Requests for Flexible Working

Where we refuse your request, we will notify you **in writing** of our decision **within 14 days** of the date of the meeting.

Appeals

You have a right to appeal against any decision we make to refuse your request for flexible working arrangements.

To assist you to make an appeal, we have prepared a standard form [*Form FW(D): Notice of Appeal*]. If you wish to appeal, you should complete this form and submit it to your line manager **within 14 days of when you received notification of our original decision**.

Our first appeal decision

Our first appeal decision will be either to-

- uphold your appeal without holding a meeting, or
- hold an appeal meeting.

Where we decide to uphold the appeal without holding a meeting, we will notify you **in writing** of our decision **within 14 days** of the date of our receiving your appeal.

Meeting to discuss the appeal

If we feel that we need to meet you to discuss the appeal before coming to a decision about it, we will invite you to a meeting that will be held **within 14 days** of the date of our receiving your appeal.

If you wish, you may be accompanied at the meeting by a companion (i.e. such as a trade union shop steward or other co-worker). Your companion will be permitted to have paid time-off to attend and may speak at the meeting and confer with you during it.

After the appeal meeting: the final decision

Following the appeal meeting we will make our final decision. It will be either to-

- uphold your appeal, or
- dismiss your appeal.

Where we decide to agree to your request, we will notify you **in writing** of our decision **within 14 days** of the date of the meeting.

Model Policy & Procedure on Handling Requests for Flexible Working

Where we refuse your request, we will notify you **in writing** of our decision **within 14 days** of the date of the meeting.

Factors to be considered when considering requests or appeals under Article 112F, Employment Rights (NI) Order 1996.¹

The factors that we will consider when making our decisions under this policy and procedure are set out below. Where we have refused requests or dismissed appeals, the reasons and explanations that we give will be for one or more of these particular grounds only:

- **detrimental effect on ability to meet customer demand**

Tip for decision-makers: when considering the impact on the business of a proposed flexible working arrangement, it may sometimes help to run a trial of a proposed arrangement for a fixed period to see if it is sustainable over the longer term.

- **inability to re-organise work among existing staff**

Tip for decision-makers: when considering this, take account of the skills and potential of other employees and consider whether other employees could acquire new skills with some appropriate training.

- **inability to recruit additional staff**

Tip for decision-makers: when considering this, compare the cost of recruiting additional staff against the potential cost of losing the employee who is making the request.

- **detrimental impact on quality**

- **detrimental impact on performance**

Tip for decision-makers: when considering this, examine the likely impact on the performance of individuals, the team and the organisation.

- **insufficiency of work during periods the employee proposes to work**

¹ There is a legal requirement that requests made under the *Article 112F, Employment Rights (NI) Order* may only be rejected on one or more of these specific grounds.

Model Policy & Procedure on Handling Requests for Flexible Working

Tip for decision-makers: when considering this, look at patterns of work and what the organisation's business needs are during each hour of the working day and consider what impact reduced cover might have at the times the employee has requested a reduction or variation of working hours.

- **planned structural changes**

Tip for decision-makers: when considering this, examine whether there are any opportunities to make the business more effective through flexible working.

- **the burden of additional costs**

Tip for decision-makers: when considering this, reflect on the proposal's less obvious savings, such as the potential for reducing overheads by allowing some employees to work from home or to achieve a more balanced coverage of service.

The actual ground(s) on which the decision is made will be set out in the relevant notice form; i.e. Form FW(C) or Form FW(F).

Model Policy & Procedure on Handling Requests for Flexible Working

Appendix 1

Application for Flexible Working Form FW(A)

Section A

Your name:

Payroll number:

Job title:

Department / Work location:

Section B – Requests under Article 112F, Employment Rights (NI) Order 1996

Note: Employees are eligible to make an Article 112F request if they-

- have been employed by us for a continuous period of 26 weeks, and
- have not made a previous request under that Article within the past 12 months

If you are not eligible to make an Article 112F request, then tick the “no” “box”; however, we will still consider your request under our general policy.

Are you making your request under Article 112F:

Yes

No

Section C – Previous Requests

Have you ever made an application for flexible working to us before?

Yes

No

If your answer was “yes”, when did you make it?

Model Policy & Procedure on Handling Requests for Flexible Working

Section D – I would like to work the following working pattern in future:

(e.g. changes to hours of work, start and finish times, days of work, work location)

Section E – I would like this working pattern to start from:

Start Date:

Section F – Impact on the business and accommodating the proposed working pattern

1. I think this change in my working pattern will affect my employer and my work colleagues in the following ways:
2. The affect on my employer and my work colleagues can be addressed as follows:

Signed:

Date:

Model Policy & Procedure on Handling Requests for Flexible Working

Appendix 2

Flexible Working Notice of Decision - Approval Form FW(B)

Section A

Employee's name:

Payroll number:

Date of application:

Was a meeting held with the employee before the decision was made?

Yes

No

If your answer was "yes", what date was the meeting?

Section B – The decision

Your request for flexible working is **APPROVED**.

The changes to your working arrangements *[or, alternatively, to your contract of employment – amend as appropriate]* are as follows: (insert footnote to explain)

These changes will take effect on:

Signed:

Date:

Model Policy & Procedure on Handling Requests for Flexible Working

Appendix 3

Flexible Working Notice of Decision – Refusal Form FW(C)

Section A

Employee's name:

Payroll number:

Date of application:

Was a meeting held with the employee before the decision was made?

Yes

No

If your answer was "yes", what date was the meeting?

Section B – The decision

Your request for flexible working is **NOT APPROVED** on the following grounds:

(tick whichever ground is relevant – more than one ground may be ticked)

- a. detrimental effect on ability to meet customer demand
- b. inability to re-organise work among existing staff
- c. inability to recruit additional staff
- d. detrimental impact on quality
- e. detrimental impact on performance
- f. insufficiency of work during periods the employee proposes to work
- g. planned structural changes
- h. the burden of additional costs

Model Policy & Procedure on Handling Requests for Flexible Working

Section B – The decision (continued)

The reason(s) why the ground(s) outlined above apply to your application and why we believe our decision is justified:

Give a full explanation for our decision, including:

- an explanation of why we believe that any suggestions made by the employee to ease any adverse impacts of his/her proposal are not suitable, and
- where the request relates to a disabled employee's needs, an explanation of why we believe it would not be reasonable to accommodate the employee's request

Signed:

Date:

Model Policy & Procedure on Handling Requests for Flexible Working

Appeals Process

You have a right to appeal against this decision

To do so:

- complete **Form FW(D) – Notice of Appeal**
- submit it to your line manager
within 14 days of the date on which you received this Notice of Decision – Refusal

Model Policy & Procedure on Handling Requests for Flexible Working

Appendix 4

Flexible Working Notice of Appeal Form FW(D)

Section A

Your name:

Payroll number:

Date you received the
Notice of Decision – Refusal:

Section B – Grounds of Appeal

Set out your grounds or reasons for appealing

Signed:

Date:

Model Policy & Procedure on Handling Requests for Flexible Working

Appendix 5

Flexible Working Notice of Decision (Appeal) – Approval Form FW(E)

Section A

Employee's name:

Payroll number:

Date appeal submitted:

Was an appeal meeting held with the employee before the decision was made?

Yes

No

If your answer was "yes", what date was the meeting?

Section B – The decision

Your request for flexible working is **APPROVED**.

The changes to your working arrangements *[or, alternatively, to your contract of employment – amend as appropriate]* **are as follows: Insert same footnote as page 10**

These changes will take effect on:

Signed:

Date:

Model Policy & Procedure on Handling Requests for Flexible Working

Appendix 6

Flexible Working Notice of Decision (Appeal) – Refusal Form FW(F)

Section A

Employee's name:

Payroll number:

Date appeal submitted:

Was an appeal meeting held with the employee before the decision was made?

Yes

No

If your answer was "yes", what date was the meeting?

Section B – The decision

Your appeal is **DISMISSED** and your request for flexible working is **NOT APPROVED** on the following grounds:

(tick whichever ground is relevant – more than one ground may be ticked)

- a. detrimental effect on ability to meet customer demand
- b. inability to re-organise work among existing staff
- c. inability to recruit additional staff
- d. detrimental impact on quality
- e. detrimental impact on performance
- f. insufficiency of work during periods the employee proposes to work
- g. planned structural changes
- h. the burden of additional costs

Model Policy & Procedure on Handling Requests for Flexible Working

Section B – The decision (continued)

The reason(s) why the ground(s) outlined above apply to your application/appeal and why we believe our decision is justified:

Give a full explanation for our decision, including:

- an explanation of why we believe that any suggestions made by the employee to ease any adverse impacts of his/her proposal are not suitable, and
- where the request relates to a disabled employee's needs, an explanation of why we believe it would not be reasonable to accommodate the employee's request

Signed:

Date:

Model Policy & Procedure on Handling Requests for Flexible Working

