

How to..... deal with a flexible working request.

Employees who have at least 26 weeks' continuous service have the right to submit requests to their employers for flexible working. Employers may, if they wish, extend the right to request flexible working to all employees.

Eligible employees may request changes to the number of hours they work, the time of day or days of the week that they work, and/or to do some or all of their work from home. Only one formal flexible working request can be made in any 12-month period.

There is no statutory duty on any employer to agree automatically to grant flexible working. However, employers should never dismiss a flexible working request out of hand as being unworkable but should instead consider all requests fairly and objectively.

If an employee's request for flexible working does not contain all the required information, the employer is not obliged to deal with it under the statutory procedure. However, it is advisable in these circumstances to speak to the employee to explain what further information is required and ask him or her to resubmit the application.

Employers' basic duties are to deal with flexible working requests (including any appeal) within three months, to deal reasonably with requests, and to ensure that if a request is rejected, it is for one of the following specific business reasons.

These are:

- the burden of additional costs;
- a detrimental effect on ability to meet customer demand;
- an inability to reorganise work among existing staff or recruit additional staff;
- a detrimental impact on quality or performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes; or
- such other grounds as may be specified in regulations made by the Secretary of State.

The checklist below summaries a best practice approach to dealing with flexible working requests.

- Hold a meeting with the employee as soon as possible in order to discuss the feasibility of the request.
- Approach the meeting with an open mind and a positive attitude.
- Tell the employee in writing about the meeting and tell them they can be accompanied by a fellow worker of their choice at any meeting set up to deal with their request for flexible working.
- At the meeting, encourage the employee to put forward their ideas about how the revised working arrangements requested could be made to work satisfactorily. However, an

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alternative pattern of working to the one requested by the employee can also be suggested.

- At the meeting, ensure that the employee has properly thought through the implications of the requested changes, for example any agreed reduction in hours will be accompanied by a proportionate reduction in pay.
- Provide your decision to the employee as soon as possible after the meeting. If a request is granted, ensure that full details of the variation are put in writing and the employee is aware that this is a permanent change.
- There should always be concrete evidence to support the reason for a refusal to grant an employee's request for flexible working.
- If the request is refused, you should explain to the employee in writing the specific reason for the refusal and why the reason given is relevant to the particular case.
- Inform the employee that they can appeal against any refusal of his or her request.
- If the employee does appeal, the appeal should ideally be heard by a different manager and a decision communicated to the employee in writing as soon as possible.
- If the employee's request is agreed to at the outset, it is not necessary to follow the statutory procedure.
- You may agree a trial period in respect of any changes to the employee's working pattern. This can be beneficial for both parties, especially where there is some doubt as to the viability of the working arrangements requested by the employee.
- If a trial period is agreed, document clearly that the revised working pattern has been put in place as a temporary variation to the terms of the employee's contract.

Crafnant Consulting – HR solutions for your business provides businesses in and around Wiltshire with outsourced HR support.

For further advice and help on dealing with flexible working requests, please contact us on 07899 665506 or email tracy@crafnantconsulting.co.uk