

Flexible Working

Flexible working is a way of working that suits an employee's need. Flexible working can help to create more adaptable workforce and provide more options for individuals to align their work and family commitments. It can also help to reduce staff turnover and improve motivation.

All employees who have worked for their employer for at least 26 weeks have a legal right to make a flexible working request. An employee can make a request for any reason: there is no longer a requirement for the request to be linked to the reason of childcare or family arrangements.

Making an Application

In order to make an application for flexible working an employee should write to their employer setting out details of how they want to work flexibly and when they want to start. The employee must provide an explanation of how they think the flexible working might affect the business and how any issues could be dealt with.

Ways of Working Flexibly

There are a number of different ways of working flexibly but the most common are:

- Job sharing
- Working from home
- Part time work
- Compressed hours
- Flexitime
- Annualised hours
- Staggered hours
- Phased retirement

Considering an Application

Employers must deal with any flexible working requests in a "reasonable manner" and employers should look to:

- Assessing the advantages and disadvantages of the application
- Holding a meeting with the employee to discuss the request
- Offering an appeal process if they reject the application

An employer should usually make a decision within 3 months of the request being received,

Agreeing an Application

If an employer agrees an application they should write to the employee with a statement of the agreed changes and a start date for the flexible working. The employer should also update the employee's contract to include the new terms and conditions.

This should be done as soon as possible but no later than 28 days after the request was approved.

Rejecting an application

An employer can only reject a flexible working request on grounds of one or more of the following reasons:

- Extra costs that will damage the business
- The work can't be reorganised among other staff
- People can't be recruited to do the work
- Flexible working will affect quality and performance
- The business won't be able to meet customer demand
- There's a lack of work to do during the proposed working times
- The business is planning changes to the workforce

Employers must give the employee an explanation as to why they are rejecting any request.

Appealing a Rejection

Employees no longer have a statutory right to appeal however, it is advisable for employers to have an internal appeal process.

If an appeal is forthcoming the employer should arrange a meeting with the employee to discuss their grounds of appeal. The employer should write to the employee with their decision.

Going to an Employment Tribunal

Employees can complain to an employment tribunal if the employer:

- Didn't handle the request in a 'reasonable manner'
- Wrongly treated the employee's application as withdrawn
- Dismissed or treated them poorly because of the flexible working request
- Rejected an application based on incorrect facts

Employees can't complain to a tribunal just because their flexible working request was rejected.