

## FLEXIBLE WORK REQUESTS

Employees who are parents or young or disabled children and who have responsibility for his/her upbringing, and defined as “carers”, all have a statutory right to request permanent changes to terms and conditions so they can have flexible work arrangements.

The legislation does not confer an automatic right it just requires that you seriously consider how it could be accommodated, process the request properly and then justify your decision.

A carer is defined at present as an employee who is either a) married to, or the partner or civil partner of the employee b) a near relative of the employee (such as in-laws, parents, grandparents, aunts, uncles, step relatives or; c) falls into neither category but lives at the same address as the employee



Employees must have a minimum 6 months service at the date of the application. At present they should be “a carer” or have a child under 6 (but please note that this will change from April 2009 to those with children under the age of 16 years) or a disabled child under 18.

The right to request flexible working can be exercised at any time up until 2 weeks before the child’s 6th birthday between now and April 2009 or 2 weeks from the 16th birthday from April 2009 or two weeks from the 18th birthday if the child is disabled. Employees can apply to vary hours of work, the times they work or their place of work (between home and your place of business). This could include part-time working, job sharing, tele-working, home-working, term-time only working, variable hours, annualised

### Procedure for dealing with flexible work requests

1. Employee submits a written request setting out in full:
  - the arrangements they seek;
  - the reason why (e.g. to care for a child);
  - the effect the employee thinks making the change applied for will have on your business;
  - how, in their opinion, any such effect might be dealt with.
2. Within 28 days of the application you must set up a meeting with the employee to discuss it. The employee has a right to be accompanied at this meeting by a fellow employee or traded union official.

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3. You must seriously consider and make a practical assessment how flexibility can be arranged. You must then notify your decision within 14 days of the meeting.
4. If you accept you must write to the employee establishing a start date and providing a written note of the contract variation. This will be a permanent change to T&C's.
5. If the application is refused you must explain the business grounds for your decision in writing and confirm the internal appeal procedure.
6. The employee can appeal against a refusal within 14 days of your notice. You must then set up a meeting with the employee to discuss the appeal within a further 14 days and notify your decision on the appeal within 14 days of the appeal meeting.
7. Once an application has been made the employee cannot make another one for an additional 12 months.



### List of reasons for refusing a flexible work request

Below is the list of reasons which you may apply when considering a request to work flexibly (from an eligible employee). If you choose to apply one or more of these reasons, you will need evidence to support your decision and will need to supply sufficient written on facts and figures. You must also remember to follow the correct procedure as detailed for dealing with such requests.

- impose an unreasonable burden of additional costs on the Company
- have a detrimental effect on the Company's ability to meet its customer's demands
- have a detrimental impact on quality
- have a detrimental impact on performance
- create unacceptable difficulties for the Company as we have been unable to make arrangements to reorganise the work amongst the other staff
- create unacceptable difficulties for the Company as have been/would be unable to recruit additional staff
- create unacceptable difficulties for the Company due to an insufficiency of work during the periods you propose to work
- is inappropriate due to structural changes the Company is planning.

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### **What if an employee refuses to accept the refusal reasons?**

The employee will be able to complain to an Employment Tribunal if you have either failed to comply with the flexible working procedure or if you have refused a request for a reason other than one of those permitted or if you have based the decision on incorrect facts.

**Note:** Be aware that employees have the right not to be subjected to a detriment or unfairly dismissed on grounds relating to flexible working applications. Any dismissal is automatically unfair and does not depend on the employee having one years qualifying service.

