

The Right to Request Flexible Working Policy

1. Purpose of the Policy

- 1.1 The purpose of the London Borough of Barnet's (LBB) Right to Request Flexible Working policy is to give guidance to managers and employees on the arrangements to request flexible working.

2. Definition

- 2.1 All LBB employees, can make a formal request to change their contractual hours. The statutory right to request flexible working differs from agreeing to work slightly different hours, which is a local agreement with individual managers under LBB's Modern Working Policy and the Team Principles.

3. Legislation

- 3.1 There is a statutory requirement that an employee must have at least 26 weeks' continuous service before they can make a request for flexible working and must not have made a flexible working request within the last 12 months (even if the request was withdrawn).
- 3.2 LBB will consider requests for flexible working from all employees, regardless of length of service.
- 3.3 LBB has a statutory duty to consider requests from employees with caring responsibilities and agreement to these requests may take priority over other flexible working requests.

4. General Principles

- 4.1 LBB supports the principle of flexible working and recognises that flexible working opportunities, or other variations to working patterns can be of benefit to members of staff and the business, improving work life balance and allowing the business to retain skilled employees.
- 4.2 LBB will consider flexible working requests in a reasonable manner and within a reasonable time frame.
- 4.3 If an employee's circumstances substantially change within the twelve-month period, they should approach their manager with details of their additional request.

5. Eligibility

- 5.1 The facility to request flexible working is available to all employees on a permanent or fixed term contract
- 5.2 Any request to work flexibly will need to be considered by the employee's manager and balanced with operational requirements.
- 5.3 It is recognised that not all posts within LBB will be suitable for flexible working contracts.

6. Application Procedure

- 6.1 A request for flexible working could include a request to:
- change the number of hours worked
 - change the pattern of hours worked

- c. job share
 - d. perform some or all of the work from home
 - e. work term time only
 - f. Any other flexible working arrangement or a combination of the above.
- 6.2 All requests must be made in writing by completing the Flexible Working Application Form (see below).
- 6.3 A request for flexible working could be for either a permanent or a temporary variation in working style. At the end of the temporary variation period, unless both parties agree during the review period to accept the current flexible working the manager and employee will review the arrangement and either:
- a. revert to the original contractual hours
 - b. amend the hours worked
 - c. some other working style.
- 6.4 The manager will write to the applicant acknowledging their application within 7 calendar days.

7. Outcome

- 7.1 Please be aware that it may take 28 days to consider a request unless the manager has agreed a longer period with the applicant. Employees should therefore ensure that they submit an application well in advance of the date on which they wish the request to take effect.
- 7.2 If the employee is due to go on maternity leave or some other extended leave please think carefully about when to make the request, especially if the intention is changes should commence immediately on return from this extended leave period.
- 7.3 Manager's will usually arrange a meeting to discuss each individual request. If the manager intends to approve the employee's request a meeting may not be required, although it may be helpful to clarify arrangements.
- 7.4 The meeting will provide an opportunity to explore the desired working pattern in depth, and to discuss how it can best be accommodated. It will also provide an opportunity to consider other alternative working patterns should there be operational challenges/issues in accommodating the working pattern in the application. If the employee wishes, at the meeting, they may be accompanied by a work colleague or trade union representative.
- 7.5 The manager will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the applicant and to the business against any adverse impact of implementing the changes, in accordance with the prescribed business reasons set out below.
- 7.6 Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.
- 7.7 A flexible working request may be declined for one of the following reasonable business reasons:
- a. There is a business need to perform work at a specific time
 - b. The burden of additional costs
 - c. An inability to reorganise work amongst existing staff
 - d. An inability to recruit additional staff
 - e. A detrimental impact upon quality
 - f. A detrimental impact upon performance

- g. A detrimental effect on ability to meet customer demand
 - h. Insufficient work for the proposed periods of work
 - i. A planned structural change to the business.
- 7.8 Applicants will be informed in writing of the decision as soon as possible after the meeting. The request may be granted in full or in part, for example: -
- a. The manager may propose a modified version of the request
 - b. The request may be granted on a temporary basis
 - c. The applicant may be asked to try the flexible working arrangement for a trial period.
- 7.9 The applicant and their manager will discuss how and when the changes will take effect. Any changes to terms and conditions will be permanent and confirmed in writing and sent to the employee as an amendment to their contract of employment.
- 7.10 If the applicant's request is not approved, the manager will give reasons. The applicant will be given the opportunity to appeal the decision in accordance with LBB's Appeal Policy.

8. Trial period

- 8.1 Subject to the flexible working request being accepted and approved, any changes to the employee's working pattern are subject to an agreed 3 month trial period or, for school staff, the equivalent of a term.
- 8.2 The time limit may be extended by agreement of the manager and applicant.
- 8.3 The manager will review with the employee how the changes are working in practice for them and the business.
- 8.4 If, at the end of a trial period, the manager or the applicant considers that the proposed working pattern will not work for one of the prescribed business reasons stated above or the employee wants to; the employee will revert to either their former working pattern or, a modified arrangement. The manager will confirm this to the applicant in writing. The applicant will be given the opportunity to appeal the decision in accordance with LBB's Appeal Policy. The applicant will be given the opportunity to appeal the decision in accordance with LBB's Appeal Policy.

9. Health and Safety

- 9.1 LBB's Health and Safety at Work policies remain applicable to employees. Copies of the health and safety policies and procedures are available by request from your manager, Health & Safety, HR and on the LBB Intranet.

10. Variation

- 10.1 Where LBB wishes to amend the Policy, it will consult with the Trade Unions with a view to reaching agreement over the proposed changes. Where agreement cannot be reached, LBB reserves the right to implement the changes by giving employees one month's notice of the new Policy.

11. General

- 11.1 This policy supersedes any arrangements previously set out in the Employee Handbook.
- 11.2 Any queries regarding the application of this policy should be raised with the manager or a member of the HR team.

Document Control

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The Right to Request Flexible Working

Flexible Working Application Form

Employee guidance

You can use this form to make an application to work flexibly under the right provided in law to eligible employees. Before completing this form, read the guidance on www.gov.uk and check that you are eligible to make a request.

You should note that it may take up to 28 days for your employer to consider a request and possibly longer where you have both agreed to a longer decision period. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions otherwise your application may not be valid. When completing sections 3 and 4, think about what effect your change in working pattern will have both on the work you do and on your colleagues.

Once you have completed the form, you should immediately forward it to your employer (you might want to keep a copy for your own records). If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

Employer guidance

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications in a reasonable manner. You have 28 days after the day you received this application in which to decide whether to grant the request. This period can be extended if you agree to a longer deadline with the employee; any such agreement must be made either within the period in which the decision is to be made or in the 28 days immediately following the end of that deadline.

You should confirm receipt of this application using the attached confirmation slip.

Forms accompanying the guidance have been provided for you to respond to this application.

May 2019

1. Personal details

Name:

National Insurance No:

Manager:

To the employer

3.4 I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996.

- a. LBB will consider requests for flexible working from all employees, regardless of length of service.
- b. I confirm I am an employee of London Borough of Barnet (LBB).
- c. I have not made a request to work flexibly under this right during the past 12 months.

3.5 An employee, who has experienced a sudden change in circumstances within the 12 month period, may be permitted to make a further new request during the 12 month period.

Date of any previous request to work flexibly under this right:

If you are not sure whether you meet any of the criteria, information can be found on www.gov.uk.

If you are unable to tick all of the relevant boxes then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you will have to explore this separately with your employer. Many employers offer flexible working to their staff as best practice.

2a. Describe your current working pattern (days / hours / times worked)

2b. Describe the working pattern you would like to work in future (days / hours / times to be worked)

2c. I would like this new working pattern to commence from:

Date:

3. The impact of the new working pattern will affect my manager and colleagues as follows:

4. The impact of accommodating my new working pattern on my manager and colleagues will be as follows:

Name..... Date.....

NOW PASS THIS APPLICATION FORM TO YOUR MANAGER

.....

Note to Manager:

To confirm receipt of your employee’s flexible working application, tear this slip off and return to your employee.

Employer’s Confirmation of Receipt (To be completed and returned to employee)

Dear

On, **(date)**, I confirm that I have received your request to change your work pattern.

I will notify you of my decision on your application within 28 days of the date I received your submission, unless we agree a longer deadline for this decision.

From: (Please print name in block capitals)