

With the school summer holiday nearly over and lots of new children starting school, as employers you may find an increase in flexible working requests. These might be new requests or requests to vary existing arrangements.

So how should you handle them? And do you have to agree to them?

## What is flexible working?

Flexible working is any working pattern other than the normal working pattern required for that role. There are many forms of flexible working: a change to the hours, times or days an employee works, job sharing, shift working or even homeworking.

A flexible working request may suit the employees' need but it should also suit the business needs.

## Who qualifies?

Employees must have worked for the same employer for at least 26 weeks to have the **statutory** right to request flexible working. However, you can allow all staff to make a request regardless of length of service if you wish.

The statutory right to request a flexible working arrangement is not just for parents and carers, but extended to all employees.

All employers have a legal right to consider that request in a reasonable manner, but not necessarily to agree to it as presented.

If an employee has already made a request (whether accepted or rejected), they are not entitled to make another request until **12 months later**.

## How should requests be made

The request must be made in writing, stating the date the request is made, the change required and the date they wish the change to be made.

The request should state whether a previous application for flexible work has been made and if so, the date of that application

The employee should state how they think this may affect the business e.g. cost saving to the business

And finally, if they are making a request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability.

## **As an employer, what must you do?**

You must deal with requests in a 'reasonable manner'.

You must determine the advantages and disadvantages of the application.

You should hold a meeting to discuss the request with the employee.

If the request is refused you must offer an appeal process.

## **How to handle a request**

Although not a legal requirement and not always necessary if the request is going to be granted, as good practice you should hold a meeting with the employee to discuss their request. You are no longer required to hold the meeting within 28 days, however you should seek to hold it as soon as possible.

The meeting will allow the employee to give their reasons for the request and for the employer to discuss the impact upon the business and, if necessary, to see if any compromise can be explored.

Again, not a statutory requirement, but you may wish to allow the employee to be accompanied to the meeting by a work colleague or union representative.

The process should be concluded within three months; this includes any appeal process.

Once accepted, the new pattern will make a permanent change to the employment contract. Both parties may wish to consider a temporary change – this is useful where a different working pattern is only needed for a short time, for example to settle a child into a new school.

## **Refusing a request**

Employers can only refuse a request if there is a business reasons for doing so. The reason must be one from the following list:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural changes to the business.

Managers are not entitled to invent their own reasons for refusing an employee's request for flexible working, however compelling they may think another reason might be.

There should always be concrete evidence to support the reason for a refusal to grant an employee's request.

If a request is refused, you must offer an appeal. If the appeal is refused an employee can use the internal grievance procedure to seek to resolve it.

Remember to inform the employee of the decision in writing and amend the contract of employment accordingly.