



RIGHT TO REQUEST FLEXIBLE WORKING - GUIDELINES

Employees with child care responsibility for young children can request more flexible working patterns. The Work and Families Act 2006, has extended this right to all employees who have the responsibility for caring for certain adults.

The Council is not obliged to agree to any change, but will undertake to consider your request thoroughly and only refuse if the business would be unable to accommodate your request.

Examples of requests you could make include:

- reduction in the days you work each week
- reduction in the hours you work each day
- coming in after core time each day
- amending your contract to job share
- unpaid leave or reduced hours during school holidays
- home-working

1. Eligibility

To be eligible, employees must meet the following criteria:

- have 26 weeks continuous service with the Council by the date of the application
- have a child under 6, or 18 in the case of a registered disabled child
- make the application by the child's 6th birthday or 18th birthday in the case of a disabled child (evidence of the child's date of birth must be submitted) be:
- the mother, father, adopter, guardian or foster parent of the child; or married to, or the partner of, the child's mother, father, adopter, guardian or foster parent.
- have, or expect to have, responsibility for the child's upbringing
- have a child that normally resides with you during the week
- make the application to enable them to care for the child
- be, or expect to be, caring for a person aged 18 or over who
- is their spouse, partner or civil partner,
- is a relative, or
- lives at the same address
- not made another application, in their current post, to work flexibly under this right during the past 12 months

This scheme does not apply to workers who are self-employed or employed on Council business through another employer (e.g. agency staff). If you work for another employer, you should check your entitlement to any pay or leave with your employer. If you are part-time or on a fixed-term or temporary contract, you will have the same entitlement as full-time employees.

2. Making a request

A request must be made in writing to the Head of Human Resources. Your request should be in writing, signed and give the following information:

- the date it is written
- state that it is a request for flexible working
- details of the change or flexible working pattern you are seeking
- when you would like the change to be effective from
- the effects on your team and work and how these can be dealt with e.g. if you are working fewer hours who will cover your phone, how will your work be delegated
- how you satisfy the eligibility criteria
- details of any previous flexibility applications

A meeting will be arranged to discuss your application within 28 days of receipt of your request unless your manager is not available. You can bring a colleague or trade union representative with you to the meeting.

During the meeting the practical implications of your request will be discussed and you may be asked to consider alternative changes if your initial request is likely to be refused. You will be notified of the results of your request within 14 days of the meeting.

3. Terms and conditions

If your request is accepted, this will normally be a permanent change in your terms and conditions of employment and you will be required to sign an amendment to your statement of particulars.

4. Refusal

If your request is refused, you will be given a written statement of the decision and the reasons behind it. You will have a right to appeal against the decision. If you wish to appeal, you should forward a letter to Human Resources within 14 calendar days of the date you were advised of the decision. An appeal will be heard within 14 calendar days of receipt of your letter of appeal and you will be advised of the decision within a further 14 days of the date of the appeal.

You may apply again 12 months after your last application was refused if you still meet the eligibility criteria.

5. Further information

Flexibility is granted to allow employees to accommodate their care responsibilities. Abusing this provision is likely to constitute gross misconduct and may lead to your dismissal.

If you would like further information on family friendly leave, please contact Human Resources.

Requesting Flexible Work

Eligibility Criteria:

- must be an employee
- have a child under 6 or under 18 where disabled
- be responsible as its parent
- be making the application to enable them to care for the child
- 26 weeks continuous employment at application date
- not an agency work or member of armed forces
- not made a previous application within last 12 months
- must be, or expect to be, caring for a person aged 18 or over who
- is their spouse, partner or civil partner,
- is a relative, or lives at the same address



Applications must:

- state that it is an application
- specify the flexible pattern and proposed start date
- explain effects on the employer and how they might be dealt with
- explain how the employee satisfies requirements regarding relationship with the child
- be in writing
- state whether a previous application has been made and when
- be signed and dated



Employers must arrange a meeting within 28 days of the request, possibly to extend if the person who would consider the request is on annual leave or sick leave or if there is mutual agreement. The format of the meeting is not prescribed but it should be used to consider implications of the request and explore alternatives if necessary.



Employers must notify the employee of the decision in writing within 14 days unless an extension is agreed.



If the request is being rejected, then the letter should detail one of the business reasons laid out in the legislation and state how it applies in the particular circumstances. The letter should also give right to appeal within 14 days of the letter. The appeal must be heard within 14 days of receipt of the appeal letter.



If agreed, then the Best Practice Guidance is likely to suggest that the new arrangements should start within 8 weeks.



Decisions on appeals must be given within 14 days

Employment Tribunals will verify whether the proper procedures have been followed and examine any disputed facts. Tribunals would not have power to question the commercial validity of the employer's decision. The tribunal may refer the case back to the employer for reconsideration and or compensation