

Flexible Working Requests Policy

Policy Statement

This policy sets out the procedure to be followed in considering and responding to an employee's request for flexible working that results in a contractual variation. Flexible working can increase staff motivation, promote work-life balance, enrich employee wellbeing and improve performance and productivity.

The right to request flexible working is available to all employees from day one of employment.

This policy applies to all employees of Somerset Council. Locally managed schools are encouraged to adopt the principles behind this policy for their staff.

To be eligible to make the request an employee must not have made another application to work flexibly in the last 12 months. A **Senior Manager** may agree to accept more than one request in a year due to exceptional circumstances, for example a major change in the role or a change in personal circumstances.

A qualifying employee is able to ask for changes in their terms and conditions relating to:

- Reduction in hours of work
- Working pattern
- Location of work (i.e. contractual home working)

In reducing their hours an eligible employee may wish to also consider requesting accessing their pension through the Flexible Retirement Policy.

This policy does not cover dynamic working, which is a more informal arrangement relating to where or when the employee works.

Process

The process described below follows the statutory requirements and timescales where applicable.

Making an application

An employee wishing to make a request must use the Flexible Working Request form through Employee Self Service (ESS) on SAP. Submitting a request will automatically workflow through to the line manager who can make a thorough initial assessment

of the request. For those who do not have access to ESS the **Flexible Working Request form** should be completed in full and submitted to the line manager.

Flexible working requests must, by law, be dealt with in a timely manner and the consideration process completed within 3 months of first receiving the request, including any appeal. If for some reason the request cannot be dealt with within 3 months the employer can extend this provided the employee agrees.

Extending Time Limits

In the interests of enabling a mutually satisfactory outcome to an application any of the time limits listed above can be extended by mutual agreement.

The agreement to extend time limits should be in writing, signed by the manager and the employee and outline the reasons for the extension.

Meeting

The manager should meet with the employee to discuss the request within 28 days of the date it was received. If the manager intends to approve the request it is still good practice to meet with the employee to discuss the arrangements.

An employee will have the right to be accompanied at any meetings concerning a Flexible Working Request. The right to be accompanied can only be by a trade union representative or a work colleague of the employee's choice.

Outcomes of a request

There are 3 possible outcomes to a flexible working request, The manager must give written confirmation of the outcome within 14 days of the meeting.

- The request is accepted

If the manager is prepared to accept the flexible working request as it stands, the employee should be notified in writing. That notification must specify the agreed variation(s) in the contract, any other action required and the effective date. See the Confirmation of Agreed Contract Variation letter. Guidance may be sought from the HR Service before a decision is taken on the request.

- A compromise is agreed

There may be instances where the manager is unsure whether the arrangements requested are sustainable and it may be possible to mutually agree variations to the request, such as a temporary arrangement or trial period. This agreement should also

be put in writing to prevent confusion at a later date. It is also necessary to include any review points. See the Confirmation of Agreed Contract Variation letter.

- The request is rejected

If the manager does not feel able to agree the request to the contractual change then a meeting to discuss the reasons must be held.

The reason(s) for rejecting a flexible working request must be for one or more of the statutory reasons for rejecting flexible working request listed below. It cannot be for any other reason.

Where a request is rejected, the manager must provide the employee with a signed and dated declaration of the Statutory reason supported by an explanation of the business reasons, which apply in the circumstances of the application. See the Rejection of Request to Vary Contract letter. Advice should be sought from the HR Service prior to making a decision.

Statutory reasons for rejecting a request

The reason for rejecting a request must fall under at least one of the following eight statutory grounds:

- Burden of extra cost to the business
- A detrimental effect on the ability to meet customer demand
- Inability to organise work within existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficient work during the periods the employee proposes to work
- Planned structural changes

Trial Periods

On occasions it may not be clear what the impact of revised working arrangements will be, or whether it will be possible to sustain specific patterns over a period of time. Where this is the case it may be worth exploring the possibility of a trial period.

The length of the trial period should be long enough to give a true indication of any problems and also examine potential solutions. This would vary depending on specific circumstances but generally a period of between one to three months would enable a reasonable assessment.

If the employee and manager agree to a trial period it is important that this agreement is in writing. The agreement should state the following:

- The date the revised working arrangements will start
- The nature of the new working arrangement e.g. changed hours of work, days of work or place of work
- The planned end date of the trial period, and a statement that working arrangements will return to normal, unless otherwise agreed
- The trial period is to support finding a solution to the request
- How regularly the arrangements will be reviewed over the period
- The option to end the trial early and revert to current working practices - this should only occur when it becomes clear that the trial is not successful and to continue would have a significant impact on the delivery or quality of service. Sufficient notice should be given to allow an employee to make alternative arrangements when the trial is terminated early

The manager and employee should meet regularly to review the trial. At the end of the trial the options are:

- The trial is successful and the employee formally notified of any contractual change.
- The trial is extended by mutual agreement
- The trial is deemed unsuccessful and the request ejected under one of the Statutory Reasons for Rejecting a Request listed above.

The line manager should meet and consult with the employee regarding any decision.

Appeal process

An employee has the right to appeal against the decision to refuse a formal flexible working request. To do so the employee should refer to the [Somerset Council Appeals Policy](#).

Links

[Managers Guide](#)

[Employees Guide – calculator etc](#)

Version	1
Date	
Relevant Legislation	8A of the Employment Rights Act 1996 and the Flexible Working Regulations 2014 (SI 2014/1398).

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